

Rules Governing the 2019 New Brunswick Liberal Leadership Convention

These Rules have been prepared and duly adopted by the NBLA Leadership Steering Committee. They shall govern all matters related to the process whereby members of the New Brunswick Liberal Association will select the NBLA's next Leader at a Convention to be held in June 2019, including, without limiting the foregoing: the call of the convention, nomination procedures, campaign financing and reporting, voting procedures, convention procedures and all such matters that relate to the leadership selection. These rules may be amended, modified, supplemented or otherwise changed at any time or from time to time by decision of the Steering Committee.

ARTICLE 1 – DEFINITION

In these Rules,

“Advance Poll” means a date or dates fixed by the Steering Committee for the casting of votes by any Registered Voter prior to the date of the Leadership Convention;

“NBLA Leader” means the Candidate who receives not less than 50 percent plus one of the total number of points assigned to the Candidates following any round of voting during the Convention, as the case may be, i.e. having received 2,451 points or more, as per clauses 13.9 and 13.10 of the NBLA Constitution;

“Call” means the process whereby the President of the NBLA or his/her nominee publicly declares the date(s) for the 2019 Leadership Convention and sends notice to the 49 NBLA Provincial Constituency Associations of such date;

“Candidate” means any person who, having filed the required documentation with the NBLA (in accordance with these rules and such further requirements established by the Steering Committee), lets his/her name stand as a candidate for the leadership of the NBLA at the Leadership Convention;

“Leadership Candidate Nomination Form” or “LCNF” means the official form duly approved and issued by the Steering Committee upon which any applicant to become a Candidate must provide all requested information relating to his/her candidacy, and shall include a list of original signatures of members of the NBLA in such number as is required by these rules, in support of that person's candidacy;

“Leadership Convention” means the convention called by the NBLA for the selection of its next leader, to be held on June 21 and 22, 2019 at the Trade and Convention Centre in the City of Saint John, and shall include all other voting in association therewith, as the Steering Committee or its designates shall determine;

"Member" means a person who is a member in good standing with the NBLA and has registered their intent to vote by May 23, 2019, either received by physical form by the NBLA Office by 4:30 p.m. AST, or through the NBLA website by 11:59 p.m. AST.

"NBLA" means the New Brunswick Liberal Association;

"NBLA Constitution" means the constitution adopted by the NBLA and any amendments thereto;

"Party" means the Liberal Party of New Brunswick and the NBLA associated therewith;

"PIN" means a Personal Identification Number provided to each Registered Voter by the NBLA and/or its agent which shall identify each eligible voter for the Leadership Convention and which shall be required to cast a vote;

"Provincial Constituency" means any of the 49 provincial Liberal Constituency Associations within a provincial electoral district;

"Registered Voter" means a Member who, having complied with the procedures set out in these Rules, has been assigned a PIN for the purpose of registering his/her vote at the Leadership Convention;

"Remote Voting" means any electronic, internet or telephone based method of registering a vote at the Leadership Convention, as adopted by the Steering Committee, which allows a Registered Voter to cast his/her vote;

"Steering Committee" means the Leadership Convention Steering Committee, comprised of the members that have been duly appointed by the NBLA Board of Directors pursuant to clause 13.2 of the NBLA Constitution, which Committee shall have all of powers and authority established with the said Constitution and the within Rules.

ARTICLE 2 – STEERING COMMITTEE

2.1 The Steering Committee may delegate all or part of its powers under these Rules to any person or sub-committee as it, in its sole and unfettered discretion, may see fit.

2.2 The Steering Committee has all of the authority and power to prepare and enact these Rules and to do all such other things required hereunder for the nomination of Candidates and for the selection of the NBLA Leader, including without limiting the generality of the foregoing, the power and authority to:

- (1) appoint a person to act as the Chief Returning Officer, to have such powers as may be determined by the Steering Committee;
- (2) appoint persons to act as officials to ensure the proper registration of

Registered Voters in every Provincial Constituency, including the appointment of Deputy Returning Officers for the Leadership Convention:

- (3) make such additional rules or amendments hereto as it deems appropriate, and to issue further written directives regarding the application of these Rules and any such directives will be binding as if part of the within Rules;
- (4) appoint a Rules Committee that can issue fines from \$500.00-\$10,000.00 or expel a contestant for violations of these rules.
- (5) appoint an Appeal Committee, to be made up of Members other than members of the Steering Committee, to hear appeals as provided for in these Rules. Members of the Appeal Committee shall be independent of any Candidate and shall sign a declaration of neutrality in such form as may be required by the Steering Committee.
- (6) exercise all powers provided to it under these Rules and pursuant to section 13.2 of the NBLA Constitution.

2.3 The Steering Committee shall remain seized of its authority, as set out in the preceding paragraphs and as provided for in these Rules, and as derived from Section 13.2 of the NBLA Constitution, until its mandate is completed, and its authority shall specifically survive the announcement of the final results at the Leadership Convention, through to the submission, review and, if applicable, the audit of any Report of Candidate Revenues and Expenditures, and it shall have the powers and authorities set out in Article 8 of these Rules.

ARTICLE 3: CANDIDATES FOR LEADERSHIP

3.1 In accordance with the provisions of Article 13 of the NBLA Constitution, the Steering Committee has adopted the following as the Rules governing the nomination of Candidates:

3.2 To be eligible to be a Candidate, a person must:

- (1) be a Member of the NBLA as of the date of his/her application for candidacy to the NBLA, and thereafter until the results of the Leadership Convention are announced;
- (2) be eligible for election to the Legislative Assembly of New Brunswick in accordance with the *Elections Act* (New Brunswick) and
- (3) be approved by the “Green Light” subcommittee of the Steering Committee.

3.3 If a person, after having been declared a Candidate, is later found not to be eligible for any reason, the Steering Committee shall be empowered to declare such Candidate ineligible

for election as NBLA Leader, or may determine in its sole and unfettered discretion what steps, if any, such Candidate may take in order to become eligible for election in accordance with these Rules.

3.4 In order to become a Candidate, a person who meets the eligibility requirements set out at article 3.2 hereof, shall file with the Executive Director of the NBLA, at 715 Brunswick Street, Fredericton, New Brunswick, a duly completed Leadership Candidate Nomination Form in the format determined and issued by the Steering Committee, which must contain the signatures of not less than fifty (50) current Members of the NBLA and the fully completed Green Light Documents prescribed by the Steering Committee. A Member may sign the LCNF of more than one Candidate, and the signing of one or more LCNF's shall not be construed as a commitment or obligation on such person to vote in any specific manner at the Leadership Convention.

3.5 A non-refundable nomination fee of \$20,000.00 must be paid to the NBLA from the official leadership campaign account for the Candidate, as per requirements from Elections NB, on or before 4:30 p.m., March 29th, 2019. In the event that a Candidate withdraws his/her name as a Candidate prior to the close of the Leadership Convention, then the \$20,000.00 fee aforesaid shall be forfeited to the NBLA. Payment of the nomination fees shall be by certified cheque or money order, in Canadian funds, and shall be payable to the New Brunswick Liberal Association.

3.6 The Steering Committee or its nominee(s) shall, within five (5) business days of its receipt, verify each LCNF and the accompanying payment of the nomination fee and advise the applicant as to its completeness. A properly completed LCNF will be reviewed and approved or rejected by the Green Light Committee. In the event that that LCNF is incomplete or deficient, the applicant will be notified accordingly and the reason for its incompleteness or deficiency shall be stated. Incomplete or deficient LCNPs may be corrected by the applicant within 48 hours of the notice from the Steering Committee or its nominee(s) of its incompleteness or deficiency without submitting a new LCNF. Thereafter, a new LCNF shall be required. If, after submitting corrections, an LCNF remains incomplete or deficient, the LCNF shall be rejected and a new LCNF shall be required.

3.7 LCNFs application fees will not be accepted after 4:30 p.m. (Atlantic Time) on March 29, 2019, but incomplete or deficient LCNFs submitted in accordance with Article 3.4 may be corrected in accordance with Article 3.6 notwithstanding that such correction occurs after 4:30 p.m. (Atlantic time) on March 29, 2019.

3.8 Leadership Candidate Nomination Forms shall be made available at 715 Brunswick Street, Fredericton, New Brunswick from the 7th day of February, 2019.

3.9 Within seven (7) days of being advised by the Steering Committee or its nominee(s) that he/she has been approved as a Candidate, a Candidate shall, by way of written confirmation to the Executive Director of the NBLA, appoint an Official Representative which

said appointments shall be confirmed in writing on the form prescribed by the Steering Committee. The Candidate and his/her Official Representative shall undertake, in writing on the form provided by the Steering Committee, to comply with the within Rules and all such other rules and directions issued from time to time by the Steering Committee.

3.10 The NBLA logo, trademarks and any other official mark duly owned and/or utilized by the NBLA shall not be utilized by any Candidate as part of his/her campaign. Nothing shall prevent a Candidate who is also a Liberal Member of the Legislative Assembly or the Parliament of Canada from making use of such logo, trademark or official mark in the course of his/her regular duties as an MLA or MP.

ARTICLE 4: REGISTERED VOTERS & VOTING PROCEDURE

4.1 In accordance with the amendment adopted by the NBLA at the Special Meeting of November 26, 2011, the vote to select the NBLA Leader shall be a preferential one member, one vote system, weighted by Provincial Constituency. All members of the NBLA as of May 23, 2019 shall be eligible to become a Registered Voter. Only Registered Voters, in accordance with these Rules, shall be entitled to cast a vote at the Leadership Convention.

4.2 All Registered Voters may vote to select the NBLA Leader at either:

- (1) the Leadership Convention to be held on Saturday, June 22, 2019 during the hours determined by the Chief Electoral Officer or
- (2) electronically, either by internet access (through a computer, smart phone, or similar device) or by telephone after June 15, 2019.

4.3 Every member of the NBLA who:

- (1) is a Member, resides in New Brunswick and has registered to vote;
- (2) complies with the registration procedures established by the Steering Committee.

shall be a Registered Voter and shall be eligible to cast one vote to select the NBLA Leader. Only Registered Voters may vote for the NBLA Leader.

4.4 The NBLA shall publish on its website (www.nbliberal.ca) the procedure which Members must follow in order to be registered to vote at the Leadership Convention, i.e. to become a Registered Voter.

4.5 Each Registered Voter may vote at the Leadership Convention.

4.6 Votes shall be cast electronically, either by internet access (through a computer, smart phone, or similar device) or by telephone. Access to computers shall be made available to Registered Voters at the Leadership Convention in Saint John on Saturday June 22, 2019. It is

expressly understood, however, that Registered Voters may cast their vote from any location by Remote Voting, and are not required to attend in person at either the Leadership Convention in Saint John.

4.7 Each Registered Voter shall record his/her vote in respect of the Provincial Constituency with which he/she is affiliated, in accordance with the records of the NBLA as at May 23, 2019.

4.8 Each voter must be a resident of New Brunswick as of May 23, 2019.

4.9 A member shall be affiliated with the Provincial Constituency in which he/she maintains his/her principal residence.

4.10 Votes shall be cast by a preferential ballot, in that each Registered Voter shall be asked to rank the Candidates in order of preference, from number one(1) to such other number commensurate with the number of Candidates, so that each Registered Voter shall have ranked the Candidates in the order of his/her preference. There shall only be one PIN assigned to one Registered Voter and accordingly, each Registered Voter may vote only once for the purpose of selecting and ranking the preferred NBLA Leader of his/her choice as aforesaid.

4.11 The ballots shall be counted, under the direction of the Chief Returning Officer, in accordance with the following procedure:

- (1) Results of the vote shall be calculated by, if necessary, a series of counts, as set out below;
- (2) Each Provincial Constituency shall be allocated 100 points per count, for a Province-wide total of 4,900 points per count;
- (3) Votes shall be allocated and counted in the Provincial Constituency where the Registered Voter is affiliated, as per these Rules;
- (4) On the first count, the first preference for each ballot submitted shall be tabulated, by Provincial Constituency, with each Candidate being awarded a number of points per Provincial Constituency commensurate with the percentage of first preference votes received by such Candidate. [By way of illustration only, if Candidate A receives 15% of the first preference ballots in a Provincial Constituency on the first count, then Candidate A will receive 15 points for that Provincial Constituency on the first count];
- (5) The points allocated to each Candidate in the 49 Provincial Constituencies will be totalled, and that total shall be the Candidate's result for the first count;
- (6) Should any Candidate receive 2,451 points or more on the first count, i.e. 50% plus one vote, he or she shall be declared the NBLA Leader;
- (7) Should no Candidate receive 2,451 points or more on the first count, then the votes shall be tabulated on a second count and the Candidate who received the lowest

number of points on the first count shall not be included in the list of Candidates for the second count;

- (8) On a second count, if applicable, the first preference ballots cast for the Candidate with the lowest total of points on the first count will be redistributed to the remaining Candidates in accordance with the second preference selected on those ballots that were cast for the Candidate that is no longer on the list as per the preceding paragraph, and the second vote shall be tabulated in accordance with paragraphs (2) through (6) hereof, with necessary modifications;
- (9) Should no Candidate receive 2,451 points or more on the second count, successive counts shall be carried out in the same manner as prescribed in paragraphs 7 and 8 hereof, with necessary modifications, until such time as a Candidate receives 2,451 or more points and is declared the NBLA Leader.
- (10) Results of each count shall remain confidential until such time as the Chief Returning Officer or such other person authorized by the Steering Committee announces the results during the Leadership Convention.

4.12 The Steering Committee shall appoint a Chief Returning Officer who will be responsible and authorized to make all arrangements necessary for the conduct of the balloting at the Leadership Convention (which includes the Advance Poll and all Remote Voting), and shall be authorized and responsible to adjudicate all disputes over the accreditation of Registered Voters and the right to vote at the Leadership Convention.

4.13 The Chief Returning Officer appointed hereunder shall act independently of the NBLA Board of Directors and all Candidates.

4.14 The Chief Returning Officer will compile a list of Registered Voters and cause a Master List of such Registered Voters to be generated. The Master List shall be in alphabetical order and divided by Provincial Constituency to which each Registered Voter is affiliated. The Master List will be distributed and updated from time to time and shall be made available to all duly Candidates.

ARTICLE 5 – GENERAL RULES AND PROCEDURES

5.1 Effective February 7th, 2019, these Rules shall apply and govern all matters relating to the selection of the NBLA Leader, and without limiting the generality of the foregoing, including all matters relating to voting, voter eligibility, the procedures for becoming a Candidate, the voting procedures, the fundraising and expenses related to Candidates' campaigns, the Leadership Convention and all such matters that relate to the NBLA Leader selection process.

5.2 These Rules shall apply, without limitation, to all Candidates, their Official Representative, and generally to their campaign volunteers and activities. Anything done on

behalf of a Candidate shall, unless proven by the Candidate to have been done without his/her knowledge and consent, shall be deemed to have been done by the Candidate.

5.3 The Leadership Convention shall take place on June 21 and 22, 2019 at the Trade and Convention Centre in Saint John, NB. Each Candidate will be afforded an opportunity to deliver a speech to the Leadership Convention at a time and in the order determined by the Steering Committee. A time limit for speeches, to be determined by the Steering Committee, will apply. The NBLA Leader shall be announced upon the final tabulation of the results in the afternoon of June 22, 2019.

5.4 A fee, in an amount to be determined by the Steering Committee, shall be charged and remitted by any person wishing to attend the Leadership Convention at the Trade and Convention Centre in Saint John, NB on June 21 and 22, 2019.

5.5 Upon payment of the requisite fee, anyone may attend the Leadership Convention at Trade and Convention Centre, and need not be a Member or a Registered Voter. However, only Registered Voters may vote at the Leadership Convention.

5.6 Each Member shall apply to the NBLA or its designated agent following the procedure set out in the PIN Acquisition Procedure Rules to be announced at a later date by the Steering Committee in order to obtain a PIN, which will be required in order to become a Registered Voter. A PIN, a unique number for each Registered Voter, will be assigned prior to the Leadership Convention and will be required in order to vote at the Leadership Convention. The securing and assigning of a PIN shall be made at the time of registration by the Member, and in any event by not later than May 23, 2019, which is the final day on which a Member may become a Registered Voter.

5.7 Only the Member may secure and obtain his/her PIN. That is, Candidates and/or anyone acting on their behalf are prohibited from taking steps to secure, obtain and or assign the PIN of a Member/Registered Voter, either directly or indirectly, by any means, and any such improper intervention by any of the Candidates and/or anyone acting on their behalf shall be deemed to be a violation of these Rules which is subject to sanction. Nothing in this section shall be interpreted as precluding a Member who requires the aid of another person for medical or other bona fide reasons to seek and obtain the assistance of any other person to secure and be assigned such Member's PIN.

5.8 At least 20 days prior to the start of the Leadership Convention, i.e. by no later than June 3rd, 2019, the Chief Returning Officer shall issue to each Candidate or his/her designate an updated list of all Registered Voters, sorted alphabetically by Provincial Constituency. Subject only to amendments made by the Chief Returning Officer in accordance with challenges to the eligibility or Constituency affiliation of any Registered Voter, this list circulated shall be deemed to be the final list of Registered Voters.

5.9 Any challenges as to the eligibility of any Registered Voter or the proper Provincial

Constituency to which a Registered Voter is affiliated must be made to the Chief Returning Officer by no later than 15 days prior to the start of the Leadership Convention, i.e. by no later than June 7th, 2019. The Chief Returning Officer shall rule upon such challenges within 48 hours, and in any event by no later than 12 days prior to the start of the Leadership Convention, i.e. June 10th, 2019. The Chief Returning Officer will advise all Candidates and each Registered Voter, who is a person named in a challenge, of his/her ruling, which decision shall be final and binding. Any changes to the final list of Registered Voters will be reflected in a revised list, to be provided to the Candidates (if necessary) by no later than June 12th, 2019.

5.10 The Steering Committee shall be authorized to appoint such other officers, including (without limitation) Co-Chairs for the Leadership Convention, a Deputy Returning Officer and a Registrar, to conduct such aspects of the Leadership Convention as the Steering Committee shall deem appropriate. Such officers, where appointed, may delegate such powers as may be conferred upon them to other persons, with the written consent of the Steering Committee.

5.11 In the unlikely event that a provincial election is called prior to June 22, 2019, an emergency NBLA board of directors meeting will be held. The NBLA executive, in consultation with the Liberal caucus, NBLA board of directors and leadership candidates will have the full authority to amend, cancel the leadership process and or appoint a leader for the election. In this event, nomination fees may be refunded in part or in full, depending on convention costs incurred by the NBLA.

ARTICLE 6 – FINANCIAL PROVISIONS

6.1 The financial rules for the leadership contest shall be those provided in the *Political Process Financing Act* (New Brunswick) and explained in the *Provincial Political Financing Manual (P 04 941)* prepared by Elections New Brunswick and found on their website at <https://www.electionsnb.ca/content/dam/enb/pdf/finance/P-04-941ProvincialPoliticalFinancingManual.pdf>. The *Provincial Political Financing Manual* is also included in the printed publication *Provincial Political Financing 2018*, available from the NBLA office or from Elections New Brunswick.

Information for leadership contestants, including the forms and reporting templates required under the Act, may be found on the website of Elections New Brunswick at:

https://www.electionsnb.ca/content/enb/en/parties_assoc/leadership-and-nomination-contestants.html.

The information includes the following documents:

- [P 04 941 Provincial Political Financing Manual](#)
- [P 04 957 Leadership Contestant Transaction Journal](#)
- [P 04 843 Application for Registration as a Leadership Contestant](#)
- [P 04 845 Certificate of Leadership Convention](#)
- [P 04 925 Financial Return Template of Registered Leadership Contestant](#)

In the event of a discrepancy between these rules and the *Political Process Financing Act*, the Act shall prevail.

- 6.2** The maximum amount of expenditures that may be incurred in respect of the campaign of a leadership contestant is \$200,000.
- 6.3** The official representative for each leadership contestant shall maintain a separate bank account in the name of the contestant's campaign (or under such other name that it clearly identifies the account as the Candidate's campaign account).
- 6.4** The official representative shall maintain all books and records of contributions, financing, and expenditures for the contestant's campaign, recording the names and addresses of all contributors as required under the Act.
- 6.5** A leadership contestant shall not receive from any one single contributor, and no single contributor may make to a single leadership contestant, a contribution or financing in excess of Three Thousand Dollars (\$3,000) aggregate amount in relation to the contestant's campaign. No Corporate and/or Trade Union contributions are allowed.
- 6.6** Each official representative shall, not later than 4:30 p.m. on August 1st, 2019, submit to the Board of Directors (c/o the Executive Director) of the NBLA the *Financial Return for Registered Leadership Contestant* and a supplementary schedule detailing the date, nature, and amount of all expenditures incurred by the campaign. The financial return and supplementary schedule of expenditures shall be signed by both the official representative and the leadership contestant, and it shall be supported by an affidavit of verification, sworn by the Official Representative as to the truthfulness of such return.
- 6.7** A sworn *Financial Return for Registered Leadership Contestant* must be submitted by the official representative of the leadership contestant to Elections New Brunswick within 60 days after the leadership convention; i.e. no later than Wednesday, August 21, 2019.
- 6.8** The books and records maintained by an official representative are not subject to audit, unless required by the Steering Committee. If another contestant requests that an audit be conducted, the Steering Committee may order an audit, if of the view both that:
- a. there is good reason to believe that there has been a violation of the expenditure limitation contained in the within Rules, or that there has been a failure to provide a complete and accurate report, and
 - b. it is in the best interests of the NBLA that an audit be conducted.
- 6.9** In the event that an audit is to be conducted:
- a. It shall be conducted by an auditor named by the Steering Committee, upon consultation with the contestant involved;
 - b. It shall be at the expense of the contestant requesting that it be conducted or as

otherwise directed by the Steering Committee or Appeals Committee;

- C. The contestant, whose campaign is subject to audit, and his or her Official Representative, shall cooperate fully in all respects with the audit process, and the auditor shall report fully upon any failure to so co-operate.

ARTICLE 7 – ADVERTISING

7.1 No Campaign can receive paid or in-kind advertising of any kind from a third party group or organization.

7.2 All advertising of any kind (social media, print, radio, television or any other form) must clearly identify the Campaign and state it is authorized by the official representative of the candidate.

7.3 The use of deliberately misleading information or negative advertising targeted towards an opposing campaign is not permitted.

7.4 No campaign will enter into any agreement with a third party to advertise for them or against any other candidate.

ARTICLE 8 - MISCELLANEOUS

8.1 These rules shall be interpreted and applied in a manner which is fair and equitable to all Candidates, having regard to all of the circumstances, and in the best interests of the NBLA.

8.2 These rules are passed pursuant to the NBLA Constitution and replace all other rules affecting the selection of candidates for Leader for the NBLA.

8.3 The Steering Committee or its designate, including but not limited to the Chief Returning Officer, Deputy Returning Officer, Chair or Co-Chairs of the Leadership Convention, or any other appointee by the Steering Committee to exercise oversight or discretion in respect of the selection process for the NBLA Leader, shall decide all matters of procedure in accordance with these Rules and, in the event that these Rules are silent with respect to any matter of procedure that is the subject of a dispute, the Steering Committee shall have the final say.

8.4 Any decisions of the Steering Committee or their designate concerning procedure shall be deemed to be final and binding.