

NATIONAL EXECUTIVE COUNCIL BY-ELECTION PROCEDURES 2010



Service Group seats: Energy Female / Higher Education General / Local Government Male /
Police and Justice General

Regional Seats: Northern Male / West Midlands Female

National seat: Young Member

INTRODUCTION

1. This document contains the procedures for electing the UNISON National Executive Council. They are based on the UNISON Rule Book (as amended at the UNISON conference in June 2008) and current legislation regarding union elections. These procedures were endorsed by the National Executive Council's D&O Committee of UNISON at its meeting on 2 December 2008.
2. These procedures will be available on the UNISON website at www.unison.org.uk and on request from the Member Liaison Unit at UNISON, 1 Mabledon Place, London WC1H 9AJ. Telephone 0207 551 1312. Fax 0207 551 1196. Email elections@unison.co.uk. Copies of the union rule book can also be obtained from the Member Liaison Unit.
3. Attention is drawn to UNISON Rule, Schedule C, Rule 5 and Rule B 4.6 Aims and Objectives *"to seek to ensure that members, activists, representatives and staff are treated with dignity and respect at all times when participating in the union's democratic structures."*

APPOINTMENT OF RETURNING OFFICER and TIMETABLE

4. At least three months prior to the election:
 - a. The National Executive Council shall appoint a Returning Officer, who will be independent of the union, who shall be a qualified independent person and shall act as and carry out the functions of a Scrutineer under the Trade Union and Labour Relations (Consolidation) Act 1992 and any amending legislation or Regulations.
 - b. The National Executive Council shall publish the name of the Returning Officer and a timetable agreed with the Returning Officer. A proposed timetable is set out in these procedures in the NEC 2010 Election Timetable (Appendix A).
5. The timetable agreed with the Returning Officer and published in accordance with these procedures will set out:
 - i. The dates between which nominations for elections must be received.
 - ii. The date when ballot papers will first be sent to members entitled to vote.
 - iii. The date by which completed ballot papers must be returned.
 - iv. The date upon which the result of the election will be announced.
6. The Returning Officer shall carry out the functions of Scrutineer and shall carry out the duties set out in Section 49 of the Trade Union and Labour Relations (Consolidation) Act 1992 and shall be responsible for storage and distribution of voting papers and for counting votes.
7. The union has entered into a three-year contract with Electoral Reform Services to carry out these functions. They will be appointed as Scrutineer and Returning Officer for these elections.

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QUERIES AND CONTACT INFORMATION

8. In the first instance any request for information, clarification, or other query about these procedures or the election should be directed to the Member Liaison Unit at the union's national office in Mabledon Place.

Member Liaison Unit, UNISON, 1 Mabledon Place, London, WC1H 9AJ
Direct line 0207 551 1312. Email elections@unison.co.uk. Fax 0207 551 1196

9. Any complaint should be directed in writing to the Returning Officer at Electoral Reform Services:

The Election Centre, 33 Clarendon Road, London, N8 0NW
Tel: 0208 365 8909. Email: unison@electoralreform.co.uk. Fax: 0208 365 7013

TIMETABLE

10. The timetable for the election as agreed with the Returning Officer is outlined in the Election Timetable (Appendix A). The period of office for successful candidates will be from announcement of result until the close of National Delegate Conference 2011.

ELIGIBILITY FOR NOMINATION AND CANDIDACY

11. To be eligible for nomination to the National Executive Council the candidate must have been in membership for at least three months prior to the beginning of the election period and be a full member of UNISON.

12. A member may only be a regional representative candidate if she/he is nominated by at least two branches within their region.

13. A member may only be a Black Members' candidate if she/he is nominated by at least two nominating bodies (branches and/or regional self-organised groups).

14. A member may only be a National Young Member (young member means aged 26 or under on 19 June 2011) candidate if she/he has been nominated by at least two nominating bodies (branches and/or regional young members' forum and/or National Young Members Forum).

15. A member may only be a Service Group Representative candidate (in line with rule Q of the union's rule book) if she/he has been nominated by at least two branches from the service group that he/she is a member of.

16. At the commencement of the period of office, a Reserved seat (low-pay) representative (in line with rule Q of the union's rule book) must be a female earning less than a basic hourly rate of £7.49 (This amount is based on the median earnings defined by the Annual Survey of Hours and Earnings, in November 2008).

17. A member may only stand as a candidate for one seat, be it a Regional, Black Members', National Young Member, Reserved or a Service Group seat.

18. Checks will be made to ensure that each candidate is eligible to stand for the post.

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19. In this NEC election, current members of Service Group Executives [term of office from 2008 to 2010] will be eligible to contest the NEC service group representative seats. This is a transitional measure for the 2009/2010 National Executive Council elections only.

Thereafter, NEC members who hold a seat as service group representative on the National Executive Council will not be eligible to stand for any other seat on a service group executive and, members of service group executives [with the exception of NEC service group representative seat holders] will not be eligible to stand as a service group representative on the National Executive Council (in line with rule D.3.5.8. of the union's rule book).

NOMINATION FORMS

20. On the date laid out in the timetable, procedures and nomination forms will be formally:

- despatched to branch secretaries as email attachments with eFocus .
- despatched by post where there is no branch secretary email address available on the RMS
- accessible to download from the UNISON website
- requested from the Member Liaison Unit.

21. Any nominations for this election must be made on authorised Meeting Nomination (Appendix D) and Candidate forms (Appendix B). Copies of these forms are attached. The candidate must sign at least one of the Candidate nomination forms as confirmation of their willingness to accept the nomination.

SUBMITTING MEETING NOMINATION FORMS

22. Nominations may be made by branches, regional self-organised groups which fall within an appropriate region/constituency and service group. A branch or regional self-organised group can nominate candidate(s) up to the maximum of each of the relevant category seats.

The nominating process:

- a. Any voting which may be necessary to determine which candidate(s) to nominate, must be held between the start and close of the nominating period as laid out in the timetable.
- b. Details of the meeting at which the nomination was made must be entered on the Meeting Nomination form (Appendix D). The form must contain meeting date, meeting type (i.e. branch or committee), number of people in attendance and whether the meeting was quorate.
- c. Within a branch, only the members of the service group for which nominations are sought, can take part in the nominating process including any voting which may be necessary to determine which candidate(s) to nominate.
- d. Nominations will only be accepted if they are on the official Meeting Nomination form and authorised by the signature of the secretary and chairperson of relevant branch or regional self-organised group. The names and RMS numbers of the branch secretary and chairperson must correspond with that recorded on the RMS.

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- e. Where the Meeting Nomination form has been signed by another branch officer, an explanation of the reason is required. (If either of these branch seats are vacant, details of another branch officer e.g. Vice Chair, Deputy Secretary should be included with an explanation of the need for a substitute.)
- f. There is provision in these procedures for branches to make a decision to nominate using electronic means. The e-nomination method is an option available only to branches whose approved branch rules permit online meetings. This section of the Meeting Nomination form (Appendix D) must be completed by the branch and certified by the Regional Secretary.
- g. Completed Meeting Nomination forms must be returned to the Member Liaison Unit by the date specified in the timetable.
- h. Meeting Nomination forms and may be submitted by post, e-mail and fax. Hard copies should be completed in black ink.
- i. Where forms are submitted by e-mail and fax, a signed hard copy must be received by the deadline laid out in the timetable.

PROCESSING MEETING NOMINATION FORMS

23. Meeting Nomination forms received in the Member Liaison Unit by the deadline laid out in the timetable will be classified as 'received':

- a. The Member Liaison Unit will despatch a letter or email to the nominating body to advise receipt of the Meeting Nomination form.
- b. Meeting Nomination forms received in the Member Liaison Unit which are incomplete or incorrect will be referred back to the nominating body.
- c. The nominating body will have until the deadline laid out in the timetable to re-submit nomination forms.

SUBMITTING CANDIDATE FORMS

24. The prospective candidate must sign at least one of the Candidate forms (Appendix B) as confirmation of their willingness to accept the nomination. If, subsequently, a candidate wishes to withdraw as a candidate they must do so in writing prior to the date laid out in the timetable.

- a. Candidate forms may be submitted by post, e-mail and fax. Hard copies should be completed in black ink.
- b. Where forms are submitted by e-mail or fax, a signed hard copy must be received by the deadline laid out in the timetable.

PROCESSING CANDIDATE FORMS

25. Candidate forms received in the Member Liaison Unit by the deadline laid out in the timetable will be classified as 'received':

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- a. The Member Liaison Unit will despatch a letter or email to the prospective candidate to advise receipt of the Candidate form.
- b. Candidate forms received in the Member Liaison Unit which are incomplete or incorrect will be referred back to the prospective candidate.
- c. Prospective candidates will have until the deadline laid out in the timetable to re-submit candidate forms.
- d. The Member Liaison Unit will check that the nominated candidate is eligible to stand for the seat for which they have been nominated.
- e. Prospective candidates will receive an email or letter to advise validity of nominations submitted for the candidate as determined by the Returning Officer, no later than the date set out in the timetable.
- f. If the nominated candidate is not deemed to be eligible to stand in the election, as determined by the Returning Officer, she/he must be informed of the reasons by the date laid out in the timetable.

APPEALS

26. Any candidate who wishes to appeal against ineligibility must do so in writing to the Returning Officer by no later than the date laid out in the timetable. They must give full details of the grounds for the appeal which should include any supporting documentation.

Appeals must be in writing, should enclose any supporting documentation and be sent to:
The Election Centre, 33 Clarendon Road, London, N8 0NW
Email: unison@electoralreform.co.uk

ELECTION ADDRESS

- 27.** All eligible candidates will be given the opportunity of preparing an election address. This will be despatched with the ballot paper.
- 28.** The election address should be no longer than 500 (five hundred) words in total. It should not include photographs or any other matter not in words. The list of nominating bodies will not form part of the 500-word limit for the election address although the list will be distributed with the election address.
- 29.** It is the candidate's responsibility to ensure that the election address is no longer than the word limit. If the submitted election address is longer than the specified word limit, the printed election address will be curtailed when the word limit is reached.
- 30.** In compliance with the Trade Union and Labour Relations (Consolidation) Act 1992, the contents of the election address, including grammar and spelling, are the responsibility of the candidate. Neither the Returning Officer nor any employee of the union will be permitted to amend, correct or otherwise alter any election address except as required under paragraph 39 above.

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31. Election addresses should not contain statements that are contrary to the union's aims and objectives (as set out in Rule B). Election addresses should not contain statements of a discriminatory, disparaging, racist or sexist nature; nor should they include false accusations against members or union staff. To do so will be treated as a disciplinary offence under Rule I.
32. The union will not be responsible for any civil or criminal liability arising from the publication, copying or distribution of individual election addresses. Liability will rest with the individual candidate.
33. The election address must be sent to the Member Liaison Unit no later than the deadline laid out in the timetable. Election addresses can be submitted by post to MLU, fax to 0207 551 1196 or by email to elections@unison.co.uk. Election addresses may be submitted separately to the Candidate Nomination form.
34. An Election Address template will be available on the UNISON website at www.unison.org.uk or on request from the Member Liaison Unit, for prospective candidates to use when submitting election addresses (Appendix C). Prospective candidates will receive a letter or email to confirm whether or not an election address has been received by the deadline laid out in the timetable.

NOTIFICATION OF ELECTION

35. A notice to branches advising how the ballot will be conducted will be despatched by email (or by post where no email address is available) by the date outlined in the timetable.

ENTITLEMENT TO VOTE

36. All eligible members who are included on the UNISON membership system three months before the intended date on which the ballot papers are to be despatched will be entitled to vote in the appropriate election. Members not on the membership system on the date set out in the timetable will not be eligible to vote.

DISTRIBUTION OF BALLOT PAPERS AND METHOD OF VOTING

37. Ballot papers will be sent to the member's home address (or other address notified in writing by member) as identified on the union's membership system. It will include a prepaid envelope for the return of the ballot paper to the Scrutineer. All voting will be by post.

CAMPAIGNING

38. It is recognised that campaigning, in whatever form, is an integral part of any election process. Sections 39 - 44 of this document include guidance for those involved in elections. The aim is to ensure that everyone is clearly aware of his or her responsibilities and the limits set to allow fair elections to take place.

PROCEDURES FOR BRANCHES

39. Branches must not allow any access by prospective or confirmed candidates, or their supporters to the (UNISON) electoral roll. This means that branch or workplace registers of members cannot be used for election purposes. The register of members will only be used for the official distribution of ballot papers. Unauthorised use of the register of members is not permitted by the Data Protection Act.

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40. Any branch or group of members that invites a candidate to speak at a meeting about their candidacy in this election, must also extend a similar invitation to all other candidates. Candidates may appoint a representative to attend such a meeting including speaking on the candidate's behalf.
41. Branch funds may be used to enable meetings to be held, whether by hiring a suitable room, publicising the arrangements for meeting or by paying the travel expenses of candidates or their representatives.
42. Prospective candidates must not visit branches or workplaces, or attend meetings, for purposes of canvassing without the agreement of the branch and unless the same facility has been offered to other candidates.
43. UNISON funds, property or resources cannot be used to support campaigning for any particular prospective or confirmed candidate with three exceptions:
- The first exception to this will be if a nominating body wishes to advise their members of nominations they have made through their usual channels of communications with members e.g. branch newsletters.
 - The second exception is detailed in paragraph 41 above of these procedures.
 - The third exception is detailed in paragraph 44 of these procedures.

'UNISON funds, property or resources' refers to funds, property or resources at national, regional and branch level. It includes (but is not limited to):

- o funds
- o secretarial and office facilities;
- o computerised information,
- o union stationery,
- o telephone calls and text messages at the union's expense,
- o the paid time of branch staff ,
- o expenses for travel and subsistence

PROCEDURES FOR CANDIDATES

44. For the purposes of seeking nomination a prospective candidate may request a copy of the contact details for all nominating bodies from the Member Liaison Unit. This will be supplied free of charge. Any subsequent action in seeking nominations is purely the responsibility of the candidates and shall be at their expense.

NUMBER OF CANDIDATES

45. If the number of eligible candidates for a Regional, Black Members', Young Member, Reserved (low-pay) or Service Group seat (or seats) does not exceed the number of seats for the group concerned, then those candidates will be deemed to have been elected. In the event of two (or more) candidates for a seat receiving an equal number of votes, which would not make it possible for an elected member to be declared, a further election will be run with only those candidates who had 'tied' being involved.

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NON-RECEIPT OF BALLOT PAPERS

46. Members who have not received a ballot paper by the date set out in the timetable should contact the UNISONdirect ballot helpline.
The number is 0845 355 0845.
Lines will be open Monday to Friday 6am to midnight and on Saturday 9am to 4pm.

VOTING SYSTEM

47. The method of electing members to Regional, Black Members', Young Member, Reserved (low-paid) and Service Group seats will be by a simple majority of those voting in the election for each seat(s).

COMPLAINTS ABOUT THE CONDUCT OR FAIRNESS OF ELECTIONS

48. Any complaint about the conduct or fairness of the election must be received by the Returning Officer by no later than the deadline laid out in the election timetable.

Complaints must be in writing, should enclose any supporting documentation and be sent to:
The Election Centre, 33 Clarendon Road, London, N8 0NW
Email: unison@electoralreform.co.uk Telephone: 0208 365 8909. Fax 0208 365 7013

49. The Returning Officer shall determine the validity of any complaint made about the conduct or fairness of the election. If the Returning Officer is not satisfied that the election complies with the requirements of the law and the UNISON Rule Book; they have the right (if they consider it reasonable) to require that the election be held again, either in whole or part.

THE RESULT OF THE ELECTION

50. The result of the election will be announced on the date laid out in the timetable and the results published as soon as practicable. The report of the Returning Officer will be published in U magazine (the union's magazine for members) no later than three months after UNISON receives the Returning Officer's report.

NATIONAL EXECUTIVE COUNCIL BY-ELECTION 2010 Timetable

Service Group seats: Energy Female / Higher Education General / Local Government Male /
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Regional Seats: Northern Male / West Midlands Female

National seat: Young Member

5 July 2010	The start of the nomination period. The start of the nomination helpline.
5pm, 6 August 2010	The end of the nomination period. The deadline for meeting nomination forms, candidate forms and election addresses to be received by MLU. The end of the nomination helpline.
5pm, 13 August 2010	The deadline for candidates to withdraw their nomination. The deadline for the original signed paper meeting nomination forms and candidate forms, which were sent by e-mail and fax by 6 August 2010, to be received by MLU. The deadline for candidates to be told whether election addresses were received.
20 August 2010	The deadline for candidates to be told about whether they can stand in the election.
5pm, 27 August 2010	The deadline for written appeals and supporting evidence from candidates to be received by the Returning Officer.
7 September 2010	The deadline for any appeal decisions made by the Returning Officer.
20 September 2010	Branches are told the details about the election.
27 September 2010	Ballot papers are sent to members. Ballot starts.
5 October 2010	The start of the Ballot helpline for members.
12noon, 19 October 2010	The end of the Ballot helpline for members.
5pm, 22 October 2010	Voting ends.
5pm, 29 October 2010	The deadline for written complaints and supporting evidence to be sent to the Returning Officer.
12 November 2010	The deadline for the Returning Officer to investigate and respond to complaints.
16 November 2010	The candidates are told the results.
17 November 2010	The public are told the results.

Successful candidates will take office immediately following announcement of results.
Their term of office will run until the close of the National Delegate Conference in 2011



NATIONAL EXECUTIVE COUNCIL BY-ELECTION 2010

Candidate form

This form should be completed by members/prospective candidates seeking nomination for the above election. Prospective candidates must sign and submit at least one of the Candidate forms as confirmation of their willingness to accept the nomination.

- Nominating bodies are not required to complete and submit this form with Meeting Nomination forms.
- All fields must be completed. Paper copies must be completed in black ink.
- This form may be downloaded from the UNISON website at www.unison.org.uk or requested from the Member Liaison Unit, telephone 0207 551 1312.

CANDIDATE INFORMATION

Candidate name (as on RMS)	
Candidate RMS number	Candidate branch code
Candidate branch name	
Postal address for election correspondence	
Email address for election correspondence	

SEAT INFORMATION:

Seat standing for (please tick): <ul style="list-style-type: none"> <input type="checkbox"/> Energy Female <input type="checkbox"/> Higher Education General <input type="checkbox"/> Local Government Male <input type="checkbox"/> Police and Justice General <input type="checkbox"/> Northern Male <input type="checkbox"/> West Midlands Female <input type="checkbox"/> Young Member 	
Hourly rate of pay: (if standing for Reserved low pay seat)	Date of birth: (if standing for Young Member seat)

ELECTION ADDRESS INFORMATION

Election addresses may be submitted with this Candidate Nomination form or submitted separately.

Election address submitted? (if Yes or To Follow, see Election address template)	No	Yes	To follow
I confirm that I am willing to stand in this election. I have read the NEC 2010 by-election procedures.			
Signed			
Date			
PRINT NAME			

This Candidate form can be submitted by

Post Member Liaison Unit, UNISON, Mabledon Place, London WC1H 9AJ

Email elections@unison.co.uk Fax 0207 551 1196

Deadline for receipt of Candidate forms is 5pm, 6 August 2010.

Where this Candidate form is submitted by email or fax, a signed hard copy must be received by the Member Liaison Unit by 5pm, 13 August 2010.

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Election Address form



This form should be completed by prospective candidates submitting an election address to be included in ballot materials for the above election. The election address may be submitted with the Candidate form or submitted separately.

Prospective candidates must sign and submit at least one of the Candidate forms (Appendix B) as confirmation of their willingness to accept the nomination.

- All fields must be completed. Paper copies must be completed in black ink.
- This form may be downloaded from the UNISON website at www.unison.org.uk or requested from the Member Liaison Unit, telephone 0207 551 1312.

CANDIDATE INFORMATION

Candidate name (as on RMS)	
Candidate RMS number	Candidate branch code
Candidate branch name	

SEAT INFORMATION

Seat standing for (please tick): <ul style="list-style-type: none"> <input type="checkbox"/> Energy Female <input type="checkbox"/> Higher Education General <input type="checkbox"/> Local Government Male <input type="checkbox"/> Police and Justice General <input type="checkbox"/> Northern Male <input type="checkbox"/> West Midlands Female <input type="checkbox"/> Young Member

ELECTION ADDRESS INFORMATION

Word count (maximum 500 words): Refer to NEC election procedures Election Address for further information	Version or date submitted: (where an earlier version of election address has been submitted)
How name is to appear on the election materials	

- *The election address will be drawn up with a standardised font style, font size, indentation and use of/non use of boxes will be standardised.*
- *The use of bold, italics, bullet points etc where indicated on an original statement, will be replicated.*

For email submission – Either copy and paste Word document into this box or attach as a separate file

Election Addresses can be submitted by
 Post Member Liaison Unit, UNISON, Mabledon Place, London WC1H 9AJ
 Email elections@unison.co.uk
 Fax 0207 551 1196

Deadline for receipt of Election Addresses is 5pm 6 August 2010.

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Meeting Nomination form



This form should be completed by nominating bodies who wish to nominate candidates for the above election. Prospective candidates must sign and submit at least one of the Candidate forms (Appendix B) as confirmation of their willingness to accept the nomination.

All fields must be completed. Paper copies must be completed in black ink.

This form may be downloaded from the UNISON website at www.unison.org.uk or requested from the Member Liaison Unit, telephone 0207 551 1312.

CANDIDATE INFORMATION:

Name of Candidate:
Seat (please tick):
<input type="checkbox"/> Energy Female
<input type="checkbox"/> Higher Education General
<input type="checkbox"/> Local Government Male
<input type="checkbox"/> Police and Justice General
<input type="checkbox"/> Northern Male
<input type="checkbox"/> West Midlands Female
<input type="checkbox"/> Young Member

NOMINATING BODY INFORMATION:

Region:	Service Group:
Name of nominating body:	
Branch code:	Nominating body telephone number:
Nominating body postal address:	
Nominating body email address:	

MEETING INFORMATION

The process to nominate candidates must take place during the nomination period laid out in the timetable. Details are required of the meeting at which nominations were made, including date, venue and number of people present. Types of acceptable meetings are Branch and Committee meetings.

Date of meeting	Meeting venue		
Type of meeting			
No. of members present	Was meeting quorate?	YES	NO

Section 1 of 2

NATIONAL EXECUTIVE COUNCIL BY-ELECTION 2010

Meeting Nomination form



BRANCH CERTIFICATION

We certify that the prospective candidate(s) is a member of UNISON and eligible to be nominated for this category in this election. This nomination is made in accordance with the Rules of UNISON and the Election Procedures for Service Group Executive elections.

(Note: names and membership numbers of the branch secretary and chairperson must correspond with that recorded on the RMS)

Signature of Secretary	Membership number
PRINT NAME	Date
Signature of Chairperson	Membership number
PRINT NAME	Date
Explanation if endorsed by other branch officer:	

e-Meeting Nomination

- Branches whose approved branch rules permit online (virtual) meetings may wish to make a decision to nominate candidates using electronic means.
- Details of how the decision was made and number of members participating must be included
- This section should be completed by the branch and certified by the Regional Secretary

WE CERTIFY THAT THE NOMINATION WAS AGREED:

Via (explain method including dates of any emails or correspondence and deadlines)
The following number of members participated in this decision: _____

REGIONAL SECRETARY CERTIFICATION

I confirm that this branch is eligible to make a nomination in this way because: (tick as appropriate)	
<input type="checkbox"/> It has members in more than one region	<input type="checkbox"/> It takes similar decisions this way
<input type="checkbox"/> Branch rules allow it to	<input type="checkbox"/> Other (please specify)
Name of Regional Secretary	Date
Signature of Regional Secretary _____	

Section 2 of 2

Nomination form can be submitted by:

Post Member Liaison Unit, UNISON, Mabledon Place, London WC1H 9AJ

Email elections@unison.co.uk

Fax 0207 551 1196

Deadline for receipt of Nomination forms is 5pm 6 August 2010.

Where forms submitted by email or fax, a signed hard copy must be received by the Member Liaison Unit by 5pm 13 August 2010.