



## **ELECTORAL COMMISSION**

### **REPORT - MAY 2022**

The Electoral Commission (hereafter ELC) held an on-line meeting on 21<sup>st</sup> of May 2022.

The meeting was attended by all members of the ELC: Roberto Rivello (chairman), Francois Strydom and Lakhdar Mazouz.

The following points were inserted in the agenda, discussed and decided by the ELC.

#### **I) Calendar of the ELC meetings**

Considering the competences that the FIDE Charter and the Electoral Rules attribute to the ELC, some of them requiring the respect of specific procedures and given deadlines, the ELC decides to schedule the following meetings:

- Tuesday 7<sup>th</sup> of June 2022, on-line meeting, 5.00 PM CET (Lausanne) time (focused on the approval both of valid Presidential candidacies and of the lists of Member Federations having right to vote and of suspended Member Federations, if any, together with the names of the Presidents and FIDE Delegates);
- Saturday 25<sup>th</sup> of June 2022, meeting, on-line or in presence (focused especially on the exam of received complaints, if any, regarding the eligibility of a candidate for the position of FIDE President or Deputy President);
- Saturday 9<sup>th</sup> of July 2022, on-line meeting (focused on the approval of valid candidacies for the positions of elected Vice Presidents, Zonal Presidents, members of the Ethics and Disciplinary Commission, members of the Constitutional Commission);
- Monday 25<sup>th</sup> of July 2022, on-line meeting (focused on the approval of the final list of those who are entitled to vote in FIDE elections);
- Tuesday, 2<sup>nd</sup> of August 2022, meeting in presence (focused especially on the exam of received complaints, if any, regarding the eligibility of a candidate and the right to be voted and to be elected).

In accordance with art. 12.5 of the Electoral Rules, each FIDE Continent nominates an observer and the nominated observers will be invited to participate in all ELC meetings related to submitted complaints concerning the right to vote and the eligibility of some candidates. The observers have no right to vote, nor to participate in the discussion, they can submit written notes, at any moment in the electoral period, regarding situations related to Member Federations and candidates of their Continent, they can also be consulted at any moment by the Chairman of the Electoral Commission, when deemed useful.

Therefore, regarding the on-line meeting scheduled on 7<sup>th</sup> of June 2022, nominated observers are invited to participate in the meeting and to submit, if they want, the latest on 6<sup>th</sup> of June 2022, notes regarding situations related to Member Federations and candidates of their Continent.

The following persons have been nominated by FIDE Continents as observers:

- Mr. Kezzie Msukwa, Africa;
- Mr. Darcy Lima, America;
- Mr. Rashid Alanezi, Asia\*;
- Mr. Erald Dervishi, Europe.

## **II) Preliminary exam of received candidacies**

In accordance with art. 4.2, 5.3 and 5.4 of the Electoral Rules, the ELC is competent to carry out a preliminary eligibility check on the submitted candidacies, may ask the candidate to integrate the application and/or to submit additional documents or more specific declarations and finally has the duty to approve a list of valid candidacies, that shall be published on the FIDE website and made visible and accessible to all Member Federations and to all voters.

The approval of the final lists of valid candidacies is scheduled after the deadlines for the submissions of the application forms, as mentioned above.

However, to give a support to every person who intends to present his or her candidacy in FIDE elections and to avoid possible misunderstandings of the Electoral Rules, from now and until the previewed deadlines, the ELC will periodically proceed to a very first preliminary exam of received candidacies, asking candidates to submit additional documents and more specific declarations, when necessary or useful.

To date, the ELC has received the following candidacies:

### **Candidacies for the position of FIDE President and Deputy President**

- Enyonam Sewa Fumey and Stuart Fancy, received on 8/5/22;
- Arkady Dvorkovich and Anand Viswanathan, received on 17/5/22;

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\* Communication received after the conclusion of the meeting.

- Inalbek Cheripov and Lewis Ncube, received on 16/5/22.

For one of them, the ELC advised the candidates to submit additional documents.

#### Candidacies for the position of Zonal President

- Khusan Turdialiev, Zone 3.4, received on 16/5/22;
- Shaun Patrick Press, Zone 3.6, received on 19/5/22.

Nothing was observed about these candidacies.

### **III) Different competences of the ELC and of the Constitutional Commission**

Currently, there are still some pending cases submitted to the attention of the Constitutional Commission, regarding Member Federations of Belarus, Côte d'Ivoire, Libya, Morocco, Pakistan and South Africa.

The ELC observes that the Council, following advisory opinions delivered by the Constitutional Commission, has final competence about suspensions and other sanctions against Member Federations. Therefore, the ELC has no competence about the above-mentioned pending cases, at least until the moment of the final decisions concerning the right to vote. Anyway, the strict co-operation and the regular exchange of information among the ELC, the Constitutional Commission and the Council, that are absolutely necessary, will be guaranteed by the Chairman of the two Commissions and by the FIDE Offices.

### **IV) Scrutineers**

The election of the President and of the Members of the FIDE Council shall take place at the General Assembly meeting, during the 2022 FIDE Congress. Therefore, in accordance with art. 13.1 of the Electoral Rules, the Council has to nominate 3 scrutineers and 3 substitutes, the latest on 18<sup>th</sup> of July 2022.

In the same FIDE Congress the election of some missing members of the Ethics and Disciplinary Commission and of the Constitutional Commission shall take place. Given that it will be an interim election, in accordance with art. 25 of the Electoral Rules, the Electoral Commission is competent about these elections as well and art. 12.2 of the Electoral Rules is not applicable in this case. Therefore, no other scrutineers have to be nominated by the Council.

### **V) Nominations and endorsements**

FIDE Offices submitted to the ELC the following question: Member Federations can endorse a candidate that was not nominated by them? Can a candidate for the position of FIDE President publish the number of received endorsements?

The ELC precises what follows:

- in accordance with art. 21.7 of the Electoral Rules each ticket must be endorsed by nominations from at least five Member Federations, among them at least one from each of the four FIDE Continents, but by no more than eight Member Federations in total;
- however, in accordance with art. 8.1 of the Electoral Rules, everyone and each Member Federation should have the right to endorse and support a candidacy;
- therefore, each Member Federation can endorse and support any candidacy, also concerning a candidate that was not nominated by that Member Federation;
- art. 2.6 of the Electoral Rules clarifies that the endorsement of a candidacy is possible, but without creating any undue pressure on voters and that no collective endorsements, by a group of Member Federations or by other entities are admissible;
- art. 7.2 of the Electoral Rules adds that all acts of promotion in favour of any candidacy must be carried out with honesty, dignity, moderation and respect towards the other candidates;
- art. 9 of the Electoral Rules specifies what are the behaviours of candidates that can be sanctioned;
- therefore, if the above-mentioned rules and principles are respected, a candidate can make reference to received endorsements.

#### **VI) Complaint submitted by Mr Fumey about the composition of Mr. Dvorkovic presidential ticket**

On 7<sup>th</sup> of May 2022, Mr. Enyonam Sewa Fumey and Mr. Stuart Fancy publicly announced their candidacies for the positions of FIDE President and FIDE Deputy-President respectively in the 2022 FIDE Elections.

On 12<sup>th</sup> of May 2022 Mr. Arkady Dvorkovich declared his intentions to seek re-election as FIDE President and presented the “Dvorkovich Team 2022” for the next term, consisting of Viswanathan Anand (Deputy-President), Zhu Chen (Treasurer), Joran Aulin-Jansson (Vice-President) and Mahir Mammedov (Vice-President).

On 13<sup>th</sup> of May 2022 the Fumey/Fancy candidature noted a protest with the ELC complaining about Mr. Dvorkovich’s “illegal ticket announcement”. It was pointed out that according to art. 17.2 (d) of the FIDE Charter and art. 21.1 of the Electoral Rules the Presidential ticket may consist of two people only, seeking election as President and Deputy-President. It was alleged that an announcement of a team of 5 members was not in conformity with the Electoral Rules.

On the same day, Mr. Dvorkovich sent his explanation in the form of a written response to the ELC. In essence, the argument is that a differentiation should be made between “ticket” and “team”, that the “Team Dvorkovich” include (apart from the President and Deputy-President to be elected) the candidacies for positions which the

elected President may nominate in terms of art. 17.2.f of the FIDE Charter for approval by the General Assembly and that the term “presidential ticket” was not used in relation to these nominated candidates. Mr. Dvorkovich submits it is in the interests of transparency to make known these additional names, and that his announcement of a “Dvorkovich Team 2022” is neither false, nor misleading.

Subsequently, on 17<sup>th</sup> of May 2022, official candidate applications were received by the ELC from Mr. Dvorkovich and Mr. Anand, as a joint ticket, for election as FIDE President and FIDE Deputy-President respectively.

Upon a proper consideration of the documentary evidence submitted by the parties and having regard to the relevant provisions of the FIDE Charter and Electoral Rules, the ELC unanimously decides as follows:

- The complaint is not one of alleging a breach of the campaign rules in art. 9 of the Electoral Rules, but rather a complaint that the composition of the Dvorkovich ticket does not conform to the criteria of the FIDE Charter and Electoral Rules and the ticket should accordingly be declared invalid and inadmissible.
- The Dvorkovich/Anand presidential ticket, as borne out by the official applications, indeed consists only of two candidates as required by the Rules and not the five persons described as the “Dvorkovich team”.
- The term “team” is not used in the Electoral Rules, should not be given a technical meaning and should be differentiated from the use of the term “ticket” in the context of the requirements for the elections.
- The use of the term “Dvorkovich Team” in public announcements and marketing material, referring to more people than the two official candidates for election, does not in any way constitute non-compliance with the Electoral Rules.
- However, in the light of the fact that bigger tickets participated in previous FIDE Presidential Elections (particularly the most recent elections in Baku, 2018) and voting delegates may not fully appreciate the changes brought about in this regard by the new FIDE Charter and Electoral Rules, there is a risk of potential confusion between the separate meanings of the concepts of “ticket” and “team” in the context of the FIDE elections – as illustrated by the present complaint.
- Accordingly, the Dvorkovich / Anand ticket is advised and requested to properly differentiate in the further publishing of marketing material between elected and nominated positions, and candidates for election and candidates by nomination.
- Save as aforesaid, the complaint is dismissed.

## **VII) Continental elections**

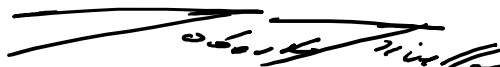
The ELC received, from the General Secretary of the Confederation of Chess for Americas, a request to examine and decide a controversial case concerning Continental Elections.

The ELC observes that, in accordance with art. 27 of the Electoral Rules, Continental elections shall be organised directly by the FIDE Continents, in accordance with their internal rules and only if they are organised without respecting the general principles listed under art. 2 of the Electoral Rules, the Council, following an advisory opinion of the Constitutional Commission, can decide to not recognise their results.

Therefore, the ELC has no competence about these cases, excepted if requested following a decision both of the competent FIDE Continent body and of the FIDE Council.

Turin, 21 May 2022

Roberto Rivello

A handwritten signature in black ink, appearing to read 'Roberto Rivello', with a stylized flourish at the end.