



Ontario Liberal Party Rules of Procedure No. 8

## **Rules of Procedure for the 2023 Leadership Contest** *("Leadership Rules")*

*Approved by Ontario Liberal Party Executive Council on April 16, 2023*

**NOTE:** These Rules of Procedure supplement and are subordinate to the Ontario Liberal Party Constitution. Please refer to the Ontario Liberal Party website for the most current version of these documents.

### **1. Nomination of Leadership Candidates**

- 1.1 GREEN LIGHT COMMITTEE - There shall be a Leadership Green Light Committee, consisting of the Chief Returning Officer as Chair, and the President, Past President, and Arbitration Committee Chair.
- 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.
- 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. Section D, the appointment of an auditor, must be completed.
- 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 September 5, 2023.
- 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 FEES - Candidate registration fees amounting to a total of \$100,000 shall be paid by each Leadership Candidate in accordance with the following schedule:

- a) An initial registration fee in the amount of \$5,000 shall be paid by each Leadership Candidate to the Ontario Liberal Party, shall accompany their Nomination Papers, and may be paid using the Leadership Candidate's personal monies or funds raised independently of these Rules. For clarity, all supplemental fees described below must be paid from the campaign account maintained by the Leadership Candidate's Chief Financial Officer.
- b) The first supplementary registration fee, in the amount of \$20,000, shall be paid by each Leadership Candidate to the Ontario Liberal Party, not later than 5:00 p.m. on July 31, 2023 or by 5:00 p.m. on the date that is two weeks after the date of the Leadership Candidate's registration with Elections Ontario, whichever shall last occur.
- c) The second supplementary registration fee, in the amount of \$25,000, shall be paid by each Leadership Candidate to the Ontario Liberal Party, not later than 5:00 p.m. on August 31, 2023 or by 5:00 p.m. on the date that is two weeks after the date of the Leadership Candidate's registration with Elections Ontario, whichever shall last occur.
- d) The third supplementary registration fee, in the amount of \$25,000, shall be paid by each Leadership Candidate to the Ontario Liberal Party, not later than 5:00 p.m. on September 29, 2023.
- e) The fourth supplementary registration fee, in the amount of \$25,000, shall be paid by each Leadership Candidate to the Ontario Liberal Party, not later than 5:00 p.m. on October 31, 2023.

2.2 REFUNDABLE CANDIDATE DEPOSIT - Conditionally refundable deposit payments amounting to a total of \$25,000 shall be remitted to the Ontario Liberal Party by each Leadership Candidate in accordance with the following schedule:

- a) A first deposit payment in the amount of \$5,000 shall be remitted by each Leadership Candidate to the Ontario Liberal Party, shall accompany their Nomination Papers, and may be paid using the Leadership Candidate's personal monies or funds raised independently of these Rules. For clarity, the other deposit payment described below must be paid from the campaign account maintained by the Leadership Candidate's Chief Financial Officer
- b) The final deposit payment in the amount of \$20,000, shall be paid by each Leadership Candidate to the Ontario Liberal Party, not later than 5:00 p.m. on June 30, 2023 or by 5:00 p.m. on the date that is two weeks after the date of the Leadership Candidate's registration with Elections Ontario, whichever shall last occur.
- c) The candidate deposit, less any penalties levied by the Leadership Compliance Committee, shall be refunded to each Leadership Candidate's Chief Financial Officer, on or about August 2, 2024.

2.3 CONTRIBUTIONS TITHE - Leadership Candidates shall, on a biweekly basis, on dates determined by the Chief Returning Officer, transfer to the Ontario Liberal Party 25% of all contributions received. No tithe shall apply to contributions corresponding to the supplementary registration fees described in section 2.1. While no tithe shall apply to contributions corresponding to the deposit payments described in section 2.2, the tithe upon such deposit funds shall be deducted from the payment referred to in section 2.2 (c).

- 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 AND FINANCIAL SUPPORT PROHIBITED - 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, deposits and tithes 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 Treasurer, file financial reports with the Ontario Liberal Party. The financial reports shall be in a format prescribed by the Chief Returning Officer and Treasurer, and shall be accompanied by a current bank statement and such other supporting documentation as the Chief Returning Officer and Treasurer may from time to time require. Additionally, the Chief Financial Officer of each Leadership Candidate, 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.
- 2.8 PAYMENT DEFAULT PENALTY - If a Leadership Candidate does not meet any of the payment deadlines referred to in section 2.1 or section 2.2 they shall be disqualified forthwith as a Leadership Candidate and will not be eligible to stand as such in the Leadership Contest.

### **3. Leadership Compliance Committee**

- 3.1 LEADERSHIP COMPLIANCE COMMITTEE - There shall be a Leadership Compliance Committee, consisting of the Chief Returning Officer as Chair, and the President, Treasurer, and Executive Director.
- 3.2 RULES INFRINGEMENT - The Leadership Compliance Committee shall review any potential infringement by a Leadership Candidate of the Constitution, Rules of Procedure, or any resolution of the Executive Council. The Leadership Compliance Committee also may review any potential infringement by a Leadership Candidate of the Election Finances Act or Elections Ontario rules.
- 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 Contest.

- 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, 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 Contest.

#### **4. Membership 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. The limit for members is three (3) emails per calendar month until the end of October 2023, and shall increase to five (5) for the month of November 2023 only.
- 4.3 DO NOT CALL OR TEXT LIST - No Leadership Candidate shall send any automated phone calls or text messages, or place a human to human voice call 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 further such 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. The limit shall be one (1) per calendar month until the end of November 2023. A virtual town hall event that includes both an automated phone call in advance to inform the recipient of the upcoming event and then 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. The limit shall be one (1) per calendar month until the end of October 2023, and shall increase to two (2) for the month of November 2023 only.
- 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, are not sent in bulk, and which are directed towards known supporters of that Leadership Candidate.
- 4.7 FURTHER DIRECTIVES - The Chief Returning Officer may issue further directives to facilitate and ensure compliance with all of the provisions contained in section 4.

#### **5. Call of the Leadership Contest**

- 5.1 CALL FOR CONSTITUTION PURPOSE - In accordance with a resolution of the Executive Council of the Ontario Liberal Party adopted on April 16, 2023, the date of the call for the 2023 Leadership Contest, within the meaning of Sections 9.2 and 9.6 of the Constitution and for no other purpose, shall be July 8, 2023.
- 5.2 QUALIFYING DATE - The Qualifying Date, as defined in Section 9.9 of the Constitution, shall be September 11, 2023, at 6:00 p.m. local Toronto time.
- 5.3 STUDENT CLUB SPECIAL QUALIFYING DATE - Pursuant to Section 9.9.1c of the Constitution, student clubs shall have a special Qualifying Date of September 26, 2023, at 6:00 p.m. local Toronto time. This special Qualifying Date shall only apply to student clubs. Where a person who was not a member of a constituency association as of the September 11, 2023, Qualifying Date joins a student club, that person does not thereby become eligible to vote in their constituency association.
- 5.4 DATES OF LEADERSHIP ELECTION VOTES - The Leadership Election Votes shall be held on November 25, 2023, and November 26, 2023. Pursuant to Section 9.7 of the Constitution, all Leadership Election Votes in any region shall be held on the same date throughout that region.
- 5.5 CONSULTATION ON DATES OF LEADERSHIP ELECTION VOTES - Pursuant to Section 9.7 of the Constitution, the Chief Returning Officer shall consult with affiliated associations regarding the dates of the Leadership Election Votes to be held in their respective regions.
- 5.6 LOCATION OF LEADERSHIP ELECTION VOTES - 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 Vote no later than September 18, 2023, failing which the Chief Returning Officer may assume any and all authority of the affiliated association for the conduct of the Leadership Election Vote.
- 5.7 LOCATION REQUIREMENTS OF LEADERSHIP ELECTION VOTES - If the location selected by the affiliated association fails to meet the requirements for a Leadership Election Vote location as set out by the Chief Returning Officer, the Chief Returning Officer may either:
- a) require that the affiliated association propose a new location for the Leadership Election Vote; or
  - b) assume any and all authority of the affiliated association for the conduct of the Leadership Election Vote.
- 5.8 MAIL-IN BALLOTS - Pursuant to Section 9.8.5 of the Constitution, the Chief Returning Officer may provide a list to Executive Council for its approval, of associations for which the Leadership Election Vote shall be conducted as a mail-in vote instead of an in-person vote.
- 5.9 NOTICE OF VOTE - No later than thirty (30) days prior to the date of a Leadership Election Vote, the notice of the Leadership Election Vote shall be sent by the Ontario Liberal Party to all members by such means as determined by the Chief Returning Officer.
- 5.10 ASSOCIATE MEMBERS - By virtue of section 3.29 of the Constitution, Associate Members of constituency associations are not entitled to vote in the Leadership Votes of any

Association in which they hold such Associate Membership. By operation of section 3.23 of the Constitution, all such Associate Members are entitled to vote in the Leadership Vote of the constituency association for the electoral district in which they reside on the date of the Leadership Vote. Despite the foregoing, an Associate Member who retains voting rights for a Constituency Association in accordance with section 3.30 of the Constitution may vote in that constituency association if, and only if, they have chosen to do so through compliance with section 5.11 below.

5.11 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 3.30 of the Constitution and Rule 5.10, may be entitled to vote at the Leadership Election Votes of two or more constituency associations; and
- b) persons who are voting members of two or more affiliated associations which are to conduct Leadership Votes,

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, as required by section 9.11 of the Constitution, assign the member's voting rights to their home constituency association.

## **6. Conduct of the Leadership Election Vote**

6.1 VOTING HOURS - Voting at Leadership Election Votes 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 for each Leadership Election Vote. 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 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 Vote, they shall do so in writing to the Chief Returning Officer not later than 12:00 noon on November 10, 2023, 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 Vote. Any such challenge not so decided shall be determined by the Local Returning Officer or their designate at the Leadership Election Vote.
- b) All rulings of the Chief Returning Officer regarding challenges made under this rule shall be final.

6.4 APPOINTMENT OF SCRUTINEERS - Each Leadership Candidate may appoint a number of scrutineers to be present at the issuing of the ballots, equal to or less than the number of Deputy Returning Officers.

6.5 MAIL-IN VOTE PROCEDURES - The Chief Returning Officer shall provide instructions for mail-in voting procedures.

## **7. Counting the Ballot**

7.1 COLLECTION OF BALLOTS - The Chief Returning Officer shall provide instructions for the collection of the sealed ballot containers from the Leadership Election Votes.

7.2 DATE OF COUNT - The Chief Returning Officer shall determine the date, location, and process, for counting the ballots.

7.3 CALCULATION OF RESULTS - The Chief Returning Officer shall carry out the calculation of the results of the Leadership Vote, in accordance with sections 9.13 to 9.15 of the Constitution, and may make all necessary or desirable determination of the manner in which ballots are to be counted, including, without limiting the generality of the foregoing, the date, times and location(s) of the counting of the ballots, the manner and means by which points are to be calculated and allocated to Leadership Candidates in accordance with the Constitution, and the nature of the technology, if any, that is to be utilized to facilitate the counting of the ballots.

7.4 OFFICIAL RESULTS - The Chief Returning Officer shall review and verify the counts and calculations and shall determine the official results.

7.5 ANNOUNCEMENT OF RESULTS - The results shall be announced on December 2, 2023.

## **8. Elections Ontario Call Date**

8.1 ELECTIONS ONTARIO CALL DATE - The call date, for Elections Ontario purposes, shall be determined by the Chief Returning Officer.