



THE FEDERATION OF KHOJA SHIA ITHNA ASHERI JAMAATS OF AFRICA

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In the name of Allah, the most gracious, the most merciful

Standard Operating Procedures for function of the Electoral Commissioner and for the conduct of elections in The Federation of Khoja Shia Ithna Asheri Jamaats of Africa

As Adopted at the 77th Supreme Council Session held in Dar-es-Salaam on
12th December 2015 and effective from the same date

Vision Statement:

To cater for the religious and social needs of our community in Africa through greater coordination and participation of the Member Jamaats and the Territorial Councils of the Indian Ocean Islands of Madagascar and Reunion thereby identify and create opportunities for the development through strategic and forward planning with structured frame work to achieve our objectives.

A. INDEX:

1. Introduction
2. Duties and Workings of the Electoral Commissioner
3. Electoral and Appeal Process
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B. DEFINITIONS

Following definitions shall be in use in this document:-

1. The Federation of Khoja Shia Ithna-Asheri Jamaats of Africa hereinafter referred to as – **AFED or the Federation**
2. The Chairman of The Federation of Khoja Shia Ithna-Asheri Jamaats of Africa hereinafter referred to as – **the Chairman**
3. The Secretariat of the Federation of Khoja Shia Ithna-Asheri Jamaats of Africa hereinafter referred to as - **the Secretariat**
4. The Constitution of the Federation of Khoja Shia Ithna-Asheri Jamaats of Africa hereinafter referred to as – **the Constitution**
5. The Standard Operating Procedures hereinafter referred to as – **SOP**
6. The Electoral Commissioner hereinafter referred to as – **the Commissioner**
7. Constituent Jamaat(s) under AFED hereinafter referred to as – **Jamaat(s)**
8. Conseil Regional of Madagascar and Reunion Association hereinafter referred to as - **the Territorial Councils**

C. NOTES:

1. As per clause 2 of the Constitution, for avoidance of doubt, where the context so admits, the term "Jamaat" and /or "Constituent Jamaat" shall include the Territorial Councils.
2. This document must be read in conjunction with the AFED Constitution as amended by the Triennial Conference in April 2016.

1. Introduction

- 1.1 The Commissioner shall have been elected at a Triennial Conference with the sole purpose of calling, supervising and monitoring all elections for the elective posts in the Federation as stated in Article 38 (a) of the Constitution.
- 1.2 The purpose for this Document is to set out Procedures and Guidelines for the function of the Commissioner and other relevant processes for the conduct of elections of the elective posts in the Federation and declaration of results as stated in Article 38 (b) of the Constitution and shall be subject to adoption by the Supreme Council. All definitions under the Constitution shall apply to this document.
- 1.3 The said Procedures and Guidelines shall be known as Standard Operating Procedures (SOP) and shall take effect upon adoption by the Supreme Council.

2. The Duties and Working of the Electoral Commissioner

- 2.1 The objective of the Commissioner will be ensuring smooth and fair running of the electoral process consistent with his duties as set out in the Constitution, and he shall be accountable to the Supreme Council in aspects of the application and completion of the electoral process set out in this document.
- 2.2 The Commissioner will call, supervise and conduct elections of all the elective posts of AFED.
- 2.3 The Commissioner's term of duties shall end on the election of new Electoral Commissioner. The incumbent Commissioner is eligible for re-election.

3. The Electoral Process

- 3.1 The Hon Secretary shall announce the date of the ensuing Triennial Conference at least 120 days prior to the date of the Conference.
- 3.2 At least 4 [four] months before the date of the ensuing Triennial Conference as set by the Hon Secretary the Commissioner will invite all Jamaats for nominations of a candidate for the post of the Chairman as defined in Article 13 of the Constitution.
- 3.3 A Candidate for the post of Chairman must be a registered member of a Jamaat and must have been nominated by one or more Jamaats.
- 3.4 The Commissioner must receive written nominations at least 75 (Seventy-Five) days from the date of the ensuing Triennial Conference. Such nominations must be accompanied by a signed and unconditional consent letter from the nominated candidates.

- 3.5 If no nominations are received within the period prescribed in 3.3 above, then the process as set out in Article 14 of the Constitution will take effect.
- 3.6 If only one nomination is received, then the Commissioner shall declare such nominee elected soon after the closing date for the nominations as stated in Article 13 of the Constitution.
- 3.7 If more than one eligible nomination is received, the Commissioner will activate the electoral process within 7 [seven] days after the closing date for the nominations.
- 3.8 Upon activation of the electoral process, the Commissioner will send to all Jamaats the requisite number of ballot papers based on the eligible voters' list provided by the Jamaat.
- 3.9 The casting of votes (voting) will take place in all Jamaats on 1 [one] day only such as shall have been set by the Commissioner at least 45 [forty-five] before the date of the Conference.
- 3.10 In the event of a major natural disaster taking place on the selected polling day in a Jamaat rendering it impossible to conduct voting, the Commissioner may allow the voting date within the Jamaat affected to be postponed to another day, not later than 7 [seven] calendar days from the original date for voting. Such confirmation must be sought from the Commissioner in writing, prior to the postponement
- 3.11 The respective Secretariat of Jamaats or their official appointees will oversee the polling process of Chairman's Election and will be responsible for the counting of the ballots and announcing the results locally at the polling venue immediately following completion of the polling exercise.
- 3.11 Proxy voting shall not be permitted.
- 3.12 The polling results at each Jamaat shall be notified by electronic mail or fax to the Commissioner earlier within 48 [forty-eight] hours of the polling taking place.
- 3.13 The original ballot papers used to cast the votes and the eligible voters list along with the result notification signed by the Secretary or the President of the Jamaat, in the absence of the former, must be dispatched to the Commissioner at the Secretariat's address within 48 [forty-eight] hours of the polling taking place.
- 3.14 The Commissioner shall proportionally distribute votes cast at each Jamaat in favour of each candidate according to the delegate count of that Jamaat, and collate the total number of the proportional delegate count of each candidate and declare elected as Chairman, the candidate who receives the larger or largest number of the total delegate count of all the Jamaats. The proportional delegate count shall not be rounded up or otherwise

3.15 If the Commissioner determines any serious voting irregularities whether through a candidate, Jamaat or otherwise; he will then within 24 [twenty-four] hours inform the Secretariat and may annul the polling results of any Jamaat and either excludes the result from the counting of votes or get the Jamaat to re-vote if it is desirous of doing so.

Appeal process

- a) Any complaints of irregularity of whatever form must be in the first instant brought to the attention of the Commissioner in writing within 72 [seventy-two] hours of the completion of the voting in question.
- b) On receipt of such a complaint, the Commissioner will appoint a panel of up to three independent arbitrators **acceptable to the complaints** within 96 [ninety-six] hours of receipt of the complaint and ask the parties concerned to sign a declaration accepting to be bound by the decision of the panel of arbitrators and to refrain from public statements thereafter. No retorts shall be responded to by either party under any circumstances, be it provoked or otherwise. The parties will also confirm their email and fax contacts to which correspondence sent will be deemed to have been received by them subject to any evidence to the contrary.
- c) From the point of filing the original complaint stated in (a) hereabove, the party would have 72 [seventy-two] hour to submit their evidence and arguments in support of their complaint and the remedy they seek.
- d) The panel of arbitrators would within 72 [seventy-two] hours of receiving this submission shall decide if there is a genuine issue in which case the submissions of the complainant would be forwarded to the second (or more if applicable) party to present their position with regard to the complaints made including any evidence and/or substantiation within another 72 [seventy-two] hours from the time of the Arbitrator(s) invitation.
- e) The complainant would then have 72 [seventy-two] hours to reply to the other parties' submissions. A copy of which will be provided by the panel of arbitrators to the other party. The panel of arbitrators will then issue a written award within 5 [five] days of closing the Arbitration process and forward this to the Commissioner and all the parties to the Arbitration.
- f) At any point after receiving the other parties' reply submission to the complainant's original submissions, the panel of arbitrators may, in the interest of amicably resolving the matter and at their sole discretion, choose to bring both parties together, either physically or otherwise as appropriate and agreed by all the parties, to seek further clarification and resolution of the matter before them.
- g) The Arbitrators will limit themselves to issues pertaining to the complaint received and specifically exercise jurisdiction only over the matter placed before them.

4. The Electoral Register

- 4.1 It will be the responsibility of the Jamaat to provide the Commissioner with the eligible voters' list at least 100 [one hundred] days prior to the date of the ensuing Triennial Conference. The criteria for the eligibility of the voters' in the list shall be the same as those apply in the Jamaat for election of its President or Chairman as the case may be.
- 4.2 The Commissioner may at its sole discretion undertake a validation of such lists and the criteria for the eligibility of voting in respect of any Jamaat by raising and sending written inquiries to the Jamaat concerned and seek clarifications such as may be satisfactory to the Commissioner. In the event of any dis-satisfaction the Commissioner shall give decision of remedial or rejection.
- 4.3 All information sought and received by the Commissioner on the respective Registers will be confidential for the Commissioner and shall constitute the records of the Secretariat upon the completion of the term of the Commissioner.

5. Miscellaneous

- 5.1 The Commissioner shall be at liberty at any time to seek assistance of the Secretariat from time to time to assist him with planning administrative duties.
- 5.2 The Commissioner's address will be the same as that of the Secretariat.
- 5.3 Whilst utilizing the facilities provided by the Secretariat, the Commissioner will at all times maintain his independence within the bounds of SOP.
- 5.4 The Commissioner will be responsible for all his correspondence and maintain records thereof.
- 5.5 The Commissioner shall issue general guidelines on the election campaign to the Constituent Jamaats and the candidates.

