

RCN Elections – policy and processes

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1. Definitions

This policy and process document, and other RCN regulations relating to elections, sometimes use words with a specific meaning. The meaning of these words is set out below.

Day – in relation to the calculation of time periods, excludes Saturdays, Sundays, and any Bank Holidays or other Public Holidays. If the voters in an election include RCN members with notified addresses in England, Wales, Scotland and Northern Ireland, all national Bank Holidays and Public Holidays in all of these countries will be excluded. For elections in which members from only one country are participating (e.g. Board elections) only the Bank Holidays and Public Holidays from that country will be excluded. The term “day” also requires the passing of 24 hours.

Independent Scrutineer – the person or company appointed to carry out independent scrutiny services in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992. There is more information about this role in [Appendix B](#).

Nominator – a person who has nominated a candidate.

Notified address – the mailing address of the member on the RCN membership database, or such other address that the member has notified to the RCN, at the time of the closing date for the receipt of nominations in an election.

RCN member – a person whose name and address are on the RCN membership database and who has been ratified as a member by RCN Council.

Returning Officer – the UK Returning Officer appointed by RCN Council for RCN Council elections and with whom the Returning Officers for the Boards and other elections will liaise. There is more information about the role of the Returning Officer, or Officers, at [Appendix A](#).

Signature – either a hand written signature, or a facsimile of a hand written signature, or (where the Returning Officer has agreed to accept it) an electronic signature. According to the Electronic Communications Act 2000 an electronic signature is anything in electronic form as

- (a) is incorporated or otherwise logically associated with any electronic communications or electronic data; and

- (b) purposes to be so incorporated or associated for the purpose of being used in establishing the authenticity of the communication or data, the integrity of the communication, or both.

Unique Identification Number – a number issued to a voter for the purposes of an election, or elections, which is exclusive to them, but does not overtly relate to the member in any way, or enable the member to be identified from it, and which enables the member to vote in the election.

Voter – a member of the RCN who is eligible to vote in a specific election.

Voting record – the record of a member’s vote in an election conducted by some means other than by postal vote or poll. Where telephone or electronic voting is used, this will be the record of the votes cast. It is the equivalent of a completed ballot form. A voting record may be in printed or electronic form.

2. Core principles for RCN elections

The RCN is a membership organisation and the participation of the membership in elections is vital for the success of the organisation. Elected officers must have a clear mandate from the membership. To ensure this the election systems used need to be accessible to all members, and trusted by those members.

The core principles to be followed in all elections are that:

- The election is democratic, and that each vote will carry equal weight.
- All members should be encouraged to participate in elections. The RCN will take steps to ensure that elections are accessible to all eligible members (both as candidates and voters); that elections are well publicised; and that it is easy to vote. The RCN will ensure that the criteria for standing as a candidate; nominating a candidate; and voting in the election will not be arbitrary or excessively restrictive.
- The systems for voting must be secure and accurate. These election procedures are designed to ensure that only people eligible to vote can vote, and that the votes are recorded and counted accurately.
- The administration of the election is transparent. Procedures and criteria will be written in clear English, and available to all members. The results of the election will be announced promptly, and full information on the results will be available to all members.

- The election process is objective. Procedures will be applied consistently and impartially. The administration of the election and counting of votes will be conducted by someone who is not a member of the RCN.
- All members have the right to vote in secret. For elections to RCN Council, all voting must be by secret postal ballot. All possible measures to ensure privacy and security of voting will be applied as required by trade union law.

3. When should this policy and process document be used?

This document is designed to supplement the provisions for elections in the Royal Charter, Standing Orders, and Regulations by providing greater detail on how elections are run and managed in the RCN.

It applies to all RCN elections and describes the overarching principles and rules which should be applied.

In addition, each election will also have a separate procedure document which sets out the timeline, terms of office, arrangements, and any specific rules pertaining to that election. These specific procedures are agreed by RCN Council in advance of each round of elections. Any subsequent casual vacancies will adopt the same procedure save for the timelines. Where the RCN is carrying out an election of its members to another body (for example the National Pensioners Convention) then the rules of that body will also be applied.

4. Trade union law and when it applies

Trade union law applies for elections to the following voting places on RCN Council:

- Members of RCN Council
- President
- Deputy President
- Student Members of RCN Council
- Health Practitioner Members of RCN Council

The Chair of Congress is a non-voting member of the RCN Council.

The requirements of the Trade Union and Labour Relations (Consolidation) Act 1992 are that:

- Candidates have a right to prepare election addresses that are circulated to members. The trade union can fix a maximum length for the election address, which must be more than the legal minimum of 100 words, and set a deadline for submission of election addresses.
- The elections must be supervised by approved independent scrutineers (appointed from a list in the Act) who produce a report on the election.
- An independent person must undertake the administration of the vote.
- Members must be told who the scrutineers are, and their names must appear on the ballot paper.
- All members (within a particular class or area) must be entitled to vote.
- Voting must be by postal ballot.
- Voting must be secret (as far as is reasonably practicable).

When an election is governed by trade union law the relevant provisions must be complied with, and these election procedures applied in a way that does so. Therefore where the election procedures give options, only those that comply with trade union law can be used.

5. Equal opportunities in elections

All members must be able to participate equally in elections. RCN elections should reflect the diversity that exists within the organisation. Care must be taken to ensure that:

- All election materials are inclusive and available in accessible formats on request.
- Eligibility criteria do not work indirectly to disadvantage some members.
- Alternative methods of voting are available for members who may not be able to vote in the customary way. The Returning Officer is authorised to agree special voting provisions in this instance, providing that the core principles set out above will still be met.

From 2016 a demographic statement will be included on the ballot form for each election.

6. Responsibility for elections – Returning Officer and Independent Scrutineer

The RCN has a Returning Officer, who is appointed by RCN Council. The Returning Officer is responsible for the conduct of elections. It is the job of the Returning Officer to apply and interpret these procedures, and all other applicable procedures; ensure that the count is carried out in accordance with requirements; and to announce the results.

The Returning Officer for the RCN may appoint someone else to act as Returning Officer on their behalf, for a specific election. The Returning Officer may also appoint agents for the purposes of assisting with an election. In addition, the Boards may appoint an alternative Returning Officer for the elections to the Boards. There are further details about the role of Returning Officer in [Appendix A](#).

It is a requirement of the Standing Orders that the Returning Officer, or their agents, must not be members of the RCN.

The role of the Independent Scrutineer is described in Provision 49 of the Trade Union and Labour Relations (Consolidation) Act 1992. A summary of the role is described in [Appendix B](#).

7. Timetable for election

To ensure that there is consistency in the approach to elections, all elections will follow the order of events set out below.

Action	Notes
Agree the voting method	If the voting system and method of election is not already set these should be approved by the Returning Officer before the election is called.
Call the election	The date of the election will normally be determined by the appropriate regulations, but in some instances a formal decision to call an election may be required.
Appoint scrutineers (if applicable)	If trade union law applies independent scrutineers will need to be appointed. Independent scrutineers may also be appointed for

	other elections at the discretion of the Returning Officer.
Publish and circulate the notice of election	See section 9
Closing date for nominations	
Publish the list of candidates	See section 12
Closing date for withdrawals	See section 15
Deadline for objections to nominations	See section 12
Despatch the voting papers and candidate statements	See section 18
Voting opens	Voting will normally commence from the date voting papers are despatched to members, but in some circumstances, it may be appropriate to formally open the voting at a date after papers have been sent out.
Close of voting	
Count the votes	See section 23
Notify the candidates of the results	See section 27
Publish the results	See section 27
Archive the papers for 12 months	See section 28
Destroy ballot papers / voting records after 12 months	See section 28

In organising elections, care must be taken to ensure that adequate time is allowed for the election process. The following are the recommended minimum standards for all RCN elections but may be subject to change at the discretion of the Returning Officer.

Notice of election	Included in the next available publication after the election called and on the RCN website.
Closing date for nominations	At least a month after the day the notice of election was published and no later than two months after the day it was published.

Publication of candidates' details	On website between two and 15 days after the closing date for nominations. In the next available RCN publication (if applicable).
Deadline for candidates to withdraw	No later than four days after the date of the publication of the candidates' details.
Deadline for objections to candidates	No later than four days after the date of the publication of the candidates' details.
Close of voting	Not less than 20 days after the day voting opens.
Notification of results to candidates	No later than two days after the conclusion of the count for contested elections. No later than seven days after the date of the publication of the candidates' details if the election is uncontested.
Publication of results to members	On website no later than two days after the conclusion of the count for contested elections. No later than seven days after the closing date for nominations if the election is uncontested. Also in the next issue of relevant RCN publication.

8. Voting

The voting system used by the RCN in elections is first-past-the-post unless otherwise specified in the election procedure – for example, the country and regional Boards use a system where constraints are applied after votes are cast, and the Agenda Committee uses single transferable vote (STV).

All elections that are governed by trade union law will be conducted by postal vote. As agreed by RCN Council in February 2012, electronic voting will be the default mechanism used for all other elections. In both instances information

about the candidates standing will be available with the ballot form and posted onto the RCN website.

When an election is conducted by postal vote a ballot paper will be sent to each member eligible to vote. The ballot paper may be in such form as the Returning Officer shall determine (see [section 19](#)), and this may include being printed or enclosed within a publication that is being circulated to voters.

In a postal vote members will be instructed that nothing should be placed inside the envelope other than the ballot form, and a declaration of identity form if used. In addition, the envelope should be marked "Ballot Paper" and the name of the election.

Envelopes containing ballot papers will be kept in a secure location.

When an election is conducted by electronic vote an email containing a link to a voting website, or in some elections a downloadable ballot paper, will be sent to all those eligible to vote.

In some instances electronic voting may also be done by accessing a voting website directly through a publicised URL.

Note on voting privacy - the returning officer will make such additional arrangements as they think appropriate to ensure that the election is conducted as a secret ballot for all voters.

9. Notice of Elections

Adequate notice must be given of all elections. This will normally mean publication in the RCN Bulletin, on the RCN website or any other all-member publication. However, where an election has a smaller constituency, it may be acceptable for publication to be via a publication that goes to all of the members in that constituency, or for the notice to be posted directly to the members. The key factor is that all those members entitled to be candidates, and to vote in the election, must be sent notice of the election.

All notices must also be published on the RCN website. The notice of an election must include:

- What the election is for.
- The number of vacancies to be filled.
- How to obtain a nomination form.
- Who is eligible to be a candidate.
- The procedure, and deadline for submitting nominations.
- The date voting will open, in the event of a contest.
- The closing date for voting, in the event of a contest.
- Any other information considered by the Returning Officer to be necessary to facilitate the election.

10. Eligibility to be a candidate

To be eligible as a candidate a person must:

- Have been a member of the RCN for three years immediately prior to the close of nominations (apart from students).
- Not have held a permanent salaried contract of employment or a fixed term/zero hours contract with the RCN for longer than six months duration (WTE) during the two years prior to the election period.¹
- Not have previously served on the committee/Board/RCN Council for which they are standing for two consecutive terms of office unless a period of two years has elapsed, and will not exceed the maximum term of office for that role, as determined by the regulation on terms of office, before half the term of office is served.
- Have their workplace address in the area specified, unless they are a student or a retired member in which case it is dependent on the area in which their branch is located (as students may opt to choose their branch dependent on their place of study or placement, and retired members may choose their branch dependent on their home address or a former workplace).
- Be paying a full payment plan in the appropriate membership category.
- Not hold office on another RCN committee where there may be a conflict – so, if they are standing for election to a governance committee (RCN Council or a country/regional Board) and they are already on a representative committee (UK Representatives Committee or forum

¹ A person is a salaried member of staff if they receive payment of any kind, and not necessarily financial, in return for service to the RCN. This includes secondees whose employers may receive payment from the RCN to compensate them for loss of the secondee's services, and any person paid on a self-employed basis, either full or part time.

steering committee for example) then they should stand down from that committee if they are elected to the governance committee.

- Not hold office in any organisation which competes with the RCN for members or which, in the opinion of RCN Council, propounds policies which are in conflict with the main objects in the RCN's Royal Charter and its overall philosophies – for example if they are a representative in another trade union.
- Have not previously served as chair if standing for deputy or vice chair.
- Declare their willingness, if elected, to fulfil the role and commitments as set out in the role description and to adhere to all RCN policies.
- Have discussed and agreed with the RCN in advance of submitting their nomination any special requirements they may have to enable them to fulfil the commitments of their office.
- Meet any further criteria applying to the specific election.
- In the case of Nurse members, be on the NMC register (live or lapsed) and declare if they are subject to an NMC caution order or subject to any ongoing disciplinary proceedings at work or the NMC .
- Must declare that they know of no reason why they cannot stand for election (including the provisions in [Charter Schedule of Rules 1](#)).
- Must declare that they will stand down from their role when elected should they fail to meet the above criteria during their term of office.

11. Nominations

Some elections may require candidates to be nominated. The requirements for who can nominate are set out in the specific election procedures or, in the case of RCN Council, in the Standing Orders.

By nominating a candidate the nominator is confirming that the candidate is known to them and that they are not aware of any reason why the member should not stand for election. Nominators can nominate more than one candidate for an election. All nominators will be contacted following the submission of the nomination to confirm that they have nominated the candidate.

Where nominators are nominating on behalf an entity, for example the Agenda Committee elections, they must consult with the rest of their committee before making the nomination.

The Returning Officer shall decide nomination requirements but they must include:

- Candidate's name and address.
- RCN membership number and NMC PIN of candidates who are in the Nurse category of membership.
- Any other information considered necessary by the Returning Officer as a brief description of the candidate (e.g. biographical details).
- Candidate's confirmation that they are willing, able, and eligible to stand for election. Confirmation may be signature on a paper form or by the act of submitting an electronic form.
- Names and RCN membership numbers of persons nominating
- The return address and deadline for receipt.

12. Publication of nominations and objections

Note – this section is subject to revision following RCN Council's decision on 10 April 2019 to remove the objection period for all elections

Prior to the closing date for nominations, any nominations received by the Returning Officer shall be confidential. The names and details of any candidates, or potential candidates shall not be disclosed by the Returning Officer, or their agents.

At the closing date for nominations, the names and details of candidates can be made public. The Returning Officer will publish on the RCN website a statement showing the names and descriptions of candidates, together with the names of persons nominating each candidate. This list will still be subject to verification checks.

The Returning Officer may also publish the statement by whatever other means they consider appropriate, provided it would enable any objections raised to be made by the deadline set out above.

A complete list of the candidates will also be given to all candidates in the election within ten days after the closing date for nominations.

The candidates will be listed alphabetically on the statement, by surname. If two candidates have the same surname, then they will be listed in the order of their other names or, where names are identical, by length of membership of the RCN – longest serving member first.

If any nomination is found to be invalid, the details will not be published, or if already published, will be removed.

If any person objects to a candidate's nomination, they must notify the Returning Officer within four days after the date of the publication of the candidates' details, explaining the reason for their objection. The Returning Officer must deal with any objections as soon as practicable and reply to the person, preferably before voting opens, and within seven days at most. The Returning Officer's decision on whether to uphold any objection is final.

Objections may be for any of the following or other reasons:

- The information about the candidate is materially inaccurate or untrue.
- There is legitimate concern that standing for this role may present a conflict of interest for the candidate.
- There is legitimate concern that the candidate may not be able to carry out their duties in line with the provisions in the Royal Charter Schedule of Rules and the Dignity Charter.
- There is legitimate concern that the candidate does not meet the eligibility criteria for that election.

The Returning Officer must follow the process below when carrying out an investigation into an objection:

- Inform the candidate that an objection has been raised.
- Seek to obtain evidence from the objector and from independent sources in relation to objection.
- Draft a report which clearly states the detail of the objection and which includes the evidence obtained by the Returning Officer
- State clearly whether the objection is upheld or not and state the final decision of the Returning Officer in relation to the objection.
- Inform the candidate and the objector of the outcome.

The Returning Officer may also raise an objection under any of the grounds listed above and may exclude a candidate at their discretion but only after consultation and advice from an Independent Scrutineer.

13. What invalidates a nomination?

A nomination will be invalid if:

- It is neither dated (postmark or date of email) in time to arrive in the normal course of post nor received at the specified address by the closing date for nominations.
- The name of a person nominating the candidate is missing.

- The requirements set out in [section 10](#) are not met.
- In the Returning Officer's view there are material inaccuracies or untruthfulness in the particulars of the candidate or the persons nominating the candidate.
- A valid objection to a nomination which has been upheld by the Returning Officer.

When a Returning Officer decides that a nomination is invalid they shall write by post or email to the candidate explaining the reason for the decision.

If a nomination is thought to be invalid this will be referred back to the RCN Returning Officer whose decision is final.

When the Returning Officer holds that a nomination is invalid, the candidate's nomination will be immediately withdrawn from the election.

14. Process for verifying nominations

The process of verification shall be carried out by the Returning Officer or their agents. This shall take place from when the nominations are received to the date the candidates' details are published as far as practicable.

The verification process includes checking that the candidate meets all the criteria set out in the election procedure and to confirm with the nominators that they support the nomination.

Candidates must also be prepared to provide evidence if required to support the verification process and to declare, on the nomination form, that they are providing truthful and accurate information.

In the case of statutory elections and others for which an independent scrutineer is appointed, the Independent Scrutineer is entitled to verify the candidates and be assured that all the necessary checks have been carried out.

15. Process for withdrawal of candidates and death of candidates

A candidate can withdraw from an election by submitting a notice of withdrawal. This must be delivered to the Returning Officer at the same address as for the delivery of nomination papers. Any withdrawals must be

received no later than four days after the publication of the candidates' details.

If a candidate is outside the UK it is acceptable for their nominator to submit a notice of withdrawal on their behalf. However, the nominator must also submit a written declaration to the effect that the candidate is outside the UK.

A nominator can withdraw their nomination at any time before the closing date for nominations by submitting a notice of withdrawal, but not after that date.

If a candidate withdraws the election proceeds with the remaining candidates.

If a candidate dies at any time between the closing date for nominations, and the announcement of the election result, the election will be abandoned before the results have been announced. The election will then start again, with notice of the election being given at a time determined by the Returning Officer. This will be a new election, with the exception that it will not be necessary for all those candidates already deemed eligible to submit fresh nominations.

16. Uncontested elections

If an election is uncontested (i.e. the number of candidates is equal to or fewer than the number of vacancies) the candidates' details will be posted on the website. The candidates shall be declared elected unopposed no more than seven days later (provided no objections have been lodged and upheld by the Returning Officer).

17. Campaign guidance and rules

All candidates will be entitled to submit, as a minimum, a statement showing how they meet the criteria set out in the relevant role descriptor. The statement should be submitted with the nomination papers.

The Returning Officer will publish a statement showing the details contained within a nomination for all candidates (see [section 12](#)). The statement will also include the names of those nominating the candidates. This statement

will be provided to all members eligible to vote, along with ballot papers, or instructions on voting if an alternative method of voting is being used.

Statements are published at the Returning Officer's discretion, and the Returning Officer will not publish any statement, or part of a statement, which they know to contain inaccurate or untruthful information; which they believe to be potentially libellous; or which they believe could subject the RCN to any form of legal action.

In the statement published by the Returning Officer the candidates will be listed alphabetically by surname. If two candidates have the same surname, then they will be listed in the order of their other names or, where names are identical, by length of membership of the RCN – longest serving member first.

If a candidate has more nominations than are required only sufficient names will be published. Where possible the Returning Officer will give the candidates the opportunity to select the names, but if not these will be determined by the Returning Officer (normally the first received).

For the purposes of an election campaign candidates and their supporters will not have access to RCN resources. Using RCN resources may lead to disqualification from the election.

The RCN will provide equal support for candidates in terms of coverage in key RCN membership communications including both online and offline communication channels.

The Returning Officer may make further regulations to govern campaigning by candidates in elections. The current guidance and regulations are attached at [Appendix C](#).

18. Despatch of voting papers

Following the publication of the candidates' details, the Returning Officer, or their agents, will despatch the following to all members who are entitled to vote:

- The statement showing the details contained within the nominations, including the names of those nominating the candidates.
- The election statement for all candidates.
- Details of the voting procedure, including the date for the close of voting, and the address to which votes should be sent.

- A ballot form, or instructions on how to vote if an alternative voting method is being used.
- A freepost envelope, if being used, in postal votes.

This information will be sent by email or post depending on the requirements of the election. The method of distribution of ballot papers will be specified in the procedure for each election.

Voting will normally commence from the day voting papers are despatched, but in some circumstances the Returning Officer may choose to open the voting at a date after the papers have been despatched.

It shall be at the discretion of the Returning Officer how the information is provided to members, but the inclusion of voting papers with, or within, an RCN publication will meet the requirements of this section.

19. Ballot papers

Whatever form a ballot paper takes, it must contain:

- The names of the candidates as shown in the statement of persons nominated and in the order used in that statement.
- Clear instructions on how to vote.
- The names of the independent scrutineers (in elections governed by trade union law).

If an alternative method of voting is used this information must also be provided to the voters in the appropriate format e.g. on the website, or in the instructions for telephone voting.

Ballot papers must only be sent to members' notified addresses (postal or email), or distributed to members personally. If the ballot paper is included in an RCN publication, the publication must be posted to members' notified addresses, addressed to the member and, in the case of postal ballots, sealed.

Where voting is electronic or by text/phone a URL or phone number may also be provided for members to access a secure voting system directly.

In addition all printed ballot forms must be capable of being folded up, to ensure privacy.

One or more of the following mechanisms must be used to ensure that ballot papers cannot be duplicated, and that they are used only by those persons who are entitled to vote:

- The ballot paper has a unique identification number on it.
- There is space on the ballot paper for a unique identification number to be written on it by the voter, a unique identification number having been issued to each member.
- The ballot paper will be accompanied by a separate declaration of identity form to be completed by the voter, and submitted with the ballot paper.
- Such other security mechanism as the Returning Officer may approve.

Any un-issued ballot papers, or publications containing ballot papers, must be returned to the Returning Officer or Independent Scrutineer to be destroyed.

20. Replacement papers

If a voter has lost or spoilt their ballot paper in such a way that it can no longer be used as a ballot paper, or delivered to the Returning Officer, they can apply to the Returning Officer for a replacement paper. The Returning Officer will only supply a replacement paper if it can be shown, to the satisfaction of the Returning Officer, that the paper was lost or spoilt unintentionally, and that there is no possibility of a duplication of voting. The decision of the Returning Officer on whether to issue a replacement ballot paper is final.

21. Eligibility to vote

To be eligible to vote a person must:

- Be an RCN member.
- Have their workplace, university, or other notified address, in the relevant area for the election, if it is a geographical constituency.
- Meet any further eligibility criteria for the specific election.

If a person applies for a ballot paper, or other means of voting, and a member declares to the Returning Officer that they have reasonable cause to believe that the person is not entitled to vote, and, for statutory elections, undertakes to substantiate this in a court of law, the Returning Officer may,

at their discretion take such action as to disqualify that person from voting as they may deem necessary.

22. Voting on behalf of entities

Where an election is being voted on by representative members on behalf of an entity (such as in the Agenda Committee elections), then the selected voting members must undertake, as much as is reasonably practicable, to canvas the opinion of the members of that entity, including fellow committee members, before deciding how to cast their vote.

23. Counting of votes

The Returning Officer, or agents appointed by them, is responsible for collecting all envelopes containing ballot papers, or voting records (electronic or telephone), as soon as possible after the close of voting. No other person will have access to the ballot papers, or voting records.

Counting should take place as soon as possible after the close of the voting.

The Returning Officer, or their agents, shall then be responsible for opening each envelope (if used); verifying each ballot paper, or voting record; and counting all ballot papers or voting records.

Ballot papers or voting records should be verified before being counted. Verification will involve checking:

- The ballot paper is original and not a copy.
- The unique identification number (if used).
- The declaration of identity form (if used).
- The appropriate verification procedures for voting by methods other than postal voting.
- The total number of ballot papers or voting records received. This must be recorded and compared with the numbers issued and numbers eligible to vote.

The Returning Officer shall record the verification process and make a statement as to the results, and all candidates shall be entitled to a copy of that statement. Candidates will also be entitled to receive a copy of the Independent Scrutineer's report if a scrutineer's services were used in the election.

The Returning Officer must ensure that if counting is suspended for any reason (for a reasonable break, or overnight) proper precautions are taken for the security of the ballot papers, voting records and other documents.

24. Attendance at counts

Only the Returning Officer and their agents have a right to be present at the counting of the votes, unless the Returning Officer has granted permission to anyone else to attend. Permission to attend the count will be withheld if it is the view of the Returning Officer that such attendance may impede the efficient counting of the vote.

25. Validity of votes

The decision of the Returning Officer on the validity of a vote, or any question arising in respect to a vote, will be final.

A ballot paper, or voting record, will be invalid if:

- It is not received by the Returning Officer, or agent appointed by them, before the deadline for the close of voting.
- It is not on an original ballot paper (in a postal vote) or in the required format for any other form of voting.
- The person who voted was not entitled to vote, or there is uncertainty as to whether the person was entitled to vote (for example if a declaration of identity form is required, but did not accompany the ballot paper).
- A number is required on the ballot paper and this number is missing.
- Anything is written or recorded on the ballot paper which identifies the voter (other than the use of a unique identification number).
- There is no clear indication of voting intention.

Situations in which there would be no clear indication of a voter's intention include those where:

- The voter has voted for more than one candidate (and it is not a STV election) or has not indicated a preference in an STV election.
- The mark, or marks, on the paper is/are not clearly placed by a candidate's name.
- The paper, or voting record, has been left blank.

A paper will not be invalid if:

- The vote is marked in the wrong place but with a clear indication of which candidate or candidates are preferred.
- The vote is marked otherwise than with a cross or number.
- There is more than one mark but with a clear indication of which candidate, or candidates, is preferred.
- The member has not used all of their votes.

Only the Returning Officer can determine whether a ballot paper, or voting record, is invalid. All invalid papers or voting records should be marked “invalid”, and must be kept with all other ballot papers / voting records.

In announcing the results the Returning Officer shall also announce the number of invalid votes.

26. Tied votes

If there is a tie between candidates the election will be re-run between the candidates with the same votes, unless it has been agreed in advance that candidates may share a role (for example, in elections for committee chairs).

27. Announcement of results

The Returning Officer is responsible for announcing the results of an election.

If an election is uncontested (i.e. the number of candidates is equal to or fewer than the number of vacancies) a statement of the candidates will be posted on the website as soon as practicable after the close of nominations, and the candidates shall be declared elected unopposed seven days after the close of nominations (provided no objections have been lodged and upheld by the Returning Officer).

If the election is contested, the candidate, or candidates, with the highest number of votes following the count will be declared elected.

All candidates will be notified of the results as soon as possible after the count has concluded. Members will be notified of the results in the first appropriate publication following the election. In addition, the results of all elections will be placed on the RCN website, as soon as practicable after the count has concluded, and the results shall be available to all members, on request.

28. Papers and voting records retention of ballot

All ballot papers, and any other voting records must be retained for a period of at least 12 months, after which they may be destroyed. Only the Returning Officer, Independent Scrutineer, or person acting on the explicit authority of the RCN Council will have access to the ballot papers and voting records.

29. Elections which take place during changes – for example to constituency changes

In instances where there is a transition stage during organisational changes (for example, if dates or timings of elections have been altered by RCN Council, or if geographical boundaries are changing) then there can be an agreement with the Returning Officer to extend or reduce terms of office accordingly.

However, where a constituency is merged with another then someone who has served on a committee shall have their previous terms of office taken into account should they wish to put themselves forward as a candidate for the new constituency.

Appendix A - Role of the Returning Officer

The UK Returning Officer is the person who has the overall responsibility for the conduct of elections. The UK Returning Officer is an officer of the Royal College of Nursing who is appointed by RCN Council. RCN Council has agreed this responsibility should be held by the Head of Governance.

The UK Returning Officer may appoint someone else to act as Returning Officer on their behalf, for a specific election. A Returning Officer may also appoint agents for the purposes of assisting with an election.

Returning Officers, or their agents, must not be members of the RCN.

The Returning Officer has specific responsibility for:

- Publishing the notice of the election.
- The nomination process for candidates.
- Preparing election paperwork.
- Appointing an Independent Scrutineer to oversee and distribute the ballot papers and to receive and count the ballot papers and declare the results.
- Working with the RCN's Governance Support Committee to ensure the election process is as efficient and effective as possible and complies with the RCN's statutory obligations and its charter, standing orders and regulations.
- Logging all complaints received and ensuring that they are managed in a clear, transparent and timely way.

Appendix B - Role of the Independent Scrutineer

Appointment of an Independent Scrutineer is a requirement under the Trade Union and Labour Relations (Consolidation) Act 1992 (Provision 49).

The Act says that an Independent Scrutineer must be appointed for a minimum number of tasks which are described below. The trade union may ask the Independent Scrutineer to take on additional responsibilities if required.

The minimum requirements to be undertaken include:

- Being the person who supervises the production and distribution of the voting papers.
- Inspecting the register of names and addresses of the members of the trade union to make sure it is all in order.
- Making a report of the results.
- Keeping all the voting papers for at least a year after the election.

Appendix C - Campaigning guidance and rules

The following guidance and rules support [section 17](#) of this document *RCN Election – policy and processes* specifically in respect of the following:

For the purposes of an election campaign candidates and their supporters will not have access to RCN resources. Using RCN resources may lead to disqualification from the election.

The RCN will provide equal support for candidates in terms of coverage in key RCN membership communications including both online and offline communication channels.

The Returning Officer may make further regulations to govern campaigning by candidates in elections.

1. Guidance and rules

1.1 Please note that this guidance and rules apply to the period of the election which is defined as the period between the close of nominations and the close of voting.

2. What can you do?

2.1 As an election candidate you are encouraged to promote your campaign through a wide variety of channels to encourage as many members as possible to engage in the elections and vote for you.

2.2 You should use your campaign to demonstrate how you meet the requirements of the role and also to put across manifesto commitments – what you intend to do or change once elected.

2.3 Below are some campaigning ideas for candidates to consider:

- **Networking** – face to face communication is the most effective way to get your message across. Talk to people in your workplace and at events such as conferences, seminars and workshops.
- **Offline channels** – traditional forms of communications such as posters, flyers, and letters are also excellent ways of selling yourself and getting across your message.
- **Online channels** – today’s online media and social networking offer instant access to spread the word and extend your reach. Unlike

traditional forms of communication, you can open up a world of instant and direct communication with people. Use sites like LinkedIn, Facebook, Twitter and YouTube as well as viral email campaigns, or even set up your own website.

3. What the RCN will do for you

3.1 Every candidate is invited to provide a 250 word supporting statement demonstrating how you meet the requirements of the role. It is not a manifesto but is designed to show that you have the relevant experience, knowledge and skills to play a key leadership role (though you can, and should, put forward manifesto commitments as part of your campaign more generally).

3.2 The RCN will send a copy of the supporting statement to every member eligible to vote along with their ballot paper. The supporting statements will also be included on the RCN website.

3.3 As part of its commitment to equality and diversity the RCN will review each submitted election statement for obvious errors (spelling mistakes etc.) and you will be given the opportunity to make one set of changes. Please ensure you are readily contactable in the five days after the close of nominations.

3.4 You can also ask to submit your statement in a format suitable for any disability you may have – for example, recorded, dictated or in Braille.

3.5 The RCN will use its membership communication and engagement channels to promote the election and candidates ensuring, as far as possible, equal coverage and opportunity for candidates. This may involve being interviewed or being asked to provide your thoughts on particular issues – so make sure you are readily contactable at short notice throughout the election period so this can be arranged. If the RCN cannot contact you then you will forfeit the opportunity to be included and the RCN will publish a statement along the following lines: “XXXXXXX was invited to take part in this but could not be contacted”.

3.6 The RCN will also encourage non-RCN publications or those with editorial independence to exercise balance in relation to candidates – though please note that such publications are not within the RCN’s control.

4. What you cannot do

4.1 You cannot use the RCN's resources yourself to promote your campaign, even if you wish to disseminate information not directly linked to standing for election. Putting across your views on a particular issue in an RCN publication, for example, could be interpreted as electioneering and be open to challenge.

4.2 Below is a guide to what are considered RCN resources – however, the list is not exhaustive and if you are unsure please seek advice from the Returning Officer.

- The RCN membership and staff database.
- RCN external and internal circulation lists.
- The RCN website including any interactive facility (such as a discussion zone, private message facility, online community or comment field) unless areas are specifically designated as being available for candidates during an election period.
- RCN publications – electronic or printed.
- RCN branding, crest or logo.
- RCN official social networking sites such as the RCN Facebook/Twitter accounts or YouTube channel, unless candidates have been specifically informed that they can do this.
- Funding from branches, national forums or other official RCN groups.
- RCN events. By all means network at events and tell people you are standing for election but you cannot set up “a stall” or speak from the platform about your campaign.
- RCN staff – you must not ask RCN staff to help you with your campaign for example, asking them to forward on emails or help write your statement.

4.3 In addition, you may not claim expenses from the RCN for any part of your campaign.

4.4 There are a few things to be aware of if you already hold a role within the RCN:

- If you are attending an event for which you would normally claim expenses then you can still do that but you must be able to demonstrate that your presence is linked to your current role.
- If appropriate the RCN will continue to publicise activities you undertake in your current role – for example, if you are the President

and you are standing for re-election as President for a further term of office – but will not refer to the fact that you are standing for election.

- If you have an RCN email address you should not use it to access RCN internal email distribution addresses as this gives you an unfair advantage over other candidates. However, you can email individuals at the RCN using the standard email format firstname.surname@rcn.org.uk as described in the RCN members' handbook.

5. Disqualification

Any candidate not observing the rules in this policy and process document will be disqualified.