

**TABLE OF CONTENTS**

Preamble .....	1
Article 1 - Registered Head Office and Directors .....	1
Article 2 - Definitions .....	1
Article 3 - Mission Statement and Core Values .....	3
Article 4 - Anti-Harassment .....	4
Article 5 - Membership and Supporter Status .....	4
Article 6 - Affiliated Associations and Groups .....	10
Article 7 - President’s Advisory Council .....	10
Article 8 - Provincial Executive .....	11
Article 9 - Management Committee .....	13
Article 10 - Duties of Officers .....	14
Article 11 - Meetings .....	20
Article 12 - Leadership .....	24
Article 13 - Selection of Party Candidates .....	30
Article 14 - Standing Committees .....	32
Article 15 - Resolutions & Motions .....	37
Article 16 - Branding and Logo Usage .....	38
Article 17 - Bylaws .....	38
Article 18 - Amendments .....	38
Article 19 - Liability and Appeals .....	39
Article 20 – Ad Hoc Committees .....	39
Article 21 – States of Emergency .....	40
Article 21 - Commencement & Succession .....	40
Schedule - “A” .....	41
Schedule - “B” .....	43

**CONSTITUTION OF THE PROGRESSIVE CONSERVATIVE PARTY  
OF NEWFOUNDLAND AND LABRADOR**

**PREAMBLE**

**The Progressive Conservative Party of Newfoundland and Labrador (legally incorporated as the Progressive Conservative Association of Newfoundland and Labrador Incorporated) is a fiscally responsible, socially compassionate and self-reliant political party that supports our democratic process and principles; believes in equality of all regardless of race, gender, ethnic background, age, colour, religion or religious belief, national origin, sex or sexual orientation; and respects our fundamental rights and freedoms through the core values of openness, inclusion, transparency and accountability; aims to form the government of the Province of Newfoundland and Labrador; and to be a voice nationally for our Province.**

**ARTICLE 1 REGISTERED HEAD OFFICE AND DIRECTORS**

**The Progressive Conservative Party of Newfoundland and Labrador shall have a head office, which shall be situated at a place determined from time to time by the Provincial Executive.**

It shall have its registered office, mailing address and List of Directors recorded at the Registry of Companies for the Province of Newfoundland and Labrador, which shall be updated and maintained by the Provincial Executive as required.

The Directors of the Party (**legally incorporated as the Progressive Conservative Association of Newfoundland and Labrador**) are the President, Vice-President, Chief Financial Officer, and Chief Communications Officer.

The Party shall maintain the cost of Directors Liability General Insurance.

**ARTICLE 2 DEFINITIONS**

In this Constitution:

- a. “Business Day” means any working day (Monday to Friday inclusive) excluding statutory and other holidays (i.e., New Year’s Day, St. Patrick’s Day, Good Friday, St. George’s Day, Victoria Day, Discovery Day, Memorial Day/ Canada Day, Orangeman’s Day, Labour Day, Thanksgiving Day, Armistice /Remembrance Day, Christmas Day, Boxing Day) and any other day on which the province has elected to be closed for business;

- b. “District Association” shall mean an Association as set forth in Article 6.1 (a) of this Constitution whose jurisdiction shall be within the electoral boundary for which it was formed which electoral boundary shall be as defined by the districts set forth in the House of Assembly Act, RSNL, c. H-10 as amended;
- c. “Honourary Member” shall mean a person as described in Article 5.7 herein;
- d. “Interim Leader” shall mean a person who has taken leadership of the Party for a temporary time frame on an interim basis as is addressed in Article 12.5;
- e. “Leader” or “Party Leader” shall mean the Leader of the Progressive Conservative Party of Newfoundland and Labrador as elected in accordance with Article 12 of this Constitution;
- f. “Leader of the Official Opposition” is as defined in the *House of Assembly Act*, RSNL, c. H-10 as amended;
- g. “Management Committee” shall mean the Committee populated from the Provincial Executive with roles and responsibilities as defined in Article 9;
- h. “Member” shall mean a person who meets the criteria in Article 5-1 herein and submits an application for Membership which is accepted;
- i. “Membership Coordinator” shall mean a person appointed by the Provincial Executive as per Article 5.18;
- j. “Membership Registry” shall mean a Registry of Members and Supported as per Article 5.18;
- k. “Party” shall mean the Progressive Conservative Party of Newfoundland & Labrador;
- l. “Premier” shall mean the person sworn into said position by the Lieutenant Governor, being the Leader of the Governing Party of the Province;
- m. “President” or “Party President” shall mean the President of the Progressive Conservative Party of Newfoundland and Labrador as elected in accordance with this Constitution;
- n. “President’s Advisory Council” shall mean the Council populated in accordance with Article 7.1 with roles and responsibilities as defined in Articles 7.2 and 7.3;
- o. “Provincial Executive” shall be as outlined in Article 8 dictating its compilation, roles and responsibilities and shall be the governing body of the Party;

- p. “Public meeting” shall mean a meeting of which has been called or scheduled and reasonably advertised to the public through means such as the Party’s relevant Member and Supporter email list, Party’s social media sites, the Party’s website, and/or by sending notification to local and/ or regional and/or Provincial media;
- q. “Substitute Leader” shall mean a person who has taken leadership of the Party for a temporary time frame on a substitute basis as is addressed in Article 12.1; and
- r. “Supporter” shall mean a person who meets the criteria in Article 5.2 herein and submits an application for Supporter status which is accepted.

### **ARTICLE 3                      MISSION STATEMENT AND CORE VALUES**

#### **Mission Statement**

The Mission of the Party shall be:

- a. to form the Government of the Province of Newfoundland and Labrador and to provide good governance to the people of the Province;
- b. to foster interest in Government and in the political process in the Province and in Canada;
- c. to provide a forum for the Members and Supporters to participate in political discussion and to advise with respect to Progressive Conservative policy;
- d. to promote democracy and advance core values and policies of the Party;
- e. to Cooperate with the Federal Conservative Party of Canada on matters of mutual interest.

#### **Core Values**

The Core Values which shall be used as guiding principles of the Party to help it achieve its mission are:

- a. justice, respect and freedom,
- b. openness, transparency and accountability,
- c. fiscal responsibility,
- d. sound economic management,

- e. diversity,
- f. progressive social policy, and
- g. each district having an equal voice.

#### **ARTICLE 4 ANTI-HARASSMENT STATEMENT**

The Party has a zero-tolerance policy relating to harassment.

The Party, in co-operation with its Provincial Executive, Employees, District Associations, Affiliated Associations or Groups, Members and Supporters, believes in respect and fairness; values diversity; expects appropriate conduct from all its Members and Supporters; and is therefore committed to a healthy, harassment-free environment for all.

#### **ARTICLE 5 MEMBERSHIP AND SUPPORTER STATUS**

##### **Membership and Supporter Criteria**

1. Membership or Supporter Status in the Party may be granted upon criteria being met regardless of, but not limited to, race, gender, age, ethnic background, colour, religion or religious belief, national origin, sex or sexual orientation.
2. Every person who meets the following criteria, upon application shall be eligible to become either a Member or Supporter of the Party:
  - a. is a citizen or permanent resident of Canada;
  - b. has attained the age of fourteen (14) years;
  - c. is ordinarily resident in the Province of Newfoundland and Labrador as defined in section 26 of the *Election Act*, 1991 as amended and attached hereto as Schedule “A” or is currently living in the Province of Newfoundland and Labrador in order to attend full-time studies at an educational institution within the Province;
  - d. supports the Party and its Missions Statement and Core Values as outlined in Article 3 and undertakes to abide by the Constitution, Bylaws and Rules of the Party;

- e. is not currently an actively participating Member or Supporter of another Newfoundland and Labrador provincial political party; and
- f. submits the appropriate application, and declaration of support, and our Membership/Supporter fee, if applicable.

**HOWEVER**, provided all other criteria are met, an exception can be made for certain persons who are not citizens or permanent residents and are also therefore unable to meet the definition of Ordinarily Resident as per the *Elections Act* including but not limited to those with refugee status, who are on temporary work permits or who are international students whose citizenship or permanent resident requirement will be waived and who shall be deemed to be Ordinarily Resident for the purpose of granting member or supporter status.

3. Every Person who has been granted an Honourary Lifetime Membership in the Party as per Article 5.7 herein, upon submitting their details and confirms his/ her/their continued support to the Membership Registry, shall be a registered Member of the Party and a Member of the District Association in which they are Ordinarily Resident. In the event a Honourary Lifetime Member is not (or no longer) Ordinarily Resident as defined herein then upon submitting their details to the Membership Registry they shall be affiliated with the District based on their last address in the Province.
4. Each Member of the Party, including Candidates for, and holders of Party and/or public office, and each Supporter is hereby deemed to have covenanted that:

“I support the Missions Statement, Core Values and Anti-Harassment Policy of the Progressive Conservative Party of Newfoundland and Labrador;

I will abide by the Constitution, Bylaws and Rules of the Progressive Conservative Party of Newfoundland and Labrador;

I have read the Constitution, Bylaws and Rules or waived the reading of the same; and

I realize that any breaches of the same may be a violation of my Membership or Supporter status in the Party which can result in sanctioning including suspension and/ or revocation of the same.”

#### **Applications for Membership and Supporter Status**

5. Application for Membership or Supporter status in the Party shall be done in accordance with the process as outlined in the Bylaws or, in the absence of Bylaws, subject to motions and/or rules as set forth by the Executive.
6. Each new Member or Supporter of the Party shall receive, with the Membership/ Supporter card, information as to the rights and responsibilities of a Member or Supporter of the Party.
7. With a Majority vote by the Provincial Executive no more than 5 Members or Supporters may be granted Honourary Lifetime Membership per annum in recognition of their contributions to the Party. Such persons need not submit an application to be a Member but are obligated to provide their contact details. They will not be required to pay any Membership fee.

#### **Membership and Supporter Fees**

8. A Membership/Supporter fee may be put in place if properly brought forward as a Resolution at an Annual General Meeting or Special General Meeting and receives a majority vote.
9. In the event that there is a Membership/ Supporter fee, the fee shall
  - a. be non-refundable;
  - b. be only paid by the Applicant or on their behalf by an immediate Member of the Applicant's family; and
  - c. be paid to Party.

#### **Rights of Members and Supporters**

10. Any Member or Supporter of the Party shall have the following rights:
  - a. the right to take full part in, and to vote, at any district meeting, or district nomination meeting in accordance with Article 13.
  - b. the right to participate in the leadership selection process subject to the conditions set out in Article 12 and the Leadership Selection Rules.
  - c. the right to be given 7 days' notice of any such District Association meeting, District nomination meeting, or Provincial Leadership Convention, by public notification through

means such as the Party's relevant Member and Supporter email list, social media sites, on the Party's website, and by sending notification to local media, or as directed by the Provincial Executive.

11. Any Member of the Party shall have the following additional rights:
  - a. the right to hold office in the Party including the position of Leader or Interim Leader, provided they are 18 years of age or older and not in violation of legislation.
  - b. the right to seek election on the Provincial Executive or District Associations.
  - c. the right to seek delegate status to vote at a provincial Annual General Meeting or Special General Meeting.
  - d. the right to stand for selection as a candidate for the Party for election to the Newfoundland and Labrador House of Assembly, provided they are 18 years of age or older and not in violation of legislation.
12. If a Member or Supporter changes address which results in a change in District where they have a right to vote, that right shall apply to the new district and a new Membership/Supporter card will be issued upon request.
13. A Member or Supporter shall be entitled to cast one vote only on a question or matter for which the individual is qualified to vote.
14. There shall be no proxy voting in the Party, or in any Affiliated Associations or Groups, as defined in Article 6.1.
15. In the event a Member or Supporter requires accommodation or aid in casting their vote in a live voting process (if the same occurs) then the Chief Communication Officer on the Provincial Executive shall be notified of the same, a note will be added to that Member or Supporter's file in the Membership Registry and the accommodation or aid will be made following the spirit and intent of Article 118 of the *Elections Act, 1991* as amended and attached hereto as Schedule "B".
16. In the event a Member or Supporter requires accommodation or aid in advanced preferential voting (if the same occurs) then the Chief Communication Officer on the Provincial Executive along with the Area Director and District Association shall work together to ensure such accommodation or will be made following the spirit and intent of Article 118 of the *Elections Act, 1991* as amended and attached hereto as Schedule "B" with necessary alternations or accommodations for advanced preferential voting.



### **Responsibilities of Members and Supporters**

17. Members and Supporters have the following responsibilities:
- a. to demonstrate support for the Party's mission statement and core values and to refrain from being an actively participating Member or Supporter of any other Provincial political party in Newfoundland and Labrador,
  - b. to respect the collective will of the Party as expressed by decisions and/or policies duly rendered under the framework of this Constitution and the Bylaws (or, in the absence of Bylaws, motions and/or rules as set forth by the Executive), or Rules established thereunder,
  - c. to participate in Party debate in a manner which is respectful of the democratic process and of the rights of other Members or Supporters to their own effective voice,
  - d. to adhere to the Anti-Harassment Policy,
  - e. to provide the Party with accurate contact information to allow for effective communication with the Member or Supporter.

### **Membership Registry**

18. The Party shall maintain a registry of all Members and Supporters overseen by the Membership Coordinator.
19. The Membership Registry shall be the official record of Members and Supporters of the Party and District Associations. It shall be used to determine lists of eligible voters for all Party meetings, District meetings, Diversity Association meetings, Leadership Selection process, and Leadership Reviews.
20. The Membership Registry may only be used for purposes consistent with the aims of the Constitution or activities regulated by this Constitution or Bylaws (or, in the absence of Bylaws, motions and/or rules as set forth by the Executive), or Rules of the Party.
21. The Membership Registry, the information contained therein and any lists that result therefrom are a confidential asset of the Party and shall not be sold or made available to any person aside from those listed in Article 5.22 and the Bylaws, or, in the absence of Bylaws, motions and/or rules as set forth by the Executive.

## Use of Membership Registry Data and Lists

22. Data and lists from the Membership Registry are for the sole use of the Party and its purposes, and shall not be made available, for any reason, to anyone outside the Party, its District Associations, its candidates, or those so authorized by resolution of the Provincial Executive.
  23. Any person requesting a copy of a Membership and Supporter lists shall be required to read and execute the Privacy Policy, Confidentiality Agreement and Undertaking in Form 5.23 as provided by the Provincial Executive.
  24. In the case of any requests for Membership lists not provided for in the Bylaws (or, in the absence of Bylaws, motions and/or rules as set forth by the Executive), the Provincial Executive shall make the decision on disclosure, and such decision shall be final.
  25. The Membership Coordinator shall maintain a running, up to date Disclosure Document in Form 5.25 as provided by the Provincial Executive indicating
    - what information was provided,
    - on what date,
    - by whom,
    - to whom,
    - for what purposes,
- and it shall include an electronic copy of the executed Confidentiality Agreement and Undertaking.
26. The District Association President/ or any Article 6.1b Affiliated Association or Group President or similar position holder shall maintain a running, up to date Disclosure Document in Form 5. 26 as provided by the Provincial Executive indicating
    - what information was provided,
    - on what date,
    - by whom,
    - to whom,
    - for what purposes,

and it shall include an electronic copy of the executed Confidentiality Agreement and Undertaking. They shall also send a copy to the Membership Coordinator any time there is an addition to the Disclosure Document.

### **Suspension and Revocation of Membership and Supporter Status**

27. Upon receipt of a written complaint to the Chief Communication Officer signed by the complainant that a Member or Supporter has done one or more of the following: violated the Party Constitution, Bylaws (or, in the absence of Bylaws, motions and/or rules as set forth by the Executive), or Rules; acted contrary to the Mission Statement, Core Values or Anti-Harassment Policy of the Party; or violated any of the criteria relied on for granting Membership or Supporter status, the Chief Communication Officer will follow the process and procedure for addressing the same under the Bylaws, or, in the absence of Bylaws, motions and/or rules as set forth by the Executive.

### **ARTICLE 6 AFFILIATED ASSOCIATIONS & GROUPS**

1. The Affiliated Associations and Groups with the Party shall be:
  - a. each District Association as aligned with the electoral boundaries as contained in the *Electoral Boundaries Act*, RSNL 1990, c. E-4, as amended and operate in accordance with the Constitution, Bylaws (or, in the absence of Bylaws, motions and/or rules as set forth by the Executive), and Rules.
  - b. any Affiliated Association or Group created by the Diversity Representatives relating to that special interest area. Such Association or Group shall be comprised of Members or Supporters who are free to structure their association or group in a democratic manner, subject to approval by the Provincial Executive.

### **ARTICLE 7 PRESIDENT'S ADVISORY COUNCIL**

1. Subject to maintaining a membership in the party, the President's Advisory Council shall consist of:
  - a. All persons on the Provincial Executive,
  - b. All former persons of the Provincial Executive who maintain Membership within the Party and who were not removed from the Provincial Executive under Article 8.12,
  - c. All Members of the Party who are current or previous members of the House of Assembly, Members of Parliament, or the Canadian Senate,

- d. All official Party candidates in the last provincial election in the Province of Newfoundland and Labrador, or the most recent official Party Candidate in a district in which a by-election has been held since the last provincial election, and
  - e. All Presidents of the District Associations and Affiliated Associations or Groups.
2. The purpose of the President's Advisory Council is to give advice to the President of the Party on governance and issues as they arise, to ensure the continuity of the Party and to assist in succession planning. The President's Advisory Council has no authority to make decisions on behalf of the Party or its Membership.
  3. The President's Advisory Council shall meet at minimum once each calendar year, generally at the start of an Annual General Meeting or after a new Provincial Executive has been chosen.

## **ARTICLE 8 PROVINCIAL EXECUTIVE**

### **Compilation**

1. The voting members of Provincial Executive are as follows:
  - a. President,
  - b. Vice-President,
  - c. Chief Financial Officer,
  - d. Chief Communications Officer,
  - e. Leader,
  - f. Caucus Representative,
  - g. Diversity Representatives as per Article 10.8, and
  - h. Area Directors as per Article 10.10.
2. The Nonvoting members of the Provincial Executive are as follows
  - a. Immediate Past President,
  - b. Data and Technology Advisor,
  - c. Fundraising Coordinator, and
  - d. Membership Coordinator.

### **Duties of the Provincial Executive**

3. The duties of the Provincial Executive shall be such as are usually exercised by an Executive body.

4. As per Article 12.45 the Provincial Executive shall establish the Leadership Selection Rules.
5. The funds of the Party shall be under the control of the Provincial Executive.
6. The Provincial Executive must meet at minimum during every quarter per year, and there may be no more than 90 days between Provincial Executive meetings.
7. The President of the Party shall schedule a Provincial Executive meeting and give notice of such meeting to all Provincial Executive members within fifteen (15) days of receiving a request in writing to schedule such a meeting from any five (5) members of the Provincial Executive.
8. A quorum for Provincial Executive meetings shall be 50% plus one of the voting positions on the Provincial Executive filled at the time of the vote which shall include positions where someone is on a leave of absence. For the purposes of this Article, a vacant position is where someone has not been elected or appointed to fill the position.
9. The Provincial Executive shall have the power and it will be the Provincial Executive's duty to make appointments to fill vacancies in the Provincial Executive created by virtue of death, resignation or revocation of membership, for all positions provided that such appointments shall not be for a period beyond the up-coming Annual General Meeting of the Party.
10. The Caucus shall have the power and it will be the Caucus' duty to make appointments to fill the vacancy of the Caucus Representative.
11. In the event a Diversity Association or Group has been formed pursuant to Article 6.1(b) then said Association or Group shall fill the vacancy of their Diversity Representative. If there is no Association or Group, then the vacancy shall be filled in accordance with Article 8.9 herein.
12. The Provincial Executive may remove from the Provincial Executive any Member holding a position specified in Article 8.1 a, b, c, d, e, f, h, i, j or Article 8.2 a, b, c or d if the Member no longer holds Member status in the Party or provided that:
  - a. the member is consistently absent from Provincial Executive meetings and telephone conferences without sufficient reason, and/or does not carry out the work of the Provincial Executive, and/or does not carry out their duties as contained herein under Article 10,
  - b. adequate notices of the meeting at which such an action will be considered as well as the proposed action, are provided to all members of the Provincial Executive in writing.

The issue will be moved by one voting member of the Provincial Executive and seconded by another voting member of the Provincial Executive.

If the Provincial Executive has quorum; the notice as specified in Article 8.12.(b) has been complied with; two-thirds of the Provincial Executive voting members present at the Provincial Executive Meeting vote in favour of the motion; and the Provincial Executive had previously and in writing warned the member that such an action would be taken if the member continued to miss meetings and telephone conferences and/or did not carry out the work of the Provincial Executive and/or did not carry out their duties as contained herein under Article 10, the motion shall pass and the person shall be removed from the position and due to their removal will not be entitled to be part of the President's Advisory Council.

13. A member of the Provincial Executive who wishes to take a leave of absence from their position must make their intentions, and reasoning, known via a written request to the Chief Communications Officer, unless the person seeking the leave of absence is the Chief Communications Officer and in such case the written request must be made to the President. The decision to grant or deny the request will be made by the Provincial Executive and communicated back to the individual. The leave of absence shall not extend beyond the next Annual General Meeting and the Provincial Executive can make temporary appointments to fill the vacancy if necessary.
14. A member of the Provincial Executive may not take a leave of absence in order to support a leadership candidate or join a leadership candidate's campaign team. A member of the Provincial Executive must resign if they wish to endorse, publicly or privately, a candidate for the leadership of the Party.

## **ARTICLE 9                      MANAGEMENT COMMITTEE**

1. There shall be a Management Committee of the Provincial Executive which shall consist of the President, Vice-President, Chief Financial Officer, Chief Communications Officer, the Leader, and three (3) additional members from the remaining voting members of the Provincial Executive, selected at the discretion of the table officers. The members of the Management Committee are all voting members of the Provincial Executive.
2. A meeting of the Management Committee shall be at the call of the President of the Party but may also be called by any three or more members of the Management Committee giving notice in writing to all other members of the Management Committee.

3. A quorum for Management Committee meetings shall be five (5) members.
4. The Management Committee will deal with timely matters in between meetings of the Provincial Executive and shall have the powers of the Provincial Executive between the Provincial Executive meetings except that the decisions of the Management Committee shall be subject to review, alteration or cancellation by the Provincial Executive.
5. The Management Committee shall prepare the agenda for Provincial Executive meetings.
6. Any decision of the Management Committee that includes budgetary expenditures above their threshold as authorized by the Provincial Executive, non-budgeted expenditures, encumbrances for the Provincial Executive and/ or the Party or Financial Commitments that exceed beyond the current budgetary year cannot be acted upon until sanctioned by the Provincial Executive.
7. The Chief Communications Officer must distribute the minutes of the Management Committee Meetings to the Provincial Executive within five (5) business days of the meeting.

## **ARTICLE 10 DUTIES OF OFFICERS**

### **President**

1. The President shall
  - a. serve as the Chairperson of the Provincial Executive and shall be the most senior volunteer within the organization,
  - b. supervise and have responsibility for the management of the affairs and business of the Party and they shall preside at all meetings of the Party,
  - c. be responsible for the vigorous promotion by the Party of the Mission Statement and Core Values,
  - d. call and chair all meetings of the Management Committee, the Provincial Executive and President's Advisory Council, and
  - e. be an ex-officio member of all committees of the party.

## **Vice President**

2. The Vice-President shall
  - a. carry out duties as may be assigned by the Management Committee, the Provincial Executive or the President,
  - b. chair all meetings of the Management Committee, the Provincial Executive and President's Advisory Council in the absence of the President,
  - c. assume the office of the President upon the death or resignation of the President on an interim basis until a President is appointed or elected,
  - d. be tasked with providing structural and organizational support and guidance to the Party Membership, District Associations, and Area Directors,
  - e. liaise with the Area Directors on all necessary matters,
  - f. if a directorship is vacant oversee the same until the vacancy is filled either by appointment in between Annual General Meetings or by election at an Annual General Meeting,
  - g. assist District Associations with fundraising and budgeting,
  - h. assist the Area Directors in conducting their work in the Districts including elections,
  - i. act as a go-to person for election readiness assistance overseeing the elections within District Associations, and other structural processes,
  - j. be tasked with monitoring the growth of District Associations, and
  - k. be an automatic member of the Party's Election Committee and shall assume the role of Chair until such a member is appointed.

## **Chief Financial Officer**

3. It is preferred that the Chief Financial Officer have an accounting background and professional designation.
4. The Chief Financial Officer shall



- a. receive all monies, which are the property of the Party and shall keep an accurate record thereof,
- b. keep all invoices and shall maintain an accurate record of all expenses of the Party,
- c. keep and maintain banking books and records of the Party,
- d. table a report to the President, the Provincial Executive, and the Party's Membership on a regular basis, as meetings allow, (i.e. a report should be delivered at each meeting of the Membership),
- e. submit the Party's books, accounts, and records annually for audit by the Party's auditors who shall be a Chartered Professional Accountant or firm of Chartered Professional Accountants,
- f. be responsible for filing tax returns and other annual financial returns as required by Elections NL or other government entities,
- g. serve as Chair of the Budget and Finance Committee,
- h. table an annual budget for annual operational costs, and
- i. draft budgets for specific events such as by elections, leadership selections processes, etc. after consulting with the Fundraising Coordinator to ascertain sources of income, which must be adopted and passed by the Provincial Executive.

### **Chief Communications Officer**

5. The Chief Communications Officer shall
  - a. keep minutes of all meetings of the Party, the President's Advisory Council, the Provincial Executive and the Management Committee,
  - b. once approved, ensure that all minutes of the Management Committee Meetings are forwarded to the full Provincial Executive within five (5) business days for their review and discussion,
  - c. distribute other minutes in a timely manner and in accordance with any specific timelines herein,
  - d. assist the President with the running of meetings by ensuring that minutes are adopted, sharing meeting agendas, and facilitating the organization and invitations for meetings,
  - e. keep and maintain all the books and records of the Party,

- f. prepare all ordinary correspondence of the Party,
- g. give notice of all meetings as required under this Constitution, By-law or Rules made under this Constitution,
- h. be the issuer of any official records and publications, which may include excerpts from the Membership Registry, Media and News Releases,
- i. be responsible to ensure that the Party website, social media, email addresses, mail, and electronic mail is kept up to date,
- j. assist with the drafting of party motions,
- k. liaise with the President, Fundraising Coordinator and Leader in the drafting of any materials to be publicly released,
- l. be responsible for the development and implementation of resources and tools which may include, but are not limited to, membership recruitment tools, district association guides, election campaign guides,
- m. be responsible for seeking the information required as per Article 10.14(j) from the Area Directors for each District and providing the same to the Party,
- n. provide the Area Directors with the tools and forms to ensure compliance with Article 10.14(j).

### **The Leader**

- 6. The Leader shall
  - a. be the chief public official of the Party,
  - b. supervise and have responsibility for the policy administration of all aspects of the Party,
  - c. be an ex-officio member of all Committees of the Party,
  - d. be able to attend and/ or participate in all meetings of the Party and its Committees, unless there is a conflict of interest (actual or perceived) in which case they shall be recused,

- e. permit their designate to attend and/or participate in all meetings of the Party but shall not be allowed to vote; however, if there is a conflict of interest (actual or perceived) relating to the Leader and/or the designate then the designate shall be recused,
- f. be responsible for the vigorous promotion by the Party of the Mission Statement and Core Values of the Party.

### **Caucus Representative**

- 7. The Caucus Representative shall
  - a. represent the collective voice of Caucus,
  - b. be assigned duties by Caucus or the Leader as appropriate,
  - c. be the liaison between the Provincial Executive and the Caucus.

### **Diversity Representatives**

- 8. The Diversity Representatives are
  - a. Women's Representative, and
  - b. Youth Representative.
- 9. The Diversity Representatives shall
  - a. ensure that their diversity interest community, issues and groups are represented at the Provincial Executive,
  - b. be a voice for their diversity interest community, issues and groups,
  - c. ensure that all decisions of the Provincial Executive are done so with the perspective and consideration of their diversity interest community, issues and groups,
  - d. liaise with the Caucus member(s) responsible for the portfolio(s) relevant to their diversity interest community, issues and groups on a regular basis,
  - e. be engaged to provide policy advice during the election readiness period and any other time, and recruit and help engage and retain Party Members and Supporters to effectively carry out their role.

## Area Directors

10. There shall be eight (8) Area Directors and their catchment as well as Electoral Districts they represent shall be as assigned by the Provincial Executive.
11. The Area Directors shall
  - a. represent the Provincial District Associations contained in their areas on the Provincial Executive,
  - b. establish, organize and foster District Associations for each District,
  - c. ensure District Associations are active and functioning,
  - d. assist District Associations in establishing Executives,
  - e. if an Executive of a District Association becomes inactive or resigns then take custody of the District Associations and assets until a new District Association is established,
  - f. be responsible for ensuring that the District Associations in their areas host Annual General Meetings, Special General Meetings or other events,
  - g. be informed of, involved in and seek sanctioning from the Provincial Executive for all fundraising taking place in their Area,
  - h. monitor the District Associations to ensure compliance with the Constitution, Bylaws (or, in the absence of Bylaws, motions and/or rules as set forth by the Executive), and Rules of the Party,
  - i. act as the Liaison between the Vice-President and the District Associations,
  - j. assist with presentation, delivery, training and execution of all required tools, forms, guides, training or reporting for the District Associations including but not limited to: elections, delegate selection, Party procedure, or financial reporting of the District Associations as per the Bylaws (or, in the absence of Bylaws, motions and/or rules as set forth by the Executive) to ensure compliance with the Constitution, Bylaws and Rules of the Party,
  - k. provide a monthly report to the Provincial Executive on each District Association,

- l. assist District Associations in recruiting Members and Supporters,
- m. seek coordination among Districts and
- n. assist with District Association and Area Events.

### **Immediate Past President**

12. The Immediate Past President is a non-voting, advisory member of the Provincial Executive.
13. The Immediate Past President shall provide advice and guidance only as the new Provincial Executive transitions into their roles.

## **ARTICLE 11 MEETINGS**

### **Annual General Meetings**

1. The Annual General Meeting of the Party shall be held once each calendar year following thirty (30) calendar days' notice to all Members and Supporters who have filed their addresses with the Party and to all Affiliated Associations and Groups as to its time and place. If a provincial election or federal election or Leadership Process intervenes or if there is an emergency beyond the control of the Provincial Executive, the Provincial Executive shall be empowered then to set a replacement date for the Annual General Meeting.
2. The agenda or order of business at the Annual General Meetings includes the following:
  - call of the meeting to order,
  - distribution and adoption of the minutes of the previous Annual General Meeting and distribution and adoption of the minutes of any Special General Meetings held subsequent to the last Annual General Meeting,
  - report of the Leader,
  - report of the President,
  - report of the Chief Financial Officer which shall include audited financial statements of the Party,

- a policy session, and
  - election of officers.
3. The Party's Constitution, Bylaws, and Rules shall be reviewed on a set schedule as outlined in Article 15.13 (c), (d) and (e) and these reviews shall be added to the Annual General Meeting agenda when required.
  4. Additional agenda items may be added by the Provincial Executive and the order of business for the Annual General Meeting shall be determined by the Provincial Executive with the exception of a Motion-Based Leadership Review or a Leader-Called Leadership Review which shall be placed on the Agenda in accordance with Article 12.23 or Article 12.35, whichever is applicable.
  5. Fifty (50) members or supporters of the Party in good standing in accordance with Article 5 who are registered delegates to the Annual General Meeting shall constitute the quorum at an Annual General Meeting.

### **Special General Meetings**

6. Special General Meetings of the Party may be called at any time, on any date and at any place within the Province of Newfoundland and Labrador under the following circumstances:
  - a. Upon a decision by the Provincial Executive, or
  - b. Upon the request of 100 Members or Supporters representing at least 50% + 1 of the Provincial Electoral Districts.
7. The Provincial Executive must decide a date and location for the Special General Meeting and notify all Members, Affiliated Associations and Groups the date and location of the Special General Meeting within fourteen (14) days of calling the meeting.
8. The date of the Special General Meeting shall be no sooner than forty-five (45) days and no later than 75 days from the calling of the meeting.
9. The notice of the Special General Meeting to the Members and Supporters, Affiliated Associations and Groups shall be posted online on the Party's website and include a general statement on the purpose of the meeting and an Agenda shall be circulated to the Membership at least 14 days prior to the Special General Meeting.

10. Fifty (50) members or supporters of the Party in good standing in accordance with Article 5 who are registered delegates to the Special General Meeting shall constitute the quorum at a Special General Meeting.
11. In the event the purpose of the Special General Meeting is Constitutional Amendments then the timelines as outlined in Article 19 shall be adhered to.

### **Delegates for Annual General Meeting and Special General Meeting**

12. Subject to payment of all reasonable fees or charges imposed in relation thereto, all delegates shall be entitled to attend and vote at Annual General Meetings and Special General Meetings.
13. For those who are not delegates then the Provincial Executive shall issue observer status to any member or supporter of the Party to attend any Annual General Meeting or Special General Meeting subject to such limitations or rules as the Provincial Executive may from time to time determine or impose.
14. The Provincial Executive may issue an observer status to any person of the news media or other special person that the Provincial Executive deems advisable to any Annual General Meeting or Special General Meeting subject to such limitations or rules as the Provincial Executive may deem advisable or impose.
15. Voting delegates at each Annual General Meeting and at each Special General Meeting shall consist of the following:
  1. Each member of the Provincial Executive, irrespective of whether they have voting or nonvoting rights on the Provincial Executive;
  2. Each member of the President's Advisory Council;
  3. All Honourary Lifetime Members of the Party;
  4. Any person sitting on the Executive of each District Association shall by virtue of that office be a delegate for their District Association; and
  5. Each District Association shall be entitled to a further 15 delegates (2 who must be youth) of Members of the Party provided said persons are Ordinarily Resident in the District.

6. the Federal Conservative Party of Canada National Councillor for Newfoundland and Labrador; the Federal Conservative Party of Canada National Policy and National Constitution Committee members for Newfoundland and Labrador; and the Presidents of the Federal Conservative Party of Canada Electoral District Associations (EDAs) in Newfoundland and Labrador

16. At the public meeting if there are fewer than fifteen (15) Members who put forward their expression of interest, all Members will be delegates and the remaining available delegate places will be allocated on a first-come, first-served basis for Members who submit an expression of interest in writing to the District Association Executive. At the public meeting if there are more than fifteen (15) Members who put forward expressions of interest then the same shall be decided by a secret ballot vote done at the public meeting in the presence of the attendees.

#### **Conduct and Voting at Annual General Meetings and Special General Meetings**

17. The rules for the conduct of Annual General Meetings and Special General Meetings shall be governed by the Roberts' Rules of Order, provided that if there is a conflict between the Roberts' Rules of Order and this Constitution, then this Constitution shall prevail.

#### **Voting at Annual General Meetings and Special General Meetings**

18. The election of Provincial Executive officers shall be by secret ballot.
19. The election of Area Directors shall be by eligible voting delegates who are Ordinarily Residents of the Districts that the Area Directors will represent. Provincial Executive Members, President's Advisory Council Members and Honourary Lifetime Members shall be entitled to vote if they are Ordinarily Residents of the Districts in which the Area Directors represent; however, if said person is not (or no longer) Ordinarily Resident as defined herein then they shall be affiliated with the District based on their last address in the Province.
20. The vote on a question asking delegates if they have confidence in the current Leader shall also be by secret ballot as per Article 12.30 and 12.37.
21. In all other cases not set forth above, voting shall be by a show of hands except that a vote shall be by secret ballot on any matter if requested by 50% plus 1 of voting delegates who rise in their places and request a secret ballot.



22. No delegate to an Annual General Meeting or Special General Meeting shall be entitled to more than one (1) vote.
23. In the case of a tie vote on a motion or resolution, the motion or resolution fails.
24. In the case of a tie vote with respect to the election of an officer of the Party, Roberts Rules of Order shall apply.

## **ARTICLE 12 LEADERSHIP**

### **Substitute Leader**

1. When a Leader is temporarily incapacitated or out of contact due to surgery, medical condition, bereavement, tragedy, or natural disaster an emergency substitution of the oath of office can be made.
2. Caucus will recommend to the Provincial Executive their choice for Substitute Leader as selected by them. If the selection is from within Caucus, the decision shall be final. If the selection is for a person outside of Caucus, the selection shall be brought to the Provincial Executive for approval. If the Provincial Executive is not in support of the choice of the Caucus, caucus will then meet with the Provincial Executive to come to a resolution.
3. This Substitute Leader is to be a temporary fill in for the leader with the expectation the leader shall be returning.
4. The Substitute Leader is able to be appointed Interim Leader but is not eligible to be a candidate for the position of Leader.

### **Interim Leader**

5. Upon the death, retirement, or resignation of the Leader
  - a. an election of a new Leader shall be held at such date, time and place as the Provincial Executive Shall decide;
  - b. the Party will have an “Interim Leader”; and
  - c. if leading up to this there has been a Substitute Leader, the Substitute Leader shall be replaced by the Interim Leader; however the Substitute Leader can be considered for the position of Interim Leader.

6. Caucus will recommend to the Provincial Executive their choice for Interim Leader as selected by them. If the selection is from within Caucus, the decision shall be final. If the selection is for a person outside of caucus, the selection shall be brought to the Provincial Executive for approval. If the Provincial Executive is not in support of the choice of the Caucus, the matter will be referred back to the Caucus for another choice.
7. In the event the Provincial Executive votes contrary to all selections of Caucus for Interim Leader then a joint meeting of the Caucus and the voting members of the Provincial Executive shall determine such selection by a majority vote.
8. The Interim Leader is not eligible to be a candidate for the position of Leader.

### **Leadership Review**

#### **A. *Automatic Leadership Review***

9. The Party shall have an Automatic Leadership Review after any election in which the Party has failed to form government. The Automatic Leadership Review shall be part of the Agenda at the next Annual General Meeting following the election loss or at a Special General Meeting that has been called regardless of the purpose of the Special General Meeting, whichever occurs first.
10. In the Automatic Leadership Review the question shall be “Do you have Confidence in the current Leader?” A motion is not required for the same.
11. Voters are delegates in accordance with Article 11 herein and shall vote by a Secret Ballot and choosing yes or no.
12. Member and Supporters will be given time as decided by the Provincial Executive to speak from the floor in support of or against the Leader.
13. The session will be closed to the media.
14. The Automatic Leadership Review, question and process herein cannot be amended or deferred by a Motion.
15. If 50.00001% or more of the voters vote yes, which indicates that they do have confidence in the current Leader, then the current Leader has a mandate to continue on in their role as Leader.

16. If 50.00001% or more vote no, which indicates that they do not have confidence in the current Leader, then the current Leader is to step down from the position, and the same triggers a Leadership Selection Process as per Article 12.43 to 12.56 herein.

***B. Motion-Based Leadership Review***

17. Members and Supporters can also seek a Leadership review in the event they have lost confidence in the current Leader by submitting a motion to the Chief Communications Officer on a form provided by the Party. Said Form must be the original and must include a motion that states

“The Undersigned have lost confidence in the current Leader and seek a Leadership Review in which the following question shall be put forward: “Do you have Confidence in the current Leader?”

18. The motion must have a proposer and a seconder. In addition, it must be signed by a further minimum of 100 Members or Supporters that represent at least 50% plus 1 of the Provincial Electoral Districts.
19. The name, signature, and District of the proposer, the seconder and 100 Members or Supporters must be included in the Form and each signatory must date when they signed the same.
20. Upon receipt of said Form, the Chief Communications Officer shall contact the proposer and seconder to acknowledge receipt of the Form, notify the Provincial Executive and thereafter the Motion enters into a validation process.
21. The Chief Communications Officer on behalf of the Provincial Executive shall conduct the validation process and the validation process will ensure that the proposer, the seconder and Members/ Supporters are all Members or Supporters in good standing of the Party, and have been for at least 6 months prior to the date they signed the form. The validation process will also ensure that the motion does represent 50% plus 1 of the Provincial Electoral Districts.
22. In the event the Motion is not valid, then the Chief Communications Officer shall notify the Provincial Executive of the same and then on behalf of the Provincial Executive shall notify the proposer and seconder the same is not valid and will not be placed on the Agenda. The Chief Communications Officer shall then return the original documents to the proposer and seconder but retain a copy for the Party Records.
23. In the event the Motion is valid then the Chief Communications Officer shall notify the Provincial Executive that it is valid and then on behalf of the Provincial Executive shall notify the proposer and seconder that it is valid, and the Motion will be put on the Agenda.

24. The Leadership Review shall then be part of the Agenda at the next Annual General Meeting or Special General Meeting that has been called regardless of the purpose of the Special General Meeting, whichever occurs first, as long as the Motion was received by the Chief Communications Officer at least 30 days before the Annual General Meeting or Special General Meeting. However, in the event said Motion is received by the Chief Communications Officer less than 30 days before an Annual General Meeting or Special General Meeting and is validated, it cannot be on the agenda of the Annual General Meeting or Special General Meeting that is already scheduled to occur within the 30 days and must be deferred to the next Annual General Meeting or Special General Meeting after.
25. The Chief Communications Officer shall notify the Members and Supporters thereafter of receipt of the Motion and whether it has been validated and will be on the Agenda or was not validated and will not be on the Agenda.
26. This Motion shall be put placed on the Agenda after the Call to Order, Adoption of the Agenda and Reports.
27. Then the proposer and seconder are to speak to the Motion.
28. Member and Supporters will be given time as decided by the Provincial Executive to speak from the floor in support of or against the Leader.
29. The question to be voted on shall be “Do you have confidence in the current Leader?”
30. Voters are delegates in accordance with Article 11 herein and shall vote by a Secret Ballot and choosing yes or no.
31. The session will be closed to the media.
32. The Motion-Based Leadership Review, Question and process herein cannot be amended by a Motion.
33. If 50.00001% or more of the voters vote yes, which indicates that they do have confidence in the current Leader, then the current Leader has a mandate from the Members and Supporters to continue on in their role as Leader.
34. If 50.00001% or more vote no, which indicates that they do not have confidence in the current Leader, the same triggers a Leadership Selection process as per Articles 12.43 to 12.56 herein.

**B. *Leader-Called Leadership Review***

35. The Party shall have a Leadership Review if the Leader has requested the same to the Party Executive and/or announced publicly the same will be occurring. If the Leader has not expressed when the same is to occur (generally or specifically as to date, month, season or year) then the Leadership Review shall be part of the Agenda at the next Annual General Meeting following or a Special General Meeting that has been called regardless of the purpose of the Special General Meeting, whichever occurs first. If the Leader has expressed (generally or specially as to date, month, season or year) when the same is to occur then the Party Executive shall be obligated to meet that timeline and arrange either an Annual General Meeting or Special General Meeting to match what has been expressed.
36. In the Leader-Called Leadership Review the question shall be “Do you have confidence in the current Leader?” A motion is not required for the same.
37. Voters are delegates in accordance with Article 11 herein and shall vote by a Secret Ballot and choosing yes or no.
38. Member and Supporters will be given time as decided by the Provincial Executive to speak from the floor in support of or against the Leader.
39. The session will be closed to the media.
40. The Leader-Called Leadership Review, Question and process herein cannot be amended or deferred by a Motion.
41. If 50.00001% or more of the voters vote yes, which indicates that they do have confidence in the current Leader, then the current Leader has a mandate from the members and supporters to continue on in their role as leader.
42. If 50.00001% or more vote no, which indicates that they do not have confidence in the current Leader then the current Leader is to step down from the position, and the same triggers a Leadership Selection process as per Article 12.43 to 12.56 herein.

**Leadership Selection Process**

43. A leadership selection shall respect the principles that
  - a. each Member or Supporter of the Party has a right to one vote,

- b. no Member or Supporter can vote more than once,
- c. each District shall be given an equal voice, and
- d. every Member and Supporter shall have equal access and ability to participate in all processes to select a Leader.

***A. Leadership Selection Rules***

- 44. The Leadership Selection Process will follow Rules known as the Leadership Selection Rules.
- 45. The Provincial Executive shall establish the Leadership Selection Rules governing the Leadership Selection Process.
- 46. The Leadership Selection Rules will be drafted to reflect the spirit and intent of the Constitution and in accordance with the terms of the same.
- 47. The Leadership Selection Rules can be amended or varied upon a vote by the Provincial Executive, provided the same do not conflict with the Constitution, Bylaws, or, in the absence of Bylaws, motions and/or rules as set forth by the Executive.
- 48. In the event of a conflict between the Leadership Selection Rules and the Constitution and/or Bylaws (or, in the absence of Bylaws, motions and/or rules as set forth by the Executive), the Constitution and/or Bylaws shall prevail.
- 49. The Provincial Executive shall at least once between Annual General Meetings undertake a complete review of the Leadership Selection Rules.
- 50. The Constitution Committee shall review the Leadership Selection Rules on a set schedule as outlined in Article 15.13 (e) and such reviews must be completed and submitted to the Provincial Executive within four (4) months of commencing the Review.

***B. Teams/ Committees***

- 51. The Provincial Executive shall appoint a Leadership Selection Committee for the Leadership Selection Process only to administer the leadership selection in accordance with the Leadership Selection Rules.

52. The Leadership Selection Committee shall have exclusive authority to interpret and apply the Leadership Selection Rules and to issue guidelines for their interpretation and application without referral to the Provincial Executive.
53. A Leadership Selection Committee can include subcommittees relating to Leadership Convention if applicable, Leadership Instillation if applicable, Appeals Committee, and any other Committees deemed necessary to facilitate an inclusive, open, transparent and fair Leadership Selection Process.
54. The Persons on the Provincial Executive, Leadership Selection Committee and any other subcommittees thereof shall remain neutral during the Leadership Selection Process and shall undertake in writing to remain neutral throughout the entire Leadership Selection Process.

***C. Secure Candidacy for Leader***

55. Each candidate for Leader must be a Member of the Party and must be nominated and seconded in writing by Members or Supporters of the Party. Furthermore, each nomination must also be endorsed in writing by a minimum of 100 Members or Supporters of the Party representing at least 50% plus 1 of the Electoral Districts.

***D. Leadership Vote***

56. Members and Supporters of the Party recorded on the Membership Registry as of the cut-off date pursuant to the Leadership Selections Rules comprise the Voters' List.

**ARTICLE 13**

**SELECTION OF PARTY CANDIDATES**

1. The Party Leader, in consultation with the District Association and the President of the Party shall call nominations prior to a general election or a by-election in each District. The Party shall publish a press release in the media that covers the area and/or post a copy of the press release to the party website. The same may also be posted on the District Association website, social media of the Party and/or District Association and sent to the District Association Members and Supporters list. The press release shall give reasonable notice of the date and time at which nominations close and where nominations shall be filed, and such notice shall not be less than two (2) days prior to the close of nominations.
2. In the event that more than one (1) person is nominated, then the Party candidate shall be selected at one or more special meetings of the District Association called for that purpose and hereinafter call "Nominating Meetings."

3. The Party Leader, in consultation with the District Association and President of the Party, shall schedule any required nominating meetings and shall determine the time, type and number of such meetings. The Party shall publish a press release in the media that covers the area and/or post a copy of the press release to the party website. The same may also be posted on the District Association website, social media of the Party and/or District Association, and sent to the District Association Members and Supporters list. The press release shall give reasonable notice of the date, time and place of such Nominating Meetings and the choice of media used and the length of the notice given shall be determined in consultation with the District Association.
4. Notwithstanding Article 13.1 and Article 13.3 the Party Leader in consultation with the President of the Party shall have emergency power to call for nominations to be filed, which shall be done as expeditiously as possible, but which shall not be less than twenty-four (24) hours from the time than an election was called and shall have emergency power to schedule nominating meetings if more than one (1) person files nomination documents in Districts where nomination meetings have not yet been held and an election has been called.
5. All persons seeking nomination in any Electoral District must file a nomination document in the form prescribed by the Provincial Executive. At the time of filing such document they shall also deposit with the Progressive Conservative Party of Newfoundland and Labrador a non-refundable sum of money, the amount of which shall be determined from time to time by the Provincial Executive. If there is a District Association, the money is to be paid to the District Association. Nomination forms will be checked to ensure validity and completeness, and nominees shall be vetted in accordance with the Bylaws (or, in the absence of Bylaws, motions and/or rules as set forth by the Executive) and Rules.
6. Eligible voters entitled to vote for a person to be elected as the Party Candidate are those persons who are members or supporters of the District Association, Ordinarily Resident in the Electoral District at the date of the Nominating Meeting and who are not less than sixteen (16) years of age either at the date of the nominating meeting or at the date of the election, if the date of the election has been set.
7. Subject to Article 13.10, if only one (1) person files a nomination document in an Electoral District as set forth in Article 13.5, then that person, provided they support the Mission Statement and Core Values of the Party, shall be the Party's candidate in the Electoral District by acclamation.
8. In Electoral Districts where only one (1) central nominating meeting will take place, then if more than one (1) person files a nomination document and no nominated person receives an absolute majority on the first ballot, further balloting shall be conducted until an absolute majority has been attained by one (1) nominated person. On each ballot those nominated persons having less than ten percent (10%) of the total vote cast together with the nominated person with lowest number



of votes will be dropped and the remaining provided that a nominated person having less than ten percent (10%) of the total vote cast and the nominated person with the lowest number of votes may be the same person.

9. To accommodate the geography of Districts, if there is to be more than one (1) nominating Meeting in an Electoral District, then if more than one (1) person files a nomination document, the nominated person who receives the largest number of votes of the total votes cast at all Nominating Meetings shall be the Party candidate in that District, notwithstanding the fact that the total number of votes received by the nominated person having the largest number of total votes cast represents only a plurality and not a majority of the total votes cast.
10. Notwithstanding anything in this Constitution, no person shall be the official Party Candidate in any Electoral District in any election without holding membership in the Party and without the approval of the Leader.
11. In the case when an election has been called within eighteen (18) months following the election as a Member of the House of Assembly of a Party Candidate in a District in a previous by-election or general election, then the Party Leader, in consultation with the Party President and District President, may declare such person to be the duly nominated party Candidate for the District in the upcoming election

#### **ARTICLE 14      STANDING COMMITTEES**

1. The Standing Committees of the Party shall be the Constitution Committee, the Finance and Budget Committee, the Credentials Committee, the Policy Committee, and the Elections Committee.
2. The duties of the Standing Committee shall be as prescribed from time to time in the Bylaws of the Party (or, in the absence of Bylaws, motions and/or rules as set forth by the Executive), Rules or by the Provincial Executive.
3. The President and Leader of the Party shall be ex-officio members of all Standing Committees.
4. The chairperson of the Finance and Budget Committee shall be the Chief Financial Officer of the Party.
5. The President of the Party shall appoint the chairperson for the Constitution Committee.

6. The President of the Party shall appoint the chairperson for the Credentials Committee.
7. The Leader of the Party in consultation with the President of the Party shall appoint the chairperson or co-chairperson of the Policy Committee.
8. The Leader of the Party shall appoint the chairperson(s) for the Elections Committee.
9. All decision making for Standing Committees shall require a quorum. Quorum for all Standing Committees shall be 50% +1 of the appointed members.
10. All Standing Committee Members shall be bound by Rules of Privacy and Confidentiality as it relates to their work, information to which they become privy, and decisions they make.
11. All Standing Committee members are expected to conduct themselves in a manner that is consistent with the Core Values of the Party. If a Committee member (including the President or the Leader) appears to be in either a real or a perceived conflict of interest, then said Committee Member must not participate in any decision-making related to the matter for which the conflict exists

### **Constitution Committee**

12. The Constitution Committee is a Standing Committee of the Party whose members shall be appointed in accordance with the Bylaws, or, in the absence of Bylaws, subject to motions and/or rules as set forth by the Executive. At least one member of the Constitution Committee shall sit on the Rules Committee in the Leadership Selection Process.
13. The Constitution Committee shall be responsible for
  - a. assisting in the interpretation of the Constitution,
  - b. assisting with Constitution Amendments,
  - c. reviewing (and revising the Constitution if necessary) at least once every 4 years,
  - d. reviewing and revising the Bylaws in odd numbered years,
  - e. reviewing and revising the Leadership Rules and other Rules in even numbered years,
  - f. such other work it agrees to take on, and

- g. providing and presenting all reviews and recommendations to the Provincial Executive.

14. Members shall remain neutral during Leadership Campaigns.

### **Finance and Budget Committee**

15. The Finance and Budget Committee is a Standing Committee of the Party which will be chaired by the Chief Financial Officer of the Party. In addition to the Chief Financial Officer, two other members of the Provincial Executive shall also be members. The remaining three members shall be appointed in accordance with the Bylaws, or, in the absence of Bylaws, subject to motions and/or rules as set forth by the Executive.

16. The Finance and Budget Committee shall be responsible for

- a. developing and monitoring the annual budget,
- b. developing Draft Rules for the Party to use to assist the District Associations as well as any Diversity Affiliated Associations or Groups on financial matters, when requested, and present their Draft Rules on the same to the Provincial Executive,
- c. assisting the Chief Financial Officer in relation to developing and monitoring any other budgets required,
- d. setting up and administering the operation fund and the election fund,
- e. liaising with the Elections Committee,
- f. liaising with the Fundraising Coordinator,
- g. ensuring any fundraising that is done, is done in accordance with all Legislation and Regulations, and
- h. assisting the Chief Financial Officer in relation to reports, audited papers, regulatory, or government obligations.

### **Credentials Committee**

17. The Credentials Committee is a Standing Committee of the Party whose members shall be appointed in accordance with the Bylaws, (or, in the absence of Bylaws, motions and/or rules as set forth by the Executive), but there shall be at least three (3) members, one of whom must sit on the Provincial Executive and will act as chair of this Committee.
18. The Credentials Committee shall be responsible for
- a. establishing and maintaining a Honourary Lifetime Membership list with names and up-to-date contact information for the same,
  - b. establishing and maintaining the President's Advisory Council list with names and up-to-date contact information for the same,
  - c. reviewing the list in Articles 15.18(a) and (b) each calendar year and confirming or updating the information therein,
  - d. accrediting or denying all potential candidates or nominees for a Provincial Election or Leadership, and
  - e. annually reviewing the forms for candidate accreditation and presenting recommendations to the Provincial Executive of amendments.

### **Policy Committee**

19. The Policy Committee is a Standing Committee of the Party and the Leader in consultation with the President shall appoint a chair or co-chairs of the same. The remaining members shall be appointed in accordance with the Bylaws, or, in the absence of Bylaws, subject to motions and/or rules as set forth by the Executive.
20. The Policy Committee shall be responsible for
- a. preparing policy development discussion papers or recommendations on the Committee's initiative or at the request of the Provincial Executive or the Leader,
  - b. advising on whether or not the policy resolutions and other policy positions considered or adopted by the Party conform with the Mission and Core Values of the Party,

- c. liaising with the Diversity Representative, Caucus representative and Vice-President to solicit input and ensure conformity and unity,
- d. assisting the Provincial Executive in the drafting of policy, resolutions and motions relating to the same,
- e. reporting regularly to the Provincial Executive and also to the Party's Members and Supporters at the Annual General Meeting, and
- f. performing such other duties as directed by the Executive.

### **Elections Committee**

- 21. The Elections Committee is a Standing Committee of the Party whose members shall be appointed in accordance with the Bylaws, or, in the absence of Bylaws, subject to motions and/or rules as set forth by the Executive. There shall be at least three (3) members and the chairperson shall be appointed by the Leader.
- 22. The Elections Committee shall be responsible for,
  - a. developing and delivering an Election Readiness Program,
  - b. liaising with the Chief Financial Officer in relation to the election fund,
  - c. assisting the Chief Financial Officer in relation to developing and monitoring any election budgets required,
  - d. liaising with the Fundraising Coordinator,
  - e. implementing and overseeing any subcommittees that are required for elections, and assigning tasks to the same,
  - f. consulting with Provincial Executive as to the actual sub-committees, tasks and population of the same,
  - g. assisting the Party with ensuring compliance of District Associations and Candidates relating to accounting, reporting and Elections NL, and

- h. issuing monthly reports to the Provincial Executive.

## **ARTICLE 15                    RESOLUTIONS AND MOTIONS**

1. This Article does not apply to a Motion under Article 12.17 nor to those under Article 19.
2. Unless stated otherwise in the Constitution, all resolutions and motions shall be in writing and shall have a proposer and seconder.
3. Notice of resolutions and motions must be given in writing to the Chief Communications Officer of the Party at least thirty (30) days prior to an Annual General Meeting and at least fourteen (14) days prior to a Special General Meeting.
4. Notwithstanding the notice requirements in this Article 16.3, a resolution or motion may be proposed at an Annual General Meeting or a Special General Meeting without notice provided that a 2/3rds majority of the voting delegates present agree by vote to waive the notice requirements.
5. The proposer and seconder of a resolution or motion must speak to the proposed resolution or motion.
6. In order to be adopted or passed, all resolutions and motions must receive a majority vote of voting delegates present.

## **ARTICLE 16                    BRANDING AND LOGO USAGE**

1. The Party shall have a set of brand standards which include the logo, guidelines for using the logo, official party colours, fonts, and other related items.
2. The purpose of the brand standards is to ensure compliance, continuity, and consistency, thereby strengthening the Party, Party Identification and marketing. Brand standards shall be updated in a timely manner to allow their usage for general Elections and By-Elections.
3. The Party Chief Communications Officer shall make the brand standards available to Candidates in Provincial Elections, District Associations, MHAs, the Party Leader, Provincial Executive Members, and Committees of the Party as well as in accordance with the relevant Leadership Rules.

## **ARTICLE 17                    BYLAWS**

Bylaws consistent with this Constitution may be adopted by way of resolution or motion in accordance with Article 15.

## **ARTICLE 18                    AMENDMENTS**

1. This Constitution may be amended by at least two-thirds of the votes cast at an Annual General Meeting unless the Provincial Executive decides there is to be a Special General Meeting of the Party on the same. The proposed amendments shall be provided in accordance with article 19.2 19.3, 19.4 and 19.5 herein.
2. Amendments may be proposed by the Constitution Committee, Provincial Executive, or by ten (10) members of the Party acting together, and who collectively reside in no fewer than five different districts.
3. Proposed amendments shall be sent to the Chief Communications Officer forty-five (45) days in advance of the meeting at which it is proposed to present such amendments.
4. The Chief Communications Officer shall send all such proposed amendments twenty-eight (28) days in advance of the meeting to all members of the Provincial Executive and to the Presidents and Secretaries of all recognized Associations.
5. Each registered Delegate to the Annual General Meeting or Special General Meeting at which amendments to the Constitution are proposed shall be sent such proposed amendments fourteen (14) days prior to the date of such Annual General Meeting or Special General Meeting.
6. The timelines herein apply to Constitutional amendments only, whether being held at an Annual General Meeting or Special General Meeting.

## **ARTICLE 19                    LIABILITY AND APPEALS**

### **Liability and Indemnity**

1. When acting within the scope of their authority, no employee, volunteer, officer, director, or member of any committee established by the Party shall be liable for any debts, actions, claims, demands, liabilities or commitments of any kind of the Party. The Party shall indemnify and hold harmless each such person against any debt, action, claim, demand, liability or commitment unless negligent.

### **Interpretation and Appeals**

2. Should any question arise as to the interpretation of this Constitution, it shall be decided in the first instance by the President.
3. Any decision by the President on a question of interpretation may be appealed to the Executive Committee, whose decision on the appeal shall be final.
4. The President shall not attend that portion of any meeting of the Executive Committee where any appeal of a decision under this provision is being considered.
5. The Chief Communications Officer shall make and preserve minutes of any decision made by the President or the Executive Committee on the interpretation of this Constitution.
6. Any time limit set in this Constitution may be modified or waived by the President of the Party if an Election or By-Election has been called, or if such call is reasonably perceived to be imminent.

#### **ARTICLE 20                    AD HOC COMMITTEES**

The Party may from time to time establish an ad hoc committee. The name and membership of the committee shall be described from time to time by motions and/or rules set forth by the Executive, or by the majority of quorum at a meeting of the Party. The terms of reference of the committee will be approved by the same, and may be amended by the Provincial Executive of the Party at future meetings of the same.

Ad Hoc Committees of the Party shall include at least one member of the Provincial Executive as ex-officio.

Ad Hoc Committees of the Party shall have a termination date. That date may be extended by resolution of the Provincial Executive where necessary.

#### **ARTICLE 21                    STATES OF EMERGENCY**

In the event of a declared federal or provincial State of Emergency, Public Health Emergency, or other such decree that prohibits by law or regulation the actions and timelines contained in this Constitution, the Provincial Executive shall have the authority to temporarily, for the duration of such Emergency, allow for alternate means of executing the business of the party. Approval of such changes shall require a majority vote of the Executive.

#### **ARTICLE 22                    COMMENCEMENT & SUCCESSION**



This Constitution will commence and take effect on the day following adoption at which point all positions on the current Provincial Executive and Steering Committee are dissolved and new ones must be immediately elected in accordance with this new Constitution.

The Constitution, 1992 and amendments therein as well as its Bylaws are hereby repealed.

## SCHEDULE “A”

Section 26 of the *Elections Act, 1991* SNL 1992, c. E-31

“26. For the purpose of this Part, the place where a person is ordinarily resident is determined in accordance with the following rules of residency:

### Rules of Residency

**I.** The place where a person is ordinarily resident is that place in which they have principal or only residence, home, lodging or habitation.

**II.** (1) A person may not have more than 1 place at a time in which they are ordinarily resident.

(2) A person who remains in the province retains their ordinary residence in the province as determined under Rule I until they have acquired another.

**III.** Notwithstanding Rule IV, a person who goes to a place either within or outside the province

- (a) for a vacation or holiday;
- (b) for a temporary purpose only; or
- (c) to obtain medical or hospital care,

retains his or her ordinary residence in the province as determined under Rule I.

**IV.** A person who goes to a place outside the province for a continuous period of more than 6 months ceases to be ordinarily resident in the province, notwithstanding that they may intend to return at some future time.

**V.** Notwithstanding Rule IV, in the absence of evidence to the contrary, a person who has left his or her place of residence in the province to pursue a course of study at an educational institution either outside or within the province is considered to be ordinarily resident in the place where they were residing immediately before leaving to pursue the course of study, and they are considered to continue to have that ordinary residence until they complete or abandons the course of study.

**VI.** In the absence of evidence to the contrary, a person who has left his or her place of residence outside the province to pursue a course of study at an educational institution in the province is not ordinarily resident in the province.

**VII.** A prisoner held in custody in a provincial jail or penitentiary is considered to be ordinarily resident in the place where they were ordinarily resident immediately before his or her incarceration.

**VIII.** Notwithstanding Rule II(1), a member of the Senate or the House of Commons of Canada who at the time of becoming a member was ordinarily resident in the province, their spouse unless they are living apart from the member and the member's unmarried dependant children are considered to be ordinarily resident in the place in which the member was ordinarily resident at the time of becoming a member, notwithstanding that the member may have established a residence outside the province

## SCHEDULE “B”

Section 118 of the *Elections Act, 1991* SNL 1992, c. E-31

118. (1) The deputy returning officer when requested to by an elector shall,

- (a) permit a friend of the elector to accompany the elector into the voting compartment and mark the ballot of the elector; or
- (b) assist the elector
  - (i) by marking the ballot of the elector in the manner directed by the elector, in the presence of the scrutineers of the candidates in the polling station and of no other person, and the deputy returning officer shall, where the elector is unable to do so, then place that ballot in the ballot box, or
  - (ii) by instructing the elector in the use of a brailled template, prescribed by the Chief Electoral Officer, to be affixed over the ballot so that each hole in the brailled template indicates the place where a mark in that hole would result in a vote for the candidate whose name corresponds to that hole, and by reading to the elector the candidate that corresponds with each hole in the brailled template, so that the elector may understand the method by which they may mark his or her ballot for the candidate of his or her choice.

(2) Where a friend of the elector accompanies the elector into the voting compartment as provided for in paragraph (1)(a), the poll clerk shall, in addition to the other requirements prescribed by this Part, enter the name of the friend in the remarks column of the poll book opposite the entry relating to the elector.

(3) A person at an election shall not act or shall not be allowed to act under paragraph (1)(a) as the friend of more than 1 elector.

(4) A friend who is permitted to mark the ballot of an elector under paragraph (1)(a) shall 1st take an oath in the prescribed form that they will keep secret the name of the candidate for whom the ballot of the elector is marked by them and that they have not already acted as the friend of an elector for the purpose of marking his or her ballot at that election.