

Constitutional Review Task Force 2010

Collation Exercise of the Constitutional Review Team “CRT” & Regional Federation Representatives “RFR” Perspectives and Reasoning

Standard Operating Procedures (SOP) for Elections of the President of The World Federation of KSIMC Amendments

Last Update: 20/09/2010

Proposed Amendment to SOP	Justification	Regional Federations' Representatives Views	CRCT's Recommendation
<u>SOP Clause 1</u>		<u>Dubai Jamaat</u> → SOP should be adopted at the Constitutional Conference requiring, in this case, a simple majority to amend. By having the SOP passed at Conference it would be separate legislature from the judge/jury particularly when we have given Exco power to adjudicate on SOP process. Of course, Conference can overturn its own decision but it would remove the potential change of Exco v Conference and the tension that this can create.	We suggest that this document's authority should remain as is. Currently the SOP is a document adopted by the Executive Council and the authority to amend the document thus lies with the Exco. If we however pass this at a Conference there will be much inflexibility as the document can then only be amended by being amended at Conference (in a manner akin to the constitution - 75% of those in favour who are present and able to vote).
<u>SOP Clause 3.2</u> Removal of the phrase 'over a period of 5 days' and change to: 'over one day selected by the Electoral Commission in consultation with the Regional Federations and the Executive Council.'	One day may be easier to monitor over 5 days. The pitfall however is that 1 day may not be convenient to all worldwide.	<u>Dubai Jamaat</u> → Narrow to 3 days (due to differing global dates / holidays). <u>Africa Federation & NASIMCO</u> → Agree to the narrowing of 3 days (but 1 day within a Regional Federation).	Over a period of 3 days is a good idea as it narrows down the election programme but at the same allows for some flexibility on a local level. However, we suggest that within one region it is held on 1 day. We found that all the Regional Federations agreed with this perspective.
<u>SOP Clause 3.9</u> Add definition ' <i>Constituent Voting Member</i> ' to mean Jamaats as they		<u>Dubai Jamaat</u> → This is their suggestion.	The Dubai suggestion is a logical suggestion. An electoral register is needed to verify the voters exist!

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are members of Regional Federations who are Members of The World Federation.		<u>Africa Federation</u> → Agree with this under their maxim of 'simplification' However, their system is that the election takes place within the Jamaat and the Jamaat then forwards the results to the Regional Federation. This is different from the current system (and the CRT suggestion) where there is an electoral register which has details of each eligible voter. In addition, in practical to verify voter using address as Africa uses PO Box system. Africa is, however, in favour of maintaining a central electronic voter register as long as it is left to the World Federation members to provide that data.	Therefore we suggest amending 'Regional Federation' in SOP clause 3.9 to 'Constituent Voting Member' so that the ballots are sent directly to each of the Jamaats in advance of the election taking place. The Jamaats then, as per our suggestion, send a fax to The Electoral Commission with a declaration of the votes and the paper ballots via courier to The Electoral Commission at the World Federation Secretariat.
<u>SOP 3.10</u> Change from 5 voting days to 3 voting days.	To enable the voting to take place during a shorter period of time, less chance of vote comparison taking place and a faster outcome. 3 days will give enough flexibility too for local date / timing issues too.		Change 5 days to 3 days. 1 day, however, within each Region.
<u>SOP 3.11</u> Change to: 'The Electoral Commission will count the votes from all Regional Federations. The Electoral Commission will then calculate the proportion of votes received by each candidate within each Regional Federation and apportion the Electoral College Points based on the number of delegates that the Member is entitled to in proportion to the number of delegates that	Amending the role of The Electoral Commissioner to take into account the Electoral College system. The Electoral College System is one of many proposals that were suggested by the RFRs.	<u>Africa Federation</u> → Are in favour of the weighed electoral college system and have also suggested a 'The Continental Voting System. Under this proposal, each Continent receives the same proportion of Electoral College Votes. The results of the votes within that continent e.g. Africa are then put forward as Electoral College Points to the World Federation election. <u>NASIMCO</u> → The NASIMCO and Africa Federation joint paper both suggest that a proportion of the votes should	The CRC team believes that the Electoral College System put forward by COEJ, Dubai Jamaat is a credible idea because a) it preserves the vote of the grassroots and b) it preserves the weight of a region's popular as the number of delegates at Conference is weighted as per region and c) does not allow one or two regions with large populations voting to dominate elections (and so means that a candidate would need a global mandate).

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Regional Federation gains at The World Federation Conference. The candidate receiving the highest number of Electoral College Points shall be declared President Elect.		come from the Conference (the previous Conference) and that the grassroots vote (in the form of Electoral College Points). <u>Dubai Jamaat</u> → Electoral College Points suggested with no voting from the Conference. 'The Electoral Commission will aggregate the votes received by each candidate within each Regional Federation and arrive at a percentage of votes received by each candidate from the total number of votes cast in that Regional Federation. The percentage votes received will determine the Electoral College Points acquired by the candidate in proportion to the No. of Delegates that the Regional Federation has at Conference. The candidate then receiving the highest electoral college points will be elected President. Formula to suggest is: EC Points = Votes Received / Total Votes Cast within Region x No. of Delegates <u>CoEJ</u> → Electoral College Points suggested with no voting from the Conference. Three reasons for not including the Conference in voting and only allowing voting by the grassroots were put forward: (1) Proportionality ratios for representations and ceilings are already enshrined within the constitution. (2) This system is compared to a 'Block	

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		Voting System' and therefore the votes are not wasted away, instead they are aggregated through a weighted system - which will 'provide more legitimacy' and reduce apathy.' (3) The grassroots will be represented by a correct proportion of the number of delegates to Conference. Mumbai Jamaat → sincerely believe that the right of the majority of the grassroots in India and Pakistan will undermined and that this is neither 'equal' nor 'just.' In addition, the Jamaat feels that regions with large turnouts will be penalised in favour of those where there is greater apathy under the electoral college system. Therefore, the Jamaat would suggest keeping the status quo.	
<u>SOP Clause 3.12</u> Insert new clause: 'The Electoral Commission will announce the result of the election for the post of President at least 10 days before the date set for the ensuing Ordinary Conference.'	This will ensure that the Electoral Commission will make a swift decision. 10 days will take into account time for any arbitration (if required).	Africa Federation → The President should know as much in advance as possible so he can prepare himself / potential team & invite dignitaries.	
<u>SOP Clause 4.3</u> Removal of 'aggregate votes of all' and addition instead of 'aggregate electoral college points.' Addition of: 'The Executive Councillors who	See earlier explanations. In relation to the 2 Executive Councillors, at present the current SOP clearly states that 2 members of the Executive Council will perform the role of returning officers. This role is separate to that of the Electoral Commission.	<u>Africa Federation and NASIMCO</u> → Suggested merging the two roles (in order to simplify the process). The new body would The Electoral Commission elected by the Executive Council (all three being Executive Councillors) and being directly accountable to the Executive Council only.	Having considered the various suggests we feel that the best mechanism would be to keep the two functions separate. - Electoral Commission would be made up of 3 Electoral Commissioners who would be present at the Conference elected by the Conference one of whom would be the chair. This would

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witness the counting of the voters shall not be part of the Electoral Commission.'		<u>COEJ and Dubai Jamaat</u> → Suggested keeping a system similar to the present one whereby the Electoral Commission would be made up of 3 Commissioners elected at the Conference and who would be accountable to the Executive Council in so far as procedures only. The Returning Officer role (to witness the counting of votes) would continue with Executive Councillors performing this role. Should a vacancy arise out of one of the Electoral Commissioners or a resignation then the Executive Council may appoint one or more. <u>Mumbai Jamaat</u> → preference indicated to keep these two roles separate so as not to increase the power of the Executive Council.	mean that the power would be shared by 3 individuals and thus internal debate / diversity of thought can take place. This Electoral Commission would be accountable to the Executive Council on matters of procedure but would report to the Conference after the election of the post of President. We also felt that we did not want to unduly increase the powers of the Executive Council and therefore maintain an independent and separate role for the Electoral Commissioner. However, if there is a resignation or vacancy of one or more of the Electoral Commissioners then the Executive Council can appoint one or more. - Returning Officers. This would continue as is with two Executive Councillors performing this role.
<u>SOP Clause 5.1</u> Change to: The Electoral Commission will have the objective of ensuring the smooth and fair running of the electoral process, its duties set out in the Constitution, and it shall be accountable to the Executive Council with respect to the application of the electoral process set out in the SOP.	We need to balance the power given to the Executive Council in the area of elections and the objectivity of creating an Electoral Commission separate to the running of the institution. Moreover, this is now a Commission of 3 independently elected Commissioners from Conference and so the power is shared more evenly within the Commission.	<u>Dubai Jamaat</u> → This suggestion was put forward by them.	We agree with them and feel this is a logical way forward.
<u>SOP Clause 5.3</u> Change 'Members' to Constituent Voting Member.'	Administrative update and clarification that Constituent Voting Members (also known as the Jamaats) will produce their local electoral register.	<u>Africa Federation, NASIMCO, COEJ, Dubai</u> → All in agreement that the electoral register will contain that information that the regional	Agreed by all that the Electoral Commission in consultation with the regions shall decide what goes into the Electoral Register in order to ensure

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		federation find necessary to include in the electoral register.	consistency amongst the Regional Federations.
<u>SOP Clause 5.4</u> Insert: 'The Electoral Commission's duties shall end after the election of a new Electoral Commission.'	This to clarify the end of their role (set parameters in terms of time).		
<u>SOP Clause 5.9A</u> Suggested clause: 'The Electoral Commission will ensure that the amount set by the Conference as a limit to the spending by the candidates is monitored and fully complied with.'	Idea is to stop the concept that only the well-off can become President of The World Federation which is sad for our community.	<u>Dubai Jamaat</u> → How practical is this? <u>Africa Federation</u> → How can we make this practical? <u>Dubai and COEJ</u> → Better to have a 'best practice' guideline for Presidential Candidates which can cover spending but other areas, too!	This is a good idea and we must even out the playing field for all candidates. However, the CRT does not recommend adding a cap because it will be difficult to a) monitor and police b) difficult to set objectively. Instead we agree with the COEJ and Dubai proposal that in the future the Exco can create a best practice guide on the 'conduct' of Presidential candidates which can include a spending cap suggestion as well as other suggestions.
<u>SOP Clause 5.11</u> Removal of the words 'Chairs of Boards and Desks' and change to 'Assistant Secretary Generals.'	Administrative update as WF no longer has Boards /Desks and now uses an 'ASG' model.		
<u>SOP Clause 6.1</u> Amend to: 'The Electoral Commission is responsible for maintaining an electronic Central register of voters entitled to vote for the President of The World Federation of KSIMC. The Electoral Commission may not forward this to their personal email	This is ensure that such 'sensitive' date is not dispatched outside the WF Secretariat and this would reduce the chance of any leakages and misuse (if any)!	<u>Dubai Jamaat</u> → The whole subjective in the SOP is to keep the voters database independent of the Secretariat so this demarcation must be maintained! Suggestion is that the data be demarked on WF Server with a secure login for the Electoral Commissioners.	This is quite correct and we must make sure the data is kept confidentially.

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addresses and cannot keep this outside of The World Federation Secretariat offices. Such register will be made available to the Electoral Commission during working hours and will be made up of a list of eligible voters of each member Federation and shall be provided by the member based on their records.'			
<u>SOP Clause 6.2</u> Insert instead of present: 'It will be the responsibility of the Constituent Member Jamaat to provide The Electoral Commission with the eligible voting list at least 120 days prior to the end of the term of the President. Such register will include the name and address of each voter and will include other information based on the rules applicable within the Constituent Member's governing rules including but not limited to female voting, age limits and lapsed subscriptions. The Commission may at its sole discretion undertake a validation of such register provided by each member.	The new requirements reduce the need to collate 'sensitive' data such as Date of Birth from the Jamaat. However the address is required to help verify that the voter exists.	<u>Dubai Jamaat</u> → Important to specify that the eligible voter is based on each Jamaat's rules of who is permitted to vote so as to have a simple and transparent voters' register. This will also cater for Regional anomalies of age and female voting. This is the best way short of the World Federation having its own independent register of voters. The downside is that the grassroots voters will not be standardised across the World Federation Members and hence has to be based on the local Jamaat rules. The Commission will need to ensure that free and fair elections take place and so will need to inspect / vet the list as it deems necessary.	We agree with Dubai's view and have recommended accordingly.
<u>SOP Clause 7.1</u> Change start to: 'The Electoral Commission will set the date of the Election in consultation with the Regional	See earlier explanations.		

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Federations and with the sign off of the Executive Council.'			
<u>SOP Clause 7.3</u> Change start of clause to: 'The Local Returning Officer selected by Constituent Voting Member's managing committee...'	Administrative update.		