

SERCOM-3

Voting modalities – Q&A



This document seeks to provide an overview of the discussion that was held on 5 March 2024 with respect to the election process for the president and three vice-presidents during SERCOM-3.

In that regard, this paper will lay out the two options that are available for the Technical Commission to consider. In addition, discussion will be had on the suggested alternatives that Members have put forward.

OPTION 1 - PROXY VOTING

➤ What is Proxy Voting?

- Proxy Voting is a mechanism by which Members who are not physically able to vote can delegate this function to another Member. This function relates to both the power to vote and the specific instructions to select particular candidate(s).

➤ Is there a legal basis in WMO's rules allowing Proxy Voting?

- There is no specific rule mandating Proxy Voting in the Convention, the General Regulations or the Rules of Procedure for the Technical Commissions. However, Proxy Voting is a practice that has been used by Congress.

General Regulation 3(a) permits Technical Commissions to adopt additional provisions, so long as they are not at variance with the Convention, General Regulations and Rules and Procedures for the Technical Commissions.

In that regard, there is no legal prohibition for SERCOM-3 to opt for Proxy Voting for these elections.

➤ Who can receive a proxy?

- Based on past practice of Congress and pursuant to General Regulation 40 regarding the right to vote, proxy can only be given to one delegate of another Member of the Commission, who retains voting rights and valid credentials.

Importantly, the principle of one Member, one vote must be respected. Therefore, a single delegate can only vote once in any round of voting. As such, Proxy Voting is only available for Members who retain more than one delegate in person at the session.

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➤ **In the case one Member receives several proxies, does this give such a Member an unfair advantage?**

- The principle of Proxy Voting is that it serves as a vehicle by which the vote and voting intention is given to another Member. In that regard, the recipient of the proxy essentially receives instructions as to how to vote in any particular election.

Consequently, no additional advantage is given to the receiving Member of a proxy as essentially they are simply carrying out instructions as an agent.

➤ **How can a proxy be verified?**

- All proxies will be submitted to the Credentials Committee, pursuant to General Regulation 22, and will be included in the Report of the Credentials Committee.

OPTION 2 – E-MAIL VOTING

➤ **What is E-mail Voting?**

- Email Voting is essentially the simplest form of electronic ballot. It provides for the Member to submit their ballot to the Secretariat who will then collate the votes. These ballots are submitted by email to a specified address within the Office of the Legal Counsel.

➤ **Is there a legal basis in WMO's rules allowing E-mail Voting?**

- General Regulations 40, 42, 45 as well as Annex VI - the Remote Participation Regime of the Rules of Procedures of the Technical Commissions (Annex VI) provide for electronic voting. The specific modality of E-mail Voting is not mandated in the General Regulations or in Annex VI. However, this method has been used in previous circumstances. Examples include elections for the president of Regional Association III (27 November 2020) and the election of vice-president of Regional Association I (19 March 2021).

In addition, E-mail Voting has been used for the IMO Prize selection during EC-73 (2021) and EC-77 (2022).

Based on the above, it is a matter for the Technical Commission to determine the modality by which the elections are to take place. As indicated, there is an option to suspend the session and hold the elections at a later date but as soon as practicable.

In addition, Members have raised two alternatives options which are not considered to be legally permissible.

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The first relates to the elections being held in person simultaneously in more than one location. Reference should be made to General Regulation 45 and specifically that in all voting by secret ballots two tellers are selected from the delegates present and that the votes are counted in the presence of the constituent body. In such circumstances, such a physical vote can only be held in one location.

The second alternative relates to vote by correspondence. In that regard, pursuant to General Regulation 62, elections for all offices within a constituent body are required to be filled every 4 years. Consequently, the Technical Commission is mandated to conclude the election process before the end of this ordinary session.

Voting by correspondence under General Regulations 48 and 73 is only provided for voting in between sessions and relates to circumstances in which a specific office needs to be filled due to the office holder's absence or resignation. In addition, exceptional circumstances must exist to hold a vote by correspondence, but these are premised on a single event, including the lack of quorum at a session of the Technical Commission or the inability of the office holder to perform the function as assigned.

CONCLUSION

The above paper provides the Technical Commission with the options that are available to consider. As indicated, what has not been discussed here is the option with respect to suspending the ordinary session. Additional information can be provided should the Technical Commission so desire on this option. However, the essential element in suspending the session is to ensure compliance with General Regulation 62. By suspending the ordinary session, the Technical Commission would be complying with that obligation in that the ordinary session would not conclude until the voting takes place in short time thereafter.

As detailed above, the options of Proxy Voting and E-mail Voting are available for the Technical Commission to decide. It is accepted that neither option is ideal. However, due to the time constraints, these modalities can be considered.

In that regard, the Technical Commission will need to take a decision. Such a decision, pursuant to General Regulation 47(a) shall be made by simple majority of the votes cast and against. If any equal number of votes are cast for and against a proposal, such proposal shall be regarded as lost.

In the event that both Proxy Voting and E-mail Voting are rejected, then pursuant to General Regulations 145(1), the president, in consultation with the Secretary-General, retains the inherent authority to suspend the session. In that regard, pursuant to General Regulation 146(c), the session can be divided into segments and recommence at a date to be determined.