



ELECTIONS TO THE RFU COUNCIL

GUIDANCE NOTE FOR CONSTITUENT BODIES AND NATIONAL REPRESENTATIVE BODIES

Background

At a Special General Meeting in November 2017, the RFU's members (clubs, Constituent Bodies (CBs), National Representative Bodies (NRBs), referee societies and Council members) agreed changes to the RFU's constitution. One of the key changes is that Council members will no longer be elected on an annual basis, but will be elected for terms of three years, up to an aggregate maximum of nine years (with some limited exemptions).¹

This note sets out how CBs and NRBs will need to elect their representatives, and some guidance as to best practice for holding elections.

Who this note applies to

Part 1 of this note applies to all CBs and NRBs.

Part 2 of this note applies to Geographic CBs, the RFRU, the Championship Clubs Committee and the National Clubs Association.

Part 3 of this note applies to all other CBs and NRBs.

Appendix 1 of this note sets out example ballot papers

Appendix 2 of this note sets out a suggested timeline for elections

Appendix 3 of this note sets out the relevant sections of the RFU Rules.

Mandatory vs best practice

This note includes both mandatory requirements under the Rules, and best practice. Where this note states that a CB, NRB or an individual **must** do something, this is mandatory under the Rules. Where it states that a CB, NRB or individual **should** do something, this is not mandatory, but it is recommended.

This note refers to CBs electing Council members. Of course, to be entirely accurate it is the CB and the clubs within that CB that elect the Council members, but for ease of reference this note simply refers to CBs who are responsible for the elections.

¹ See Part 1 of this note for how term limits can work.



PART 1: Terms and term limits – applies to all CBs and NRBs

The Rules allow for an aggregate maximum term on Council of nine years. There are certain exemptions (for Board members, President, international representatives) and transitional provisions. For details on how long incumbent Council members may serve, please contact Angus Bujalski, the RFU Legal and Governance Director (angusbujalski@rfu.com).

Generally, elections should be held for three year terms. In exceptional circumstances a candidate could stand for a shorter period.² Examples of exceptional circumstances are:

- an incumbent Council member only having a shorter time left to serve on Council (i.e. he or she would be timed out within three years);
- if the CB elects two Council members, and the CB wishes to stagger the appointments (meaning for example that one Council member would serve initially for a three year term, and another for a two year term – once that staggering is established, then each Council member can revert to three year terms); or
- the election is for a casual vacancy mid-year.

Note that this may result in candidates standing for different terms, for example an incumbent Council member standing for a one or two year term, and a potential new Council member standing for a three year term. This is perfectly permissible. Suggested ballot forms are set out in Appendix 1. A CB or NRB need not use these forms; they are suggested but are not mandatory. If votes are to be entirely by email, then these can be adapted as necessary.

Term limits for Council members start on 1 August. CBs and NRBs must inform the RFU of the result of the election or appointment process by the 1 April immediately before. The timings of the election or appointment processes are set out below.

² Rule 18.2



PART 2: Geographic CBs, the RFRU, the Championship Clubs Committee and the National Clubs Association

Giving notice to potential candidates

In order to maximise the pool of talent available, CBs and NRBs should give their voting members advance notice of the elections, so potential candidates can have sufficient time to put themselves forward. There are no qualification criteria for a candidate – for example, candidates do not need to be members of a CB committee, or even a club member. A CB or NRB may consider a candidate unsuitable, but it cannot prevent a candidate standing, and must allow the candidate to stand if they are properly proposed and seconded as set out below.

There will no longer be annual elections, and therefore there will be more limited opportunities for individuals to stand for election. Therefore it is now more important that potential candidates should be given sufficient time to consider whether to stand. For the 2018 elections, we suggest giving notice as soon as possible, and for future seasons where there is to be an election, we suggest that CBs and NRBs should inform their members of that near the beginning of that season.

In addition to long-term notice, CBs and NRBs also should give a reminder nearer the time for elections. We recommend this is done in the December or January before the election (which would take place in March).

Proposal of candidates

Candidates must be proposed by one full voting member club and seconded by another. A CB itself can propose or second a candidate (or where a CB elects two Council members, the CB or a club may propose or second two candidates).

To be eligible for election, the CB/NRB must have received the nomination in writing from both the proposer and the seconder no later than 1 March.³ If either is received after this deadline, the CB cannot accept the candidate. Even if a CB assumes that a club will be a proposer or seconder, unless it has this in writing from the club, it is not valid and the candidate cannot stand.

Who can vote

Only clubs which are full voting member clubs of the RFU may vote in elections for Council members. The following may not vote in such an election:

- (a) clubs which are members of that CB but which are not voting members of the RFU; and
- (b) clubs which are members of that CB but which have been allocated to another CB by the RFU Council (and they are members of the RFU through that other CB).

³ Rule 18.7



Note that those clubs cannot vote in these elections even if they are able to vote on other CB matters. If a CB is in any doubt as to whether a club is eligible to vote, please contact the RFU Legal and Governance Director (angusbujalski@rfu.com).

Election process

Once the CB or NRB has received candidates, it must send out the candidates' details to voting members not later than 15 March.⁴ This can be by post or by email.

The election can be either held at a meeting, or run as a postal/email ballot. The process for an election meeting is set out in Rule 18.8, and the process for a ballot is set out in Rule 18.9. The Rules refer to a postal ballot, but this may be conducted by email for greater efficiency. If an email ballot is conducted, an email from the club to the CB/NRB must come from a duly authorised officer of the club. Whether a ballot is conducted by post or email, responses must be received by 28 March.⁵

Whether a CB/NRB chooses a ballot or a meeting is a matter for the committee. In either case, it should allow each candidate the same opportunity to put across any messages. For example, a CB/NRB may allow each candidate to produce a CV and/or a one-page manifesto, and once these are supplied, the CB can send these out with the ballot papers.

If the election is to be at meeting, the CB/NRB must give at least seven days' notice for the meeting.⁶ The process for the meeting is up to the CB/NRB to decide, but all candidates should be given the equal opportunity to speak. This may be one speech each, or a Q&A. If it is a Q&A, then the CB/NRB should do its best to ensure all candidates get equal time.

If there is a tie, then the CB/NRB's committee must decide the election. The process for this is set out in Rule 18.12.

The CB/NRB must then inform the RFU of the successful candidate by 1 April. The CB/NRB should inform its members at that point.

Casual vacancies

There are occasions when there will be a casual vacancy for a Council member. This may be the death, retirement or resignation of a Council member part-way through his or her term, or having been elected, the individual being unable to take up his or her post before the term begins.

⁴ Rule 18.8

⁵ Rule 18.10

⁶ Rule 18.9



In this case, the CB/NRB will have 60 days to run an election process. We recommend that this follows the same sort of process as for normal elections. Any election process must be approved by the RFU Legal and Governance Director.⁷

CBs with two representatives

A number of CBs have two representatives, which may make the election process more complex. The Rules allow flexibility for CBs to decide whether to stagger the election of the representatives or not.

If a CB does not wish to stagger the election of the representatives (meaning they are to be elected at the same time, for the same period), then the CB should run the election in the same way as if there were only one representative, save that the two candidates with the most votes would be elected.

If a CB wishes to stagger the elections, then for the 2018 election (or any other year if the staggering is lost), the Rules allow flexibility for how this is done. Any process must be approved by the RFU Legal and Governance Director (angusbujalski@rfu.com). There are two suggested ways this could happen:

- (a) the CB runs one process: all eligible candidates go onto the same ballot form, and the candidate with most votes is elected for three years, and the candidate with the second most votes is elected for a shorter term; or
- (b) the CB runs two processes, with one vacancy for a three year term and one for a shorter term, and each club may vote once in each process. Candidates may put themselves forward for one option only. The candidate with the most votes in each of the separate processes will be elected.

Where a CB has two representatives, the CB itself or a club may propose or second two candidates, and may also vote for two candidates.

⁷ Rule 18.4



PART 3: All other CBs and NRBs

Representatives to the Council for the following CBs or NRBs shall be appointed by their respective committees/boards in the way set out in that CB/NRB's constitution:

- Premier Rugby Limited;
- the Army Rugby Union;
- the Royal Air Force Rugby Union;
- the Royal Navy Rugby Union;
- the Students Rugby Football Union;
- the England Rugby Football Schools Union;
- the England Colleges Rugby Football Union; and
- the Rugby Players' Association.⁸

The CB/NRB must inform the RFU of the successful candidate by 1 April.

⁸ Rule 18.13



Appendix 1: Example ballot forms

**Example 1: all candidates eligible for a three year term, with one incumbent Council member.
Two other candidates stand.**

Xshire RFU

Election of Council Representative

Please mark one box

Name	Term	Proposer	Seconders	Vote
J Smith	1 August 2018 – 31 July 2021	Xshire RFU (CB)	ABC RFC	
F Jones	1 August 2018 – 31 July 2021	DEF RFC	GHI RFC	
A Person	1 August 2018 – 31 July 2021	JKL RFC	MNO RFC	

The candidate with the highest number of votes will be elected.

**Example 2: incumbent candidate (J Smith) has served for seven years and is eligible only to serve
for two more years. Two other candidates stand.**

Xshire RFU

Election of Council Representative

Please mark one box

Name	Term	Proposer	Seconders	Vote
J Smith	1 August 2018 – 31 July 2020	Xshire RFU (CB)	ABC RFC	
F Jones	1 August 2018 – 31 July 2021	DEF RFC	GHI RFC	
A Person	1 August 2018 – 31 July 2021	JKL RFC	MNO RFC	

The candidate with the highest number of votes will be elected.



Example 3: The CB elects two Council members, and the CB wishes to stagger the elections. The two incumbents have served for seven years, but one incumbent (J Smith) has agreed only to stand for a term of one year. Two other candidates stand.

Xshire RFU

Election of Council Representatives

Please mark two boxes

Name	Term	Proposer	Seconder	Vote
J Smith	1 August 2018 – 31 July 2019	Xshire RFU (CB)	ABC RFC	
F Jones	1 August 2018 – 31 July 2020	Xshire RFU (CB)	DEF RFC	
A Person	1 August 2018 – 31 July 2021	GHI RFC	JKL RFC	
A Challenger	1 August 2018 – 31 July 2021	MNO RFC	PQR RFC	

The two candidates with the highest number of votes will be elected.

Example 4: The CB elects two Council members, and the CB wishes to stagger the elections. Both incumbents can serve for another three year term, but one incumbent (J Smith) has agreed only to stand for a term of one year. The CB wishes to conduct two separate processes, one election for a three year term, and one for a shorter term. Three other candidates stand, two for a three year term and one for a two year term

Xshire RFU

Election of Council Representatives

Please mark two boxes, one in each position:



Position one: Three year term

Name	Term	Proposer	Seconders	Vote
F Jones	1 August 2018 – 31 July 2021	Xshire RFU (CB)	DEF RFC	
A Person	1 August 2018 – 31 July 2021	GHI RFC	JKL RFC	
A Challenger	1 August 2018 – 31 July 2021	MNO RFC	PQR RFC	

Position two: shorter term

Name	Term	Proposer	Seconders	Vote
J Smith	1 August 2018 – 31 July 2019	Xshire RFU (CB)	ABC RFC	
C Williams	1 August 2018 – 31 July 2020	XYZ RFC	DEF RFC	

The candidate with the highest number of votes for each position will be elected.



Appendix 2: Suggested timeline

Time	Action for CB/NRB	Mandatory or recommended
Start of season	Inform members that election will happen in March	Recommended
December/January	Remind member clubs of election and ask for candidates	Recommended
1 March	Deadline for candidates to supply proposers and seconders	Mandatory
Early March	Ask candidates for CVs and/or manifestos (if not already supplied)	Recommended
15 March	Deadline for CB/NRB to send out candidates details to members	Mandatory
28 March	Deadline for responses for post/email ballot	Mandatory
1 April	Deadline for informing RFU of elected representative	Mandatory
1 April	CB/NRB to inform its members of the result	Recommended
1 August	Council terms begin	Mandatory



Appendix 3: Extract of RFU Rules

18 Election and Removal of Council Members

Elections - General

- 18.1 Save in the case of an election to fill a casual vacancy:
- (a) the election of Representatives to the Council shall be made on or before the 31 March of the year in which each Representative is to take office; and
 - (b) a Representative elected to the Council shall assume office on the 1 August immediately following their election.
- 18.2 Where a Constituent Body or National Representative Body elects a Representative (or which organises elections of a Representative on behalf of Corporate Members, as the case may be), it shall determine the length of time for which Representatives are to be elected, provided that:
- (a) the term for which a Representative shall be elected shall be for three years save in exceptional circumstances (which shall include a candidate only capable of election for a shorter period of time due to an individual's term limits on the Council, or for a Constituent Body with two Representatives to ensure that those Representatives' terms do not end on the same date) provided that a Representative, when first elected, shall be elected for a term of not less than two years; and
 - (b) subject to removal under these Rules, a Representative's term on the Council shall end on a 31 July.
- 18.3 If a relevant body or bodies is or are unable to appoint a Representative, the relevant vacancy shall be filled in such a manner as the Legal and Governance Director shall approve.
- 18.4 In the event of any vacancy arising, the relevant body or bodies concerned shall forthwith elect another Representative to the Council within sixty days in the manner set out in this Rule 18 or in such other manner as the Legal and Governance Director shall approve. In default, the relevant vacancy shall be filled in such a manner as the Legal and Governance Director shall approve.

Elections – Geographic Constituent Bodies, certain National Constituent Bodies, the National Clubs Association and the Championship Clubs Committee



Explanatory Note: in elections for Representatives to the Council conducted by Geographic Constituent Bodies, the only rugby clubs entitled to vote are clubs which are voting members of the RFU. The following may not vote in such an election:

- (a) clubs which are members of that Geographic Constituent Body but which are not voting members of the RFU; and*
- (b) clubs which are members of that Geographic Constituent Body but which have been allocated to another Constituent Body by the RFU Council (and through that other Constituent Body they are members of the RFU).*

Note that they cannot vote in these elections even if they are able to vote on other Constituent Body matters.

18.5 For the purposes of Rules 18.6 to 18.12 inclusive only, references to a Geographic Constituent Body shall be deemed to include references to:

- (a) the Rugby Football Referees Union (where references to Clubs shall refer to Corporate Members who are members of the Rugby Football Referees Union); and
- (b) the Championship Clubs Committee and the National Clubs Association. Notwithstanding that a Club may be permitted to vote in an election for a Representative of the Geographic Constituent Body of which it is a member, a Club which is also a member of the Championship Clubs Committee or the National Clubs Association shall also be permitted to vote in the election for such a Representative to the Council.

18.6 Representatives to the Council shall be elected by each Geographic Constituent Body and the Clubs allocated to it. The Geographic Constituent Body and each Club allocated to it shall each be entitled to one vote. In the case of a Geographic Constituent Body entitled to two Representatives on the Council, and where two Representatives are to be elected, the Geographic Constituent Body concerned and its Clubs shall be entitled to vote for two persons. Election shall be by a simple majority of the votes recorded.

18.7 All candidates for election or re-election must be proposed by one and seconded by another Club allocated to the relevant Geographic Constituent Body. The Geographic Constituent Body itself may also propose or second a candidate. In the case of a Geographic Constituent Body with two Representatives, and where two Representatives are to be elected, the Geographic Constituent Body or any Club allocated to it may propose or second two candidates. Every nomination (which shall mean both the proposal and second) must be in writing and must be received by the secretary of the Geographic Constituent Body concerned by not later than 1 March.

18.8 Where more candidates are nominated than the number of Representatives to the Council to which a Geographic Constituent Body and the Clubs allocated to it are entitled the names of



all candidates for election shall be sent by it to its allocated Clubs not later than 15 March, and such election shall be made either at a meeting of representatives from the Clubs concerned or by a postal ballot as the committee of the Geographic Constituent Body may decide. For the avoidance of doubt, subject to Rule 18.2, each candidate need not be proposed for the same length of term. By way of example, a candidate who will have served for eight years on the Council may be proposed for a term of one year, while another candidate may be proposed for a term of three years. Where a Constituent Body with two Representatives wishes to conduct an election where the Representatives are elected for different terms to allow for staggering of terms, it shall use such process as the Legal and Governance Director shall approve.

- 18.9 Where the election is made at a meeting not less than seven days' notice shall be given to each Club concerned of the date, time and place of such meeting. The representatives of the Clubs attending such a meeting shall choose their own chairman who shall not have a second or casting vote. Subject to the provisions of this Rule 18, the procedure for and at such a meeting shall be determined by the committee of the Geographic Constituent Body concerned as it shall consider appropriate.
- 18.10 Where the election is made by postal ballot the election shall be supervised by the chairman (or the president if there is no chairman) of the Geographic Constituent Body concerned assisted by two scrutineers appointed by its committee. In this case a ballot paper shall be sent with the notification of candidates' names made in accordance with Rule 18.6. The vote of the Club having been recorded on the ballot paper it shall be signed by an officer of the Club on its behalf and sent to the secretary of the Geographic Constituent Body to arrive not later than 28 March. The ballot papers received shall then be examined by the chairman (or the president if there is no chairman) and scrutineers who shall personally certify the votes cast for each of the candidates.
- 18.11 The Chief Executive shall be informed of the results of all such elections by 1 April or such later date as specified in Rule 18.12.
- 18.12 If any election shall result in a tie, the Representative shall be appointed by the General Committee (or equivalent body) of the Geographic Constituent Body, from the candidates who shall have received the equal number of votes, at a meeting to be held within 14 days of the date of the declaration of the tie. If this meeting of the General Committee fails to resolve the deadlock, the Representative shall be appointed at a meeting of the Executive or Management Committee of the Geographic Constituent Body to be held within 14 days of the date of the meeting of the General Committee.

Elections – other National Constituent Bodies and National Representative Bodies

- 18.13 The Representatives to the Council for Premier Rugby Limited, the Army Rugby Union, the Royal Air Force Rugby Union, the Royal Navy Rugby Union, the SRFU, the ERFSU, the



England Colleges Rugby Football Union and the Rugby Players' Association shall be elected by their respective committees.

Elections – National Members and Women and Girls' Representative

- 18.14 The National Members shall be elected by the Council against such criteria as the Council shall decide.
- 18.15 The Women and Girls' Representative shall be elected by the Council against such criteria and following such process as the Board shall decide.

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