

## ONTARIO LIBERAL PARTY

### **RULES OF PROCEDURE GOVERNING THE SELECTION OF THE LEADER FOR THE 2020 LEADERSHIP CONVENTION**

(Approved by Executive Council on June 24, 2019)

#### **1. NOMINATION OF LEADERSHIP CANDIDATES**

- 1.1 GREEN LIGHT COMMITTEE - There shall be a Leadership Green Light Committee, consisting of the Chief Returning Officer, Secretary General, President, and Legal Counsel.
- 1.2 NOMINATION PAPERS - The Leadership Green Light Committee shall produce Leadership Candidate Nomination Papers, and provide the Nomination Papers to a prospective Leadership Candidate upon request. The Nomination Papers shall, at minimum, require the signatures of not less than two hundred and fifty (250) members, certification of eligibility to sit as a member of the Provincial Legislature, a candidate questionnaire, a criminal reference check, and a credit check. The Leadership Green Light Committee may choose to modify or eliminate the last three of the forgoing requirements for persons who were nominated candidates of the Ontario Liberal Party in the June 7, 2018 general election and underwent a green light process at that time.
- 1.3 NOMINATION SUBMISSION REQUIREMENTS - The Nomination Papers shall be accompanied by the Elections Ontario LC-1 registration form which has been completed but not yet filed with Elections Ontario.
- 1.4 NOMINATION DEADLINE - Duly completed Nomination Papers for prospective Leadership Candidates, shall be filed with the Executive Director, or their designate, not later than 5:00 p.m. Eastern time on November 25, 2019.
- 1.5 GREEN LIGHT - The Leadership Green Light Committee shall review the Nomination Papers and make a determination whether to approve the person as a Leadership Candidate. If approved, the Leadership Green Light Committee will advise the CFO of the Party to sign the certification of the CFO on the Elections Ontario registration form and once it is signed, shall ensure that it is filed with Elections Ontario on behalf of the Leadership Candidate. No person shall be considered to be a registered Leadership Candidate of the Ontario Liberal Party until they have been approved by the Leadership Green Light Committee and their Elections Ontario registration has been accepted by Elections Ontario.

#### **2. CANDIDATE FINANCIAL REQUIREMENTS**

- 2.1 CANDIDATE REGISTRATION FEE - The candidate registration fee shall be \$75,000 total, in three installments. The first installment shall be \$35,000, due either with the filing of Nomination Papers or not later than 5:00 p.m. Eastern time on August 26, 2019, whichever is later. The second installment shall be \$25,000, due not later than 5:00 p.m. Eastern time on November 25, 2019. The third installment shall be \$15,000, due not later than 5:00 p.m. on January 15, 2020. If a Leadership Candidate does not meet the second or third installment deadlines, they will be disqualified as Leadership Candidate and will not be eligible to stand as such at the Leadership Election Meetings or the Leadership Convention.
- 2.2 REFUNDABLE CANDIDATE DEPOSIT - Each Leadership Candidate shall remit to the Ontario Liberal Party a conditionally refundable deposit of \$25,000, due either with the filing of Nomination Papers or not later than 5:00 p.m. Eastern time on August 26, 2019, whichever is later. The candidate deposit shall be refunded on November 1, 2020, net of any penalties levied by the Leadership Compliance Committee.

- 2.3 CONTRIBUTIONS TITHE - Leadership Candidates shall, on a biweekly basis, on dates determined by the Chief Returning Officer and Secretary General, transfer to the Ontario Liberal Party 25% of all contributions deposited. .
- 2.4 DEBT LIMIT - Leadership Candidates shall not exceed a debt limit of \$50,000 at any given time. Debt includes, but is not limited to, all financial liabilities, all loans received, all amounts owing to suppliers or contractors for goods or services, and any salaries owing to staff for time worked.
- 2.5 CONSTITUENCY ASSOCIATION LOANS - Leadership Candidates may not accept a loan from a constituency association, and no constituency association shall provide a loan to a Leadership Candidate, guarantee a loan made to a Leadership Candidate or otherwise provide any financial support to a Leadership Candidate.
- 2.6 SPENDING LIMIT - Leadership Candidates shall not exceed a spending limit of \$900,000. The candidate registration fees and deposits paid to the Ontario Liberal Party do not count towards the spending limit.
- 2.7 REPORTING REQUIREMENT - Leadership Candidates shall, on a biweekly basis, on dates determined by the Chief Returning Officer and Secretary General, file financial reports with the Ontario Liberal Party. The financial reports shall be in a format prescribed by the Chief Returning Officer and Secretary General, and shall be accompanied by a current bank statement and such other supporting documentation as the Chief Returning Officer and Secretary General may from time to time require. Additionally, each Leadership Candidate and their Chief Financial Officer, as well as their auditor, if so required by the Leadership Compliance Committee, shall meet with that Committee on a regular basis, approximately once per month, unless the Leadership Compliance Committee waives such requirement in any given month.

### **3. LEADERSHIP COMPLIANCE COMMITTEE**

- 3.1 LEADERSHIP COMPLIANCE COMMITTEE - There shall be a Leadership Compliance Committee, consisting of the Chief Returning Officer, Secretary General, Treasurer, and Executive Director.
- 3.2 RULES INFRINGEMENT - The Leadership Compliance Committee shall review any potential infringement by a Leadership Candidate of the Constitution, these Rules of Procedure, or any resolution of the Executive Council.
- 3.3 DEPOSIT FORFEITURE - If the Leadership Compliance Committee determines that a material infringement of any requirement of Rule 2 has taken place, the Leadership Compliance Committee shall direct that \$5,000 from the candidate registration deposit be forfeited and retained by the Ontario Liberal Party. In all other cases of infringement, the Leadership Compliance Committee may in its discretion, direct that up to \$5,000 from the candidate registration deposit be forfeited and retained by the Ontario Liberal Party, or may impose a suitable penalty of a non-monetary nature that may supersede any other of these Rules. If the entire candidate registration deposit of a Leadership Candidate has previously been forfeited, and the Leadership Candidate is found to be liable to a further forfeiture under this Rule, the Leadership Compliance Committee is empowered to disqualify the Leadership Candidate from all remaining elements of the leadership election process.
- 3.4 ADDITIONAL PENALTIES - In determining a suitable penalty for the purposes of Rule 3.3, the Leadership Compliance Committee may issue a private or public reprimand, impose other financial penalties, reduce opportunities to communicate with members of the Party including delegates to the Leadership Convention, impose an appropriate penalty not otherwise set out herein, or, in what it considers to be sufficiently serious circumstances, it may disqualify the Leadership Candidate from all remaining elements of the leadership election process.

#### **4. MEMBERSHIP DATA AND COMMUNICATIONS**

- 4.1 DO NOT EMAIL LIST AND UNSUBSCRIBES - No Leadership Candidate shall send any email communication to anyone who has provided instructions to that Leadership Candidate's campaign or to the Ontario Liberal Party to the effect that they do not wish to receive any such further communications.
- 4.2 EMAIL LIMITS - Subject to the limitation in section 4.1, registered Leadership Candidates shall be subject to a limit on the number of emails they may send to members and convention delegates, alternates, and ex-officios. The limit for members is two (2) emails per calendar month until the end of March 2020. An increased limit of four (4) emails in January 2020, four (4) emails in February 2020, and seven (7) emails in March 2020 shall apply to members who are convention delegates, alternates, and ex-officios, including anyone who has filed a Notice of Intention to Stand form.
- 4.3 DO NOT CALL OR TEXT LIST - No Leadership Candidate shall send any automated phone calls or text messages to anyone who has provided instructions to that Leadership Candidate's campaign or to the Ontario Liberal Party to the effect that they do not wish to receive any such further communications.
- 4.4 AUTOMATED PHONE CALL LIMITS - Subject to the limitation in section 4.3, registered Leadership Candidates shall be subject to a limit on the number of automated phone calls they may send to members and convention delegates, alternates, and ex-officios. The limit shall be one (1) per calendar month until the end of March 2020. A virtual town hall event that includes both an automated phone call in advance to inform the recipient of the upcoming event and than a second phone call for the event itself, shall count as one (1) phone call.
- 4.5 TEXT MESSAGE LIMITS - Subject to the limitation in section 4.3, registered Leadership Candidates shall be subject to a limit of the number of automated text messages they may send to members and convention delegates, alternates, and ex-officios. The limit shall be one (1) per calendar month until the end of March 2020.
- 4.6 INTERNAL COMMUNICATIONS - Section 4 shall not be construed so as to restrict or limit communications by or on behalf of a Leadership Candidate that are strictly a matter of internal campaign communication, directed towards known supporters of that Leadership Candidate.
- 4.7 FURTHER DIRECTIVES - The Chief Returning Officer and Secretary General may issue further directives to facilitate and ensure compliance with all of the provisions contained in section 4.

#### **5. CALL AND NOTICE OF THE LEADERSHIP ELECTION MEETING**

- 5.1 CONSULTATION ON DATES OF LEADERSHIP ELECTION MEETINGS - Pursuant to Section 9.7 of the Constitution, the Chief Returning Officer shall consult with affiliated associations regarding the dates of Leadership Election Meetings.
- 5.2 LOCATION OF LEADERSHIP ELECTION MEETINGS - Pursuant to Section 9.8.1 of the Constitution, each affiliated association shall, in writing, advise the Chief Returning Officer of the intended location of its Leadership Election Meeting no later than November 29, 2019, failing which the Chief Returning Officer may either:
- (a) assume any and all authority of the affiliated association for the conduct of the Leadership Election Meeting; or
  - (b) cancel the Leadership Election Meeting for the affiliated association.
- 5.3 If the location selected by the affiliated association fails to meet the requirements for a Leadership Election Meeting location as set out by the Chief Returning Officer, the Chief Returning Officer may either:
- (a) request that the affiliated association propose a new location for the Leadership Election Meeting; or

(b) assume any and all authority of the affiliated association for the conduct of the Leadership Election Meeting

5.4 NOTICE OF MEETING - No later than thirty (30) days prior to the date of the Leadership Election Meeting, the notice of the Leadership Election Meeting shall be sent by the Ontario Liberal Party to all members and immediate past members by such means as determined by the Chief Returning Officer.

5.5 ASSOCIATE MEMBERS— Associate Members of a constituency association (including persons who, by virtue of section 3.29 of the Constitution hold associate membership in a constituency association other than the one corresponding to their place of residence) shall for the purposes of entitlement to vote at a Leadership Election Meeting, be deemed to be regular members of the constituency association corresponding to their place of residence.

5.6 VOTING MEMBERS OF TWO OR MORE AFFILIATED ASSOCIATIONS - In order to effect compliance with Section 9.11 of the Constitution:

(a) persons who, by virtue of section 3.29 of the Constitution and Rule 5.5, would otherwise be entitled to vote at the Leadership Election Meetings of two or more constituency associations; and

(b) persons who are voting members of two or more affiliated associations, shall be provided with a form, as determined by the Chief Returning Officer, enabling them to select which affiliated association they intend to vote in, and shall submit their election form to the Chief Returning Officer prior to a deadline set by the Chief Returning Officer. In the event that no such form is received, the Chief Returning Officer shall assign the member's voting rights to their home constituency association or to such other affiliated association as the Chief Returning Officer may consider appropriate.

## **6. CONDUCT OF THE LEADERSHIP ELECTION MEETING**

6.1 VOTING HOURS- Voting at Leadership Election Meetings shall be conducted for a five hour period, the specific time of day of which shall be as determined by the Chief Returning Officer, provided that in no event shall any member in line to vote at the time fixed for the close of voting be denied the right to vote on the basis that the voting time has elapsed. Where appropriate, in order to permit orderly voting and to ensure that members have a fair opportunity to vote, the Chief Returning Officer, or their designate may, in their sole discretion, direct that voting hours for a particular meeting be extended.

6.2 APPOINTMENT OF OFFICIALS - The Chief Returning Officer shall appoint a Local Returning Officer, who shall also be the Meeting Chair, for each Leadership Election Meeting. The Local Returning Officer may appoint Deputy Returning Officers and other officials necessary for the conduct of the voting process, who shall act under their direction.

6.3 NOMINATION AS A DELEGATE

(a) Each member who wishes to stand for election as a delegate shall file a notice of Intention to Stand and Declaration of Support in the prescribed form with the Chief Returning Officer or their designate not later than 5:00 p.m. Eastern Standard time on the Friday that is three weeks prior to the weekend of the Leadership Election Meetings.

(b) The Chief Returning Officer shall determine the content and the method of submission for the form for delegate candidates. The form shall include a statement indicating which Leadership Candidate the delegate candidate intends to support, or an indication that they wish to stand for election as an "independent" delegate and shall be signed by the delegate candidate. There shall be no requirement for a nominator or seconder to endorse a delegate candidate. Delegate candidates shall not be entitled to amend or revoke this declaration after the nomination form has been submitted.

- (c) No member may stand for election as a delegate in more than one affiliated association. Those delegates that submit nomination forms for more than one affiliated association shall be disqualified from standing for nomination as a delegate and their name shall be removed from the list of nominees for delegate of all affiliated associations so affected.

#### 6.4 PROOFING OF BALLOT; RESOLUTION OF ERRORS

- (a) A draft list of delegate candidates shall be prepared as soon as practicable after the deadline referred to in Rule 6.3(a), and the Chief Returning Officer shall, if at all possible prior to the printing of the ballot, provide an opportunity to each delegate candidate to review the spelling of their name as it will appear on the ballot.
- (b) In the event that an error is identified on the ballot, the Local Returning Officer may, in their sole discretion, take appropriate steps to remedy the problem prior to the close of balloting. If the nature of the error is such that it may affect the determination of the successful candidates, the Local Returning Officer shall refer the question to the Chief Returning Officer who shall render a final decision.
- (c) If, at any time, including a time subsequent to the Leadership Election Meeting, an error is determined to have taken place as a result of a misrepresentation contained on a nomination form, the Chief Returning Officer shall:
  - (i) If satisfied that the misrepresentation was deliberate, disqualify the delegate candidate involved or,
  - (ii) In all other cases, correct the erroneous information, and re-determine the elected delegates for the affiliated association in accordance with section 9.14 of the Constitution.

6.5 AGE REQUIREMENT: YOUTH DELEGATES AND ONTARIO YOUNG LIBERAL STUDENT CLUB DELEGATES - In order to be eligible to be elected as a youth delegate or delegate from an Ontario Young Liberal Student Club, a person must not have attained their 26th birthday on or prior to the intended date of the opening of registration at the Leadership Convention on March 6, 2020.

#### 6.6 CHALLENGES TO MEMBERS' RIGHT TO VOTE

- (a) Subject to sub-rule (b) below, if any member of the affiliated association or any other interested party wishes to challenge any person's right to vote at the Leadership Election Meeting, they shall do so in writing to the Chief Returning Officer not later than fourteen days, (336 hours), prior to the commencement of the Leadership Election Meeting, and shall for each person so challenged, give reasons for the challenge. The Chief Returning Officer may reject any such challenge in advance of the Leadership Election Meeting. Any such challenge not so decided shall be determined by the Local Returning Officer or their designate at the Leadership Election Meeting.
- (b) All rulings of the Chief Returning Officer regarding challenges made under this rule shall be final.

6.7 APPOINTMENT OF SCRUTINEERS - Each Leadership Candidate may appoint a number of scrutineers to be present at the taking and counting of the ballots equal to or less than the number of Deputy Returning Officers. Independent candidates, in joint consultation amongst themselves, may also appoint a number of scrutineers to be present at the taking and counting of the ballots in a number equal to or less than the number of Deputy Returning Officers. At the counting of the ballots, the number of scrutineers may be reduced to equal the number of counting stations or otherwise as the Local Returning Officer may direct. At no time may scrutineers hinder or interfere with the voting and counting processes. In addition, scrutineers shall at all times comply with directions given to them by Local Returning Officers or their designates. Failure to comply with any of these requirements may result in the exclusion of the noncompliant scrutineer(s) by the Local Returning Officer. The Local Returning Officer is not required to permit the replacement of any scrutineer so excluded.

### 7. COUNTING THE BALLOT: PROPORTIONAL REPRESENTATION

- 7.1 COUNTING THE BALLOT: PROPORTIONAL REPRESENTATION - Delegate candidates, as identified by their declaration of support for a Leadership Candidate, shall be elected in proportion to the number of votes obtained on the first part of the ballot by the respective Leadership Candidates. For the purposes of this section the "Independent" option shall be counted as if it were a leadership candidate choice and independent delegates shall be elected in proportion to the number of "independent" option votes cast. Subject to this proportionality requirement and the demographic requirements referred to in Section 9.14 of the Constitution of the Ontario Liberal Party, those candidates for delegate receiving the most votes shall be declared elected.
- 7.2 DETERMINING PROPORTIONAL ENTITLEMENTS OF LEADERSHIP CANDIDATES AND INDEPENDENTS - The process of translating popular vote to the number of delegates elected shall be conducted by the returning officer as follows:
- (a) Translate popular vote into percentages.
  - (b) For constituency associations, divide percentages by 6.25 ( $100\% / 16 \text{ delegates} = 6.25$ ) to get Raw Delegate Count. For student clubs, divide percentages by 12.5 ( $100\% / 8 \text{ delegates} = 12.5$ ) to get Raw Delegate Count.
  - (c) Round off to the nearest whole numbers. In the case of a precise 0.5 delegate prior to rounding, round up to the next higher number.
    - (i) Where the result of step (c) was 17 for constituency associations or 9 for student clubs, determine which leadership candidate was awarded the greatest fraction of a delegate in the rounding process (e.g., a candidate who went from 0.53 to 1 was awarded a greater fraction of a delegate than a candidate who went from 4.89 to 5). Deduct one delegate from that candidate. In the event of a tie, the candidate who loses the delegate shall be determined at random through such method as the Chief Returning Officer may direct.
    - (ii) Where the result of step (c) was 15 for constituency associations or 7 for student clubs, determine which leadership candidate lost the greatest fraction of a delegate in the rounding process (e.g., a candidate who went from 9.42 to 9 lost a greater fraction of a delegate than a candidate who went from 3.36 to 3). Award one additional delegate to that candidate. In the event of a tie, the candidate who gains the delegate shall be determined at random through such method as the Chief Returning Officer may direct.
- 7.3 DETERMINING ELECTED DELEGATES - In order to determine the elected delegates, the Local Returning Officer may proceed through the following steps, or may, directly or through the Chief Returning Officer, utilize a computer program which will render a result consistent with the process set out below.
- (a) Produce a list of all delegate candidates in rank order of votes obtained, noting beside each name the leadership candidate for whom the individual declared, and the individual's demographic qualifications (male, female, youth).
  - (b) In the event of any ties between delegate candidates, before proceeding all ties must be broken using a method prescribed by the Chief Returning Officer in advance, and delegate candidates must be ranked in order from 1 to the total number of delegate candidates.
  - (c) Produce a two-part checklist. The first part will have a section for each leadership candidate, indicating the number of delegates to which that candidate has been determined to be entitled. The second part will be standard, indicating each demographic category, and the number of delegates who must be elected in each category. For constituency associations, the categories are, in order, youth male - 1; youth female -1; any youth -2; non-youth male - 4; non-youth female - 4; unrestricted-4. For student clubs, the categories are, in order, male - 3; female - 3; unrestricted - 2.
  - (d) Starting at the top of the ranked candidate list, determine if that person's leadership candidate is entitled to a delegate or a further delegate. If not, the individual is not a delegate. If so, then check the demographic list, starting with youth male and proceeding in the order set out in paragraph (b), to determine a demographic category for the candidate. List the candidate as elected, and write the candidate's name in the appropriate place on both the leadership and demographic checklists.

- (e) Repeat the process for all candidates, proceeding down the list in rank order. If, at any time, the candidate does not qualify to fill a remaining vacancy on both the leadership and demographic checklists, that candidate is not elected. Proceed until all delegate positions are filled or the end of the ranked list is reached.
- (f) If not all delegate positions were filled in accordance with the foregoing, proportionality requirements shall be applied without consideration for demographics. Return to the ranked candidate list, considering only those candidates not yet determined to have been elected.
- (g) Starting at the top of that list, determine if that person's leadership candidate is entitled to a delegate. If so, list the candidate as elected, and write the candidate's name in the appropriate place on the leadership checklist only.
- (h) Repeat the process for all candidates, proceeding down the list in rank order. Proceed until all delegate positions are filled or the end of the ranked list is reached.
- (i) If, at the conclusion of this process, any vacancies remain unfilled, these positions shall be filled by the Chief Returning Officer in accordance with sections 9.17 and 9.18 of the Ontario Liberal Party constitution.

7.4 UNOFFICIAL RESULTS

- (a) The results of the delegate election shall be unofficial until verified by the Chief Returning Officer.
- (b) The unofficial results together with all the materials from the Leadership Election Meeting, including, but not limited to, the ballots and the voters' lists, shall be provided by the Local Returning Officer to the Chief Returning Officer forthwith after the Leadership Election Meeting.

7.5 OFFICIAL RESULTS - The Chief Returning Officer shall review and verify the counts and calculations as soon as possible subsequent to receipt, and shall determine the official results.