

Effective 03 August 2023

<p>POLICY CIRCULAR ELECTRONIC VOTING</p>
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At its meeting of 31 July 2023 the Board adopted the following policy in relation to electronic voting.

The Newfoundland and Labrador Labour Relations Board conducts votes under various pieces of legislation. For example, votes are regularly held in applications for certification, applications for revocation and termination of bargaining rights. The Board has the authority to determine how, where and when the voting will be conducted. The options for voting can be in-person, by mail or electronically (meaning either on-line or by telephone).

A. When Might the Board Order an Electronic Vote?

Electronic votes may be ordered at the request of the union and/or employer, upon agreement of the parties, or as a result of the Board's own motion in circumstances where it is deemed appropriate.

In considering whether to order an electronic vote, the Board will assess the nature and size of the workforce, the geographic location and the number and length of polls required. An electronic vote may be appropriate, for example, to avoid health and safety concerns, the need for significant travel to various polls across the province and/or the necessity for numerous polling officers to conduct long polls over several days. It may also be appropriate when the voters do not report to work at one location or have varying hours of work.

Boards across the Country have reported that electronic voting allows greater access to voting both through availability and with the elimination of scheduling and geographic constraints. For more information on certification and revocation votes please refer to the Board's information bulletins: <https://www.gov.nl.ca/lrb/bulletins.html>.

B. Who Conducts the Vote?

The Board will use the services of an online voting provider to assist in conducting the electronic vote. The Board Officer will be responsible for inputting the variables of the vote, such as email addresses, the ballot question, and the time of the vote. The selected provider has experience conducting thousands of electronic votes for other organizations such as Labour Relations Boards in British Columbia, Manitoba, Ontario as well as for municipalities, unions and political parties.

The systems used by the selected provider have significant audit and security measures to ensure the secrecy of the ballot is maintained throughout.

C. What is the Process for Electronic Voting?

(i) How do voters know when the vote will be conducted?

- The Board may order that a vote is to be conducted electronically.
- The Board may also direct the employer to provide the email addresses and phone numbers of the voters.
- The Notice of Vote is issued by the Board Officer.
- The Notice of Vote will contain voting instructions, the hours during which the electronic poll will be open and the phone number for the Help Desk and the available hours it will be open.
- The Notice of Vote will be sent to voters via email or mail if required as well as being posted in the workplace.
- The above step also serves as quality control on ‘bad’ email addresses and allows the Board Officer to go back to the parties for corrections.

(ii) How do voters actually vote?

- Normally, voters will cast their secret ballot either online or by phone, in English. The provision of ballots in other languages has and will continue to be assessed by the Board.
- The provider sends each voter an email with a URL or a phone number to the voting website, together with a unique Personal Identification Number/or password.
- The PIN/password may only be used once.
- A ballot is provided either on the computer/mobile device screen or on a recorded phone message.
- In the online vote, the voter submits their password and selects a checkbox on the ballot displayed on the computer/mobile device screen. The voter is asked to confirm their choice before the vote is completed. No record is kept or recorded which would allow identification of how votes were cast.
- By phone, the voter receives automated prompts to submit their PIN and cast a ballot, pressing 1 or 2 to vote in response to the ballot question. The voter is asked to confirm their choice before their vote is finalized.

(iii) Potential issues – The Help Desk (Polling Officer/ Board Officer)

- Voters can call the Board Officer via a Help Desk if they have questions or encounter any issues with the e-voting process.
- The Help Desk hours will be included in the Notice of Vote. The Help Desk typically is staffed by a Board Officer and is open for a period of time while the poll is open.
- Individuals who call the Help Desk will be asked to verify their identity. (Employer, classification, email etc.). Once verified, the Board Officer via Help Desk may assist

voters with a variety of issues. Such issues may include when an individual did not receive an email, or they misplaced their PIN/password. The Board Officer will not have access to an individual's PIN/password.

- If the Help Desk is not able to verify the caller's status as an eligible voter, the individual is considered "not on the list" and subsequently segregated as they would be at an in-person vote.
- In this situation, a new PIN/password will be provided.
- The resulting ballot will be segregated and discussed with the parties at the close of the vote.
- If a PIN has already been used, but a voter has contacted the Help Desk for a new PIN, both ballots will be segregated for post-vote discussions with the parties.

(iv) Voter participation updates available while polls are open

- Upon request the Board Officer can provide updates to the parties while polls are open as to which voters have voted and which voters have not. There will be no record of how an individual voted. After the close of the vote a final update will be provided.

D. Voters List - Before, During and after the Vote

- **Prior** to the vote, both parties will be given a copy of the voters list and will have the opportunity to review it. As with an in-person vote, parties can add voters' names to the voters list and they can also dispute the eligibility of certain voters in advance of the voting.
- **During** the vote, if an individual presents themselves as an eligible voter, but is not on the voters list, they will be segregated by the Board Officer.
- **After the voting poll has closed**, the Board Officer works with the parties to attempt to reach agreement with respect to each disputed voter, each segregated ballot, and any other issues. The Board Officer will advise the parties if any issues arose during the vote, for example, voter identification issues raised at the Help Desk. This allows parties to reach agreements or take this final opportunity to dispute the eligibility of any additional voters who were not on the list.
- Ballots which continue to be disputed remain segregated in the system to be dealt with in the normal course.
- Once the filings are complete, a Board Officer's report will be produced, subsequently provided to the parties for comment.
- Once the parties are provided the opportunity to comment, the matter(s) then proceeds to the Board for a decision.

E. Counting the Ballots

- **Pending the Board Officer's report and comments, if any, from the parties,** the Board will determine the inclusions and exclusions in the bargaining unit (if disputed).
- The Board Officer will then remove or include voter(s) as per Board determination(s) and generate the results of the vote from the electronic voting system.
- Results are then released to the parties.
- A Certificate of Result of Vote will be sent to the parties, for signature, by the Board Officer for return to the Board Officer.
- A final Board Order will be issued.

This Policy Circular is subject to change by the Board.