



**Newfoundland and Labrador
Association of Public and Private Employees**

**RULES AND POLICY PROCEDURES
FOR THE ELECTION OF
SECRETARY/TREASURER
BY THE FULL MEMBERSHIP OF NAPE**

**Adopted at the NAPE Board of Directors' Meeting
June 26, 2019**

RULES AND POLICY PROCEDURES

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RULES AND POLICY PROCEDURES

1. DRAFTING OF RULES AND PROCEDURES

The rules and procedures for the upcoming election shall be presented to the Board of Directors for approval.

2. ELECTION OFFICE

The Election Office shall be in-house with special lock on office door.

3. ELECTION PROCESS

Mail-In and Mail-Out Ballot (No drop off box)

The election of Secretary/Treasurer of NAPE shall be by a mail-in and mail-out ballot of the full membership.

4. WINNING CANDIDATE CRITERIA

Simple Majority Vote

For the election of Secretary/Treasurer of NAPE, the candidate who receives a simple majority shall be the candidate deemed elected.

5. ELECTION CALL

The Union shall forward to each member in good standing (must have a registration card on file at NAPE Office), an Election Call containing:

- time frame of the election for the position of Secretary/Treasurer; and
- formal notification of the last day for nominations and the final date the Union will accept ballots.

The Union shall also note in its Election Call, the last fixed date at which a member can confirm whether he or she is correctly identified (name, address and Local number) on the Union's membership list.

6. NOMINATION PROCESS

Nomination Criteria

Candidates running for the position of Secretary/Treasurer elected office must meet

the following minimal nomination criteria:

- (a) be a member of NAPE in good standing (must have a registration card on file at NAPE Office) and one who is eligible to run for the position under NAPE's Constitution);
- (b) not accept a nomination for any other position being contested under a full membership vote process; and
- (c) have his/her nomination signed by fifty (50) NAPE members in good standing (must have a registration card on file at NAPE Office) and include the Local number of each.
- (d) pay a refundable nomination fee of one hundred and fifty dollars (\$150). Cheques will be cashed.

Nominations

- (a) Candidates are responsible to ensure that their nominators are members in good standing as per the Rules and Procedures and NAPE's Constitution.
- (b) Nominations must be received at NAPE's Head Office no later than 5:00 p.m. on the day fixed for the close of nominations for review by the Election Committee. Nominations will be accepted via email, fax, mail or in person.
- (c) The Election Committee will only confirm the nominations after close of nominations.

Acclamation

If not more than one nomination is received for the position, then the Chief Returning Officer shall, at the close of nominations, declare the person duly elected by acclamation.

Insufficient Nominations

The Board of Directors shall fill the position for which nominations are not received at its first meeting after the Biennial Convention.

7. RIGHTS AND OBLIGATIONS OF CANDIDATES

Scrutineers to Observe the Counting of Ballots

Only a candidate or his/her designated scrutineer may observe the counting of ballots.

Request for Recount

Candidates declared unsuccessful and who wish a recount of the ballots must submit a formal request to the Chief Returning Officer within seven (7) days after receiving notice of the election results.

Election Conduct

Candidates and their supporters will be expected to observe accepted standards of conduct in accordance with the Union's overall Objectives as outlined in Article II of NAPE's Constitution. No candidate or his/her supporters shall publish or circulate, either verbally or otherwise, information on another candidate that is false or defames that person's character and/or integrity.

Campaign Expenditures

In any NAPE election campaign there shall be a limitation of financial expenditures by any one candidate of six thousand dollars (\$6,000). Candidates shall not accept campaign donations from an Employer, an agent of an employer or an organization competing with NAPE in a matter that is detrimental to NAPE.

(Campaign expenditure not to include nomination fee.)

Disclosure

Each candidate must disclose sources and amounts of all financial contributions and expenditures within two (2) weeks of the completion of the election. The Elections Committee shall provide to the Union, who shall provide such information to the membership.

Volunteer work done on behalf of the candidate is not considered a campaign expenditure. A reasonable wage cost shall be calculated for full time workers a candidate may use in his/her campaign and this shall be reported as a campaign expenditure. Any reasonable cost shall be reported for any donated production work done on behalf of a candidate and this shall be reported as a campaign expenditure.

Failure to Disclose

The position of a successful candidate who fails to comply with the foregoing shall be declared vacant. A candidate so failing to comply shall be barred from running in any election for Officers and Directors of the Union held during the next three (3) years.

NAPE Sponsored Campaign Material

At the request of each and any candidate, NAPE shall produce and circulate to the members with the ballot distribution, a 2-sided one-page black and white pamphlet

prepared on standard 8 ½ X 11 paper. The pamphlet may contain a picture of the candidate and shall contain a biographical sketch of the candidate along with the candidate's reasons for running for office. Candidates are responsible to ensure that the information contained in their pamphlet is accurate and complete and print ready.

Electronic copy (print ready in PDF format on a flash drive) of the pamphlet must be submitted to the Elections Committee for approval by **August 16, 2019 - 5:00 p.m.**

NAPE Facilities

Neither candidate for the office of Secretary/Treasurer, nor their supporters, may use the Union's facilities and resources (except where otherwise noted) on behalf of the candidates, or in any way suggest the preference or support of NAPE and/or its employees for any candidate.

Communication from Head Office

Except as otherwise provided for in the Rules and Procedures governing the election of Secretary/Treasurer, the Union (NAPE) will not circulate or print any material directly relating to any candidate, except in exceptional circumstances such as the death or withdrawal of a candidate or other exceptional circumstances decided by the Elections Committee.

8. VOTERS' LIST AND ISSUING OF BALLOTS

Voters' List

After the last day to finalize the voters' list and prior to the distribution of the ballot, the Union shall provide the Elections Committee with the most current membership mailing list containing all revisions.

This membership mailing list shall be the voters' list and shall be compiled as of **August 12, 2019 - 5:00 p.m.**

The voters' list shall be:

- the active membership list
- the inactive membership list

Each candidate will receive a voters' list which will include the member's name and home and/or cell number in electronic or hard copy form.

Re-issue of a Ballot to a Member

A member who informs the Elections Committee that he/she has either lost or did not receive a ballot for which the Elections Committee has a record of sending out, shall be issued another ballot only by the Audit Firm upon authorization of the

Elections Committee.

The original ballot along with its return envelope that the member claims to have either lost or did not receive shall be considered null and void and shall not be destroyed if returned to the location assigned as the return address for ballots until approved by the Elections Committee.

9. **TIME FRAMES**

Distribution of the Ballot

NAPE staff will carry out the original mail out under the direction of the Audit Firm and with the supervision of the Elections Committee. No staff shall have access to any ballots. Any questions or concerns brought forward to the office be directed/discussed with the Elections Committee. Any re-issuing of ballots will be done by the Election Committee only through the Audit Firm.

Last Date for Return of the Ballot

The time and day fixed for the last day to accept the ballot shall be 5:00 p.m. on **September 26, 2019**.

Counting of the Ballot

Ballots will be counted by the Elections Committee under the supervision of the Chief Returning Officer and the ballot count will be completed by no later than five (5) days after the last day fixed to accept ballots, **September 26, 2019 at 5:00 p.m.**

Undelivered Ballots

Any ballots brought to the Audit Firm shall be placed in a secured box immediately upon arrival.

Mail received by the Audit Firm shall be immediately placed in a secured area.

Results

Candidates will be advised immediately of the results of the election on completion of the counting of the ballots. The results of the election shall be immediately reported to the membership through an official Union news/media release. The results shall also be reported on the Union's website.

Destruction of Ballots

The Chief Returning Officer is authorized to direct the destruction of the ballots and other election material.

10. **RECOUNTS**

Time and Place for a Recount

Ballots are to be returned to the Audit Firm until the time limit for the recount has expired.

The recount shall take place within three (3) working days of receiving a formal request for a recount. The Chief Returning Officer shall appoint a time and place for the holding of the recount and shall give appropriate notice to all candidates for the position for which the recount is demanded.

Those Present at a Recount

In addition to the Elections Committee, all candidates for the position for which the recount is demanded, or their respective scrutineers duly appointed in writing, may be present at a recount. Such recount shall at all times be held in such a manner as to maintain the secrecy of ballots.

Examining Ballots During Recount

Any person present shall have the right to examine any ballot and in the case of a dispute as to the validity of any ballot, the ruling of the Chief Returning Officer shall be final and binding on all parties.

Results of the Recount

Upon completion of the holding of the recount, the Chief Returning Officer shall announce the result thereof and in the event that the election result is different from the original, all notices shall be sent as in the case of the original election.

11. **CHIEF RETURNING OFFICER**

Appointment of a Chief Returning Officer

The Board of Directors shall appoint a Chief Returning Officer.

The Chief Returning Officer shall chair the Elections Committee.

Production of the Ballot

Shall be in a three envelope system.

There shall be clear direction as to what makes a spoiled ballot (Appendix C).

The Chief Returning Officer/Elections Committee shall authorize and oversee the production of ballots and the pre-printed, postage-paid envelope prior to the fixed

date at which ballots are sent out to the membership.

Secret Ballot

The Chief Returning Officer shall at all times conduct the elections in such a manner as to be a secret ballot.

Protection Against Voting Fraud

To ensure against the misuse or voting fraud, ballots will be printed in more than one colour and shall have to be returned in the pre-printed, postage-paid return envelopes authorized by the Chief Returning Officer by the date and time specified shall be counted.

Neutrality of the Chief Returning Officer

The Chief Returning Officer shall not attend any NAPE candidates' meeting from the time of his/her appointment as Chief Returning Officer until his/her official duties have ceased, unless so directed by the Board of Directors and the Elections Committee.

Expenses of the Chief Returning Officer

The Chief Returning Officer shall be reimbursed for all of his/her expenses incurred in the performance of his/her official duties.

Disruption of Mail Service

In the event of a mail disruption at the time of an election, the Chief Returning Officer in consultation with the Elections Committee shall have the right to make decisions regarding time frames and alternate voting procedures.

12. ELECTIONS COMMITTEE

Elections Committee

There shall be an Elections Committee consisting of a Chief Returning Officer and three (3) members of NAPE to oversee the election of the Secretary/Treasurer of the Union.

With the exception of the Chief Returning Officer, members of the Elections Committee and a minimum of three (3) alternates shall be elected at the Biennial Convention to oversee the election for Secretary/Treasurer that takes place prior to the next Biennial Convention.

Quorum for Elections Committee meetings is to be the Chief Returning Officer and one (1) other.

Neutrality of the Elections Committee

Members of the Elections Committee shall not actively work on behalf of a candidate or publicly express support for, or opposition to, nor attend meetings of a candidate.

Receipt of Nominations

The Elections Committee shall ensure that all nominees are members in good standing (must have a registration card on file at NAPE Office) and meet the nomination criteria.

Conduction of Elections

The Elections Committee shall be responsible for the conduct of NAPE election for the Office of Secretary/Treasurer of the Union. The Elections Committee shall also:

scrutinize the print ready pamphlet each candidate provides the Union for accuracy insofar as is practical; and
rule on the propriety of any election activity undertaken by a candidate or those acting on behalf of the candidate. Upon finding such activity to be improper or inappropriate, the Committee may declare the election, or any candidacy in such election, to be null and void.

13. ALLEGED VIOLATION OF RULES AND PROCEDURES

Alleged Violations

All alleged violations to the election rules and procedures must be reported to the Elections Committee within two weeks of the announcement of the results of the election. The Elections Committee shall advise affected candidates of any such action.

The Elections Committee is charged with the responsibility of fully investigating such allegations and reporting the results of its investigation within two weeks. If the Elections Committee identifies a violation, it shall take such corrective action as it deems necessary.

Appeal Procedures

Within forty-eight (48) hours of receipt of any such decision of the Elections Committee, any candidate may appeal to the Board of Directors to determine whether the Elections Committee has acted within its mandate in rendering such a decision.

The Board of Directors shall meet within seventy-two (72) hours of receipt of the

appeal. A quorum of the Board of Directors must be present. Any member of the Board who was a candidate for the position in question or who has declared him/herself to be in a conflict of interest, shall not participate in the deliberation of the matter before the Board.

The Board of Directors shall conduct the necessary investigation and render its decision within seven (7) days of receipt of the appeal. The appellant shall retain the right to present his/her case to the Board of Directors.

Decision

The decision of the Board of Directors shall be final and binding. In the event the Board of Directors determines that it cannot rule on the appeal, the decision of the Elections Committee is final.

14. **TERM OF OFFICE**

Commencement of the Term of the Officers

As per the Constitution.

15. **HOLDING OF COMMITTEE MEETINGS**

Final decisions as to the holding of meetings of the Elections Committee should rest with the Chief Returning Officer.

APPENDIX 1

TIME FRAMES FOR THE 2019 ELECTION OF NAPE'S SECRETARY-TREASURER

PRE-VOTE PERIOD

Election Call to be sent out by **July 26, 2019.**

Last day for Nominations is **August 9, 2019 - 5:00 p.m.**

Last day to submit nomination papers is **August 9, 2019 - 5:00 p.m.**

Last day to finalize the Voters' List and provide a copy to the Elections Committee is **August 12, 2019 - 5:00 p.m.**, however, Appendix "A" will be considered for ballots up to and including **September 13, 2019 - 5:00 p.m.**

Last day for candidates to submit their print ready two-sided, one-page, black and white pamphlet in PDF format on a flash drive to the Elections Committee for approval is **August 16, 2019 - 5:00 p.m.**

BALLOT

Last day to mail out ballots to the members is **August 26, 2019.**

Last day for ballots to be received is **September 26, 2019 - 5:00 p.m.**

Day for the count of the ballots is **September 27, 2019.**

Last date a candidate has to request a recount of the ballot is **October 4, 2019 - 5:00 p.m.**

Last day that the recount must be completed is **October 9, 2019 - 5:00 p.m.**

If there are no more ballots, then the last day a candidate has to disclose the source of his/her campaign contributions and campaign expenditure is **October 11, 2019 - 5:00 p.m.**

APPENDIX A

The following members shall also have the right to vote:

- education leave
- maternity/parental leave
- unpaid sick leave
- awaiting the outcome of an arbitration case
- a workplace injury
- seasonal employees
- temporarily assigned to management positions and still in the bargaining unit
- unpaid leave covered by Collective Agreement
- members with recall rights to their Collective Agreement

APPENDIX B

SUMMARY OF THE KEY COUNT PROCEDURES

1. Receipt of mail-in ballots by auditing firm

auditing firm envelope with **green** stripe opened
blue envelopes sorted alphabetically
blue envelopes checked off against membership list
spoiled ballots set aside for review
number of envelopes received totaled each week/period
estimate of numbers is 9 - 10,000 ballots
ballots contained in 16 boxes

2. Remove **red** ballot envelope from **blue** membership envelope

blue envelopes removed from box and opened to remove **red** envelope
red envelopes counted and agreed to original total on box
envelopes returned to box

3. Remove ballots from **red** ballot envelope

red envelopes removed from box and opened to remove ballot
ballot separated into two ballots and placed in two piles
each pile of ballots counted and placed in separate boxes
total count for each ballot agreed to total on original box

4. Ballots counted and tallied

two sets of count teams work from different areas to count ballots
remove ballots from box
read ballot and mark tally sheet for candidate
spoiled ballots set aside and reviewed with Returning Officer
when box fully counted, total tally sheet for each candidate and spoiled
ballots
agree total counts for original counts
return ballots to box
pass count tally sheet to supervisor for recording

NOTE: The Elections Committee may change the colors, if necessary.

APPENDIX C

The Elections Committee must have their Rules and Procedures in place to review with candidate/scrutineers prior to starting the opening of the ballots:

Examples: What constitutes a spoiled ballot?

Two "X's" for one position on same ballot?

Declaration envelope not signed and dated?

Actual ballot in declaration envelope and not in ballot envelope?

Ballot envelope returned without declaration envelope?

Two ballots returned for same person?

Ballot returned in designated **white** envelope (no declaration or ballot envelope)?

Ballots cut into strips?

Extra marks on ballots?

Defacing of ballot?