



Policy and Procedure Guidelines

Elections and Election of Officers

Abstract The Purpose of this Document is to Provide a Standard for Elections

Document Reference 2018 Constitution

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BCFMWU Policy for Elections and Duties of Election Officers

Articles referred to in this policy are in reference to the 2006 BCFMWU Constitution. Any conflict between this policy and the Constitution, the Constitution's intent will prevail.

For Site Safety Elections, please refer to appendix “a”

Before using this guide, please carefully review the following articles of the BCFMWU Constitution:

- Article 10 *Committees, Section 8 Balloting Committee*
- Article 13 *Returning Officer and Assistant Returning Officer*
- Article 14 *Election of Union Officers*
- Article 15 *Balloting Procedures*

1. Duties of the Provincial Returning Officer

The Provincial Returning Officer has the following duties, in addition to all others established by these Guidelines:

- (a) To provide guidance and input respecting the membership list accuracy and the conduct of elections and referendums.
- (b) To ensure that all other officials appointed under these Guidelines carry out their duties with fairness and impartiality.
- (c) To make recommendations to the Provincial Executive or the delegates at Convention respecting amendments to this Policy or other enactments affecting election matters.
- (d) To issue to persons appointed or retained under these Guidelines any information and guidelines the Provincial Returning Officer considers necessary to ensure effective implementation of these Guidelines.
- (e) To require Local Returning Officers and other election officials to follow the directions of the Provincial Returning Officer regarding the performance of their duties.
- (f) To provide information to the membership regarding call for nominations, balloting and other electoral processes.
- (g) To ensure the use and availability of neutral NUPGE appointees, should they be required per Article 15 Section 7.

2. Appointment of Election Officials

- (a) A Returning Officer may appoint an Election Official to hold or assist in an election provided they are not:
 1. A member of the Provincial Executive or of the local executive.
 2. A member nominating a candidate or campaigning for a candidate.
 3. A member not in good standing.
- (b) Any appointment may be rescinded for cause by the respective Local Returning Officer or a member of the Balloting Committee.

3. Resignation, Removal or Suspension

- (a) The Provincial Returning Officer may resign at any time by notifying the Provincial Executive in writing, care of any Provincial Executive Officer.
- (b) Based on cause or incapacity, the Provincial Executive may with a two-thirds majority vote:
 - 1) Suspend a Returning Officer; or
 - 2) Remove a Returning Officer from office.
- (c) A Returning Officer may appeal any decision taken against under (b) by filing an appeal per Article 6 Section 8 (b)(c)(d), excluding the required vote in (d).

4. Local Returning Officers

- (a) An appointed person shall work at the direction of an elected Returning Officer and per the terms laid out in Article 13 Section 1(b) of the BCFMWU Constitution.
- (b) The Returning Officer shall may call for nominations for the position of Local Returning Officer which will be posted on conclusion of the Local Executive election by the Union Office, copied to the Provincial Returning Officer.
- (c) Duties of the Local Returning Officer:
 - i. Under the supervision of the Provincial Returning Officer the Local Returning Officer is responsible for conducting the election and following the bylaws for the local.
 - ii. The Local Returning Officer may appoint an Election Official per Section 3 of this document, and are responsible to make any appointed person aware of their duties and responsibilities per this guide and the BCFMWU Constitution.
 - iii. The Local Returning Officer will provide a written report with the election results to the local executive and the Union office as per BCFMWU Constitution, Article 15 – Balloting Procedures, Section 9- Report to the Provincial Executive.
 - iv. In the absence or unavailability of a Local Returning Officer, the Provincial or Assistant Provincial Returning Officer shall assume the duties of that Local Office.

5. Calling an Election

Election called when writ of election is issued:

- (a) On receiving written notice from the Provincial Executive that an election is to take place as per Article 15 Section 4 (c) of the Constitution, the Provincial Returning Officer must:
 - 1) Issue the writ or writs of election in accordance with the order;
 - 2) Transmit election notice to the appropriate Returning Officer and/or Election Officials; and
 - 3) Ensure election notice is posted on the Union website and on Union bulletin boards.
- (b) The Provincial Returning Officer shall receive all election notices, posters, call for nominations and nomination forms.

6. Call for Nominations

A Returning Officer's call for nominations must be posted for a minimum two-week period. The call shall contain the following information:

- (a) The dates for the start and end of the call for nominations;
- (b) How interested individuals can obtain information on the requirements and procedures for making a nomination;
- (c) The positions open for nomination;
- (d) Who should receive the nomination forms;
- (e) Any other information the Provincial Returning Officer considers should be included.

7. Nomination Forms

- (a) A nomination must be made in writing.
- (b) Nomination forms must:
 - 1) Clearly identify the name and Local of the nominee, and be signed by that person;
 - 2) State the position of the nomination;
 - 3) The name and signature of the person nominating the candidate; and
 - 4) The date the nomination was signed by the nominee.
- (c) In the case of an election by acclamation, as soon as possible after the declaration, the applicable Returning Officer must return the notice of election and a copy of the nomination forms to the Provincial Returning Officer, certifying the names of the individuals acclaimed.

8. Notice of Election by Voting

- (a) As soon as possible after the declaration of an election by voting, a Local Returning Officer must publish a notice of election and ensure that adequate notification is given to the local membership.
- (b) The notice of election must include the following information:
 - 1) The names of the candidates in the order and as the names will appear on the ballots;
 - 2) The positions the candidates are running for;
 - 3) The date, voting hours and voting places for general voting;
 - 4) Special voting opportunities in order to give voters who may otherwise be unable to vote an opportunity to do so; and
 - 5) Contact name for election information.

9. Printing of the Ballot

All ballots will be approved by the Provincial Returning Officer and will contain:

- (a) The names of the candidates arranged on an ordinary ballot alphabetically by their surnames and, if two (2) or more candidates have the same surname, be arranged alphabetically in order of their first given or usual names used on the ballot;
- (b) The position the candidate is being elected for; and
- (c) Balloting instructions.

10. Rules for Voting

- (a) Each individual may vote only once in an election.
- (b) Voting is to be by secret ballot.
- (c) Persons at a voting station must not communicate information regarding how another individual voted or marked a ballot.
- (d) Persons at a voting station must not induce an individual, directly or indirectly, on how to vote.
- (e) No election posters shall be posted at or near any voting station.
- (f) No other person may loiter or be present without the Returning Officer's authorization at the voting station.
- (g) No other person may interfere with an individual who is marking a ballot.
- (h) Other than for the purpose of voting, a candidate must not be present while voting proceedings are being conducted.

11.Replacement of Spoiled Ballot

- (a) If a voter spoils a ballot before it is deposited into a ballot box, the voter may obtain a replacement ballot by giving the spoiled ballot to the election official responsible.
- (b) The election official responsible must immediately mark the ballot as spoiled and retain the spoiled ballot for inclusion with the election materials.

12.Appointment of Scrutineers

- (a) Candidates may appoint a scrutineer in accordance with these Guidelines to represent the candidate by observing the conduct of voting and the counting proceedings for the election.
- (b) If the individual is appointed as a candidate's scrutineer for the purpose of this section, a statement of this appointment must be submitted to the Returning Officer.
- (c) Each individual present at the counting of the vote must preserve the secrecy of the ballot.
- (d) Scrutineers leaving a counting of the ballots, other than at a designated break time, will not be permitted back in to witness the counting process.

13.Ballot Boxes

- (a) A ballot box must be constructed:
 - 1) To ensure ballots can be inserted into it, but cannot be withdrawn unless the box is opened;
 - 2) To keep the ballots used to vote at general voting for any one voting station separate from all other ballots used in the election; and
 - 3) To keep ballots used for alternative absentee voting separate from all other ballots used in the election.
- (b) A ballot box that has been sealed must remain sealed and unopened until the ballots are to be counted, unless it is a ballot box for alternative absentee voting or unless it is to be used for another voting opportunity.
- (c) When a ballot box is opened for the transferring of ballots to a locked bag with a numbered pre-issued tag, the appropriate forms shall be signed by the election officials transferring the ballots and placed inside the bag prior to locking.

14.Counting the Ballots

- (a) Counting of the ballots shall happen per Article 15, Section 7(a). The counting process shall be continuous, notwithstanding short breaks.
- (b) Per Article 15 Section 7(b), the Returning Officer or Assistant Returning Officer shall make direct contact with the NUPGE Appointee for assistance.

15.Rules for Accepting and Rejecting Ballots

A ballot must be rejected if any of the following applies:

- (a) The ballot physically differs from the ballots officially provided for the voting proceedings for which the counting is being conducted;
- (b) The mail-in ballot envelope does not clearly identify the member who is voting;
- (c) The ballot is marked as voting for more than one candidate; or
- (d) The ballot does not clearly indicate the intention of the voter to vote for a candidate.
- (e) The ballot identifies the voter.

16.Recount of the Ballots

A decision to recount the ballots may be made by the Returning Officer or Assistant Returning Officer, or by order of the NUPGE appointed person.

17. Holding of Ballots

Ballots shall be securely held by the Returning Officer responsible for the election for a period of 30 (thirty) days.

18.Destruction of Ballots after Vote

Notwithstanding Article 15 Section 10 which applies for fleetwide referendum ballots, ballots for Local Elections shall be destroyed by a Returning Officer not less than 30 (thirty) days after the vote, and given no outstanding challenges.

19. Notification of Election Results

As per Article 15- Balloting Procedures, Section 9- Report to the Provincial Executive the results shall be made available to the membership once the respective candidates have been notified of the results.

1. – Election of Safety Committee Worker Representatives

1.1.1 Notice of Election, Nominations and Eligibility

1.1.1.1 On expiration of any term at the site, the Union office shall issue call to nomination, notifying the affected Local President or, in the event of multi-local sites, the Provincial Returning Officer.

1.1.1.2 Nominations must be sent to the Union office.

1.1.1.3 Nominees must be members of the site

1.1.1.4 Elections for site and regional committee seats shall be determined in the following order:

- (i)** Nominee with the most votes from within the department; if only one person is nominated from the department they shall be acclaimed.
- (ii)** In the event there is no nominee from the department, the nominee with the most votes; if only one person is nominated from outside the department they shall be acclaimed.
- (iii)** In the event there are no eligible nominees, the worker representative shall be appointed by the affected Local Executive or, in the event of multi-local sites or for Regional Committees, the Provincial Executive.

1.1.2 Regional Committee Nominee

1.1.2.1 The Regional Committee nominee must have sat on a site or regional within the last three years.

1.1.3 Senior Joint Regional Committee Representatives

1.1.3.1 The Senior Joint Committee Representative must sit on the regional committee that they represent.

1.1.3.2 Senior Joint Representative may be selected by simple majority vote of the worker regional committee representatives.

1.1.4 Election Procedure

1.1.4.1 Election will be conducted by:

- (i)** The Local Returning Officer or their designate
- (ii)** In the event there is no Local Returning Officer, the Local President or their designate.
- (iii)** In the event of a multi-local site or for Regional Committees, elections shall be conducted by the Provincial Returning Officer or their designate.

1.1.5 Voter Eligibility

1.1.5.1 See BCFMWU Constitution Article 14 Section 7

1.1.6 Site and Regional Committee By-Elections

1.1.6.1 If a Site Safety Committee seat becomes vacant before the expiration of the term, the replacement shall be appointed by the Local Executive for the remainder of the term.

1.1.6.2 In the event of a multi local site or Regional Committee seat becomes vacant before the expiration of the term, the replacement shall be appointed by the Provincial Executive for the remainder of the term.

1.1.7 Procedure after Election of Committee Member

1.1.7.1 Upon conclusion of the election, the person in conduct of the election shall provide the name of the successful candidate to:

- i. The candidates.**
- ii. The co-chairs of the committee.**
- iii. The Local President**
- iv. The appropriate crewing office.**
- v. The Union Office**

1.1.8 Term Length

1.1.8.1 See BCFMWU Constitution Article 14 Section 7

1.1.8.2 A company selected worker representative may be replaced at any time by call to election

1.1.9 – Recall and Removal

1.1.9.1 A safety committee member may be

- i. Recalled by 2/3rds majority vote of bargaining unit members of that committee.**
- ii. Removed for cause pursuant to an investigation by the Provincial President or their designate.**
- iii. Removed for failure to report to Union Executive upon their request.**
- iv. Any persons removed may, pursuant to the section above, appeal to the Provincial Executive, in writing, no later than 30 days from date of notification. Appeals shall be sent care of the Provincial President.**