

Policy Regarding Local Union Elections

Policy number:	Category:	Type:
C - 001	National Executive Board	Constitution

Effective Date:	Replacing file:
May 19, 2026	February 25, 2021 version
February 25, 2021	December 2, 2013 version
December 2, 2013	Original version

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.A.8 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, Quebec and 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 Committee is governed by the Unifor Constitution, this Policy, the Local Union's bylaws, and additional instructions or rules made by the Local Union membership 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 in any election which the Election Committee supervises.
10. Except during an active election, a vacant position on an Election Committee shall be filled in accordance with paragraph 7 or 8 above. During an active election, if a member of the Election Committee is unable to fulfill their responsibilities, or if the Election Committee identifies an unanticipated need to have additional members, the Election Committee may appoint new Election Committee members to serve on a temporary basis to complete the election.

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 both a workplace representative position and a Local Union Executive Officer position.
14. A Retired Worker Representative to a Local Union Executive Board shall be elected by the Local Union Retired Workers 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 elections, and of any run-off elections, either through its bylaws or by approval of its membership at a regular membership meeting in advance of the election.
19. The Executive Board, General Council or other similar governing body of a Local Union that does not have quarterly or monthly membership meetings in accordance with its bylaws may set the date, time and place of elections.

RULES ABOUT NOTICE OF ELECTIONS

20. 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.
21. There must be at least seven days' notice for the date of a run-off election.

RULES ABOUT THE METHOD OF ELECTION

22. A Local Union may adopt a form of electronic voting such as internet or telephone voting where appropriate.
23. 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.

When electronic voting is employed, access to the voting system during the election must be carefully controlled, with access granted only to the Elections Committee chair. The Elections Committee chair may permit other persons to have the same access if the security and secrecy of the voting process is maintained.

24. 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 member's employer. The absentee balloting process must be secure and confidential.
25. 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.
26. 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.
27. Each candidate shall have the right to have one scrutineer present when the votes are cast (except in the case of an electronic vote) and when they are counted. In the case of an electronic vote, a scrutineer shall be provided with full results of the election as soon as the results are generated or received. A candidate cannot be a scrutineer for another person within the current election. The scrutineer must be a member of the Local Union.
28. 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.
29. Ranked balloting is not permitted.

RULES ABOUT RUN-OFF ELECTIONS

30. 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.
31. A run-off election shall be conducted in the same manner as the election.
32. 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.

33. Where there is only one nominated candidate for an elected position, the candidate is declared elected (acclaimed).

34. 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 receive 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.

35. 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

36. The Election Committee shall announce the result of each election or run-off election immediately after the ballots are counted. The Election Committee shall cause the Local Union to post the result of the election in the places or media where Local Union notices are customarily posted. The Election Committee shall also provide a written report of the election to the next Local Union membership meeting.

RULES ABOUT CAMPAIGNS

37. A candidate and other members may use social media such as Facebook, Twitter, email etc. to campaign. All election material of a candidate including websites and social media accounts must clearly indicate that it is produced by the candidate.

38. A candidate may use images or logos of Unifor and of the Local Union on their election materials. Candidates must not use the Unifor name, image or logo in a manner that would mislead readers or viewers that the election material is an official Local Union or Unifor statement.

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.

40. Upon request to the Election Committee, a candidate is entitled to inspect the Local Union's membership list or seniority lists. 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

41. All vacancies in Local Union offices, except Local President, must be filled promptly by election unless the Local Union bylaws describe other means to fill the vacancies for the balance of the term. The Election Committee, in consultation with the Local Union Executive, will set the date, time and place for the election.

42. 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 OR COMPLAINTS

43. If there are concerns about an election decision or action, members should bring it to the attention of the Local Union or the Election Committee immediately so that the issue may be resolved as quickly as possible. A Local Union member always has the right to submit a written statement to the National President concerning an election,

but this will not be treated as a formal request for a Review of Decision as described below.

44. The following rules apply when a member requests a formal Review of Decision concerning an election decision or action by a Local Union or Election Committee.
45. A request by a member for a formal review of an election decision or action must follow the process and time limits set out in Article 18.B of the Unifor Constitution, and the Procedure Policy on Constitutional Matters, and this Policy.
46. A request for review of an election decision or action must be made in writing. It must specifically describe the decision or action to be reviewed. It must state the reasons that support the request, and it must state the requested remedy. It must be submitted to the local Secretary-Treasurer or Recording Secretary, and a copy must also be sent to the Election Committee or its chair.
47. The Election Committee shall consider the request for review and shall report to the local union membership about the request and the reasons offered by the member or members in support of the request, and shall provide to the membership a recommendation about the request including any recommendation about invalidating the election.
48. The membership at a meeting shall make a decision about the request, after considering the Election Committee's report and recommendation. The membership shall not declare the election invalid except where there has been a well-substantiated showing of fraud, improper conduct or extremely loose practices. If the Local Union membership votes in favour of a recommendation for 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.
49. If the National President receives a report of a Local Union decision that there should be a new election, the National President will consider the report. If the facts are sufficiently clear that a new election is required, the National President will direct that a new election be conducted. If the facts are not sufficiently clear, the National President will submit the matter to the Committee on Constitutional Matters or other competent person for investigation and recommendation and the President will follow the resulting recommendation.
50. 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.

51. The National President's order may be reviewed by the National Executive Board under Article 18.B of the Unifor Constitution.
52. A Local Union decision to reject a request for a new election may be reviewed by the Committee on Constitutional Matters 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.
53. 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.
54. 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.
55. 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.C.11 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.
56. 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

57. 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

58. 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.

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