

# Statutes amendment proposals

General Assembly, Pirate Parties International



12th - 13th March 2011

Friedrichshafen, Germany

Gold sponsors

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Dear Members of the Pirate Parties International,

the Statutes Task Force of the Pirate Parties International presents the amendments that the members have submitted in accordance with Art. XX paragraph 2 of the PPI statutes.

We have received 29 amendment proposals, which included informal proposals sent to the Board by people present at the last conference. The work of the Task Force consisted in merging identical proposals, spellchecking and sorting the proposed amendments.

The Statutes Taskforce has divided the proposals into four groups:

- The Conceptual Amendments (SAP-1 to SAP-4),
- the Bugs (SAP-5 to SAP-9),
- the Provisions for Deadlines (SAP-10 to SAP-12), and
- the Changes in wording (SAP-13 to SAP-23).

The members that are listed as sponsors are the Pirate Party of the Czech Republic, which was represented by Jakub Michálek, and the Pirate Party of Luxembourg, which was represented by Jerry Weyer — both members of the Statute Task Force. Gregory Engels also took part in the preparation of the Proposed Amendments.

The 'Yes, No, Abstain' boxes are for preparation only; delegates can mark their prospective vote for the amendment to facilitate the voting procedure during the conference. The actual voting will be carried out during the conference on separate forms.

This report was approved by the Board at its meeting on March 1, 2011 and it consists of the list of all amendments as they will be discussed at the conference.

Please do not hesitate to contact the Board at [board@pp-international.net](mailto:board@pp-international.net) if you have any questions.

the Statutes Task Force of the PPI

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Title: **Membership for all organizations**  
Category: **Conceptual changes**  
Sponsor: **Pirate Party of Czech Republic**  
Article: **III (1)**

My prospective vote:

Yes:  No:  Abstain:

**Current wording:**

Members of Pirate Parties International can become Parties and Party-related organizations that do not have the goal of participating in elections.

**Proposal:**

*Change III (1) to:*

Membership in the Pirate Parties International is open to Parties and other organizations.

**Statement:**

It is unclear what party-related organizations are. The observer membership should be also open to the organizations such as FSF which are not party related organizations. Also the current wording does not follow the English language word-order. Beware that there are other conditions for Ordinary Membership.

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Title:	<b>Ordinary Members</b>
Category:	<b>Conceptual changes</b>
Sponsor:	<b>A) Pirate Party of Czech Republic</b> <b>B) Pirate Party of Luxembourg</b>
Article:	<b>IV (1) (a), IV (3)</b>
Dependency:	<b>Proposal B) depends on Court of Arbitration [SAP-4]</b>

My prospective vote:

Yes:  No:  Abstain:

**Current wording:**

*IV (1) (a):*

[...] To Ordinary Membership are eligible Members that (a) adhere to these statutes and the goals of the association as laid down by these statutes, [...]

**Proposal:**

**A)**

*Change IV (1) (a) to:*

(a) adhere to these Statutes,

**B)**

*Change IV (1) (a) to:*

(a) are Parties,

*Delete IV(3).*

*Insert III (5):*

The Members are obliged to respect the Statutes, internal regulations and rules of procedure of the organs of the Pirate Parties International, in particular bear the implications of the decision of the Court of Arbitration.

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**Statement:****A)**

One of the three goals defined by the statutes is "to act according to the major interests and goals of its Members". It is unclear what this means for the purposes of this paragraph as the ordinary members would have to act according to the 'major interests and goals' of the members of PPI, which is not necessarily always the case (and shouldn't be asked from national parties).

**B)**

There is a cycle in the argumentation. The goal of the association is to act according to the goals of members and the members are required to act according to the goals of the association. This explicit mistake should be omitted. Moreover, according to the current wording the legal necessity of adhering to the statutes is limited to ordinary members only, whereas this should apply to all members. This proposal needs to be cross-reference checked with the arbitrating court proposal. "The current wording of IV (3) has several problems: 1) is the only presence of the Party requirement for ordinary membership, 2) there are no PPI principles to be referred to, 3) the acceptance of statutes and int. reg. is dealt with elsewhere (is superfluous)." The requirement, which should be general for all members, is treated only in regards to Ordinary Members. This is a serious error.

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Title: **Vacancy**  
Category: **Conceptual changes**  
Sponsor: **Pirate Party of Czech Republic**  
Article: **XIII (8)**

My prospective vote:

Yes:  No:  Abstain:

**Current wording:**

A Board member may resign at any moment. In case of vacancy a substitute may be appointed by the Board until the next General Assembly. If the position of both Co-Chairmen or the Chief Administrative Officer is vacant, an extraordinary session of the General Assembly has to be held within the next six (6) months. Vacancies among other elected members of the Board shall be filled for the remainder of the term still to be served by the resigning or deceased holder of the seat by the runners-up in order of election, at the election in which the resigning or deceased member was elected.

**Proposal:**

*Change XIII (8) to:*

A Board member may resign at any moment. After resignation, death, long term disease or other situation in which a Member of the Board does not execute his functions for more than three months, his seat becomes vacant.

**Statement:**

There is no way to replace members of the organs that do not fulfil their duties. This was a problem for the last Board, which had often hard times of establishing a quorum.



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Title: **Court of Arbitration**  
Category: **Conceptual changes**  
Sponsor: **Pirate Party of Czech Republic**  
Article: **XIVa, II (2) (d), III (5), VII (2)**  
Dependency: **Depends on Vacancies [SAP-3]**

My prospective vote:

Yes:  No:  Abstain:

**Current wording:**

*II (2) (d):*

To accomplish these objectives the association shall, among other things:  
(d) act as mediator for any disputes between Members if requested to do so, [...]

*VII (2):*

The suspension and the exclusion of a Member may only be decided by the General Assembly. A proposal for the exclusion of a Member may only be submitted by the Board, or by a tenth of Members from three different continents.

**Proposal:**

*Add XIVa:*

Court of Arbitration

(1) The exclusive power to resolve internal disputes shall be vested to the Court of Arbitration. All other organs and officers are required to cooperate with the Court of Arbitration to the extend needed for the proper exercise of its functions.

(2) Complaints may be sent by the organs and officers of the PPI and by the Members. A complaint may be regulated with a fee to be returned if the complaint is reasonable. The complainant may participate in the investigation.

(3) In particular, the Court of Arbitration has the exclusive power to  
a) issue a preliminary ruling in an urgent matter of its competence,

- b) declare matters of fact when necessary for the functioning of the PPI,
- c) decide the disputes between the officers and the organs of the PPI,
- d) decide on the restrictions on persons who breach the Statutes and the internal regulations and in these cases degrade an official or declare his further incapability to be elected,
- e) decide on the validity of legal acts of the organs of the PPI,
- f) decide on the matters of Membership (Art. VII par. 2).

(4) The Court of Arbitration keeps a Register of Mediators. This register lists the name, contact address, and Party affiliation of the people from the Ordinary Members who are willing to help solve the disputes between the Members. All Members may consult this register and choose a Mediator who can help them solve the dispute.

(5) If the mediation fails, the Members or applicants who are in a dispute may present an agreement to the Court of Arbitration, which contains the description of the dispute and their consent to abide by the decision of the Court of Arbitration. The Court of Arbitration will decide the dispute within the limits contained in the agreement.

(6) The Court of Arbitration may answer the preliminary questions of the organs and individuals about the interpretation of the Statutes and the internal regulations; such answers act through their persuasiveness only.

(7) The Court of Arbitration shall have between three and seven Members. The provisions concerning the election of the Members of the Board and vacancies apply accordingly.

*Change II (2) (d) to:*

(d) act as mediator or arbitrator for any disputes between Members if requested to do so,

*Add III (5):*

The Members are obliged to respect the statutes, internal regulations and rules of procedure, in particular bear the implications of the decision of the Court of Arbitration.

*Change VII (2) to:*

The decisions on the changes of Membership, such as suspension, reinstatement and exclusion, fall within the competence of the Court of Arbitration, and can be appealed to the General Assembly. If the Member appeals, the decision becomes effective at the end of the Meeting of the General Assembly, unless the General Assembly decides otherwise. A

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proposal for the exclusion of a Member may only be submitted by the Board, or by a tenth of Members from three different continents.

**Statement:**

There is no body that would enforce the rules of the PPI among the members of its organs (Members of the Board, Headquarters, General Secretary) or which could authoritatively declare certain facts, such as the fact that a member of the board is not executing his functions and is to be replaced by the runner-up in the elections. Also, certain technical aspects such as the cessation and suspension of membership of the Members of the PPI should be first decided by a competent organ and then discussed after a thorough analysis before the General Assembly. If the Court of Arbitration is created, it could also help members of the PPI resolve their disputes.

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Title: **Political or authoritative entity**  
Category: **Bugs**  
Sponsor: **Pirate Party of Luxembourg**  
Article: **Preamble, 2<sup>nd</sup> sentence**

My prospective vote:

Yes:  No:  Abstain:

**Current wording:**

Pirate Parties International is not a political or authoritative entity.

**Alternative proposals:**

*Delete 2<sup>nd</sup> sentence of Preamble*

*Or*

*Change 2<sup>nd</sup> sentence of Preamble to:*

*“The Pirate Parties International is a grassroots movement” or similar sentence.*

**Statement:**

This is a sentence with no meaning and even contradictory with everything that follows. PPI is an organization with political goals composed of political parties. It is authoritative in the way that if a member violates the PPI statutes PPI (or its bodies e.g. General Assembly) can enforce sanctions.

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Title: **Internal regulations**  
Category: **Bugs**  
Sponsor: **Pirate Party of Czech Republic**  
Article: **X (h)**

My prospective vote:

Yes:  No:  Abstain:

**Current wording:**

The functions of the General Assembly are: (h) to exercise other functions resulting from these statutes.

**Proposal:**

*Change X (h) to*

(h) accept internal regulations for the Pirate Parties International and to exercise other functions resulting from these Statutes.

**Statement:**

There is no body competent to accept internal regulations of the PPI. This does not exclude the possibility of the Headquarters to accept its own internal regulations.

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Title: **Precision on remote participation**  
Category: **Bugs**  
Sponsor: **Pirate Party of Czech Republic**  
Article: **XI (6)**

My prospective vote:

Yes:  No:  Abstain:

**Current wording:**

Remote participation must be possible for all meetings of the General Assembly.

**Proposal:**

*Change XI (6) to:*

Remote elections and voting on the points described in XI (2) shall be possible for all meetings of the General Assembly

**Statement:**

The wording is not clear and could allow f.ex. the remote voters to deny a break to the delegates physically present. This should be fixed in the Rules of Procedure of the General Assembly.

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Title: **Participation in the public Meetings of the Board**

Category: **Bugs**

Sponsor: **A) Pirate Party of Luxembourg**  
**B) Pirate Party of Czech Republic**

Article: **XIII (3)**

My prospective vote:

Yes:  No:  Abstain:

**Current wording:**

One natural person named by each Ordinary Member not represented in the Board shall be admitted with the right to participate in the Board meetings without the right to vote.

**Proposal:**

**A)**

*Change XIII (3) to:*

Representatives of the Members of the Association must be allowed to participate in the public meetings, but without the right to vote.

**B)**

*Change XIII (3) to:*

One natural person named by each Ordinary Member shall be admitted with the right to participate in the Board meetings without the right to vote.

**Statement:**

**A)**

Clarification and simplification of the principle of transparency of Board meetings.

**B)**

This paragraph is inconsistent with XII (1), which says the Members of the Board will not be considered as representing any particular Member or non-member Organization or Region. Still the paragraph XIII (3) talks about Members represented in the Board and those not represented. As opposed to the version A), the version B) gives the right to participate

even in the secret meetings. The obligation of not disclosing information revealed on the secret meeting is implied and should be dealt with in the rules of procedure of the Board. So far there has been no secret meeting.



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Title: **Automatic temporary suspension of Membership**

Category: **Bugs**

Sponsor: **A) Pirate Party of Luxembourg**  
**B) Pirate Party of Czech Republic**

Article: **XII (3)**

My prospective vote:

Yes:  No:  Abstain:

**Current wording:**

A Member's affiliation ceases automatically upon dissolution, disqualification, liquidation or in cases of temporary administration, court-ordered settlement or insolvency. The Membership also ends automatically when this Member does no longer fulfil the criteria that were necessary for its preliminary recognition as a Member

**Proposal:**

**A)**

*Delete XII (3).*

**B)**

*Change XII (3) to:*

Membership is automatically temporarily suspended upon dissolution, disqualification, liquidation or in cases of temporary administration, court-ordered settlement or insolvency.

**Statement:**

**A)**

Automatic cessation is a very bad idea because it requires no control. That means every PPI member which falls under that article is no longer member which could entail a lot of uncertainties. Especially with the unclear legal status of some Pirate Parties this article must be deleted; f.ex. could a Pirate Party be dissolved by a hostile government, it could have a temporary administration due to internal quarrels etc. This should in no case mean automatic cessation. Only the General Assembly should decide upon exclusion of a member.

**B)**

If the member of PPI is a political party and is banned by the government of (for instance) Egypt or Morocco, the membership automatically ceases. Instead of this kicking out, the PPI should rather support these parties in grave danger. The suspension might however be better than doing nothing, since it could be used as a pretext against the Association, claiming that e.g. during the liquidation the association should give in the appropriate share of the Member in Liquidation.

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Title: **Deadline for ratification**  
Category: **Times and deadlines**  
Sponsor: **Pirate Party of Czech Republic**  
Article: **XX**

My prospective vote:

Yes:  No:  Abstain:

**Current wording:**

n.a.

**Proposal:**

*Add XX (3):*

The consent to these Statutes admits no reservations, except the reservation of ratification which the founding Members may have made when signing the Statutes. If the notification of the Statutes ratification is not sent to the Board in a two year time from the signing, the Membership shall be considered never to exist.

**Statement:**

It is unclear when this statute becomes effective for the founding members who have signed it with the reservation of ratification. Obviously, since the election of the board took place at the first meeting, it should be assumed that the statute became effective upon signature. This is, of course, in contradiction with the declaration that the statute should be ratified by the appropriate bodies of the members (some parties even declared that they sign the document with the reservation of ratification by their party's board). This amendment makes sure that it can always be declared whether the Statutes are effective for a founding member who has signed the Statutes with reservation of ratification and has not (still after 1 year!) not sent the notification of ratification.

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Title:	<b>Deadline for application</b>
Category:	<b>Times and deadlines</b>
Sponsor:	<b>Pirate Party of Czech Republic</b>
Article:	<b>III (3)</b>
Dependency:	<b>Depends on Deadline to send out amendments [SAP-12]</b>

My prospective vote:

Yes:  No:  Abstain:

**Current wording:**

Requests for Membership shall be submitted to the Board in writing. They shall include contact information and a statement on the adoption of the statutes and internal regulations of the association, in addition to a copy of the statutes and by-laws and the political program of the applicant party and information on the background and organization of said applicant. The Board will transmit the application to the General Assembly.

**Proposal:**

*Change III (3) to:*

Requests for Membership shall be submitted in writing to the Board at least four weeks before the meeting of the General Assembly. They shall include contact information and a statement on the adoption of the statutes and internal regulations of the Pirate Parties International, in addition to a copy of the statutes and by-laws and the political program of the applicant and information on the background and organization of said applicant. The Board will transmit the application to all Members at least two weeks before the meeting of the General Assembly.

**Statement:**

The current wording has no deadlines in which the application should be submitted in order to be judged on the Meeting of the General Assembly. It should be made absolutely clear what "association" means in the context. The applicant generally needs not to be a Party. The times are set the same as with the amendments procedure.

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Title: **Deadline to send out amendments**  
Category: **Times and deadlines**  
Sponsor: **Pirate Party of Luxembourg**  
Article: **XX (2)**

My prospective vote:

Yes:  No:  Abstain:

**Current wording:**

The amendments can be proposed by any Member of Pirate Parties International at least four weeks before the meeting of the General Assembly in writing to the Board. The Board will send out the proposals to all Members at least one week before the meeting of the General Assembly.

**Proposal:**

*Change XX (2) deadline from one to two weeks:*

The amendments can be proposed by any Member of Pirate Parties International at least two weeks before the meeting of the General Assembly in writing to the Board. The Board will send out the proposals to all Members at least two weeks before the meeting of the General Assembly.

**Statement:**

The current wording has no deadlines in which the application should be submitted in order to be judged on the Meeting of the General Assembly. It should be made absolutely clear what "association" means in the context. The applicant generally needs not to be a Party. The times are set the same as with the amendments procedure.

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Title: **General Assembly Quorum**  
Category: **Legal technique and wording**  
Sponsor: **Pirate Party of Luxembourg**  
Article: **IX (5)**

My prospective vote:

Yes:  No:  Abstain:

**Current wording:**

The presence of one third of the Ordinary Members shall constitute a quorum.

**Proposal:**

*Change IX (5) to:*

The physical or remote presence of one third of the Ordinary Members shall constitute a quorum.

**Statement:**

It is not defined what "presence" means and if it includes remote voting.

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Title: **Abbreviation**  
Category: **Legal technique and wording**  
Sponsor: **Pirate Party of Luxembourg**  
Article: **I (1)**

My prospective vote:

Yes:  No:  Abstain:

**Current wording:**

The name of the association is Pirate Parties International (PPI).

**Proposal:**

*Change I (1) to:*

The name of the association is Pirate Parties International. The official abbreviation is PPI.

**Statement:**

The abbreviation should be clearly distinguished from the name.

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Title: **Goals: Support, not unify**  
Category: **Legal technique and wording**  
Sponsor: **Pirate Party of Luxembourg**  
Article: **II (1) (c)**

My prospective vote:

Yes:  No:  Abstain:

**Current wording:**

The goals of the association are: (c) to unify the pirate movement and strengthen its bonds internally and externally.

**Proposal:**

*Change II (1) (c) to:*

(c) to support the pirate movement and strengthen its bonds internally and externally.

**Statement:**

The aim of PPI is not to unify the Pirate movement, but to support it.



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Title: **Board actions and majority of members**  
Category: **Legal technique and wording**  
Sponsor: **Pirate Party of Luxembourg, Pirate Party of Czech Republic**  
Article: **XIII (2)**

My prospective vote:

Yes:  No:  Abstain:

**Current wording:**

The Board governs its actions according to the decisions of the General Assembly and in spirit of the majority of the programs of the Ordinary Members of Pirate Parties International.

**Proposal:**

*Change XIII (2) to:*

The Board performs actions according to the decisions of the General Assembly and the spirit of the Pirate Movement.

**Statement:**

PPI should involve all parties. "Majority" can be interpreted too restrictively.

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Title: **Goal, not purpose**  
Category: **Legal technique and wording**  
Sponsor: **Pirate Party of Czech Republic**  
Article: **X (1) (a)**

My prospective vote:

Yes:  No:  Abstain:

**Current wording:**

The functions of the General Assembly are: (a) to consider the policies and standards of the Pirate Movement throughout the world and take such action as shall further the purpose of Pirate Parties International.

**Proposal:**

*Change X (1) (a) "purpose" to "goals":*

(a) to consider the policies and standards of the Pirate Movement throughout the world and take such action as shall further the goals of Pirate Parties International.

**Statement:**

There is no purpose defined in the Statutes, should read "goals".

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Title: **Member Organization/Member inconsistency**  
Category: **Legal technique and wording**  
Sponsor: **Pirate Party of Czech Republic**  
Article: **XI (3)**

My prospective vote:

Yes:  No:  Abstain:

**Current wording:**

An Ordinary Member which is unable to be present at a meeting of the General Assembly may vote by proxy given to another Member Organization, but no Member Organization may accept more than one proxy.

**Proposal:**

*Change XI (3) "Member Organization" to "Member":*

An Ordinary Member which is unable to be present at a meeting of the General Assembly may vote by proxy given to another Member, but no Member may accept more than one proxy.

**Statement:**

Throughout the statutes members of PPI are referred to by the word Member, this article should be adapted.

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Title: **By-laws**  
Category: **Legal technique and wording**  
Sponsor: **Pirate Party of Czech Republic**  
Article: **XIII (1) (i)**

My prospective vote:

Yes:  No:  Abstain:

**Current wording:**

The functions of the Board are: (i) to exercise other functions resulting from this Statutes and its By-Laws.

**Proposal:**

*Change XIII (1) (i) to:*

(i) to exercise other functions resulting from these Statutes.

**Statement:**

There are no by-laws defined, the term that is used is internal regulations (and grammar error corrected).

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Title: **Numbers and alternatives**  
Category: **Legal technique and wording**  
Sponsor: **Pirate Party of Czech Republic**  
Article: **VIII (1), X (c) and XI (2), IX (7) and XIII (8)**

My prospective vote:

Yes:  No:  Abstain:

**Current wording:**

*VIII (1):*

The Board keeps a Membership register at the PPI Headquarters of Pirate Parties International. This register lists the name, legal form, address of the registered office, identity of the representative and, where applicable, the registration number in accordance with existing legislation and/or regulations. All Members may consult this register at the registered office of the PPI Headquarters.

*X (c):*

The functions of the General Assembly are: (c) to consider applications for Membership and decide as to the expulsion of Members,

*XI (2):*

Decisions concerning the admission of new Members (section III, paragraph 4), the expulsion of Members (section VII, paragraph 2), the determination of the annual affiliation fee (section XVI, paragraph 1) and the amendment of this Statutes (section XX), shall be passed by a two thirds majority of the votes cast.

*IX (7):*

Meetings of the General Assembly will be announced at least 5 weeks prior to the meeting. The invitation will be sent out by the Board to all Members and published on the homepage of Pirate Parties International website.

*XIII (8):*

A Board member may resign at any moment. In case of vacancy a substitute may be appointed by the Board until the next General Assembly. If the position of both Co-Chairmen or the Chief Administrative Officer is vacant, an extraordinary session of the General Assembly has to

be held within the next six (6) months. Vacancies among other elected members of the Board shall be filled for the remainder of the term still to be served by the resigning or deceased holder of the seat by the runners-up in order of election, at the election in which the resigning or deceased member was elected.

**Proposal:**

*Change VIII (1) [...] and/or [...] to [...] and [...].*

*Change X (c) and XI (2) [...] expulsion [...] to [...] exclusion [...].*

*Change the number to word expression in IX (7) ("5" to "five") and delete "(6)" in XIII (8),*

**Statement:**

Improve consistency and legal technique.

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Title: **Board Members clarification**  
Category: **Legal technique and wording**  
Sponsor: **Pirate Party of Luxembourg**  
Article: **XII (1)**

My prospective vote:

Yes:  No:  Abstain:

**Current wording:**

Pirate Parties International is managed by the Board, the executive organ. Its Members shall consider the interests of the Pirate Movement as a whole and shall neither consider themselves, nor be considered, as representing any particular Member or non-member Organization or Region.

**Proposal:**

*Change XII (1) to:*

Pirate Parties International is managed by the Board, the executive organ. The members of the Board shall consider the interests of the Pirate movement as a whole and shall neither consider themselves, nor be considered, as representing any particular Member or non-member Organization or region.

**Statement:**

"Its Members" might be interpreted as members of PPI.

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Title: **Board positions**  
Category: **Legal technique and wording**  
Sponsor: **Pirate Party of Luxembourg, Pirate Party of Czech Republic**  
Article: **XII (3)**

My prospective vote:

Yes:  No:  Abstain:

**Current wording:**

Other positions, including, but not limited to (a) Social, Media and Grassroots Officer, (b) Translation and News Officer, (c) Chief Technical Officer, and (d) Ideology Leader may be created by the Board.

**Proposal:**

*Change XII (3) to:*

Other positions may be created by the Board.

**Statement:**

The examples are misleading.



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Title: **The word Pirate**  
Category: **Legal technique and wording**  
Sponsor: **Pirate Party of Czech Republic**  
Article: **IV (1) (b)**

My prospective vote:

Yes:  No:  Abstain:

**Current wording:**

The Ordinary Members are the founding Members and those accepted by the General Assembly according to section III, paragraph (4). To Ordinary Membership are eligible Members that (b) use the inflection of the word „pirate“ in their name, and [...]

**Proposal:**

*Change IV (1) (b) to:*

(b) use the inflection of the word Pirate in their name, and

**Statement:**

We should stick to the technique of Art. I (1) which uses no quotes. Moreover, there is the advantage that the media do not refer to you as the "pirate" party, but as the Pirate Party, which makes a better impression.