

AGM REVIEW COMMITTEE - CONSULTATION REPORT

NB: Members who made the same comment have been grouped together under the same row (without repeating their exact comments for reasons of brevity).

Member	Proposal	Comment
Antigua and Barbuda	We have circulated it to our Directors for review with a recommendation to approve the proposed temporary amendment.	Noted.
Ireland	Irish Sailing fully supports World Sailings Proposals to hold a virtual AGM.	Noted.
Japan Hungary Bulgaria Hobie Class Puerto Rico Barbados Trinidad & Tobago	In the draft resolution of Article 103 of the Constitution, it says "the provisions of Schedule C shall apply until 31 December 2021", but why is it not "until 31 December 2020"?	The date will be amended to read "31 December 2020".
Hungary Bulgaria Hobie Class Puerto Rico Barbados Trinidad & Tobago	In Schedule C #2 the Elections Committee is given joint responsibility with the Board to decide the electronic means for the meeting. As the main issue of the meeting will be for the election of Directors it is imperative that the Election Committee agree with what the means of running the meeting are and therefore, they should help decide the means and supplier of these services.	The resolution will be amended to require the Election Committee to approve of the arrangements for the General Assembly as a whole.
Hungary Bulgaria Hobie Class	In Schedule C #4a the Elections Committee is instructed to adhere as closely as possible to the currently proscribed procedures of election and conduct while only modifying as required to ensure the electronic meeting and voting is run properly. The Current Constitution Article 102 provides voting procedures, while Regulation 4 states the election process. The requirement that any actual voting is conducted by an independent third party is maintained in the amendment.	<p>The resolution will be amended to make clear that Regulation 4 will not be amended (i.e. how results are calculated).</p> <p>However, the resolution will need to take precedence over Article 102 because the Election Committee must be able to issue a bespoke voting process.</p> <p>The requirement for an independent third party will be maintained and enhanced (see below).</p>
Hungary Bulgaria Hobie Class	Schedule C 4b, and 4d change the intent of the current Constitution and Regulations and add significant uncertainty about the election process and possibly the results. We believe the amendment to #4a will be more satisfactory and will be technically feasible. It makes 4b and 4d un-necessary.	The Committee believes the resolution must make clear that voting will take place prior to the General Assembly itself and when run off votes will be conducted. Election voting will not take place during the General Assembly for reasons for reliability, security and practicality.

France	To avoid the problems we have had in the past, we suggest that votes for people are organised the « old way » (on paper, supervised and controlled by an independent third party).	Noted – this is the intention of the Election Committee.
Israel Turkey France Greece Cyprus	We consent to electronically held voting by proceeding an electronic AGM only for year “2020 AGM” (this consent cannot be interpreted as an open consent for upcoming voting, or events and limited with only 2020 AGM) and subject to the following terms and conditions.	Noted. This will only apply to the 2020 AGM.
Israel Turkey France Greece Cyprus	A ballot paper in which what the states are voting will be explained explicitly will be prepared by World Sailing distributed to the MNAs seven business days prior to voting.	<p>It is for the Election Committee to decide the procedures (which is always the case). The resolution will be amended to require the Election Committee to circulate the procedures in draft for comments by Members before they are adopted.</p> <p>We are aware the Committee is currently preparing the procedures and we agree that there should be at least seven days allowed for the first round of voting.</p>
Israel Turkey France Greece Cyprus	The ballot paper will also contain full names and details of the nominees that are to be voted and there will be box under or above the name of each nominee. These boxes will be filled/marked by the MNAs.	The ballot papers must comply with Regulation 4. They will list candidates in alphabetical order and, for Vice Presidents, will list them by male and female candidates.
Israel Turkey France Greece Cyprus	The ballot paper will be signed by each MNA (if the ballot paper contains more than one page, each page will be signed). The undersigned should also mention his/her name together with who he/she is representing.	<p>It is for the Election Committee to decide the procedures (which is always the case). The resolution will be amended to require the Election Committee to circulate the procedures in draft for comments by Members before they are adopted.</p> <p>We do not agree the ballot paper <u>itself</u> must be signed – this is contrary to Regulation 4.4 which requires a secret ballot. Signing a ballot paper in a secret ballot has the effect of rendering it invalid.</p> <p>However, we agree the covering email or other document submitting the ballot</p>

		papers must be signed by the MNA by a named officer on its behalf.
Israel Turkey France Greece Cyprus	The ballot papers will be sent electronically to trustee nominated by World Sailing. The trustee must be a certified notary in London who has at least 5 (five) years of experience or a first-class independent audit firm.	The resolution will be amended to provide that the independent third party must be an independent accountant, barrister, solicitor, attorney or notary public of at least seven years' experience.
Israel Turkey France Greece Cyprus	The voting will be completed by MNAs and submitted to the trustee. The results of the poll will be announced by the trustee on the Day of the General Assembly.	It is for the Election Committee to decide the procedures (which is always the case). The resolution will be amended to require the Election Committee to circulate the procedures in draft for comments by Members before they are adopted. Ordinarily, the Chairman of the Election Committee announces the result of the election to the General Assembly. We do not see why this should change unless necessary to conduct a run-off vote.
Israel Turkey France Greece Cyprus	The MNAs will keep their rights to object the results in accordance with the governing law.	The resolution will not affect the legal rights of MNAs to challenge the result.
Israel Turkey France Greece Cyprus	The trustee must keep the ballot papers for at least 6 (SIX) months and will then deliver them to World Sailing unless the ballot papers are requested by a court order. If an objection is filed in a court within in accordance with the governing law and if the trustee is informed by this objection, the trustee will not deliver the ballot papers to World Sailing until the final decision of the court is announced.	It is for the Election Committee to decide the procedures (which is always the case). The resolution will be amended to require the Election Committee to circulate the procedures in draft for comments by Members before they are adopted. Ordinarily, all ballot papers are sealed by the Election Committee and are then held securely at World Sailing. They are only opened by order of the Election Committee. We do not see any reason for this to change.
Puerto Rico Barbados Trinidad & Tobago	The procedures shall be decided by the Election Committee in line with the current Constitution and Regulations, adapted only where necessary to accommodate the processes, security and accuracy of an electronic meeting with remote voting. These procedures and the remote voting shall be	It is for the Election Committee to decide the procedures (which is always the case). The resolution will be amended to require the Election Committee to circulate the procedures in draft for comments by Members before they are adopted.

	<p>conducted, supervised and secured via an independent third party, such as one of the Big Four accounting Firms with prior experience in virtual voting, and who must assume trustee or fiduciary responsibility to WS with respect to the fairness and accuracy of the voting procedures held virtually at the 2020 Annual General Meeting and General Assembly; Alternatively, we could have paper (and/or electronic – transmitted via email or something more secure) ballots submitted to the accounting firm to tabulate, and limit the virtual voting just to ties on the day of voting.</p>	<p>The resolution will be amended to provide that the independent third party must be an independent accountant, barrister, solicitor, attorney or notary public of at least seven years' experience.</p> <p>Ordinarily, the Chairman of the Election Committee announces the result of the election to the General Assembly. We do not see why this should change unless necessary to conduct a run-off vote.</p>
<p>Puerto Rico Barbados Trinidad & Tobago</p>	<p>The results shall be announced by the independent third party Accounting Firm Trustee or Fiduciary concurrently to the candidates for office, the staff and executive board, the Members (via email) , delegates, and the public during the 2020 Annual General Meeting and General Assembly, and not before.</p>	<p>It is for the Election Committee to decide the procedures (which is always the case). The resolution will be amended to require the Election Committee to circulate the procedures in draft for comments by Members before they are adopted.</p>
<p>Russia</p>	<p>Under the Constitution, it is not permissible to cancel or postpone the AGM. Hereby Russian Yachting Federation (RYF) consents to conduct the 2020 AGM remotely, with electronic tools, as an exception for this Year.</p> <p>However, the procedure for conducting of the AGM and voting must be discussed and approved by a separate vote of the World Sailing members.</p>	<p>Noted. This will only apply to the 2020 AGM.</p> <p>The current Constitution provides that the Election Committee is appointed by the AGM (done in 2019) and it is for the Election Committee to decide the procedures (which is always the case).</p> <p>The resolution will be amended to require the Election Committee to circulate the procedures in draft for comments by Members before they are adopted.</p>
<p>South Africa Seychelles</p>	<p>South African Sailing is happy with the proposal except we would like to see an amendment as detailed below to cover the situation where some MNA's can attend the AGM and some cannot due to either continued lockdown and restricted travel or the economic effects of the Virus.</p>	<p>It was previously decided that there will not be a 'mixed' AGM for the reasons set out in the Q&A document.</p> <p>The AGM Review Committee has re-considered this and maintains its view that a 'mixed' AGM is not appropriate this year for the reasons previously given.</p>
<p>Switzerland</p>	<p>On behalf of the Board of Swiss Sailing I do confirm our full agreement and commitment with your proposals, We thank the Board and the involved committees for their thorough and indepth work.</p>	<p>It was previously decided that these arrangements should be temporary and only used this year (for the reasons set out in the Q&A document).</p>

	<p>We would also propose and support an extension of the proposal to keep remote participation in AGMs and elections for the future provided there is no new constitution proposed during the next board term. This would allow all WS member MNAs to participate irrespective of the AGMs Location and/or timing, thus ensuring more democracy.</p>	<p>The AGM Review Committee has re-considered this and maintains its view.</p> <p>However, there is nothing prevent a Member from making a submission to allow some form of mixed or remote attendance in future.</p> <p>We strongly advise any Member considering such a submission to consult the Submissions WP of the Constitution Committee ASAP if they are considering such a submission as the legal issues and drafting are complex.</p>
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