

# The Liberal Party of Canada

## Constitution

As adopted and amended at the Biennial Convention on November 30 and December 1, 2006, further amended at the Biennial Convention in Vancouver on May 2, 2009, and at the Extraordinary Convention on June 18, 2011,  
and ratified by the National Board of Directors on July 9, 2011

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## **PART 1 – THE PARTY**

### **PREAMBLE**

The Liberal Party of Canada is committed to the view that the dignity of each individual man and woman is the cardinal principle of democratic society and the primary purpose of all political organization and activity in such a society.

The Liberal Party of Canada is dedicated to the principles that have historically sustained the Party: individual freedom, responsibility and human dignity in the framework of a just society, and political freedom in the framework of meaningful participation by all persons. The Liberal Party is bound by the constitution of Canada and the *Canadian Charter of Rights and Freedoms* and is committed to the pursuit of equality of opportunity for all persons, to the enhancement of our unique and diverse cultural community, to the recognition that English and French are the official languages of Canada, and to the preservation of the Canadian identity in a global society.

In accordance with this philosophy, the Liberal Party of Canada subscribes to the fundamental rights and freedoms of persons under the rule of law and commits itself to the protection of these essential values and their constant adaptation to the changing needs of modern Canadian society.

The Liberal Party of Canada recognizes that human dignity in a democratic system requires that all citizens have access to full information concerning the policies and leadership of the Party; the opportunity to participate in open and public assessment of such means, and such modifications of policies and leadership as they deem desirable to promote the political, economic, social, cultural and general well-being of Canadians.

To realize this objective, the Liberal Party of Canada strives to provide a flexible and democratic structure whereby all Canadians can obtain such information, participate in such assessment and militate for such reform through open communications, free dialogue and participatory action both electoral and non-electoral. This Constitution sets forth the institutions, systems and procedures by which the Liberal Party of Canada, in co-operation with its provincial and territorial associations and electoral district associations, works to implement these ideas on behalf of all its members.

### **CHAPTER 1 – FOUNDING PROVISIONS**

#### **1 Establishment and name**

There is an association named “The Liberal Party of Canada”, which is referred to throughout this Constitution as “the Party”.

#### **2 Purposes**

- (1) The fundamental purposes of the Party are:
  - (a) to participate in the public affairs of Canada by endorsing members of the Party as candidates of the Party for election to the House of Commons and

supporting their election;<sup>1</sup>

- (b) to advocate and support Liberal philosophies, principles and policies;
  - (c) to promote membership in the Party;
  - (d) to raise money to support the fundamental purposes of the Party;
  - (e) to provide a forum for members of the Party to have their say and influence the policies and platform of the Party;
  - (f) to coordinate the activities of supporters of the Party;
  - (g) to ensure equitable representation of aboriginal peoples at all levels of the Party; and
  - (h) to seek to achieve a common ground of understanding among the people of the different provinces and territories of Canada.
- (2) In pursuing its fundamental purposes and in all its activities, the Party must promote the equal participation of men and women at all levels of the Party.
- (3) English and French are the official languages of the Party and have equality of status and equal rights and privileges as to their use in all federal institutions of the Party. In pursuing its fundamental purposes and in all its activities, the Party must preserve and promote the status, rights and privileges of English and French.

### **3 Authority of this Constitution**

This Constitution governs the affairs of the Party and is the final authority concerning any dispute within the Party. If there is a conflict between this Constitution and any Constituent Body Constitution, this Constitution prevails insofar as the federal affairs of the Party are concerned.

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<sup>1</sup> See one of the requirements for registration as a political party under paragraph 366(2)(j), *Canada Elections Act*. See also subsection 521.1(5), *Canada Elections Act*.

## PART 2 – PARTY STRUCTURES

### CHAPTER 2 – MEMBERSHIP

#### 4 Qualification for membership

Membership in the Party is open without discrimination based on race, national or ethnic origin, colour, religion, sex, sexual orientation, age or mental or physical disability. To be eligible for membership in the Party, a person must:

- (a) be at least 14 years of age;
- (b) support the purposes of the Party;
- (c) be qualified as an elector who may vote in accordance with part 11 of the *Canada Elections Act* or ordinarily live in Canada;
- (d) not be a member of any other federal political party in Canada; and
- (e) while a member of the Party, not have publicly declared an intention to be a candidate for election to the House of Commons other than as a candidate of the Party.

#### 5 Application and admission

- (1) A person may apply for membership in the Party by completing an application form and delivering<sup>2</sup> it to an office designated by the National Board of Directors or submitting it electronically in a manner prescribed by the National Board of Directors.
- (2) The Party must promptly admit as a member of the Party each person who has applied in accordance with Subsection 5(1), has paid the current membership fee and meets the requirements of Section 4.
- (3) Despite Subsection 5(2), the Party may refuse to admit any person as a member of the Party if it has reasonable grounds to believe that a person does not meet the requirements of Section 4.

#### 6 Membership fees

- (1) The National Board of Directors, in consultation with the Council of Presidents, may set the fees for membership and for associate membership in an EDA.

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<sup>2</sup> See Subsection 77(9) for a description of how documents are delivered.

- (2) Each member of the Party must personally pay their own membership fee.
- (3) All membership fees will be shared between the Provincial and Territorial Associations (PTAs) and the Electoral District Associations (EDAs) as determined by the National Board of Directors in consultation with the Council of Presidents on the condition that the Party will be entitled to be reimbursed from such fee revenue for its reasonable direct costs for selling memberships and for maintaining a national register of the members of the Party.

## **7 National register of members**

- (1) The National Office is responsible to maintain a national register of the members of the Party.
- (2) Subject to reasonable procedures prescribed by the National Board of Directors to ensure compliance with applicable privacy legislation, each Constituent Body is entitled to timely access to all information concerning the identification of the member contained in the national register of members about all members of the Party who are entitled to participate in the affairs of the Constituent Body and each member of the House of Commons who is also a member of the Caucus is entitled to timely access to the information contained in the national register of members about all members of the Party who are entitled to participate in the affairs of the EDA for the electoral district represented by that member of the House of Commons.

## **8 Term of membership and renewal**

- (1) Membership in the Party takes effect on the date prescribed by the National Board of Directors that is no later than the next business day after the application for membership is delivered or submitted in the province or territory in which the applicant for membership lives and remains current for a period established by the National Board of Directors.
- (2) At any time before the expiry of their membership, a member of the Party who continues to meet the requirements of Section 4 may renew that membership by completing an application for membership and delivering<sup>3</sup> it with the current membership fee to an office designated by the National Board of Directors or submitting it electronically with the current membership fee in a manner prescribed by the National Board of Directors.
- (3) A membership renewal takes effect on the day immediately following the expiry of the current membership and continues in force for the same period as a new membership that begins on that day.
- (4) A member of the Party who does not renew their membership in accordance with

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<sup>3</sup> See Subsection 77(9) for a description of how documents are delivered.

Subsection 8(2) may apply to join the Party again in accordance with Section 5.

## 9 Expiry of membership

A member's membership in the Party expires:

- (a) when the member's current membership term expires;
- (b) when the member no longer meets all the requirements of Section 4;
- (c) when the membership is terminated by the National Board of Directors;
- (d) when the member resigns; or
- (e) when the member dies.

## 10 Rights of members

- (1) A member of the Party has the right to receive newsletters, information, membership services, and notices of general meetings and other activities from the Party, from their PTA,<sup>4</sup> from their EDA, from any Commission or Commission Club of which they are a member and from the EDA of which they are an associate member.
- (2) Subject to the relevant provisions of this Constitution,<sup>5</sup> a member of the Party has the right to:–
  - (a) attend, speak, and vote at a general meeting of their EDA<sup>6</sup> or any Commission or Commission Club of which they are a member;
  - (b) attend and speak (but not vote) at a general meeting of any EDA of which they are an associate member;
  - (c) be selected as a delegate or an alternate delegate to any convention or general meeting of the Party<sup>7</sup> or any Commission of which they are a member;
  - (d) subject to the relevant provisions of the Constitution of their PTA, be selected as a delegate or an alternate delegate to any convention or general meeting of

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4 See Subsection 77(8); note that any M.P., candidate and any member of the Party living with that M.P. or candidate is entitled to all rights as if they lived in the electoral district represented by the M.P. or in which the candidate seeks to be elected. See section 10, *Canada Elections Act*.

5 Additional requirements are set out in Section 59 (candidate selection meetings) and Subsection 63(4) (delegate selection meetings).

6 Note the “grandparenting” provisions in Subsection 77(10).

7 See Chapter 16 for details of the process of selection as a delegate.

- that PTA;
- (e) be elected to any office in the Party;
  - (f) subject to the relevant provisions of the Constitution of their PTA, be elected to any office in that PTA;
  - (g) subject to the relevant provisions of the Constitution of their PTA and the Constitution (if any) of the EDA in which the election to office is sought, be elected to any office in an EDA in the province or territory in which the member lives whether or not the member lives in the electoral district represented by the EDA;
  - (h) vote on the Leadership Vote<sup>8</sup> and on the Leadership Endorsement Ballot conducted in their EDA;
  - (i) subject to the relevant provisions of the Constitution of their PTA, appeal to an appeals tribunal established by their PTA in relation to all matters arising under the Constitution of their PTA, the Constitution (if any) of their EDA or the Constitution (if any) of the EDA of which they are an associate member;
  - (j) appeal to the Permanent Appeal Committee;<sup>9</sup>
  - (k) communicate with, and to receive available services from, the National Office in English or French.
- (3) Subject to Chapter 12, a member of the Party has the right to seek to be a candidate of the Party for election to the House of Commons.

## 11 Bylaws

- (1) The National Board of Directors may make any bylaw in accordance with the procedure set out in Section 26 to regulate the procedures of applying for membership, renewing membership and the expiry of membership, but any bylaw that the National Board of Directors makes must be consistent with this Constitution.
- (2) Bylaws anticipated by Subsection 11(1) may include but are not limited to:
  - (a) the delegation of authority for processing applications for membership to the PTAs and the designation of PTA and other offices as the offices where applications for membership and renewals of membership may be delivered;
  - (b) the manner in which applications for membership and renewals of membership

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<sup>8</sup> See Chapter 14 on the Leadership Vote.

<sup>9</sup> The procedures for appeal are set out in Chapter 10.

may be submitted electronically;

- (c) the forms to be completed for applications for membership and renewals of membership;
- (d) the designation of members as “inactive” in cases where the mailing address for a member in the records maintained by the *National Office* is no longer current;
- (e) additional membership requirements applicable only to provinces in which the PTA is also a provincial party.

### CHAPTER 3 – ELECTORAL DISTRICT ASSOCIATIONS

## 12 Purposes, constitutions and certification of EDAs

- (1) Each Electoral District Association (EDA) is responsible to pursue actively the following purposes and activities:
  - (a) to participate in public affairs by endorsing the person who is the candidate of the Party for election to the House of Commons for its electoral district, by ensuring that the association has an effective election readiness organization and plan and by implementing that plan;
  - (b) to provide a forum for its members to have their say and influence the policies and platform of the Party and to encourage involvement in the policy development process of the Party;
  - (c) to raise money to support the fundamental purposes of the Party and the purposes and activities of the EDA;
  - (d) to communicate regularly with its members and with the public in its electoral district.
- (2) If an EDA has a Constitution then it must be consistent with this Constitution and the Constitution of its PTA and must:
  - (a) incorporate the purposes set out in Subsection 12(1) and the principles set out in the Preamble and define its purposes in a manner consistent with Section 2;
  - (b) if the Constitution of its PTA does not provide for the rights of members of the EDA as set out in Section 10, provide for those rights for its members;
  - (c) provide for the election of a chief executive officer of the EDA (the “EDA President”) and officers primarily responsible for fundraising, membership and policy of the EDA (the “EDA Fundraising Chair, EDA Membership Chair and EDA Policy Chair”) by a vote of all its members;

- (d) provide for an appeal procedure in respect of any action or decision of the EDA and any irregularities in connection with any meetings of the EDA except where an appeal is within the jurisdiction of the Permanent Appeal Committee;
  - (e) provide for the establishment and maintenance of proper financial records, minutes of meetings and correspondence; and
  - (f) provide for full financial disclosure in accordance with generally accepted accounting principles.
- (3) The Leader may refuse to certify as an electoral district association of the Party under the *Canada Elections Act*<sup>10</sup> any association that does not meet the following criteria:
- (a) if the association has a Constitution, it complies with Subsection 12(2) and no provision of that Constitution is inconsistent with this Constitution or the Constitution of its PTA;
  - (b) the association has filed with the National Office a copy of the current Constitution of the EDA (if any) certified by the EDA President;
  - (c) the association has appointed as the financial agent of the association for the purposes of the *Canada Elections Act* a person approved in writing by the Chief Financial Officer;
  - (d) the association has appointed as the auditor of the association for the purposes of the *Canada Elections Act* a person approved in writing by the Chief Financial Officer;
  - (e) each of the EDA President and the EDA Policy Chair has been elected as an officer of the association by a general meeting of the association and has not served in their office for more than 27 months without being re-elected to that office by a vote of all its members;
  - (f) all officers of the association are members of the Party; and
  - (g) the association shares the purposes of the Party and governs itself in accordance with this Constitution, the Constitution of its PTA and the Constitution (if any) of the association.
- (4) The Party, on application signed by the Leader and two of its officers, may apply under the *Canada Elections Act*<sup>11</sup> for the deregistration of an EDA if:
- (a) the association does not meet the criteria set out in Subsection 12(3);

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10 See paragraph 403.02(2)(c), *Canada Elections Act*.

11 See subsection 403.2, *Canada Elections Act*.

- (b) the association does not fulfill any of its duties under Section 13;
- (c) the association has failed to make any of the filings required to be made by an electoral district association under the *Canada Elections Act*; or
- (d) the association, the financial agent of the association or the auditor of the association have not complied fully with the *Canada Elections Act*.

### **13 Rights and responsibilities of an Electoral District Association**

- (1) Subject to the relevant provisions of this Constitution, each EDA has the right to send delegates to any convention or general meeting of the Party.
- (2) Each EDA must hold a general meeting of all its members at least once every two years. The meeting must be no more than 27 months after the previous such general meeting. The EDA must promptly deliver<sup>12</sup> to the *National Office* a copy of any notice it gives for such general meeting.
- (3) Each EDA must hold delegate selection meetings and candidate selection meetings as required by this Constitution.
- (4) Each EDA must make all filings required to be made by an electoral district association under the *Canada Elections Act* and must promptly provide a copy of such filings to the National Office and must comply with all financial reporting and internal control requirements established by Party Bylaw to ensure compliance with federal law.

#### **13.1 Associate membership in an EDA:**

- (1) Only members of the Party may belong to an EDA. A member of the Party who does not live in the electoral district represented by an EDA may become an associate member in that EDA by application delivered to an office designated by the National Board of Directors or by submitting it electronically with the current membership fee in a manner prescribed by the National Board of Directors.
- (2) Associate membership in an EDA takes effect on the date prescribed by the National Board of Directors, remains current for a period established by the National Board of Directors and may be renewed in accordance with procedures established by the National Board of Directors.
- (3) Associate members have all the same rights as other members of the Party except the right to vote at any general meeting of the EDA (including a delegate selection meeting or a candidate selection meeting for the EDA) or any Leadership Vote or Leadership Endorsement Ballot conducted in the EDA.

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12 See Subsection 77(9) for a description of how documents are delivered.

- (4) A member of the Party may be an associate member of only one EDA at any time but may transfer associate membership from one EDA to another by giving written notice to an office designated by the National Board of Directors or by submitting it electronically in a manner prescribed by the National Board of Directors.
- (5) When a member transfers membership from one EDA to another, associate membership in the first association will end, and membership in the second association will begin, on the date prescribed by the National Board of Directors.

## CHAPTER 4 – PROVINCIAL AND TERRITORIAL ASSOCIATIONS

### 14 Federation

- (1) The Liberal Party of Canada is a federation made up of the following provincial and territorial associations (known as PTAs):

The Liberal Party of Newfoundland and Labrador  
 The Liberal Party of Prince Edward Island  
 The Nova Scotia Liberal Party  
 The New Brunswick Liberal Association  
 The Liberal Party of Canada (Quebec)  
 The Liberal Party of Canada (Ontario)  
 The Liberal Party of Canada (Manitoba)  
 The Liberal Party of Canada in Saskatchewan  
 The Liberal Party of Canada in Alberta  
 The Liberal Party of Canada in British Columbia  
 The Liberal Party of Canada – Yukon  
 The Western Arctic Liberal Association  
 The Nunavut Liberal Association

- (2) Each PTA is responsible for:<sup>13</sup>
  - (a) organization and election readiness and policy development in its province or territory, for representing its province or territory to the Party nationally and for implementing national programs and initiatives in its province or territory;
  - (b) developing on an annual basis, in concert with the members of the Party in its province or territory, a strategic plan for its province or territory that proposes activities in the areas of membership recruitment; finance and fundraising; policy development; EDA compliance; EDA organization, election readiness and policy development; where a provincial or territorial section of a Commission (a “PTA Commission”) is recognized, PTA Commission compliance; PTA Commission organization, election readiness and policy

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13 See *A Party Built for Everyone/A Party Built to Win, The Liberal Party of Canada’s Red Ribbon Task Force Report* (August 2006) (“The Red Ribbon Task Force Report”), page 17.

development; administration of Party elections (including a Leadership Vote, a Leadership Endorsement Ballot, candidate selection meetings and delegate selection meetings); and election readiness;

- (c) communicating regularly with its members and with the public in its province or territory in connection with the provincial or territorial affairs of the Party.
- (3) Each PTA must have a constitution that is consistent with this Constitution and that:
- (a) incorporates the principles set out in the Preamble and defines its purposes in a manner consistent with Section 2 and Subsection 14(2);
  - (b) ensures the principle of equal participation of men and women in its structure and activities;
  - (c) ensures the principle of equitable representation of aboriginal peoples in its structure and activities;
  - (d) provides for the rights of members of the Party in its province or territory as set out in Section 10;
  - (e) provides that EDAs are granted rights to participate in the affairs of the PTA;
  - (f) provides that PTA Commissions are granted rights to participate in the affairs of the PTA;
  - (g) provides for the holding of regular general meetings with adequate notice of such meetings to all members of the Party in the province or territory and for the election of officers of the PTA at such meetings and, in particular, provides for the election of the chair of the PTA executive (the “PTA President”) and the officer of the PTA primarily responsible for policy (the “PTA Policy Chair”) in a process in which all members of the Party in the province or territory are given an opportunity to vote directly or as delegates to a general meeting;
  - (h) provides for an appeal procedure in respect of any action or decision of the PTA and any Constituent Bodies in its province or territory and any irregularities in connection with any meetings of the PTA or Constituent Bodies in its province or territory except where an appeal is within the jurisdiction of the Permanent Appeal Committee;
  - (i) provides for the establishment and maintenance of proper financial records, minutes of meetings and correspondence;
  - (j) provides for full financial disclosure in accordance with generally accepted accounting principles;
  - (k) provides for a procedure for determining the sharing of revenues between the PTA and the EDAs that represent electoral districts within its province or

territory.

- (4) In the case of a PTA which is also a provincial party, nothing in this Section restricts people who are not members of the Party from participating in the affairs of the PTA but such people may not vote at any meetings held under this Constitution (including delegate selection and candidate selection meetings) or on the Leadership Vote.
- (5) If the Constitution of the PTA provides for the establishment or governance of EDAs, then the provisions of the Constitution must be consistent with Subsection 12(2).
- (6) If the Constitution of the PTA provides for the establishment or governance of PTA Commissions, then the provisions of the Constitution must be consistent with Subsection 34(3).

## **15 Rights**

- (1) Each PTA has the right to be represented nationally as follows:
  - (a) on the National Board of Directors as set out in Section 22;
  - (b) on the Permanent Appeal Committee as set out in Section 44;
  - (c) on a Leadership Expenses Committee as set out in Subsection 54(3);
  - (d) on a Leadership Vote Committee as set out in Subsection 54(3);
  - (e) on other committees as provided in this Constitution or in the Party Bylaw establishing the committee.
- (2) Each PTA may propose amendments to this Constitution in accordance with Section 76.
- (3) Despite anything else contained in this Constitution and unless default is excused by the Council of Presidents, a PTA may not exercise any right under Subsections 15(1) and (2) unless the PTA has:
  - (a) deposited with the National Office a copy of the current Constitution of the PTA, certified by the PTA President;
  - (b) held a general meeting within the last 27 months and sent a copy of the minutes of that general meeting to the National Office; and
  - (c) complied with all financial reporting and internal control requirements established by Party Bylaws to ensure compliance with federal law.

## CHAPTER 5 – COUNCIL OF PRESIDENTS

### 16 Composition of the Council of Presidents

- (1) The Council of Presidents consists of:
  - (a) The following voting members:
 

The voting members of the National Board of Directors <sup>14</sup>

Each EDA President

The chair of the provincial or territorial section of each Commission (or, if there is more than one chair of such body, one of those chairs chosen by the body).
  - (b) The following non-voting members who have the right to attend and speak, but may not vote, at meetings of the Council of Presidents: the non-voting members of the National Board of Directors. <sup>15</sup>
- (2) The executive of an EDA may, by resolution, appoint one of its members who has been elected at a general meeting of the EDA as an alternate to attend, speak and vote on behalf of the EDA President at a meeting of the Council of Presidents.

### 17 Responsibilities and powers

- (1) The Council of Presidents is responsible to review:
  - (a) the annual strategic, organizational and fundraising plans of the Party developed by the National Board of Directors;
  - (b) the annual strategic, organizational and fundraising plans of each of the Commissions;
  - (c) the fundraising plans developed by the National Revenue Committee;
  - (d) the election readiness plans developed by the National Election Readiness Committee;
  - (e) the policy development process developed by the National Policy and Platform Committee;

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14 See Paragraphs 22(1)(a) and (b) for a list of voting members of the National Board of Directors. Note that one representative of the Caucus is a voting member of the National Board of Directors.

15 See Paragraph 22(1)(c) for a list of non-voting members of the National Board of Directors.

- (f) the annual policy development plan developed by the Political Policy Strategy Subcommittee of the National Policy and Platform Committee;
  - (g) the membership fees and procedures set by the National Board of Directors;
  - (h) the determination by the National Board of Directors of the sharing of membership fees and other revenues between the Party, the PTAs, the EDAs and the Commissions.
- (2) The Council of Presidents may propose amendments to this Constitution in accordance with Section 76.

## **18 Officers of the Council of Presidents**

- (1) The National President is the Chair of the Council of Presidents.
- (2) The Council of Presidents may appoint a Deputy Chair to assist the Chair.
- (3) The National President as the Chair of the Council of Presidents is responsible to:
  - (a) preside at meetings of the Council of Presidents;
  - (b) after consultation with the Leader, establish an annual schedule of meetings of the Council of Presidents and set the date and place for each meeting of the Council of Presidents;
  - (c) send notice of the date and place of each Council of Presidents meeting to all members of the Council of Presidents and publish the notice on the public website of the Party at least 41 days before the meeting; and
  - (d) send a tentative agenda for each Council of Presidents meeting to all members of the Council of Presidents at least 27 days before the meeting.
- (4) The Deputy Chair of the Council of Presidents is responsible to:
  - (a) assist the Chair of the Council of Presidents as required; and
  - (b) perform any other duties assigned by the Council of Presidents.

## **19 Meetings of the Council of Presidents**

- (1) The Council of Presidents must meet at least once in each calendar year and not more than 18 months after the previous meeting. In a calendar year when there is biennial convention of the Party, the meeting must be held in conjunction with that biennial convention of the Party.
- (2) An extraordinary meeting of the Council of Presidents may be called at any time, on

at least six days<sup>16</sup> notice, by:

- (a) the National President;
  - (b) the Leader; or
  - (c) any 50 members of the Council of Presidents including at least 10 members from each of three different provinces or territories.
- (3) A meeting of the Council of Presidents may not begin until, and may continue only as long as, at least the following persons are present:
- (a) 100 EDA Presidents (or their alternates); and
  - (b) four members of the National Board of Directors.
- (4) The Leader must report to every meeting of the Council of Presidents.
- (5) The National President, the Chief Financial Officer, the National Policy Chair, the National Campaign Co-Chairs, the National Revenue Chair, the National Board of Directors and the National Management Committee are each responsible to submit a written report to each meeting of the Council of Presidents, and each member of the National Board of Directors is responsible to attend each meeting of the Council of Presidents and to make a verbal report if so requested.
- (6) The Party is not responsible for all of the travel and accommodation expenses of EDA Presidents (or their alternates) or the chairs of the provincial or territorial section of the Commissions for attending the meetings of the Council of Presidents but the Party, by decision of the National Management Committee, must provide a reasonable subsidy for part of such expenses, for at least some of those attending, having regard to the expected costs to be incurred by such presidents or chairs.
- (7) The National President may permit any member of the Party to attend any meeting of the Council of Presidents.

## **20 Committees of the Council of Presidents**

- (1) The Council of Presidents, by bylaw, may establish any number of committees consisting of:
  - (a) the chair who must be an EDA President; and
  - (b) any number of members of the Party.
- (2) At any time, the Council of Presidents may revoke or override any authority given to,

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16 See Subsection 77(6) for the rules on calculation of this period.

or any act done by, any committee established under Subsection 20(1).

- (3) Every committee established under Subsection 20(1) may meet at any time, and may make rules for the conduct of its business, subject to the following general requirements:
- (a) The chair of each committee is responsible to call regular meetings of the committee and must give its members at least six days<sup>17</sup> notice of each meeting;
  - (b) Before a meeting of a committee may be called to order, and, in order for the meeting to continue, at least a majority of the committee members must be present;
  - (c) A question at any committee meeting will be determined by the majority of votes cast by the members who are present. The presiding member may vote on any question, but if the vote is tied, the presiding member does not have a second or deciding vote;
  - (d) If notice of the resolution is given to all members of the committee before it becomes effective, then a resolution approved in writing by a majority of the voting members of the committee will be as valid and effective as if it had been passed at a properly convened meeting of that committee;
  - (e) Every committee must keep regular minutes of its meetings, and must report on its meetings and other activities to the Council of Presidents at any time the Council of Presidents requires.

## **21 Bylaws of the Council of Presidents**

- (1) The Council of Presidents may make any bylaw to regulate the affairs of the Council of Presidents, but any bylaw it makes must be consistent with this Constitution and the Party Bylaws.
- (2) A bylaw, or an amendment or repeal of a bylaw is effective with respect to business conducted in accordance with the new or amended bylaw at the meeting at which the bylaw was made or amended, but is not otherwise effective until a copy, certified by the secretary of the Council of Presidents, has been deposited with the National Office.

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17 See Subsection 77(6) for the rules on calculation of this period.

## CHAPTER 6 – NATIONAL BOARD OF DIRECTORS

**22 Composition of the National Board of Directors**

- (1) The National Board of Directors consists of:
- (a) the following voting members (referred to in this Constitution as the “Executive Officers”):
- The National President
  - The National Vice-President (English)
  - The National Vice-President (French)
  - The National Policy Chair
  - The National Membership Secretary
- (b) the following additional voting members:
- The Leader
  - The Past National President, who is the person, other than the existing National President, who was most recently elected to the office of National President
  - The PTA President of each of the PTAs
  - One representative of the Caucus
  - The chair of each Commission (or, if there is more than one chair of a Commission, one of those chairs chosen by the Commission).
- (c) the following non-voting members who have the right to attend and speak, but may not vote, at meetings of the National Board of Directors:
- The Chief Financial Officer<sup>18</sup>
  - The chief executive officer of the Federal Liberal Agency of Canada
  - The National Revenue Chair
  - Two of the National Campaign Co-Chairs
  - The National Director of the Party

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18 The Chief Financial Officer is appointed by the National Board of Directors under Subparagraph 23(1)(d)(ii).

The two Constitutional and Legal Advisers.

- (2) All members of the National Board of Directors must be members of the Party. The National Vice-President (French) must be French-speaking and the National Vice-President (English) must be English-speaking.
- (3) At each biennial convention of the Party, the Party must elect the Executive Officers by secret ballot according to the procedures set out in the Party Bylaws.
- (4) The Executive Officers serve until new officers are elected at the next biennial convention of the Party. No person may serve in the same office for more than two terms.
- (5) A person who has resigned the office of National President cannot subsequently serve as the Past National President unless they are first re-elected to the office of National President.
- (6) If there is a vacancy in the office of:
  - (a) the National President, one of the National Vice-Presidents (as determined by the National Board of Directors) must assume the functions of the National President; and
  - (b) any other Executive Officer, the National Board of Directors must promptly elect a member of the Party to assume the functions of the vacant office, but any member of the Party elected to assume the functions of a National Vice-President must speak the language required for the office.
- (7) A person who assumes the functions of a vacant office holds that office only for the unexpired portion of their predecessor's term of office.
- (8) The executive of a PTA or a Commission may, by resolution, appoint one of its members who has been elected at a general meeting of the PTA or Commission, as the case may be:
  - (a) as an alternate to attend, speak and vote on behalf of the PTA President or chair of the Commission, as the case may be, at a meeting of National Board of Directors;
  - (b) as an additional voting member of the National Board of Directors for so long as the PTA President or chair of the Commission, as the case may be, is an Executive Officer.

## **23 Responsibilities and powers**

- (1) Subject to direction from a convention of the Party, the National Board of Directors is responsible to:
  - (a) manage or supervise the management of the activities and affairs of the Party;

- (b) manage or supervise the management of the finances of the Party;
  - (c) take all actions necessary or appropriate in order to carry out the provisions of this Constitution and the purposes of the Party;
  - (d) with the consent of the National President and the Leader, appoint:
    - (i) the Co-Chairs of the Permanent Appeal Committee;
    - (ii) the chief financial officer of the Party (to be known as the “Chief Financial Officer”);
    - (iii) the chief executive officer of the Party (to be known as the “National Director”);
    - (iv) the chief agent of the Party;<sup>19</sup>
    - (v) the chairs of any convention, or ad hoc, committee;
    - (vi) the chief electoral officer for the conventions and general meetings of the Party; and
    - (vii) the two Constitutional and Legal Advisers; one of whom must be English-speaking and the other French-speaking; one of whom must be a lawyer trained in the civil law tradition and the other a lawyer trained in the common law tradition; one of whom must be a woman and the other a man.
  - (e) approve a budget for the national campaign;
  - (f) submit a written report to each meeting of the Council of Presidents;
  - (g) designate a location as the *National Office* and publish that location to the members of the Party;
  - (h) communicate regularly with its members and with the public throughout the country in connection with the affairs of the Party.
- (2) The National Board of Directors may:
- (a) reduce any time qualification established in this Constitution during which a person must have been a member of the Party or of a Commission Club;
  - (b) reduce the amount of notice required under this Constitution for any candidate selection meeting or delegate selection meeting;

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19 See Section 43.

- (c) reduce the number of days before a convention by which an EDA or a Commission Club, as the case may be, must hold its delegate selection meeting..
- (3) The National Board of Directors may propose amendments to this Constitution in accordance with Section 76.

## 24 Responsibilities of officers

- (1) The National President is the chair of the National Board of Directors and the Council of Presidents and a non-voting member of the executive of each Commission and of all committees of the Party and is responsible to:
- (a) preside at meetings of the National Board of Directors and the Council of Presidents and at general meetings of the Party;
  - (b) supervise the affairs of the Party and be responsible for the administration of the Party;
  - (c) after consultation with the National Board of Directors, establish the date and place of the next biennial convention of the Party and publish notice of that date and place on the public website of the Party.<sup>20</sup>
- (2) The National Vice-Presidents are responsible to:
- (a) assist the National President as required;
  - (b) assume the duties of the National President in the National President's absence, or if the National President resigns, dies, or is expelled from office; and
  - (c) perform any other duties assigned by the National Board of Directors.
- (3) The Chief Financial Officer is responsible to:
- (a) ensure the prudent financial administration of the Party and the proper keeping of the books of record of all bank accounts of the Liberal Party's national office operations;
  - (b) ensure that no disbursement is made without authorization of the National Board of Directors, or as provided in the Party Bylaws;
  - (c) present audited financial statements to the biennial convention of the Party;
  - (d) present a budget to the National Board of Directors each year; and

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20 See Section 65 for details of the call of conventions.

- (e) ensure that the Party and all Constituent Bodies comply with the financial reporting requirements of the *Canada Elections Act*.
- (4) The National Membership Secretary is responsible to:
  - (a) supervise the maintenance of the national register of members of the Party; and
  - (b) ensure that the Party complies with all its obligations with respect to membership records, including, but not limited to, the provision of timely access to membership information as required by Subsection 7(2).

## **25 Meetings of the National Board of Directors**

- (1) The National Board of Directors must meet at least twice each year, and one of those meetings must be held in conjunction with a meeting of the Council of Presidents.
- (2) The National Board of Directors may meet in person or by any electronic communications means by which all people participating are able to communicate with each other.
- (3) A meeting of the National Board of Directors may be called on 72 hours notice by:
  - (a) the National President; or
  - (b) any five voting members of the National Board of Directors.
- (4) Ten voting members of the National Board of Directors must be present before a meeting of the National Board of Directors can be called to order, or for it to continue.
- (5) A question at any meeting of the National Board of Directors will be determined by the majority of votes cast by the voting members who are present. The National President may vote on any question, but if the vote is tied, the National President does not have a second or deciding vote.
- (6) If notice of the resolution is given to all members of the National Board of Directors before it becomes effective, then a resolution approved in writing by a majority of the voting members of the National Board of Directors will be as valid and effective as if it had been passed at a properly convened meeting of the National Board of Directors.

## **26 Party Bylaws**

- (1) The National Board of Directors may make any bylaw to regulate the federal affairs of the Party (including, but not limited to, the bylaws referred to in Sections 11, 57, 67 and 69), but any bylaw that the National Board of Directors makes must be consistent with this Constitution.

- (2) The National Board of Directors must promptly submit a bylaw, or an amendment or repeal of a bylaw, to the National Office.
- (3) The Council of Presidents may amend or reject a bylaw by ordinary resolution passed at either of the first two meetings of the Council of Presidents which is held after the bylaw is first published on the public website of the Party.
- (4) The National President must submit a bylaw, or an amendment or repeal of a bylaw to the next convention of the Party, and the Party, by ordinary resolution, must confirm, amend, or reject it.
- (5) A bylaw, or an amendment or repeal of a bylaw, is effective in its original form from the date that a copy of the resolution of the National Board of Directors is first published on the public website of the Party, until it is amended or rejected by the Council of Presidents or by a convention of the Party or until it is repealed. An amended bylaw continues in effect in its amended form until it is repealed.
- (6) If a bylaw, an amendment or a repeal is rejected by the Council of Presidents or the Party, no subsequent resolution of the National Board of Directors to make, amend or repeal a bylaw having substantially the same purpose or effect is effective until it is confirmed or amended by the Party.

## CHAPTER 7 – COMMITTEES

### **27 Standing committees of the Party**

- (1) The Party has the following standing committees:
  - (a) The National Management Committee;
  - (b) The National Revenue Committee;
  - (c) The National Election Readiness Committee;
  - (d) The National Policy and Platform Committee.
- (2) Before a meeting of a standing committee may be called to order, and, in order for the meeting to continue, at least  $\frac{1}{4}$  of the members must be present; but if a committee has less than 12 members, at least 3 members of the committee must be present.
- (3) The chair of a standing committee may call a meeting of the committee at any time.
- (4) Each standing committee must report in writing to the biennial convention of the Party, and each standing committee must report in writing to the National Board of Directors.

## 28 Creation of new committees

- (1) The National Board of Directors, by bylaw, may establish:
  - (a) any number of committees, consisting of members of the National Board of Directors, to which the Board of Directors may delegate any power that the National Board of Directors may exercise, except:
    - (i) the power to change the membership of, or fill vacancies in, a committee; or
    - (ii) the power to appoint or remove officers; and
  - (b) any number of other committees, consisting of members of the Party, for any purpose except to exercise a power that the National Board of Directors is required to exercise.
- (2) In making appointments to a committee established by the National Board of Directors, the principle of equal participation of men and women and the recognition of English and French as the official languages of Canada and geographic regions must be respected.
- (3) Because of the office they hold, the National President and the Leader are always members of every committee established by the National Board of Directors.
- (4) The National Board of Directors may at any time disband a committee or revoke or override any authority given to or any act done by any committee established pursuant to this Section.

## 29 Conduct of committee business

Every standing committee, and every committee established under Section 28, may meet at any time, and may make rules for the conduct of its business, subject to the following general requirements:

- (a) The chair of each committee is responsible to call regular meetings of the committee and must give its members at least six days<sup>21</sup> notice of each meeting;
- (b) Before a meeting of a committee may be called to order, and, in order for the meeting to continue, at least a majority of the committee members must be present;
- (c) A question at any committee meeting will be determined by the majority of votes cast by the members who are present. The presiding member may vote on

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<sup>21</sup> See Subsection 77(6) for the rules on calculation of this period.

any question, but if the vote is tied, the presiding member does not have a second or deciding vote;

- (d) If notice of the resolution is given to all members of the committee before it becomes effective, then a resolution approved in writing by a majority of the voting members of a committee will be as valid and effective as if it had been passed at a properly convened meeting of that committee;
- (e) Every committee must keep regular minutes of its meetings, and must report on its meetings and other activities as follows:
  - (i) Every committee established under Section 28 must report to the National Board of Directors at any time the Board of Directors requires;
  - (ii) The National Election Readiness Committee must report to the National Board of Directors and the Leader at any time the Board of Directors and the Leader require.

### **30 National Management Committee**

(1) The National Management Committee consists of:

(a) the following voting members:

The National President

The Leader

The National Vice-President (English)

The National Vice-President (French)

The National Policy Chair

The National Membership Secretary

The Chief Financial Officer

Two of the PTA Presidents elected among themselves from time to time for a term determined by them; one of whom must be capable of expressing themselves in French, and the other of expressing themselves in the English language

One of the four chairs of the Commissions who are members of the National Board of Directors elected among themselves from time to time for a term determined by them on an annual basis

One of the National Campaign Co-Chairs

- (b) the National Director as a non-voting member.
- (2) Subject to direction from the National Board of Directors, the National Management Committee may exercise all powers that the National Board of Directors may exercise except the power to appoint or remove officers.
- (3) The National Management Committee must schedule at least one year in advance a meeting in person in each calendar quarter (a “quarterly meeting”). The attendance record at meetings of the National Management Committee of each member of the committee must be disclosed to each biennial convention.
- (4) A question at any meeting of the National Management Committee will be determined by the majority of votes cast by the voting members who are present. The National President may vote on any question, and if the vote is tied, the National President has a second or deciding vote.
- (5) The National Management Committee is responsible to submit a report to each meeting of the National Board of Directors.
- (6) The National Management Committee, by resolution, may establish any number of subcommittees for any purpose. Each subcommittee established by the National Management Committee consists of:
  - (a) the chair who must be a member of the National Management Committee; and
  - (b) any number of other persons.

### **31 National Revenue Committee**

- (1) The National Revenue Committee consists of:
  - (a) the National Revenue Chair appointed by the Leader in consultation with the National President;
  - (b) a member of the Party from each province and territory appointed by the Leader as the provincial or territorial revenue chair for the province or territory in consultation with the executive of the PTA of that province or territory;
  - (c) the chair of the Judy LaMarsh Fund;
  - (d) the chair of the Aboriginal Electoral Endowment;
  - (e) the Chief Financial Officer; and
  - (f) The chief executive officer of the Federal Liberal Agency of Canada.
- (2) The National Revenue Committee is responsible to prepare comprehensive fundraising plans in consultation with the Leader and the National Board of Directors and manage or supervise the management of the implementation of those plans.

- (3) The National Revenue Committee, by resolution, may establish any number of subcommittees for any purpose. Each subcommittee established by the National Revenue Committee consists of:
  - (a) the chair who must be a member of the National Revenue Committee; and
  - (b) any number of other persons.

## **32 National Election Readiness Committee**

- (1) The National Election Readiness Committee consists of:
  - (a) at least two National Campaign Co-Chairs appointed by the Leader; at least one of whom must be a man, at least one of whom must be a woman, at least one of whom must be English-speaking and at least one of whom must be French-speaking;
  - (b) the National President;
  - (c) other members of the Party, who may be appointed by the National Campaign Co-Chairs in consultation with the Leader and the National Board of Directors respecting the principle of equal participation of men and women and the recognition of English and French as the official languages of Canada and geographic regions.
- (2) The National Election Readiness Committee is responsible to:
  - (a) prepare comprehensive election readiness plans in consultation with the Leader and the National Board of Directors;
  - (b) assist EDAs with election readiness and election campaign management;
  - (c) prepare comprehensive plans for training members of the Party in organization and election readiness and ensure that the plans are implemented;
  - (d) make rules under Section 60 to regulate the procedures to be followed to select a candidate of the Party for election to the House of Commons.
- (3) The National Election Readiness Committee, by resolution, must, in consultation with the Leader, establish the National Campaign Committee as a subcommittee and, by resolution, may also establish any number of other subcommittees for any purpose. Each subcommittee established by the National Election Readiness Committee consists of:
  - (a) the chair who must be a member of the National Election Readiness Committee; and
  - (b) any number of other persons.

### 33 National Policy and Platform Committee

- (1) The National Policy and Platform Committee consists of:
  - (a) the National Policy Chair;<sup>22</sup>
  - (b) the National Policy Vice-Chair appointed by the Leader in accordance with the following criteria:
    - (i) if the National Policy Chair is a woman, the National Policy Vice-Chair must be a man, and if the National Policy Chair is a man, the National Policy Vice-Chair must be a woman;
    - (ii) if the National Policy Chair is French-speaking, the National Policy Vice-Chair must be English-speaking, and if the National Policy Chair is English-speaking, the National Policy Vice-Chair must be French-speaking;
    - (iii) if the National Policy Chair is not a member of the House of Commons, the National Policy Vice-Chair must be a member of the House of Commons; and
    - (iv) if the National Policy Chair is a member of the House of Commons, the National Policy Vice-Chair must not be a member of the House of Commons or the Senate of Canada;
  - (c) the Leader;
  - (d) the National Director;
  - (e) the National Campaign Co-Chairs;
  - (f) one representative of each of the Commissions appointed in accordance with the Constitution of the Commission;
  - (g) up to four members of the Party appointed as additional members of the Committee by the Leader;
  - (h) four members of the Caucus appointed by the Caucus in accordance with the following criteria:
    - (i) one must be a member of the Senate of Canada;
    - (ii) at least two must be members of the Queen's Privy Council for Canada;
    - (iii) two must be women;

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22 The National Policy Chair is elected at the biennial convention; see Subsection 22(3).

- (iv) two must be men;
  - (v) two must be English-speaking; and
  - (vi) two must be French-speaking;
  - (i) the PTA Policy Chair of each of the PTAs representing a province;<sup>23</sup>
  - (j) one of the PTA Policy Chairs of the three PTAs representing the territories chosen among themselves.
- (2) The National Policy and Platform Committee is responsible to:
- (a) provide a forum for members of the Party to have their say and influence the policies and platform of the Party;
  - (b) coordinate the policy development process in all provinces and territories with a view to maintaining a current written statement of the policies of the Party (the “Party policies”) that will, together with contributions from the Leader and the Caucus and subject to the approval of the Leader, form the basis for the platform of the Party for use in the next general election (the “Party platform”);
  - (c) establish written procedures for the policy development process and publish those procedures on the public website of the Party;
  - (d) maintain an up to date compilation of the Party policies on the public website of the Party;
  - (e) subject to the veto in whole or in part (including a veto line by line) by the Leader, draft the Party platform and, upon its release during an election, publish the Party platform on the public website of the Party.
- (3) Whoever of the National Policy Chair and the National Policy Vice-Chair is a member of the House of Commons is responsible to coordinate the drafting of the Party platform.
- (4) The Leader is responsible to designate one of the members of the National Policy and Platform Committee who is a member of the Caucus (and who, if the Leader is also Prime Minister of Canada, is a member of the Cabinet) as the “Caucus Accountability Officer” to report to the Council of Presidents and each biennial convention of the Party on the implementation of the Party policies by the Caucus. If the Leader does not make the designation required by this Subsection or if the Caucus Accountability Officer does not make the reports required by this Subsection, then the Leader must report that fact to the next biennial convention of the Party.

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23 Note the requirement in Paragraph 14(3)(f) that the PTA Policy Chair must be elected by the general membership of the PTA.

- (5) No member of the Party (including a member of the Caucus and a candidate for election to the House of Commons) may represent in any way that a policy or platform is a Party policy or part of the Party platform unless the policy or platform has been approved by:
- (a) a majority of the group consisting of the National President, both National Vice-Presidents and the National Policy Chair (the “Policy Approval Subcommittee”); or
  - (b) the Leader after consultation with the Policy Approval Subcommittee.
- (6) The Political Policy Strategy Committee is established as a subcommittee of the National Policy and Platform Committee. The Political Policy Strategy Committee consists of:
- (a) the National Policy Chair;
  - (b) the National Policy Vice-Chair;
  - (c) the Caucus Accountability Officer;
  - (d) four other members of the National Policy and Platform Committee elected by the National Policy and Platform Committee.

The Political Policy Strategy Committee is responsible to prepare a comprehensive annual plan for the policy development process and present that plan to the annual meeting of the Council of Presidents.

- (7) The National Policy and Platform Committee, by resolution, may establish any number of subcommittees for any purpose. Each subcommittee (other than the Policy Approval Subcommittee and the Political Policy Strategy Committee) established by the National Policy and Platform Committee consists of:
- (a) the chair who must be a member of the National Policy and Platform Committee; and
  - (b) any number of other persons.

## CHAPTER 8 – COMMISSIONS

### **34 Establishment, purposes and constitutions of Commissions**

- (1) The following Commissions have been established by the Party:
- (a) The Aboriginal Peoples’ Commission;
  - (b) The National Women’s Liberal Commission;

- (c) The Commission of Young Liberals of Canada;
  - (d) The Senior Liberals' Commission.
- (2) Each Commission is responsible to pursue actively the following purposes and activities:
- (a) to participate in public affairs by supporting members of the Party as candidates of the Party for election to the House of Commons;
  - (b) to provide a forum for members of the Commission to have their say and influence the policies and platform of the Party and to encourage involvement in the policy development process of the Party;
  - (c) to raise money to support the purposes and activities of the Commission.
- (3) Each Commission must have a constitution that is consistent with this Constitution and that:
- (a) incorporates the purposes set out in Subsection 34(2) and the principles set out in the Preamble and defines its purposes in a manner consistent with Section 2;
  - (b) provides for the election of officers of the Commission at its biennial general meeting;
  - (c) provides for an appeal procedure in respect of any action or decision of the Commission and any club of the Commission and any irregularities in connection with any meetings of the Commission or club of the Commission except where an appeal is within the jurisdiction of the Permanent Appeal Committee;
  - (d) provides for the establishment and maintenance of proper financial records, minutes of meetings and correspondence;
  - (e) provides for full financial disclosure in accordance with generally accepted accounting principles; and
  - (f) in the case of the National Women's Liberal Commission, the Commission of Young Liberals of Canada and the Senior Liberals' Commission, provides for the establishment of Commission clubs and requires that each club have a constitution that is consistent with this Constitution and the Constitution of its Commission and that:
    - (i) incorporates the principles set out in the Preamble and defines its purposes in a manner consistent with Section 2 and Subsection 34(2);
    - (ii) provides that any member of the club has the right to receive newsletters, information, membership services, and notices of general meetings and other activities from the club; the right to attend, speak, and vote at a

- general meeting of the club and the right to be elected to any office in the association;
- (iii) provides for the election of the chief executive officer of the club and the officer primarily responsible for policy of the club by a vote of all members of the club;
  - (iv) provides for an appeal procedure in respect of any action or decision of the club and any irregularities in connection with any meetings of the club except where an appeal is within the jurisdiction of the Permanent Appeal Committee;
  - (v) provides for the establishment and maintenance of proper financial records, minutes of meetings and correspondence;
  - (vi) provides for full financial disclosure in accordance with generally accepted accounting principles.

### **35 The Aboriginal Peoples' Commission**

- (1) The purpose of the Aboriginal Peoples' Commission is to represent and promote the interests of aboriginal peoples in the Party, to encourage the active participation of aboriginal peoples at all levels of the Party, to encourage and co-ordinate the activities of the recognized aboriginal Liberal associations and to gather the views of aboriginal Liberals on a regular basis and communicate those views to the Party.
- (2) Every member of the Party who is an aboriginal person as defined in the Constitution of the Aboriginal Peoples' Commission is a member of the Aboriginal Peoples' Commission.
- (3) The National President, in consultation with the Aboriginal Peoples' Commission, is responsible to report to every biennial convention of the Party with an assessment of the extent to which equitable representation of aboriginal peoples at all levels of the Party has been achieved.

### **36 The National Women's Liberal Commission**

- (1) The purpose of the National Women's Liberal Commission is to ensure equal participation of women and men at all levels of the Party, to represent and promote the interests of women within the Party and to encourage the active participation of women at all levels of Party activities.
- (2) Every member of the Party who is a woman and who meets any additional membership requirements (including the payment of membership fees in addition to the fees for membership in the Party) established in accordance with the Constitution of the National Women's Liberal Commission is entitled to become a member of the National Women's Liberal Commission.

- (3) The National Women's Liberal Commission is responsible to establish, where practicable, in each electoral district, a women's club that satisfies the standards of recognition set out in Section 39.
- (4) The National President, in consultation with the National Women's Liberal Commission, is responsible to report to every biennial convention of the Party with an assessment of the extent to which equal participation of women and men at all levels of the Party has been achieved. If the convention determines that such equal participation has been achieved, then the National Women's Liberal Commission will be deemed to have completed its primary mandate and the goals and objectives of the Commission will be reviewed with the aim of determining the need for its continued existence.

### **37 Commission of Young Liberals of Canada**

- (1) The purpose of the Commission of Young Liberals of Canada is to represent and promote the interests of youth in the Party, to encourage the active participation of youth at all levels of the Party, to encourage and co-ordinate the activities of the youth organizations of the PTAs and to gather the views of young Liberals on a regular basis and communicate those views to the Party.
- (2) Every member of the Party who has not celebrated their 26<sup>th</sup> birthday is a member of the Commission of Young Liberals of Canada and is, for the purposes of this Constitution, referred to as a "youth".
- (3) The Commission of Young Liberals of Canada may establish on each campus of a post-secondary institution one student club that satisfies the standards of recognition set out in Section 39.

### **38 The Senior Liberals' Commission**

- (1) The purpose of the Senior Liberals' Commission is to represent and promote the interests of senior citizens in the Party, to encourage the active participation of senior citizens at all levels of the Party and to gather the views of senior Liberals on a regular basis and communicate those views to the Party.
- (2) Every member of the Party who has reached their 65<sup>th</sup> birthday is a member of the Senior Liberals' Commission and is, for the purposes of this Constitution, referred to as a "senior".
- (3) The Senior Liberals' Commission is responsible to establish, where practicable, in each electoral district, a seniors club that satisfies the standards of recognition set out in Section 39.
- (4) There shall be a provincial or territorial section of the Senior Liberals' Commission established in each province and territory which shall be accepted and recognized as part of the PTA organization in that province or territory.

### **39 Recognition of Commission clubs**

A women's club, a student club or a seniors club will only be recognized for the purposes of this Constitution if:

- (a) the club has at least 25 members who are members of its Commission;<sup>24</sup>
- (b) the club has established financial reporting and internal control procedures as required by the Chief Financial Officer and has, in the opinion of the Chief Financial Officer, complied with them;
- (c) the club has a constitution that is consistent with this Constitution and meets all requirements of the Constitution of its Commission;
- (d) the club has filed with the National Office a copy of the current Constitution of the club certified by the chief executive officer of the club and the chair of its Commission.

### **40 Commission conventions**

Each Commission must hold a general meeting of its members who are delegates to a convention of the Party at the same time as that convention or immediately preceding or immediately following that convention.

### **41 Rights and responsibilities of a Commission**

- (1) Subject to the relevant provisions of this Constitution, each Commission Club has the right to send delegates to any convention or general meeting of the Party.
- (2) Each Commission is responsible to provide to the National Board of Directors and the Council of Presidents each year a comprehensive plan for its activities, a budget for those activities and a plan for how the money to fund those activities will be raised.
- (3) Each Commission, by resolution of its executive, may appoint:
  - (a) one member of the National Board of Directors;
  - (b) one member of the National Policy and Platform Committee; and
  - (c) one or more members of committees as provided in this Constitution or in the Party Bylaw establishing the committee.
- (4) Each Commission may propose amendments to this Constitution in accordance with

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24 This reflects the requirements of the previous constitution; see articles 16(13)(f) and (f.1).

## Section 76.

- (5) Despite anything else contained in this Constitution and unless default is excused by the Council of Presidents, a Commission may not exercise any right under Subsections 41(1), (3) or (4) unless the Commission has:
- (a) a constitution that complies with Subsection 34(3);
  - (b) met its responsibilities under Subsection 41(2);
  - (c) deposited with the National Office a copy of the current Constitution of the Commission, certified by the chair of the Commission;
  - (d) held a convention at the same time as each convention of the Party and sent a copy of the minutes of that convention to the National Office; and
  - (e) complied with all financial reporting and internal control requirements established by Party Bylaw to ensure compliance with federal law.

## 42 Finances and property of a Commission

- (1) The Party is not responsible for election or other debts incurred by a Commission unless the National Board of Directors has given prior written authority for that debt.
- (2) A Commission may not issue receipts for contributions.

## CHAPTER 9 – OTHER PARTY OFFICES

### 43 Chief Agent

- (1) The National Board of Directors is responsible to appoint, with the consent of the National President and the Leader, a corporation incorporated under the laws of Canada<sup>25</sup> as the chief agent for the Party required under the *Canada Elections Act* (which is referred to throughout this Constitution as the “Federal Liberal Agency of Canada”).
- (2) The National Board of Directors may at any time, with the consent of the National President and the Leader, terminate in accordance with *Canada Elections Act* the appointment of any corporation as the chief agent of the Party.
- (3) The Federal Liberal Agency of Canada is responsible to:
  - (a) ensure that the financial administration of the Party is administered in accordance with the *Canada Elections Act*; and

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25 See Subsection 376(1), *Canada Elections Act*.

- (b) ensure that timely and accurate receipts are issued for contributions to the Party as permitted by the *Canada Elections Act*.
- (4) If permitted by the *Canada Elections Act*, the Federal Liberal Agency of Canada may appoint one or more persons as registered agents for the purpose of issuing receipts for contributions.

## CHAPTER 10 – PERMANENT APPEAL COMMITTEE

### 44 Establishment and composition

- (1) The Permanent Appeal Committee is established as the final appeal tribunal of the Party. The Permanent Appeal Committee consists of:
  - (a) two Co-Chairs, one of whom must be a man and one of whom must be a woman, appointed by the National Board of Directors with the consent of the Leader and the National President;
  - (b) one representative appointed by resolution of the executive of each PTA.
- (2) The Permanent Appeal Committee may, in consultation with a Provincial and Territorial Association, appoint additional persons to adjudicate appeals from that province or territory in relation to candidate nominations, leadership selection and delegate selection to any convention of the Party. In the appointment of such adjudicators, the principle of equal participation of men and women must be respected.
- (3) Each member of the Permanent Appeal Committee and each adjudicator appointed under Subsection 44(2) must agree in writing to remain neutral in candidate nominations, the election of the Leader or the selection of delegates to any convention of the Party.

### 45 Jurisdiction

- (1) The Permanent Appeal Committee is responsible for:
  - (a) adjudicating appeals arising in relation to candidate nominations, leadership selection and delegate selection to any convention of the Party;
  - (b) upon a reference by the National Board of Directors, interpreting this Constitution, any Party Bylaws and any rules adopted under this Constitution;
  - (c) upon a reference by the executive of any Commission established under this Constitution, interpreting the Constitution of the Commission, this Constitution and any rules adopted under this Constitution;
  - (d) upon a reference from the executive of any PTA, interpreting any Constitution

of the PTA or any of its constituent bodies as it concerns the federal affairs of the Party.

- (2) Decisions of the Permanent Appeal Committee must be based on rules and regulations adopted in accordance with this Constitution and are final and not subject to appeal.

## **46 Rules of procedure**

- (1) The Permanent Appeal Committee may make any rules to regulate the procedure of the Permanent Appeal Committee, but any rules it makes must be consistent with this Constitution and the Party Bylaws.
- (2) A rule, or an amendment or repeal of a rule, is not effective until a copy, certified by one of the Co-Chairs of the Permanent Appeal Committee, has been deposited with the National Office.

## PART 3 – POLITICAL OFFICES

### CHAPTER 11 – LEADER<sup>26</sup>

#### 47 Establishment and role

The Leader is entitled to exercise all authority of a leader under the *Canada Elections Act* and is elected by the members of the Party.

#### 48 Responsibilities and powers of the Leader

The Leader is responsible to:

- (a) speak for the Party concerning any political issue;
- (b) be guided by the Party policies and the Party platform;
- (c) report to every meeting of the Council of Presidents;
- (d) report to the Party at every convention;
- (e) in consultation with the National President, appoint the National Campaign Co-Chairs;
- (f) appoint the National Policy Vice-Chair;
- (g) appoint four additional members of the National Policy and Platform Committee;
- (h) take part in the development of the Party policies and Party platform as contemplated by Subsection 33(2);
- (i) designate the Caucus Accountability Officer to report to the Council of Presidents and each biennial convention of the Party on the implementation of the Party policies by the Caucus.

### CHAPTER 12 – CANDIDATES

#### 49 Eligibility

- (1) To be eligible for selection as a candidate of the Party for election to the House of

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<sup>26</sup> The Leader is elected under Chapter 14 and ceases to hold office in the circumstances outlined in Subsections 54(1) and (2).

Commons, a person must:

- (a) be a member of the Party;
  - (b) be eligible to be a candidate in an election of a member to serve in the House of Commons under the *Canada Elections Act*;
  - (c) have complied with the rules made by the National Election Readiness Committee under Section 60 and with the *Canada Elections Act*.
- (2) If the National Campaign Committee or the Leader, acting in their absolute discretion, declines to approve a person to be the candidate of the Party in the next election, then that person is not eligible for selection as a candidate of the Party for election to the House of Commons. The decision of the National Campaign Committee or the Leader is not reviewable by the Permanent Appeal Committee.

## CHAPTER 13 – CAUCUS

### 50 Composition

In this Constitution, the “Caucus” means those members of the Party who are members of the House of Commons or the Senate of Canada.

### 51 Rights

- (1) The Caucus, in writing signed by one of the principal officers of the Caucus, may appoint:
  - (a) one member of the National Board of Directors;<sup>27</sup>
  - (b) two members of each Leadership Expenses Committee;
  - (c) two members of each Leadership Vote Committee; and
  - (d) one or more members of committees as provided in this Constitution or in the Party Bylaw establishing the committee.
- (2) In addition to the members of the Caucus appointed to the National Board of Directors under Subsection 51(1), any other member of the Caucus has the right to:
  - (a) attend and speak, but not vote, at a meeting of the Council of Presidents;
  - (b) be a delegate or an alternate delegate to any convention or general meeting of

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<sup>27</sup> The Caucus members who are voting members of the National Board of Directors are also voting members of the Council of Presidents.

the Party in accordance with Chapter 16.

## **52 Limitation of authority of this Constitution**

- (1) The rights of the Caucus set out in this Constitution are in addition to any other rights of the Caucus.
- (2) The Caucus is not a Constituent Body, and this Constitution does not impose any responsibilities on the Caucus.
- (3) The Caucus is not subject to the jurisdiction of any convention or general meeting of the Party, the Council of Presidents, the National Board of Directors or the Permanent Appeal Committee.

## PART 4 – ELECTIONS AND CONVENTIONS

### CHAPTER 14 – LEADERSHIP VOTE

#### 53 Purpose

Whenever a Leader is to be chosen for the Party, the Party must elect a new Leader according to the procedures set out in this Chapter (which is referred to in this Constitution as a “Leadership Vote”).

#### 54 Call of Leadership Vote

- (1) The Leader ceases immediately to be the Leader when:
  - (a) due to incapacity, the Leader ceases to be recognized by the Governor-General as the leader of the Party in the House of Commons;
  - (b) the Leader dies;
  - (c) there are published in accordance with this Constitution the results of a Leadership Endorsement Ballot in which the Leader is not endorsed;<sup>28</sup>
  - (d) the National Board of Directors declares in accordance with Subsection 55(2) that the result of a Leadership Vote is invalid.
- (2) If the Leader publicly announces an intention to resign or if the Leader delivers to the National President a written resignation or a written request to call a Leadership Vote, then the Leader ceases to be the Leader on the earlier of the appointment of an Interim Leader and when a new Leader is elected by the members of the Party.
- (3) In the circumstances set out in Subsection 54(1), if the Leader publicly announces an intention to resign or if the Leader delivers to the National President a written resignation or a written request to call a Leadership Vote, the National President must call a meeting of the National Board of Directors to be held within 27 days, and at that meeting the National Board of Directors must:
  - (a) in the circumstances set out in Subsection 54(1) or if the Leader so requests, in consultation with the Caucus, appoint an “Interim Leader”;
  - (b) set a date for a Leadership Vote to be held within five months;
  - (c) fix a deposit, refundable or otherwise, to be paid by each leadership contestant

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28 See Section 64 on the Leadership Endorsement Ballot.

in accordance with the requirements of the National Board of Directors before the Leadership Vote is completed;

- (d) set a maximum limit for the leadership contestant expenses that may be incurred by any leadership contestant;
  - (e) establish the Leadership Expenses Committee consisting of:
    - (i) two co-chairs, one of whom must be a man and one of whom must be a woman and one of whom must be English-speaking and one of whom must be French-speaking;
    - (ii) the Chief Financial Officer;
    - (iii) two persons elected by the PTA Presidents from among the PTA Presidents and the National Vice-Presidents, one of whom must be English-speaking and one of whom must be French-speaking;
    - (iv) two representatives appointed by the Caucus;
    - (v) any number of other members of the Party appointed by the co-chairs in consultation with the National Board of Directors and respecting the principle of equal participation of men and women and the recognition of English and French as the official languages of Canada;
  - (f) establish the Leadership Vote Committee consisting of:
    - (i) two co-chairs;
    - (ii) the National President;
    - (iii) two persons elected by the PTA Presidents from among the PTA Presidents and the National Vice-Presidents, one of whom must be English-speaking and one of whom must be French-speaking;
    - (iv) two representatives appointed by the Caucus;
    - (v) any number of other members of the Party appointed by the co-chairs in consultation with the National Board of Directors and respecting the principle of equal participation of men and women and the recognition of English and French as the official languages of Canada.
- (4) The Leadership Expenses Committee is responsible to:
- (a) adopt rules (to be known as the “Leadership Expense Rules”) that provide for procedures to supervise compliance with the maximum limit for the leadership contestant expenses that may be incurred by any leadership contestant and to ensure full and frank disclosure of all contributions to leadership campaigns;

- (b) on an ongoing basis to ensure compliance with the Leadership Expense Rules.
- (5) The Leadership Vote Committee is responsible to plan, organize and carry out the Leadership Vote.
- (6) Each member of the Leadership Expenses Committee and the Leadership Vote Committee must agree in writing to remain neutral in the election of the Leader.
- (7) The person appointed as the Interim Leader may exercise all the powers of the Leader under this Constitution until a new Leader is elected by the members of the Party.
- (8) If a date has been set for a Leadership Vote under Paragraph 54(3)(a) and the National Board of Directors, by resolution passed by three-quarters of its voting members, determines that political circumstances require that the date be reset to an earlier date, then the National Board of Directors may, by resolution passed by a majority of the votes cast, reset the date for the Leadership Vote to an earlier date and may review and alter any arrangements already made for the Leadership Vote.

## 55 Leadership contestants

- (1) To be eligible for election as Leader, a person must:
  - (a) be a member of the Party;
  - (b) be eligible to be a candidate in an election of a member to serve in the House of Commons under the *Canada Elections Act*; and
  - (c) deliver<sup>29</sup> to the National President, at least 90 days<sup>30</sup> before the day of the Leadership Vote, a written nomination (which may be in one or more counterparts) signed by at least 300 members of the Party including at least 100 members of the Party from each of three different provinces or territories;
  - (d) within the time limits established by the Leadership Vote Committee, comply with the requirements of the National Board of Directors to fully and frankly complete a candidate questionnaire in substantially the same form required of candidates under the rules made by the National Election Readiness Committee under Section 60 for the last general election;
  - (e) within the time limits established by the Leadership Vote Committee, provide to the National President or their designate, an undertaking in writing that:
    - (i) they agree to be bound by this Constitution, any bylaws made by the

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29 See Subsection 77(9) for a description of how documents are delivered.

30 See Subsection 77(6) for the rules on calculation of this period.

National Board of Directors under Section 57 and the Leadership Expense Rules;

- (ii) they will submit all disputes concerning any matter relating to the selection of the Leader and the Leadership Vote and the construction or application of this Constitution, any Constituent Body Constitution, any bylaws made by the National Board of Directors under Section 57 and the Leadership Expense Rules to, and abide by the decision of, the Permanent Appeal Committee; and
  - (f) have otherwise complied with the bylaws made by the National Board of Directors under Section 57 and the Leadership Expense Rules and with the *Canada Elections Act*.<sup>31</sup>
- (2) If a person is later found not to be eligible for election as the Leader or does not comply with the *Canada Elections Act*, this Constitution, any bylaws made by the National Board of Directors under Section 57, the Leadership Expense Rules or the undertaking referred to in Paragraph 55(1)(f), then the National Board of Directors may declare the results of the Leadership Vote invalid.

## 56 Leadership Vote procedure

- (1) The Leadership Vote is a direct vote of all members of the Party who have a right to vote on the Leadership Vote weighted equally for each electoral district in Canada and counted in accordance with this Section.
- (2) Every member of the Party who ordinarily lives in Canada has the right to vote on the Leadership Vote, if that member has –
  - (a) been a member of the Party for the 41 days immediately preceding the day of the Leadership Vote;
  - (b) paid the registration fee (if any) for the Leadership Vote established by the National Board of Directors;
  - (c) complied with the registration procedures established by the National Board of Directors or by the Leadership Vote Committee.
- (3) At least 27 days before the day of the Leadership Vote, the National Board of Directors must publish on the public website of the Party the registration procedures for the Leadership Vote.
- (4) Each member of the Party who has a right to vote on the Leadership Vote may vote by a preferential ballot on which the voter indicates their preference for leadership

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<sup>31</sup> See, for example, the application for registration as a leadership contestant and the accompanying documents contemplated by subsections 435.06(1) and (2), *Canada Elections Act*.

contestants. A ballot is not spoiled because the voter has not indicated a preference for all leadership contestants.

- (5) The ballots must be counted, under the direction of the Chief Electoral Officer appointed under Subsection 56(6), in accordance with the following procedure (that is illustrated in Appendix B):
  - (a) Each electoral district is allocated 100 points.
  - (b) On the first count:
    - (i) for each electoral district, the first preference votes recorded in favour of leadership contestants on the ballots cast by the members of the Party who live in that electoral district are counted and then the 100 points allocated to the electoral district are allocated to each leadership contestant on the basis of the ratio the number of the first preference votes received by that leadership contestant bears to the total number of votes counted;
    - (ii) the total number of points allocated to each leadership contestant from all electoral districts in Canada are added to produce a total for the “national count”.
  - (c) On the second count, the leadership contestant who received the least points on the first national count is eliminated and that leadership contestant’s first count ballots are distributed in each electoral district among the remaining leadership contestants according to the second preferences indicated and counted according to the procedure set out in Subparagraph 56(a)(i) as if they were first preference votes.
  - (d) On each subsequent count, the leadership contestant who received the least votes in the preceding count is eliminated, and that leadership contestant’s ballots are distributed among the remaining leadership contestants according to the next preferences indicated.
  - (e) The first leadership contestant to receive more than 50% of the points allocated on any national count is selected as the Leader.
- (6) The Leadership Vote Committee and the National Board of Directors must jointly appoint a Chief Electoral Officer who will be responsible to make all arrangements necessary for the conduct of the balloting on the Leadership Vote and adjudicate all disputes over accreditation and the right to vote on the Leadership Vote.
- (7) The Chief Electoral Officer appointed under Subsection 56(6) must act independently of the National Board of Directors and each of the leadership contestants.

## **57 Bylaws**

- (1) The National Board of Directors may make any bylaw in accordance with the procedure set out in Section 26 to regulate the procedures of the Leadership Vote, but any bylaw that the National Board of Directors makes must be consistent with this Constitution.
- (2) Bylaws anticipated by Subsection 57(1) may include but are not limited to:
  - (a) voting procedures (including Internet balloting and electronic balloting);
  - (b) nomination criteria;
  - (c) registration fees and procedures; and
  - (d) leadership contestant deposit requirements.

## **CHAPTER 15 – CANDIDATE SELECTION MEETINGS**

### **58 Purpose**

Each EDA must hold a candidate selection meeting to select a candidate of the Party for election to the House of Commons at the time specified by, and in accordance with, the rules made by the National Election Readiness Committee under Section 60.

### **59 Right to attend and vote**

Every member of the Party has the right to attend a candidate selection meeting of their EDA and has the right to vote at that meeting if that member:

- (a) is present at the meeting;
- (b) has been a member of the Party for the period established by the National Election Readiness Committee;
- (c) has not voted at another candidate selection meeting held for the same election (except when the results of a candidate selection meeting are declared invalid).

### **60 Campaign rules**

- (1) The National Election Readiness Committee, by resolution, may make rules to regulate the procedures to be followed to select a candidate of the Party for election to the House of Commons, but any rules that the National Election Readiness Committee makes must be consistent with this Constitution and the Party Bylaws.
- (2) Rules anticipated by Subsection 60(1) may vary from province to province or territory and may include but are not limited to:

- (a) criteria to be satisfied before a candidate selection meeting may be called;
- (b) length of notice for the meeting;
- (c) length of membership to be eligible to vote;
- (d) access to membership forms;
- (e) access to membership lists;
- (f) joint candidate mailings to members of the Party;
- (g) special procedures in the case of the apprehension of an imminent election;
- (h) voting procedures (including preferential balloting, Internet balloting and electronic balloting);
- (i) the form of the meeting (including meetings in more than one location, meetings on one or more days, meetings by telephone and meetings with video conference facilities);
- (j) the terms for the appointment of officials to conduct the meeting and the rules under which the meeting must operate;
- (k) nomination criteria including requirements that any member of the Party who wishes to be selected as a candidate of the Party for election to the House of Commons must:
  - (i) fully and frankly complete a questionnaire in the form approved by the National Election Readiness Committee and provide that questionnaire to the National Election Readiness Committee or its designate;
  - (ii) provide to the National Election Readiness Committee or its designate, an undertaking in writing that they agree to be bound by this Constitution and any rules adopted by the National Election Readiness Committee; and that they will submit all disputes concerning any matter relating to the Party's candidate selection process and the construction or application of this Constitution, any Constituent Body Constitution and any rules adopted by the National Election Readiness Committee to, and abide by the decision of, the Permanent Appeal Committee;
- (l) candidate deposit requirements;
- (m) candidate spending limitations, the disclosure by candidates of contributions and expenditures and allowing them to make appropriate use of the federal tax credits; and
- (n) penalties and sanctions for any violation of the rules.

- (3) Rules made under this Section 60 are not effective until they are first published on the public website of the Party.

## CHAPTER 16 – CONVENTIONS

### **61 Types of conventions**

- (1) Subject to this Constitution, the convention of the Party is the highest authority of the Party.
- (2) Except if rescheduled in accordance with Subsection 65(4), the Party must hold a biennial convention of the Party at least once in every two calendar years and not more than 30 months after the previous biennial convention of the Party.
- (3) At any time except within six months of a biennial convention of the Party, the Party may hold an extraordinary convention to deal with any issues of extraordinary importance.
- (4) The business of the biennial convention of the Party is to:
  - (a) elect the Executive Officers;
  - (b) consider the attendance record at meetings of the National Management Committee of each member of the committee;
  - (c) receive reports from the Council of Presidents and from each Executive Officer;
  - (d) consider policy resolutions;
  - (e) if a Leadership Endorsement Ballot has been held in accordance with Section 64, publish the result of the Leadership Endorsement Ballot;
  - (f) elect the auditors of the Party.
- (5) The biennial convention of the Party may consider any other business as determined by the National Board of Directors.
- (6) The Leader must report to the Party at every convention.

### **62 Right to attend and vote**

- (1) The following persons have the right to be delegates to each convention:
  - (a) the Leader;
  - (b) each past Leader;

- (c) each member of the Queen's Privy Council for Canada who is a member of the Party;
- (d) each member of the Council of Presidents;
- (e) each member of the National Board of Directors ;
- (f) up to seven principal officers of each of the Commissions;
- (g) each member of the Caucus;
- (h) each person who has served as a member of the House of Commons or the Senate of Canada and who is a member of the Party;
- (i) each person who has been selected as a candidate of the Party for election to the House of Commons in the next election (Nominated Candidates);
- (j) each person who was selected as a candidate of the Party for election to the House of Commons in the immediate past election but who was not elected (Defeated Candidates) and who is a member of the Party;
- (k) up to 20 persons accredited at the convention as delegates from each EDA who satisfy the following criteria:
  - (i) no more than 10 of the delegates are men;
  - (ii) no more than seven of the delegates who are men are not a youth;
  - (iii) no more than nine of the delegates who are men are not a senior;
  - (iv) no more than 10 of the delegates are women;
  - (v) no more than seven of the delegates who are women are not a youth;
  - (vi) no more than nine of the delegates who are women are not a senior;
- (l) up to two persons who are each an aboriginal person as defined in the Constitution of the Aboriginal Peoples' Commission accredited at the convention as delegates from each EDA;
- (m) the following persons accredited at the convention as delegates from each Commission Club that has been recognized for the purposes of this Constitution for at least one year before the date of the call of the convention:
  - (i) up to four youth from each student club of whom no more than two are men and no more than two are women;
  - (ii) up to two women from each women's club; and
  - (iii) up to two seniors from each seniors club of whom no more than one is a

- man and no more than one is a woman;
- (n) up to 15 members of the executive of each PTA elected by the executive;
  - (o) up to five women and up to five men elected by the executive of each PTA.
- (2) Every delegate who has paid the registration fee has the right to attend and vote at a convention.
  - (3) Every alternate delegate who has paid the registration fee has the right to attend the convention as an observer but may not vote.
  - (4) Persons will be accredited as delegates from an EDA in the following order of priority until the full complement of 22 delegates is reached:
    - (a) persons who have been selected as a delegate to the convention from that EDA;
    - (b) persons who have been selected as an alternate delegate to the convention from that EDA and satisfies the greatest number of the following criteria:
      - (i) is a youth, if there are not six youth delegates from that EDA;
      - (ii) is an aboriginal person, if there are not two aboriginal delegates from that EDA;
      - (iii) is a woman, if there are not ten delegates from that EDA who are women;
      - (iv) is a man, if there are not ten delegates from that EDA who are men;
      - (v) is a senior, if there are not two delegates from that EDA who are seniors;
      - (vi) received more votes than any other person who sought election from that EDA.
  - (5) The National Returning Officer or the Convention Returning Officer may determine whether a person is a delegate selected at a meeting held in accordance with this Constitution.

### **63 Delegate selection meetings**

- (1) Each EDA must hold a delegate selection meeting to select delegates and alternate delegates to conventions at the time, and in accordance with the procedures, established under this Constitution and by the National Board of Directors. Provincial and territorial rules relating to the election of delegates to conventions of the Party must be observed unless in conflict with this Constitution or the bylaws made under Section 67.
- (2) At each delegate selection meeting held for a biennial convention of the Party, the

EDA must also conduct the Leadership Endorsement Ballot if it is required under Subsection 64(1).

- (3) Each Commission Club that holds a delegate selection meeting in accordance with this Section has the right to send delegates and alternate delegates to a convention.
- (4) The following rules govern every delegate selection meeting:
  - (a) Every member of the Party has the right to attend a delegate selection meeting of their EDA and has the right to vote at that meeting if that member:
    - (i) is present at the meeting;
    - (ii) has been a member of the Party for the 41 days<sup>32</sup> immediately preceding the meeting.
  - (b) Every member of a Commission Club who is a member of the Party has the right to attend a delegate selection meeting of the Commission Club and has the right to vote at that meeting if that member:
    - (i) is present at the meeting;
    - (ii) has been a member of the Party and of the Commission Club for the 41 days<sup>33</sup> immediately preceding the meeting.
  - (c) Each EDA and each Commission Club may elect any number of alternate delegates.
  - (d) Every member of the Party has the right to be selected as a delegate or an alternate delegate to any convention of the Party, if that member:
    - (i) has been a member of the Party for the 41 days<sup>34</sup> immediately preceding the meeting;
    - (ii) is present in person or consents in writing to be a delegate.
  - (e) At least 34 days<sup>35</sup> before the convention, the EDA and each Commission Club,

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32 See Subsection 77(7) for the rules on calculation of this period. The National Board of Directors may shorten the 41 day period; see Paragraph 23(2)(a).

33 See Subsection 77(7) for the rules on calculation of this period. The National Board of Directors may shorten the 41 day period; see Paragraph 23(2)(a).

34 See Subsection 77(7) for the rules on calculation of this period. The National Board of Directors may shorten the 41 day period; see Paragraph 23(2)(a).

35 See Subsection 77(6) for the rules on calculation of this period. The National Board of Directors may reduce the amount of notice required for any delegate selection meeting; see Paragraph 23(2)(b).

as the case may be, must hold its delegate selection meeting.

- (f) In each electoral district, any member of the Party who is a member of the House of Commons, a Defeated Candidate or Nominated Candidate for that electoral district is responsible to co-operate with the EDA President in all matters relating to the calling and holding of the delegate selection meeting for the election.

## **64 Leadership Endorsement Ballot**

- (1) The National Board of Directors, and each EDA President, are responsible to ensure that a ballot (referred to throughout this Constitution as the “Leadership Endorsement Ballot”), in a form approved by the National Board of Directors which permits the voter to indicate whether or not they are in favour of endorsing the Leader, is voted on at the meeting of every EDA held for the purpose of selecting delegates to attend the first biennial convention of the Party held after each general election in which the Leader does not become the Prime Minister.
- (2) The Leadership Endorsement Ballot is a direct vote of all members of the Party who have a right to vote at the delegate selection meeting weighted equally for each electoral district in Canada and counted in accordance with this Section.
- (3) At each delegate selection meeting referred to in Subsection 64(1), the vote on the Leadership Endorsement Ballot must be conducted by secret ballot, and the ballots may not be counted or otherwise examined at the meeting. Instead, the EDA President must secure the ballots against loss or examination, and must deliver<sup>36</sup> them promptly and directly to the auditors of the Party or another independent accounting firm appointed by the National Board of Directors (the “Leadership Endorsement Ballot Auditor”).
- (4) The National President and the National Director are jointly responsible to ensure that the combined ballots from all delegate selection meetings referred to in Subsection 64(1) are counted in secrecy by the Leadership Endorsement Ballot Auditor and that the national count for the Leadership Endorsement Ballot is published at the biennial convention of the Party before any results are otherwise announced or published.
- (5) The ballots must be counted in accordance with the following procedure:
  - (a) Each electoral district is allocated 100 points.
  - (b) For each electoral district, the votes recorded in favour of endorsing the Leader on the ballots cast by the members of the Party who live in that electoral district are counted and then the 100 points allocated to the electoral district are

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36 See Subsection 77(9) for a description of how documents are delivered.

allocated in favour of endorsing the Leader on the basis of the ratio the number of votes recorded in favour of endorsing the Leader bears to the total number of valid ballots cast.

- (c) The total number of points allocated in favour of endorsing the Leader from all electoral districts in Canada are added to produce a total for the “national count”.
- (d) The Leader is not endorsed if the “national count” is less than the product of 50 multiplied by the number of all electoral districts in Canada.

## **65 Call of conventions**

- (1) The National President, after consultation with the National Board of Directors, may call the biennial convention of the Party and must establish the date and place of the next biennial convention of the Party within 18 months of the conclusion of the last biennial convention of the Party.
- (2) If the Party does not hold a biennial convention of the Party in accordance with Subsection 61(2) or, if rescheduled in accordance with Subsection 65(4), in accordance with that Subsection, then the executives of the PTAs of at least seven provinces or territories that have, in the aggregate, according to the then latest general census, at least 50% of the population of all provinces and territories, may call the biennial convention of the Party on 90 days’ written notice to all PTA presidents.
- (3) The National Board of Directors may call an extraordinary convention of the Party at any time.
- (4) The National President is responsible to ensure that notice of the date and place of the next biennial convention of the Party is published on the public website of the Party within 18 months of the conclusion of the last biennial convention of the Party.
- (5) In the case of the actual or expected dissolution of the House of Commons, if a Leadership Vote is called or where other circumstances exist that make it significantly impractical to hold a convention, then the National Board of Directors may reschedule any convention of the Party for a date within six months of the original date.

## **66 Convention organization and officials**

- (1) The National Board of Directors is responsible to appoint a General Secretary for each biennial convention of the Party, and for each extraordinary convention of the Party.
- (2) The National Board of Directors must appoint a National Returning Officer who will be responsible to make all arrangements necessary for the conduct of the balloting at delegate selection meetings and on any Leadership Endorsement Ballot and

adjudicate all disputes over accreditation and the right to vote at delegate selection meetings and on any Leadership Endorsement Ballot.

- (3) The National Board of Directors must appoint a Convention Returning Officer who will be responsible to make all arrangements necessary for the conduct of any balloting at the convention and adjudicate all disputes over accreditation at the convention.
- (4) The General Secretary, the National Returning Officer and the Convention Returning Officer must act independently of the National Board of Directors, the Leader and each of the candidates for any office of the Party.
- (5) The National Management Committee is responsible to plan, organize and carry out the convention for which it has been established. The National Management Committee may, in consultation with the National Board of Directors, establish an agenda and rules of order governing the proceedings at the convention that are binding on all members of the Party at the convention, that may not be amended by the members of the Party at the biennial convention of the Party without the consent of the National Management Committee or the National Board of Directors and that are not subject to suspension.
- (6) The National Board of Directors may establish registration fees for the convention but, subject to the requirement to have a balanced budget for each convention and compliance with the *Canada Elections Act*, the registration fee for six youth delegates from each EDA, for the seven principal officers of the Commission of Young Liberals of Canada and the Aboriginal Peoples' Commission who have the right to be delegates under Paragraph 62(1)(f), for all delegates and alternate delegates from Commission Clubs of the Commission of Young Liberals of Canada and for all aboriginal delegates accredited under Paragraph 62(1)(l) must be half of the lowest registration fee for non-youth delegates or alternate delegates from the same region and who are otherwise similarly situated.

## 67 Bylaws

- (1) The National Board of Directors may make any bylaw in accordance with the procedure set out in Section 26 to regulate the procedures of delegate selection meetings and the convention, but any bylaw that the National Board of Directors makes must be consistent with this Constitution.
- (2) Bylaws anticipated by Subsection 67(1) may include but are not limited to:
  - (a) length of notice for delegate selection meetings;
  - (b) the length of membership to be eligible to vote at a delegate selection meeting;
  - (c) the form of certificate of delegates from an EDA;
  - (d) voting procedures (including preferential balloting, Internet balloting and

electronic balloting);

- (e) nomination criteria;
- (f) candidate deposit requirements; and
- (g) candidate spending limitations.

## **PART 5 – MISCELLANEOUS**

### **CHAPTER 17 – RECORDS AND FINANCES**

#### **68 Records deposited with National Office**

The National Director is responsible to ensure that the National Office:

- (a) maintains accurate and up to date versions of this Constitution and all Constitutions, bylaws and rules deposited with the National Office;
- (b) provides reasonable access to the originals or copies of the Constitutions, bylaws and rules deposited with the National Office;
- (c) makes arrangements for the publication on the public website of the Party of current versions of this Constitution and all Constitutions, bylaws and rules deposited with the National Office.

#### **69 Financial compliance bylaws**

In consultation with the Council of Presidents, the National Board of Directors may make any bylaw in accordance with the procedure set out in Section 26 to establish financial reporting and internal control requirements to ensure compliance with federal law.

#### **70 Audits**

- (1) A person or partnership eligible under the *Canada Elections Act* to be an auditor of the Party must be elected as the auditor of the Party by members of the Party at each biennial convention of the Party. No member of the National Board of Directors may be an auditor.
- (2) The National Board of Directors may fill a casual vacancy in the office of the auditor.
- (3) The auditors must present audited financial statements of the Party to the biennial convention of the Party each year.

#### **71 Property**

- (1) The National Board of Directors holds, as property of the Party:
  - (a) any gift made to the Party;
  - (b) any gift made to an officer or officeholder of the Party in the course of service to the Party;

- (c) any revenue raised by the Party from any source;
  - (d) any account in a financial institution in the name of the Party;
  - (e) anything purchased with any revenue or gift, or exchanged for any property of the Party;
  - (f) copyright in any material or publication either:
    - (i) produced at the expense of the Party; or
    - (ii) contributed to the Party by the original creator of that material or publication;
  - (g) any right or benefit conferred on the Party;
  - (h) anything else that would be generally recognized as being the property of the Party in accordance with ordinary commercial conduct.
- (2) The National Board of Directors must establish policies for the acquisition, maintenance, insurance, management, use, and disposal of property of the Party.
- (3) The National Board of Directors may establish a corporation incorporated under the federal laws of Canada or the laws of any province or territory of Canada for the purposes of holding and managing the property of the Party.

## **72 Debt and credit**

- (1) The National Board of Directors may:
- (a) borrow money on the credit of the Party;
  - (b) pledge any property of the Party as security for any debt, goods or services; and
  - (c) pledge the credit of the Party in exchange for goods or services.
- (2) The National Board of Directors must establish policies:
- (a) regulating the undertaking of debt and pledging of credit;
  - (b) regulating the liquidation of debt; and
  - (c) limiting the total debt of the Party.
- (3) The Party is not responsible for election or other debts incurred by any Constituent Body, or by any candidate, unless the National Board of Directors has given prior written authority for that debt.

### **73 Liability, indemnity, and insurance**

- (1) The Party accepts responsibility for any liability incurred in the course of service to the Party by any officer or office holder of the Party, unless the liability arose from conduct of the officer or office holder that involved:
  - (a) gross or criminal negligence;
  - (b) fraud or deliberate deception; or
  - (c) a misrepresentation of the authority of that officer or office holder.
- (2) The National Board of Directors may indemnify any officer or office holder of the Party for any loss or claim arising out of conduct for which the Party accepts responsibility as set out in Subsection 73(1).
- (3) The National Board of Directors may establish policies setting out the circumstances in which, and the extent to which, the Party will assume responsibility within the scope of Subsection 73(1) and provide indemnification within the scope of Subsection 73(2).
- (4) The National Board of Directors may purchase liability insurance to protect the Party from losses or claims that fall within the scope of the Party's assumed responsibility.

### **74 Conduct of office holders**

- (1) Any member of the National Board of Directors or person appointed under this Constitution, in exercising a function of that office, must:
  - (a) act honestly and in good faith and in the best interests of the Party; and
  - (b) exercise the care, diligence and skill of a reasonably prudent person.
- (2) The National Board of Directors may establish policies concerning the standards of conduct for members of the National Board of Directors and persons appointed under this Constitution.
- (3) Any member of the National Board of Directors and any person appointed under this Constitution must comply with the following rules relating to conflicts of interest:
  - (a) A person who is, directly or indirectly, interested in a proposed contract or transaction with the society must disclose fully and promptly the nature and extent of the interest to the National Board of Directors;
  - (b) A person referred to in Paragraph 74(3)(a) must not be counted in the quorum at any meeting at which the proposed contract or transaction is approved.

## 75 Signing authority

Documents, other than cheques, executed by the Party must be signed by any two of the Executive Officers or any other person or person authorized by the National Board of Directors.

## CHAPTER 18 – GENERAL PROVISIONS

## 76 Amendment of this Constitution

- (1) This Constitution may be amended in accordance with this Section by a *Special Resolution* of the members of the Party at a convention.
- (2) Amendments to this Constitution may be proposed by:
  - (a) the Council of Presidents;
  - (b) the National Board of Directors;
  - (c) any PTA; or
  - (d) any Commission.
- (3) Proposed amendments must be submitted in writing to the National President at least 27 days before the convention of the Party at which they are to be considered.
- (4) The National President must publish a copy of each proposed amendment to this Constitution that must be submitted to a convention of the Party on the public website of the Party at least 20 days<sup>37</sup> before the convention at which the proposed amendment is to be considered.
- (5) A constitutional amendment takes effect on the later of the time it is adopted and the date (if any) specified in the amendment.
- (6) After each convention at which this Constitution is amended, the Constitutional and Legal Advisers must oversee the publication of this Constitution as amended and may, in so doing, and subject to the ratification of the National Board of Directors:
  - (a) renumber the provisions of this Constitution to accommodate the changes that have been made;
  - (b) correct cross-references between provisions which are no longer accurate;
  - (c) correct errors which are purely typographical;

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37 See Subsection 77(6) for the rules on calculation of this period.

- (d) correct errors of spelling;
- (e) replace gender biased language with gender neutral language; and
- (f) correct inconsistencies between the English and French versions of this Constitution only insofar as such changes will not change the substantive meaning of any provision.

## 77 Constitutional interpretation

- (1) Interpretation of this Constitution and the Party Bylaws is the responsibility of:
  - (a) the National Board of Directors between meetings of the Council of Presidents;
  - (b) the Council of Presidents between conventions;
  - (c) the members of the Party at conventions.
- (2) Every person interpreting and applying this Constitution:
  - (a) must prefer a reasonable interpretation of a bylaw, statement of policy, or decision that is consistent with this Constitution over an interpretation that conflicts with this Constitution;
  - (b) must give a liberal construction to the provisions of this Constitution, in a manner consistent with the *Canadian Charter of Rights and Freedoms*, the *Canada Elections Act*, and the best interests and traditions of the Party; and
  - (c) may consider applicable Canadian legal precedents.
- (3) Words importing the singular include the plural, and vice versa.
- (4) The power to appoint includes the power to replace.
- (5) The power to make a bylaw or adopt rules includes the power to amend or repeal the bylaw.
- (6) Wherever any period between two events is expressed as a number of days, the days on which the first and second event take place are not to be counted.

As an example, if a meeting was to be held on Friday, September 28, and some entity must give 41 days written notice of that meeting, then the notice must be given on or before Friday, August 17.

- (7) Wherever it is stated that a person must have been a member for a number of days immediately preceding an event, then their application for membership must have been received during regular business hours on a day when that office was open at least that number of days before the event.

As an example, if a person must have been a member for the 41 days preceding a meeting, and the meeting was held on Friday, September 28, then their application for membership must have been received by at an office designated by the National Board of Directors during regular business hours on or before Friday, August 17.

- (8) For all purposes of this Constitution, a member of the Party will be considered to live at the place of their ordinary residence, which must be determined in accordance with section 8 of the *Canada Elections Act*.<sup>38</sup> If the rules set out in section 8 are not sufficient to determine the place of ordinary residence, it must be determined by the appropriate returning officer by reference to all the facts. Each member of the House of Commons (an “M.P.”), each candidate at a general election or a by-election and each member of the Party living with the M.P. or candidate who would move, or has moved with the M.P. or candidate to continue to live with that person, is entitled to be deemed to have a place of ordinary residence in the electoral district represented by the M.P. or in which the candidate seeks to be elected, as the case may be.
- (9) A document is delivered to a person when it is actually received by that person, and a document is delivered to an office designated by the National Board of Directors when it is actually received at that office.
- (10) Despite anything else in this Constitution, every member of the Party who, in accordance with the constitution of an EDA or of its PTA, would have been entitled to vote at a meeting (including a candidate selection meeting and a delegate selection meeting) of that EDA held on December 3, 2006, even though the member did not live in the electoral district represented by that EDA, is deemed for all purposes of this Constitution to live in that electoral district until the person ceases to be a member of the Party or votes at a meeting of an EDA that represents another electoral district.

## 78 Notice

- (1) Unless this Constitution otherwise provides, any notice to members may be given by mail to each household or in any other manner established by the National Board of Directors.
- (2) A notice need not be given to any member designated as “inactive” in accordance with procedures established by the National Board of Directors in a Party Bylaw.
- (3) The inadvertent failure to give notice to any member of the Party of a meeting of a Constituent Body including a candidate selection meeting or a delegate selection meeting does not invalidate the notice, the meeting or any business of the meeting.

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38 See Appendix A for the text of section 8, *Canada Elections Act*.

## 79 Definitions

In this Constitution, the following terms have the following meanings:

“*Canada Elections Act*” means *Canada Elections Act*, S.C. 2000, c. 9, as amended.

“Caucus” has the meaning assigned in Section 50.

“Caucus Accountability Officer” means the member of the Caucus designated under Subsection 33(4).

“Chief Financial Officer” has the meaning assigned in Subparagraph 23(1)(d)(ii).

“Commission” means, as the context may require, any or all of the Commission of Young Liberals of Canada, the National Women’s Liberal Commission, the Aboriginal People’s Commission or the Senior Liberals’ Commission.

“Commission Club” means a women’s club, a student club or a seniors club recognized for the purposes of this Constitution<sup>39</sup> and, in relation to a Commission Club, “its Commission” means the Commission of which it is a club.

“Constitution” or “Constituent Body Constitution” means, as the context may require, in relation to a Constituent Body, the constitution, rules, bylaws or other constating documents of the Constituent Body.

“Constituent Body” means as the context may require, a PTA, a Commission, an EDA or a Commission Club.

“EDA” or “Electoral District Association” means an association certified by a leader of the Party as an electoral district association of the Party under the *Canada Elections Act* in respect of which no application for deregistration has been made under the *Canada Elections Act* and, in relation to an EDA:

- (a) “its electoral district” means the electoral district in respect of which the EDA is certified under the *Canada Elections Act*;
- (b) “its members” or “members of the EDA” means the members of the Party who live in its electoral district;
- (c) “its PTA” means the PTA of the province or territory in which its electoral district is located;

and, in relation to a member of the Party, “their EDA” means the EDA certified under the *Canada Elections Act* for the electoral district in which the member lives or is deemed to live under Subsection 77(10).

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39 See Section 39.

“EDA President” has the meaning assigned in Paragraph 12(2)(c).

“EDA Policy Chair” has the meaning assigned in Paragraph 12(2)(c).

“Executive Officers” has the meaning assigned in Paragraph 22(1)(a).

“Federal Liberal Agency of Canada” has the meaning assigned in Subsection 43(1).

“Leadership Endorsement Ballot” has the meaning assigned in Subsection 64(1).

“Leadership Expenses Rules” has the meaning assigned in Subsection 54(4).

“Leadership Vote” has the meaning assigned in Section 53.

“National Director” has the meaning assigned in Subparagraph 23(1)(d)(iii).

“National Office” means, as the context requires, either:

- (a) the staff employed by the Party at its administrative headquarters;
- (b) the place designated by the National Board of Directors as the location of the National Office.

“Party Bylaws” means bylaws made by the National Board of Directors in accordance with the procedures set out in Section 26.

“PTA” or “Provincial and Territorial Association” means one or more of the provincial or territorial associations that compose the federation of the Liberal Party of Canada under this Constitution and, in relation to a PTA, “its province or territory” means the province or territory represented by the PTA, and, in relation to a member of the Party, “their PTA” means the PTA in the province or territory in which the member lives.

“PTA President” has the meaning assigned in Paragraph 14(3)(g).

“PTA Policy Chair” has the meaning assigned in Paragraph 14(3)(g).

“Special Resolution” means a resolution passed by two-thirds of the votes cast.

## **80 Transition from prior constitution**

- (1) Subject to the provisions of Schedule A, every previously adopted constitution and bylaw of the Party is repealed. Schedule A governs the continuation and status of all Party matters that were in effect immediately before this Constitution took effect.
- (2) For the purposes of this Constitution, the following persons are recognized as the past Leaders of the Party: Rt. Hon. John Turner, P.C., C.C.; Rt. Hon. Jean Chrétien, P.C.; and Rt. Hon. Paul Martin, P.C.

## **81 Commencement of this Constitution**

This Constitution takes effect when the 2006 biennial convention is closed or adjourned.<sup>40</sup>

## **82 2013 Leadership Vote; 2012 Biennial Convention**

- (1) Notwithstanding anything else contained in this Constitution (including, but not limited to, Section 54):
  - (a) the meeting of the National Board of Directors required by Subsection 54(3) as a consequence of the resignation of the Leader in May 2011 shall be held at any time on or before February 1, 2013; and
  - (b) at the meeting referred to in Paragraph (a), the National Board of Directors, in consultation with the Caucus and the Council of Presidents and on five months' notice to the Party, shall set a date for a Leadership Vote between March 1, 2013 and June 30, 2013.

This Subsection (1) shall no longer be of force or effect on the later of the conclusion of the Leadership Vote contemplated by Paragraph (a) and June 30, 2013.

- (2) Notwithstanding anything else contained in this Constitution (including, but not limited to, Section 65), the next biennial convention of the Party (which is the rescheduled biennial convention of the Party originally called for June 17, 2011) including the related in-person meeting of the Council of Presidents shall be held on January 13 to 15, 2012 at Ottawa, Ontario. This subsection (2) shall no longer be of force or effect on January 15, 2012.

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40 The 2006 biennial convention closed on December 2, 2006. This Constitution therefore took effect on that date.

**APPENDIX A – SECTION 8, CANADA ELECTIONS ACT****Place of ordinary residence**

(1) The place of ordinary residence of a person is the place that has always been, or that has been adopted as, his or her dwelling place, and to which the person intends to return when away from it.

**One place of residence only**

(2) A person can have only one place of ordinary residence and it cannot be lost until another is gained.

**Temporary absence**

(3) Temporary absence from a place of ordinary residence does not cause a loss or change of place of ordinary residence.

**Place of employment**

(4) If a person usually sleeps in one place and has their meals or is employed in another place, their place of ordinary residence is where they sleep.

**Temporary residence**

(5) Temporary residential quarters are considered to be a person's place of ordinary residence only if the person has no other place that they consider to be their residence.

**Temporary residential quarters**

(6) A shelter, hostel or similar institution that provides food, lodging or other social services to a person who has no dwelling place is that person's place of ordinary residence.

## APPENDIX B – ILLUSTRATION OF BALLOT COUNTING PROCEDURE

(Reference: Section 56)

Consider a Leadership Vote in which there are four leadership contestants: Anne A, Patrick B, Pascale C and Marc D and there are only two electoral districts in Canada.

In Electoral District A, there are 100 members of the Party who vote as follows:

	<b>39 voters</b>	<b>12 voters</b>	<b>7 voters</b>	<b>30 voters</b>	<b>12 voters</b>
<b>1<sup>st</sup> choice</b>	Anne A	Patrick B	Pascale C	Marc D	Pascale C
<b>2<sup>nd</sup> choice</b>	Patrick B	Anne A	Patrick B	Pascale C	Anne A
<b>3<sup>rd</sup> choice</b>	Pascale C	Marc D	Marc D	Anne A	Marc D
<b>4<sup>th</sup> choice</b>	Marc D	Pascale C	Anne A	Patrick B	Patrick B

In Electoral District B, there are 5,000 members of the Party who vote as follows:

	<b>350 voters</b>	<b>600 voters</b>	<b>1,950 voters</b>	<b>1,500 voters</b>	<b>600 voters</b>
<b>1<sup>st</sup> choice</b>	Marc D	Pascale C	Patrick B	Anne A	Marc D
<b>2<sup>nd</sup> choice</b>	Anne A	Marc D	Anne A	Pascale C	Patrick B
<b>3<sup>rd</sup> choice</b>	Patrick B	Patrick B	Marc D	Marc D	Pascale C
<b>4<sup>th</sup> choice</b>	Pascale C	Anne A	Pascale C	Patrick B	Anne A

1(a) On the first count for Electoral District A, the first preference votes are counted and the 100 points allocated to the electoral district are allocated to each leadership contestant on the basis of the ratio the number of the first preference votes received by that leadership contestant bears to the total number of votes counted. The tallies and the allocation of points stand at:

	<b>Tally of votes (first preference votes)</b>	<b>Allocation calculation</b>	<b>Points allocated (votes weighted for the Electoral District)</b>
<b>Anne A</b>	39	$\frac{39}{100} \times 100 =$	39
<b>Patrick B</b>	12	$\frac{12}{100} \times 100 =$	12
<b>Pascale C</b>	19	$\frac{19}{100} \times 100 =$	19
<b>Marc D</b>	30	$\frac{30}{100} \times 100 =$	30
<b>Total</b>	100		100

1(b) On the first count for Electoral District B, the first preference votes are counted and the 100 points allocated to the electoral district are allocated to each leadership contestant on the basis of the ratio the number of the first preference votes received by that leadership contestant bears to the total number of votes counted. The tallies and the allocation of points stand at:

	Tally of votes (first preference votes)	Allocation calculation	Points allocated (votes weighted for the Electoral District)
<b>Anne A</b>	1,500	$\frac{1500}{5000} \times 100 =$	30
<b>Patrick B</b>	1,950	$\frac{1950}{5000} \times 100 =$	39
<b>Pascale C</b>	600	$\frac{600}{5000} \times 100 =$	12
<b>Marc D</b>	950	$\frac{950}{5000} \times 100 =$	19
<b>Total</b>	5,000		100

1(c) The total number of points allocated to each leadership contestant from all electoral districts in Canada are added to produce a total for the “national count”.

	Points from Electoral District A	Points from Electoral District B	Total for the “national count”
<b>Anne A</b>	39	30	69
<b>Patrick B</b>	12	39	51
<b>Pascale C</b>	19	12	31
<b>Marc D</b>	30	19	49

2(a) No leadership contestant received more than 50% of the points allocated (200) on the first count and so, on the second count, the leadership contestant who received the least points on the first national count (Pascale C) is eliminated and her first count ballots are distributed in each electoral district among the remaining leadership contestants according to the second preferences indicated.

2(b) On the second count for Electoral District A, the votes for Pascale C are transferred to the three remaining contestants. To do this, the ballot papers of the 19 Pascale C supporters are examined to see which contestant the voters gave as their second preference. Each Pascale C supporter then has their vote transferred to their second preference: 7 votes are transferred to Patrick B and 12 votes are transferred to Anne A.

The 100 points allocated to the electoral district are allocated to each remaining leadership contestant on the basis of the ratio the new tally for that leadership contestant bears to the total number of votes counted. After this process, the tallies and the allocation of points stand at:

	Tally of votes (first preference votes and votes transferred from Pascale C)	Allocation calculation	Points allocated (votes weighted for the Electoral District)
<b>Anne A</b>	51	$\frac{51}{100} \times 100 =$	51
<b>Patrick B</b>	19	$\frac{19}{100} \times 100 =$	19
<b>Marc D</b>	30	$\frac{30}{100} \times 100 =$	30
<b>Total</b>	100		100

2(c) On the second count for Electoral District B, the votes for Pascale C are transferred to the three remaining contestants. To do this, the ballot papers of the 600 Pascale C supporters are

examined to see which contestant the voters gave as their second preference. Each Pascale C supporter then has their vote transferred to their second preference: all 600 votes are transferred to Marc D.

The 100 points allocated to the electoral district are allocated to each remaining leadership contestant on the basis of the ratio the new tally for that leadership contestant bears to the total number of votes counted. After this process, the tallies and the allocation of points stand at:

	<b>Tally of votes (first preference votes and votes transferred from Pascale C)</b>	<b>Allocation calculation</b>	<b>Points allocated (votes weighted for the Electoral District)</b>
<b>Anne A</b>	1,500	$\frac{1500}{5000} \times 100 =$	30
<b>Patrick B</b>	1,950	$\frac{1950}{5000} \times 100 =$	39
<b>Marc D</b>	1,550	$\frac{1550}{5000} \times 100 =$	31
<b>Total</b>	5,000		100

2(d) The total number of points allocated to each leadership contestant from all electoral districts in Canada are added to produce a total for the “national count”.

	<b>Points from Electoral District A</b>	<b>Points from Electoral District B</b>	<b>Total for the “national count”</b>
<b>Anne A</b>	51	30	81
<b>Patrick B</b>	19	39	58
<b>Marc D</b>	30	31	61

3(a) No leadership contestant received more than 50% of the points allocated (200) on the second count and so, on the third count, the leadership contestant who received the least points on the second national count (Patrick B) is eliminated and his first count ballots are distributed in each electoral district among the remaining leadership contestants according to the second preferences indicated.

3(b) On the third count for Electoral District A, the votes for Patrick B are transferred to the two remaining contestants. To do this, the ballot papers of the 12 Patrick B supporters are examined to see which contestant the voters gave as their next preference. Each Patrick B supporter then has their vote transferred to their next preference: 12 votes are transferred to Anne A and 7 votes are transferred to Marc D (these are the votes for which Pascale C was the first choice and Patrick B was the second choice).

The 100 points allocated to the electoral district are allocated to each remaining leadership contestant on the basis of the ratio the new tally for that leadership contestant bears to the total number of votes counted. After this process, the tallies and the allocation of points stand at:

	<b>Tally of votes (first preference votes and votes transferred from Pascale C and Patrick B)</b>	<b>Allocation calculation</b>	<b>Points allocated (votes weighted for the Electoral District)</b>
<b>Anne A</b>	63	$\frac{63}{100} \times 100 =$	63
<b>Marc D</b>	37	$\frac{37}{100} \times 100 =$	37
<b>Total</b>	100		100

3(c) On the third count for Electoral District B, the votes for Patrick B are transferred to the two remaining contestants. To do this, the ballot papers of the 1,950 Patrick B supporters are examined to see which contestant the voters gave as their next preference. Each Patrick B supporter then has their vote transferred to their next preference: all 1,950 votes are transferred to Anne A.

The 100 points allocated to the electoral district are allocated to each remaining leadership contestant on the basis of the ratio the new tally for that leadership contestant bears to the total number of votes counted. After this process, the tallies and the allocation of points stand at:

	<b>Tally of votes (first preference votes and votes transferred from Pascale C and Patrick B)</b>	<b>Allocation calculation</b>	<b>Points allocated (votes weighted for the Electoral District)</b>
<b>Anne A</b>	3,450	$\frac{3450}{5000} \times 100 =$	69
<b>Marc D</b>	1,550	$\frac{1550}{5000} \times 100 =$	31
<b>Total</b>	5,000		100

3(d) The total number of points allocated to each leadership contestant from all electoral districts in Canada are added to produce a total for the “national count”.

	<b>Points from Electoral District A</b>	<b>Points from Electoral District B</b>	<b>Total for the “national count”</b>
<b>Anne A</b>	63	69	132
<b>Marc D</b>	37	31	68

3(e) Anne A has received more than 50% of the points allocated on the third count and is therefore selected as the Leader.

Note that if the votes had not been weighted equally for each electoral district but instead simply added together for all electoral districts and then counted using the same methodology, Marc D would be selected as Leader. Pascale C would still have been eliminated on the first count, but Anne A would have been eliminated on the second count.

## SCHEDULE A – TRANSITION

### 1 Interpretation

- (1) In this Schedule –

“*effective date*” means the date this Constitution took effect;<sup>41</sup>

“*previous constitution*” means the Constitution of the Liberal Party of Canada, in force immediately before this Constitution took effect.

- (2) Reference to a chapter or a section, subsection or paragraph number denotes the chapter or section, subsection or paragraph of this Constitution and reference to an item or subitem number denotes a subdivision of this Schedule.

### 2 The Party

The Party as constituted by the *previous constitution* immediately before the *effective date* is the Party referred to in section 1.

### 3 Authority of the Constitution

Any dispute based on facts which occurred before the *effective date* must be dealt with in accordance with the following rules:

- (a) If all of the relevant facts occurred before the *effective date*, the dispute must be resolved in accordance with the *previous constitution*, as if it were still in force.
- (b) If only some of the relevant facts occurred before the *effective date*, the Permanent Appeal Committee, after considering the relative significance and timing of each of the facts, must determine whether the dispute will be resolved in accordance with this Constitution or the *previous constitution*, as if it were still in force.
- (c) The Permanent Appeal Committee has exclusive authority to determine whether this item applies to a dispute.

### 4 Membership in the Party

- (1) For a period determined by the National Board of Directors of no less than six months from the *effective date*, any person who meets the requirements of section 4 who wishes to join the Liberal Party of Canada may do so by applying for and being admitted to membership in:

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41 The “effective date” is December 2, 2006.

- (a) an EDA;
  - (b) a “recognized Young Liberal Club” as that term is used in the *previous constitution*;
  - (c) a “recognized Women’s Liberal club, association or commission” as that term is used in the *previous constitution*;
  - (d) a “recognized Aboriginal Liberal association” as that term is used in the *previous constitution*; or
  - (e) a PTA that permits direct membership.
- (2) Subject to the requirements of the Constitution of their PTA, such person will be admitted to membership upon complying with all membership requirements of the body which he or she seeks to join, provided that no member of the Party may hold membership in more than one EDA or in more than one club of the same commission.
  - (3) The bodies referred to in subitem 4(1) must transmit to the National Office the list of members, including all information on file, as memberships are received.
  - (4) An application for membership in the Party that was received by an EDA, PTA or Commission Club or by the National Office, but had not been processed before the *effective date*, must be processed in accordance with chapter 2.
  - (5) Any person who was a member of the Party immediately before the *effective date* is a member of the Party on the *effective date*.
  - (6) Despite subsection 8(1), the membership term of any person who was a member of the Party immediately before the *effective date* will remain current for a period of four years (or other period established by the National Board of Directors in accordance with subsection 8(1)) from the date on which that person most recently became a member, or renewed their membership.
  - (7) An application for renewal of membership in the Party that was received by an EDA, PTA or Commission Club or by the National Office, but had not been processed before the *effective date*, must be processed in accordance with chapter 2.

## **5 PTAs**

- (1) The constitution, rules, bylaws and other constating document of a PTA remains in force to the extent that it is consistent with the *previous constitution*:
  - (a) for 27 months after the *effective date*, at which time it remains in force only to the extent that it is consistent with this Constitution; or
  - (b) permanently (until amended or repealed) if:

- (i) it complies with subsection 14(3) or it is amended so that it complies with subsection 14(3); and
  - (ii) a copy of the constitution, rules, bylaws or other constating document of the PTA, certified by the PTA President, has been deposited with the National Office within 27 months after the *effective date*.
- (2) The effect of subsection 15(3) is suspended until the date 27 months after the *effective date*.
  - (3) The National Board of Directors or the Council of Presidents may extend the 27 month periods set out in subitems 5(1) and (2).

## 6 Electoral District Associations

- (1) A riding association, constituency association or electoral district association certified as an electoral district association of the Party under the *Canada Elections Act* immediately prior to the *effective date* is an Electoral District Association under this Constitution as of the *effective date*.
- (2) For the purposes of chapter 3, until the first annual general meeting of each EDA after the *effective date*, the expression “previous general meeting” refers to the most recent general meeting held by that Association before the *effective date*.
- (3) The constitution, rules, bylaws and other constating document of an EDA remains in force to the extent that it is consistent with the *previous constitution*:
  - (a) for 27 months after the *effective date*, at which time it expires; or
  - (b) permanently (until amended or repealed) if:
    - (i) it complies with subsection 12(2) or it is amended so that it complies with subsection 12(2); and
    - (ii) a copy of the constitution, rules, bylaws or other constating document of the EDA, certified by the EDA President, has been deposited with the National Office within 27 months after the *effective date*.
- (4) The National Board of Directors or the Council of Presidents may extend the 27 month periods set out in subitem 6(3).

## 7 Commissions

- (1) The constitution, rules, bylaws and other constating document of a Commission remains in force to the extent that it is consistent with the *previous constitution*:
  - (a) for 27 months after the *effective date*, at which time it expires; or

- (b) permanently (until amended or repealed) if:
  - (i) it complies with subsection 34(3) or it is amended so that it complies with subsection 34(3); and
  - (ii) a copy of the constitution, rules, bylaws or other constating document of the Commission, certified by the chair of the Commission, has been deposited with the National Office within 27 months after the *effective date*.
- (2) The effect of subsection 41(5) is suspended until the date 27 months after the *effective date*.
- (3) The National Board of Directors or the Council of Presidents may extend the 27 month periods set out in subitems 7(1) and (2).
- (4) The constitution, rules, bylaws and other constating document of a Commission Club remains in force to the extent that it is consistent with the *previous constitution*: –
  - (a) for 27 months after the *effective date*, at which time it expires; or
  - (b) permanently (until amended or repealed) if:
    - (i) it complies with paragraph 39(c) or it is amended so that it complies with paragraph 39(c); and
    - (ii) a copy of the constitution, rules, bylaws or other constating document of the Commission Club, certified by the chief executive officer of the club and the chair of its Commission, has been deposited with the National Office within 27 months after the *effective date*.

## 8 National Board of Directors

- (1) The president, the national vice-presidents and the chair of the Standing Committee on Policy Development as elected under the *previous constitution* immediately before the *effective date* are the Executive Officers under this Constitution and the National Executive of the Party as constituted under the *previous constitution* immediately before the *effective date* are the National Board of Directors of the Party under this Constitution as of the *effective date*, subject to the following rules:
  - (a) The Executive Officers serve until the date that their successors in office are chosen in accordance with section 22. The six regional vice-presidents, the secretary-treasurer, the chair of the Standing Committee on Organization, the chair of the Standing Committee on Communications and Publicity and the chair of the Standing Committee on Multiculturalism elected at the 2006 biennial convention serve until the earlier of (i) the first meeting of the Council

of Presidents after the *effective date* and (ii) 12 months after the *effective date*.<sup>42</sup>

- (b) The responsibilities and powers of the Executive and the Executive Officers are as set out in sections 22, 23 and 24.
  - (c) The meetings of the Executive must be held in accordance with section 25.
- (2) The responsibilities and powers of the chair of the Standing Committee on Organization, the chair of the Standing Committee on Communications and Publicity and the chair of the Standing Committee on Multiculturalism are as set out in the *previous constitution*.
  - (3) Any meeting of the Executive held in accordance with the *previous constitution* during the calendar year in which this Constitution took effect, is a meeting of the National Board of Directors for the purposes of subsection 25(1).
  - (4) Any outstanding notice of a meeting of the Executive given in accordance with the *previous constitution* is adequate notice of that meeting for all purposes of subsection 25 (3).
  - (5) If a position on the National Board of Directors required to be filled in accordance with section 22 did not exist, or was vacant, at the *effective date*, that position exists as a vacancy on the National Board of Directors as of the *effective date*.
  - (6) If a member of the National Executive as constituted immediately before the *effective date* is not a member of the Party on the *effective date*, that person must either take the steps necessary to become a member of the Party within 30 days after the *effective date*, or resign from the National Board of Directors. A person to whom this subitem applies who does not comply with its requirements must be considered to have resigned from the National Board of Directors on the date that is 30 days after the *effective date*.

## 9 Committees of the Party

- (1) Subject to subitems 9(2), (2.1) and (2.2), a standing committee or other committee established by the Party under the *previous constitution* is abolished.
- (2) The Management Committee, the Standing Committee on Policy Development and the National Campaign Committee established under the *previous constitution* immediately prior to the *effective date* are the National Management Committee, the National Policy and Platform Committee and the National Election Readiness Committee respectively under this Constitution as of the *effective date*, subject to the following rules:

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42 See page 21 of the *Red Ribbon Task Force Report*.

- (a) The composition, responsibilities and powers of each of those committees are as set out in chapter 7;
  - (b) Subsections 27(2), (3), and (4) apply to each of those committees from the *effective date*;
  - (c) The meetings of each of those committees must be held in accordance with section 29;
  - (d) Any rule of procedure made by a committee named in this subitem before the *effective date* continues in force with respect to its successor committee after the *effective date* except to the extent that it is inconsistent with this Constitution.
- (2.1) The Leadership Expenses Committee established under the previous constitution immediately prior to the effective date continues as a committee of the Party with respect to the election of the Leader at the 2006 Biennial Convention, the composition, responsibilities and powers of that committee are as set out in the previous constitution and the rules adopted by that committee and appointments made by that committee under the previous constitution continue in force after the effective date.
- (2.2) The Convention Organizing Committee established under the previous constitution immediately prior to the effective date continues as a committee of the Party with respect to the 2006 Biennial Convention, the composition, responsibilities and powers of that committee are as set out in the previous constitution and any rules adopted by that committee and appointments made by that committee under the previous constitution continue in force after the effective date.
- (3) Any outstanding notice of a meeting of a committee, given in accordance with the *previous constitution*, is adequate notice of that meeting for all purposes of paragraph 29(a).

## 10 Chief Agent

The Federal Liberal Agency of Canada is the *Chief Agent* as of the *effective date*, and:

- (a) has the responsibilities and powers set out in subsections 43(3) and (4); and
- (b) serves until a successor is appointed in accordance with subsection 43(1).

## 11 Permanent Appeal Committee

- (1) The Permanent Appeal Committee, and its Co-Chairs, constituted under the *previous constitution* immediately prior to the *effective date* are the Permanent Appeal Committee, and its Co-Chairs, under this Constitution as of the *effective date*.
- (2) Subject to item 3 of this Schedule, the responsibilities, powers, and procedures of the

Board are as set out in chapter 10.

- (3) Any rules of procedure made by the Permanent Appeal Committee before the *effective date* remains in force to the extent that they are consistent with this Constitution:
- (a) for six months after the *effective date*, at which time they expire; or
  - (b) permanently (until amended or repealed) if a copy of the rules, certified by one of the Co-Chairs of the Permanent Appeal Committee, has been filed with the National Office within six months after the *effective date*.

## 12 Leader

The Leader chosen at the 2006 biennial convention is the Leader on the *effective date*, and –

- (a) has the powers and responsibilities set out in chapter 11; and
- (b) serves until the occurrence of one of the circumstances anticipated in subsections 54(1) and (2).

## 13 National conventions

For the purposes of subsections 61(2) and (3), the biennial convention at which this Constitution was adopted must be considered to have been the first biennial convention of the Party held after this Constitution took effect.

## 14 Party finances and property

A person who holds office as auditor under the *previous constitution* immediately before the *effective date* is an auditor under this Constitution on the *effective date*.

## 15 Miscellaneous

The National Board of Directors may make additional transitional rules consistent with the substance and spirit of this Constitution to deal with any matter that is not adequately addressed in this Schedule.