



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

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

**Adopted by the NAPE Board of Directors
January 19, 2024**

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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**

The elections of President and Secretary/Treasurer of NAPE shall be conducted by an electronic/phone voting process of the full membership.

4. **WINNING CANDIDATE CRITERIA**

Simple Majority Vote

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

5. **ELECTION CALL**

Union members shall be notified of the Election in accordance with NAPE Constitution (Article VI. A. 2 (b)). Notification shall contain:

- time frame of the election for the positions of President and Secretary/Treasurer; and
- formal notification of the last day for nominations and the final date the member could receive a Personal Identification Number.

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

6. **NOMINATION PROCESS**

6.1 **Nomination Criteria**

Candidates running for the positions of President and 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.
- (c) Have a total of no less than fifty (50) NAPE members in good standing (must have a registration card on file at NAPE Office) sign an official nomination form (Appendix "C"). Local numbers must be included for each member.
- (d) Pay a refundable nomination fee of one hundred and fifty dollars (\$150) prior to close of nomination. Cheques will be cashed.

6.2 **Nominations**

- (a) Candidates are responsible to ensure that their nominators are members in good standing (must have a registration card on file at NAPE Office) as per the Rules and Procedures and NAPE's Constitution.
- (b) The deadline for nominations is 4:30 p.m. (NT) on the day fixed for the close of nominations by the Election Committee.
- (c) The Election Committee will only confirm the nominations after close of nominations as outlined in the Time Frames. (Appendix "A")

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**

7.1 **Election Conduct**

Candidates, persons acting on their behalf and their supporters shall observe reasonable and customary standards of conduct that aligns with NAPE's overall objectives as outlined in Article II of NAPE's Constitution. No candidate, person acting on their behalf or supporter shall publish or circulate, either verbally or in writing, information on another candidate information that is false or ought to be known to be false or intentionally misleading or defames or ought to be known to defame that person's character and/or integrity, nor adversely affects NAPE.

7.2 Social Media

- 7.2.1. Information and updates regarding the election or candidates may be posted on any official NAPE social media or online platforms upon request/direction by the Chief Returning Officer.
- 7.2.2. Candidates may establish/utilize their own social media platforms for the purpose of their campaign. When doing so, the candidate assumes all related cost and responsibility for such platforms. They shall also be fully responsible for all material, content, postings, etc. on their platforms, ensuring compliance with the Election Rules and Policy/Procedures in place for the election, and that of NAPE's overall Objectives as outlined within the Constitution.
- 7.2.3. Requests, correspondence, inquiries, and/or complaints regarding social media or official NAPE social media or online platforms must be directed to the Chief Returning Officer/Election Committee and not to NAPE Staff or Board Members.
- 7.2.4. No candidate or official representative can force, coerce, or otherwise make any individual, Local or group post information about their campaign. It is the individual/Local/group's decision whether or not they post information regarding the election, campaign materials or any candidate(s).

7.3 Campaign Material

- 7.3.1. At the request of each candidate, NAPE shall initially provide to the Voting Platform provider a two-page pamphlet to be circulated to members when provided their Personal Identification Number (PIN). The Pamphlet may contain a picture, a biographical sketch of the candidate, message from the candidate, election platform, and information about candidate's campaign. Candidates are fully responsible to ensure that the information contained in the Pamphlet is complete and accurate.

An electronic copy (print ready in PDF format) of the Pamphlet must be submitted to the Elections Committee for approval by **4:30 p.m. (NT), Monday, March 11, 2024.**

- 7.3.2. In addition to the Pamphlet circulated as per 7.3.1., at the request of the candidate, NAPE shall facilitate with the Elections Committee the additional circulation of material on Thursday, March 21, 2024, which has been provided in electronic copy (print ready in PDF format) and has been approved by the Elections Committee.

The electronic copy (print ready in PDF format) **must** be submitted to the Elections Committee twenty-four (24) hours in advance.

Distribution to members shall only occur between the hours of 8:30 a.m. and 4:30 p.m., unless otherwise determine necessary of the Elections Committee in consultation with the appropriate NAPE Staff.

7.3.3. Neither the Elections Committee, nor NAPE, will circulate any further material on behalf of a candidate other than that outlined in 7.3.1. or 7.3.2.

7.3.4. The candidate, or an official representative of a candidate, may circulate, post, share, either in person or on their personal campaign platforms, any information pertaining to themselves or their campaign.

7.4. **Membership Listing**

7.4.1. A candidate or official representative identified to the Elections Committee and approved to receive it shall be provided, when requested, a listing of eligible voters. The listing provided shall only contain the voter's name, phone number and Local (if possible to identify).

7.4.2. **Under no circumstances** shall the candidate or anyone acting in their capacity, provide the Voter's List/listing of members, in whole or in part, to a third party outside of NAPE for the purposes of solicitation of support, votes, sharing of information, phone calls, emails, posting, etc.

There shall be NO "mass" emails or Robo Calls to members that is established based upon the NAPE membership listings, or membership email listings, or NAPE membership phone number listings.

Where the candidate, or person(s) acting on behalf of a candidate, compiles a listing of either email addresses/phone numbers from their own resources/ interaction with members/voters, they can utilize such a listing for contact with or distribution of material, providing the member is receptive of same.

7.5. **Campaign Expenditures**

7.5.1. **Financial Limitation**

In any NAPE election campaign there shall be a limitation of financial expenditures by any one candidate of seven thousand five hundred dollars (\$7,500). 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.)

7.5.2. 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 their 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.

7.5.3. 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.

7.6. Utilization of NAPE Facilities/Resources

7.6.1. Candidates, persons acting on their behalf, or supporters shall not utilize the facilities, resources, equipment or staff (except where otherwise noted) in support of their election or campaign. NAPE and/or Staff of NAPE cannot suggest the preference of, or support for, any one candidate.

Facilities/resources shall include computers, phones, promotional material and equipment directly associated with NAPE.

7.6.2. The Board of Directors as a whole shall not suggest a preference as to a candidate supported by the Board. However, each individually elected Board Member can, by their own determination, choose to support and/or fully participate in the campaign of a candidate(s) for the position of President and/or Secretary/Treasurer.

7.7 Communication from NAPE

Except as otherwise provided for in the Rules and Policy/Procedures governing the election of President and 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 PERSONAL IDENTIFICATION NUMBERS (PINs)**

8.1 **Voters' List**

After the last day to finalize the voters' list and prior to the distribution of the Personal Identification Numbers, 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 **Monday, March 4, 2024 - 4:30 p.m.(NT)**.

The voters' list shall be the active membership list.

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

8.2 **Re-issue of a PIN to a Member**

A member who informs the Elections Committee that they have either lost or did not receive a PIN for which the Elections Committee has a record of being sent out by the Voting Platform provider, shall be issued another PIN only by the Voting Platform provider upon authorization of the Elections Committee.

9. **TIME FRAMES**

9.1 **Distribution of Personal Identification Numbers (PINs)**

The Voting Platform provider will distribute PINs under the direction of the Audit Firm and with consultation with the Chief Returning Officer. PINs will be sent via email to members who have provided email addresses to NAPE. For those members for which an email has not been provided, the PIN will be sent using Canada Post. No PIN will be reissued unless done at the direction of the Election Committee.

9.2 **Last Date to Vote**

The time and day fixed for the last day to vote shall be **March 28, 2024 - 4:30 p.m. (NT)**.

9.3 **Tabulation of Votes**

Tabulation of the votes shall be conducted by the Voting Platform provider in consultation with the Chief Returning Officer and will be concluded by **March 28, 2024 - 5:00 p.m. (NT)**.

9.4 **Undelivered PINs**

Any PINs sent by regular mail (Canada Post) and returned shall be secured by the Voting Platform provider and provided to the Audit Firm.

9.5 **Results**

Candidates will be advised by the Chief Returning Officer immediately of the results of the election on completion of voting once the results have been affirmed by the Audit Firm. The results of the election shall then be reported to the membership through an official Union news/media release. The results shall also be reported on the Union's website.

10. **CHIEF RETURNING OFFICER**

10.1 **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.

10.2 **Electronic Voting Process**

There shall be clear direction provided as to how to cast a vote.

The Chief Returning Officer/Elections Committee shall, in consultation with the electronic vote facilitator, ensure members are provided PINs for the purpose of voting prior to the fixed date at which PINs are sent out to the membership.

10.3 **Secure Confidential Voting**

The Chief Returning Officer shall, at all times, conduct the elections in such a manner that ensures the confidentiality of the voters.

10.4 **Protection Against Voting Fraud**

The Voting Platform provider shall ensure the integrity and security of the entire voting process utilizing appropriate protocol and procedures. The Chief Returning Officer shall be advised of all policies and procedures.

10.5 **Neutrality of the Chief Returning Officer**

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

10.6 Expenses of the Chief Returning Officer

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

10.7 Disruption

In the event of a disruption of the election process due to extenuating circumstances, the Chief Returning Officer, in consultation with the Elections Committee, shall have the right to make decisions regarding time frames.

11. ELECTIONS COMMITTEE

11.1 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 President and 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 President and 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.

11.2 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.

11.3 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.

11.4 Conduction of Elections

The Elections Committee shall be responsible for the conduct of NAPE election for the Offices of President and 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.

12. **ALLEGED VIOLATION OF RULES AND PROCEDURES**

12.1 **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 to the complainant within two weeks. If the Elections Committee identifies a violation, it shall take such corrective action as it deems necessary.

12.2 **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 them 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 their 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.

13. **TERM OF OFFICE**

Commencement of the Term of the Officers

As per the Constitution.

14. **HOLDING OF COMMITTEE MEETINGS**

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

APPENDIX “A”

TIME FRAMES FOR THE 2024 ELECTION OF NAPE PRESIDENT AND SECRETARY/TREASURER

PRE-VOTE PERIOD

Election Call to be made by **4:30 p.m. (NT) - Monday, February 26, 2024**

Last day for Nominations is **Monday, March 4, 2024**

Deadline to submit nomination papers is **4:30 p.m. (NT) - Monday, March 4, 2024**

The voters' list must be completed and provided to the Elections Committee by **4:30 p.m. (NT) - Monday, March 4, 2024**. The voters' list may be modified up to **12:00 noon (NT) - Wednesday, March 27, 2024**.

Candidates must submit a print ready two-sided single page pamphlet in PDF format to the Elections Committee for approval by **4:30 p.m. (NT) - Monday, March 11, 2024**.

Candidates may submit a second print ready two-sided single page pamphlet in PDF format to the Elections Committee for approval by **4:30 p.m. (NT) - Wednesday, March 20, 2024**.

VOTING PROCESS AND TIMELINES

Members with no email addresses to be provided Personal Identification Numbers (PINs) via Canada Post by **4:30 p.m. (NT) - Friday, March 15, 2024**

Members to be provided Personal Identification Numbers (PINs) via email by **4:30 p.m. (NT) - Tuesday, March 19, 2024**.

Electronic Voting commences at **8:00 a.m. (NT) - Thursday, March 21, 2024**.

Last day to receive Personal Identification Numbers (PINs) is **4:30 p.m. (NT) - Wednesday, March 27, 2024**.

Voting ceases at **4:30 p.m. (NT) - Thursday, March 28, 2024**.

Voting results released at **5:00 p.m. (NT) - Thursday, March 28, 2024**.

Last day for candidate(s) to request a recount - **Friday, April 5, 2024**.

Recount, if requested, must be completed by **4:30 p.m. (NT) - Tuesday, April 9, 2024**.

Last date for candidates to provide to the Chief Returning Officer disclosure of campaign contributions and expenditures is **Friday, April 12, 2024**.

APPENDIX “B”

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 “C”

OFFICIAL NAPE ELECTION NOMINATION FORM (2024)

Please complete the Nomination Form accurately and to the best of your ability.

If you have questions, please contact Gail at gguinlan@nape.ca

* Indicates required question

1. Email *

2. I hereby nominate (insert name of the person you are nominating below - First Name, Last Name) *

3. For the position of (choose one) * *Mark only one.*

_____ NAPE President

_____ NAPE Secretary Treasurer

4. Your First Name *

5. Your Last Name *

6. Your Postal Code *

7. Your NAPE Local Number (if you know it - if not enter your Employer here):

8. Your HOME or CELL phone number (best number to reach you at): *

9. “The information provided on this form is accurate and I hereby nominate the above-mentioned NAPE member for the 2024 NAPE Election. I am currently a member of NAPE in good standing. I agree to be contacted to confirm my status by the Election Committee or a representative thereof to ensure that the information on this Nomination Form is accurate.”

_____ I Agree