2026 NEC RESOLUTIONS – AMENDMENTS TO THE CONSTITUTION
FOR APPROVAL BY THE MEMBERSHIP AT THE 2026 AGM
NOVEMBER 15, 2026

****Please note:** *Deleted text is indicated with a ~~strikethrough~~ and new text is indicated in red.**

Resolution #1 – Elections Constitutional Amendments – Amendments to Articles 18, 19, and 29

Rationale:

These amendments clarify constitutional language around elections. This includes:

- Amend Article 18.3 of the Constitution regarding the exception for elections by-laws. This specifies that amendments to elections by-laws must be approved by the membership before they come into effect, closing a loophole where the NEC could pass amendments to the elections by-laws after an AGM but prior to March 31st and have them come into effect before approval by the membership.
- Article 19.5 is replaced by new articles 19.7-19.9, resolving ambiguity around majorities and clearly defining the number of votes that can be cast for Director positions.
- Article 19.8 is struck as it is unclear what it is about or what it pertains to.
- Article 29.7 is struck, as it is redundant with the former article 19.5.
- Article 29.10 is added, clarifying, for greater certainty, that an abstention is not a vote cast.

EXISTING TEXT	PROPOSED AMENDMENTS
ARTICLE 18 – BY-LAWS	**ARTICLE 18 – BY-LAWS**
...	...
18.3. All By-Laws adopted by the NEC shall immediately come into effect except for amendments to the Elections By Laws, which shall come into effect on March 31, when the Elections process is deemed to begin.	18.3. All By-Laws adopted by the NEC shall immediately come into effect except for amendments to the Elections By Laws, which shall only come into effect following approval by the membership in accordance with Article 18.4.
ARTICLE 19 – ELECTIONS AND TERMS OF OFFICE	**ARTICLE 19 – ELECTIONS AND TERMS OF OFFICE**
...	...
19.5. All members of the NEC are elected by a simple majority of votes cast.	~~19.5. All members of the NEC are elected by a simple majority of votes cast.~~
19.6. If a Presidential or Vice-Presidential candidate is unchallenged, they shall be deemed acclaimed.	19.5. If a Presidential or Vice-Presidential candidate is unchallenged, they shall be deemed acclaimed, otherwise an election shall be held.
19.7. If within a bargaining unit, the number of candidates is less than or equal to the number of Directors' positions being elected, then these candidates will be deemed acclaimed.	19.6. If within a bargaining unit, the number of Director candidates is less than or equal to the number of Directors' positions being elected, then these candidates will be deemed acclaimed, otherwise an election shall be held.
19.8. With respect to clause 19.4, the three-year terms of office shall be selected based on the plurality of the votes cast within each bargaining unit and in cases of acclamation within a bargaining unit by a random method as supervised by the Elections and Resolutions Committee.	~~19.8. With respect to clause 19.4, the three-year terms of office shall be selected based on the plurality of the votes cast within each bargaining unit and in cases of acclamation within a bargaining unit by a random method as supervised by the Elections and Resolutions Committee.~~
19.9. Candidates for the positions of President and Vice-President are prepared, in the event of their election to the position of President, to reside in the National Capital Region.	19.7. In an election involving Presidential candidates, each member may cast one vote for the position of President. The Presidential candidate receiving the highest number of votes shall be elected.

EXISTING TEXT	PROPOSED AMENDMENTS
	19.8. In an election involving Vice-Presidential candidates, each member may cast one vote for the position of Vice-President of their respective bargaining unit or group of bargaining units. The Vice-Presidential candidate receiving the highest number of votes shall be elected. 19.9. In an election involving Director candidates, each member may cast a number of votes equal to the number of Director positions being elected in their respective bargaining unit or group of bargaining units, but may not vote for any candidate more than once. The Director candidates receiving the highest number of votes, in descending order, shall be elected up to the number of Director positions being elected. 19.10. In the event that an election results in a tie, the tie shall be resolved by a run-off vote between the tied candidates. 19.11. Candidates for the positions of President and Vice-President are prepared, in the event of their election to the position of President, to reside in the National Capital Region.
ARTICLE 29 – VOTING	**ARTICLE 29 – VOTING**
... 29.7. A member of the NEC shall be elected by a simple majority of the votes cast. 29.8. A member of the NEC shall only be removed from office by a two-thirds majority of the votes cast.	... ~~29.7. A member of the NEC shall be elected by a simple majority of the votes cast.~~ 29.7. A member of the NEC shall only be removed from office by a two-thirds majority of the votes cast.

EXISTING TEXT	PROPOSED AMENDMENTS
29.9. The amendment of the Position Statement requires a two-thirds majority of the votes cast.	29.8. The amendment of the Position Statement requires a two-thirds majority of the votes cast. 29.9. An abstention does not count as a vote cast.

Resolution #2 – Defence Fund – Amendments to Definitions and Article 39

Rationale:

These amendments strengthen CAPE's Defence Fund by codifying current practices, defined by member resolutions passed over the years, into CAPE's constitution and by-laws. This includes:

- Requiring CAPE to maintain a Defence Fund
- Ensuring that CAPE's Defence Fund can only be used for purposes directly related to job action, such as job action pay and other associated expenses.
- Preventing the removal of funds from the Defence Fund without a two-thirds vote of the general membership

These amendments also allow CAPE to use its Defence Fund to support other unions affected by labour disputes through loans.

EXISTING TEXT	PROPOSED AMENDMENTS
DEFINITIONS	**DEFINITIONS**
New text.	... v) "**Job action**" - means any cessation of work including: i. Strikes; ii. walkouts of any duration and at any location, including rotating, targeted, or strategic walkouts; iii. work to rule campaigns; iv. lockouts; or v. any other cessation of work where such action falls within a job action mandate approved by a vote of the membership and following an action being called by the CAPE President, in accordance with the CAPE Constitution, By-laws, and federal law.

EXISTING TEXT	PROPOSED AMENDMENTS
	w) **"Job action pay"** - means money paid from the Defence Fund to members engaging in job action as compensation for lost wages, contingent on participation in job action duties assigned by CAPE.
ARTICLE 39 – DEFENCE FUND	**ARTICLE 39 – DEFENCE FUND**
New text.	39.1. The Association shall maintain a Defence Fund. 39.2. The assets of the Defence Fund shall only be used for the following purposes: a. Job action pay; b. Securing health benefits for members engaged in job action; c. Expenses related to the conduct of a job action; d. Activities undertaken expressly in order to avert a job action; or strike, after members have taken a job action vote and delivered a mandate, and job action is imminent. 39.3. Monies from the Defence Fund may not be transferred to the operating fund or any other fund without a two-thirds vote of the general membership. 39.4. All investment income generated from the Defence Fund shall accrue to the Defence Fund. 39.5. Notwithstanding the above, the NEC may, by a two-thirds majority vote at a regular or special meeting, authorize a loan from the Defence Fund to any other union in Canada engaged in a labour dispute.