



**European Chamber**  
中国欧盟商会

## **BY-LAWS ARTICLE No. 1**

### **1 - Electoral Standing Orders**

This By-law is formulated by the Executive Committee under the provision of Article 16 of the Articles of Association (hereinafter “the Articles”) of the European Union Chamber of Commerce in China.

#### **1.1 GENERAL**

Elections to the Executive Committee of the European Union Chamber of Commerce in China shall be conducted in accordance with the provisions of Article 10 (including 10.1 – 10.6) of the Articles. This By-law (No.1 – Electoral Standing Orders) is adopted in order to supplement these provisions and to define detailed procedures to the conduct of elections: it is subordinate to the Articles.

#### **1.2 APPOINTMENT OF RETURNING OFFICER**

The annual elections for the President, Vice Presidents and Treasurer are held at the Annual General Meeting of the Chamber. Article 9.2 provides that “Honorary President or his representative shall chair meetings at which the presidency of the EUCCC is up for election”. Accordingly, the Executive Committee shall invite the Honorary President to nominate a Returning Officer to undertake the administration of these elections. Such nominee shall be appointed by the Executive Committee and take office no less than twenty one days before the Annual General meeting at which elections are to be held.

#### **1.3 NOMINATIONS**

The nomination of candidates for election in each of the three categories, namely President (1), Vice Presidents (3) and Treasurer (1) shall be carried out in accordance with the following procedures:

**1.3.1** - In accordance with Article 10.1 of the Articles, “Nominations shall be submitted to the Executive Committee at the latest seven days before the election is scheduled to take place”. Accordingly, the Returning Officer shall issue a notice to Members of the Sectoral Working Groups (whose status and rights are defined in Articles 5.2 of the Articles of Association) inviting nominations for the parts of President, Vice Presidents and Treasurer. In this notice, the Returning Officer shall designate a specific time and date for the closure of nominations and a specific place at which she will receive last minute nominations and declare nominations closed. She shall present herself at the designated place, which shall normally be the office of the Chamber, 30 minutes before the designated time and remain there until the appointed time upon which she shall



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declare nominations closed. Any nominations received by the Returning Officer after the declaration of the closure of nominations shall be invalid.

The invitation to nominate candidates circulated by the Returning Officer, otherwise known as the “Notice of Election” shall be issued no less than seven days before the close of nominations specified in such Notice of Election.

Following the declaration of the closure of nominations, the Returning Officer shall examine the nomination papers and declare the names of validly nominated candidates for each category. The validity of nomination papers shall be determined in accordance with the criteria laid down in the Articles and in this By-law and the Returning Officer’s decision shall be final.

Any member of the Sectoral Working Groups may, through its designated representative attend the closure of nominations and the declaration of the names of validly nominated candidates and examine the nomination papers.

**1.3.2** - Valid nominations for the posts of President (1), Vice Presidents(3) and Treasurer (1) shall be procured by the proper completion of a nomination form. Such form shall specify the name of the candidate and the name of the member of the Sectoral Working Group, whose designated representative he/she is, and the post for which he/she is a candidate.

It shall include a signed declaration by the candidate that he/she is eligible for election to the post for which he/she is nominated, (and that he/she is not proscribed under the provisions of Articles 10.6 and 11.5 of the Articles of Association) and that he/she is willing to serve in the office for which he/she is nominated.

Candidates wishing to be nominated in more than one category shall submit a separate nomination form in respect of each category.

Members of the Sectoral Working Groups, whose nominated representative is a candidate for election in any category, must also sign a declaration that they are in good standing with the Chamber and have paid or intend to pay membership fees in respect of the current year and to settle any outstanding membership fees or other debts in respect of the previous year.

In order to secure valid nominated candidates for election in any category, candidates must be proposed by a member of the Sectoral Working Group and seconded by another. Such proposers and seconders shall be members of the Sectoral Working groups in good standing with the Chamber and shall signify their consent to propose or second the nominee by signing the name of the designated representative in the space provided on the nomination paper.

In the case of candidates for the Presidency of the EUCCC, either the proposer or the seconder or both shall be from a Member State of the European Union different from that of the nominee.

## **1.4 CONDUCT OF ELECTIONS**



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In the event that the number of validly nominated candidates in any category is equal to or less than the number of positions to be filled in that category, the Returning Officer may declare the result without a vote. In such case, the formal declaration shall take place at the Annual General Meeting in accordance with the provisions of (c) below.

**1.4.1** - The Returning Officer shall make preparations for the conduct of a ballot in any of the three categories in which the number of validly nominated candidates exceeds the number of positions to be filled.

The Returning Officer shall cause a separate ballot paper to be printed for each category in which a ballot is required and shall be responsible for the security of such ballot papers. She shall also circulate the final list of validly nominated candidates in each contested category to all members of the Sectoral Working Group no less than seventy-two (72) hours before the time of the opening of the Annual General Meeting.

The order of printing of the names of the candidates on both the ballot paper and the list of candidates shall be the alphabetical order of the names of the members of the Sectoral Working Groups of which the candidates are the authorised representatives.

**1.4.2** - The Annual General Meeting shall first conclude its deliberation of the Annual Report of the Committee and any other business at the discretion of the Chairman, following which the Chairman shall relinquish the chairmanship of the meeting and invite the Returning Officer to take the Chair in order to conduct the elections.

The Returning Officer shall first invite the candidates to be elected unopposed in any category to speak on behalf of the candidature following which she shall outline the procedure for the vote. She will subsequently announce the result of the vote declare the election of candidates elected unopposed in any category.

The Returning Officer shall then proceed to conduct a ballot in respect of each category in which there are more nominees than positions to be filled.

Before proceeding to issue the ballot papers, the Returning Officer must announce the hostings. She shall determine the format of the hostings, provided that the arrangements are equitable and that all candidates or their representation within any category are given the opportunity to speak for an equal length of time.

**1.4.3** - Following the conclusion of hostings, the Returning Officer shall explain the voting system for each contested category to the Annual General Meeting and how the ballot paper or each category should be marked. She shall also make available to any Member of the Sectoral Working Groups that so requires a copy of Article 10 of the Articles of Association, which prescribes the voting methods to be employed.

Furthermore, she shall invite and answer questions as to the procedure to be followed in the ballot and the correct method for casting a valid vote until he is satisfied that such procedure and method are clearly understood.

**1.4.4** - The Returning Officer shall then proceed to issue the ballot papers to the designated representatives of Members of the Sectoral Working Groups present at the meeting or their proxy.



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The Secretary General of the Chamber shall assist her in establishing the credentials of any person applying for a ballot paper and shall ensure that a register of Members of the Sectoral Working Group in good standing and entitled to vote and of their designated representatives has been approved by the Executive Committee in advance of the Annual General Meeting and is available for the Returning Officer's use at the Annual General Meeting.

The Returning officer shall also cause a record to be kept of the names of those to whom ballot papers are issued (provided that nothing shall compromise the secrecy of the Ballot) and the number of ballot papers issued.

**1.4.5** - After the completion of the issuing of the ballot papers, the Returning Officer shall allow voters adequate time to fill out their ballot papers. Following this she shall collect the papers, announce the closure of the poll, adjourn the meeting and retire to count the votes.

**1.4.6** - The Returning Officer shall be assisted in the counting of votes by the Secretary General and up to three members of the Secretariat who are not themselves candidates in the election.

The Returning Officer shall first scrutinise the ballot papers to ensure that they are legitimate and bear her signature, then count the number of legitimate papers and compare this with the record of the number of ballot papers issued.

Following this, she shall proceed to count the votes in each contested category in the following order: President, Vice Presidents, Treasurer. The Returning Officer shall count the votes cast for each candidate in a category in accordance with the procedures and electoral system laid down for each category in the Articles of Association (Article 10) and this By-Law.

If there is any doubt as to the validity of a vote cast or doubt as to the intention of the vote, the Returning Officer may discuss this with those assisting her in the conduct of the count, but her interpretation of the provisions of the Articles of Association and of this By-Law shall be final.

**1.4.7** - Following the scrutinising, counting and checking of the votes, the Returning Officer shall reconvene the Annual General Meeting and announce the results of the election.

In announcing the results for each category, she shall declare the number of ballot papers issued, the number returned, the number of incorrectly marked or spoiled papers and the number of votes cast for each candidate in each round (where appropriate) as well as the name(s) of the candidate(s) elected in each category.

**1.4.8** - Where the Returning Officer finds evidence of serious irregularity she shall draw this to the attention of the Annual General Meeting. If she deems the irregularity sufficiently serious, she may at any point up to the declaration of the result halt the process of election and direct that a new ballot or election be held.



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### **1.5 COMPLAINTS**

A candidate or Member of the Sectoral Working Groups having a complaint about the conduct of the election may file a written complaint or allegation within seventy two (72) hours of the close of the Annual General Meeting at which the result of the election is declared. Such complaint or allegation shall be addressed to the Executive Committee of the Chamber.

The Executive Committee shall then appoint an Election Tribunal to investigate any complaints or allegations received. Such Election Tribunal shall normally be chaired by a former President of the Chamber and have two other members who shall normally be Members of the Sectoral Working Groups who have previously served but are not currently serving on the Executive Committee of the Chamber.

The Election Tribunal shall meet to consider the complaints or allegations, investigate them, prepare a report on their veracity and the propriety of the conduct of the elections and recommend that the result of the election to any or all categories be upheld or set aside and a new election called. It may also make recommendations on sanctions or punishments to be imposed on those it considers to have behaved improperly in the conduct of the elections.

This report shall be submitted to a General Meeting of the Chamber, which shall decide by resolution to accept or amend the conclusions and recommendations of the Election Tribunal's report

### **1.6 OTHER MATTERS**

This By-law is promulgated to regulate the conduct of elections for President, Vice President and Treasurer at the Annual General Meeting. The broad principles and procedures defined herein and in the Articles of Association shall be applied as far as possible in the conduct of local elections.