

Rules Governing the 2020 Liberal Party of NL Leadership Convention

These Rules have been prepared and duly adopted by the Newfoundland and Labrador Liberal Leadership Election Committee (“NLEC”) and the Executive Board of the Liberal Party of NL. They shall govern all matters related to the process whereby members of the Liberal Party of NL (“LPNL”) will select their next Leader through a Leadership Election to be held on May 9, 2020, including, without limiting the foregoing: the call of the Leadership Convention, nomination procedures, voting procedures, Leadership Convention procedures and all such matters that relate to the Leadership Election.

ARTICLE 1 – DEFINITION

In these Rules,

“**Call**” means the decision of the Executive Board of the LPNL to call a Leadership Election;

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

“**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 Leadership Election;

“**Leadership Candidate Nomination Form**” or “**LCNF**” means the official form duly approved and issued by the NLEC 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 and/or Supporters of the LPNL who have executed or re-executed Member and/or Supporter forms on or subsequent to the date of the Call, being February 24, 2020, in such number as is required by these rules, in support of that person’s candidacy;

“Leadership Convention” means the convention called by the LPNL to be held in conjunction with the Leadership Election between May 8, 2020 and May 9, 2020 in St. John’s, Newfoundland and Labrador;

“Leadership Election” means the election called by the LPNL for the selection of its next Leader and shall include all other voting in association therewith, including the establishment of Satellite Voting Locations situated at such other locations within the Province of Newfoundland and Labrador as the NLEC or its designates shall, in its discretion, determine as necessary;

“LPNL” means the Liberal Party of Newfoundland and Labrador;

“LPNL Constitution” means the Constitution adopted by the LPNL and any amendments thereto;

“Member” means a person who is a registered member in good standing of the LPNL as of April 4, 2020 at 5:00 P.M. (NST). **However, to become a Registered Voter and eligible to vote in the Leadership Election, a Member must register or re-register his or her membership, in the prescribed form, with the LPNL in the time period between the Call, being February 24, 2020, and April 4, 2020 at 5:00 P.M. (NST). For further certainty, this requirement to be a Registered Voter is regardless of any former membership and/or supporter status;**

“NLEC” means the Newfoundland and Labrador Leadership Election Committee, comprised of the members that have been duly appointed by the LPNL Executive Board, which Committee shall have all the powers and authority established with the said Constitution and the within Rules;

“PIN” means a Personal Identification Number provided to each Registered Voter by the LPNL and/or its agent which shall identify each eligible voter for the Leadership Election, and which shall be required to cast a vote;

"Provincial District" means any of the 40 provincial electoral districts;

"Registered Voter" means a Member or a Supporter who has registered or re-registered as a Member and/or Supporter in the time period between the Call, being February 24, 2020, and April 4, 2020 at 5:00 P.M. (NST), has complied with the procedures set out in these Rules and has been assigned a PIN for the purpose of registering his/her vote in the Leadership Election;

"Remote Voting" means any electronic, internet or telephone-based method of registering a vote in the Leadership Election, as adopted by the NLEC, which allows a Registered Voter to cast his/her vote;

"Satellite Voting Location" means various physical locations throughout the Province of Newfoundland and Labrador, as determined necessary by the NLEC, to allow for greater access for Registered Voters to cast their votes in the Leadership Election;

"Supporter" means a supporter of the LPNL as determined in accordance with the Constitution and By-laws and who has registered or re-registered as a Supporter of the LPNL as of April 4, 2020 at 5:00 P.M. (NST). **However, to become a Registered Voter and eligible to vote in the Leadership Election, a Supporter must register or re-register his or her support, in the prescribed form, with the LPNL in the time period between the Call, being February 24, 2020, and April 4, 2020 at 5:00 P.M. (NST). For further certainty, this requirement to be a Registered Voter is regardless of any former membership and/or supporter status;**

ARTICLE 2: NLEC

2.01 The NLEC 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.

2.02 The NLEC 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 LPNL 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 NLEC;

- (2) appoint persons to act as officials to ensure the proper registration of Registered Voters in every Provincial District, including the appointment of a Deputy Returning Officers for the Leadership Election;
- (3) appoint persons to act as members of an Appeals Committee for the duration of the Leadership Election and members of a Green Light Committee to vet individuals who have submitted a LCNF;
- (4) 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; and
- (5) exercise all powers provided to it under these Rules and pursuant to the LPNL Constitution.

2.03 The NLEC shall remain seized of its authority, as set out in the preceding paragraphs and as provided for in these Rules, until its mandate is completed, and its authority shall specifically survive the announcement of the final results at the Leadership Convention, and it shall have the powers and authorities set out in these Rules.

ARTICLE 3: CANDIDATES FOR LEADERSHIP

3.01 The NLEC has adopted the following as the Rules governing the nomination of Candidates:

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

- (1) be a Member of the LPNL as of the date of his/her application for candidacy to the LPNL, with said membership being dated on or after February 24, 2020, and to remain a Member until the results of the Leadership Convention are announced;
- (2) be eligible for election to the Legislature of Newfoundland and Labrador in accordance with the *Elections Act*.

3.03 If a person, after having been declared a Candidate, is later found not to be eligible for any reason, the NLEC shall be empowered to declare such Candidate ineligible for election as LPNL 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.

3.04 In order to become a Candidate, a person who meets the eligibility requirements set out at article 3.02 hereof, shall file with the President of the LPNL, or his/her designate, on or before March 6, 2020 at 12:00 P.M. (NST), a duly completed Leadership Candidate Nomination Form in the format determined and issued by the NLEC, which must contain the signatures of not less than fifty (50) persons who are Members or Supporters of the LPNL, having registered or re-registered to be a Member and/or Support of the LPNL on or after February 24, 2020, which signatures must include at least one (1) of a Member or Supporter of the LPNL from at least ten (10) Provincial Districts.

A Member and Supporter may sign the LCNF of more than one Candidate, and the signing of one of more LCNF's shall not be construed as a commitment or obligation on such person to vote in any specific manner in the Leadership Election.

3.05 A nomination fee of \$25,000.00 will be paid to the LPNL by each Candidate. The nomination fee is payable in three (3) instalments. The first instalment of \$15,000.00 shall be paid at the time of filing the LCNF. The second instalment of \$5,000.00 shall be paid by not later than March 20, 2020 at 5:00 P.M. (NST). The third instalment of \$5,000.00 shall be paid by not later than April 3, 2020 at 5:00 P.M. (NST).

Payment of the nomination fees shall be by certified cheque or money order, in Canadian funds, and shall be payable to the "Liberal Party of Newfoundland and Labrador".

3.06 The NLEC or its nominee(s) shall, within three (3) business days of the receipt, verify each LCNF and the accompanying payment of the first instalment payment of the nomination fee and advise the applicant as to its completeness. In the event of a properly completed LCNF, the applicant shall be advised that he/she is a Candidate. 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 LCNFs may be corrected by the applicant within 48 hours of the notice from the NLEC 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, a LCNF remains incomplete or deficient, the LCNF shall be rejected and a new LCNF shall be required, provided the deadline stated in 3.07 hereof has not passed.

3.07 LCNFs will not be accepted after 12:00 P.M. (NST) on March 6, 2020 but incomplete or deficient LCNFs submitted in accordance with Article 3.04 may be corrected in accordance with Article 3.06.

3.08 LCNFs shall be made available at the LPNL office in the City of St. John's, Newfoundland and Labrador, from February 24, 2020 at 9:00 A.M. (NST) to March 6, 2020 at 12:00 PM (NST).

3.09 The LPNL logo, trademarks and any other official mark duly owned and/or utilized by the LPNL shall not be utilized by any Candidate as part of his/her campaign.

3.10 In the event that two or more Candidates are approved, each Candidate shall be required to pay for his/her proportionate share of one-half of the estimated overall cost of the electronic voting system and any costs associated with same management prior to April 27, 2020 at 5:00 P.M. (NST). For further certainty, the payment of each Candidate's proportionate share of the electronic voting system and any costs associated with same is in addition to each Candidate's nomination fee in 3.05 hereof. The cost of the electronic voting system shall fluctuate depending on the number of registered voters and services rendered by the third-party vendor. In the event that the total cost fluctuates following payment of the estimated cost, LPNL shall advise each Candidate of same, and each candidate shall continue to be responsible for his/her proportionate share of a cost overrun and the LPNL will refund any additional monies forwarded to the LPNL in the case of a surplus.

ARTICLE 4: REGISTERED VOTERS & VOTING PROCEDURE

4.01 The vote to select the LPNL Leader shall be a preferential one person one vote system, weighted by Provincial District. All Members and Supporters registered between the Call and April 4, 2020 at 5:00 P.M. (NST) shall be eligible to become a Registered Voter. Only Registered Voters, in accordance with these Rules, shall be entitled to cast a vote in the Leadership Election.

4.02 Every person who:

- (1) is a Member or Supporter, having registered or re-registered as a Member and/or Supporter with the LPNL between February 24, 2020 and April 4, 2020 at 5:00 P.M. (NST); and
- (2) complies with the registration procedures established by the NLEC;

shall be a Registered Voter and shall be eligible to cast one vote to select the LPNL Leader. Only Registered Voters may vote in the Leadership Election.

4.03 On or before February 24, 2020 at 9:00 A.M. (NST) the LPNL shall publish on its website the procedure which Members and Supporters must follow in order to become a Registered Voter.

4.04 Each Registered Voter may vote in the Leadership Election.

4.05 Votes shall be cast electronically, either by internet access (through a computer, smart phone, or similar device) or by telephone. It is expressly understood, however, that Registered Voters may cast their vote from any location by Remote Voting.

4.06 Each Registered Voter shall record his/her vote in respect of the Provincial District with which he/she is affiliated, in accordance with the records of the LPNL, as of April 4, 2020 at 5:00 P.M. (NST).

4.07 Each Registered Voter shall record his/her vote during the voting period that will be distributed to Registered Voters.

4.08 The NLEC shall appoint a Chief Returning Officer who will be responsible and authorized to make all arrangements necessary for the conduct of the balloting and shall be authorized and responsible to adjudicate all disputes over the accreditation of Registered Voters and the right to vote in the Leadership Election.

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

4.10 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 District to which each Registered Voter is affiliated.

4.11 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 LPNL Leader of his/her choice as aforesaid.

4.12 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 to be undertaken by the NLEC, as set out below;
- (2) Each Provincial District shall be allocated 1,000 points per count, for a Province-wide total of 40,000 points per count;
- (3) Votes shall be allocated and counted in the Provincial District 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 District, with each Candidate being awarded a number of points per Provincial District commensurate with the percentage of first preference votes received by such Candidate rounded to two decimal places, converted to points, and the portion of points rounded to three decimal places. [By way of illustration only, if Candidate A receives 15% of the first preference ballots in a Provincial District on the first count, then Candidate A will receive 150 points for that Provincial District on the first count];
- (5) The points allocated to each Candidate in the 40 Provincial Districts will be totalled, and that total shall be the Candidate's result for the first count;
- (6) Should any Candidate receive 20,001 points or more on the first count, i.e. 50% plus one vote, he or she shall be declared the LPNL Leader;
- (7) Should no Candidate receive 20,001 points or more on the first count, then the votes shall be tabulated on a second count and the Candidate(s) who received the lowest number of points on the first count and/or received less than 5% of total 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 and each candidate receiving less than five percent (5%) of total 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 20,001 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 20,001 or more points and is declared the LPNL Leader.
- (10) Results of each count shall remain confidential until such time as the Chief Returning Officer or such other person authorized by the NLEC announces the results during the Leadership Convention. For the purpose of clarification only, there shall be one vote only in the Leadership Election and the reference to counts in the Rules refers to the process whereby such votes are allocated by the NLEC.

ARTICLE 5: GENERAL RULES AND PROCEDURES

5.01 Effective the date of the Call, the Rules shall apply and govern all matters relating to the selection of the LPNL 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 Leadership Convention and all such matters that relate to the Leadership Election.

5.02 The Rules shall apply, without limitation, to all Candidates 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, be deemed to have been done by the Candidate.

5.03 The Leadership Convention shall take place between May 8, 2020 and May 9, 2020 in St. John's, Newfoundland and Labrador with the results of the Leadership Election being announced on May 9, 2020. Each Candidate will be afforded an opportunity to deliver a speech in advance of the Leadership Convention at a time and in the order determined by the NLEC. A time limit for speeches, to be determined by the NLEC, will apply.

5.04 The LPNL Leader shall be announced upon the final tabulation of the results during the Leadership Convention.

5.05 A fee, in an amount to be determined by the NLEC, shall be charged and remitted by any person wishing to attend the Leadership Convention.

5.06 Upon payment of the requisite fee, anyone may attend the Leadership Convention, and need not be a Member, Supporter or a Registered Voter.

5.07 Each Registered Voter shall be provided with a PIN. 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 in the Leadership Election.

5.08 Only the Registered Voter 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 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 Registered Voter 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 Registered Voter's PIN.

5.09 Details regarding the location of Satellite Offices will be announced by the NLEC, as required to be necessary.

5.10 At least 25 days prior to the start of the Leadership Convention, i.e. by no later than April 13, 2020 at 5:00 P.M. (NST), the Chief Returning Officer shall issue to each Candidate or his/her designate the list of all Registered Voters, sorted alphabetically by Provincial District. Subject only to amendments made by the Chief Returning Officer in accordance with challenges to the eligibility or Provincial District affiliation of any Registered Voter, this list circulated shall be deemed to be the final list of Registered Voters.

5.11 Any challenges as to the eligibility of any Registered Voter or the proper Provincial District to which a Registered Voter is affiliated must be made to the Chief Returning Officer by no later than 24 days prior to the start of the Leadership Convention, i.e. by no later than April 14, 2020 at 5:00 P.M. (NST). The Chief Returning Officer shall rule upon such challenges within 24 hours and in any event by no later than 23 days prior to the start of the Leadership Convention i.e. no later than April 15, 2020 at 5:00 P.M. (NST). 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, subject only to an appeal, if requested, to the Appeals Committee. 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 April 20, 2020.

5.12 The NLEC 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 Election as the NLEC 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 NLEC.

5.13 The NLEC may provide each Candidate with access to an electronic database, training for said electronic database, and further requirements for the use of said electronic database, and same shall be determined by the NLEC in its sole and unfettered discretion.

5.14 The NLEC shall provide further requirements to Candidates for registering Members and/or Supporters with the LPNL either electronically, or through other forms of communication, and the supporting documentation that will be required to support same, and same shall be determined by the NLEC in its sole and unfettered discretion.

ARTICLE 6: MISCELLANEOUS

6.01 The Rules shall be interpreted and applied in a manner which is fair and equitable to all Candidates, having regard to all the circumstances, and in the best interests of the LPNL.

6.02 The Rules are passed pursuant to the LPNL Constitution and replace all other rules affecting the selection of candidates for Leader for the LPNL.

6.03 The NLEC 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 NLEC to exercise oversight or discretion in respect of the selection process for the LPNL 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 NLEC shall have the final say.

6.04 Any decisions of the NLEC or their designate concerning procedure shall be deemed to be final and binding.