



Cleaners & Allied Independent Workers Union

RULES GOVERNING ELECTION OF EXECUTIVE OFFICERS & GENERAL SECRETARY

1. Subject to the union's legal obligations, the provisions of these rules and the powers of the Independent Scrutineer, the election of Union Officers and the General Secretary shall be organised and conducted in accordance with the directions of the Executive Committee.

2. The six Executive Committee positions to be elected by secret ballot, every five years, in accordance with the union's legal obligations, are:
 - i. General Secretary
 - ii. President
 - iii. Vice President
 - iv. Treasurer
 - v. Trustee
 - vi. Trustee

3. The Executive Committee shall appoint an Independent Scrutineer to supervise the production, storage and distribution of voting papers, to receive and count the voting papers, to report on the election, to retain the voting papers for an appropriate

period and to perform such other duties as the Executive Committee may specify.

4. The Executive Committee shall appoint a suitable independent person to act as Election Commissioner to adjudicate on any complaints made under clause (17) of these rules relating to the conduct of the election. In the event that the Electoral Commissioner finds it necessary to carry out an investigation in the conduct of his or her duties, all members and employees of the Union are required to afford him or her every assistance in this regard.
5. The Executive Committee shall appoint a Returning Officer to deal with the conduct of the election between the Executive Committee meetings and may delegate to him/her its powers relating to the conduct of the election provided that the Returning Officer shall not act inconsistently with any decision of the Executive Committee and shall report to the next meeting of the Executive Committee all actions taken and decisions made in respect of that election.
6. A candidate in an election shall play no part in any deliberations of or decision by the Executive Committee which relates specifically to the conduct of the election.
7. In order to stand for election, a member must be themselves eligible to vote in the election, and is required to receive at least one nomination. On receipt of such a nomination the candidate shall be invited to confirm in writing that she/he accepts the nomination. Each member who does so and who is otherwise eligible shall be a candidate in the election for that position.

8. Candidates for the position of General Secretary must be eligible to vote in the election; have at least five years continuous membership of the union; and have received at least five nominations.
9. The electorate is to be based on the paying membership list dated the 31st day of December in the year prior to the Executive Elections.
10. The election shall not be concluded until the Executive Committee has received the Independent Scrutineer's report and declared which candidates have been elected. This should take place as soon as reasonably practicable after the votes have been counted. If the Election Commissioner advises the Executive Committee that it should not declare the outcome of an election until he/she has adjudicated on a complaint, it shall comply with that request.
11. The Executive Committee 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.
12. A member who is eligible to vote in an election who does not receive a voting paper within one week of the opening day of the election should contact the Union; the final decision on whether to issue a further voting paper to that member shall be a matter for the Independent Scrutineer.
13. Candidates shall not be entitled to attend as an observer the counting of the votes for the position for which he/she is a candidate or any other. Votes will be counted

solely by the Independent Scrutineer, and the Independent Scrutineer's decision regarding the result of the election will be final, subject to the outcome of any complaints submitted under clauses (14) to (20) of these rules.

14. If at any stage during an election or within 28 days of the declaration of the outcome a candidate in an election or the Executive Committee considers that there has been a breach of these rules or of any other legal requirement relating to the conduct of the election or any other interference with the conduct of the election and that the breach or interference may materially affect or may have materially affected the outcome of the election, he/she or the Executive Committee may submit a complaint to the Election Commissioner.
15. If the Returning Officer or a member who is not a candidate considers that there are grounds for a complaint to the Election Commissioner, he/she should refer the matter to the Executive Committee.
16. A complaint to the Election Commissioner should be made as soon as is reasonably practicable. The Election Commissioner shall not consider any complaint made more than 28 days after the date on which the Executive Committee declared the outcome of the election.
17. A complaint to the Election Commissioner shall be made in writing addressed to the Election Commissioner care of the Returning Officer and accompanied by all the supporting evidence which the complainant wishes to be taken into account.

18. If when the Election Commissioner receives a complaint the independent scrutineer has not yet reported on the election and the Election Commissioner considers that the complaint raises matters which fall within the jurisdiction of the Independent Scrutineer, he/she shall refer the complaint (or the part thereof which raise such matters) to the Independent Scrutineer unless it is not reasonably practicable to do so. When the Election Commissioner has referred a complaint (or part thereof) to the Independent Scrutineer he/she shall not adjudicate on the complaint until the Independent Scrutineer has expressed a view on that complaint.
19. The Election Commissioner may adjudicate on a complaint on the basis of written material submitted with the complaint or, at his/her complete discretion, call for such further information as he/she shall think fit and/or conduct a hearing of the complaint. Subject to the provisions of this rule, the Election Commissioner shall decide his/her own procedures for investigating and adjudicating upon the complaint provided that he/she shall endeavour to adjudicate on the complaint as quickly as is reasonable practicable.
20. If after considering a complaint the Election Commissioner considers; that there has been a material breach of these rules or of any other legal requirement relating to the conduct of the election or any other material interference with the conduct of the election; and that the breach or interference may materially affect or has or may have materially affected the outcome of the election; the Election Commissioner may recommend that the Executive Committee should take one or more of the following measures:-

20.1 Declare the ballot and, if it has been declared, the outcome of the election void and call for a fresh ballot to be held;

20.2 Disqualify a candidate or candidates and permit the remaining candidates to go forward in the ballot or in any fresh ballot that may be ordered; or

20.3 Such other remedial measures as the Election Commissioner considers appropriate.

21. Subject always to any decision to the contrary by a court, the Certification Officer or any other lawful authority, the Executive Committee shall give effect to any recommendation by the Election Commissioner made in accordance with (19) of these rules.

22. If an election is delayed as a result of action taken pursuant to a recommendation by the Election Commissioner, an order of a court, the Certification Officer or other lawful authority, a member who holds the office which is the subject of that election shall be entitled to continue in that office until the election is concluded.

23. Any casual Union Officer vacancy that occurs within the electoral term shall be filled by a by-election for a replacement delegate.