

**Constitution and Bylaws Committee
Minutes of May 26, 2010
CAPE National Office
Boardroom
1:30 p.m.**

Present: M. Zinck (Chair), A. Picotte, C. Poirier, Staff: C. Danik.
Staff: D. Martin

Apologies: S. Mullen.

Guest: R. Pulkkinen

1. Approval of Agenda

Decision by consensus: to approve the agenda.

2. Approval of Minutes

Decision by consensus: minutes of the April meeting were approved.

3. R. Pulkkinen, Legal Counsel

Legal counsel was in attendance in order to discuss the timing and the full reviewing the Constitution and By-Laws for inconsistencies, redundant clauses and improving the wording, if required for clarity purposes.

Legal counsel explained to the Constitution and By-Laws Committee that they would also look at other unions Constitutions and By-Laws and recommend possible additions.

Action: Legal council to provide feedback for our June meeting.

4. 2010 Workplan Activity

a) President's Salary & Benefits Policy

The Committee did a final review of the policy prior to sending to the NEC for approval in June.

Action: Send the Policy to legal counsel for their review.

b) Secondary Residence & Travel Policy

The Committee did a final review of the policy prior to sending to the NEC for approval in June.

c) Electronic voting

There was a consensus that By-Law 3 be amended to include electronic voting instead of having a separate policy.

However a policy will be developed for the Mail-In and Electronic voting process. At the moment, the processes for the mail-in ballots are part of the By-Law 3. They will be moved to the new policy.

d) Interim amendments to By-Law # 3 recommended by previous Elections and Resolutions Committee and agreed to by the CBC.

Action: To the NEC for approval.

B 3.1 No later than ~~the end of February~~ ~~January 15~~ 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 and Resolutions 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 and Resolutions 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. The NEC replaces the person thus removed with a Regular or Pending member from the same bargaining unit.

B 3.2 The Elections and Resolutions Committee shall have complete and full jurisdiction over the election process, in accordance with these By-Laws and Constitution. 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 and Resolutions Committee shall create a nomination form and, no later than June 1 in an election year, 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,~~ and 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 ~~provided in print or electronically and~~ accompanied by two pages (8 1/2 x 11) of text using Arial 12 point font or equivalent in which the candidate may provide a biography, 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.~~ If the candidate does not provide the required documents in both official languages, the Association shall have the presentation document translated. 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 and Resolutions 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 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. may be revoked.~~

Elections calendar and counting of ballots

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

B 3.9 Rulings of the Elections and Resolutions Committee may be appealed in respect to:

- a) A decision regarding candidates material (3.6);
- b) A decision regarding candidates eligibility (3.7).

Appeals shall be heard by 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 and Resolutions Committee to provide advice. To reverse a decision made by the Elections and Resolutions 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~~ The voting period shall ~~end of the Annual General Meeting of an election year, followed by a voting period ending~~ end 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.

Highlighted text is to be moved to the policy

B 3.11 The vote shall be cast using the system of “double envelopes”. Only envelopes with a ballot inserted in an internal envelope and accompanied in the external envelope with a 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.

B 3.12 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 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 and Resolutions Committee will report on the number of spoiled ballots and rejected envelopes.

B 3.14 Individual candidates may delegate one (1) scrutineer to the counting of votes. Only members of the Elections and Resolutions 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 and Resolutions 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 and Resolutions Committee of the name of their scrutineer, in writing, at least 5 working days prior to the voting deadline.

B 3.11-5 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 3.12 6 Ballots shall be kept for 30 working days following confirmation of the results by the Committee.

B 3.13 7 Candidates shall be granted 15 working days to appeal the results of an election. The Elections and Resolutions 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 3.14 8 In accordance with these By-Laws, the Elections and Resolutions Committee ~~shall issue a call by regular mail and /or other means of communications~~ will receive for resolutions each year to be discussed at the Annual General Meeting (AGM). **Resolutions must be received 60 days before the 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 3.15 9 All resolutions shall be submitted 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. The authors shall be granted 5 working days to review the translation produced by the Association.

B 3.16 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 and Resolutions Committee shall organize a mail ballot concurrent with the elections schedule.

B 3.17 24 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 3.18 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.

5. Upcoming Workplan Items

See June agenda for revised workplan.

6. Next Meeting

The next meeting will be Wednesday, June 23, at 1:30 - 3:30 pm.

7. Adjournment

The meeting adjourned at 3:30 pm.