

Preparing the union for online statutory balloting

A TUC Digital Lab practical guide



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Introduction

Online voting in UK trade union statutory ballots is being introduced this year, as part of the government's broader reforms to modernise workplace rights, under the Make Work Pay agenda.

This is something the TUC and unions have consistently campaigned for over more than two decades.

Unions had already started using online indicative ballots in 2002, with early adopters like PCS rapidly gaining experience in administering large scale ballots under hybrid postal/ internet voting. This was soon followed by a growth in online-only ballots run by unions such as BALPA, whose members operated predominantly online.

As a result, there's a lot of experience to draw on as we move to being able to use online balloting methods in our statutory ballots. But there are also a number of areas where the move to new ballots means a difference in importance, scale and audience, and there will be complications with the changes, due to the limitations of the new legislation.

Unions have work to do in updating their rulebooks, cleaning and building their member contact data, establishing the processes and suppliers they will want to use, and planning their approach to get-out-the-vote campaigns in a different situation.

But the work will be worth it in terms of increasing turnout and engagement, speeding up processes, meeting modern member expectations, and in many cases reducing balloting costs.

This guide aims to give unions some practical directions on how to prepare, so they can make the most of the new right once it becomes law.

The new regulations

Background

Much of the government's Make Work Pay agenda has been delivered through the Employment Rights Act that finally made it through Parliament at the end of 2025. The balloting changes weren't actually a part of the Act, but they couldn't happen before the Act had become law.

The Conservatives' 2016 Trade Union Act had committed the government to commissioning a review of online balloting and considering the findings. This took place as 2017's Knight Review, which recommended a particular process of pilots before allowing further changes. However, later governments didn't respond to it, so the provisions remained unused.

As the Employment Rights Act repealed all the Trade Union Act's measures, the Secretary of State for Business and Trade regained the power to allow alternate balloting methods via secondary legislation, without going through the processes designed by the Knight Review. This has freed the government's hands to add online and workplace voting to the existing method of postal balloting.

Proposed regulations and consultation

Under the new rules, postal balloting will now be augmented with new methods:

- **Pure electronic ballots**, which can be sent out via email, SMS or mobile messaging app.
- **Hybrid ballots**, postal ballot papers with an option to return your vote online.
- **Workplace ballots**, initially only in the case of industrial action votes.

In making changes that rest on existing legislation, the law still incorporates the detail of older rules, which (unfortunately for unions) are likely to mean some important constraints and uncertainties remain. These are:

- Ballot links **cannot be sent to workplace email addresses** under the current interpretation of the rules.
- Workplace ballots require **employer permission**.
- Some unions' **rule books still mandate postal voting**, which would obviously limit the ability to adopt online ballots without rule changes (more on this below)

The rollout of electronic balloting is coming in three phases:

- Electronic voting for union elections and industrial action ballots will be allowed first, using members' personal contact data only.
- Electronic voting in recognition ballots will follow at a later date, likely by early 2027. This is because the employer provides contact data for the bargaining unit to the CAC, and it will need to include workplace contact details. Before this can happen, the government need to amend the existing list of unfair practices, to prevent employers from interfering in the conduct of a ballot to work, such as by blocking or monitoring the use of their systems.
- A longer term process will be started in order to draw up new primary legislation that will address the initial loopholes - such as placing a duty on employers not to interfere in union elections and industrial action ballots, which is needed before those ballots can also use workplace contact details.

Other arrangements, such as the use of a government-approved scrutineer, remain the same under online balloting. One slight complication is that the "responsible person" who is the authority for the ballot inside the union will now have to make a judgement for each new balloting case, as to which method or combination of methods are most appropriate to allow for the fewest restrictions to participation.

In short - electronic balloting is a significant opportunity to modernise union democracy, but the legal implementation isn't a carte blanche for unions to conduct them in any way they choose, and some legal and organisational barriers still need to be addressed.

UK implementation

At the time of writing (April 2026), phase one of the new regulations is expected to come into force in England, Scotland and Wales in August 2026.

In Northern Ireland, union balloting is a devolved matter and so will need separate enabling legislation in the Northern Ireland Assembly. This could end up taking longer to see through than across the rest of the UK, meaning ballots will likely remain postal-only for longer in Northern Ireland.

There is also likely to be one complication between the jurisdictions, around political fund ballots. These are governed by different legislation than other ballots, and where there is more conflict in the interplay between the old and new rules.

As a result, if a union is headquartered in England, Scotland or Wales but has members in Northern Ireland who would be balloted to establish, close or change a political fund, then the entire UK-wide ballot must be conducted by post, until such time as the regulations are complete in Northern Ireland as well as the rest of the UK.

Updating the union's rules

Union rulebooks are all different and will handle rules around balloting in very different ways.

As the new law comes into force, all unions should check their own rules are compatible with what the new legislation allows.

What issues could unions face?

There could be a number of problems here:

- Union rules may make explicit mention of postal ballots, limiting the union to the old methods until a change can be made.
- Rules may include ambiguous phrasing such as "ballot paper". This could be interpreted to apply to electronic ballots but may also open the union up to procedural challenge.
- Rules are often differently specified for different types of ballot, meaning some ballots may be allowed and some not.
- Rules may include automatic triggers for immediate ballots if a particular situation occurs, which may conflict with the new requirement on the responsible person to fulfil the intermediary step of choosing the best method.

Research into union rules in late 2025 suggested that around 30% of TUC-affiliated unions would be able to make use of online balloting in every ballot type under their existing rules - 70% would likely have problems in at least one type of statutory ballot.

About 45% of unions would be able to make use of hybrid voting in all ballot types. This is largely where rules specify ballot papers should be posted out, but do not specify a method of return, meaning a posted paper with a code for online voting would pass the rule.

Industrial action ballots were much less likely to be affected by clashing rules than internal elections for general secretary or executive committees.

If you find any of these problems are the case in your own union, and you want to have the opportunity to make use of online balloting when the regulations change, the union will need to amend its rules.

What to consider in rule changes

Different unions have different processes and procedures for rule change. Many unions need to use a special rule change conference, so where those will be happening before

August, the union should consider current rules and use the opportunity to seek to change as needed.

As for the rule itself, there could be a variety of options in ways to phrase it.

It is ideal to have as much flexibility as possible to ballot using current - or any future - technology. For example, if the union were to adopt a rule that specifically mentions ballots being sent by "email" as an alternative to post, it would limit the ability to use mobile messaging or messaging app options that would also be permitted under the legislation. Likewise, describing SMS to send ballots could open the union to technical challenges in using SMS-like technologies like RCS, which are increasingly replacing it.

Options therefore include at the most basic simply mentioning a "ballot" without reference to technology, or to reference compliance with this and any future law changes, such as this rule from CSP:

"Prior to the Annual General Meeting in each year at which vacancies are to arise, a ballot shall be held to comply with applicable UK trade union legislation."

Where the union has an internal need for more clarity about a process, but wants to avoid limiting options to need formal rule changes as practice evolves, it could be possible to reference processes that are easier to change than core rules, such as in this rule from Accord:

"The members of the Principal Executive Council shall be elected by secret ballot of fully paid up ordinary members conducted in accordance with regulations agreed by the Principal Executive Council but in such manner as to comply with any statutory requirements applicable."

Improving data coverage and quality

No ballot delivery technology can be successful if the union doesn't have good quality member data to support it.

Many unions currently rely on databases that contain incomplete or outdated contact information, especially for personal email addresses and mobile numbers.

This points towards two actions. First, unions need a concerted effort to bring member data up to date as much as possible. But second, once you reach your target, ensure that the data is regularly reviewed to stay as accurate as possible. Keeping the union's data accurate is like painting the Forth Bridge, a task that can never actually complete.

Practically, this looks like:

Audit what you have

- How many members have no email address on file?
- How many members have no mobile number?
- How many members with email on file have provided a workplace rather than personal email? Look at the most common domains used in email - are they big employers or major personal providers like Gmail or Hotmail?
- How many members have not engaged with any emails in more than a year? Are their addresses likely still valid or no longer being actively checked?

Run “update your details” campaigns early and often.

- Make it a regular part of your communications (e.g. by signposting it on your website, in your newsletters and email footers, in any printed comms and as part of conversations with reps and organisers).
- Consider if there are moments in your members' lifecycle where they might change status and their data might be likely to go out of date. For example, student members graduating and moving for a first professional role. What can you schedule in to address this?

Look at technical issues that might limit accuracy

- Make sure to remove as many barriers that might prevent members successfully updating their information (e.g. difficulties in account creation for union portals, processes to find lost passwords, reminder emails getting stuck in spam, etc.)

- Try to ensure you're verifying emails when people join or update their details. There are services that you can integrate to check current addresses, or just to check correct formatting. It may also be possible to verify personal rather than workplace email, for example identifying common workplace email domains being used in form submissions and ask members for an alternative.

Remind members of their obligation to keep their data up to date, and the benefit to them.

- This is not just helpful for ballot participation, but it has benefits for the member (such as the ability to signpost more appropriate content for continuing professional development, and for the union (such as ensuring they're paying the correct subs).
- Find ways to support your reps to feel responsible for their branch data accuracy. Can you give them easy tools to verify a member's data during a face to face conversation? Or reports showing where member emails have bounced and need following up?

Ensure your chosen comms channels are open

- Make sure members are aware a ballot is coming by warning them up using the same communications channels you plan to ballot with.
- Don't expect to have a good result with a new channel if members are not used to having good engagement with it before the ballot. For example, the new regulations reference mobile messaging, and you may be able to use WhatsApp to deliver this. But if you haven't established an expectation amongst members that the union is sending useful content by WhatsApp, they might not trust the initial messages they receive.

Address problems as they come up

- Look for any issues with deliverability (e.g. whether emails are not getting through to specific providers) and troubleshoot how to fix this.
- Track bounced emails or mobile numbers and remove them or follow up with the affected members

Online balloting makes some of the more painful aspects of union democracy less burdensome and costly, but unions need to prepare to succeed, and having the highest possible quality of data about your members will be critical.

Ballot systems and suppliers

There are currently six independent scrutineer companies listed by the government as approved to conduct statutory ballots for unions:

- [Civica Election Services](#)
- [Mi-Voice](#)
- [PIN communications](#) (formerly known as UK Engage)
- [Involvement and Participation Association](#)
- [Popularis](#)
- [Kanto Elect](#)

Of these, some have built and maintain their own pure electronic and hybrid voting systems. The other scrutineers on the list are also able to offer online balloting as well and will draw on different third-party electronic systems that they approve for use.

The government have suggested they will open the list in future to allow more scrutineers to offer services.

Choosing suppliers

This gives unions a choice of approach. Some unions may choose to experiment with different systems and scrutineers, using functionality that may work the best for the union's situation. They could choose to use different products for different ballots, balancing features and cost on a ballot by ballot basis. Alternatively, unions may look for a single supplier to handle all (or the majority of) their balloting needs, in exchange for certainty and, hopefully, a good overall deal.

Either way it is worth familiarising the union with what is on offer across the market. Different systems might allow for specific features, such as hosting video messages from candidates as well as textual information, or permitting different forms of proportional vote counting.

They might have different premium security capabilities for particularly sensitive ballots. Or the scrutineer may have different options for providing real time campaign data back to the union, or additional ways to prompt people who have not yet voted.

Considering access

The new regulations introduce a decision stage for all ballots, where the 'responsible person' for the union decides on the best method to ensure that everyone who wants to vote is able to. This is in keeping with the spirit of previous legislation, where the

requirement on the union to keep data quality consistent relates to a duty to make the ballot accessible.

The need to be accessible also carries across into the new regulations with multiple possible balloting methods. The new decision stage is intended to make unions think about wide access as well as simplicity. For example, a union could save a lot of money and effort by running a general secretary ballot only to the 50% of members it holds a mobile number for, but this would contravene the need to consider appropriate access to casting a vote.

When considering access, it is worth looking at the situation for all members and how they are most likely to want to interact with the ballot. With the way the regulations are worded, it's a possible mistake to assume that postal is the basis method for guaranteeing access. Many people with particular access needs are better served by digital technologies, and it is worth asking the scrutineer about their proposed system's accessibility features.

Modern member expectations are much more likely to point to using online rather than post. Indeed, members may need more support in understanding how a postal ballot will work than they would with a well-designed online tool.

Postal voting has much less of an audit trail. Unlike with many digital routes, there's no way to know whether the letter actually reached a member that didn't return it, whether they opened the letter, or whether it was even that person that opened it. So don't assume because the scrutineer can only demonstrate a digital system reached a majority of members, rather than all of them, that postal would necessarily fare any better.

The union will need to consider whether digital access to a specific channel is broad enough within the particular electorate for a ballot, for it to be considered sufficient to use as a sole channel. This will be the case in many situations, but some unions, or ballots held in some sectors of a union, may want to consider retaining postal ballots instead or as an addition to electronic methods.

Potential impact on costs

Hybrid voting is only likely to realise a small cost saving when used in larger ballots. There will be an additional charge for the web-based voting facility in addition to receiving ballots back by post. The union will save on return postage, but in union governance elections where turnout can be low, that saving will be less significant when viewed against the initial cost of printing and posting out ballot packs to everyone. If the aim is increasing turnout to an audience for whom postal is still very relevant, whilst keeping ballot processes simple, this may not be such a concern.

Unions stand to make bigger cost savings if using pure electronic balloting for all or most members, as the number of posted voting packs will be significantly reduced. However, costs will also increase with the complexity of a ballot. The new regulations will permit multiple outbound methods to be used, and many scrutineers will be able to

offer an online process that could, for example, be sent out by SMS to those members for whom the union holds mobile numbers, then by email, and finally by post where electronic data is not available.

This approach could also go the furthest to meeting full-access concerns, with a voting method and channel to meet most members' access needs. However, segmenting in that way will cost more, and there will be per-message costs for channels like SMS that will cost more than email, even though they will likely be more effective at mobilising members.

Where the union determines that there is no need to offer a postal fall-back method, this is where the highest savings can likely be made, as there won't be a need to design and print any physical materials. However, that's most likely to be the case for smaller ballots, such as industrial action ballots in groups of highly digitally confident workers.

Data protection

The union also needs to check that what's on offer lines up with its data protection policies. If choosing to use multiple systems, the union's Data Protection Officer should be involved in approving scrutineers' data protection agreements. That's particularly the case if your union has policies that prevent sending personal data outside of the EEA, as some third party products may process in other countries.

It's also good practice to include any scrutineers or their third party systems as listed data processors in your privacy policy.

Running a successful ballot campaign

Using technology for ballots doesn't create higher turnout and engagement on its own. Online voting should make it easier for more people to participate, but the union still needs to campaign and communicate to members about the need to actually vote.

Comprehensive online ballot campaigns should:

- Educate members about the purpose of the forthcoming ballot and the ways in which they can a) vote and b) participate more deeply.
- Provide all the possible practical information members and reps will need during the ballot
- Use all available comms channels - email, SMS, WhatsApp, social media and more - to make sure you're reaching everyone where they are.
- Communicate clearly, succinctly, repeatedly and in a timely way
- Consider the needs of specific groups, such as those with limited digital access, who work in fragmented or mobile workplaces as well as those with specific accessibility requirements.

Unions should treat online ballots like political campaigns, with clear messaging and structured outreach.

Digital communications channels will be even more important if unions are to realise the aims of shortening the ballot duration. That could be important in terms of keeping momentum with the campaign and reducing the uncertainty and potentially avoidable damage to industrial relationships that could occur during a protracted campaign.

Peer-to-peer text messaging

The TUC have found that peer-to-peer messaging is a particularly effective tool to use during ballots and have supported a dozen unions to introduce it. It allows for quick mobilisation, and thanks to the obviously more personal connection established between activists and members it has very high engagement levels compared to broadcast comms.

But crucially it also allows for the nuance needed in supporting members to complete an unfamiliar process. Whilst the majority of members will be able to instinctively follow a well-designed process with a scrutineer's system, each potential vote is very valuable, and for those who need additional support, the option to take the conversation into areas of technical support or ballot information can make all the difference.

Case study: Fórsa

Fórsa is a general union in the Republic of Ireland, operating across all areas of public services. Ireland never had the specific postal restrictions on ballots that were introduced in the UK, so Fórsa has been able to develop its use of electronic balloting in recent years, including for indicative and industrial action ballots at both local and union-wide levels.

When planning a major online ballot campaign, Fórsa devotes significant time to preparation. This includes an “update my details” campaign to improve data accuracy, alongside pre-notification emails explaining the ballot process and how members will be able to vote. Fórsa also works with major employers’ IT teams to ensure employer email systems are allow-listing emails from the scrutineer.

Engagement with reps is central to the process, as they are often the first point of contact for members with questions about the ballot. Reps are provided with clear explanatory materials and are set targets at the outset of the campaign. These are supported by sectoral and local reports as the campaign progresses, helping to drive the turnout needed for a strong result.

A get-out-the-vote plan is implemented, with ballot emails sent from recognisable local names to large groups of workers. Daily meetings review campaign data returned by the scrutineer, alongside intelligence from reps and digital communications engagement. The union also devotes resources to staffing a helpdesk to support members who experience difficulties voting.

Fórsa has drawn three useful lessons for UK unions from this experience:

The first ballot is the hardest

When Fórsa first ran a large-scale digital ballot, significant capacity was required to support the process. Members initially raised queries around the clock as voting invitations were issued. However, this dropped off quickly, and subsequent ballots did not generate the same volume of queries as familiarity with the system increased.

The union also overestimated access needs, putting processes in place that ultimately proved unnecessary, as digital voting turned out to be more accessible rather than less. While such provision remains part of planning, it has required far fewer resources than initially anticipated.

Early ballots also exposed data quality issues that only became apparent once voting was underway. Fórsa needed to identify and correct member data during the ballot so that voting invitations could be reissued. Subsequent

ballots benefited from this work, and regular balloting has since led to much higher levels of data accuracy.

A ballot is a good recruitment opportunity

The shorter lead-in to a major online ballot can help generate interest in union membership as voting approaches. Members can join online and be added to the data sent to the scrutineer more quickly. Fórsa has seen significant spikes in membership immediately ahead of ballots, particularly during indicative pay ballots, where new members can be added during the campaign itself. Many members join specifically to have a say on national pay deals.

Once an online voter, always an online voter.

Fórsa has found that online voting is highly intuitive: once a member votes online, they are around 90% likely to continue voting in subsequent ballots. Increasing opportunities to engage through online ballots has helped raise participation and overall turnout consistently over time.

Further reading

Case studies

The TUC Digital Lab site has built up a number of case studies related to the issues in this guide. They are obviously working on a postal-ballot basis, but much of the learning is also relevant in terms of running an effective ballot online.

- [Using peer-to-peer to get out the vote](#) (RMT)
- [Auditing personal data quality with commercial checking services](#) (NASUWT)
- [Verifying and correcting member data](#) (RCM)
- [Gathering intelligence during a ballot campaign](#) (PCS)
- [Digital GOTV tools for reps](https://digital.tuc.org.uk/award-winning-digital-tools-for-reps-neu-case-study/) (NEU)

If you would like to discuss any of the learnings from these, please [get in touch](#) with the TUC Digital Lab programme.

The TUC's organising and growth team is also able to offer advice to unions in setting up new peer-to-peer GOTV campaigns. Contact them via their dedicated [help in disputes form](#).

Data quality with Join Together

Join Together is a TUC-backed online join software provider, working with a number of unions to improve the effectiveness of online joining forms and journeys. They also operate a data verification and update tool, which is currently being adapted to improve unions' ability to gather the personal email addresses needed for electronic balloting. You can [read more about their approach to this here](#).

Examples from scrutineers

- Civica Election Services [demo video](#) of their hybrid voting system
- Mi-Voice [demo video](#) of their pure electronic voting system
- PIN Communications [case study](#) of non-statutory electronic balloting with the PDA union