

# A MESSAGE FROM THE ELECTION COMMITTEE

Dear BIS Members,

Assalamu aleykum,

It has come to the attention of the BIS Election Committee (EC) that there are significant questions in our community regarding the nomination and voting process, and specifically how the most-recent nomination process was developed and conducted.

As is generally known in our community - and certainly among the "members" of BIS who are qualified to nominate and vote in BIS elections - BIS has *many* years ago adopted a Constitution that, among other things, outlines the eligibility requirements for its directors and officers (including its President). And, for the last several years, a pdf of said Constitution has been made available on the BIS website (<https://www.bisweb.org/bis-constitution/>).

The Constitution prescribes that the election process shall be administered by the EC, *independent of the BIS Board* (Board), for reasons related to conflicts of interest.

The most recent election is the first instance in which the EC has utilized electronic communication tools to solicit nominations and facilitate voting, authority for which is granted to the EC under the Constitution.

This is also the first election cycle in which BIS membership has exceeded 250 members (In fact, we now have more than 400 members).

As has consistently been the approach taken by the EC in prior elections, the EC first solicits nominations for board/officer candidates from the members, then contacts each nominee to determine (1) a willingness of the candidate to serve, if elected, and (2) if so, satisfaction of such candidate's eligibility to serve under the Constitution.

The process of determining eligibility typically involves an examination of BIS records (with respect to *each* nominated candidate who expresses a willingness to serve) in order to determine such candidate's eligibility under the Constitution, which often further requires making contact with such candidate to validate BIS records. Needless to say, verifying

eligibility is a tedious process. As such, the EC has not historically undertaken this effort from the outset - and with respect to *all* (in this case, 400+) Members - and instead has waited for the pool to be significantly reduced to typically only around a dozen people who are actually nominated. The same historical approach was taken again this year.

As a result, certain candidates were nominated - and even later contacted - despite ultimately not being eligible, and then only later learned of their ineligibility *after* being contacted to inquire about their willingness to serve.

While this process can result in candidates learning of their ineligibility *after nominations have closed*, which apparently happened again this year, the alternative of "pre-vetting" 400+ members would require resources that are well beyond the reasonable expectations of the volunteers comprising the EC. Hence, this is the reason for this historical practice, consistent with the practice employed this year as well.

A specific concern that has been raised this year is that the "drop-down" list of members that was presented in the electronic nomination forms included *all* then-existing BIS members, thereby arguably creating a perception that *all* of the 400+ names were "eligible" for election under the Constitution.

Even though the BIS constitution is readily available on BIS's public website, and has been for years - and the Constitution clearly sets out eligibility rules, which anyone can review - the EC acknowledges that a reasonable courtesy may have been to at least remind members (1) to refer to said eligibility rules in the Constitution, and (2) that such document could be found on BIS's website. Since this was the first year in which the nomination phase was conducted electronically, we did not have any historical experience to lean on, and frankly no one on the EC thought to include this reminder when nominations were solicited electronically. However, we should, of course, consider do so during the next election cycle.

In administering nominations this year, like every year, the EC conducted it's affairs wholly independently of the Board, and the Board had no influence (directly or indirectly) on decisions made by the EC in administering the election in any manner. Our guide, like always, was and is the authority granted to the EC under the Constitution.

Finally, a suggestion has been raised that the eligibility criteria laid out in the Constitution have not been applied consistently to prior candidates in past elections. Not knowing each of the examples that may be cited, it's hard for the EC to say whether or not that is true in all cases. However, we are confident that the eligibility criteria have never been *intentionally* ignored. And, while it is certainly possible that mistakes and omissions have been made *unintentionally* by the volunteers comprising the EC, if deviation from the Constitution is ever alleged, the EC would certainly entertain and evaluate any such challenge with a very high degree of seriousness, and if appropriate, alter its approach to satisfy the requirements in the Constitution.

With specific regard to Br. Khaled Sakalla - since his example was raised to the EC during the nomination phase - the EC carefully considered whether he was previously eligible under his

past tenure as BIS President, and the EC concluded that his multiple years of service as the Ramadan Committee Chairman satisfied Section 9.2.1 of the Constitution, even though the Ramadan Committee may not have been fully engaged throughout the entirety of each year of his chairmanship (which the EC recognizes is likely also true of the chairmanship of nearly *every other BIS committee*).

The EC fully appreciates the amana placed on it in administering BIS elections and has consistently strived to honor its obligations in compliance with the long-standing policies and procedures adopted by our community, which are codified in our Constitution.

We, of course, welcome any feedback and suggestions on how we can improve the process in future elections insha'Allah.

Sincerely,

BIS Election Committee