



EXECUTIVE COUNCIL ELECTION 2011

Ballot Rules and Guidelines for the conduct of the election

Members to be elected:

- 1) Regional members
- 2) Industrial Sector members
- 3) National Women's member
- 4) National Black, Asian and ethnic minority member

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1. INTRODUCTION

- 1.1. In accordance with the Rules of Unite it is necessary to hold a ballot to elect members of the Unite Executive Council which will hold office from 1st May 2011 to 30th April 2014. Under the Rules of Unite there will be 65 members of the Unite Executive Council for this electoral period and they have determined that the constituencies and procedures for the election shall be as set out in this booklet. Where branch or branch secretaries are referred to in this booklet it should be taken that this also means chapel, father of chapel or mother of chapel.
- 1.2. This booklet explains how the ballot to elect the Unite Executive Council for this electoral period will be conducted. These instructions are issued by the Unite Executive Council in accordance with Rules 14 and 16 and must be strictly adhered to.
- 1.3. The method of voting will be by fully postal ballot and will be supervised by an Independent Scrutineer. In accordance with Rule 16(2) the Executive Council has appointed Electoral Reform Services (ERS), The Election Centre, 33 Clarendon Road, London, N8 ONW (020 8365 8909) (enquiries@electoralreform.co.uk) as the Independent Scrutineer.
- 1.4. In accordance with Rule 16(3) the Executive Council has appointed Keith Ewing to act as Election Commissioner. (Keith Ewing can be contacted via the Returning Officer.) In the event that the Electoral Commissioner finds it necessary to carry out any investigation in the conduct of his duties under rule all members and employees of the union are required to afford him every assistance in this regard.
- 1.5. In accordance with Rule 16(4) the Executive Council has appointed the Joint General Secretary, Tony Woodley as Returning Officer (Unite the Union, Unite House, 128, Theobalds Road, London, WC1X 8TN).
- 1.6. Members may only vote in the Regional and Industrial Sector constituencies to which they belong. Only women members may vote for the National Women's representatives and only members who have declared themselves Black, Asian and ethnic minority may vote for the National Black, Asian and ethnic minority representative.
- 1.7. Members who have joined the union after 10 January 2011 shall not be eligible to vote. Retired Members are not eligible to vote in this election.

2. NOMINATION

Please read the following instructions carefully before completing any nomination paper.

- 2.1 Branches, chapels and workplaces were advised previously of the timetable for nominations for this election. In accordance with Rule 16, clause 8 nominations will be invited from branches and workplaces. Nomination forms for branches will be posted. Nomination forms for workplaces will be available on request from Regional Secretaries. Regional Secretaries will only issue workplace nomination forms to workplace representatives registered in the Union's membership records.

- 2.2 Only nominations made in accordance with these ballot rules and guidelines will be accepted. It is the responsibility of the branch secretary or workplace representative to ensure that the nomination form is completed properly. If it is not then the branch or workplace's nomination may be invalid. The timetable for this ballot will not permit the return of incorrect forms to branches or workplaces for verification. Valid nominations must be received by Electoral Reform Services, The Election Centre, 33 Clarendon Road, London N8 0NW, not later than noon on 14th February 2011.
- 2.3 Details of certain branch meeting dates, places and times are registered with the union centrally and have been published on the Union's website. Such branches need not give notice to members of their nominating meeting. However, if any such branch changes its meeting date the procedure in Rule 17(9) must be followed or the nomination will be declared invalid. Branches whose meeting date is not centrally registered, and workplace representatives, must give at least seven days notice to the members of the branch, or workplace, using the sample notice included as appendix 1, that the nomination for Unite Executive Council will be included in the business of a meeting convened during the nomination period. A copy of this notice must be retained by the branch secretary or workplace representative convening the meeting, as the Returning Officer may request that the notice be produced should any query regarding the conduct of the nomination meeting be received by him. Failure to produce such a notice in these circumstances may result in the branch or workplace nomination(s) being declared invalid.
- 2.4 Branches are invited to make nominations for Regional, Industrial Sector and National Women's and Black, Asian or Ethnic Minority seats, at a properly convened branch meeting, held during the nomination period 10th January to 7th February 2011. Only members who are entitled to vote in relation to a particular seat or seats may participate in the nominating process for that seat or seats. To be valid a nomination must be made by a quorate meeting. In accordance with rule 17.10 the quorum for branch meetings is 5 members.
- 2.4.1 A valid branch nomination form must include:
- (a) the nominees name and membership number;
 - (b) the name of the constituency in which the nominee is standing;
 - (c) the name and number of the nominating branch;
 - (d) the date of the branch meeting at which the nomination was made
 - (e) the branch chair's name and signature
 - (f) the branch secretary's name and signature
 - (g) the number of members in attendance at the meeting
- 2.5 Workplaces are invited to make nominations for Industrial Sector And National Women's and Black or Asian Ethnic Minority seats, at a properly convened branch or workplace meeting, held during the nomination period 10th January to 7th February 2011. Only members who are entitled to vote may participate in the nominating process
- 2.5.1 A valid workplace nomination form must include:
- (a) the nominees name and membership number;
 - (b) the name of the constituency in which the nominee is standing;
 - (c) the name of the nominating workplace;
 - (d) the date of the workplace meeting at which the nomination was made
 - (e) the name and signature of the workplace representative who convened the meeting;
 - (f) the name and signature of the member who chaired the meeting
 - (g) the number of members in attendance at the meeting

2.6 The person nominated does not need to be a member of your branch or workplace, but must be eligible to accept nomination in accordance with Rule 6 and Rule 16, clause 11- i.e. they must be an accountable representative of workers and they must be a member of the electoral constituency they wish to represent. This means that:

- A nominee for a Regional seat must be a member of that region
- A nominee for an Industrial Sector seat must be a member of that Industrial Sector
- A nominee for the National Women's Seat must be a woman
- A nominee for the national Black, Asian and ethnic minority seat must be a person who is of Black , Asian and ethnic minority origin.

2.7 To become a properly nominated candidate a member must receive a minimum number of nominations as indicated below:

- For a Regional Seat – 3 nominations from branches;
- For an Industrial Sector seat – 3 nominations from branches, workplaces or a combination of both
- For the National Women's seat - 3 nominations from branches, workplaces or a combination of both
- For the National Black, Asian and ethnic minority seat - 3 nominations from branches, workplaces or a combination of both

2.8 In the case of Regional and National Industrial Sector representatives a branch or workplace may make nominations up to the number of seats in a particular constituency as appropriate. See clauses 2.4 and 2.5 above and the tables setting out the number of seats in each constituency below for further details.

2.9 In the case of National Industrial Sector representatives a branch or workplace may only make nominations in a sector where it has members provided only the members of that particular industrial sector take part. If members vote for a nomination in an industrial sector other than that of which they themselves are a member, then the nomination is invalid.

2.10 In accordance with the object of the union to promote equality as set out in Rule 2 and the requirements to achieve proportionate representation on all committees of the union as set out in Rule 11 the Executive Council have decided that there will be designated seats on the Executive Council to ensure that it will have at least the proportion of women and black, Asian and ethnic minority members which reflects the percentage of women and black, Asian and ethnic minority members in the union membership as a whole.

2.11 Dependent on the constituency in which a branch or workplace is located it is entitled to make nominations in each of the constituencies set out in the table below.

The number indicated in brackets below specifies where designated seats have been allocated because of the proportion of women or Black or Asian ethnic minority membership in a constituency. The first set of brackets in each case refers to a designated seat for women; the second set of brackets refers to a designated seat for Black or Asian ethnic minority members.

Regional Seats

Region	Number of Seats	Branch nominations	Workplace Nominations
East Midlands	2 (1)	yes	no
Ireland	2 (1)	yes	no
London & Eastern	4 (1) (1)	yes	no
North East, Yorkshire & Humber	3 (1)	yes	no
North West	3 (1)	yes	no
Scotland	2 (1)	yes	no
South East	2(1)	yes	no
South West	2 (1)	yes	no
Wales	2 (1)	yes	no
West Midlands	2(1)	yes	no
Total Regions	24 (10) (1)		

Industrial Sector Seats

Sectors	Number of Seats	Branch Nominations	Workplace Nominations
Aerospace & Shipbuilding	2	yes	yes
Chemicals, Pharmaceuticals Process & Textiles	2	yes	yes
Civil Air Transport	2(1)	yes	yes
Community, CYWU & Not for Profit	2(0)(1)	yes	yes
Construction	2	yes	yes
Docks, Rail Ferries & Waterways	1	yes	yes
Education	1	yes	yes
Electrical Engineering & Electronics	1	yes	yes
Energy & Utilities	1	yes	yes
Finance & Legal	3(2)	yes	yes
Food Drink & Tobacco	2	yes	yes

Graphical Paper & Media	2	yes	yes
Health	2(1)	yes	yes
IT & Communications	1	yes	yes
Local Authorities	2(1)	yes	yes
Metals (including Foundry)	1	yes	yes
MOD & Government Departments	1	yes	yes
Motor Components	1	yes	yes
Passenger Services	2(0)(1)	yes	yes
Road Transport Commercial Logistics & Retail Distribution	2	yes	yes
Rural & Agricultural	1	yes	yes
Servicing & General Industries	3 (1)	Yes	yes
Vehicle Building & Automotive	2	yes	yes
Total Sectors	39 (6)(2)		

National Seats

Category	Number of Seats	Branch Nominations	Workplace Nominations
Women	1	Yes	Yes
BAEM	1	Yes	Yes

2.12 Nomination forms must be received by Electoral Reform Services, The Election Centre, 33 Clarendon Road, London N8 0NW not later than noon on 14th February 2011. It is recommended that the return envelope provided is used for this purpose.

2.13 All nominations will be acknowledged to the branch secretary or workplace representative. Acknowledgement confirms receipt only, it does not confirm acceptance of a nomination.

If the acknowledgement of receipt for a branch, chapel or workplace nomination has not been received within a reasonable time after the form has been submitted the branch secretary or workplace representative should contact the returning officer.

2.14 Each eligible candidate will be sent details of the branches that nominated him or her, including the names and addresses of the relevant branch secretaries. To do this, the branch secretary must give permission by completing and signing the section marked Data Protection Permission on the nomination paper. If a branch secretary does not give this permission their name and address will not be given to their branch's nominated candidate(s). Candidates will be required to sign a similar declaration regarding the use of personal data before the details of branches that nominated him or her will be released

- 2.15 The valid nominating branches, chapels and workplaces of each candidate will be printed with the ballot paper and published on the Union's website.
- 2.16 In any campaign activity the following must be adhered to:
- (a) The corporate identity and logo of the union and the union's resources, which include the union's membership databases, must not be used to support any particular candidate in this election.
 - (b) No candidate shall directly mail, e-mail, telephone, text, or use any other forms of communication to contact members at home in connection with the election, or cause such communication to be sent on their behalf, unless such members have themselves signed up to receive such communications from a candidates campaign.
 - (c) The legislation regulating the conduct of this election states that members must be allowed to vote without interference from or constraint imposed by other members, officials and employees of the union. All individuals must comply with this legislation. By way of example, it is not permitted for branches/chapels or workplace representatives to hold raffles or ballot days which encourage members to bring their ballot papers to a central point for posting. Evidence of such activity may invalidate the whole ballot and the individuals involved may be subject to Union discipline.

Any complaints relating to any alleged breach of this rule must be addressed in writing to the Returning Officer.

3. ELECTION ADDRESS

- 3.1 Each properly nominated candidate shall be asked to confirm in writing whether s/he is prepared to accept nomination. The closing date for receipt of the acceptance by the Returning Officer in the election will be 12 noon on 21st February 2011.
- 3.2. Each properly nominated candidate who has accepted nomination shall be entitled to submit an election address of up to a maximum of 300 words. These will be circulated to all members eligible to vote with the ballot paper.

An election address form will be despatched to a candidate once their eligibility has been determined in accordance with Rules 6 and 16, clauses 9 and 10.

Guidance on how to complete the election address form is contained on the form.

The following instructions must be complied with:

- (i) The election address should contain no more than 300 words, if it exceeds this amount only the first 300 words will be printed.
- (ii) In counting the number of words in the election address the Union will apply the following principles:
 - Acronyms e.g. "TUC" will count as one word.
 - Numerals e.g. "500,000" will count as one word.
 - Subject to the above, each word in a proper name will count as a separate word. Thus "John Smith" will count as two words and "The Labour Party" will count as three words.

- Punctuation (including bullet points) will not be counted but numbering e.g. "1" or "(1)" will count as one word.
 - E-mail addresses e.g. elections@unitetheunion.org or website addresses e.g. www.unitetheunion.org will count as one word.
- (iii) The election address must be in the form of a written statement, typed or written in block letters on the appropriate form and returned to the Returning Officer by email and in the envelope marked "Candidate Statements". They must be received by the Returning Officer no later than 12 noon on 21st February 2011.
- (iv) Photographs, illustrations or other such visual material is not permitted.
- (v) The information, views and opinions expressed in an election address are those of the individual candidate concerned. They do not reflect the policies or opinions of the Union. Any civil or criminal liability in respect of publishing or copying election addresses rests **solely with the candidate concerned**. Where website addresses or links appear in an election address these sites are not under the control of Unite the Union and we are not responsible in any way for any of their contents.

4. BALLOT NOTICE

4.1 An official notice of ballot will be sent to all Unite branches, chapels and workplaces. The notice will contain the schedule of dates in connection with this ballot and the full name and address of the Independent Scrutineer. This will also be published in appropriate union journals and on the Union's website.

4.2 The Ballot Schedule will be:

4.3	Despatch of Nomination Forms	4 th January 2011
	Nominations Period	10 th January – 7 th February 2011
	Last date for Receipt of nominations	14 th February 2011
	Last date for Acceptance and Receipt of Election Address	21 st February 2011
	Ballot enquiry service for members opens	6 th April 2011
	Ballot Period	25 th March – 15 th April 2011
	Last date for Voting Paper to be returned to the Independent Scrutineer Count	15 th April 2011
	Declaration	16 - 17 April 2011
		20 April 2011

5. VOTING IN THE ELECTION

Eligibility to vote is in accordance with Rule 16, Clause 15 - i.e. " The Executive Council may decide that members who have joined the Union after a prescribed date shall not be eligible to vote, provided the date shall not be more than 13 weeks before the first day on which voting is due to take place in that election". This will be determined by a

registration day, which for this election will be 10 January 2011. The Eligible Membership will be frozen on that date.

- a) In the case of constituencies with designated seats, see section 2 above, the woman or Black or Asian ethnic minority member, as appropriate, with the highest number of votes shall be declared elected. Then the person or persons with the highest number(s) of votes shall be declared elected to the remaining seat or seats in the constituency.
- b) All members who are eligible to vote on the above date will be sent the following ballot materials:
 - a ballot paper for the Region in which they are a member;
 - a ballot paper for the Industrial Sector in which they are a member;
 - all women members will receive a ballot paper for the National Women's seat;
 - all declared black, Asian and ethnic minority members will receive a ballot paper for the National black, Asian and ethnic minority seat;
 - election addresses submitted by candidates;
 - return freepost/reply paid envelope addressed to the Independent Scrutineer, Electoral Reform Services, Election Centre, 33 Clarendon Road, London N8 0NW

The member is responsible for posting the ballot paper in the envelope provided to reach the Independent Scrutineer no later than 4pm on 15th April 2011

The postal ballot will be administered by the Independent Scrutineer. The following points should be noted.

- (a) The Union will supply the Independent Scrutineer with a list of members who are eligible to vote as of the Registration Date.
- (b) Members who have not received a voting paper by 6th April 2011 will be advised that they should telephone or e-mail the Independent Scrutineer, Electoral Reform Services. The Independent Scrutineer shall determine the member's eligibility to vote in accordance with rule and whether to send further ballot papers.

5.2 The ballot paper will contain the following information:

- (a) Full Name of each nominee (as supplied on their election address)
- (b) Gender of each nominee
- (c) Number or name of Branch of which each Nominee is a Member
- (d) Serial Number
- (e) Notice informing member of the method of voting.
- (f) Date by which papers must be returned, and the name and address of the Independent Scrutineer, Electoral Reform Services to whom the ballot papers must be sent.

6. INDEPENDENT SCRUTINEER

- 6.1 The Independent Scrutineer will be given a copy of the Register of Membership in writing or in the form of computer data, based on the eligible membership at the time of the Registration Date. The Union will also make provision of adequate facilities to ensure the Independent Scrutineer can properly discharge their functions set out below without interference. The Union shall comply with all reasonable requests from the Independent Scrutineer connected with the carrying out of their functions.
- 6.2 The Independent Scrutineer must satisfy themselves that there are no reasonable grounds for believing that the conduct of the ballot contravened any legislative requirements.
- 6.3 The Independent Scrutineer shall be responsible for the security arrangements in relation to the production, storage, distribution, return or other handling of the voting papers and for the counting of them were, so far as reasonably practicable, sufficient to minimise the risk of any unfairness or malpractice.
- 6.4 For this ballot Electoral Reform Services have been appointed to act as Independent Scrutineer and can be contacted at the following address:

The Independent Scrutineer
Electoral Reform Services
The Election Centre
33 Clarendon Road
London N8 0NW

7. COUNT OF BALLOT

- 7.1 The Independent Scrutineer will conduct the counting of ballot papers.
- 7.2 The count, at which candidates will be permitted to be present, will commence at 9am on 16 April 2011. Candidates may attend the count or be represented at the count by a maximum of 1 person.
- 7.3 Following the count the Independent Scrutineer will issue to the General Secretary the Ballot Result and Report for the Executive Council election.

Ballot papers which have been counted and spoilt papers, including those marked "rejected" must be put in sealed parcels and kept in a secure place by the Independent Scrutineer for at least 12 months.

Upon receipt of the Independent Scrutineer's Report, the Executive Council will declare the Result and notify all branches.

A Notice Declaring the result will be printed in appropriate union journals and published on the Union's website.

