



# EFA

## ELECTORAL CODE

2021 edition

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## DEFINITIONS

Whenever relevant, the terminology used in this Electoral Code shall refer to the terms defined in the Definitions section of the Statutes of the EFA.

**NB:** Terms referring to natural persons are applicable to both genders. Any term in the singular applies to the plural and vice versa.

Article **1** **Scope of application**

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This Electoral Code is applicable to the elections of the members of the Executive Committee of EFA and the Executive Committees of the EFA Member Associations and leagues for 2021.

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Article **2** **Principles and obligations**

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- <sup>1</sup> General good governance principles, such as the separation of powers, independence, transparency, and the obligation to avoid situations of conflicts of interest shall be observed without exception throughout the entire electoral process.
- <sup>2</sup> The electoral rules and guidelines shall be made available by the EFA in a clear and unambiguous manner within the relevant time frame provided for in the Statutes of the EFA.
- <sup>3</sup> Any undue influence from third parties in the electoral process shall not be permitted.
- <sup>4</sup> EFA shall ensure that any electoral rules and guidelines of its bodies are in line with the provisions of this Electoral Code, the Statutes of the EFA as well as the Statutes, regulations, directives and decisions of FIFA.
- <sup>5</sup> EFA shall, at least 30 days before the date of the relevant elections, inform FIFA and CAF about the nature of the elections (i.e. number of members to be elected, duration of mandates, reason for the elections, etc.) and provide FIFA with a copy of its valid Electoral Code and, if applicable, any other electoral rules and guidelines.
- <sup>6</sup> EFA shall immediately inform FIFA and the CAF of any undue influence from third parties in the electoral process.
- <sup>7</sup> Unless stated otherwise in the Statutes and regulations of EFA, the members of the relevant bodies of EFA shall continue to exercise their functions until the completion of the electoral process.

Article **3** **Basic principles**

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- <sup>1</sup> The Ethics Committee (hereafter: The Committee), foreseen in art. 64 of the EFA Statutes, shall supervise the electoral process in accordance with the relevant provisions of the Statutes of the EFA and of this Electoral Code.
  - <sup>2</sup> The Appeals Committee, foreseen in art. 65 of the EFA Statutes, is responsible for deciding on appeals filed by candidates.
  - <sup>3</sup> The members of the Committee shall not be members of any other body of EFA and may not hold any executive position in any government body. Members of the Committee may not be candidates for any of the positions to be filled within the EFA as long as they are still under mandate.
  - <sup>4</sup> The members of the Committee shall immediately withdraw from the matter in progress and refrain from taking any decision if:
    - a) they are an immediate family member of one of the candidates running for any of the positions to be filled;
    - b) there is a risk or possibility of a conflict of interest as defined in the Disciplinary and Ethics Code of the EFA.
  - <sup>5</sup> In the event that a member of the Committee does not fulfil any of the above requirements and/or has to step down as member of the Committee for any reason, he shall be replaced in accordance with the provisions of art. 4 par. 3 of this Electoral Code.
  - <sup>6</sup> The members of the Committee shall be ratified by the General Assembly on recommendation by the Executive Committee, in accordance with the provisions of the Statutes of the EFA, for a mandate of four years.
  - <sup>7</sup> No member of the Committee shall serve for more than two terms of office, whether consecutive or not.
  - <sup>8</sup> The members of the Committee shall act in good faith at all times and observe the utmost impartiality when carrying out their duties.
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Article **4** **Composition**

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- <sup>1</sup> The Committee shall be composed as follows:
  - a) a chairperson;
  - b) a vice-chairperson;
  - c) Three (3) ordinary members.
- <sup>2</sup> An appropriate number of substitutes shall also be ratified by the General Assembly.
- <sup>3</sup> If the chairperson is absent or unavailable, the vice-chairperson shall deputise, and if he too is absent or unavailable, then an ordinary member shall deputise. Any ordinary member who is absent or unavailable shall be replaced by a substitute.
- <sup>4</sup> The Committee shall appoint one of its members as a secretary, who shall be responsible for relevant logistical and administrative matters. He may call upon the general secretariat to assist him in his duties.
- <sup>5</sup> The chairperson of the Committee shall be qualified to practise law.

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Article **5** **General duties of the Committee**

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The Committee shall be responsible for all tasks relating to the organisation, running and supervision of the elections to take place during the General Assembly. In particular, the Committee shall be responsible for:

- a) strictly enforcing the Statutes and regulations of the EFA as well as this Electoral Code;
- b) ensuring that the electoral rules and guidelines of the bodies of the EFA are in line with the provisions of this Electoral Code and the Statutes of the EFA as well as the Statutes, regulations, directives and decisions of FIFA;
- c) strictly enforcing the statutory deadlines for elections;
- d) providing information to the Members as well as to relevant authorities (where necessary), the media and the public;
- e) where necessary, managing relations with relevant authorities;
- f) the candidature procedure (launch, distribution of information, evaluation, publication of official list, etc.);
- g) drawing up the list of voters (delegates), assisted by the general secretariat, in accordance with the statutory provisions of the EFA;
- h) the electoral and voting procedure;
- i) any and all other tasks to ensure the smooth running of the electoral process.

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Article **6** **Meetings, quorum and decisions**

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- 1 The chairperson shall convene the meetings of the Committee. Only a Committee that has been duly convened has the authority to deliberate and pass decisions.
- 2 The Committee shall not engage in valid debate unless a majority (more than 50%) of its members are present.
- 3 The Committee shall reach its decisions by a majority (more than 50%) of the valid votes cast. Voting by proxy or by letter is not permitted. In the event of a tied vote, the chairperson shall have the casting vote.
- 4 The decisions taken shall be recorded in minutes signed by the chairperson and the secretary of the Committee.

**Article 7 Eligibility criteria**

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- <sup>1</sup> The eligibility criteria for the positions to be filled within the relevant bodies of the EFA are defined in the relevant provisions of the Statutes of EFA.
  - <sup>2</sup> The Committee shall not impose any eligibility criteria that are not provided for in the Statutes of EFA or any other formal requirements that are not provided for in this Electoral Code or in the Statutes of EFA. The Committee shall only request the documents that help establish whether the relevant eligibility criteria have been fulfilled.
  - <sup>3</sup> The Committee shall publish the full list of eligibility criteria (with reference to the relevant provisions of the Statutes of EFA), as well as the documents to be provided for each of the positions within the deadlines stipulated in the Statutes of the EFA.
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**Article 8 Submission and examination of candidatures for the Executive Committee**

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- <sup>1</sup> No fees or charges of any sort shall be requested from any of the candidates at any point during the entire electoral procedure, unless they have previously been approved by the General Assembly. In any event, any fees or charges agreed upon shall remain reasonable and shall only serve to cover the costs of the relevant administrative burden.
  - <sup>2</sup> Candidatures for any of the positions of the Executive Committee shall be sent by recorded post, by email with delivery notification, or delivered by hand in exchange for confirmation of receipt, to the general secretariat at least 30 days before the relevant elective General Assembly. Candidatures received by the general secretariat shall immediately be forwarded to the secretary of the Committee.
  - <sup>3</sup> Within six days of the deadline for submission of the candidatures, the Committee shall inform in writing those candidates who have failed to provide all the relevant documents in support of their candidatures and grant them another three days to complete their applications. If the relevant candidates fail to complete their applications within the prescribed deadline, their candidatures shall be declared invalid.
  - <sup>4</sup> The candidatures for the Executive Committee shall be examined by the Committee within 10 days of the deadline for their submission and the candidates shall be informed of the decision of the Committee within the same period.
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**Article 9 Appeal procedure for candidates for the Executive Committee**

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- <sup>1</sup> Appeals against decisions of the Committee may be lodged only with the Appeals Committee of EFA, thereby precluding the possibility of appealing said decisions before any other body, particularly a government body.
- <sup>2</sup> Any appeal, duly motivated, shall be sent by recorded post, or delivered in exchange for confirmation of receipt, to the general secretariat within two days of receipt of the decision of the Committee. Appeals received by the general secretariat shall immediately be forwarded to the members of the Appeals Committee.
- <sup>3</sup> The Appeals Committee may decide to accept fresh evidence and documents that were not provided by the relevant candidate together with the initial candidature.

- <sup>4</sup> Appeals shall be considered by the Appeals Committee within three days of their receipt and communicated to the candidates within the same period.
- <sup>5</sup> The Appeals Committee shall be composed of a chairperson and two ordinary members who shall be ratified by the General Assembly. Two substitutes shall also be ratified by the General Assembly at the same time as the members of the Appeals Committee. The chairperson shall be qualified to practise law.
- <sup>6</sup> The decisions of the Appeals Committee shall be final and binding.

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Article **10** **Official list of candidates**

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- <sup>1</sup> The official list of candidates for all the bodies of the EFA shall be sent to the Members at least 14 days before the elective General Assembly.
- <sup>2</sup> The official list of candidates shall also be published in the press and, where necessary, sent to the relevant authorities as foreseen by this Code and/or the EFA Statutes for information.

**Article 11 Convocation of the elective General Assembly**

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The elective General Assembly shall be convened according to the provisions of the Statutes of EFA. The relevant deadlines in relation to the elective General Assembly shall be published in the press and, where necessary, communicated to the relevant authorities.

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**Article 12 Duties of the Committee during the elective General Assembly**

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During the elective General Assembly, the duties of the Committee shall be as follows:

- a) verifying the identity of the voters (delegates);
  - b) monitoring the electoral procedure during the General Assembly;
  - c) counting the ballot papers;
  - d) taking any decisions regarding the validity or invalidity of ballot papers;
  - e) passing a definitive decision on any matters relating to the electoral procedure during the electoral General Assembly;
  - f) declaring the official results;
  - g) organising and holding a media conference, where necessary.
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**Article 13 Ballot papers**

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- <sup>1</sup> The general secretariat shall produce the ballot papers under the supervision of the Committee. The ballot papers shall be printed clearly and legibly.
  - <sup>2</sup> The ballot papers shall be of a different colour for each round of the election.
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**Article 14 Ballot box**

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- <sup>1</sup> Before the start of the voting procedure, the ballot box – which shall be transparent if possible – shall be opened and presented to the delegates of the General Assembly. The ballot box shall then be closed and placed in a visible spot close to the members of the Committee.
  - <sup>2</sup> During the entire voting process, the ballot box shall be monitored by one of the members of the Committee.
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Article **15** Casting of ballots

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- <sup>1</sup> Before the delegates are requested to cast their vote, the chairperson of the Committee shall explain in detail the electoral procedure (ballot box, ballot papers, valid and invalid ballot papers, count, required majorities, results, etc.) and refer to the relevant statutory provisions.
- <sup>2</sup> The chairperson of the Committee shall call in turn each delegate of the Members present and eligible to vote to move to the front of the General Assembly hall where the election is taking place.
- <sup>3</sup> Once called, the relevant delegate shall move to the front of the General Assembly hall and, after signing receipt of the ballot paper form, receive his ballot paper.
- <sup>4</sup> The delegate shall then complete his ballot paper in the polling booth designated for this purpose. The polling booth shall be placed in a visible spot, but still allow the delegate to cast his vote secretly. No mobile phones, cameras or any other recording devices shall be allowed in the polling booth.
- <sup>5</sup> The delegate shall then deposit his ballot paper in the ballot box, sign the electoral register and return to his seat.
- <sup>6</sup> The counting procedure shall begin as soon as all of the delegates have deposited their ballot papers in the ballot box. A member of the Committee shall open the ballot box and tip out the ballot papers in front of all the delegates.
- <sup>7</sup> The count shall then commence.

Article **16** General principles

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- <sup>1</sup> Only the members of the Committee shall take part in the count of the ballot papers. All operations (opening the ballot box, counting the ballot papers, counting the votes, etc.) shall be carried out in a way that can be followed clearly by all the delegates of the General Assembly.
  - <sup>2</sup> In the event of a dispute regarding the validity or invalidity of a ballot paper or of a vote, the drafting of the minutes, the declaration of the results or any other matter relating to the counting procedure, the decision of the Committee shall be final.
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Article **17** Invalid ballot papers

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- <sup>1</sup> The following ballot papers are considered invalid:
    - a) ballot papers that do not bear the official distinctive marks defined by the Committee;
    - b) ballot papers that bear any words other than the names of the candidates;
    - c) ballot papers that are illegible or have been defaced;
    - d) ballot papers that bear identifying marks.
  - <sup>2</sup> The chairperson of the Committee shall write on the back of any invalid ballot paper the reason(s) for its invalidity and confirm with a signature.
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Article **18** Spelling mistakes

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Spelling mistakes shall result in the invalidity of a vote only if they mean that it is not possible to identify with certainty any of the official candidates.

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Article **19** Count and declaration of results

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- <sup>1</sup> Once the ballot box has been opened, the members of the Committee shall count the number of ballot papers and verify their validity. If the number of ballot papers is equal to or less than the number of ballot papers issued, the ballot is valid. If it exceeds the number of ballot papers issued, the ballot shall be declared void and recommence immediately in accordance with the procedure described above.
- <sup>2</sup> After the number of ballot papers has been verified, the members of the Committee shall proceed to count the number of votes cast for each candidate or list.
- <sup>3</sup> If a second (or subsequent) round of voting is required, the voting procedure shall be repeated in accordance with the above articles. The Members are also to be informed of the statutory provisions that apply for the second (and subsequent) rounds of voting (e.g. any changes to the majority required, elimination of candidates, etc.).
- <sup>4</sup> After each round of the election, the chairperson of the Committee shall officially declare the results to the Members.

- <sup>5</sup> The General Secretary shall put the ballot papers that have been collected and counted into envelopes intended for this purpose. The envelopes shall then be signed by the chairperson of the Committee and sealed. The general secretariat shall keep these envelopes and destroy them 60 days after the General Assembly.

**Article 20 Archiving of documents and confidentiality**

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- <sup>1</sup> The Committee and the Appeals Committee shall hand over all official documents as well as all documents provided to them during the electoral process to the general secretariat, which shall be responsible for archiving them.
  - <sup>2</sup> The members of the Committee and of the Appeals Committee shall maintain absolute confidentiality and secrecy with respect to any information and documents made available to them during the course of the electoral process. Such obligation shall remain for an indefinite period following the relevant electoral process. Furthermore, they shall not retain any documents (electronic or otherwise) supplied to them during the electoral process.
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**Article 21 Matters not provided for herein**

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- <sup>1</sup> All matters relating to the administrative and technical organisation of the elective General Assembly that are not covered by this Electoral Code or by the Statutes and regulations of the EFA shall be ruled upon by the Committee, whose decision shall be final.
  - <sup>2</sup> All matters relating to the running of the elections that are not covered by this Electoral Code or by the Statutes and regulations of EFA shall be ruled upon by the Committee, whose decision shall be final.
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**Article 22 Enforcement**

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This Electoral Code was adopted at the Extraordinary General Assembly in Ezulwini on 16<sup>th</sup> May 2021 and comes into force on the 16<sup>th</sup> May 2021.

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**Article 23 Transitional provisions**

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- <sup>1</sup> The EFA Ethics Committee shall over and above the responsibilities as foreseen in art. 64 of the EFA Statutes conduct and supervise the electoral process in accordance with the relevant provisions of the EFA Statutes and of this Electoral Code.
- <sup>2</sup> The EFA Ethics Committee shall carry out all duties of the Electoral Officer as envisaged in the Statutes.
- <sup>3</sup> The members of the Ethics and Appeals Committees shall be ratified by a General Assembly, which shall take place prior to the upcoming elections of 2021, in order to guarantee their independence.

Happy Valley, Ezulwini, 16<sup>th</sup> May 2021

For EFA

**Comfort Shongwe**  
Acting President

**Frederick Mngomezulu**  
General Secretary