

By-law # 3 – Elections and resolutions amendments – March 22, 2006

Elections Committee

B 3.1 No later than **March 31** of each year, the National Executive Committee (NEC) shall issue a call by regular mail to all Regular and Pending members asking for volunteers to set up an Elections Committee. The NEC shall confirm the composition of the Committee **at its regular meeting in April**, which shall include at least one member of each bargaining unit represented by the Association. Members of the Elections Committee shall not campaign in support of or against a candidate nor publicly divulge their opinion on a resolution. They shall still be able to exercise their individual right to vote. The Committee shall have the right to revoke the appointment of a Committee member as a result of non-compliance with provisions of these By-Laws pertaining to their responsibilities. Such an action shall require two thirds (2/3) of the votes cast by the Committee's membership. The NEC replaces the person thus removed with a Regular or Pending member from the same bargaining unit.

3.1.1. Notwithstanding any other provision of the CAPE Constitution or any other provision of this By-Law, the 2006 election process is deemed to commence when the National Executive Committee confirms the composition of the Elections Committee.

B 3.2 The Elections Committee shall have complete and full jurisdiction over the election process, in accordance with these By-Laws and Constitution. ~~Only activities organized by the Committee and documents having been approved for distribution by and the Elections Committee the Committee shall be authorized.~~ Non-compliance with these By-Laws may result in the nomination of a candidate being revoked by the Committee. Except where otherwise noted in these By-Laws, any decisions made by the Committee shall be the result of a majority vote.

B 3.3 In accordance with these By-Laws the Elections Committee shall create a nomination form and, no later than **June 1**, shall issue a call by regular mail **and/or other means of communications** for candidates for positions to be filled in accordance with Article 17 of the Constitution. The nomination form shall accompany this notification.

Nominations

B 3.4 All nominations to a Director's position shall be supported by one (1) Regular or Pending member of the Association. All nominations to the positions of President and Vice-President shall be supported by ten (10) Regular or Pending members of the Association. In each case, nominations shall not be accompanied by more supporting names than the number required.

B 3.5 On the nomination form, candidates shall clearly indicate the following: position sought, name, home Department, bargaining unit and telephone number where they can be reached during regular working hours; to be valid, the form must be signed.

Anyone supporting the nomination of a candidate pursuant to B 3.4 is required to provide the same information and sign the nomination form.

B 3.6 The nomination form ~~may~~ be accompanied by a ~~one~~ **two** page (8 1/2 x 11) of text using Arial 12 point font ~~or equivalent~~ in which the candidate may provide a biography, ~~and~~ his/her reason for running, ~~contact information and a website address~~. Whenever possible the candidate will provide the National Office an electronic version of this document. ~~The form shall not be accompanied by any document other than the ones required by these By-Laws.~~ If the candidate does not provide the required documents in both official languages, the Association shall have the presentation document translated. ~~Upon request, when submitting his or her nomination,~~ The candidate shall be allowed 5 working days to review the translation produced by the Association.

B 3.7 Completed nomination forms ~~in any format with verifiable signatures~~ shall be ~~received at the National Office no later than September 1~~. The Elections Committee shall verify all information provided and confirm the candidate's eligibility no later than ~~September 15~~. The Committee shall also ensure that the presentation text submitted by the candidate is free of libel ~~and that it contains no inaccuracies, uncalled for remarks or unacceptable elements~~, ~~false reports, willful misrepresentations or abusive language~~. If the Committee is of the opinion that certain elements should be modified, the candidate shall be allowed to do so. If the candidate refuses to do so or does not produce the required modifications within 5 working days after being informed of the Committee's concerns, his or her nomination ~~or text referred to in B 3.6.~~ ~~shall~~ **may** be revoked.

Elections calendar and counting of ballots

B 3.8 After consultation with the candidates, the Elections Committee ~~may~~ **shall** organize meetings, public debates or other activities or decide to have produced and distribute additional documentation to all members.

B 3.9 ~~Candidates shall have the right to appeal~~ Rulings ~~of made by~~ the Elections Committee ~~may be appealed~~. Appeals shall be heard by ~~the National Executive Committee~~ **a sub-committee of the NEC, composed of members who are not candidates or nominees in the current election. The sub-committee may invite a representative of the Elections Committee to provide advice.** To reverse a decision made by the **Elections** Committee, the **sub-committee** shall require **a** majority of the votes cast.

B 3.10 The Committee shall establish an elections schedule which allows for electoral activities to be held until the end of the Annual General Meeting, followed by a voting period ending 10 working days after the Annual General Meeting. ~~The counting of votes will take place on the 11th working day after the Annual General Meeting.~~ Results shall be announced on the ~~12th working day after the Annual General Meeting.~~

B 3.11 The vote shall be cast using the system of “double envelopes”. Only ~~ballots envelopes with a ballot~~ inserted in ~~the approved an internal~~ envelopes and accompanied in the external envelope by the completed voter registration card signed by the voting member certifying his or her membership status shall be accepted ~~any other envelope shall be considered a rejected envelope. Unsigned or unfilled cards or those inserted with the ballot shall be rejected. Any ballot containing a message or inscription other than the vote shall be rejected~~

B3 .12 Blank ballots or ballots containing more votes than the maximum number of votes possible or ~~any ballot containing a message or inscription other than the vote~~ shall be considered as ~~void a spoiled ballot~~. Ballots containing less votes than the maximum number of votes possible shall be considered as valid.

B 3.13 Only valid ballots shall be used to calculate the percentage of votes cast for each candidate. The Elections Committee will report on the number of spoiled ~~ballots~~ and rejected ~~ballots envelopes~~.

B 3.14 Individual candidates may delegate one (1) scrutineer to the counting of votes. Only members of the Elections Committee, scrutineers designated by the candidates and staff of the Association whose presence is considered essential by the Committee, shall be authorized to participate in the counting of votes. Only members of the Elections Committee and designated staff shall be authorized to handle and open the envelopes containing the ballots and then handle the ballots. It is the responsibility of the candidate to advise the Elections Committee of the name of their scrutineer, in writing, at least 5 working days prior to the voting deadline.

B 3.15 Once the Committee has certified the results of the vote, candidates shall be informed and the information shall be posted on the Association’s Web Site. Members shall be notified by regular mail.

B 3.16 Ballots shall be kept for 30 working days following confirmation of the results by the Committee.

B 3.17 Candidates shall be granted 15 working days to appeal the results of an election. The Elections Committee shall investigate the complaint and render its decision within 10 working days following receipt of the complaint. The Committee may decide to do a recount or to take any other measure deemed appropriate in order ensure the transparency, honesty and integrity of the electoral process.

Resolutions

B 3.18 The call for nominations mentioned in paragraph B 3.3 shall be accompanied by a call for resolutions to be discussed at the Annual General Meeting (AGM). A resolution shall be subject to a postal vote by the membership of the Association to pass, it must be approved by a majority of votes cast.

B 3.19 All resolutions shall be submitted ~~in writing~~ by two (2) Regular or Pending members. Authors of the resolutions shall clearly indicate their name, their home Department, bargaining Unit and a telephone number where they can be reached during regular working hours, and signed their submission. The resolutions and accompanying remarks shall not exceed a one page (8 1/2 x 11) text using Arial 12 point font ~~or equivalent~~. The text shall not refer to any list nor mention individuals or locals who are in support of the resolution. If the authors of the resolution do not provide the document in both official languages, the Association shall have the document translated. ~~Upon request when submitting the resolution,~~ The authors shall be granted 5 working days to review the translation produced by the Association.

B 3.20 Resolutions ~~in any text medium format with verifiable signatures~~ shall be received at the National Office no later than ~~September 1~~. Once resolutions have been received and their admissibility confirmed in consultation with the President, the Elections Committee shall organize a mail ballot concurrent with the elections schedule.

B 3.21 Authors of the resolution may delegate one (1) scrutineer to the counting of votes. All other provisions under paragraphs B 3.11 to B 3.17 inclusive shall apply, mutatis mutandis.

B 3.22 Scrutineers appointed for counting of the votes in the case of elections or a resolution shall be reimbursed for their relevant reasonable expenses. Such expenses must receive prior approval from the National Office. Request for approval shall be submitted by scrutineers at least ten (10) working days before counting of the votes. Living and travel expenses shall be reimbursed pursuant to rates and terms established in the National Joint Council's Travel Directive. Leave without pay for union affairs shall also be reimbursed, where appropriate.