

LOCAL AND BARGAINING UNIT ELECTION PROCESS

Each Local/Bargaining Unit should review the election process outlined in the Constitution prior to every Local/Bargaining Unit election. The process is detailed clearly in the Articles and By-Laws of the Constitution, and should provide clarity or resolve any questions that may arise. The following is an overview of the election process:

Local Election Policies

1. Each Local must have Election Policies, in accordance with ONA's Constitution, approved by membership at a Local meeting prior to the elections being called. All Local Election Policies must reflect the ONA Constitution and any provincial policy directives, including those found in this guide.
2. Local Election Policies, upon request of the Local or the Board of Directors, may be reviewed by the Regional Vice-President.

Local Election Committee

3. Each Chartered Local Association shall elect a Local Election Committee of three or more members (*By-Law V #4*). A Local Executive member can serve on the Election Committee only if he/she is not being contested in the election. If a member of the Election Committee becomes a candidate for a contested position, he/she shall resign from the Election Committee and the Local Executive shall appoint a replacement for the unexpired term.

A Chartered Local Association may develop policies to appoint a Bargaining Unit Election Committee(s) from the membership of the applicable Bargaining Unit(s) to whom it may delegate responsibility for developing and/or enforcing guidelines for the applicable Bargaining Unit (*By-Law V #4*).

4. The Local Election Committee, in conjunction with the Chartered Local Association Executive, will set the date, time and place for all elections at the Local or Bargaining Unit level (*By-Law V #5*). All elections will be held on the same day.
5. Prior to the call for the Local/Bargaining Unit Elections, the Election Committee is accountable for ensuring that the names of the members of the Election Committee are posted in all Bargaining Units. The posting will also advise members as to where they can access the following information:
 - a) Guide to the Election Process at the Local and Bargaining Unit Levels
 - b) Role of the Election Committee (*By-Law V* of ONA Constitution).
 - c) How to file a complaint.
 - d) All Local policies relating to the election.
 - e) Bargaining Unit and Local Executive Accountabilities with Role Descriptions

Nominations

6. The call for nominations for all positions to be elected takes place at least 45 days prior to an election and must be posted in the relevant workplaces (*By-Law V #6*). Local policy should clearly describe the locations and methods for the posting of such notices and may include the ONA Bulletin Board, e-mail and local website. The call for nominations must include the time and date by which all nominations must be received and also indicate who on the Election Team the nomination forms must be sent to.
7. Nomination forms are available from the Election Committee (*By-Law V*). Nomination forms must contain the signature of two (2) members of the Chartered Local Association or Bargaining Unit, as applicable. A candidate cannot self-nominate.
8. The Election Committee shall review all nomination forms for entitlement status of the nominators and the candidates. Should a candidate or nominator not have membership entitlements, then the Election Committee will notify the candidate whose nomination form is not in order as soon as reasonably possible.
9. Nomination forms must be opened as they are received by the designated person on the Election Team. Candidates may confirm that their nomination form has been received and is in order with the Election Committee prior to the posting of the Ticket of Nominations.
10. If at the close of the nomination period there is only one candidate for office, that person will be acclaimed into office by the Election Committee.
11. Nomination forms shall be served upon the Election Committee at least twenty (20) days before the date of the election. The Election Committee prepares a Ticket of Nominations, listing all positions being contested and the names of the candidates for each position. The list is to be posted in a prominent location in relevant workplaces as determined by Local policy at least 10 days before an election (*By-Law V #8*).
12. The Constitution places limitations on how many Local Executive Offices a member can hold. There is, however, no limitation on how many Local Executive Offices for which a member can run within the same Local.

There is no restriction on the number of Local or Bargaining Unit committee positions that a member can run for and hold.

Preparing for Voting

13. The Election Committee obtains a current Membership Information Report (MIR) or Membership Information Report Excel (MIRE). If the Local has not received the MIR or MIRE, the Local should call the Manager II, Membership Records, of the Dues and Membership Services Team at ONA to obtain one.
14. The Election Committee ensures there is the correct number of ballots for the Chartered Local Association/Bargaining Unit/Site.

Scrutineers

15. The Election Committee appoints two members of the Local per polling station to act as scrutineers (*By-Law V #11*).
16. A candidate cannot serve as a scrutineer (*By-Law V #11*). If a candidate is acclaimed then she/he can then serve as a scrutineer. If there are no scrutineers available, then the Election Committee may appoint two members who are not running for office in the election.

Voting Procedure

17. Each member must show her or his membership card or membership application receipt to a scrutineer prior to receiving her or his ballot to vote (*By-Law V #15*). The most recent Dues/Membership List should also indicate that this is a member with entitlements. If there is a question as to whether the member is entitled to vote, then the ballot should be segregated until a proper determination can be made (see section 32).
18. The scrutineer initials each ballot as it is given to the voter, and keeps a record of the number of ballots distributed.
19. The scrutineers count the ballots, compile a list specifying the number of votes for each candidate, and ensure that all votes and spoiled ballots are accounted for.
20. Results shall not be tabulated until all poll(s) have closed (*By-Law V #9*).
21. The person with the most votes is deemed elected to the position.
22. Where distance prevents all persons from exercising their right to vote, a mail-in secret ballot vote may be conducted (*By-Law V #9*). As per ONA policy, 'Where distance prevents' means that a member works at a bargaining unit site, branch or location that is more than 80 kms (one way) from the location where the vote is to take place (see section 33).

Electronic voting is not permitted in local elections.

Communicating Election Results

23. The results of an election (including the number of votes cast for each candidate) are communicated to the candidates and the Election Committee as soon as practical after the count is completed by the scrutineers (*By-Law V #12*). A candidate must provide the Election Committee with a contact number. Local Election Policy is to identify the method of communication to the candidates.
24. Local Election Policy must stipulate timeline and method for communicating election results to general membership, including posting prominently in the relevant workplaces (*By-Law V #12*). Employers should be notified in writing of the names of the successful candidates following an election by the Chartered Local Association.

25. Any changes on the executive listing as a result of an election must be forwarded to the Dues and Membership Services Team by the Chartered Local Association using the Executive Booklet or the Executive Change Form.

Recounts

26. Any candidate may request a recount by telephone (followed up by written notice), facsimile, or e-mail to the Election Committee within forty-eight (48) hours of being informed of the vote results. In such instances, the votes shall be counted again by the scrutineer and the Election Committee (*By-Law V #13*).

Destroying of Ballots

27. If there has not been a request for a recount of the ballots, then all ballots must be destroyed not less than seven days after the election.

Complaints

28. Members should refer any election issues that arise to the Chair of the Local Election Committee. The Chair will also inform the Local Coordinator and the Regional Vice-President of the issue. If the issue cannot be resolved by the Election Committee, then members should contact the Regional Vice-President.
29. Any member who wishes to make a complaint that ONA's *Election Guidelines* have been breached must do so within seven (7) calendar days of the alleged violation in writing to the Local Election Committee. If the complaint is about the Election Committee, the member should contact the Regional Vice-President who may refer the matter to the Provincial President for resolution.
30. When a complaint has been received by the Election Committee at the Local, the Election Committee must:
1. Notify the candidates that the Election Committee has received a complaint.
 2. The Election Committee will investigate the complaint.
 3. The Election Committee, in consultation with the Regional Vice-President, will review the complaint and the results of the investigation. The Regional Vice-President will consult with the Office of the President.
 4. If there is no violation, the election will continue.
 5. If it has been determined that a violation has occurred that would affect the outcome, the election will be declared null and void and a new election will be reheld from the point of violation.
 6. All candidates and the membership will be notified by the posting of a formal notice.

Vacancies

31. (a) Local Executive

Following an election, if there is still a vacancy on the Local Executive, the Chartered Local Association Executive shall appoint, from among the members of the Chartered Local Association, a replacement for the term. If the vacancy is a Bargaining Unit

President, Unit Representative or Committee Member, the appointment shall be from the appropriate Bargaining Unit (*By-Law IX #2*).

Should a member of the Local Executive Committee (including a Bargaining Unit President) resign, die or otherwise cease to act, the Local Executive Committee shall appoint a replacement for the unexpired term from among members of the Chartered Local Association. (*By-Law IX #1a*).

Locals will develop a Local Policy outlining the process for selection of interested candidates for the unexpired term. Such a policy will include the following steps to be taken:

- (i) To ascertain which members may be interested in such appointment(s), the Local Coordinator (or designate) will post a notice for a designated length of time (e.g. 5 days) indicating the position(s) that are available and outlining the process for expressions of interest to be received (e.g. timelines for submission of expression of interest, who the expression of interest is to be sent to, etc). If the vacancy is for a Bargaining Unit President, then the notice will only be posted in the applicable bargaining unit.
- (ii) Once expressions of interest have been received, the Local Executive Committee shall meet and decide upon which interested member(s) shall be selected to fill the unexpired term. If there is more than one interested member for a vacant position, a vote amongst the Local Executive Committee will be held to make this determination. Candidates for the vacant position will be provided an opportunity to address the Executive Committee at a meeting (at their own expense) for a specific amount of time as determined by the Executive Committee. The Executive Committee will determine if they will meet with the candidates in person or via teleconference. If a candidate cannot attend the Executive Committee meeting she/he may choose to send a letter to be read.
- (iii) After the Local Executive Committee meeting the interested member(s) shall be informed of the decision by the Local Coordinator. A notice will also be posted throughout the Local.
- (iv) Employers should be notified in writing of the name(s) of the member(s) selected to fill the unexpired term. Any resulting changes on the executive listing must be forwarded to the Dues and Membership Services Team by the Chartered Local Association.

(b) Bargaining Unit

In the event that a unit or site representative or any committee member in the bargaining unit should resign, die or otherwise cease to act, the Bargaining Unit President shall appoint from among the members of the Bargaining Unit (as applicable), a replacement for the unexpired term. (*By-Law IX #1b*)

To ascertain which members may be interested in such appointment(s), the Bargaining Unit President will post a notice for a designated length of time (e.g. 5 days) indicating the position(s) that are available and outlining the process for expressions of interest to

be received (e.g. timelines for submission of expression of interest, who the expression of interest is to be sent to, etc).

In the event there is no Bargaining Unit President in place to make such appointments, please refer to Policy 23.3 – Assistance to Bargaining Units without a Bargaining Unit President.

32. Segregating Ballots

In the event there is a dispute about whether a member is entitled to vote, the member's ballot should be segregated in the manner detailed below.

1. After the ballot has been marked the member will place it in a Secret Ballot envelope and return to the scrutineers.
2. The envelope will be placed in a second envelope with the member's name on it and then deposited in the Ballot Box.
3. Upon completion of the balloting, the Ballot Box is sealed.
4. If it is determined by ONA that the member was properly entitled to vote then the second envelope will be opened and the secret ballot envelope returned to the ballot box for counting along with the other ballots.

33. Mail-in Ballots

Where mail-in ballots are allowed, the following procedure should take place.

1. The member must notify the Elections Committee that they wish to exercise their right to a mail-in ballot.
2. If it is determined that the member qualifies then they will be provided with the following package;
 - a blank ballot on which the member writes the name of the candidate of her/his choice
 - an unmarked inner envelope
 - an outer envelope identifying the member and her/his ONA identification number
 - a return envelope
 - an instruction flyer
3. The completed ballot will be returned to the designated person on the Elections Committee. The unmarked inner envelope will be placed in the ballot box for counting with the other ballots.
4. The voters list will indicate which members have elected to vote by mail-in ballot, to prevent them from voting twice.

GUIDELINES FOR CANDIDATES

1. It is understood that candidates agree to abide by ONA's Local Election Process.
2. Candidates for office must be a person who has signed a membership application form and currently holds membership entitlements in accordance with article 3.01(c) of the Constitution.

Campaign Materials

3. Campaign materials must not violate the *Human Rights Code*. All such materials must be truthful, fair and in good taste pursuant to Article 9.01 of ONA's Constitution.
4. Campaign materials must be posted at all Bargaining Units and Sites, where applicable, in a fair and equitable manner.
5. Where the collective agreement so requires, the consent of the employer must be obtained to post such campaign materials by the Chartered Local Association.
6. Campaign material is not allowed in the voting room.
7. The candidate must ensure the person(s) posting campaign materials must remove all campaign materials as per the Constitution.

Campaigning

8. Candidates must stop canvassing at midnight on the day prior to an election, and campaigning is not allowed to take place at the polling station.
9. The candidates may only be at the polling station to cast their votes, and must not be present during the counting of the ballots.

Executive Support for Candidates

10. An Executive member of a Local may publicly support the candidate of her or his choice.

GLOSSARY OF TERMS

Candidate – A member with entitlements who has allowed her/his name to stand for an elected position and is awaiting the outcome of the vote.

Election Committee – Appointed by the Chartered Local Executive to hold the Chartered Local Elections.

Local Executive Committee – An Executive Committee administers the affairs of the Chartered Local Association (*By-Law II – #1*).

Member – A person who has signed a membership application form and currently holds membership entitlements in accordance with article 3.01(c) of the Constitution.

Polling Station – A place where members of the Chartered Local Association cast their vote in a Local election, as determined by the Election Committee.

Posted in Relevant Workplaces – Locals to have policy that clearly describes the locations and the methods of posting notices in the workplace.

Scrutineer – The word scrutineer refers to a member with entitlements of the Chartered Local Association who has agreed to distribute ballots for the purpose of voting at a Local election and who will also count the ballots once voting has ceased. The scrutineers will also communicate who the successful candidates are in the election.

Unit Representatives – An appropriate number of Unit Representatives are elected by and from the members of the Bargaining Unit to represent members in specific areas or functions of their employer's establishment (*By-Law VIII*).

