

OMA District and Section By-Election Procedure

1. **By-Elections:** Each District or Section normally elect officers and Council delegates (“**positions**”) in accordance with their respective Election Procedures. In the event of officer position(s) being empty or vacant after the end of the OMA Election period, the constituency can by an instrument in writing request the OMA hold a by-election for specific vacant or empty position(s). A by-election shall be held 6 weeks after receiving notice, unless the request is for a specific date that is longer than 6 weeks of the receipt of the request. The Chair of the OMA Board of Directors (“**Chair**”) shall preside over all by-elections. In the event the Chair is unable to act, the President-Elect of the OMA shall perform the duties of the Chair under this Procedure. The Chair may at any time appoint a scrutineer to assist him or her.
 - (a) **Sections:** Only primary members of the Section may run for and vote in Section by-elections. If applicable, a member may run for no more than one officer position and one delegate position in a by-election. For clarity, a member may run in more than one by-election e.g. a member may run for Chair and a delegate position. However, a member may not run for both the Chair and Vice-Chair offices or for two delegate positions in a by-election.
 - (b) **Districts:** A member may only run for and vote in by-elections in the District in which he or she is a member. A member may run for no more than one officer position and one delegate position in a by-election. For clarity, a member may run in more than one by-election e.g. a member may run for Chair and a delegate position or a member may run for both positions. However, a member may not run for both the Chair and Secretary offices or in two delegate position in a by-election.
2. **Interpretation:** In this Procedure, all references to,
 - a. a member shall mean a member of the District or primary member of the Section in good standing as the date of the reference,
 - b. dates shall mean by 5:00 p.m. EST on that date, unless a different time is set.
 - c. a date that falls on a weekend or statutory holiday shall be deemed to be the next business day after that date, and
 - d. sending information to members means by electronic means except where this procedure states otherwise.
3. **By-Election Date:** The Chair shall determine the “**By-Election Date**” after consultation with the person(s) requesting the by-election.
4. **Notice of By-Election:** A “**Notice of By-Election**” shall be sent by e-mail or mail by the OMA at least **five weeks** prior to the **By-Election Date** to each member.

The **Notice of By-Election** shall state the,

1) **By-Election Date,**

- 2) **positions** up for election,
- 3) date and time of the **Close of Nominations,**
- 4) procedure for members to be named as candidates on the ballot (i.e. as set out in 7 and 8 below),
and
- 5) date for receipt of the **Candidate Statement,**
- 6) **Voting Period**

The **Notice of By-Election** will be sent by e-mail to members who have provided the OMA with an e-mail address. If a member has not provided the OMA with an e-mail address, the OMA will mail the member the Notice of By-Election.

5. **Nominations:** All nominations must be submitted electronically by the candidate. The OMA will accept nominations up to the date **three weeks** prior to the **By-Election Date** (“**Close of Nominations**”).

The OMA will post online each nomination received once it has been validated as being compliant with this Procedure and OMA by-laws.

6. **Voters’ List:** The **Voters’ List** is fixed at the close of the **Nomination Period**.
7. **Acclamation:** When the number of valid nominations received by the end of the Nominations Period for a position in a by-election is equal to or less than the number of persons to be elected to that position in the by-election, the Chair will declare those candidates to be elected to that position and the result shall be posted in accordance with section 15.

8. **Candidate’s Statement**

When a by-election is required for a **position**, each candidate may submit a **Candidate’s Statement**. This statement may include,

- a. written text, and
- b. a photograph of the candidate.

9. **Notice of Voting:** If a by-election is required for a **position**, the OMA shall send on start of the Voting Period a “**Notice of Voting**” to each member stating the,

- a. **Voting Period,**
- b. member’s authentication method,
- c. instructions for accessing the website and each **Candidate’s Statement,** and
- d. **By-Election Date.**



If a member cannot vote online, the member may request up until 3 days after the Notice of Voting has been sent that the OMA mail them a by-election package containing a paper ballot and a return envelope.

10. Voting Period: The OMA will accept votes from members during the Voting Period until the By-Election Date at 2:00 pm EST.

11. Posted By-Election Materials: For each by-election for a **position**, the OMA shall post online,

- a. the list of candidates for the **position**,
- b. instructions for voting, and
- c. the **Candidate's Statements**.

Should a candidate drop out of a by-election during the **Voting Period**, the OMA will remove their name from the online ballot. Members who voted for the candidate will not be allowed to recast their vote.

12. Other OMA Communications: From the close of the Nomination Period until the end of the **Voting Period**, the OMA will not disseminate to members of the District or the Section by any means communications that support any candidate, such as candidate campaigns and candidate support communications.

Any question concerning whether a communication satisfies this restriction shall be referred to the Chair of the Members Communication Public Affairs Advisory Committee for decision.

13. By-Election: In the event of a tie vote, the Chair shall, in the presence of the Chief Executive Officer, break the tie by a coin toss.

14.1 By-Election of Officers

After the end of the **Voting Period**, the Chair shall declare the candidate who received the largest number of votes in the by-election as having been elected to the **position**.

14.2 By-Election of Delegates and Alternate Delegates

After the end of the **Voting Period**, the Chair shall rank the candidates in order of the number of votes they received. The Chair shall declare elected the number of delegates to be elected in the by-election from the top of the list. The Chair shall then declare elected the number of alternate delegates to be elected in the by-election proceeding down the list.



The alternate delegates shall be ranked in accordance with the number of votes they received. Should one of the delegates not be able to attend a Council meeting, the OMA shall offer the opportunity to attend to the alternate delegate who received the highest number of votes. Should that alternate delegate not be able to attend, the OMA shall then offer the opportunity to attend to the alternate delegate who received the next highest number of votes. The OMA shall repeat this process until an alternate delegate is found to replace the delegate at that Council meeting.

14. By-Election Results: The OMA will post the name of the winner of each by-election on the member side of the OMA website and the number of,

1. eligible voters,
2. participating voters,
3. spoiled ballots,
4. number of electronic votes cast and
5. number of mail votes cast
6. the vote counts for elected positions

15. Candidate-Requested Recount: Any candidate may request a recount of the ballots within **20 days** after the By-Election Date by delivering to the OMA:

- 1) a written request for a recount, and
- 2) a \$200 deposit.

The Chair of the Board shall conduct the recount within **15 days** after the date of delivery of the request and deposit. If the recount changes the result of a by-election, the deposit shall be returned to the candidate. The recount shall be presided over by the Chair of the Board.

16. Ballots

All ballots shall be destroyed 45 days after the by-election.

OMA Board

Approved: By Council, May 4-5, 2019