

## **THE EUROPEAN LAW INSTITUTE (ELI)**

### **ELI ELECTION BYELAW**

(as amended by Council Decision 2019/8 of 25 May 2019)

This Byelaw on the election of the ELI Council and Executive Committee (the Byelaw) is issued in accordance with Article 10(5), 1st sentence, of the ELI's Articles of Association (the Statute).

The Byelaw has been passed by a qualified majority. To the extent that it addresses issues already addressed in the Statute, the Byelaw shall be considered to contain an authentic interpretation of the Statute.

### **Part I: General provisions**

#### **Section 1: Scope of application**

1. The Byelaw sets out the election process of the ELI Council and Executive Committee and the procedures for the appointment of ex-officio Council members and Council members serving on standing Council committees.
2. The members of the Council, the Executive Committee, and the standing Council committees should adequately represent different legal traditions, disciplines, professions, genders and age groups (Article 10(1) of the Statute). Particular attention must be given to the extent to which an individual is prepared to actively contribute to the ELI's work.

#### **Section 2: Administration and supervision**

1. The ELI Secretariat is responsible for the preparation and administration of the election process.
2. The election process, in particular the counting of votes cast, shall be overseen by one or several ELI Fellows who are not themselves standing for election (Returning Officer(s)). The Returning Officer(s) shall be nominated by the Senate and may be member(s) of the Senate.
3. In any case of doubt, the Arbitral Tribunal shall decide on the interpretation of the Byelaw unless an authentic interpretation is given by the Council.

## **Part II: Election to the Council**

### **Section 3: Elected Council members**

1. The Council consists of at least seven and a maximum of 56 elected members, elected by the Membership (Article 10(1) of the Statute).
2. Council members serve a single four-year term. Their mandate may be renewed for a further single term (Article 10(2) of the Statute).
3. Council elections take place every second year at the ordinary meeting of the Membership, starting in 2013. Elections take place for those seats on the Council that have become vacant because a Council member's term under paragraph 2 has elapsed, or because of a Council member's resignation, dismissal, loss of capacity, or death.

### **Section 4: Standing for Council elections**

1. Any Individual ELI Fellow is eligible to stand for Council elections. Where, however, an ELI Fellow has served two consecutive terms on the Council, that Fellow may not stand again for Council elections until a period of four years has lapsed (Article 10(2) of the Statute).
2. No Fellow may be a member of the Council and of the Senate at the same time (Article 10(1) of the Statute), and acceptance of election as a Council member counts as resignation from the Senate.

### **Section 5: Nomination of candidates**

1. Each candidate must submit a nomination form containing a short curriculum vitae and statement of interest, specifying inter alia how the candidate could contribute to the aims of the ELI, together not exceeding 400 words, and a portrait photograph. After the deadline under paragraph 5 has expired the nomination forms received shall be uploaded on to an electronic platform accessible to all ELI Fellows.
2. In order to be nominated for the Council elections a candidate must be endorsed by five ELI Fellows.
3. Candidates cannot endorse their own nomination. Each ELI Fellow may endorse an unlimited number of candidates. Endorsement shall occur electronically, with the names of endorsers being visible only to the Returning Officer(s) and support staff. Once a candidate has received five endorsements this shall be made clearly visible, and no further endorsements shall be accepted for that candidate.

4. A candidate may alternatively submit a nomination form complete with five endorsements. The candidate should obtain written confirmation of the endorsements and submit them together with the nomination form to the Secretariat, which will upload the candidate's information on to an electronic platform accessible to all ELI Fellows.
5. A list with the candidates nominated under paragraphs 2 and 3 shall be published not less than two months before the elections. The full nomination forms shall remain published on the electronic platform accessible to all ELI Fellows. In addition to that, minimum information on candidates such as their name, profession, country of habitual residence, and a portrait photograph, may be published on the ELI website.
6. The Secretariat shall notify all ELI Fellows of the deadlines for submission of candidatures and their endorsement. Notification shall occur by electronic mail or other means of electronic communication not less than one month before the relevant deadline. After the deadline has passed no further nominations or endorsements shall be accepted.

#### **Section 6: Election of candidates**

1. Every ELI Fellow present at the meeting of the Membership is entitled to vote.
2. Proxy voting is possible, with the number of proxies limited to one proxy per Fellow (Article 9(6) of the Statute). Proxies have to be issued in writing and filed with the Secretariat not later than two weeks before the elections. The list of proxies will be published by the Secretariat on the electronic platform accessible to all ELI Fellows one week before the elections. If no objections are raised the published list will be deemed correct.
3. Voting occurs by ballot. Every ELI Fellow entitled to vote under paragraph 1 or 2 has a maximum of 28 votes. If there are, due to resignation, dismissal, loss of capacity, or death of Council members, more than 28 vacancies this number increases accordingly. Only one vote may be cast for each candidate.
4. The results will be counted immediately after the ballot. If two or more candidates receive the same number of votes, and not all of them can be elected because the maximum number of Council members would otherwise be exceeded, they will draw lots.
5. The elected candidates are members of the Council on the condition that they accept their election. If a candidate is not present at the elections, he or she should file their anticipated declaration of acceptance with the Secretariat prior to the elections.

### **Part III: Ex officio Council members**

#### **Section 7: Ex-officio Council members**

1. The President, the two Vice-Presidents and the Treasurer become ex-officio members of the Council from the moment they take office.
2. The Council will, from time to time, offer further ex-officio seats on the Council to persons who have been offered ex-officio membership under Article 8(3) of the Statute. Ex-officio Council members may be represented by individuals of their choice who need not be members of the ELI.
3. The maximum number of ex-officio Council members under paragraph 2 is 10 (Article 10(1) of the Statute). The Council may decide that there are permanent and/or rotating ex-officio seats on the Council.
4. For the decision on who should be offered ex-officio Council membership under paragraph 2, only the elected Council members are entitled to vote.

### **Part IV: Executive Committee**

#### **Section 8: Timing of Executive Committee elections**

1. The Executive Committee shall be elected by the Council. It consists of the President, two Vice-Presidents, the Treasurer, and three ordinary members (Article 11(1) of the Statute). They serve a two-year term, renewable once.
2. Elections of the President, the two Vice-Presidents and the Treasurer shall take place in good time but this shall be no later than three months before the next Council elections. Their term begins directly after the next Council elections.
3. Elections of the three ordinary members of the Executive Committee take place at the first meeting of the newly elected Council, directly after the Council elections.
4. Where a seat on the Executive Committee becomes vacant before that member's term has elapsed because of a member's resignation, dismissal, loss of capacity, or death, the Council shall elect, at its next meeting, a new member, whose term will end when the predecessor's term would have ended.

### **Section 9: Standing for Executive Committee elections**

1. Any member of the ELI Council is eligible to stand for Executive Committee elections. For the positions of President, Vice-Presidents or Treasurer any Fellow of the ELI is eligible.
2. Where, however, a Council member has served two consecutive terms as ordinary member of the Executive Committee or as a particular officer that person may not stand again for the same position in the next Executive Committee elections (Article 11(5) of the Statute).

### **Section 10: Nomination of candidates**

1. A search committee, called by the Senate Speaker and consisting of members of the Senate and/or other persons appointed by the Senate, will convene at an early point in time in order to identify candidate(s) for the position of President. In consultation with the identified candidate(s) for the position of President, the search committee shall also identify candidates for the positions of the two Vice-Presidents and the Treasurer. The recommendations made by the search committee, which shall be submitted to the Council no later than six weeks before the Council meeting in which election takes place, are not binding on the Council.
2. For the positions of the President, the two Vice-Presidents and the Treasurer, any Council member may, without prejudice to nomination by the search committee under paragraph 1, nominate him- or herself as a candidate or put forward the name(s) of other Fellows. Nominations shall be submitted to the Council no later than four weeks before the Council meeting in which election takes place.
3. For the positions of the three ordinary members of the Executive Committee any Council member may nominate him or herself as a candidate or put forward the name(s) of other Council members. Nominations shall be submitted to the Council no later than three weeks before the Council meeting in which election takes place.

### **Section 11: Election of candidates to the Executive Committee**

1. Every Council member present at the Council meeting is entitled to vote.
2. Proxy voting is possible, with the number of proxies limited to one proxy per Council member (Article 10(9) of the Statute). Proxies must be issued in writing and submitted at the meeting before the elections take place.
3. Candidates shall be given the opportunity to present themselves, both in writing in good time before the election and in person at the Council meeting in which elections take place.
4. Voting occurs by ballot. Each Council member has one vote. The positions of the President, the two Vice-Presidents and the Treasurer will be subject to separate ballots.

5. Where, in a ballot for the President, one of the Vice-Presidents or the Treasurer, a candidate receives the absolute majority of votes cast, that candidate shall be elected. Where none of the candidates receives the absolute majority, a second ballot will be held, in which Council members have to decide between the two candidates who received the highest number of votes. The candidate who receives the higher number of votes in the second ballot shall be elected.
6. For the election of the three ordinary members of the Executive Committee, the three candidates who receive the highest number of votes are elected.
7. Section 6 paragraphs 4 and 5 apply accordingly.

## **Part V: Standing Council Committees**

### **Section 12: Appointment of committee members**

1. At its first meeting following elections to the Council, the Council will appoint new members of the standing Council committees.
2. Any Council member can express his or her interest to serve on a committee. Council members who are not present at the meeting may file their expression of interest in writing with the Secretariat and not later than one week after the meeting.
3. Where a committee would become too big or significantly imbalanced the President will make a decision in the light of the criteria under Section 1 paragraph 2. Where it turns out that a committee is too small or that there are other good reasons for adding one or several members to the committee the President will, at any point in time, appoint additional Council members, with their approval, to serve on that committee.
4. The members of a committee will elect a chair.

## **Part VI: Final and transitional provisions**

### **Section 13: 2019 Elections for the President, Vice-Presidents and Treasurer**

1. In 2019, election of the President, Vice-Presidents and Treasurer will exceptionally take place at the first meeting of the newly elected Council, directly after the Council elections.

2. Those Council members who stepped down in 2015, be it voluntarily or having been identified by drawing lots, may not stand for re-election in 2019.