

**NEW BRUNSWICK LIBERAL ASSOCIATION**

**RULES FOR NOMINATING CONVENTIONS**

**Issued by the**

**Nominating Convention Rules and Appeals Committee**

**Amended October 15, 2014**

## **1. PROVINCIAL RETURNING OFFICER**

- 1.1 The New Brunswick Liberal Association Executive shall appoint a Provincial Returning Officer who shall monitor candidate nominations.
- 1.2 As soon as a Nominating Convention is called in any riding association, the Provincial Returning Officer shall appoint a Deputy Provincial Returning Officer for that riding who shall:
  - 1.2.1 Attend organizational meetings prior to the Nominating Convention;
  - 1.2.2 Monitor the distribution of credentials and ballots;
  - 1.2.3 Monitor voting at the convention;
  - 1.2.4 Monitor the counting of ballots; and,
  - 1.2.5 Report to the Provincial Returning Officer following each Nominating Convention.
- 1.3 The New Brunswick Liberal Association President shall appoint a person to chair a Nominating Convention if deemed necessary by the Provincial Returning Officer.

## **2. NOMINATING CONVENTION RULES AND APPEALS COMMITTEE**

- 2.1 The New Brunswick Liberal Association Executive shall appoint a Nominating Convention Rules and Appeals Committee composed of:
  - 2.1.1 The President of the New Brunswick Liberal Association;
  - 2.1.2 The Vice-President (Provincial) of the New Brunswick Liberal Association;
  - 2.1.3 The Chairman of the Constitution Committee; and,
  - 2.1.4 The New Brunswick Liberal Association Executive Director.

- 2.2 The Nominating Convention Rules and Appeals Committee shall sit as the final authority to deal with disputes regarding Nominating Conventions, to interpret the rules, to issue directives when the rules are silent on a specific point or to issue interpretation bulletins as it deems necessary.
- 2.3 Any appeal of the result of a Nominating Convention shall be filed in writing with the Nominating Convention Rules and Appeals Committee, at the New Brunswick Liberal Association headquarters, within 48 hours of the Nominating Convention from which the dispute arises.
- 2.4 The Nominating Convention Rules and Appeals Committee will determine its process and rule on the appeal in an expeditious manner. Its decision will be binding, final and not subject to appeal. By filing nomination papers, all candidates are deemed to agree with the foregoing.

### **3. GENERAL RULES FOR NOMINATING CONVENTIONS**

#### **Timing and notice**

- 3.1 As per section 17.7.1 of the New Brunswick Liberal Association Constitution, in due time prior to a provincial general election or by-election, the executive of the riding association shall, with the consent of the Leader and the President of the New Brunswick Liberal Association, convene a convention for the purpose of choosing a Liberal candidate at a time and place determined by the executive.
- 3.2 Notice of the Nominating Convention is to be given to members of the riding association, either by letter, electronic mail or public advertising at least fourteen (14) days prior to the day of the convention. The Nominating Convention Rules and Appeals Committee can adopt, from time to time, a standard form of newspaper advertisement. The riding association shall use the form of newspaper advertisement adopted, if any. For better clarity, these fourteen (14) days are to be counted not including the day of the convention.
- 3.3 As per Section 17.4.1 of the New Brunswick Liberal Association Constitution, voting at nominating conventions shall be open only to all those who have been registered members for at least three (3) days prior

to the day of the convention. For better clarity, these three days are to be counted not including the day of the Nominating Convention. For the purposes of Nominating Conventions, new non-resident memberships, as per subsection 17.1.1. of the Constitution, will be permitted until January 31, 2014 at 5 p.m. Non-resident members will not be allowed to transfer their membership until the return of the writ under the Elections Act for the next election, unless the member moves residences during this period.

- 3.4 The Leader and the President of the New Brunswick Liberal Association may adjust the notice period for any riding. Any decision to alter the notice period will be communicated to the riding executive, along with the reasons therefore.
- 3.5 Candidates must submit nomination papers and receive a “green light” from the Green Light Committee in order for their name to appear on the ballot at the Nominating Convention.
- 3.6 The deadline for filing nomination papers is 10 days before the date of the Nominating Convention. For better clarity, these 10 days are to be counted not including the date of the Nominating Convention. In the event that further background checks are necessary, the Green Light Committee will not give a “green light” to the contestant for the nomination.

### **Organization**

- 3.7 Riding associations will assume full responsibility for organizing nominating conventions in their respective ridings. The riding association will use the New Brunswick Liberal Association’s sound system and back drop at the Nominating Convention. The Nominating Convention Rules and Appeals Committee can, from time to time, adopt a form of agenda and script to be used at nominating conventions. The constituency shall use the form of agenda and script adopted, if any.

### **Integrity**

- 3.8 The Deputy Provincial Returning Officer shall be the authority on questions of membership and voting eligibility at a Nominating Convention.
- 3.9 The Deputy Provincial Returning Officer shall ensure that:

- 3.9.1 Specific measures are taken so that each registered voter has a badge which shall be punched upon voting;
- 3.9.2 Each voting station is under the responsibility of a Riding Deputy Returning Officer (Riding DRO) plus one poll clerk appointed by the Riding Chief Returning Officer;
- 3.9.3 Through the Riding DROs and the poll clerks, that only one ballot is cast per voter;
- 3.9.4 Only duly authorized persons are allowed into the counting area, as well as ensuring that unless so authorized by the Deputy Provincial Returning Officer, no persons shall be allowed to leave the counting room until the results of the vote have been announced to the convention;
- 3.9.5 Each candidate is allowed one scrutineer per ballot box when ballots are counted. It shall be the candidate's responsibility to appoint such scrutineers as may be required. Each candidate, from amongst the scrutineers he/she has appointed, shall name a chief scrutineer to be present when the final tally is compiled by the Deputy Provincial Returning Officer. The names of all scrutineers should be submitted to the Deputy Provincial Returning Officer in advance of the nominating convention.

### **Procedure**

- 3.10 The Riding DRO and poll clerks shall count the ballots for the polling station which they controlled during balloting. Should a question arise in regard to a ballot, the Deputy Provincial Returning Officer shall be the sole arbitrator as to whether a ballot is spoiled or valid. Wide discretion should be exercised as long as determination can be made of the intention of the voter. Improper spelling shall not constitute a spoiled ballot.
- 3.11 Once each ballot box has been counted by the Riding DRO and poll clerk, the results will be given to the Deputy Provincial Returning Officer who shall compile the final tally and bring the results to the convention chairperson.

- 3.12 The vote count results will be announced unless the Deputy Provincial Returning Officer is otherwise directed by the Provincial Returning Officer.
- 3.13 The Deputy Provincial Returning Officer shall take physical possession of the ballots.
- 3.14 If necessary, further ballots will be held in the same manner.
- 3.15 If, on the first ballot, no candidate receives a majority (50% plus 1) of the valid votes cast, the candidate receiving the lowest number of valid votes cast and any candidate not receiving 5% of the valid votes cast shall retire and another ballot shall be taken.
- 3.16 Voting shall continue in this manner until one of the candidates shall have received a majority of the votes cast and shall thereby be elected.
- 3.17 Should more than one ballot be required all efforts will be made to move to the next ballot as expediently as possible.
- 3.18 On the final ballot, where two candidates receive an equal number of votes, the winner will be decided by a random draw made in the presence of the candidates or their chief scrutineer. On any other ballot, where two candidates receive an equal number of votes, the tie will be broken in the same manner as specified above.
- 3.19 Unless an appeal has been filed with the Nominating Convention Rules and Appeals Committee within 48 hours of the Nominating Convention, the Deputy Provincial Returning Officer shall destroy the ballots.

#### **4. ELECTORAL URGENCY RULES**

- 4.1 In the event that the Leader of the New Brunswick Liberal Association and the President of the New Brunswick Liberal Association declare that a state of electoral urgency exists, the Leader may:
  - 4.1.1 Appoint one or all of the incumbent MLAs as candidates and dispense with those nominating conventions;

- 4.1.2 Reduce the minimum notice of meeting period for nominating conventions to one day before the Nominating Convention;
- 4.1.3 Reduce the minimum time period for receiving Nomination Papers to one day before the Nominating Convention.
- 4.1.4 In the event of a by-election, appoint a candidate and dispense with the nominating convention.

## **5. OTHER PROVISIONS**

- 5.1 Should a conflict be found to exist between these rules and any provision of the New Brunswick Liberal Association Constitution or Model Riding Constitution, these rules shall govern.