



LIVIFORLIFE SUPPORTERS TRUST

TRUST REPRESENTATIVE TO THE BOARD OF LIVINGSTON FC

A ELECTION RULES POLICY

These are the rules used by the Livingston Independent Supporters Society Ltd (LiviforLife Supporters Trust) for the election of a Trust Representative to the Board of Management of Livingston Football Club.

For information on the **role** of the Trust Elected Representative to the Board of Management at Livingston Football Club, please refer to the **ROLE DEFINITION** and **CODE OF CONDUCT** sections.

INTRODUCTION

1. This document constitutes the Election Rules, Regulations and Procedures for the Trust Representative on the Board of Management of Livingston Football Club, and is drafted in accordance with the existing constitution of the Livingston Independent Supporters Society Limited (LiviforLife Supporters Trust) and in agreement with Livingston Football Club.

The purpose of the Election Rules Policy is to ensure that the election is conducted in a democratic and unbiased manner in accordance with these Rules and the LFL Trust rules.

DEFINITIONS

2. Official Society name: Livingston Independent Supporters Society Limited.
Trading name - LiviforLife Supporters Trust
LFL - LiviforLife Supporters Trust
LFC - Livingston Football Club
GM - General Meeting
AGM - Annual General Meeting
EWG - Election Working Group
SB - Society Board

DEFINITION OF TRUST REPRESENTATIVE ROLE

3. The first stage of the election process will be defining the role, scope and responsibilities of the elected supporter board member. LFC will be responsible for drafting a 'job description' for the board member containing, but not exclusive to, the following:
 - Job title
 - Voting rights as board member
 - Personal time requirements
 - Specific role and input to board meetings, plus additional aspects to role
 - Corporate responsibility, accountability & liability
 - Eligibility criteria, if required
 - Confirmation that role carries no remuneration, perks or other benefits to the elected supporter
 - Term of role

ELECTION CONTROL

4. Election rules and details shall be posted on the LFL Trust website at www.liviforlife.co.uk
5. During the election period the EWG will ensure that the Election is run in accordance with the Election Rules Policy on behalf of the LFL Trust members.
6. The EWG will verify that nominations are from eligible members and check for 'multiple nominations'. If multiple nominations are found then the candidate that submitted their nomination form first shall be accepted. Thereafter a Nomination Form containing a further Candidate nomination by the same member will be rejected.
7. The Election Poll will be overseen by the EWG, which will comprise an odd number of members, minimum of 5, consisting of one representative of LFC, and four from LFL.
8. Any decisions taken by the EWG will be by majority vote and will be recorded.
9. Members serving on the EWG shall be eligible to nominate candidates, vote and stand in the Elections.
10. Any EWG member standing as a candidate will not be -
 - involved in the collation and publication of candidate manifestos;
 - eligible to vote on matters pertaining to candidate disqualification;
 - or eligible to vote on any other matter which may influence the outcome of the Election.
11. The Returning Officer for the Election will be a representative from Supporters Direct, or a similar independent body subject to these rules. The results determined by the Returning Officer are final.
12. Poll results will be determined by the EWG and the Returning Officer in line with the first past the post system.
13. The poll results will be announced by the Returning Officer at a GM or the AGM following the Election or, if practical, on the day of the poll itself.
14. Otherwise, a written report might be provided in lieu of the Returning Officer's presence.

STAGES OF THE ELECTION

15. The first round of the Election shall allow all nominations to be recorded and manifestos submitted, in accordance with these rules.
16. If more than six nominations are received, all nominations in this first round shall be put forward to members in an open preliminary ballot, at which all candidates will seek support from the membership through their manifesto and through personal campaigning (see rules 42-52 Manifestos and Campaigning).
17. All candidate manifestos will be made available to all voting Trust members for consideration.
18. Thereafter the six candidates who receive the highest number of votes, as recorded by the EWG and the independent Returning Officer, shall proceed to the second ballot.
19. Should the first round of nominations produce no more than six candidates, the election shall proceed directly to the final round of voting.
20. The candidates in the second and/or final round of voting shall have their manifestos resubmitted to the membership for consideration.
21. The candidate who receives the most votes in this second and/or final round of voting shall be the elected representative of the Trust to the Board of Management at Livingston Football Club.

ELIGIBILITY AND NOMINATION

22. Candidates must fulfil all laid down eligibility criterion as defined by LFC, and by these Election Rules.
23. LFC to advise on any further submissions or information they require – e.g. C.V., or interview.
24. Candidates must be an LFL Board member for at least 14 days prior to close of nominations.
25. Candidates must be nominated by 2 voting (adult) LFL members, using the nomination form, but can be self-nominated provided they have the support of 2 voting LFL members on their nomination form.
26. It is the Candidate's responsibility to ensure their nominations are valid and submitted in accordance with the Election Timetable. In the event of uncertainty, the decision of the EWG will be final.
27. In signing the form, Candidates are bound by the terms and conditions of the Election Rules and the recommended Code of Conduct as agreed by LFL and LFC.
28. A signed letter of nomination from an LFL Trust member is an acceptable substitute for manuscript signature on a Candidate's Nomination Form.

29. Specifically, Candidates are also self-certifying that they comply with the following rules from the LFL Trust Rules;

Rule 58 - No candidate can stand if they:

- Have been declared bankrupt or compounded with their creditors;
- Are subject to a disqualification order made under the Company Directors Disqualification Act;
- Have been convicted of an indictable offence (other than a spent conviction as defined by the Rehabilitation of Offenders Act 1974);
- Are or may, on the basis of medical evidence, be suffering from mental disorder;
- Fail to abide by any rules for the conduct of elections made by the Society Board.

Rule 72 - Save for the exceptions outlined in the constitution, no Society Board member is to have:

- Any material financial interest personally or as a member of a firm or company or as a director or other officer of a business trading for profit or in any other way whatsoever in any contract or other transaction with the Society. For the purposes of this rule, an interest of a person who is connected with a Society Board member shall be treated as an interest of the Society Board member.

VETTING AND SHORT-LISTING OF NOMINEES BY LFC

30. The LFC Board have the right to vet all eligible candidates for suitability.
31. LFC will publish and circulate procedures by which nominees will be vetted – i.e. paper sift, panel interview etc.
32. LFL will be permitted to nominate a supporter ‘observer’ to verify fairness of the vetting procedure.
33. LFC to provide names of successful candidate/s within 14 days of nomination process closing.

ELECTION RULES

34. During the election the EWG, or interim SB members, cannot provide advice to voting members as to the suitability of any candidates on behalf of LFL. Any opinion, or advice provided, should be taken as provided in a personal capacity.
35. Candidates/complainants have the right of appeal to the EWG, and then through the complaints procedure detailed in LFL Constitution.
36. Complaints after voting has closed shall be made in writing to the EWG not later than three working days after the close of poll.
37. All communication regarding the Election Rules Policy or the Election itself should be addressed to the EWG, via email at enquiries@liviforlife.co.uk marked for the attention of the EWG, or by letter addressed to the EWG at the LFL address - LiviforLife Trust, c/o 1 Leving Place, Eliburn, Livingston EH54 6ST.
38. Should any Candidates contravene the Election Rules the EWG shall judge whether a disqualification shall apply. Notification will be to Supporters Direct prior to announcement of election results and subsequently to the SB.
39. The SB will decide what action, if appropriate, may be taken should disqualification occur.
40. Should the Election not produce an elected representative for the Board of Management of Livingston Football Club, the Trust shall be represented by an office-bearer of the SB in an acting role, until such time as a second Election can take place and produce a result.
41. All Candidates shall leave their contact details with the EWG.

MANIFESTOS AND CAMPAIGNING

42. All Candidates must submit an Election Manifesto between 300-400 to the EWG by close of nominations. The Candidate’s name need not appear in these 300-400 words.
43. The EWG shall publish a Manifesto Document based on Candidates’ Manifestos submitted with the Nomination Form.
44. The EWG will be responsible for circulation of the Manifesto Document with ballot papers.
45. On a membership-wide basis, campaigning will be restricted to this publication. No further Election campaigning material will be circulated to all members. Other than this, personal campaigning is allowable.
46. If required, a ‘hustings’ meeting may be held at Almondvale Stadium and attended by all Candidates. This meeting will be open to all LFL Trust voting members and LFC season ticket holders, who will be given the opportunity to question candidates.

47. All the Candidates' Manifestos are to be received by the EWG in typed form, using Microsoft Word, and will be proof read before issue. The number of words counted shall be decided using Microsoft Word.
48. If a Candidate's Manifesto has more than the permitted 400 words, it will be truncated at 400 words and text will be inserted below stating: "The Candidate's Manifesto has exceeded the permitted four hundred words and has therefore been truncated".
49. Candidate's Manifestos written in the third person shall be accepted.
50. Candidates and nominees can only put their real names on nomination documentation. No nicknames will be accepted.
51. A Candidate's Manifesto shall not contain the name of any other Candidate.
52. Candidates must not in their Manifestos: make threats, insults, derogatory, abusive, racist, bigoted, sexist, or homophobic statements, or references towards other Candidates.

ELECTION POLL

53. The Election may be held on a prominent matchday to allow for optimum turnout, with polling to be held between 1pm and 2.45pm and 5pm and 6pm.
54. A dedicated 'polling station' within Almondvale Stadium will be provided by LFC and manned by EWG, plus additional volunteers as required.
55. Proxy votes are permissible, but must be submitted by an existing adult voting member of LFL. Maximum of 2 proxy votes per person. Each proxy vote must be accompanied by the proxy voter's name and LFL membership number, which will require confirmation by the EWG.
56. Votes to be counted by EWG – candidates to be given the right to observe this process.
57. The decision of EWG is final with regard to spoiled or unclear votes.
58. In the event of a tied vote, the casting vote will be made by the Chairman, Chief Executive, or equivalent representative, of LFC.
59. There is no right of appeal – Candidates will be bound by the results as announced by the Returning Officer, and by an LFC casting vote if this is required.
60. Result to be publicised as soon as practicable after count completed.

TIMESCALE FOR ELECTIONS

61. The following timescales shall be used for the full election process

(a) If more than 6 nominations are received (two ballots)

<i>Action</i>	<i>Date</i>
Notification of Election	(minimum) 6 weeks before Election GM or Polling Day
Close of Nominations	5 weeks before Election GM or Polling Day
Ballot papers issued	4 weeks before Election GM or Polling Day
Voting closed first ballot	3 weeks before Election GM or Polling Day
Second ballot (if required)	2 weeks before Election GM or on Polling Day itself
Voting closed second ballot	1 week before Election GM or on Polling Day itself

(b) If less than 6 nominations are received (single ballot)

<i>Action</i>	<i>Date</i>
Notification of Election	(minimum) 4 weeks before Election GM or Polling Day
Close of Nominations	3 weeks before Election GM or Polling Day
Ballot papers issued	2 weeks before Election GM or on Polling Day itself
Voting closed first ballot	1 week before Election GM or on Polling Day itself

Ballot results will be announced at GM, or AGM, or on the Polling Day itself, by the Returning Officer.

TAKE UP OF DUTY

62. The successful Candidate will officially take up their Trust Representative role on a date to be agreed and pre-determined by LFC and LFL.
63. Future Trust Representative Elections will take place every two years in the run-up to an LFL AGM, with the poll itself, and/or the result, to take place during the AGM.

B ROLE DEFINITION

for an elected LFL Trust Representative to the Board of Management at Livingston FC.

The elected LFL Trust Representative shall participate in and contribute fully to the general board decision-making processes at Livingston Football Club.

In addition to this, the role of the Trust Representative will include assisting the Club with its community development programmes.

This aspect of the role will involve working closely with the Education Services at West Lothian Council, Livingston FC community staff, the West Lothian Soccer Sevens and the Local Youth Football Association, in (e.g.) expanding the 'tickets for schools' initiative and other community initiatives into schools, local clubs and youth football teams. The Representative will be encouraged to propose and introduce their own community initiatives, aimed at increasing community involvement in Livingston FC, and enhancing the football club's community profile throughout West Lothian.

The role and time commitment required can be negotiable and flexible, allowing the candidate to balance the role with their own employment hours and personal commitments.

The role carries no remuneration, perks or other benefits to the post-holder.

INITIAL POST

The first Elected Representative to the board of Livingston FC will be an existing LFL Trust Board member, enabling both Club and Trust to build on the joint projects already underway, and make full use of the community proposals and initiatives as outlined within the LFL Trust Business Plan for community engagement in Livingston Football Club.

Following the two-year term of service by the first Elected Representative, the election process will be open to all eligible adult members of the LFL Trust Board for nominations. It is envisaged that there will be a period of overlap between the outgoing and the newly-elected Representatives, to allow a smooth transition into the role.

C CODE OF CONDUCT

for an elected LFL Trust Representative to the Board of Management at Livingston FC.

This section of the document has been drawn up to assist elected Trust Representative to clearly outline their dual mandate from both the Trust Membership, who hold them accountable as their representative on the club board, and by their fellow football club directors. All directors, the Trust Representative included, also have a responsibility to shareholders and the wider framework of company law.

Whilst many of the provisions of this Code of Conduct relate to a Trust Representative's specific dual mandate, the Code also seeks to guide all directors of the club in relationships with the supporters and each other. As ultimately all directors are collectively responsible for the good governance and solvency of the club, this Code is intended to be signed by all directors, or by a representative of the directors. The underlying principles of the Code are to make the board of directors an effective mechanism for overseeing the direction, strategy and performance of the club. This is also the board's key function in Law.

1. The person chosen by the LFL Trust membership to serve as their Representative on the Board of Management of the football club will -

- (i) Be a paid up adult member of the LiviforLife Supporters Trust.
- (ii) Be an elected member of the Trust board nominated by its members.
- (iii) Abide by the majority vote of the Trust board [and/or Trust membership] so far as their duties to the football club allow.
- (iv) Submit to re-election or re-appointment every 2 years in accordance with the policy of the Trust.
- (v) Stand down from the post after 2 years if not standing for re-election or re-appointment.
- (vi) Not be obliged to disclose the following information to club directors or officials without the express permission of the Trust board :
 - a) The Trust's financial position, including individual members' contributions, assets, and levels of income.
 - b) Matters deemed confidential by the Trust board or the membership.
- (vii) If required to do so by the Trust, represent the Trust in association with the Club board in their dealings with football authorities, local and central government.

2. The club will -

- (i) Give adequate notice of all club board meetings and ensure that the Trust Representative is provided with sufficient information to enable him/her to participate on an equal footing with other directors.
- (ii) Ensure that the Trust Representative is entitled to the benefit of any indemnity and/or directors liability insurance enjoyed by other directors through the club.
- (iii) Not unreasonably restrict the Trust Representative in reporting back to the Trust the deliberations and decisions of the board of directors, and the matters to be discussed at forthcoming meetings of the Trust board. This will enable the Trust Representative to canvass the views of the Trust board, subject to the provisions outlined below, that are incumbent on all directors.

3. All directors undertake to -

- (i) Abide by the club's memorandum and articles of association, and to any regulatory code adopted by the club.
- (ii) Abide by the responsibilities of directors as laid down in the relevant statutes, and any regulatory code adopted by the club.
- (iii) Accept the majority vote of the board and work on a principle of collective responsibility, whereby all decisions of the board properly reached shall be deemed to be club policy. As such, it is incumbent upon all directors to represent that policy faithfully both in respect of their duties and responsibilities within the club and to external parties, unless the board vote to suspend operation of this policy in a particular matter.
- (iv) Not disclose any confidential information to any other person without the prior authority of the board of directors.
- (v) Devote sufficient time and attention to the club to fulfil their duties as a director.
- (vi) Attend meetings of the club board, and not be absent without good reason.
- (vii) Not receive remuneration from the club except reimbursement of reasonable expenses, including travelling expenses, while conducting business for the benefit of the club, other than via an open and published remuneration policy operative at the club.
- (viii) Represent the club in their dealings with football authorities, local and central government.
- (ix) Declare all personal or material interests where there may be a conflict of interests to the board. For the avoidance of doubt, a director's interest shall be deemed to include interests of members of his/her family, or interests of those with whom a director has an existing interest.
- (x) Not be subject to a bankruptcy order or have in place a composition with their creditors.
- (xi) Not be subject to a disqualification order made under the Company Directors Disqualification Act;
- (xii) Not have a conviction for an indictable offence (other than a spent conviction as defined by the Rehabilitation of Offenders Act 1974).
- (xiii) Not be, on the basis of medical evidence, suffering from mental disorder.

AGREEMENT

We, the undersigned, accept in principle and agree to abide by the **Election Rules Policy, Role Definition and Code of Conduct** for an elected **Supporter Director** to the Board of Management at Livingston Football Club, as outlined in this document.

On behalf of Livingston Football Club -

Name Ged Nixon Position LFC Chief Executive
Signature Date 26th Oct 2009

On behalf of LiviforLife Supporters Trust -

Name Donald Paul Position LiviforLife Chairman
Signature Date 26th Oct 2009