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BC/Yukon Command of The Royal Canadian Legion

Election Procedures Guide

When invited to run the elections at a Branch – the first thing is to ensure you have a copy of the current Branch By-Laws. Please check with BC/Yukon Command if you are unsure, we can provide you with the current copy.

This also applies for Zone elections which should be carried out in accordance with current Zone Regulations.

In addition, please familiarize yourself with the Rules of Procedure for Legion Meetings – Elections.

Elections Officer – It is extremely important for Branch elections to be run by a knowledgeable Elections Officer. Zone Commanders are a great resource of knowledge and should be included, when possible, with elections either as the Elections Officer or as a mediator should any questions come up.

The following policies govern elections in this Command:

Nominating Committee - At least two (2) months before the Election Meeting, the Branch Executive Committee will appoint a Nominating Committee, of three (3) members, **or** a Chairman, who will then appoint two (2) other members, together they form the Nominating Committee. The members of this committee should have signified they do not intend to stand for office; however, after being stood down any member of the Nominating Committee can be nominated from the floor.

One (1) month prior to the Election Meeting, the committee shall present a list of suitable candidates for office. These candidates must be voting members in good standing and not employed by the Legion. This shall not prevent nomination of similar candidates from the floor at that meeting or the Election Meeting.

Once the list of suitable candidates has been presented, the Nominating Committee is stood down.

If a nominee is unable to be present at the Election Meeting, he must have signified in writing, his willingness to stand for office for which he has been, or is being nominated.

Proxy voting - is not permitted at branch elections – see Rules of Procedure for Legion Meetings manual.

Prohibition Against Drinking At Legion Meetings - The policy of the Executive Council is that where business meetings (General and Executive), Elections or Installation Ceremonies are held in the licensed area, the bar must be closed no later than thirty (30) minutes before opening the meeting or Installation Ceremony. No liquor or beer will be consumed or be in evidence during the meeting or Installation Ceremony. This applies to meetings or Installation Ceremonies in non-licensed areas as well. A meeting or Installation Ceremony cannot recess and open the bar temporarily. The Sergeant-at-Arms, under the direction of the presiding officer, has the authority to evict from any meeting, any member who is unruly or intoxicated.

Election of Members of the Same Family - It is not unconstitutional for more than one (1) family member to be elected to the executive of a Branch, but members should be made aware of any such relationships prior to elections. If members feel this may pose a conflict of interest, they should think about it before they cast their ballots at the Election Meeting. When there is the potential for a conflict of interest position with respect to authorized signatories, efforts should be made by the Branch to ensure that two (2) members of the same family do not sign at the same time. Contact with Command should be made if this situation arises for further discussion.

Branch - Employees - Voting Rights - All voting members in good standing, who are also a paid employee at their Branch, have all the rights of membership, except any right that is specifically taken away from them (i.e. a formal complaint decision). There has never been any intention for these members to be precluded from attending Branch meetings or speaking or voting in any issue that arises. Voting members who are paid employees have a right to attend meetings. They can speak and vote on issues that arise with the exception of issues that would have a direct impact on their employment. Because of the perceived conflict of interest members are to abstain from such participation. An example would be discussion on hours of operation, obviously members who are staff should not participate in that discussion. To avoid this situation entirely some Branches encourage employees to take out membership in neighboring Branches. This avoids all possible conflict. We mention this policy because we had experience with a member(s) trying to stop employees from voting at the Election Meeting.

Prohibition Against Paid Employees Serving as Elected Officers or Executive Committee Members – Article I of *The General By-laws* provides that no member who is a full-time or part-time employee of any Branch or organization thereof, who receives directly or indirectly any salary or wages for services rendered to a Branch or organization is eligible to hold any executive position including that of Immediate Past President.

It is possible for Ladies Auxiliary members employed by a Branch to hold office in the Auxiliary at the discretion of any individual Branch.

Quorum - The Sergeant-at-Arms should confirm that there is a quorum. To legally transact business, a quorum must be present not just at the start of a meeting, but must be maintained throughout the meeting. If, after the meeting gets underway with the required quorum and members subsequently leave the meeting to the point where a quorum is no longer present, no further business can be legally transacted.

At Election Meetings, or elections during the year to fill vacancies, the Sergeant-at-Arms has the responsibility to ensure that only those voting members that are in good standing are allowed to vote.

Branch Elections "Top Down" - All offices have to be filled from "the top down." This means the office of President must be filled before proceeding with the office of First Vice-President and so on. If a Branch gets to the point where it cannot fill a particular office, elections must stop. Arrangements must be made for a subsequent meeting (either Special General or the next General Meeting) to fill the remaining vacant office(s). Those positions that were successfully filled stand, and the elections at a subsequent meeting do not need to begin from scratch again.

Branch Elections – Nominations - It is accepted policy within the organization that the "call" be made three (3) times. Are there any further nominations.... are there any further nominations.... are there any further nominations.

Nominations of Candidates - It is not necessary to have a seconder to a nomination.

Elections - Motion by Defeated Candidate to Make Election "Unanimous" - It is neither constitutional nor technically correct for a defeated candidate to make a motion that any particular election be declared unanimous. Elections in our organization are based on secret ballots in relation to which those who are entitled to vote make their choices according to their desires. Based on the results from such a ballot vote there is no relevance at all to a motion to declare an election "unanimous." Unless individual Branch By-Laws state otherwise, a plurality vote applies at Branch level.

Checklist for the Meetings

1. Have Scrutineers identified ahead of time. If there are neighboring Branches the practice is often to invite members from another Branch to assist as Scrutineers. Branches with a Ladies Auxiliary could consider enlisting Auxiliary members to act as Scrutineers. Ensure the appointment of Scrutineers is in compliance with anything in the Branch By-Laws.

2. Ensure you know where the non-voting members are seated so there is no confusion when ballots are distributed.

3. It is the responsibility of the Sergeant-at-Arms to confirm all voting members in attendance are in good standing, ensuring current membership card is produced and that all members have signed the register for attendance at the meeting.

4. The Sergeant-at-Arms will confirm the number of voting members present, then have the doors tiled (closed) before the ballots are distributed. No one should enter the meeting room until after the ballots have been collected. This process should be followed for each ballot.

5. Only voting members in good standing are eligible to vote (this means any new members must have participated in an initiation/welcoming ceremony in order to be considered in good standing – see Article I of The General By-laws.)

6. Fall election meetings are a great opportunity to have a membership booth set up to process those members who have not yet paid their current dues, or who may want to pay dues to get their next year's card.

7. Have ballots prepared ahead of time. If multiple ballots are handed out at the start of the meeting, ensure there is a different ballot for each election. Ballots are only handed out when a position goes to ballot, ensure that only one ballot is given to each voting member.

8. Check ahead of time to see the policy within the Branch with respect to the election of the "at large" Executive positions. You need to know in advance the number of names to be placed on the ballot. Some Branches may allow "plumping" which means the ballot does not need to include a name for each position to be elected in the "at large" category. Most often these positions go in by acclamation because there are not enough members nominated to cause a ballot. We are not recommending that you encourage a Branch to set a policy for "plumping" we just want you to be prepared in advance of the elections.

   At the present time we do not have a recollection of any Branch allowing for "plumping" within their By-Laws. Therefore, to avoid confusion and spoiled ballots due to "plumping;" the branch must decide prior to the start of the election regarding ballots not completed for the full number of positions.

   The Elections Officer will follow the instructions of the Elections Meeting in this regard and cannot be challenged on the question of spoilt ballots.

9. Have a receptacle for collection of ballots.

10. If possible, on a flip chart or projection, list the positions that are going to be filled and explain the requirement to elect from the top down.

11. Read from the Branch's own By-Laws to explain eligibility to run for office. A reminder that the Elections Officer needs to state the type of election. Either a majority vote or by plurality. It will be in the Branch By-Laws (ensuring the Elections Officer is reading from the current By-Laws).

12. Explain the procedure you will follow with respect to the election procedures.

    a. You will read the name of the candidate put forward by the nominating committee.

    b. You will then call for nominations from the floor. Call for nominations from the floor three (3) times – then close nominations. Write down the names of the nominees.

    c. In the order the members were nominated (or some Branches may prefer to do this in reverse order) ask each candidate if he is willing to stand for office.

    d. Invite each candidate who is willing to stand for office to come to the lectern and in the order they were nominated (some Branches may prefer to do this in reverse order), allow each candidate to address the membership.

e. Branches can consider establishing a practice/policy where they have a question and answer period for the candidates. The policy should establish time limits on the question and answer period and/or answers from candidates as well as an outline of the topics open or off limits for discussion.

f. If possible, write the names of the candidates on the flip chart/projection.

g. Distribute the ballots.

h. Scrutineers must ensure that all ballots are collected, and then retire to conduct the count.

i. The lead Scrutineer will pass the written results of the ballot to the Elections Officer, this must include the total number of ballots cast, the number of spoilt ballots, and the number cast for each candidate.

j. Declare the name of the successful candidate.

13. Continue with elections in the same manner until all positions are elected.

14. Unsuccessful candidates for an office wishing to stand for a lower office must be nominated from the floor.

    Legion "Rules of Procedure for Legion Meetings" states "the unsuccessful candidates for an office may be nominated for the next office down the list." It is **not** the responsibility of the Elections Officer to automatically ask if an unsuccessful candidate wishes to stand for lower office. The member must be nominated from the floor.

15. At the conclusion of the elections accept a motion to destroy the ballots. Take the ballots and the paper that shows the number of ballots cast for each candidate away from the meeting and destroy the documentation.

Must Have Tools for the new Executive Committee:

a) Branch By-Laws (current)
b) Branch Manual
c) The General By-Laws
d) Policies – Ethical Behaviour; Zero Tolerance
e) Rules of Procedure

Note: these can be found on the BC/Yukon Command and Dominion Command websites: legionbcyukon.ca and legion.ca

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