

The Football Supporters' Society of Bury Limited

Board Election Policy

Introduction

This document constitutes the Election Policy ('Policy') for the board of The Football Supporters' Society of Bury Limited (the 'Society') and is drafted to operate in addition to and in conjunction with The Football Supporters' Society of Bury Limited Rules (the 'Society Rules'). The purpose of this Policy is to ensure that the elections for Society Board Members are conducted in a democratic and unbiased manner in accordance with this Policy and the Society Rules. This Policy also clarifies the nature and requirements of some specific roles which need to be fulfilled to ensure the successful running of the Society.

In the event of any conflict between this Policy and the Society Rules, the Society Rules shall take precedence.

Definitions

- "AGM" means the annual general meeting of the Society.
- "Election Period" means the period from the date each year on which the Secretary issues nomination forms to Members until 3 days after the announcement of the result of the election to which the nomination forms relate.
- "Member(s)" means a member(s) of the Society.
- "Society Board Member(s)" means an elected or Co-opted Member(s) of the Society.
- "Board Membership and Conduct Policy" means a detailed set of rules and regulations of the Society set out in a separate policy statement
- "Co-opted Member(s)" means a person(s) who has/have been elected to the Society Board by Society Board Members but not elected by the Members.
- "Indictable Offence" means a criminal offence (other than a spent conviction as defined by the Rehabilitation of Offenders Act 1974) for dishonesty, fraud or dealing in drugs.
- "Secretary" means the Secretary of the Society.
- "Society" means XX Society Limited, also known as Supporters Society.
- "Society Board" means the elected board of the Society including any co-opted Society Board Members.

Election control

In advance of the commencement of the election, the Society Board will appoint Members (who with the exception of the Secretary may not include serving Society Board Members) to form an elections committee ('Elections Committee'). The Elections Committee shall be chaired by an independent person who is not a Member. The Secretary may be a member of the Elections Committee. In the event that the Elections Committee is unable to agree the

identity of the independent person to act as chair of the Elections Committee, The Football Supporters' Association will select such person.

A Member whose position is due to be offered for election shall not play any part in determining the composition of the Elections Committee or any aspect regarding the conduct of the election.

Members of the Elections Committee shall not be eligible to nominate candidates nor be a candidate themselves and shall ensure that they are not associated closely with any candidates and shall have proper regard to maintaining the integrity of the election process.

During the Election Period the Elections Committee will ensure that the election is conducted in accordance with this Policy.

The Elections Committee shall make the final decision as regards the eligibility of candidates, the suitability of nominations and the validity of votes. The Elections Committee shall conduct the count and the result, as determined by the Elections Committee, is final. Any decision taken will be by a majority vote of the Elections Committee and will be recorded. The chair of the Elections Committee shall have a casting vote in the event of no majority decision being reached.

Timetable

The AGM will take place within the period laid down in the Society's Rules, and the exact date shall be decided by the Society Board.

The Society Board shall agree the number of vacancies to be filled by the election process. If the number of vacancies to be filled in a particular year differs from the number of vacancies filled in previous years, or changes the number of places to be elected in total on the Society Board, then the reasons why the change has been made shall be communicated to Members in the form soliciting nominations.

The Secretary will circulate a nomination form with advance notice of the AGM at least eight weeks before the AGM.

The Society Board shall ensure that the membership of the Elections Committee has been agreed by the Society Board before the Secretary circulates nominations forms.

During the Election Period, the Elections Committee shall manage the process, with the assistance of the Secretary as required.

Nominations and eligibility

Any person wishing to be a candidate for election to the Society Board must be a fully paid-up Member and must have been a Member for 6 months prior to the AGM, and be nominated by at least two fully paid-up Members. The Elections Committee can waive or vary the 6-month qualifying period in exceptional circumstances, in its absolute discretion. It is expected

that the 6-month qualifying period will be waived by the Elections Committee for the first election.

The Elections Committee will verify that each nomination has been submitted by a qualifying Member. Members can nominate as many candidates as they wish.

A signed letter of nomination from a Member, or an email from the address that a Member has given to the Secretary for receiving Society communications, are acceptable substitutes for a signature on the candidate's nomination form.

It is the candidate's responsibility to ensure that their nomination is valid and submitted in accordance with the election timetable. In order to ensure that candidates can confirm the validity of their nominees, the Elections Committee and the Secretary should arrange for candidates to be able to check in advance whether those nominating them are fully paid-up Members.

Decisions over the validity of nominations shall be a matter for the Elections Committee having due regard to the Secretary's assessment of the membership status of an individual nominating a candidate. Any decision by the Elections Committee not to accept a nomination as valid should be notified to the candidate as soon as possible in order that the situation may be rectified or an appeal heard. The decision of the Elections Committee, including any decision made as a result of an appeal, shall be final and shall be notified to the candidate as soon as possible.

Candidates must also submit a statement in support of their nomination (see section Statements and Campaigning below for more details) along with a list of all other board positions and business interests or any other potential conflicts of interests.

The names of those nominating candidates shall be appended to each candidate's statement.

By submitting a nomination, candidates will be deemed to have accepted this Policy, the Society's Rules, and any other policies and rules adopted by the Society Board and the membership and agree to be bound by them.

Specifically, candidates are also self-certifying that they comply with the Society Rules, Conflicts of Interest Policy and Board Membership and Conduct Policy relating to eligibility to serve on the Society Board. In particular, no person can be a member of the Society Board:

- (with the exception of Co-opted Members co-opted onto the Society Board under Rule 67 of the Rules) who ceases to be a Member;
- who is subject to a bankruptcy order or has in place a composition with his/her creditors;
- who is subject to a disqualification order made under the Company Directors Disqualification Act 1986;
- who fails to abide by any rules for the conduct of elections made by the Society Board.
- who has a conviction for an Indictable Offence;
- in relation to whom a registered medical practitioner who is treating them gives a written opinion to the Society stating that they are or have become physically or

mentally incapable of acting as a Society Board Member and are likely to remain so for more than three months;

- in relation to whom by reason of their mental health, a court makes an order which wholly or partly prevents them from personally exercising any powers or rights which that person would otherwise have;
- who has a conflict of interest which precludes them from acting as a board member as stated in the Conflicts of Interest Policy;
- who the Society Board reasonably believes would not be an appropriate person to act as a Society Board Member and for the avoidance of doubt this includes appropriate scrutiny of a candidate's activity across all recognised social media platforms

All successful candidates must be subject to a DBS check to screen for any criminal convictions.

All candidates shall leave full contact details with the Elections Committee including email address.

Statements and Campaigning

Campaigning under the auspices of the Society will be restricted to the statements submitted by the candidates or to any official events organised and announced by the Society.

All candidates' statements are to be sent by email to the relevant members of the Elections Committee. These will be gathered together and issued with the ballot papers.

Candidate statements should be at least 250 words long and no longer than 1000 words. If a candidate's statement includes more than 1000 words, it will be truncated and text will be inserted below stating "The candidate's statement has exceeded the permitted length and has therefore been truncated". The number of words counted shall be decided using Microsoft Word. Any explanatory text contained within the form itself should not be included in the word count.

The candidate statement when published will be accompanied by the information contained within the Declaration of Interests Form.

Candidates shall not in their statements make threats, insults or derogatory, abusive, racist, sexist or homophobic statements. The Elections Committee reserve the right to review any statement to ensure that it does not breach these rules and shall invite the candidate to edit the statement in the event that it does so. If the candidate refuses to edit the statement the Elections Committee shall be entitled to disqualify the candidate from the election process.

In agreeing to be nominated and so accepting this Policy, candidates shall agree to indemnify the Society for the cost of meeting any liability of the Society that may arise as a result of the contents of their statement.

During the election neither the Elections Committee nor the Society Board may provide advice to voting Members as to the suitability of any candidate nor issue any voting advice to Members collectively. Individual Society Board Members who indicate a preference in public

must make it clear that they do not speak on behalf of the Society Board and are expressing a purely personal opinion.

Appeals

Candidates or complainants shall raise any matters with the Elections Committee whose decision is final.

Any complaints after voting has closed shall be made to the Elections Committee not later than three working days after the close of poll. Any complaint received after this date shall be ruled out of order.

If any candidate should contravene this Policy, the Elections Committee shall determine whether a disqualification should apply and the decision of the Elections Committee is final.

Any appeal against the decision of the Elections Committee shall be made through and governed by the disputes procedure as set out in the Society Rules.

Result

If there are more candidates than vacancies available on the Society Board, the following procedure shall be followed:

- The Elections Committee will issue copies of candidates' statements at least 21 days before the AGM.
- The Elections Committee will issue electronic voting forms, and further copies of candidates' statements at least 14 days before the AGM.
- Votes may be submitted by post or electronically up to the day of the AGM. The count shall be made before the AGM, and the result announced before the close of the AGM.

The highest placed candidates in terms of total votes obtained as equal to the number of places available for election declared by the Board shall be deemed elected. In the event of a tie for the final place a further vote will be used to choose between the tied candidates.

If there are as many or fewer candidates than there are places, an affirmative ballot shall be held in advance of the AGM. Each successfully nominated candidate will be put before Members for approval by electronic vote. Any candidate not receiving the support of more than half of those Members who vote shall be deemed to have not been elected. The exception shall be that should the failure to elect any of the validly nominated candidates leave the Society Board comprising of below the minimum number required under the Society Rules, all validly nominated candidates shall be deemed elected by the Elections Committee and this shall be declared at the AGM.

The result shall be communicated to Members on the Society's website and by email and at the AGM or next Members' meeting (if it is possible to complete the count at the AGM in question).

Successful candidates shall become full members of the Society Board upon receipt of their signed acceptance of the Board Membership and Conduct Policy, subject to a satisfactory DBS check.

The Secretary will issue the Board Membership and Conduct Policy to the successful candidates upon the result of the election and should any successful candidate not return the Board Membership and Conduct Policy duly signed in whichever way the Secretary asks for it to be returned within one calendar month, without an acceptable reason for the lateness in returning the document, the election of that candidate will be declared null and void and a vacant position will be created. For the avoidance of doubt, the onus for returning the signed Board Membership and Conduct Policy shall be on the successful candidate and not the Secretary.