

## **POLICY REGARDING LOCAL UNION ELECTIONS**

### **Rules Applying to All Elections**

1. The rules in this Policy apply to all elections conducted by a Local Union including election of Local Union Executive Board Officers, Workplace Representatives, and delegates to National Conventions, Canadian Council, Regional Councils and Industry Councils.
2. If different rules for any election are set out in the Unifor Constitution, the rules in the Constitution apply and the following rules do not apply.
3. If a Local Union wishes to utilize additional or different rules for elections, it may establish its own set of rules to govern elections in place of all or some of the rules in this Policy. Rules adopted by a Local Union must be ratified by the members of that Local Union and approved by the National Union. The rules 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 entitled 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.
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 shall not vote in any election for a Workplace Representative but may vote in that Local Union's elections for Local Union Executive Officers and Convention and Council delegates.

### **Rules About Election Committees**

6. All elections in a Local Union shall be supervised by an Election Committee.
7. An Election Committee shall be selected by democratic election at a Local Union membership meeting.
8. An Election Committee can also be selected by another process if required by the Local Union bylaws or approved by the Local Union membership or by the President of the National Union.
9. A member who is a candidate may not be part of the Election Committee responsible for supervising the election.

## **Rules About Being a Candidate**

10. The eligibility of members to be a candidate in an election is described in Article 15.B.6 of the Constitution of Unifor.
11. A candidate may be identified in the voting process by a name other than the candidate's legal name if the candidate is commonly known by a different name. A request to be identified in that way shall be made by submitting a written request to the Election Committee which shall approve the request if satisfied that the candidate is commonly known to members by that different name.
12. Members are allowed to hold a position within their workplace and a Local Executive Board position such as Unit Chair and Local Union President as long as the Executive Office position held isn't a full-time position.
13. Nothing in these rules shall restrict the candidacy or election of a member aged greater than 65 years as long as the member is not retired.
14. The election of a Retired Worker Representative to a Local Union Executive Board by the members of a Retiree Chapter shall be conducted in a manner similar to the election of other Local Union Executive Officers.
15. Any Local Union member may nominate himself/herself or others for an elected position.
16. If an Executive Officer, whose term is not expiring, wants to be a candidate for another Executive Office, s/he must resign from her/his present 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 would become effective at the time of installation.
17. Only nominated candidates may be elected.

## **Rules About the Date, Time and Place of Elections**

18. The date of an election and of any run-off election shall be set by motion or resolution adopted by the members of the Local Union at a regular membership meeting. Locals who have been excused from monthly General Membership Meetings by the constitution, will have the dates set by the Executive Board of the Local Union or by way of the General Council where one exists within a Local.

### **Rules about Notice of Elections**

19. Members must be notified at least seven days in advance of the 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.

### **Rules About the Method of Election**

20. The Election Committee shall determine the method of the election and the times and places of the election. Elections shall normally be conducted by secret ballot vote.
21. An Election Committee may also adopt a form of electronic voting such as internet or telephone voting where appropriate, considering the size and geographic scope of the Local Union and the cost of the electronic voting.
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. The By-Laws of a Local Union may provide for a process of Absentee Balloting to allow members who are away during the entire period of an election on Local Union Business or assignment by employer to vote. Absentee Balloting must provide for security and confidentiality of all votes.
24. The By-Laws of a Local Union may provide for a process of voting by Advance Poll to allow members who would not otherwise be able to participate in the regular election to vote.
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. The date of an election shall be selected taking 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. No candidate however can 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 By-Laws of the Local Union stipulate otherwise. Where it is necessary, any number of run-off votes may be conducted if required until a candidate is elected with a majority.

### **Rules About Run-Off Elections**

28. The Election Committee shall determine the method of the run-off election and the times and places of the run-off election.
29. A run-off election shall be conducted in the same manner as the election.
30. Where there are three candidates for a position and the two lowest vote candidates tie, there will be a runoff election between the bottom two prior to a runoff election with the top candidate until one candidate receives a majority.
31. Where there is only one nominated candidate for an executive office, that candidate is declared elected.
32. Where run-off elections are necessary because no candidate receives a majority, the run-off shall be confined to the two candidates receiving the highest number of votes for the office involved.
33. Where three trustees are to be elected and no one candidate receives a majority, the run-off will be confined to the six receiving the highest number of votes. If one receives a majority, the run-off will be among the candidates receiving the second, third, fourth and fifth highest votes. If two receive a majority, the run-off will be between those receiving the third and fourth highest votes.
34. Any Executive Board member who holds office by virtue of holding another office in the Local Union automatically ceases to be an Executive Board member when s/he 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.
36. Those elected will be installed at the next regular meeting.

### **Rules About Campaigns**

37. A candidate and other members may use social media such as Facebook, Twitter, E-mail etc. for the purpose of campaigning
38. A candidate's election materials may include images or logos of Unifor and of the Local Union.

39. 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.

Candidates are not entitled to copies of any members personal information however are entitled to inspect the membership list if so requested.

### **Rules About Vacancies in Office**

40. All vacancies in Local Union offices, except President, must be filled promptly by election. The Local Union may use other means for filling the vacancies until the election. If the President's office is vacant, the Vice-President will fill the vacancy for the unexpired term. Where there is more than one Vice-President, the Local Union will set a fair procedure for determining which Vice-President will fill the vacancy.

### **Rules About Election Reviews**

41. 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.

42. An appeal with respect to Local Union elections may be filed, and shall be governed pursuant to the Procedure Policy on Constitutional Matters.

43. A request by a member for a Review of Decision concerning an election-related decision or action must be made in the way required by Article 18.B of the Unifor Constitution.

44. Despite any time limit contained in any other Policy, a request by a member for a Review of Decision concerning an election-related decision or action shall not be considered unless it is raised 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. If a Local Union membership votes to support a request for Review of Decision of an election, the National President must first order the 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. As quickly as possible, the National President may decide whether there will be a new election or, if the National President finds the facts sufficiently

contradictory, the National President may submit the matter to the Committee on Constitution Matters for investigation. Then the National President will follow the Committee's recommendations.

48. During this period, the 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 results of the review.
49. The National President's order may be reviewed in the usual way. However, if the order is based upon a Committee on Constitution Matters recommendation, the review will begin with a review of the recommendation of the Committee on Constitution Matters.
50. A membership decision to refuse to order a new election may be reviewed in the usual way. Those elected in the first election will hold office during the review process and until otherwise directed by the review results.
51. 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.
52. 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 Constitution Matters. If it finds the member guilty by a two-thirds vote, the board may
  - 52.1. suspend or expel the member from membership, or
  - 52.2. remove the member from any position the member may hold, and/or
  - 52.3. suspend the member's right to seek any office or hold any position in the National Union for up to five years.
53. Any member so disciplined will be notified in writing and has the right to request a Review of Decision under Article 18.B. The procedure in this section is in addition to and exclusive of any other action that may be taken against the member.
54. 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 or

strike balloting will be subject to charges. If convicted, the member will not be eligible for any office within the Union for two to five years.

### **Rules About Election Records**

55. All ballots and other election records in any election must be kept in a sealed and secured box following each day of polling and for one year immediately following the election. The Local Union may then destroy the ballots unless a review is pending. If a Review of Decision is pending, the ballots must be preserved until the review has been finally decided.