

# CONSTITUTIVE ACT

AMENDED IN THE FIFTH PLENARY ASSEMBLY  
ON 11 OCTOBER 2022, IN BALI, INDONESIA

## I. Purposes and principles

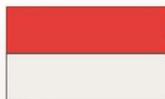
**Article one.** The Global Network on Electoral Justice is an international forum that brings together members of Tribunals, Courts, and Judicial Electoral Bodies from across the world with potential features of active participation of international organizations, civil society organizations, academic institutions and experts in elections and electoral justice.

**Article two.** The Global Network on Electoral Justice will pursue the following objectives:

- First. Facilitate the exchange of judicial-electoral information and the cooperation between members and associates of the Network.
- Second. Identify and exchange best practices for the advancement of Tribunals, Courts, and Judicial Electoral Bodies worldwide.

**Article three.** The Global Network on Electoral Justice shall be governed by the principles established in the Code of Ethics promulgated by the members of the Preparatory Meeting held in May 2017 and the following pillars:

- **Supremacy of the constitution and the law.** Compliance with the judicial-electoral norms.
- **Legitimacy of the electoral jurisdiction.** Judicial electoral impartiality and independence, and respect for the judicial electoral decisions.
- **Electoral participation.** Promote the organization of free, authentic, and regular elections.
- **Loyalty to the information that is shared.**
- **Opportunities in providing input to this initiative.**
- **Respect for the internal autonomy and the resolutions of electoral bodies.**
- **Respectful and kind treatment among the participants.**



## II. Members

**Article four.** Tribunals, Courts, bodies who either exclusively or partially dedicate themselves to the protection of political rights in electoral dispute resolution during the electoral cycle, research institutions or centers whose representatives have participated in the First Plenary Assembly celebrated in San Miguel de Allende, Mexico, on the 10<sup>th</sup> and 11<sup>th</sup> November 2017.

**Article five.** All other Tribunals, Courts, bodies who either exclusively or partially dedicate themselves to the protection of political rights in electoral dispute resolution during the electoral cycle, and research institutions or centers, that agree with the content of this Constitutive Act through their Chairpersons or duly mandated legal representatives and that, according to the Network, are capable to meet the liabilities that this membership implies may also be members, as laid out in article five bis. Persons who conduct academic and research activities that have participated in this assembly and whose institutions are not attached to the Network, may also participate in their personal capacity. Each member should appoint a person that will serve as liaison officer and will be responsible for the communications with the Network.

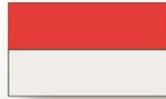
The admission of new members must be confirmed by the vote of two thirds of the members of the Governing Council and a simple majority by the General Assembly, after receiving an application letter issued by the institutions that request to join the Network, addressed to [global@te.gob.mx](mailto:global@te.gob.mx). The Technical Secretariat will oversee the centralization of these letters and will send an official notice via e-mail to the other members of the Governing Council.

"If a member ceases to be part of the institution they represent within the Global Network and would like to maintain its membership in their individual capacity, a letter requesting the change of membership nature must be issued to the Technical Secretariat."

Courts, tribunal and other members in charge of electoral justice in their countries will be able to request a declaration of support to the GNEJ when faced with undue pressure and threats by other powers. Also, members can be suspended when they withdraw from democratic values and principles that guide this network. Both procedures will follow a strict technical assessment that will be designed by the Scientific Committee of the GNEJ and approved by the Governing Council.

**Article five bis.** The responsibilities of the members are:

- Participate in Plenary Assemblies at least once every two years and in virtual, hybrid and in person events organized by the Global Network, to provide continuity between Plenaries.
- Participate in the Global Exchange Platform, with the minimum contribution of two judicial or academic documents per year, as well as participate in the Discussion



Forums of said Platform.

- Ensure that the liaison maintains regular communication with the Technical Secretariat. In case the contact person changes, this must be notified to the Technical Secretariat.
- Disseminate the tasks of the Network within each of the institutions.
- Recognize that the opinions disseminated in the Plenary Assemblies are personal to those who attend and do not represent the position of the institutions.
- Appoint a maximum of two delegates who will attend the Plenary Assemblies, who will be appointed based on the principle of equal participation. The delegations can be comprised of up to four people, including special interpreters, but only two places will be guaranteed in the Plenary Assembly.

#### **Article six. Non-members.**

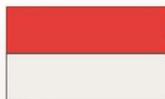
Institutions interested in the protection of political-electoral rights and in the protection of the guarantees of legality and constitutionality of democracy, who have been contacted by the organizers of the Plenary Assemblies, due to their relevance to the objectives of the Network and electoral justice trends worldwide.

### **III. Observers**

Institutions interested in the protection of political and electoral rights and in the protection of the guarantees of legality and constitutionality in a democracy that are not Network members but potentially seek to join, will be understood as observers of the Network. Their participation will be limited exclusively to Plenary Assemblies.

Observers may be suggested by the Advisory Council or at the proposal of the members through a petition letter addressed to said Council, which will approve the proposals by a two-thirds vote.

The participation expenses of the observers will be borne by the institutions that proposed them.



## IV. Bodies

**Article seven.** The General Assembly, the Governing Council, the Advisory Council, Scientific Committee and the Technical Secretariat are the bodies of the Global Network on Electoral Justice.

**Article eight.** The General Assembly is the main body of the Network and is invested with powers to discuss any topic and make any decision concerning the Network.

The Assembly will be comprised of all members of the Global Network on Electoral Justice.

**Article nine.** The Governing Council is the management body of the Network, invested with the powers to supervise and recommend any topic relevant to the Network. It will have the mandate to coordinate the tasks of the Network and to maintain its validity.

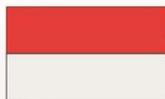
The Council will always be comprised of a Presidency, and four Vice-presidencies, who shall be elected by a simple majority of the members present at the Plenary Assembly, upon proposal of the outgoing Governing Council, which may receive expressions of interest, through the Technical Secretariat, from institutional members of the GNEJ or proposals from international organizations. With each renewal of the Presidency, two Vice-presidencies shall be elected. The geographical representation shall be promoted through the Vice-presidencies and currently include Africa, the Americas and the Caribbean, Asia and the Pacific, and Europe.

The Electoral Tribunal of the Federal Judiciary of Mexico shall be a permanent honorary member of the Governing Council.

The Presidency, together with the Technical Secretariat, will organize the Plenary Assemblies of the Network and ensure the continuity of the previous activities of the Network. The Presidency will be granted to a national authority.

The Vice-presidencies will be in charge of coordinating and promoting the tasks of the Network in their respective region, as well as encouraging the participation of their region in the Network and on the Global Exchange Platform.

**Article ten.** The Scientific Committee facilitates, supports, and strengthens the work of the Governing Council. It is comprised of up to ten experts, preferably on a parity basis. Its work consists of suggesting research topics and new working mechanisms, as well as elaborating documents and proposals related to Electoral Justice. The Scientific Committee will be the jury of the GNEJ Awards. It will be renewed every five years with the vote of two thirds of the Governing Council and its members can be re-elected.



**Article eleven.** The Advisory Council is comprised of the Scientific Committee, the Technical Secretariat and the founding international bodies, civil society organizations and centers of analysis and research of the Network: International Institute for Democracy and Electoral Assistance (International IDEA), International Foundation for Election Systems (IFES), the United Nations Development Programme (UNDP), Organization of American States (OAS), and the Venice Commission. Its members shall suggest topics and new working mechanisms, develop analytical documents and policy suggestions, among other inputs.

Moreover, this Council has the power to advise the Network on strategic sustainability issues, both in administrative, financial and substantive matters.

This Council will meet at least once a year to review the Network's annual agenda.

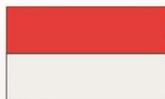
**Article twelve.** The Technical Secretariat is the executive body of the Network, invested with the power to participate in all the meetings of the General Assembly, the Governing Council, the Scientific Committee and the Advisory Board, to execute its decisions. It will set out periodic accountability checks for the Governing Council and, likewise, should present reports on its performance to the General Assembly, every time that it convenes.

The Electoral Tribunal of the Judiciary of the Federation will be in charge of the Technical Secretariat. It will guarantee a mechanism of coordination, information, and management of the Network, that favors initiatives and projects mandated by the Governing Council.

The Technical Secretariat will carry out its tasks with the support of the personnel that the Governing Council appoint, from within their own tribunals, courts, and other bodies that make up the Council.

Likewise, it will oversee the social communication strategy for the dissemination of the Network and its activities, in coordination with the Presidency.

**Article thirteen.** The General Assembly of the Global Network on Electoral Justice will be invested with the power to create working groups that it seems necessary for the proper development of the tasks of the Network. These groups may be comprised by either of the members.



## V. Judicial-electoral cooperation

**Article fourteen.** The Global Exchange Platform is a technological tool that allows the exchange and discussion of judicial and legal documents and academic studies in the field of Electoral Justice. It facilitates the participation and digital and transnational dialogue among all members, and is available in the three working languages, Spanish, French and English.

The management and development of the Platform will be the responsibility of the Technical Secretariat, who will coordinate the contributions of the members and ensure the corresponding translation of the documents. It will also be in charge of opening access accounts for new members of the Network.

**Article fifteen.** The members of the Global Network on Electoral Justice that have freely and voluntarily agreed to this Act commit themselves to actively participate in the Network within their own possibilities and cooperate, coordinate actions and collaborate in all the projects, analyses, studies, researchers, tasks and other efforts concerning the electoral jurisdiction. The recommendations and products developed by the Network will be non-binding for its members.

## VI. Miscellaneous provisions

**Article sixteen.** The Global Network on Electoral Justice, for the implementation of its activities, projects, and meetings will be financed by: 1) the country that holds the presidency and, 2) by the members. Courts, tribunals and other electoral justice authorities will receive notice of the range of their voluntary contributions, which will be calculated by the Scientific Committee, according to technical standards. International organizations, think tanks and other members are welcome to contribute to the activities, projects, products, and meetings of the GNEJ.

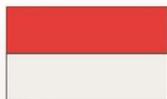
**Article seventeen.** The official languages of the Network are Spanish, English and French.

**Article eighteen.** Members who wish to cancel their membership must send a letter to the Governing Council and the Technical Secretariat six months before the next Plenary Assembly.

## VII. Underwriting and entry into force

**Article nineteen.** The present Act will enter into force on the thirtieth day following its adoption by the first General Assembly of the original members of the Network. The will of the original members to constitute the Global Network on Electoral Justice will be expressed through the underwriting of this Act within the previously indicated period.

# FIFTH PLENARY ASSEMBLY OF THE GLOBAL NETWORK ON ELECTORAL JUSTICE



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**Article twenty.** Upon the recommendation of the Governing Council, the General Assembly will issue all other relevant regulations that are necessary for the proper functioning of the Network.

**Article twenty-one.** The present Act can only be modified upon the vote in favor by two thirds of the members of the General Assembly of the Global Network on Electoral Justice.

**Approved in Bali, Indonesia, on the eleventh day of the month of October of two thousand twenty-two.**

