



ELECTION POLICY

1. Introduction

1.1. This document is drafted in accordance with the existing Rules of the Torquay United Supporters Society Limited and the Best Practice guidance issued by the FSA. The purpose of the Election Policy is to ensure that the elections for the Society Board members 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.
- 2.5 “Election Policy” means the terms and conditions laid out in this document.
- 2.6 “EMG” means the Election Management Group.
- 2.7 “Board Membership and Conduct Policy” means a detailed set of rules and regulations of the Society set out in separate policy statements.
- 2.8 “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.
- 2.9 “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.
- 2.10 “Rules” means the rules and regulations of the Society laid out in the separate Rules document
- 2.11 “Secretary” means the Secretary of the Society.

2.12 “Society” means Torquay United Supporters’ Society Limited (also known as Torquay United Supporters Trust or TUST).

2.13 “Society Board means the elected Board of the Society including any co-opted Society Board Members.

3. Election control

- 3.1. In advance of the commencement of the election, the Society Board will appoint members of the Society (but not serving Society board members) to form the EMG. This group shall be chaired by an independent person who is not a member of the Society. The Secretary may be a member of this group (if they are not an elected Society board member). In the event that it is not possible to agree the identity of the Independent chair, the FSA will select the Independent chair.
- 3.2. No members of the Society Board whose positions are due to be offered for election shall play any part in determining the composition of the EMG or any aspect regarding the conduct of the elections.
- 3.3. Members of the EMG 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 have proper regard to maintaining the integrity of the election process.
- 3.4. During the Election Period the EMG will ensure that the election is run in accordance with this policy.
- 3.5. The EMG shall make the final decision as to 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 Chair of the EMG 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.
- 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, 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.
- 4.4. The Society Board shall ensure that the membership of the EMG has been agreed by the Society Board before the Secretary circulates nominations forms.
- 4.5. During the Election Period, the EMG 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 have been a fully paid-up member of the Society for at least the previous six months and be nominated by at least two fully paid-up members of the Society.
- 5.2. The EMG will verify that nominations are from members of the Society. Society members can nominate as many candidates as they wish.
- 5.3. A signed letter of nomination from a member or email from the address a member has given the Secretary for receiving Society communications, are acceptable substitutes for a signature on the candidate's nomination form.
- 5.4. 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 EMG and Secretary should arrange for candidates to be able to check in advance whether those nominating them are fully paid-up members.
- 5.5. Decisions over the validity of nominations shall be a matter for the EMG having due regard for the Secretary's assessment of the membership status of an individual nominating a candidate. Any decision by the EMG 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 a photograph for publication with their statement (see section 6 below for more details).
- 5.7. The names of those nominating candidates shall be appended to each candidate's statement.
- 5.8. 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.
- 5.9. Specifically, candidates are also self-certifying that they comply with the Society Rules and Board Membership Policy and the Code of Conduct relating to eligibility to serve on the 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 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;

5.10. All candidates shall leave full contact details with the EMG including email address

6. Statements and Campaigning

- 6.1. 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.
- 6.2. All candidates' statements are to be sent by email to the relevant members of the EMG. These will be gathered together and issued with the ballot papers and include the photograph of the candidate and a list of the members who have nominated them.
- 6.3. Candidate statements should be up to 400 words long. If a candidate's statement has more than 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.
- 6.4. Candidates shall not in their statements make threats, insults or derogatory, abusive, racist, sexist or homophobic statements. The EMG will reserve the right to edit any statement to ensure that it does not breach these rules.
- 6.5. 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.
- 6.6. During the election neither the EMG 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.

7. Voting & Result

- 7.1 If there are as many or fewer candidates than there are places, an affirmative ballot will be held at the AGM. Each successfully nominated candidate will be put before the meeting for approval. Any candidate not receiving the support of more than half of those present in person and by proxy will be deemed to have not been elected.
- 7.2 If there are more candidates than places available on the Trust Board, ballot papers and copies of candidates' statements will be issued to members of the Trust.
- 7.2 Ballot papers can be issued electronically, by post or conducted through a digital third-party management platform.
- 7.3 Voting will be undertaken by members of the Trust who are fully paid up before the cut off point for membership as designated by the Board.
- 7.4 Trust members will be issued with one ballot. Multiple ballots received from the same individual will not be accepted. If multiple ballots are received from the same Individual, then neither will be accepted.

- 7.5 Votes may be submitted by electronic means or by post up to the time stated on the ballot paper.
- 7.6 Trust members will be asked to vote for up to one candidate per available seat.
- 7.7 The highest placed candidates in terms of total votes as equal to the number of places available for election declared by the Board will be deemed elected.
- 7.8 Those candidates who receive the highest number of votes will serve the longest terms in situations where there are seats available with differing term lengths.
- 7.9 If, after all votes have been counted, two or more candidates are tied for any vacancy, lots will be drawn to determine who is elected.
- 7.10 The exception will be that should the failure to elect any of the validly nominated candidates leave the Board below the minimum required under the Rules for them to act, all validly nominated candidates will be deemed elected by the EMG.
- 7.11 The result will be communicated to members at the AGM and on the Trust's website, social media and newsletter.
- 7.12 Successful candidates shall become full members of the Society Board upon receipt of their signed acceptance of the Board Membership Policy and Code of Conduct.
- 7.13 The Society Secretary will issue the Board Membership Policy and Code of Conduct to the successful candidates upon the result of the election and should any successful candidate not confirm acceptance of the Board Membership Policy and Code of Conduct in whichever way the Secretary asks for it within one calendar month, without an acceptable reason for the lateness in accepting the terms, 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 confirming acceptance of the Board Membership Policy and Code of Conduct shall be on the successful candidate not the Society Secretary

8. Appeals

- 8.1. Candidates or complainants shall raise matters with the EMG whose decision is final.
- 8.2. Complaints after voting has closed shall be made to the EMG 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 EMG shall judge whether a disqualification should apply and their decision is final.
- 8.4. Any appeal against the decision of the EMG shall be made through and governed by the disputes procedure as set out in the Society Rules.

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