

# **BATH CITY FC SUPPORTERS SOCIETY LIMITED**

## **ELECTION AND APPOINTMENTS POLICY**

**MARCH 2023**

### **SUMMARY**

Elections for vacancies on the Society Board, and for Society representatives on the Club Board, will be held at the Society AGM. The Society Board will appoint an Elections Officer and Elections Observer to organise the election.

Eight weeks before the AGM, members will be invited to nominate for election by submitting a statement of 200-400 words to the Elections Officer. The Society Board may not officially endorse any candidate but will check to ensure that nominations to the Club Board meet essential criteria.

The Elections Officer will then distribute these candidate statements, along with ballots, by post and/or email to all members no later than two weeks before the AGM. All Society members will then be able to vote by post, email or in person at the AGM.

If there are more candidates than there are vacancies, members will be able to vote for as many candidates as there are vacancies, with the highest-placed candidates being elected. For example, if there are six vacancies and ten candidates, members will be able to tick up to six candidates on their ballot paper, and the six candidates with the most votes will be elected.

If there are the same number as or fewer candidates than there are vacancies, members will be able to vote “yes” or “no” for each candidate. Each candidate who receives a majority of “yes” votes will be elected.

### **1. Introduction**

1.1. This document is drafted in accordance with the existing Rules of Supporters Society Limited adopted pursuant to a resolution of the Society Board of Directors on 25 June 2020 (revised in October 2020) and the Best Practice guidance issued by Supporters Direct. The purpose of the Election Policy is to ensure that the elections for the Society Board members, and for Society representatives on the Club Board, are conducted in a democratic and unbiased manner and the process and results are accepted as free and fair by all participants.

### **2. Definitions**

2.1 “AGM” means the annual general meeting of the Society.

2.2 “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.

2.3 “Member(s)” means a member(s) of the Society.

2.4 “Society Board Member(s)” means an elected or Co-opted Member(s) of the Society Board.

2.5 “Election Policy” means the terms and conditions laid out in this document.

2.6 “Board Membership and Conduct Policy” means a detailed set of rules and regulations of the Society set out in a separate policy statement.

2.7 “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.

2.8 “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.

2.9 “Rules” means the rules and regulations of the Society laid out in the separate Rules document

2.10 “Secretary” means the Secretary of the Society.

2.11 “Society” means Bath City FC Supporters’ Society Limited (also known as Supporters Society).

2.12 “Society Board” means the elected Board of the Society including any co-opted Society Board Members (the Society Board is commonly known as the ‘Society Committee’ ).

2.13 “Club Board” means the Board of Bath City FC Ltd.

### **3. Election control**

3.1. In advance of the commencement of the election, the Society Board will appoint one member of the Society to act as Elections Officer and one member of the Society to act as Elections Observer. All Society members, including Society Board members and officers, are eligible to serve as Elections Officer or Elections Observer, save those members of the Society Board whose positions are due to be offered for election.

3.2. No members of the Society Board whose positions are due to be offered for election shall play any part in selecting the Elections Officer or Elections Observer, or in any aspect regarding the conduct of the elections.

3.3. The Elections Officer and Elections Observer shall not be eligible to be candidates themselves, and shall ensure that they are not associated closely with any candidates and have proper regard to maintaining the integrity of the election process.

3.4. During the Election Period the Elections Officer will ensure that the election is run in accordance with this policy.

3.5. The Elections Officer shall make the final decision as the eligibility of candidates, nominations and valid votes. They shall conduct the count and the result, as determined by them is final. Any decisions taken will be by majority vote and recorded. The Elections Officer shall have a casting vote in the event of a tie.

#### **4. Timetable**

4.1. 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 by the end of the preceding financial year.

4.2. The Board shall agree the number of vacancies to be elected; if the numbers to be elected differs from the numbers elected in previous years, or changes the number of places to be elected in total on the Society Board, or Society representatives on the Club Board, then the reasons why the change has been made shall be communicated to members in the form soliciting nominations.

4.3. The Secretary will circulate a nomination form with advance notice of the AGM at least eight weeks before the AGM. This marks the beginning of the Election Period.

4.4. The Society Board shall ensure that the Elections Officer and Elections Observer are appointed before the Secretary circulates nominations forms.

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

#### **5. Nominations and eligibility**

5.1. Any person wishing to be a candidate for election to the Society Board must be a fully paid-up member of the Society at the beginning of the election period (ie 8 weeks before the AGM). Any person wishing to be a candidate for election as a Society representative on the Club Board must be a member of the Society at the time their nomination is submitted. If elected they must remain paid up members of the Society throughout their period in office.

5.2. Candidates for election to the Society Board may nominate themselves and do not require further nominations from other Society members. Candidates for election to the Club Board must have a proposer and a seconder, both of whom must be paid-up members of the Society.

5.3. The Elections Officer will verify that nominations are from members of the Society.

5.4. It is the candidate's responsibility to ensure that their nomination is valid and submitted in accordance with the election timetable.

5.5. Decisions over the validity of nominations shall be a matter for the Elections Officer having due regard for the Secretary's assessment of the membership status of a self-

nominating candidate. Any decision by the Elections Officer 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.

5.6. Candidates must also submit a statement in support of their nomination and may also submit a photograph for publication with their statement (see section 6 below for more details).

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

5.8. Specifically, candidates for the Society Board are also self-certifying that they comply with the Society Rules and Board Membership and Conduct Policy relating to eligibility to serve on the Society Board.

No person can be a member of the Society Board or can be a Society representative on the Club 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 of the Society;
- 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;
- fails to abide by any rules for the conduct of elections made by the Society Board.
- who has a conviction for an indictable offence (other than a spent conviction as defined by the Rehabilitation of Offenders Act 1974);
- in relation to whom a registered medical practitioner who is treating them gives a written opinion to the Society stating that they have become physically or mentally incapable of acting as a Director and may 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;

5.9 'Job-share' nominations to the Club Board and Society Board are acceptable. Such nominations should state clearly how the job share arrangement would work in practice and how this is not detrimental to the Club Board or Society Board. For governance purposes it would be necessary to state which one of the job share candidates would be the named member of the Club Board or Society Board and which one would be a deputy. This should be made clear on the nomination.

5.10 The maximum period of membership on the Society Board is 12 years in total. Society representatives on the Club Board may serve for two consecutive periods of 3 years, after which they must stand down. They may then seek re-election as a Society representative on the Club Board after one year has passed.

5.11 All candidates shall leave full contact details with the Elections Officer including email address

## **6. Society representatives on the Club Board**

6.1 Society representatives on the Club Board are elected for a period of three years.

6.2 One-third of the positions as Society representative on the Club Board will be elected each year. To achieve this, after the first year of elected representatives (ie 2019) two representatives will stand down or stand for re-election, and after the second year (ie 2020) two further representatives will stand down or stand for re-election. The choice of which representatives to stand down, or to stand for re-election, lies with the representatives themselves. In the event of there being no volunteers or agreement, the choice will be determined by the Society Board by a process of drawing lots.

6.3 One of the Society representatives on the Club Board will be the Supporters Liaison Officer (SLO). Candidates who wish to serve as SLO must specifically be nominated for election to this dedicated post. The electorate for the SLO position will comprise all paid up members of the Supporters Club as well as the Supporters Society. In the event of the resignation or removal of the SLO, a by-election will be held at the next Annual or Interim General Meeting, and the newly elected SLO will serve out the remainder of the previous SLO's term of office. An interim SLO may be appointed by the Club Board prior to such a by election taking place.

6.4 Following a motion agreed at the 2021 Society AGM all other Club Board member elections should specify the specific role, skills and capabilities required. These requirements will be decided by the Society Board and written into role descriptions before the start of each election period. The Society Board will in each case determine how narrow or broad these requirements are and may vary the posts required according to circumstances at the time. The Society Board will normally consult the Club Board in advance of this decision but in doing so will take care to ensure that any possible conflicts of interest are handled appropriately. The specific posts to be elected to the Club Board will not include the Club Chair, which will be decided by a vote of Club Board members after each Society AGM.

6.5 The Society Board, or a sub-committee of the Society Board, will check that nominations for election to the Club Board meet the essential criteria required. It retains the right to exclude from the election process those nominations who it deems not to meet essential criteria.

6.6 If there continue to be specific skills gaps on the Club Board after elections (and subsequent allocation of posts among the Club Board) they can be filled by time-limited co-options of non-voting 'Associate Directors' as appropriate and with the Society Committee's agreement. In such cases the co-options are to meet specific skills requirements and can be advertised as such.

6.7 In the longer term the Society should move towards a model where the membership of the Society Board and Club Board is separate, but there is no need for immediate change in this respect.

6.8 In the event of a casual vacancy of a Society representative on the Club Board arising, the Society should advertise the vacancy amongst its members. Although the position is a general Club Board vacancy the circumstances of the vacancy and the resultant skills gap on the Club Board can be described in the advert. The vacancy should also be advertised more widely and all applications considered.

6.9 The person to be appointed on a short-term basis to fill a casual vacancy as Society representative on the Club Board must be (or become) a member of the Society and the appointment must be approved by the Society Committee.

6.10 The appointee will remain on the Club Board for the remaining duration of the post-holder they are replacing, and must then stand for election if they wish to continue as a Society representative on the Club Board.

## **7. Statements and Campaigning**

7.1. Campaigning under the auspices of the Society will be restricted to the statements submitted by the candidates and to any hustings organised by the Society.

7.2. All candidates' statements are to be sent by email or post to the Elections Officer. These will be gathered together and issued with the ballot papers, and include the photograph (if submitted) of the candidate.

7.3. Candidate statements should be at least 200 words long and no longer than 400 words. If a candidate's statement has more 400 words, it will be truncated and text will be inserted below stating "The candidate's statement has exceeded the permitted amount and has therefore been truncated". The number of words counted shall be decided using Microsoft Word.

7.4. Candidates shall not in their statements make threats, insults or derogatory, abusive, racist, sexist, homophobic or other discriminatory statements.

7.5 The Elections Officer will reserve the right to refer a nomination to the Society Committee for a decision on whether or not the candidate is acting against the values and objectives of the Society, or is bringing the Society into disrepute. If this is judged to be the case the candidate will be disqualified from standing for election.

7.6. 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.

7.7. During the election neither the Elections Officer 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 express a purely personal opinion.

## **8. Appeals**

8.1. Candidates or complainants shall raise matters with the Elections Officer whose decision is final.

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

8.3. If any candidate should contravene the Election Policy, the Elections Officer shall judge whether a disqualification should apply and their decision is final.

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

## **9. Franchise, Voting Procedures and Results**

9.1. All Members of the Society who are fully paid-up as of the date of the AGM may vote, including those who join after the start of the Election Period.

9.2. At the start of the Election Period, the Membership Secretary shall provide the Elections Officer and Elections Observer with a complete list of eligible voters, and shall inform them immediately of any members joining during the Election Period.

9.3. If there are more candidates than places available on the Society Board or places as Society representatives on the Club Board:

9.3.1. The Elections Officer, with the assistance of the Secretary as required, shall issue postal and electronic ballot papers and copies of candidates' statements alongside the notice sent by the Secretary convening the AGM. As per the Society Rules, these must be sent no later than 14 days before the date of the AGM.

9.3.2. Members are allowed, but not obliged, to vote for as many candidates as there are vacancies.

9.3.3. Ballots may be submitted by post or electronic means up to the day of the AGM, and also deposited in person before or during the AGM.

9.3.4. Throughout the Election Period, the Elections Officer will keep a record of which eligible voters have voted by post or electronic means, sharing this record with the Elections Observer and allowing the Elections Observer to verify all postal and electronic ballots received.

9.3.5. To prevent duplication of postal or electronic ballots, members voting by post, email or other electronic means must give their names to the Elections Officer so that they may be recorded as having voted. The Elections Officer and Elections Observer shall keep private in perpetuity the votes of individual members. Members who require total secrecy may vote in person or in proxy at the AGM.

9.3.6. Votes made in person or in proxy on the day of the AGM will be made by secret ballot. The Elections Officer will ensure Society members have ballot papers available to them at the AGM. The Elections Officer and Elections Observer are responsible for verifying that

Members wishing to vote in person or in proxy on the day of the AGM have not already voted by postal or electronic means.

9.3.7. The Count shall be made at the close of the AGM by the Elections Officer and the Elections Observer, and the result announced as soon as possible afterwards.

9.3.8. The highest placed candidates in terms of total votes as equal to number of places available for election declared by the Society Board shall be deemed elected.

9.4 If there are as many or fewer candidates than there are places, an affirmative ballot shall be held.

9.4.1 The Elections Officer, with the assistance of the Secretary as required, will issue postal and electronic ballot papers and copies of candidates' statements with the notice sent convening the AGM. These ballots will offer a "yes" or "no" choice on each individual candidate.

9.4.2 Votes may be submitted by post and email up to the day of the AGM, and also deposited in person before the end of the AGM. The procedure for recording and verifying votes shall be the same as outlined in section 8.3.

9.4.3 The Count shall be made at the close of the AGM, and the result announced as soon as possible afterwards.

9.4.4 Any candidate receiving more "no" votes than "yes" votes shall be deemed to have not been elected. Abstentions are not counted.

9.5 The result shall be communicated to members on the Society's website, in the Society's newsletter and at the AGM or next members' meeting (if it is possible to complete the count at the AGM in question). Where an affirmative ballot has taken place, the Elections Officer may choose to keep private the exact "yes" and "no" votes received by each candidate, if all candidates consent.

9.6 Successful candidates in Society Board elections shall become full members of the Society Board upon receipt of their signed acceptance of the Board Membership and Conduct Policy.

9.7 The Society Secretary will issue the Board Membership and Conduct Policy to the successful candidates in elections to the Society Board 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 not the Society Secretary.

**ENDS**