Council Election Policy and Procedure

1.0 Purpose of this policy and procedure

1.1 The purpose of this policy and procedure is to set out how the Association manages the Council elections.

1.2 This policy informs candidates standing for election, Council and staff of their responsibilities and obligations to act in the best interests of the Association, in accordance with a Council members' Fiduciary and legal duties, BASC Constitution and any other obligations laid down in law.

1.3 The policy will ensure that:

1.3.1 the election process is conducted in a free and fair manner.

1.3.2 free discussion is not inhibited.

1.3.3 the perception that BASC's Council or staff could have influenced the outcome of an election is avoided.

1.3.4 breaches and complaints relating to candidates and the election process are managed in fair manner.

2.0 Responsibilities

2.1 **Candidates** are responsible for promoting their candidacy to members, but are subject to the following prohibitions:

2.1.1 They shall not seek to involve the Association staff or Council members in electioneering.

2.1.2 They shall not use the Association's displays at country shows and other events; and other occasions such as, but not limited to, courses and Association meetings for electioneering.

2.1.3 They will not use the Association's social media, web-site and any other BASC communications channels or methods for electioneering.

2.1.4 Candidate's must not give the impression that their candidature has received the official endorsement of the Association or its Council. Candidates are barred from using the Associations logo or any BASC slogan's or straplines in a manner that could give the impression that they have received official endorsement.

2.1.5 BASC are authorised to decline any material submitted for publication that, in their opinion, would amount to electioneering.

2.2 **The Chief Executive** is responsible for:

2.2.1 Overseeing that the running of the election process is free, fair and in accordance with the Council election process policy and procedure.

2.2.2 Reviewing the results of the nominee checks, confirming eligibility of the nominees and agreeing any nominee who has failed the checks with the Registered Society Secretary.

2.2.3 Informing the Council of the candidates standing for election and any nominee who has failed any of the checks and is ineligible to stand.

2.2.4 Deal with any complaints relating to the election process.

2.2.5 Referring serious complaints related to a candidate or serious irregularities in the election process to Council for decision making.

2.3 **The Registered Society Secretary** is responsible for:

2.3.1 Undertaking the nominee checks, confirming eligibility of the nominees and agreeing any nominee who has failed the checks with the Chief Executive.

2.3.2 Reporting the candidates standing for election and any nominee who has failed any of the checks and is ineligible to stand to the Scrutineer.

2.3.3 Routine election communications with nominee/candidate during the election process.

2.3.4 Communicating between the Association and Scrutineer as required to ensure the election process is free, fair and managed in accordance with the policy.

2.3.5 Announcing to staff and Council members when purdah has commenced.

2.3.6 Report any concerns about the conduct of the election or serious irregularities to the Chief Executive who will refer them to Council.

2.3.7 As required, announcing the Council election results at the AGM.

2.4 **Council** is responsible for:

2.4.1 Deciding in accordance with the constitution, the number of seats available for Council elections.

2.4.2 Deciding (once the election has commenced) on any complaints, or new information which may result in a candidate being invalidated. The Council decision shall be final and binding.

2.4.3 If serious irregularities regarding the election are identified, then the Council has the power to invalidate an election as outlined in section 8 of this policy.

2.5 **All staff and Council members** are responsible for:

2.5.1 Ensuring that they do not endorse or give the impression that the Association has officially endorsed the candidate by following purdah rules outlined in section 4 of this policy.

2.5.2 Staff and Council members may not propose or second a nominee application to stand to Council elections, as this may give the impression that the Association is endorsing the candidate.

2.6 **The Scrutineer/Returning Officer** is responsible for:

2.6.1 Confirming the validation or rejection of nominations.

2.6.2 Running the election process once candidates have been validated and confirmed.

2.6.3 Managing the count and announcing the election results at the AGM. If the Scrutineer/Returning Officer is not attending the AGM, then they are responsible for providing the results to the Register Society Secretary in a sealed envelope prior to the AGM. The Registered Society Secretary will then announce the election result at the AGM.

2.6.4 Invalidating candidacies following a Council ruling and removing them from the election process.

2.6.5 Raising any concerns about the conduct of the election with the Registered Society Secretary who will raise them with the Chief Executive.

3.0 The Nomination Process

3.1 Council is responsible for deciding on the appropriate size of Council and approving the number of seats for election, in accordance with the Association's Constitution rule 5(a)(ii). This review is usually undertaken in September each year.

3.2 Only members of the Association can be nominated for election. Supporters cannot be nominated for election.

3.3 The election is usually announced by BASC in October/November. Information on the election and the nomination pack is available to download from the BASC web-site or in hard copy from Head Office.

3.4 The deadline for nomination will be included in the announcement. The deadline is usually the third or fourth week in January.

3.5 Signed nomination applications, which have been proposed and seconded by a valid member of the Association, who is not a member of staff or a current member of Council, must be submitted to the Chief Executive by the announced deadline.

3.6 The Registered Society Secretary and the Chief Executive review all nominations to ensure they are valid. The checks will include:

3.6.1 That the nomination was received before the specified deadline.

3.6.2 The nominee is a valid member of BASC.

3.6.3 The proposer and seconder are valid members of BASC.

3.6.4 The nominee has not been disqualified as a Director in accordance with the Directors Disqualification Act 1986.

3.6.5 The nominees are checked to ensure that they meet any FCA requirements in relations to insurance distributions activities and the role of a Council member.

3.6.6 Any other checks which are legally required to be undertaken to ensure the suitability of the nominee to stand for election.

3.7 The Chief Executive and Registered Society Secretary will reject any nominations which fail any of the mandatory checks.

3.8 The Chief Executive will inform Council of any nomination that fails any checks and has been rejected. The Council will also be informed if any candidate has disclosed information which may affect the nominee's ability to meet the fiduciary and legal duties of a Council member.

3.9 Once the election has commenced, Council will decide if a nomination should be rejected based on disclosed information and the nominee's ability to meet the fiduciary and legal duties of a Council member. Council decision is final.

3.10 The Scrutineer will be informed of the results of the checks and any decision to reject a nomination. The Scrutineer will confirm the nominations have been accepted or rejected. The Scrutineer has the authority to inspect the results of the checks.

3.11 The Scrutineer will randomly place the candidates in the order in which they will appear on the ballot paper, on the website and in other communications concerning the election.

3.12 Once the nominations have been validated or rejected, the Registered Society Secretary will inform the nominees and the candidates will be announced.

3.13 Once the candidates have been validated, the Association will enter a period of purdah which will stay in force until the election result is announced at the Annual General Meeting (AGM) in June. The Registered Society Secretary will inform all staff and Council members once purdah has commenced.

3.14 The election count opens on the 1st May each year and ends 72 hours prior to the AGM commencing.

3.15 Council will have no role in operational management of the election process. The Council's (excluding any Council members standing in the election) only involvement, will be to decide on serious breaches/complaints regarding a nominee/candidate's suitability to stand or any serious allegations regarding the conduct of the election process.

4.0 Purdah rules

4.1 Once purdah has been announced all staff and Council members must follow Purdah rules.

You should not:

4.1.1 Produce any publicity including social media which endorses or give the impression that you, as a representative for the Association have endorsed a candidate.

4.1.2 Make references to individual candidates that may be construed as electioneering in press releases or any other public media (including social media).

4.1.3 Arrange for any candidate to be involved in any media or events associated to the Association.

4.1.4 Publish any photographs, videos or material involving the candidate, that could be used for campaigning purposes (not withstanding any routine Council business related to Council members re-standing for election).

4.2 You can, with caution and approval of the Chief Executive and/or Registered Society Secretary, still use a Council member who is also a candidate for routine Council business related to Council members re-standing for election. For example, when the Association would normally use that Council member, as they are the lead spokesperson for that issue/topic.

5.0 Complaints after the candidates have been announced

5.1 All complaints from candidates or members of the Association related to the election process or any of the candidates, should be provided to the Chief Executive in writing. The Chief Executive will investigate the complaint and assess if the complaint concerns:

5.1.1 Breach of the candidate's, staff or Council members' responsibilities during the election process.

5.1.2 The capability of the candidate to meet their fiduciary and legal duties.

5.1.3 Incorrect application of the election process or any serious irregularities.

5.1.4 A breach in any other governing legislation such as the Data Protection Act 2018.

5.2 In cases where the complaint relates to suitability of a candidate to stand or serious irregularities in the election process, the Chief Executive will:

5.2.1 Notify the Council and Registered Society Secretary that there has been a complaint/serious irregularity.

5.2.2 Write to the candidate (if relevant), at the candidates registered address. The letter will explain the allegation in the complaint, the election complaints procedure; and provide the candidate the opportunity to provide a written explanation within 10 working days of the date of the letter.

5.2.3 Upon receipt of the candidate's response or following 10 working days from the date of the letter, the Chief Executive will decide if there has been a breach of the election rules that may affect the candidate's suitability to stand for election.

5.2.4 Should the Chief Executive determine there has been a breach that may affect the candidate's suitability to stand for election, or that serious irregularity has occurred during the election process, then the Chief Executive will refer the matter to Council (excluding any Council member who is re-standing for election), who will determine the level of sanction. The decision of Council is final.

5.2.5 The Chief Executive shall notify the candidate that the matter has been referred to Council who will determine the level of sanction and that the decision of Council is final.

5.2.6 Council will inform the Chief Executive and Registered Society Secretary of their decision.

5.3 In cases where there has been a minor breach of the election process, incorrect application of the election process or any other regulatory breaches, then the Chief Executive will investigate the breach/complaint and if required deal with the complaint in accordance with the relevant internal policy. The Chief Executive will inform the Council and the Registered Society Secretary that there has been a breach/complaint and what the breach/complaint resolution was.

5.4 The Registered Society Secretary will notify the Scrutineer of any breaches/complaints relevant to a candidate or the elections process, any decision made; and actions taken.

5.5 Any complaint involving the incorrect application of this policy will be dealt with under the BASC policy for dealing with complaints.

5.6 All complaints referred to the Chief Executive will be kept confidential until they are resolved, or the Council has made a final decision.

6.0 Excluding a candidate for standing, during the election process

6.1 Should the Council decide to exclude a candidate from standing during the election process, Council will notify the Chief Executive, who will notify the candidate of the Council's decision.

6.2 The Registered Society Secretary will notify the Scrutineer that a candidate has been invalidated. The scrutineer will immediately remove the ability to vote for the candidate on-line.

6.3 Any votes received for the candidate will be classed as spoilt votes.

6.4 The Scrutineer will announce at the AGM that the candidate is no longer standing.

7.0 Withdrawal of a candidate during the election process

7.1 Occasionally due to a serious matter, a candidate may need to withdraw/ be withdrawn from the elections process. Serious reasons may include matters such as death of the candidate/member of the candidate's immediate family or serious illness.

7.2 The candidate or the candidate's family (in the case of the candidate's death) should write to the Chief Executive expressing the wish to withdraw the candidacy. The Chief Executive will notify the Council and Registered Society Sectary of the withdrawal.

7.3 The Registered Society Secretary will notify the Scrutineer. The Scrutineer will immediately remove the ability to vote from the candidates on-line.

7.4 Any votes received for the candidate will be classed as spoilt votes.

7.5 The Scrutineer will announce at the AGM that the candidate has withdrawn from standing and any votes for the candidate are included in the count for spoilt votes.

8.0 Invalidation of an election

8.1 Should Council, (excluding any Council members re-standing for election) decide to invalidate an election during the election process due to serious irregularities, then an announcement will be made either via the Association's web-site (if before the election closes) or at the AGM if the decision to invalidate is made after the election closes.

8.2 Council will decide on appropriate actions following the invalidation of the election. For example, re-running the election if there is appropriate time.

8.3 The election will not be re-run if there is less than 30 days before the election was due to close.

8.4 The Chief Executive will write to all of the candidates standing for election to confirm that the election has been invalidated and if the Council has decided to re-run the election for that year.

9.0 Election Results

9.1 The election results will be announced at the Association's AGM by the Scrutineer or Registered Society Secretary.

9.2 Following the AGM the election results will be recorded in the AGM minutes and published by the Association on the website.