



GENERAL SECRETARY ELECTION 2010

**BALLOT RULES AND GUIDELINES
FOR THE CONDUCT OF THE BALLOT**

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1. INTRODUCTION

This booklet explains how the Election for General Secretary will be conducted. These instructions are issued by the Executive Council under Rule 16 clause 1 and must be strictly adhered to. Branch secretaries, workplace representatives and prospective candidates should read these instructions carefully. Where branch secretaries are referred to in this booklet it should be taken that this also means father of chapel or mother of chapel.

- 1.1 A ballot to elect the General Secretary is required by Rules 15, clause 3.
- 1.2 The method of voting will be by **fully postal ballot** and will be supervised by Electoral Reform Services, who, in accordance with Rule 16, Clause 2 have been appointed to act as Independent Scrutineer for this ballot (see Section 5 for further details).
- 1.3. In accordance with Rule 16, clause, 3 Keith Ewing has been appointed to act as Election Commissioner and he may be contacted care of the returning officer, see below.
- 1.4. The conduct of the ballot will be dealt with between Executive Council meetings by the Returning Officer in accordance with Rule 16, clause 4. The Executive Council have appointed Simon Hearn, Electoral Reform Services, as Returning Officer. Correspondence should be addressed to Simon Hearn, Returning Officer, Electoral Reform Services, The Election Centre, 33 Clarendon Road, London N8 0NW and sent to returningofficer@electoralreform.co.uk.
- 1.5 Eligibility to vote in accordance with Rule 16, clause 15 will be determined by a Registration date which for this election will be **9 August 2010**. The Eligible Membership will be frozen on that date. Anyone who joins the Union after the Registration date will not be entitled to vote in the Election for General Secretary.

2. NOMINATIONS

- 2.1. In accordance with Rule 16, Clause 12 nominations will be invited from branches, chapels and workplaces. Nomination forms will be posted to branches and chapels by the Independent Scrutineer. Nomination forms for workplaces will be available on request from Regional Secretaries. Regional Secretaries will only issue workplace nomination forms to workplace representatives registered on 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, chapel or workplaces' nomination may be invalid. The timetable for this ballot will not permit incorrect forms to be returned to branches, chapels or workplaces for verification. Valid nominations must be received by the Independent Scrutineer by noon on 6th September 2010
- 2.3 The union has a central register of branch meeting dates, places and times which will be 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 must give at least seven days notice to the members of the branch, chapel or workplace, using the sample notice included as appendix 1, that the

nomination for Unite General Secretary will be included in the business of a meeting convened during the nomination period. This notice must be attached to the returned nomination form. Nominations from such branches and workplace made without this notice will be declared invalid.

2.4 Only members who are entitled to vote may participate in the nominating process.

(a) A valid branch or chapel nomination form must include:

- The nominee's name;
- The nominee's membership number
- The date of the branch or chapel meeting at which the nomination was made;
- The Branch Chair/chapel officer's name and signature;
- The Branch Chair/chapel officer's membership number;
- The Branch Secretary name and signature;
- The Branch Secretary membership number
- The numbers of members in attendance

(b) A valid workplace nomination form must include:

- The nominee's name;
- The nominee's membership number
- The date of the workplace meeting at which the nomination was made;
- The workplace Rep's name and signature;
- The workplace Rep's membership number;
- The name and signature of the person who chaired the workplace meeting;
- The membership number of the person who chaired the workplace meeting;
- The number of members in attendance

(c) The person nominated does not need to be a member of the nominating branch, chapel or workplace, but must be eligible to accept nomination by holding the required membership qualification in accordance with Rule 16, clause 12. To be a candidate a nominee needs to have received at least 50 nominations of which a minimum of 10 must be from either category of branch and workplace, subject to the total including nominations from more than one region.

(d) Each branch, chapel and workplace is entitled to make one nomination for the post of General Secretary.

(e) The Nomination Form must be received by the Independent Scrutineer not later than noon on 6 September 2010. It is recommended that the return envelope provided is used for this purpose.

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

(g) If the acknowledgement of receipt for the branch, chapel or workplaces' 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.

- 2.5 Each eligible candidate will be sent details of the branches, chapels and workplaces that nominated him or her, including the names and addresses of the relevant branch secretaries or workplace representatives. To allow us to do this the branch secretary or workplace representative must give permission by completing and signing the section marked Data Protection Authority Permission on the nomination paper. If this permission is not given their contact details will not be passed to their nominated candidate. Candidates will be required to sign a similar declaration regarding the use of personal data before the contact details of branches or workplaces that nominated him or her will be released.
- 2.6 The valid nominating branches and chapels of each candidate will be posted on the Union's website and printed with the ballot paper. The number of members in these branches and chapels will also be posted on the website and printed with the ballot paper. The valid nominating workplaces will be posted on the Union's website.

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) 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.
- (c) The Union shall conduct one direct mailing in advance of the despatch of the ballot papers, to all members including a message from all properly nominated candidates who accept nomination, of up to 600 words, in addition this same message will be sent by e-mail to all members for whom the Union holds an e-mail address. The closing date for receipt of the candidate's message by the Returning Officer shall be 12 noon on 17th September 2010. No candidate shall otherwise 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.

Candidates who fail to observe this provision may risk disqualification.

3. ELECTION ADDRESS AND CANDIDATES MESSAGE AND EMAIL

- 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 17th September 2010.
- 3.2 Each properly nominated candidate who has accepted nomination shall be entitled to submit an election address up to a maximum of 600 words. These will be circulated to all members eligible to vote with the ballot paper

- (a) An election address form will be despatched to a candidate once their eligibility has been determined in accordance with Rule 16.12.
- (b) Guidance on how to complete the election address form is contained on the form.
- (c) The following instructions must be complied with:
- (i) The election address should contain no more than 600 words, if it exceeds this amount only the first 600 words will be printed. The candidates message and email should contain no more than 600 words, if it exceeds this amount only the first 600 words will be printed
- (ii) In counting the number of words in the election address and candidates message and email 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.
- (iii) The election address details and candidates message/email 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 17th September 2010.
- (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**.
- (vi) With respect to the candidates' message and e-mail referred to above, as the Union will not be immune from civil or criminal liability in respect to publishing these messages it reserves the right to require candidates to modify the text if in the opinion of the Union it would expose the Union to proceedings for defamation. In the event of a candidate refusing to make such modifications the Union reserves the right to make cuts in the text that the union deems appropriate to protect the Union from proceedings but shall not otherwise seek to alter the text as submitted.

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:

Notice of election and nomination forms sent to branches/chapels and Regional Secretaries	June 2010
Nomination Period	July/August 2010
Eligible Voting Membership registration date	9 th August 2010
Closing date for nominations	12 noon on 6 th September 2010
Closing date for Acceptance of Nomination; candidate messages for special candidates mailing and election addresses to accompany ballot papers	12 noon on 17 th September 2010
Special Candidates Mailing and email week commencing	11 th October 2010
Ballot enquiry services for Members opens	8 th November 2010
Ballot period	25 th October - 19 th November 2010
Count	20 th – 21 st November 2010
Declaration	24 th November 2010

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 jointed 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 9th August 2010. **The Eligible Membership will be frozen on that date.**

All members who are eligible to vote on the above date will be sent the following ballot materials:

- ballot paper for the General Secretary election;
- 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 by 4pm on 19th November 2010

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 8th November 2010 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 20 November 2010. Candidates may be accompanied or represented at the count by a maximum of 2 people.
- 7.3 Following the count the Independent Scrutineer will issue to the Joint General Secretaries the Ballot Result and Report for the General Secretary 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 Declaration will be printed in appropriate union journals and published on the Union's website.

Appendix 1.

SAMPLE BRANCH, CHAPEL or WORKPLACE NOTICE CALLING MEETING AT WHICH NOMINATION FOR GENERAL SECRETARY WILL BE DECIDED

{Use Branch, Chapel or Workplace letterhead or the usual paper on which you send branch, chapel or workplace notices.}

This notice should be distributed widely to members using the usual method of despatch.

Date:

To: All members of the {insert branch, chapel or workplace name}

An election for General Secretary of Unite is being held in accordance with instructions issued by the Executive Council under Rule 15, clause 3, and must be strictly adhered to. Accordingly, each branch, chapel or workplace is entitled to nominate a candidate for this office.

Prospective candidates must fulfil the eligibility requirements of Rule 16, clause 12 i.e. have at least 10 years continuous membership of the union; and have received at least 50 nominations of which a minimum of 10 must be from either category branch or workplace, subject to the total including nominations from more than one Region.

Under the ballot rules our branch or workplace is required to hold a meeting during the nomination period (July and August 2010) in order to determine our nomination for the position of General Secretary.

**This meeting will take place on
{insert day and date between xxxxxx and xxxxx }**

at {insert time and venue}.

Yours sincerely

{name}
Branch Secretary or Workplace Representative

This notice must be attached to the completed nomination form