

Guidelines for FIFA Election Monitors

Introduction

The FIFA Governance Committee (“Committee”) is a new standing committee of FIFA. It was established in 2016 and met for the first time in January 2017.¹ It has the general duty to “deal with, and advise and assist the Council on, all FIFA governance matters.”² It has a particularly important role in the context of elections, where FIFA rules require that the Committee ensures the correct application of the FIFA Statutes, the FIFA Governance Regulations, and other regulations and provisions in matters relating to the electoral process;³ issues instructions for the application of the FIFA Governance Regulations relating to such elections as necessary, before and during the entire electoral process;⁴ and determines the admissibility of candidatures.⁵

To carry out its responsibilities, the Committee is empowered to appoint persons to monitor elections of the vice-presidents and other members of the FIFA Council at the confederation congresses on behalf of FIFA (“Monitors”).⁶ These Monitors have a vital role in ensuring that elections to the FIFA Council – including the election of confederation presidents – are conducted “in accordance with the fundamental principles of FIFA as laid down in the FIFA Statutes, the FIFA Code of Ethics and the FIFA Code of Conduct, such as democracy, separation of powers, transparency and openness[.]”⁷

These guidelines are intended to assist the Monitors in the supervision of such elections. In particular, the guidelines reflect FIFA’s “special responsibility to safeguard the integrity and reputation of football worldwide” and FIFA’s mission “to protect the image of football, and especially that of FIFA, from jeopardy or harm[.]”⁸ Accordingly, and because perceptions or rumours of impropriety – whether well-founded or not – can be as damaging to FIFA and to the game as actual impropriety, these guidelines are intended to help ensure that electoral processes are conducted according to a common set of standards that place the integrity of those processes beyond doubt.

The guidelines are intended for implementation as of April 2017. As a transitional measure, the sections of the guidelines enclosed in [square brackets] may be disregarded as necessary during the 2017 cycle of elections. The guidelines will apply in full to elections from 1 January 2018.

¹ Article 39(1) (a), FIFA Statutes. The FIFA Governance Committee should not be confused with the independent Governance Committee that was established in late 2011/early 2012 to supervise the FIFA governance reform process and that was discharged after issuing its final report in April 2014.

² Article 40, FIFA Statutes; Article 27(4), FIFA Governance Regulations.

³ Articles 27(5)(b), 62(b), FIFA Governance Regulations.

⁴ Articles 27(5)(c), 62(c), FIFA Governance Regulations.

⁵ Article 27(5)(d), 62(d), FIFA Governance Regulations.

⁶ Article 27(5), FIFA Statutes (“The election of Council members shall be monitored by FIFA.”); Article 75, FIFA Governance Regulations (“The elections of the vice-presidents and members of the Council at the confederation congresses shall be monitored by persons appointed by the Governance Committee. The persons appointed by FIFA shall in particular monitor compliance with the FIFA Statutes and regulations.”).

⁷ Article 67(2), FIFA Governance Regulations.

⁸ Preamble, FIFA Code of Ethics.

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ANNEXE: SELECTED PROVISIONS OF FIFA LAW

I. Functions of the Monitors

The primary functions of the Monitors are to:

- 1) Ensure that the FIFA Statutes, the FIFA Governance Regulations, the FIFA Code of Ethics and other FIFA regulations, provisions and decisions (together “FIFA law”) are observed when confederations elect FIFA vice-presidents (including confederation presidents) and other members of the FIFA Council.
- 2) Provide advice, support and guidance to confederation officials on compliance with FIFA law and principles of sound governance, while respecting the autonomy and sovereignty of the confederation in internal matters falling outside the scope of FIFA law.
- 3) Protect the integrity and reputation of FIFA, the electoral process and the game.
- 4) Communicate any serious concerns immediately to the chairperson of the FIFA Governance Committee.
- 5) Create and preserve a thorough record of the conduct of the election, including concerns, key events, controversies, difficulties and any opportunities and lessons for future elections.

II. Preparation

- 1) The team of Monitors shall be adequately staffed. It should include no fewer than three, and ideally at least four, persons of perfect neutrality and relevant expertise and training who are wholly unconnected with the relevant confederation. If proceedings are expected to be unusually complex or controversial, or if the use of multiple voting booths is contemplated, more Monitors may be appropriate.
- 2) The Monitors shall be fully conversant with applicable FIFA law, all applicable confederation statutes, regulations and rules of procedure, and all lists of nominations and candidatures, including all applicable decisions of the Review Committee and the summary of grounds for those decisions.
- 3) As far in advance as possible, the Monitors shall ask the general secretary of the confederation for details of how the confederation plans to conduct the election, including a sample of the ballot paper to be used, details of logistics and other practicalities.
- 4) The Monitors shall review the confederation’s plans and proposed procedures, as well as the applicable confederation regulations, as far in advance as possible [ideally at least 60 days before the election]. They shall discuss any concerns with the chairperson of the FIFA Governance Committee.
- 5) [The Monitors shall note in particular the requirement that elections to FIFA Council positions must be held even when there are as many candidates as there are positions (e.g.

one candidate for one position), and even when there are fewer candidates than positions.^{9]}

- 6) The Monitors shall make arrangements to spend the day before the election as a “preparatory day” on site. They shall ask the general secretary of the confederation to inform the candidates that the Monitors will be present to meet with them to discuss any questions or concerns relating to the election.

III. Materials to bring

- 1) The Monitors should ensure that they bring a copy of: (a) the FIFA Statutes, the FIFA Governance Regulations and the FIFA Code of Ethics; (b) all applicable confederation statutes, regulations and rules of procedure; (c) records of any relevant eligibility decisions of the Review Committee;¹⁰ and (d) records of any relevant admissibility decisions of the FIFA Governance Committee.¹¹
- 2) The Monitors should bring at least three voting pens (ideally of an unusual colour, such as green or purple) of a ballpoint or other type that will not unreasonably bleed through a ballot paper for use by delegates in marking ballots. The Monitors should not disclose in advance the colour or type of pen that they will bring.

IV. Preparatory day on site

During the preparatory day, the Monitors should:

- 1) Obtain their credentials and ensure that their credentials afford them unrestricted access;
- 2) Meet with the general secretary of the confederation as well as with any other persons administering the elections to discuss the electoral process;
- 3) Meet with the FIFA Secretary General or other FIFA representatives to discuss any questions or concerns relating to the electoral process;
- 4) Inspect the facilities and materials (voting booth, ballot box, sample ballot papers, etc.);
- 5) Make themselves available to meet with any candidates or other appropriate persons regarding any concerns or observations regarding the election.

V. Voting materials

- 1) The **voting booth** should be constructed and placed – and the Monitors should be seated during the election – in such a way that the person casting a vote can be clearly seen from behind by at least the Monitors (and ideally also by the assembled delegates). The actual marking of the ballot paper should be absolutely secret. In particular, the voting booth must be situated so that it would be impossible for a voting delegate to (for example) take a photograph of the ballot paper, or to exchange the ballot paper with another placed in a pocket, without being observed.

⁹ Article 73(1), FIFA Governance Regulations (“Elections shall be conducted by secret ballot (cf. art. 30 par. 1 of the FIFA Statutes), *regardless of how many candidates there are.*”) (emphasis added).

¹⁰ Article 72(3), FIFA Governance Regulations.

¹¹ See Article 62(d), FIFA Governance Regulations.

- 2) The voting booth should be equipped with a **voting pen** (as described above) that will not unreasonably bleed through the ballot paper. At least one backup pen should be available in the event of the failure of this pen.
- 3) The **ballot papers** should be: (1) large enough to be folded in half at least twice after voting; (2) marked for authenticity in a distinctive fashion using a method that is difficult or impossible to duplicate (e.g. with a hologram that is applied shortly before the election) to avoid the risk of additional ballot papers being obtained. Only as many ballot papers as there are voting delegates should be created and marked in this fashion. The names of the candidates should be listed in alphabetical order by their respective national association of affiliation (according to one of the authoritative languages of the confederation). Candidate names must be spelled correctly and must be presented in the same font, type and size.
- 4) The **ballot box** should be transparent to allow easy monitoring. It should be empty and locked before the election proceedings begin.
- 5) A **final list of authorised voting delegates** (with priority rankings in case of multiple delegates) should be obtained and given to the confederation official charged with handing the ballot paper to voting delegates.

VI. The voting process

- 1) Shortly before the election, a Monitor should count out the requisite number of ballot papers for each election, verify that each ballot paper is marked with the mark of authenticity (e.g. a hologram), and initial each ballot paper on the reverse in a distinctive and recognisable fashion. This practice of initialling, combined with the ballot marking by the confederation and the protection of the chain of custody, will ensure the integrity of the ballot process. The initialled ballot papers should then be placed, by the same Monitor, in an envelope and sealed with his or her signature across the flap.
- 2) Immediately before the election, the envelope of ballot papers should be opened in the presence of the Monitor who initialled the ballot papers and sealed the envelope. The ballot papers should then be given, along with the final list of authorised voting delegates, to the confederation official who will be charged with checking the delegates' credentials and handing a ballot paper to each delegate before that delegate votes ("voting officer"), as described below.
- 3) At least one Monitor should be positioned next to or near the voting officer; at least one should be positioned next to or near the voting booth, with an unobstructed view of the person voting in it; at least one should be positioned next to or near the ballot box with an unobstructed view of it. Together, the team of Monitors should have direct visual oversight of the entire chain of custody: from collection of a ballot paper, to voting in the booth, to deposit in the ballot box.
- 4) To begin the election, the senior confederation official (usually the general secretary) should instruct the voting delegates about the election process in whichever language or languages as may be appropriate. The following wording may serve as guidance:

We will now begin the process of voting for [confederation president / FIFA Council]. The candidates are [list candidates]. I will call each association

to vote in turn in alphabetical order [specify authoritative language if necessary]. When I call the name of each association, the authorised voting delegate of that association should come forward to collect a ballot paper and vote. When you come forward, please do not bring anything with you except your credentials: in particular, please do not bring a mobile phone, camera or pen into the voting booth. If you do not have your credentials you will not be allowed to vote. Please take the ballot paper into the booth, mark the ballot paper with the pen provided in the booth, and fold the ballot paper in half, and then in half again, before leaving the booth. You may not take a photograph of your ballot paper and you may not show your marked ballot paper to anyone. Keep it folded and deposit it in the ballot box [insert location].

- 5) The **casting of votes** should then proceed as follows:
 - a. The name of the first association to vote should be read out and the delegate for that association invited to come forward.
 - b. That delegate should show his or her credentials to the voting officer (see previous section), who should verify, by checking the credentials against the list of authorised voting delegates, that the individual is indeed the delegate authorised to vote. Only authorised persons should be permitted to vote.
 - c. The voting officer should ask the delegate whether he or she has a mobile phone; if so, it should be left outside the booth. The voting officer should then give the delegate a ballot paper and instruct the delegate to mark it with the pen provided and to fold it in half twice before leaving the voting booth. The voting officer should then place a mark against the delegate's name on the list to show that the delegate has been issued with a ballot paper.
 - d. The delegate should then enter the voting booth, mark the ballot paper and fold it in half twice before depositing it in the ballot box.
 - e. To speed up the process: (a) the next association may be called forward while the previous association's delegate is voting in the booth; (b) multiple voting booths may be used, provided that the Monitors are able to clearly observe all booths.
 - f. The entire process, from the handing of a ballot paper to a delegate to the depositing of the ballot paper in the ballot box, should be directly visible to the Monitors.
 - g. After all votes have been cast, the voting officer should record the total number of ballot papers issued.
- 6) The **ballot box** should remain directly and continuously observed by the team of Monitors until it is opened for verification and counting. It shall stay in the room where the votes were cast. On no account shall it be taken by any person out of the sight and supervision of the Monitors.
- 7) **Verification and counting** should take place immediately after the casting of votes and preferably in full view of the delegates as follows:

- a. The ballot box should be opened and its contents emptied onto a table or other flat, clear surface. This, and the verification and counting of the vote, must take place under the direct supervision of the Monitors and any other persons designated by the confederation under the applicable rules (e.g. scrutineers).
- b. The ballot papers should be carefully counted, making sure that each ballot paper has been marked with a mark of authenticity (e.g. a hologram), that each ballot paper has been initialled by the relevant Monitor, and that the number of ballot papers does not exceed the number of votes actually cast.
- c. If there are more or fewer ballot papers than votes cast, or if any ballot papers do not carry both the mark of authenticity (e.g. a hologram) and the initials of the Monitor, the vote shall be annulled on the grounds that the integrity of the vote has been compromised, and the vote shall be repeated.
- d. If there are as many ballot papers as votes cast, and if all ballot papers have been appropriately marked for authenticity, the vote can be verified by the senior confederation officials and the count may begin.
- e. The votes for each candidate shall be counted carefully by the persons designated by the confederation as well as by the Monitors. Each person involved in the count shall keep a separate tally of votes cast. Uncertainties about the validity of votes or about a voter's intended vote shall be resolved by discussion and consensus.
- f. When all participants have agreed on the vote totals, the result may be confirmed and announced. If all participants do not agree on the vote totals, the vote shall be completely recounted.

VII. General guidance for resolving concerns

- 1) Remain calm and courteous at all times.
- 2) The Monitors play a crucial role in promoting the shared interest of FIFA and the confederations in the observation of FIFA law and in the protection of the integrity and reputation of FIFA, the electoral process and the game. Accordingly, do not hesitate to ask questions, to request that proceedings be paused while you investigate any concerns, and to politely recommend changes as appropriate.
- 3) Respect the autonomy and sovereignty of confederations in internal matters falling outside the scope of FIFA law.
- 4) Remember that the role of the Monitors is to ensure that elections are conducted without impropriety or even the appearance of impropriety. Accordingly, Monitors should report actual or suspected rule violations to the FIFA Governance Committee to enable the Committee to take decisions, and any other appropriate action necessary to ensure the correct application of FIFA law.¹²
- 5) If in doubt, confer with the chairperson of the FIFA Governance Committee.

¹² See Article 27(5)(b), FIFA Governance Regulations.

6) Feel free to suggest improvements to these guidelines.

ANNEXE: SELECTED PROVISIONS OF FIFA LAW

This annexe contains selections from certain applicable FIFA law dealing with the role of the Monitors appointed by the FIFA Governance Committee. These are provided for convenience only and do not constitute a complete or authoritative set of relevant materials.

Article 27, FIFA Statutes

Candidates for the office of FIFA President, for the Council and for the chairpersons, deputy chairpersons and members of the Audit and Compliance Committee and the judicial bodies

1. Only the member associations may propose candidatures for the office of FIFA President. A candidature for the office of FIFA President shall only be valid if supported by a total of at least five member associations. Member associations must notify the FIFA general secretariat, in writing, of a candidature for the FIFA presidency at least four months before the start of the Congress, together with the declarations of support of at least five member associations. A candidate for the office of FIFA President shall have played an active role in association football (e.g. as a player or an official within FIFA, a confederation or an association, etc.) for two of the last five years before being proposed as a candidate and must pass an eligibility check carried out by the Review Committee in accordance with the FIFA Governance Regulations.
2. The general secretariat shall notify the member associations of the names of proposed candidates for the office of FIFA President at least one month before the date of the Congress.
3. Subject to par. 4 below, only member associations may propose candidatures for the Council. Member associations must notify the FIFA general secretariat, in writing, of a candidature for the Council at least four months before the start of the respective confederation congress on the occasion of which the said election shall take place. Each member association is entitled to submit only one proposal for a member of the Council. If a member association presents proposals for more than one candidate, all of its presented proposals shall be deemed invalid. A member association may only propose candidates affiliated to its confederation.
4. The elections by the member associations of the female candidates for the Council (at least one per confederation) are set out in art. 33 par. 5 of these Statutes.
5. Council members shall be elected by the member associations on the occasion of their confederation congresses in accordance with the FIFA Governance Regulations. Candidates for the Council must pass an eligibility check carried out by the Review Committee in accordance with the FIFA Governance Regulations. The election of Council members shall be monitored by FIFA.
6. The conditions to be observed during a candidature for the office of President and for positions on the Council are stipulated in the FIFA Governance Regulations.

[. . .]

Article 27, FIFA Governance Regulations Governance Committee and Review Committee

[. . .]

4. Powers and responsibilities in general

The Governance Committee shall deal with, and advise and assist the Council on, all FIFA governance matters. In particular, the committee's main powers and responsibilities are as follows:

- a) To monitor material changes to FIFA's governance or governance-related regulations as well as the introduction of material new regulations and propose material amendments to FIFA regulations as well as the introduction of new material regulations;
- b) To deal with any other issues relating to FIFA governance matters;
- c) To advise on social responsibility, human rights, environmental protection and gender equality matters in connection with FIFA and its activities.

5. Powers and responsibilities in the context of election procedures

The Governance Committee's – or, if established by the Council in accordance with art. 8 par. 2g) of these regulations, the respective ad-hoc Electoral Committee's – duties with regard to election procedures shall include, in particular:

- a) To supervise the administrative process relating to the elections for the position of President and to monitor compliance with the present regulations as well as with any other guidelines as required in the performance of its duties;
- b) To ensure the correct application of the FIFA Statutes, regulations and provisions, as well as the contents of the present regulations, in matters relating to such electoral process;
- c) To issue instructions for the application of the provisions of the present regulations relating to such elections as necessary before and during the entire electoral process in question;
- d) To admit and announce candidatures. In this regard, the committee shall assess whether a candidate meets the profile specifications stipulated in the relevant provisions of the FIFA Statutes and these regulations.

[. . .]

Article 67, FIFA Governance Regulations

General principles

[. . .]

2. The additional vice-presidents and the members of the Council shall be elected by the member associations in accordance with the fundamental principles of FIFA as laid down in the FIFA Statutes, the FIFA Code of Ethics and the FIFA Code of Conduct, such as democracy, separation of powers, transparency and openness, on the occasion of their respective confederation congresses.

[. . .]

Article 75, FIFA Governance Regulations

Supervision of the election

The elections of the vice-presidents and members of the Council at the confederation congresses shall be monitored by persons appointed by the Governance Committee. The persons appointed by FIFA shall in particular monitor compliance with the FIFA Statutes and regulations.

Preamble, FIFA Code of Ethics

FIFA bears a special responsibility to safeguard the integrity and reputation of football worldwide. FIFA is constantly striving to protect the image of football, and especially that of FIFA, from jeopardy or harm as a result of illegal, immoral or unethical methods and practices. In this connection, the following Code reflects the principles of the FIFA Code of Conduct, which defines the most important core values for behaviour and conduct within FIFA as well as with external parties. The conduct of persons bound by this Code shall reflect the fact that they support the principles and objectives of FIFA, the confederations, associations, leagues and clubs in every way and refrain from anything that could be harmful to these aims and objectives. They shall respect the significance of their allegiance to FIFA, the confederations, associations, leagues and clubs, and represent them and behave towards them honestly, worthily, respectably and with integrity. They shall further respect the core value of fair play in every aspect of their functions. They shall assume social and environmental responsibility.