



## **Regulations regarding the election of the FINA Bureau Members and election to designated positions**

### **Background**

1. In July 2017, the FINA General Congress in Budapest will elect the FINA Bureau members for the 4-years period 2017-2021.
2. Once the FINA Bureau Members will have been elected, the General Congress will also elect from amongst them, the FINA President and the other persons to be appointed to the specific elected functions to be served by FINA Bureau Members.
2. The rules applicable to the composition of the FINA Bureau and the corresponding elections (including election to the mentioned elected functions) are set forth in Art. 17 of the FINA Constitution<sup>1</sup>.
3. Pursuant to Art. C 17.14.10, the FINA Bureau is further competent to establish rules of order for the meetings of the General Congress.
4. The FINA Bureau has already issued the Rules of order for Congresses set forth in the FINA BY LAWS (BL 3).
5. In order to ensure a fair and transparent electoral process, the FINA Bureau has decided to issue in complement to the already existing rules these specific Election Regulations (“Regulations”):

### Article 1 – Nature and scope of the Regulations

- 1.1. These Regulations complete the provisions of BL 3. In case of conflict between these Regulations and the existing provisions of BL3, the former shall prevail. The provisions of the FINA Constitution prevail in any event over any other provision.
- 1.2. These Regulations shall apply specifically in connection with the electoral process conducted on the occasion of the Congress meeting in July 2017.

### Article 2 – FINA Electoral Commission

- 2.1 A FINA Electoral Commission of 5 members is constituted.

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<sup>1</sup> NB: Prior to the election, the General Congress will vote on proposed amendments of the FINA Constitution, including proposed amendments to Art. 17 FINA Constitution. Such amendments notably include changes in the number of FINA Bureau Members and in the specific functions to be filled in by election. Subject to the outcome of the vote, the election will take place either on the basis of Art. 17 as presently in effect, or, as amended by the General Congress.

- 2.2 Each continental organization appoints one member.
- 2.3 The appointed members designate a chairman amongst themselves.
- 2.4 The FINA Electoral Commission exercises the functions set forth in these Regulations.

### Article 3 – Candidates

- 3.1 In these Regulations a “Candidate” refers to any person seeking election as FINA Bureau Member and, as such, for any of the specific elected functions of FINA Bureau Members provided for in the FINA Constitution.
- 3.2 Each Candidate submits an application in which he or she fully discloses any element, which may be relevant from the point of view of potential conflict of interests.
- 3.3 The applications shall be subject to review by the Ethics Panel acting as an ad-hoc review committee.
- 3.4 The Ethics Panel issues a determination in regard of whether or not there exists an issue in regard of conflict of interest. Such determination may include recommendations in regard of the management of potential conflicts of interest, should such arise. Subject to art. 3.5 and 3.6 below, such determination is final and not subject to appeal.
- 3.5 If the potential conflict of interest is of such nature that it affects the possibility of the concerned Candidate to properly fulfil its role as FINA Bureau Member and /or the specific function for which the concerned Candidate is seeking election, the Ethics Panel may declare him or her ineligible as FINA Bureau Member, respectively for the specific function at stake. Such decision is subject to appeal by the concerned Candidate in accordance with art. C 12.11.2. For the avoidance of doubt, it is not subject to appeal by any other party.

### Article 4 –General Rules of conduct

- 4.1 Candidates may promote their candidature, subject to observing all FINA regulations including the provisions of these Regulations.
- 4.2 The promotion of a candidature shall be conducted with dignity and moderation.
- 4.3 The candidates shall further comply with all the provisions of the FINA Code of Ethics.



#### Article 5 – Candidature Documentation

- 5.1. Each candidate may outline and describe in a written document addressed to FINA Members his or her plans and view as future FINA Bureau Member and, if applicable, as future holder of the specific function(s) for which he or she has submitted a candidature. Copies of any document used to support a candidature shall be provided by the Candidate to the FINA Electoral Commission for review.
- 5.2. Recommendations of the FINA Electoral Commission in respect of the content of the document shall be immediately observed and implemented by the Candidates.

#### Article 6 – No advertising

- 6.1. The promotion of a candidature shall exclude any form of advertising (irrespective of whether the advertising is paid by the candidate or by any third party, or free of charge), in any form including in new media or social networks.

#### Article 7 – Public Meetings – Debates and speeches – Technical meetings

- 7.1. No public meeting or gathering of any kind may be organized in order to promote a candidature.
- 7.2. Candidates may not take part in any public debate or engage in any public speeches promoting their candidature.
- 7.3. Candidates may only take part to technical meetings to which they regularly take part in view of positions they already hold. They shall refrain from any promotion of their candidature in this context.

#### Article 8 – No assistance

- 8.1. The candidates shall not benefit from any assistance of third parties, whether financial or of another nature.

#### Article 9 – No gifts nor benefits

- 10.1. Candidates must refrain from giving, proposing or promising any gift, present, donations or advantages of whatever nature, or value (even nominal value), to any person or organization.

#### Article 10 – Promises and undertakings

- 10.1. Promises made during the campaign of actions that would benefit one or more of the FINA Members or Continental organization(s) must be made publicly and disclosed prior to the election.
- 10.2. Candidates shall strictly refrain from giving any undertakings to third parties.

#### Article 11 – Media and Publications

- 11.1. Candidates may grant interviews to the media. The content of the interviews shall be consistent with these Regulations.

#### Article 12 – Respect due to Candidates

- 12.1. Candidates shall respect the other candidates and shall refrain from any communication aimed at harming their image.

#### Article 13 – Relations with the FINA Office

- 13.1. The FINA Office shall maintain a strict neutrality at all times.
- 13.2. Members of the FINA Office shall limit their relations with the candidates to matters in the normal course of FINA business.
- 13.3. Candidates shall not request nor receive any support, nor service by the FINA Office in relation to their candidature.

#### Article 14 – Review of potential violations by the FINA Electoral Commission

- 14.1. Circumstances, which potentially constitute violations of these Regulations shall be investigated by the Electoral Commission.



- 14.2. The investigation shall be conducted in an expedited manner. The concerned Candidate shall fully cooperate to the investigation. His or her right to be heard shall be observed in any event.
- 14.3. In the event the FINA Electoral Commission finds that a violation has been committed, it shall decide the appropriate measures to protect the electoral process, including:
1. ordering the Candidate to cease the behavior in violation of the Regulations;
  2. ordering any adequate corrective action (if any), including publication of its decision
  3. in severe cases in which the results of the elections may be or have been significantly affected, or in the event a Candidate fails to comply with an order of the Electoral Commission issued in application of art. 14.2.1 or 14.2.2.above, withdrawal of the Candidate from the electoral process and/or annulment of his or her results.
- 14.4 To the extent appropriate, the FINA Electoral Commission shall forward the matter to the FINA Executive for it to consider further potential consequences in application of art C 12 of the FINA Constitution.
- 14.5 Decisions of the FINA Electoral Commission in accordance with 14.2.1 and 14.2.2 are not subject to appeal. Decisions in accordance with art. 14.2.3 are subject to appeals to the CAS by the concerned Candidates. For the avoidance of doubt, decisions by the FINA Electoral Commission are not subject to appeal by any other party than the concerned Candidate.
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