

EMPLOYEE VOTE PROCEDURES

INTRODUCTION

The *Labour Relations Code* allows for various types of secret-ballot votes among employees.

In a Board-**conducted** vote, the Director of Settlement is the Chief Returning Officer. The Director appoints a Returning Officer (RO) and one or more Deputy Returning Officers (DRO) to prepare and conduct a poll or polls in a vote. See: [[Voting Rule 7](#)]. ROs and DROs can be Board staff. DROs can also be appointed from the Board's province-wide network. See: [[Deputy Returning Officers, Chapter 17](#)]. Under the *Labour Relations Code*, the Board **conducts** the following votes:

- **Representation Votes**, see: [[Votes, Chapter 28\(a\)](#)].

Certification
Revocation
Registration

- **Proposal Votes**, see: [[Votes, Chapter 28\(d\)](#)].

Other Party's Offer
Mediator's Recommendation
DIB Recommendation

- **Other Votes**, see: [[Votes, Chapter 28\(e\)](#)].

Request by Trade Union/Employer/Employers' Organization
Request by 50% Employees
Minister's Direction

In a Board-**supervised** vote, the Director of Settlement is responsible for the supervision of strike and lockout votes. The applicant appoints a Returning Officer and a Deputy Returning Officer who ensure the vote is conducted properly. See: [[Voting Rule 26](#)]. Under the *Labour Relations Code*, the Board **supervises** the following votes:

- strike votes, see: [[Votes, Chapter 28\(b\)](#)]; and
- lockout votes, see: [[Votes, Chapter 28\(b\) and \(c\)](#)].

There are several sources of information regarding conducted and supervised votes including the [Labour Relations Code](#), the Board’s Voting Rules and relevant Information Bulletins. Section 15 sets out general voting guidelines. The Voting Rules explain in detail voting procedures. This includes information about proxy votes, advance polls, mail-in ballots, electioneering, powers of returning officers and deputy returning officers, voter eligibility, conduct of votes and objections to conduct of votes. This policy describes the following topics for Board conducted votes.

- materials and supplies;
- control of the polling station;
- voting procedures;
- disputed ballots; and
- counting the ballots.

This policy focuses on procedures for Board-**conducted** votes, however, the same general principles apply to Board-supervised votes. For details on vote procedures affecting employers, see: [[Votes, Chapter 28\(g\)](#)].

MATERIALS AND SUPPLIES

Each Deputy Returning Officer acting on behalf of the Board has the following supplies and forms.

Supplies

Scotch Tape.....	1 roll
Ruler – 12”	1
Pencils.....	2
Thumb Tacks	1 box
Glue Stick (small)	1
Envelope (ballot, small white).....	10
Envelope (business 9 x 4, white)	10
Envelope (brown 9 x 12, no return address).....	5
Pens.....	2
LRB Logo Sealing Tape	1 roll
Ballot box (small, white)	5
Ballot box (large, white).....	2
Document box (to hold kit).....	1
Priority Post Waybills/Courier Slips.....	3
Portable Polling Booths	4

Forms

Scrutineers Certificate.....	5 copies
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Ballot Account and Declaration.....	5 copies
Oath of Poll Clerk.....	5 copies
Voting Register.....	5 copies
Voting Register (2nd page).....	5 copies

Stationary

NOTICE stationary (8.5” x 14”).....	5 sheets
NOTICE TO EMPLOYER AND EMPLOYEES stationary (8.5” x 14”).....	5 sheets
NOTICE OF VOTE stationary (8.5” x 14”).....	15 sheets
BALLOTS (1 pad = 100 sheets).....	1 pad each colour

- LRB 17 (white)
- LRB 28 (light brown)
- LRB 19 (green)
- LRB 21 (yellow)

Reference Material

<i>Guide to Alberta’s Labour Laws</i> (blue book with red wire binding).....	1 copy
Voting Rules (document).....	1 copy
Information Card: The Role of Scrutineers	1 copy
Information Card: Double-Sealed Ballots	1 copy

CONTROL OF THE POLLING STATION

It is very important to the conduct of the vote that the RO or DRO always keeps complete control over the polling station. This means controlling the physical set-up, as well as the activities of all individuals at and around the station. Voters, scrutineers, bystanders and the media are not allowed to influence the vote.

Poll Clerks

If a Returning Officer or Deputy Returning Officer is absent from the polling station, the Poll Clerk has the same authority as the Returning Officer.

Physical Facilities

The RO will always try to arrange a suitable physical location for the polling station. The vote is almost always conducted on the employer’s premises. Use a “neutral” area like a lunchroom. Avoid a room used for hiring or firing employees or similar functions like discipline. Ideally, set up the polling station in a separate room. If not possible, conduct the vote in some portion of a larger room that can be “separated off” such as a corner.

Seat yourself between the scrutineers. Place the ballot box in front of you. If using a ballot envelope, tape it to the front of the table.

Set up the polling booth at a separate table, or at the far end of the DRO's table. The booth should give the voter complete privacy to mark the ballot. Angle the booth away from the scrutineers and any potential onlookers, such as waiting voters. If for some reason you cannot set up your cardboard polling booth, arrange for some kind of barrier or partition to give the voter privacy.

Scrutineers

Each party to the vote can appoint a scrutineer. Normally this includes the employer and the affected union. In the case of a revocation application, this also includes someone representing "certain employees." Unless the RO allows more, only one scrutineer for each party can be present in a polling station at any one time. See: [[Voting Rules 11](#); [Information Card, The Role of Scrutineers](#)].

Scrutineers ensure the vote is conducted fairly, and that only eligible persons vote. Scrutineers help identify the voters. This is particularly useful if someone who is not on the voters list wants to vote. On occasion, one or more of the scrutineers will object to a person voting. Objections must be raised at the time of the vote, even if the parties have already filed objections with the Board prior to the vote. This situation is dealt with under the heading *Disputed Ballots* below.

After the vote, have the scrutineers sign a "Scrutineers Certificate" to confirm that the vote was conducted in a fair and proper manner. Occasionally one or more scrutineers will refuse to do so. If this occurs, have the scrutineers note their objections on the scrutineers certificate. If there are multiple polls, a scrutineers certificate should be signed at the end of each poll.

Electioneering

Place the scrutineers so they cannot see how people vote, or in any way intimidate the voters by their physical presence. By controlling the number and flow of voters at the polling station, you can avoid crowding the people casting their ballots. Do not allow more than two or three voters to congregate together. Ask voters to leave the polling station immediately after they cast their ballots.

Be sure that the scrutineers and other parties present at the polling station do not electioneer or try to influence the voters. "Friendly" electioneering, such as asking how someone's children are, should be controlled as closely as words or actions by any scrutineer that could be construed as trying to influence voters. Be firm but tactful when dealing with electioneering. Watch for union "yes" or "no" t-shirts, stickers, caps, etc.

On rare occasions, the Board may allow the parties to speak to the voters before the vote. This does not occur at the polling station. There is to be no electioneering at or near the polling station when the vote is taking place.

Handling the Media

Make sure there are no media personnel present at the polling station. If there are, ask them to leave the immediate vicinity. Their presence can be intimidating to voters and disruptive to the vote.

Do not provide the media with vote results until 24 hours after the count. If any of the scrutineers choose to release the results, that is their decision.

Before The Vote

Set up the polling station as outlined above under *Physical Facilities*. Post the vote instruction sheet in the polling booth. If there is more than one polling booth, each booth must have an instruction sheet.

Complete the first page of the following forms:

- Voting Register;
- Scrutineers Certificate; and
- Ballot Account and Declaration.

Instruct the scrutineers on their role. This is outlined under the heading of “Role of the Scrutineer” above. See: [[Information Card, The Role of Scrutineers](#)].

Open the ballot box. Have both parties verify the box is empty before sealing the ends of the box with sealing tape. Review acceptable ballot markings with the scrutineers.

VOTING PROCEDURES

Acceptable Ballot Markings

The Board has established procedures for marking ballots. Ballots are marked in the box of the voters’ choice with a cross (+), an (x), a checkmark(√), or a dash (-). **Ballots marked any other way will be considered spoiled and will not be counted.** The only initials that should be on the ballot are those of the DRO or poll clerk.

Advance Poll

If the Returning Officer finds it is necessary, the RO sets up an advance polling station before the main voting date. Conduct the advanced poll in the same manner as a regular poll. It can only be held **after** the Board orders a vote, not before. Seal the ballot box when the voting is done. This same ballot box is then used at the regular polling station.

The advance poll voters list must accompany the ballot box. This is so one person does not vote twice.

Voting Register

The voting register is the list of all persons who voted. A voting register is necessary when conducting votes involving sealed ballot boxes and mail-in votes. Advance polls, multiple polls and combination polls (mail-in and regular poll) require a voting register. **The register ensures that an employee only votes once.**

In an advance poll attach the register to the sealed ballot box and use it on the continuation of this vote. In the combination polls, take the mail-in ballots voting register to the regular poll and use it until the conclusion of this vote. In multiple polls, such as proposal votes, complete a voting register to ensure that no employee casts more than one ballot.

Conducting the Vote

Open the polling station at the set time in the Notice of Vote. Have the voters line up in an orderly fashion.

Have all persons identify themselves as they approach the table. Cross the name of the voter off the voters list. Fill in the name of each voter on the voting register and show whether a scrutineer raised an objection.

Any objections must be raised at this time even if the parties have already notified the Board of the objection prior to the vote.

Initial a ballot on the back, fold it over and give it to the voter. Fold the ballot so the initials are visible without opening the ballot. Instruct the voter to mark the ballot in the polling booth. See the explanation of acceptable ballot markings above. Tell the voter to return the folded ballot to you with your initials showing on the outside. Upon verifying your initials, deposit it in the ballot box.

If a scrutineer objects to a person's eligibility to vote, refer to *Disputed Ballots* below. Allow one person to vote at a time unless there are separate polling booths.

Proxy votes are not allowed. See: [[Voting Rule 2](#)]

If a person marks the ballot incorrectly, that person can return the ballot. Issue the person a new ballot and put the returned ballot in an envelope marked "Returned Ballots" and set it aside.

Closing The Poll

At the set closing time, close the polling station. Allow those persons who are still in line at the close of the poll to vote. **Do not close the polling station early even if everyone on the voters list has cast a ballot.** Others who feel they are eligible to vote may still present themselves at the polling station during the allotted polling time.

If there is more than one polling station, do not count the ballots. Seal the ballot box with tape. Have the scrutineers initial the tape on the sealed opening and on the flaps. Have the scrutineers sign the scrutineers certificate. Unless instructed otherwise, return the sealed box to the Board. Also return the scrutineers certificate, voters list and voting register along with the ballot box. **Do not put these into the box.**

If you are conducting two or more polls on the same matter with the same parties, hold on to the sealed ballot box. If conducting more than one poll, consider using the same ballot box. If using the first box at the next polling station, simply show the sealed ballot slot to the scrutineers before you break the seal; otherwise use another box. The Returning Officer may direct you to count the ballots at the close of the last polling station.

Certify the number of voters on the voting register. If voting takes place over two or more days, use separate voting registers for each day.

Gather the polling booth and other materials used for the vote.

Mail-In Ballots

The Board conducts a mail-in vote when the employees cannot vote at a regular or an advance poll. The Board conducts a mail-in vote as follows:

- Get names and addresses of employees eligible to vote from the employer and the union.
- Draft a letter to each employee. State why the person receives the ballot, what the vote is for and how to return the ballot to the Board.
- The Deputy Returning Officer provides the voter with the following:
 - (i) a ballot with the Deputy Returning Officer's initials on the back of it;
 - (ii) a small brown envelope, and
 - (iii) a larger white envelope with the Board's address on it. The Deputy Returning Officer makes a security mark on this envelope with a stamp. This envelope has return postage on it.

Send letters to the employees by priority post or regular mail, depending on the location of the voters. The letter explains the voting procedure and the deadline for return of ballots. The time allowed for the ballot return varies at the Board's direction. A normal time is 10 working days.

The Returning Officer or Deputy Returning Officer creates a voting register. The list has the name of the employee, employee's address, security number, date sent and date returned column. The Board enters the date sent and date returned for each ballot. Complete the date returned even if the employee returns the envelope weeks after the vote count.

Date and time stamp the returned envelopes and place them with the other envelopes, as they are received by the Board. These envelopes should not be opened until the count

DISPUTED BALLOTS

A scrutineer can raise a challenge to the eligibility of someone appearing to vote. The name of the person whose voter eligibility is questioned, may or may not appear on the voters list. For information on voter eligibility, see: [[Voting Rules, 16 and 17](#)].

When there is a question over eligibility follow the procedure outlined on Information Card on Double Sealed Ballots. See: [[Voting Rule 11](#); *Information Card, Double Sealed Ballots*]. Explain to the voter that there is an eligibility dispute. Tell the voter that if the DRO or RO and the scrutineers cannot resolve the dispute at the close of the poll, the Board will settle it at a hearing. Depending on the outcome of the dispute, the ballot will either be unsealed and put in with the others ballots to be counted, or remain sealed. **Assure the voter that the ballot will be treated confidentially and their choice will not be revealed.**

The following sample outlines the information the RO or DRO should collect and print on the outside envelope when double sealing disputed ballots. Please write legibly or print.

Name of Employer:	Fill in the name of the employer involved in the dispute, such as ACB Limited.
Name of Employee:	Fill in the full name of the disputed employee such as: James Brown.
Employee Classification:	What position or title does the disputed employee have? e.g., Carpenter's Helper.
Dates Employed:	Show the dates of employment for the employee. e.g., January 3-31, 1992, February 7, 1992 - to the present.
Reason for Dispute:	Briefly outline the nature of the dispute. e.g., Employee was working prior to date of application and was laid off only for a short period of time. He returned to work a week later.
Disputed by:	Indicate the name of the person and their affiliation. e.g., Jack Smith for the employer.
	_____ Eligible _____ Not Eligible
Reasons:	The person is eligible because Voting Rule 17(1)(b) states that an employee is eligible to vote if they worked at any time during the 14 days before the application and are likely to return to work during the 14 days following the date of the application. The date of the application was February 5, 1992. The employee meets the voting rule.

Once the polling station is closed, try to resolve disputes over eligibility. There are three options available. See: [*Information Card, Double Sealed Ballots*].

COUNTING THE BALLOTS

Single Poll

If you have no disputed ballots and there is only one polling station, you may proceed to count the ballots. Before opening the ballot box, have the scrutineers sign the Scrutineers Certificate. Before counting the ballots, explain the procedure on spoiled ballots. A spoiled ballot is any ballot marked with any other mark than: a cross (+), an (x), a check (√), or a dash (-). Ballots with other markings are spoiled. Initials (other than the DRO's or polling clerk's) or written markings will spoil the ballot as they may identify the voter. If a ballot contains no marking, consider it spoiled. Do not count it. Count the ballots. Spoiled ballots are not included in the total number of ballots cast. Complete the ballot account and declaration form. Have the scrutineers sign this form. Fax the vote results immediately to the Board. Then deliver or send the ballots, voters list, voting registers, scrutineers

certificate and ballot account and declaration to the Board. If outside Edmonton or Calgary, use priority post. Do not use the government courier service as it is not confidential.

Tell the parties that the vote results are not official until 24 hours after the count. See: [*Voting Rules, 14*]. The Board does not release results until then. If the scrutineers want to do so, that is their choice. If scrutineers object to the conduct of the vote, Voting Rule 12 gives them 24 hours to file an objection.

Multiple Polls

The same general procedures apply as above for single polls. If you used more than one ballot box, mix all the ballots together before counting. Before opening the ballot boxes, show the scrutineers the sealed boxes so they can confirm that no one has tampered with the boxes.

Mail-In Ballots

The letter sent to the parties telling them of the mail-in vote contains the date, time and location for counting the ballots. Tell the affected parties that they may have a scrutineer present at the count. Deal with disputed ballots as outlined before. If no one disputes the ballots, show the scrutineers the Board date stamp on the security-marked envelope.

Take the small envelopes out of the security-marked envelope and place them in the ballot box. These small envelopes are opened only when the ballot is removed from the box for counting. If this is a regular poll and a mail-in poll, add these ballots to the ballots in the existing ballot box. Count the ballots, following the same procedure you would for a single poll.

Ballots

The Board keeps all ballots, including contested ones, under lock and key. Board staff destroy all ballots 12 months after the voting results become official and any appeal period has passed unless ordered to do otherwise by the panel.