



SOFTBALL ASIA

ELECTIONS BY-LAWS

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(As at 16 November 2021)

ELECTIONS BY-LAWS

BY-LAW 1: GENERAL

- 1.1 Pursuant to Articles 7.8.10 and 9.4 of the Softball Asia (SA) Constitution, and **Subject Always** to By-Law 12 (Vacancy) of these Election By-Laws, the election of the office-bearers of the SA Executive Council (EXCO) shall be held every four (4) years.
 - 1.1.1 In the past, such elections have been held every four (4) years, on the year the main Asian Games were held, on a date after the completion of the Asian Games in that year. For example, the election of the officers of the SA EXCO for the term 2018 – 2022 was held in 05 December 2018, after the completion of the Asian Games Jakarta-Palembang 2018 (19 – 24 August 2018).
 - 1.1.2 An election may take place at any other Congress should a vacancy arise.
- 1.2 In furtherance of the Articles of the SA Constitution, these Elections By-laws outline the process and procedures for the elections of the SA EXCO and shall be under the control of the Election Commission to be appointed at the start of the Elective Congress concerned as follows, and such Election Commission shall apply the SA Constitution and these Elections By-Laws strictly.
 - 1.2.1 The Election Commission, shall comprise of the following three (3) persons:
 - 1.2.1.1 One person as the Chair of such Election Commission; and
 - 1.2.1.2 Two (2) persons as Election Commission Members.
 - 1.2.2 The Election Commission Members shall be elected by the Accredited Delegates of that Congress by a simple majority vote of the Accredited Delegates eligible to vote. The Election Commission Members need not be Accredited Delegates but must be persons in compliance with By-Law 1.2.3 of these Election By-Laws.
 - 1.2.3 Any SA Ordinary Affiliate-Member in good standing may nominate not more than one (1) nominee, and the nominee does not have to be from its own Affiliate-Member-Federation to the Election Commission.
 - 1.2.3.1 The nominees shall not be any of the candidates standing for election for any position on the SA EXCO, and shall be from a country/territory that does not have any candidate standing for such election.
 - 1.2.3.2 There shall not be more than one (1) elected Election Commission Member from any one country/territory.
 - 1.2.4 In the event of a tie in the voting process for any of the Election Commission Members, By-Law 7.1.1 of these Election By-Laws shall apply.
- 1.3 Any dispute in regard to the interpretation of these Elections By-Laws, as it affects the “specific moment of the elections” (that is, from the moment of the actual distribution of ballot papers to immediately after the announcement of the vote count), shall be determined by the Election Commission.
 - 1.3.1 An SA Affiliate-Member eligible to vote may appeal a decision of the Election Commission in regard to the interpretation of matters during the “specific moment



of the elections” to the SA Congress or SA Extraordinary Congress at the particular time.

- 1.3.2 No other appeal shall be permitted at that particular moment concerning the election process and procedure.
- 1.4 Subject to By-Law 1.3 of these Elections By-laws, an SA Affiliate -Member eligible to vote may appeal the decision of the Election Commission in regard to the interpretation of these Election By-laws by appealing to the World Baseball Softball Confederation (“WBSC”). By the mere fact of participating in the election process, the SA Affiliate-Member shall be deemed to have accepted the competence of the WBSC, excluding all recourse to ordinary courts or any other organisation or body.

BY-LAW 2: POSITIONS CONCERNED BY ELECTIONS

- 2.1 Pursuant to Articles 7.9 and 9.1 of the SA Constitution, the positions of the SA EXCO that are subject to election in accordance with the SA Constitution and these Elections By-laws are as follows:
 - 2.1.1 One (1) Chairman.
 - 2.1.2 One (1) President.
 - 2.1.3 One (1) First (1st) Vice President.
 - 2.1.4 Five (5) Vice Presidents.
 - 2.1.5 One (1) Secretary General.
- 2.2 In the SA EXCO, the following are the positions that are subject to be ratified in accordance with these Elections By-laws:
 - 2.2.1 One (1) Male Athletes Representative, elected by the athletes at any SA Asia Cup Men Softball (senior) tournament; and
 - 2.2.2 One (1) Female Athletes Representative, elected by the athletes at any SA Asia Cup Women Softball (senior) tournament.

BY-LAW 3: NOMINATIONS

- 3.1 Pursuant to Articles 7.6 and 7.9 of the SA Constitution, the SA Secretary General shall send out the notice of the Congress and notice to inform all the SA Affiliate-Members of the positions that are due for election not later than ninety (90) days (unless otherwise decided by the EXCO) prior to the scheduled opening date of the Congress and shall invite nominations for those positions. The notice shall clearly specify the closing date and time for nominations, which shall be no later than forty-five (45) prior to the scheduled opening date of the Congress.
- 3.2 In regard to the calling of nominations, the following shall be the nomination process and procedure:
 - 3.2.1 An SA Ordinary Affiliate-Member must be in good standing to have the right to nominate candidates for any elected position. To be in good standing, an Affiliate-



- Member must be a current Ordinary Affiliate-Member with no fees or dues outstanding prior to, and for, the year of the elections, or have a prior written agreement with the SA concerning the payment of outstanding fees or dues. Further, such Affiliate-Member must not be under suspension or disqualification.
- 3.2.2 An SA Ordinary Affiliate-Member in good standing may make nominations for more than one position, and all nominees must be from an SA Ordinary Affiliate-Member in good standing.
- 3.2.3 **Subject Always** to By-Law 3.3 of these Election By-Laws, all nominations must be in writing. Each nomination must comply with the following:
- 3.2.3.1 Clearly state the position or positions for which a person or persons is/are being nominated.
- 3.2.3.2 State the name of the nominating SA Affiliate-Member.
- 3.2.3.3 Be signed by the president and secretary of the nominating SA Affiliate-Member, and its official stamp or seal must be affixed on the nomination form.
- 3.2.4 Each nomination assumes that the person being nominated is willing to be elected and will abide by the SA Constitution, Rules and Regulations, and By-Laws, both during the election process, and in the event of that person being elected.
- 3.2.5 Pursuant to Article 7.9 of the SA Constitution, an SA Ordinary Affiliate-Member shall give notice of nomination(s) for candidacy to the SA EXCO for election, by mailing the same to the Secretary-General, not later than forty-five (45) days prior to the scheduled opening date of the Congress.
- 3.2.5.1 For the respective positions of the Chairman, President, First Vice President and Secretary General, an SA Ordinary Affiliate-Member may nominate only one (1) candidate from any SA Ordinary Affiliate-Member for each of the positions.
- 3.2.5.2 For the five posts for the position of Vice President, an SA Ordinary Affiliate-Member may nominate only one (1) candidate from its own country or territory. It may also, if it so wishes, nominate any additional candidate(s) from any other country or territory from any other SA Ordinary Affiliate-Member(s) but the maximum number of candidates nominated by any one SA Ordinary Affiliate-Member shall be five (5).
- 3.2.6 Pursuant to Article 9.2 of the SA Constitution, the elected Chairman, President and any of the Vice-Presidents, including the First Vice President, must not be from the same country or territory of any SA Affiliate-Member.
- 3.3 In any of the following case:
- 3.3.1 Where an elected office of the SA EXCO is vacated after nominations close and before the start of the elections for that position at the Congress; and/or
- 3.3.2 No nomination is received for any of the positions in accordance with the SA Constitution and these Election By-laws; or
- 3.3.3 Where a nominee withdraws his or her nomination;



thereby resulting in no nomination existing for a particular position, the Chair of the Election shall call for and accept nomination(s) for such position from the floor of the Congress. An individual may be nominated for a position only by an SA Ordinary Affiliate-Member in good standing and only an Accredited Delegate can make such nomination. More than one (1) nomination may be made and accepted for a position. Once nomination(s) for that position has/have been received from the Congress and such nomination closes, the election procedure outlined in these Election By-laws shall continue.

- 3.4 If no individual receives the required majority of votes cast after exhaustion of the process set out in By-Law 6 (The Voting Procedure) of these Elections By-Laws, and there is no additional nomination from the floor, then the Election Commission shall declare that position vacant and that position shall be filled as provided for in By-Law 12 (Vacancy) of these Elections By-Laws.

BY-LAW 4: PRELIMINARY PROCESS PRIOR TO THE ELECTIONS

- 4.1 The SA Elective Congress shall elect the positions for the SA EXCO as stated in By-Law 2.1 of these Elections By-Laws in accordance with the following election process:
- 4.1.1 The presiding Chair of the Elective Congress shall declare “vacant”, all positions on the SA EXCO and its members shall vacate the official table/dais.
 - 4.1.2 Thereafter, the Chair of the Election Commission shall take control of such Elective Congress for the period of the election process.
 - 4.1.3 The Chair of the Election Commission shall confirm the number of SA Ordinary Affiliate-Members that are present and eligible to vote in accordance with the SA Constitution and these Elections By-Laws, and shall explain the election procedure to the delegates of such Elective Congress.
 - 4.1.4 All positions to be elected shall be elected by secret ballot in the order of precedence as outlined in By-Law 2.1.
- 4.2 The Election Commission shall conduct the elections in the following manner:
- 4.2.1 Where the election is for a single position, such as for each of the respective positions of Chairman, President, First (1st) Vice President and Secretary General, the election for each position shall be conducted one at a time, and each election process for each position must be completed prior to proceeding with the election for the next position.
 - 4.2.2 Where there are more than one (1) post in any position, such as for the five (5) posts for the position of Vice President, the election for such position for all the available posts shall be conducted simultaneously, with the persons securing the highest number of votes in sequence being deemed elected to fill the number of available posts, such as the first five (5) persons with the most number of votes secured being elected to fill the five (5) posts for the position of Vice President.
 - 4.2.3 The Election Commission shall ensure that there is a location in the meeting room where there is at least one (1) private voting position where the Accredited Delegates may complete their respective ballot paper in total privacy prior to submitting their ballot paper in the appropriate ballot box under the control of the Election Commission.



BY-LAW 5: ELIGIBILITY TO VOTE

- 5.1 In order to be eligible to vote, an SA Ordinary Affiliate-Member must be present (through the representation by an Accredited Delegate) and in good financial standing in accordance with By-Law 3.2.1 of these Elections By-Laws.
- 5.2 Each SA Ordinary Affiliate-Member present and eligible to vote shall designate only one (1) Voting Accredited Delegate prior to the start of the Congress. Each SA Ordinary Affiliate-Member shall be entitled to only one (1) vote for each post. For the avoidance of doubt, where there is more than one (1) post in any position, such as for the five (5) posts for the position of Vice President, the SA Affiliate-Member may vote up to but not more than five (5) candidates to such fill such posts in such position.

BY-LAW 6: THE VOTING PROCEDURE

- 6.1 The following voting procedure shall apply in each and every position to be elected on the SA EXCO at the Congress:
 - 6.1.1 The Chair of the Elections Commission shall announce the election of each position, for example, "*Election of the President*".
 - 6.1.2 The Election Commission shall ensure that the meeting room is secure, with no person or delegate being allowed entry or exit during the entire voting procedure and process for that particular position.
 - 6.1.3 He/she shall read aloud the list of candidates nominated for that particular position and shall display the list in writing on a large display board in alphabetical order of surname.
 - 6.1.4 He/she shall permit each of the candidates not more than five (5) minutes to address the delegates of the Congress. The content of the candidate's speech/address must not contain any political statement or remark, or any statement or remark that is defamatory or derogatory of any person or organisation.
 - 6.1.5 In the case where there is more than one (1) nomination made for a position, the following voting procedure shall take place:
 - 6.1.5.1 He/she shall ensure that the ballot paper to be distributed shall have the surname of each candidate listed in alphabetical order as it appears on the display board.
 - 6.1.5.2 He/she shall read aloud, in alphabetical order, each of the SA Affiliate-Member that is present and eligible to cast a vote and the Voting Delegate for that SA Affiliate-Member shall collect the ballot paper from the Chair of the Election Commission.
 - 6.1.5.3 The Voting Delegate shall then proceed to the voting post and complete the ballot paper by placing a cross ("X") or tick ("√") in the box corresponding to the person for whom the SA Affiliate-Member wishes to vote.
 - 6.1.5.4 The Voting Delegate shall then return and submit the ballot paper into the ballot box. The ballot box shall be under the complete control and



supervision of the Election Commission.

- 6.2 A ballot paper shall be declared invalid by the Election Commission in any one or more of the following cases:
 - 6.2.1 In the case where there is only one (1) post for the position, more than one (1) cross (“X”) or tick (“√”) appears on the ballot paper, indicating more than one (1) person to be elected, or if it does not clearly indicate the single candidate for whom the delegate wishes to vote for.
 - 6.2.2 In the case that there is more than one (1) post for the position, such as for the five (5) posts for the position of Vice President, more than the available number of crosses (“X”) or ticks (“√”) appears on the ballot paper indicating more than available number of person(s) to be elected, such as more than five (5) for the Vice President position, or if it does not clearly indicate the number of candidates for whom the delegate wishes to vote for. For the avoidance of doubt, a delegate may vote for less than the maximum number of posts available for that position, such as, he/she may vote for less than five (5) candidates for the position of Vice President.
 - 6.2.3 The ballot paper bears marks or erasures or deletions of such nature as to prevent the Election Commission from clearly determining the person (in the case of a single position) or persons (in the case of more than one (1) post for a position, such as for the five (5) posts for the position of Vice President) for whom the delegate intended to vote.
 - 6.2.4 The ballot paper bears marks or words identifying any person or any SA Affiliate-Member casting or deemed casting the vote.
- 6.3 At the conclusion of the process stated above for a particular position, the Election Commission shall declare the voting procedure for that particular position closed, and shall proceed to the counting of all votes cast, and thereafter, the announcement of the result of that election in accordance with By-Law 7 of these Elections By-Laws.
- 6.4 Under no circumstances shall the meeting room of the Congress be opened to allow entry or exit of any person or delegate until the entire election process and procedure, including the counting of all votes cast and the announcement of the result of the elected candidate(s), has been completed.
- 6.5 In the case where there is no nomination for a position or where the person nominated has withdrawn his/her nomination at any time prior to the start of the voting process stated in By-Law 6.1.3 of these Elections By-Laws, thereby resulting in no nomination existing for a particular position, then By-Law 3.3 of these Elections By-Laws shall apply.

BY-LAW 7: COUNTING OF THE VOTES

- 7.1 After the voting procedure for each position has been completed, the Election Commission shall proceed to count the votes cast for that position before proceeding with the voting procedure for the next position. The following shall apply to the votes counted:
 - 7.1.1 If the voting is for a single position:
 - 7.1.1.1 If a candidate obtains an absolute majority of valid votes cast, that is, more



- than 50% of the votes cast, that person is elected.
- 7.1.1.2 If no candidate wins an absolute majority at the first vote, the candidate with the least number of votes shall be deleted from the list of candidates, and the voting procedure under By-Law 6 of these Elections By-Laws shall be repeated until such time as only one (1) candidate receives an absolute majority.
- 7.1.1.3 In the case where there are four (4) or more candidates, and two (2) of them receive an equal number of votes in the last position, then those two (2) candidates shall be deleted from the list of candidates, and the voting procedure shall be repeated until such time as only one (1) candidate receives an absolute majority.
- 7.1.1.4 In the case where there are three (3) candidates, or only three (3) candidates are remaining, and two (2) of them receive an equal number of votes in the last position, then a further vote under the voting procedure shall be held between these two (2) candidates that finished equally last, to determine which one (1) of these candidates shall be deleted.
- 7.1.1.5 If, after the second vote, the vote remains tied, the Election Commission shall call for a recess of the Congress for not less than fifteen (15) minutes, after which a third vote and the voting procedure shall be repeated until one (1) candidate receives an absolute majority.
- 7.1.1.6 If after a third vote, the number of votes remains tied, the Election Commission shall determine the matter by the toss of a coin conducted by the Chairman of the Election Commission. **HOWEVER**, for the election of the President only, if after the third vote, the number of votes remains tied, the voting procedure shall be repeated until one (1) candidate receives an absolute majority; and for such subsequent processes, the Election Commission may, in its absolute discretion, call for any one or more recess(es) of the Congress for such duration(s), as it shall deem appropriate.
- 7.1.2 If the voting is for a position with more than one (1) post, such as for the five (5) posts for the position of Vice President:
- 7.1.2.1 The number of candidates equal to the number of posts available, such as five (5) posts for the position of Vice President, each obtains an absolute majority of valid votes cast, that is, more than 50% of the votes cast, all those persons are elected for each such post of the position.
- 7.1.2.2 If the number of candidates each obtaining an absolute majority does not equal to the number of posts available, such as five (5) posts for the position of Vice President, then:
- (i) The candidate(s) with the absolute majority shall be elected for each such post of the position;
 - (ii) For the remaining candidates who have not received the absolute majority, those candidates with the least number of votes shall be deleted from the list of candidates, and the voting procedure shall be repeated for that number of posts which did not meet the absolute



majority at the first vote, until such time as such number of candidates equal to such number of available posts, each receives an absolute majority.

- (iii) In the case where there are six (6) remaining candidates, and two (2) of them receive an equal number of votes in the last position, then a further vote under the voting procedure shall be held between these two (2) candidates that finished equally last, to determine which one (1) of these candidates shall be deleted.

7.1.2.3 If, after the second vote, the vote remains tied, the Chair of the Election Commission shall call for a recess of the Congress for not less than fifteen (15) minutes, after which a third vote under the voting procedure shall be repeated until such number of candidates equal to the number of posts available, each receives an absolute majority.

7.1.2.4 If after a third vote, the number of votes remains tied, the Election Commission shall determine the matter by the toss of a coin conducted by the Chair of the Election Commission.

7.2 When a candidate or candidates has/have received the absolute majority of votes, the results shall be publicly announced by the Chair of the Election Commission, who shall record the number of votes cast and received, and certify each result accordingly.

7.3 It is only after the announcement of the results of the person or persons properly and duly elected for each of the positions, that the meeting room may be opened for the entry or exit of any person or delegate.

7.4 For a single position, where there is only one (1) candidate, or where the number of posts available for a position, such as for the five (5) posts for the position of Vice President, equal to the number of candidates nominated, such single candidate (for a single position) or candidates (where there is more than one (1) post for that position, such as for the five (5) posts for the position of Vice President), that/those candidates is/are elected. In such a case(s), the Chair of the Election Commission shall request an open vote by acclamation of the Congress for the record and shall declare the candidate(s) elected.

8. OATH OF OFFICE

8.1 At the conclusion of the election process for all the positions to be elected, the elected SA EXCO members shall swear the Oath of Office and take his/her respective position immediately on the table/dais. No person elected may take his/her position on the SA EXCO unless that person has taken the Oath of Office.

8.2 If a person elected to a position on the SA EXCO is not present at the Congress, he/she must take the Oath of Office at the SA Secretariat Office or prior to the start of the next EXCO Meeting, in the presence of the SA President and one (1) other SA EXCO Member as witnesses.

8.3 If the Oath of Office is not taken within a period of one (1) year of the election taking place, the position shall be declared vacant and another election for that position shall be held in



accordance with these Election By-Laws.

8.4 The Oath of Office shall be as follows:

“I, (name of person), having been duly elected by this Congress, accept the duties and responsibilities of that position and swear to carry out the letter and spirit of the Softball Asia Constitution, its By-Laws, rules and regulations with integrity and loyalty.”

9. TERM OF OFFICE

9.1 All the elected positions on the SA EXCO, including the Athletes’ Representatives, shall be for a period of four (4) years, commencing immediately after the elections have been concluded and ceasing immediately prior to the next elections being held, unless such term of office is extended for such period as may be approved by a subsequent SA Congress.

9.2 The term of office shall only be reduced by the resignation of the elected individual SA EXCO member or through the removal of such elected EXCO member in accordance with the SA Constitution and By-Laws.

10. ATTENDANCE AT MEETINGS

10.1 In the event any SA EXCO member fails to attend two (2) consecutive SA EXCO meetings without such absence being excused by the SA EXCO, such absent SA EXCO member shall be deemed to have resigned from his/her position on the EXCO with immediate effect from the date of the second meeting.

11. SUSPENSION FROM OFFICE

11.1 Any SA EXCO member may be suspended from his/her position on a vote of not less than two-thirds (2/3) of the SA EXCO members present at a duly constituted SA EXCO meeting. The affected SA EXCO member is not eligible to vote of such suspension.

11.2 Prior to the SA EXCO considering the suspension of any SA EXCO member, the procedures set out in the WBSC Disciplinary By-Laws regarding Disciplinary Matters affecting an individual person shall be instigated.

11.3 An SA EXCO member may be removed on any one or more of the following grounds:

11.3.1 Failure to properly discharge his /her duties under the SA Constitution, By-Laws, rules and/or regulations.

11.3.2 The conviction of any criminal offence in any country or territory that would result in the imposition of a monetary fine or a term of imprisonment,

11.3.3 He /She is adjudicated a bankrupt or insolvent in any country or territory, or is disqualified as a director of any company in any country or territory.

11.3.4 The commission or omission of any act or thing that brings Softball Asia, the WBSC and/or Softball into disrepute.



- 11.3.5 The physical or mental incapacity of the individual concerned.
- 11.4 The person subject to removal from the SA EXCO shall be timely notified, but in any event not less than seven (7) days of receipt by the SA Secretariat, of the receipt of any such motion for removal.
- 11.5 In the case of a removal, the provisions for the election of individuals in the event of vacancy under these Elections By-Laws shall apply.
- 11.6 In the case of suspension, the individual shall be suspended from all activities and events as regards his/her position, and may not take part in any activities, events, deliberations or discussions of or related to Softball Asia, of the SA EXCO, SA Committee, SA Commission, SA Sub-Committee, SA Sub-Commission or SA Working Group, in accordance with the terms of the suspension.

BY-LAW 12 : VACANCY

- 12.1 In the event that a member of the SA EXCO, including the Athletes' Representatives, resigns, dies, or is deemed to have resigned, or is removed from office, the SA EXCO may, in its absolute discretion, and except in the case of the vacancy of the position of the President as provided in By-Law 13 in these Elections By-Laws, decide to appoint another person from within or outside the SA EXCO itself, to fill the position vacant if it is important that such a position is filled.
- 12.2 Should a person from within the SA EXCO be appointed to fill another vacancy within the SA EXCO, such a person shall only have one (1) vote, even if that person occupies two (2) positions. Should a person from outside of the SA EXCO be appointed to fill a vacancy, such appointed person shall have no vote.
- 12.3 If the SA EXCO determines that the position need not be filled, the position can remain vacant, and an election for that position shall be held in accordance with these Elections By-Laws at the next SA Congress.
- 12.4 If, in the course of his/her term of office, a particular Athletes' Representative loses his/her position in the SA EXCO, the SA EXCO may decide on a mechanism, if possible and necessary, for the eligible athletes to elect a replacement(s). In such a case, the replacement Athletes Representative elected shall serve until the end of the term of office for which the replaced person has been elected and shall have a vote.

BY-LAW 13: VACANCY OF THE POSITION OF THE SA PRESIDENT

- 13.1 In the case the position of the SA President becomes vacant, then the SA First Vice President shall become the Acting President.
- 13.2 In this situation, the Acting President shall act as follows:
- 13.2.1 In the case where there is nine (9) months or less to the end of the term of the then EXCO, the Acting President shall so serve until the end of the term of that EXCO.



13.2.2 In the case where there is more than nine (9) months to the end of the term of the then EXCO, the Acting President shall take all the necessary steps to call for an Extraordinary Congress to be held within one hundred and fifty (150) days of the position becoming vacant, to elect the SA President in accordance with these Elections By-Laws.

13.3 The Acting President shall retain his/her original position, and shall have only one (1) vote with the EXCO. In the case of a tied vote, the Acting President shall have the casting vote.
