

# Conflicts of Interest Regulations for Election Processes

DIR-REG-002.01

Approved by the Board of Directors on 1st October 2023

Introduction

## Rationale

According to Article 26.2 of the LACNIC Bylaws, the “Powers of the Board of Directors requiring a special majority” include “To draft, implement, and approve the Regulations on Conflicts of Interest for Members of and Candidates to LACNIC's Bylaws-Mandated Elected Bodies.”

Therefore, these Regulations outline the procedures to be applied in case of potential conflicts of interest for members and candidates in election processes.

## Conflicts of Interest for Election Processes

The LACNIC Bylaws specify that the Board of Directors is responsible for drafting, implementing, and approving the Regulations on Conflicts of Interest for Members of and Candidates to LACNIC's Bylaws-Mandated Elected Bodies.

The Bylaws also define a series of restrictions that apply to candidates and members of LACNIC's various elected bodies, not only those mandated by the Bylaws.

Considering the above, this section includes the regulations for candidates and members of the LACNIC elected bodies for whose election process the Electoral Commission serves as the supervisory authority.

### A. Impediments Established in the LACNIC Bylaws

Article 24 of the LACNIC Bylaws establishes the following impediments:

1. Conflicts of interest shall include the following impediments:
  - a. Being simultaneously **part of more than one bylaws-mandated elected body**. This conflict of interest shall not apply in the case of the temporary replacements set forth in these Bylaws.
  - b. Simultaneously standing for election to more than one bylaws-mandated elected body.

2. In the case of members of the **Board of Directors**, conflicts of interest shall include the following impediment:

a. Being simultaneously part of other elected bodies for which the LACNIC Board of Directors has designated the Electoral Commission as oversight authority for the election processes.

3. In the case of candidates to the **Board of Directors**, conflicts of interest shall include the following impediment:

a. Simultaneously standing for election to other elected bodies for which the LACNIC Board of Directors has designated the Electoral Commission as oversight authority for the election processes.

4. In the case of members of the **Electoral Commission**, conflicts of interest shall include the following impediments:

a. Being simultaneously part of other elected bodies for which the Electoral Commission has been designated as oversight authority for the election processes.

b. Standing for election in a process for which they serve as a member of the Electoral Commission, unless they remove themselves from their role prior to the start of said election process.

5. In the case of candidates to the **Electoral Commission**, conflicts of interest shall include the following impediment:

a. Simultaneously standing for election to other elected bodies for which the LACNIC Board of Directors has designated the Electoral Commission as oversight authority for the election processes.

The previous text may not be modified by these Regulations, as it references the LACNIC Bylaws.

In case of any discrepancies between this text and the Bylaws, the Bylaws shall take precedence.

## **B. General Procedure for Notifying Conflicts of Interest**

This section describes the procedure for notifying and preventing the conflicts of interest listed in section A.

It also specifies the entities responsible for resolving or addressing issues that may arise in connection with these Regulations.

The Electoral Commission is responsible for notifying the member of the elected body about any conflict of interest related to them, either when the conflict occurs or when the Electoral Commission becomes aware of such conflict, with the exceptions specified in this procedure.

### **B.1. For Members of Bodies Other than the Electoral Commission**

In the case of the conflicts of interest defined in Section A, with the exception of members of the Electoral Commission, members of elected bodies (both bylaws mandated and community elections) who are candidates to other elected bodies are not required to take leave from their current responsibilities to stand in such elections.

However, if elected, they shall step down from their previous position one day before assuming their new role, unless the term of their previous position finishes earlier.

These considerations shall not apply in the exceptional situations where a member of one body temporarily takes the place of a member of another body as specified in Article 22 of the Bylaws.

### **B.2. For Candidates Simultaneously Standing for Election to More than One Elected Body**

The Electoral Commission shall prevent a candidate from running for more than one elected body at a time.

### **B.3. For Members of the Electoral Commission Standing for Election**

Members of the **Electoral Commission** who are standing for reelection or for election to another elected body must notify the commission's mailing list within the first 24 hours following publication of the call for candidates by the LACNIC Staff.

If this notification is not given within the period specified above, the member of the Electoral Commission will lose their right to run for that elected body in the current election, as they would be in conflict of interest due to having privileged information about other candidacies and potentially affecting their acceptance.

Once this notification is received, the member will be temporarily removed from their duties during the election process and the LACNIC Staff will remove them from the mailing list and any other official tools used by the Commission. If this member's candidacy does not materialize for any reason, they will be reinstated to the Electoral Commission.

Once the election process is concluded, i.e., once the results are final and there are no objections to be resolved, if the member of the Electoral Commission who

participated as a candidate is not elected, they will be reinstated with their full powers and responsibilities until the end of their term.

If elected, they will step down from their previous position one day before assuming their new role, unless the term of their previous position finishes earlier.

#### **B.4. Other Unforeseen Situations**

In the case of conflicts of interest mentioned in section A that arise or become evident after a candidacy is accepted and before the voting process begins, the Electoral Commission must notify the candidate and withdraw the candidacy as soon as possible to minimize the impact on the election process. The Electoral Commission may delegate this notification to the LACNIC Staff.

If simultaneous candidacies arise or become evident after one of the candidacies is accepted and before the voting process begins, the Electoral Commission must notify the candidate, and if options exist (without causing other conflicts of interest or incompatibilities), the Commission will request that the candidate specify their preference for which position they wish to pursue. If the candidate does not express their preference within 24 hours of being notified, the Electoral Commission shall void the most recent candidacy or candidacies. The Electoral Commission may delegate this notification to the LACNIC Staff.

In the case of conflicts of interest mentioned in section A that arise or become evident after the voting process has started, the Electoral Commission must notify the candidate and withdraw their most recent candidacy from the election process.

If the candidate is responsible for the omission, validity, or accuracy of any information they provide that prevents the identification of a conflict of interest, they will be subject to the disciplinary measures established in internal and community regulations, including the Code of Ethics and the LACNIC Community Code of Conduct, and the Electoral Commission may refer the case to the respective body.

### **C. Procedure for Resignation of Members of an Elected Body Due to Conflict of Interest**

Upon notification by the Electoral Commission, the LACNIC Staff will take the necessary steps to finalize the resignation of the member from the relevant body.

#### **C.1. Procedure for Filling Vacancies**

Once the resignation of a member due to conflict of interest or due to the application of these Regulations is finalized, the vacancy will be filled in

accordance with the Bylaws, or with the rules established for the elected bodies of the community.

To do so, the LACNIC Staff will propose to the Board of Directors dates for conducting the election process to fill the vacancies, considering the overall election calendar.

#### **D. Responsibility for Enforcing These Regulations**

The Electoral Commission is responsible for enforcing these Regulations. The Board of Directors expressly delegates to the Electoral Commission the necessary powers to execute the actions provided for in these procedures. Any situation not covered by these Regulations may be resolved by the Electoral Commission, in consultation with the Board of Directors.

The Board of Directors may address and resolve cases in the following circumstances:

- a. If the Electoral Commission is unable to resolve the case (e.g., due to a conflict of interest of the majority of its members, insufficient members to make a decision, etc.).
- b. If the Electoral Commission considers that it cannot resolve a case or that the case must be resolved by the Board of Directors.
- c. If the Electoral Commission has not resolved the case in time.

In such cases, the Board of Directors must request the information on the case from the Electoral Commission. The Electoral Commission must provide the requested information to the Board of Directors within 5 business days of the request, including the documentation of the individual(s) involved.

The Board of Directors will have 15 business days to meet and resolve these cases. If additional information is needed, the Board of Directors may extend this period by an additional 15 business days to obtain said information and resolve the case.

#### **Update and Validity of These Regulations**

The Board of Directors may update these Regulations when aspects are identified that require clarification or extension.

Any update to these Regulations must be published prior to the call for elections so that it can be applied in the corresponding election process.

The Regulations must clearly state their effective date of approval.