

Policy Regarding Local Union Elections

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POLICY REGARDING LOCAL UNION ELECTIONS

This policy is a supplement to the Unifor Constitution. It falls within the authority of the National Executive Board. This policy sets out the specific rules, processes and procedures related to all elections conducted by Local Unions. This policy is referenced in Article 15.B.5 of the Unifor Constitution.

RULES APPLYING TO ALL ELECTIONS

1. The rules outlined in this policy apply to all Local Union elections including; Local Union Executive Board Officers, workplace representatives, delegates to National Conventions, Canadian Council, Regional Councils and Industry Councils.
2. If any election rule in this policy conflicts with any election rule set out in the Unifor Constitution, the rule in the Unifor Constitution will apply.
3. A Local Union may establish additional rules, or its own set of rules, in place of all or some of the rules in this policy. However, the rules adopted by a Local Union must be:
 - (a) Ratified by the Local Union membership and;
 - (b) Approved by the National Executive Board and;
 - (c) Must be at least consistent with the Unifor Constitution.

RULES ABOUT WHO CAN VOTE

4. Every member of a Local Union who is in good standing is eligible to vote in all Local Union elections, unless disqualified from voting by a provision of the Unifor Constitution. Each member who votes must vote personally. For clarity, proxy votes are not permitted.

5. Staff of the National Union as defined in Article 14 of the Unifor Constitution and equivalent persons who are employed by a Local Union who remain members of a Local Union are eligible to vote in that Local Union's elections for Local Union Executive Officers and Convention and Council delegates. However, they are not eligible to vote in any election for a workplace representative.

RULES ABOUT ELECTION COMMITTEES

6. The Election Committee is responsible for the conduct and supervision of all Local Union elections. The Election Committees actions shall be governed by the Unifor Constitution, the Local Union bylaws and instructions given by approved motion of any General Membership meeting held prior to the election.
7. An Election Committee shall be elected by the Local Union membership.
8. An Election Committee may be selected by another process provided;
 - (a) The process is set out in Local Union bylaws or,
 - (b) The process is approved by the National President.
9. Election Committee members are not eligible to run for office, or serve as a scrutineer for a candidate for office, in any election which the Election Committee supervises.
10. If a member of the Election Committee is unable to fulfill their responsibilities during an active election, the Election Committee may appoint a new Election Committee member. This member will serve on a temporary basis to complete the election. If this position is vacated, the vacancy will be filled in accordance with 7 or 8 above.

RULES ABOUT BEING A CANDIDATE

11. Article 15.B.6 of the Unifor Constitution sets out the eligibility rules for election candidates.
12. During the election process, a candidate may use a name, other than the candidate's legal name, if the candidate is commonly known by a different name. In order to use a different name, the candidate shall submit a written request to the Election Committee. The Election Committee shall approve the request if satisfied the candidate is commonly known to members by that different name.
13. Members can hold a workplace representative position and a Local Union Executive Office position (Ex. Unit Chairperson and Local Union President) provided the Local Union Executive Office position held is not a full-time position.
14. A Retired Worker Representative to a Local Union Executive Board shall be elected by the Local Union Retirees Chapter. The election shall be conducted in a manner similar to the election of other Local Union Executive Officers.

15. Any Local Union member may self-nominate, or nominate other members for an elected position.
16. If a Local Union Executive Officer, whose term is not expiring, wants to be a candidate for another Local Union Executive Office, the member must resign from the current office long enough in advance of the nominating meeting to permit the nomination and election of candidates for both offices during the same election. The resignation is effective at the time of installation.
17. Only nominated candidates can be elected.

RULES ABOUT THE DATE, TIME AND PLACE OF ELECTIONS

18. Local Unions shall set the date, time and place of regular triennial elections, and of any run-off elections, either through its bylaws or by approval of the membership at a regular membership meeting in advance of the election. Local Unions who have been excused from monthly General Membership meetings by the Unifor Constitution, will have the dates set by the Local Union Executive Board, or by way of the General Council if one exist within the Local Union.

RULES ABOUT NOTICE OF ELECTIONS

19. The Local Union must provide members at least seven days written notice of the date, time and place of nominations. There must be at least seven days between the date of nominations and the date of the election with a minimum of fifteen days total notice to all members of nominations and elections.
20. There must be at least seven days notice for the date of a run-off election.

RULES ABOUT THE METHOD OF ELECTION

21. A Local Union may adopt a form of electronic voting such as internet or telephone voting where appropriate.
22. In all cases, the method of election shall be reasonably convenient to members, shall be secure, and shall be secret so that each member's choice cannot be identified.
23. Local Union by-laws may provide an absentee balloting process for members who are away during the entire period of an election on Local Union business or on assignment for the members employer. The absentee balloting process must be secure and confidential.
24. Local Union by-laws may provide an advance poll voting process to allow members who would not otherwise be able to participate in the regular election.

25. All elections shall be conducted in a way that reasonably accommodates the needs of all members who may otherwise not be able to participate in an election due to religious observance, disability or other reason. When setting an election date, the Local Union shall take into account any days of religious observance that would affect the ability of members to participate.
26. Each candidate shall have the right to have one scrutineer present when the votes are cast and when they are counted. However, a candidate cannot be a scrutineer for another person within the current election. The scrutineer must be a member of the Local Union.
27. Election of a candidate shall be by a majority of votes cast, unless the Local Union by-laws state otherwise. Where it is necessary, any number of run-off votes may be conducted if required until a candidate is elected with a majority.
28. Ranked balloting is not permitted.

RULES ABOUT RUN-OFF ELECTIONS

29. The Election Committee shall determine the method of the run-off election and the times and places of the run-off election, unless the date, time and place of run-off elections were set out in the original election notice.
30. A run-off election shall be conducted in the same manner as the election.
31. Where run-off elections are necessary because no candidate receives a majority, the run-off will be between the two candidates receiving the highest number of votes for the elected position. Where there are three or more candidates for a position and the second and third highest vote candidates are tied, there will first be a run-off between these candidates. The winner of this runoff will have a further runoff election with the top candidate until one candidate receives a majority.
32. Where there is only one nominated candidate for an elected position, the candidate is declared elected (acclaimed).
33. The three Local Union Trustees will be elected at the same time and there is no distinction between the three offices. The membership is instructed to vote for no more than three candidates. In the election of the three Trustees, the majority is determined in the following manner:
 - (a) Where there are less than seven candidates, the three candidates receiving the highest number of votes shall be declared elected.
 - (b) Where there are seven or more candidates, the majority point is determined by adding the total votes cast for the office of Trustee and dividing by 3 (which is the number of positions to be filled). This number is divided by 2 to determine the 50% mark. The next highest number above the 50% mark is the majority point.

Example – 480 votes cast for Trustees, divided by 3 = 160. Further divided by 2 to get the 50% mark = 80. The next highest number above 80 is 81. Trustee requires at least 81 votes to receive a majority.

- (c) If more than three candidates receive a majority vote, the three candidates with the highest majority shall be declared elected.
- (d) Where there are seven or more candidates and no candidate receives a majority, the run-off is confined to the six candidates receiving the highest number of votes. The three candidates receiving the highest number of votes shall be declared elected.
- (e) Where there are seven or more candidates and only one candidate receives a majority, the run-off is confined to the candidates receiving the second, third, fourth and fifth highest number of votes. The two candidates receiving the highest number of votes shall be declared elected.
- (f) Where there are seven or more candidates and only two candidates receives a majority, the run-off is confined to the candidates receiving the third and fourth highest number of votes. The candidate receiving the highest number of votes shall be declared elected.

34. Any Local Union Executive Board member who holds office by virtue of holding another office in the Local Union ceases to be a Local Union Executive Board member at the same time the member ceases to hold the other position.

RULES ABOUT ELECTION RESULTS

35. The Election Committee shall announce the result of each election or run-off election immediately after the ballots are counted and shall provide a written report of the election to the next Local Union membership meeting.

RULES ABOUT CAMPAIGNS

36. A candidate and other members may use social media such as Facebook, Twitter, email etc. to campaign.

37. A candidate may use images or logos of Unifor and of the Local Union on their election materials.

38. A Local Union may adopt practices to distribute campaign materials by e-mail or similar means to members during an election campaign on behalf of all candidates.

39. Upon request to the Election Committee, a candidate is entitled to inspect the membership list. However, a candidate is not entitled to receive copies of this list or copies of any member's personal information.

RULES ABOUT VACANCIES IN OFFICE

40. All vacancies in Local Union offices, except Local President, must be filled promptly by election. The Election Committee, in consultation with the Local Union Executive will set the date, time and place for the election. The Local Union may use other means to fill the vacancies until the election.
41. If the Local President's office is vacant, the Vice-President will fill the vacancy for the balance of the term. If there is more than one Vice-President, the Local Union by-laws must establish a fair procedure for determining which Vice-President will fill the vacancy.

RULES ABOUT ELECTION REVIEWS

42. These rules apply to requests by a member for a Review of Decision concerning an election-related decision or action by a Local Union or Election Committee.
43. A request by a member for a Review of Decision concerning an election-related decision or action must follow the process set out in Article 18.B of the Unifor Constitution and the Procedure Policy on Constitutional Matters.
44. Despite any time limit contained in any other policy, a request for a Review of Decision concerning an election-related decision or action must be made within seven days of the closing of the polls or at the next membership meeting, whichever is later. A request made prior to the membership meeting must be submitted in writing to the Local Union.
45. The Election Committee may consider the request for Review of Decision and make a recommendation to the membership meeting. However, the Election Committee itself cannot take action. If the membership is convinced the election was fraudulently or improperly conducted to such a degree that it should be declared invalid, the membership may, by majority vote, file an order for a new election. If a Local Union membership votes to support a new election, the Local Union must submit a complete report of the circumstances that support a new election including the minutes of the membership meeting to the National President.
46. Any Local Union member will have the right to submit a written statement to the National President concerning an election.
47. A well-substantiated showing of fraud or improper conduct of the election should be required by the membership before voting to invalidate any election.

48. If the facts are sufficiently clear, the National President will decide, as soon as possible, whether there will be a new election. However, if the National President finds the facts sufficiently contradictory, the National President will submit the matter to the Committee on Constitutional Matters for investigation and recommendation. The National President will follow the Committee's recommendation.
49. During this period, candidates who would have been elected, if the election had not been challenged, will occupy the offices. If the National President orders a new election, it must be held as soon as possible. The officers elected at the second election will hold office during the process of any higher review and until otherwise directed by the review results.
50. The National President's order may be reviewed under Article 18.B of the Unifor Constitution. However, if the order is based on a Committee on Constitutional Matters recommendation, the recommendation is subject to a Review of Decision by the National Executive Board.
51. A membership decision to refuse to order a new election may be reviewed under Article 18.B of the Unifor Constitution. Those elected in the first election will hold office during the review process and until otherwise directed by the review results.
52. If the National Union investigates and discovers that any member has misrepresented returns, altered, mutilated or destroyed ballots, or engaged in any other fraudulent acts concerning a Local Union election, the National Executive Board may remove the member from any position that the member may hold until there is a hearing. The National Executive Board will notify the member in writing of the charges, give the member due notice and designate a special committee to conduct a hearing and to make recommendations in a manner similar to that in Article 18.B of the Unifor Constitution.
53. The National Executive Board will act on the recommendations of a special committee in the same way as it does those of the Committee on Constitutional Matters. If it finds the members guilty by two-thirds vote, the National Executive Board may:
 - (a) Suspend or expel the member from membership, or;
 - (b) Remove the member from any position the member may hold, or;
 - (c) Suspend the members right to seek any office or hold any position in the National Union for up to five years, or;
 - (d) Impose some other sanction the National Executive Board deems appropriate in the circumstance.
54. The National Executive Board will provide a written decision to the affected member. The member has the right to request a Review of Decision under Article 18.B of the Unifor Constitution. The procedure in this section is in addition to and exclusive of any other action that may be taken against the member.
55. Any member convicted of misrepresenting returns, altering, mutilating or destroying deposited ballots, voting fraudulently, intimidating others, or otherwise interfering with a

member's right to vote in Local Union elections will be subject to charges. If convicted, the member will not be eligible for any office within the Union for a period of two to five years.

RULES ABOUT ELECTION RECORDS

56. All ballots and other election records must be kept in a sealed and secured box following each day of polling and for one year immediately following the election. After this, the Local Union can destroy the ballots, unless there is an active Review of Decision. If a Review of Decision is pending, the Local Union must preserve the ballots until the review has been finally decided.

POLICY REVIEW PERIOD

57. This policy will be reviewed annually by the National Secretary-Treasurer's office in consultation with the Unifor Constitutional Matters Department. Any amendments to this policy must be approved by the National Executive Board.