

**PROGRESSIVE CONSERVATIVE ASSOCIATION OF PRINCE EDWARD ISLAND**

**Rules and Procedures for the Election of Party Leader**

**September 18, 2010**

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## **SECTION 1: DEFINITIONS**

- 1.1 “Agent” means a person appointed by a Candidate to communicate on behalf of the Candidate with the Agents of other Candidates and the Convention Committee;
- 1.2 “Campaign Expense” includes all expenses incurred, in cost or in kind for the purpose of promoting or opposing, directly or indirectly, the election of a Candidate, but do not include reasonable expenses for travel, food or lodging, the compliance deposit or volunteer human resources;
- 1.3 “Candidate” means an individual who is certified under these Rules as a candidate for the leadership of the Party;
- 1.4 “CEC” means a candidate evaluation committee;
- 1.5 “Constitution” means the Constitution of the Party;
- 1.6 “Convention” means the Leadership Convention of the Party, to be held September 18, 2010, or such other date as may be determined by the Party;
- 1.7 “Convention Committee” means the committee established hereunder to plan and conduct the Convention and carry out such duties as may be imposed by these Rules or the Party executive.
- 1.8 “Delegate” means a delegate to the Convention as determined by the Credentials Committee of the Convention pursuant to the Constitution and the Rules;
- 1.9 “DRO” means a Deputy Returning Officer appointed by the returning officer;”
- 1.10 “Leader” means the leader of the Party;
- 1.11 “Party” means the Progressive Conservative Association of Prince Edward Island;
- 1.12 “Executive” means the Party executive as defined in the Constitution.
- 1.13 “Province” means the Province of Prince Edward Island;
- 1.14 “Returning Officer” means the Returning Officer for the Convention appointed pursuant to the Rules; and
- 1.15 “Rules” means these rules and procedures.

## **SECTION 2: CONVENTION COMMITTEE**

- 2.1 The Executive shall appoint a committee of up to ten members with a Chair person or two Chair persons called the Convention Committee.

- 2.2 The Convention Committee shall have the responsibility to organize and plan the Convention in accordance with the Constitution and the Rules.
- 2.3 The Convention Committee shall perform all duties set out in the Rules and such further and other duties as may be delegated to the Convention Committee by the Executive.

**SECTION 3: CANDIDATE EVALUATION COMMITTEE**

- 3.1 The Executive shall appoint a committee of up to 4 members, including the chairperson who shall be the one of the Convention Co-Chairs.
- 3.2 The CEC shall be responsible to review all applications made by prospective candidates and certify as Candidates those who meet the criteria to participate as a Candidate.

**SECTION 4: RETURNING OFFICER**

- 4.1 The President of the Party shall appoint a Returning Officer.
- 4.2 The Returning Officer shall:
  - 4.2.1 declare his or her impartiality at the time of the appointment and remain impartial throughout the election process;
  - 4.2.2 oversee the conduct of the election of Party Leader at the Convention and ensure that the process is fair, impartial and conducted in accordance with the Party Constitution and the Rules; ; and
  - 4.2.3 shall appoint such deputies and clerks as may be reasonably necessary to efficiently conduct the Convention.
- 4.3 All submissions to the Convention Committee, Returning Officer or Candidate Evaluation Committee to be made pursuant to the Rules prior to the Convention shall be sent to the attention of the party at:
  - 30 Pond Street, Unit B
  - Charlottetown, PE
  - C1A 9P2

**SECTION 5: LEADERSHIP CANDIDATE ELIGIBILITY**

- 5.1 In order to stand for election for the position of Leader, an individual must:
  - 5.1.1 Submit to the Candidate Evaluation Committee a complete Leadership Candidate Application not later than 3:00 p.m. ADT on July 30th, 2010 which shall include:
    - (i) The signed nomination by 30 members in good standing of the Party representing not less than eight electoral districts;

- (ii) A two thousand five hundred (\$2,500.00) dollar compliance deposit, payable by cheque to “PC Island Fund in Trust”, which amount shall be returned to the individual:
  - (a) immediately if the individual is not certified as a candidate; or
  - (b) following the Convention provided the individual has complied with the Constitution and the Rules and has received not less than ten percent (10%) of the valid votes cast on the first ballot at the Convention;
- (iii) A signed affirmation which states, “I have read, understand, and do hereby affirm my personal commitment to the principles and policies of the Progressive Conservative Party of Prince Edward Island;”

5.1.2 Be a member in good standing of the Party;

5.1.3 Be eligible as a candidate for election to the Legislative Assembly of Prince Edward Island pursuant to the Elections Act, PEI;

#### **SECTION 6: CANDIDATE CERTIFICATION**

- 6.1 Upon receiving an application for Leadership within the time set out herein, the CEC shall confirm to the individual that the individual’s submission is complete or, where the submission is incomplete, shall return the submission to the individual.
- 6.2 However, where a submission is received on or before July 30, 2010 that is in the opinion of the CEC only inadvertently incomplete but which in the ordinary course may not be possible to complete by July 30, 2010, the CEC may allow the individual a brief extension to complete the submission, but such extension shall not extend beyond 3:00PM ADT on August 3<sup>rd</sup>, 2010.
- 6.3 The CEC shall review all applications received and certify all eligible individuals who meet the criteria to be certified as a Candidate herein within 10 business days of receipt of the application and shall deliver to them a Candidate Certification.

#### **SECTION 7: CANDIDATE WITHDRAWAL**

- 7.1 Withdrawals by Candidates shall be accepted and their names shall not appear on the ballot where the Notice of Withdrawal is signed by the Candidate and is delivered to the Returning Officer no later than 4 p.m. ADT on September 13th, 2010.

#### **SECTION 8: MEMBERSHIP LISTS**

- 8.1 Following a request of a Candidate accompanied by a written declaration that the Candidate will ensure the confidentiality of the Party membership list, the Returning Officer shall provide a Candidate with a list of the Party members.

- 8.2 A Candidate shall use the membership list, and shall ensure that it is used, only for purposes of the Candidates election to the Party Leadership, and shall not retain, copy or distribute the list after the Convention has concluded.
- 8.3 A Candidate may not request an updated membership list more than once per week.
- 8.4 After the convention, the Candidate shall either return all copies of membership lists to the party office or certify that all copies have been destroyed.

### **SECTION 9: CANDIDATES RESPONSIBILITIES**

- 9.1 Each Candidate shall within 48 hours of being advised that he or she has been accepted as a Candidate provide to the Convention Chair Person the name of his or her Agent complete with telephone and email contact information. The Agent shall be responsible for all official communications between the Candidate and Convention Committee representatives.
- 9.2 The Candidate is solely responsible for the accuracy of the contact information provided and the Party shall not be responsible in any way for the failure to provide or deliver information to the Candidate if the information is incorrect or out of service for any reason.
- 9.3 The Candidate shall attend all debates or similar town hall meetings as well as any candidate meetings scheduled by the Convention Chair Person. Failure to attend without prior approval, which approval will not be unreasonably withheld, of the Convention Chair Person may result in Candidate disqualification.
- 9.4 Candidates shall not participate in any public debates or question and answer sessions with other Candidates which have not been approved by the Convention Chair Person.
- 9.5 The Candidate shall be responsible to ensure his or her Agent or a nominee attends all meetings of the Leadership Convention Committee.

### **SECTION 10: CAMPAIGN FINANCES**

- 10.1 The Party shall not in any circumstances provide financial assistance to cover all or any part of any expenses incurred by any Candidate.
- 10.2 A person who becomes a Candidate shall not incur Campaign expenses in excess of \$35,000.00.
- 10.3 Within 15 business days following the Convention each Candidate shall file with the Convention Chair Person an affidavit confirming that the Candidate did not exceed the allowable Campaign Expenses and attach thereto a summary of Campaign Expenses.
- 10.4 If a Candidate wishes to have tax receipts issued for donations or contributions to the Candidates election campaign, such contributions shall be made payable to the PC Island Fund and include the contributors name, address and phone number together with the amount of the contribution.

- 10.5 The official agent for the Party will not issue tax receipts for contributions if the Candidate for whom the contribution was made does not file the affidavit referred to in 10.3 on time, or the information provided in respect of a contribution is incomplete or incorrect.
- 10.6 Campaign contributions shall not be disclosed except in accordance with these Rules and the *Election Expenses Act*.

### **SECTION 11: SPEECHES AND DEMONSTRATIONS**

- 11.1 Each Candidate shall be allowed a maximum of thirty minutes for nomination speeches, floor demonstrations and for the Candidate to address the Convention.
- 11.2 Floor Demonstrations, if any, shall precede the Candidates address. No floor demonstrations shall be allowed following the Candidate's address other than to escort the Candidate out.
- 11.3 The Order of presentation shall be determined by a draw conducted by the Returning Officer at a time and place set by the Returning Officer.
- 11.4 Candidates will be given a two minute warning that their time is about to expire, and at the expiration of the 30 minutes the Candidate will be given a signal that time is up and the sound system shall be turned off. This process will be explained to the audience by the Convention Chair Person prior to the commencement of any Candidates speeches.

### **SECTION 12: SCRUTINEERS**

- 12.1 Each Candidate shall be eligible to appoint scrutineers, the number of which shall be fixed by the Returning Officer by September 7<sup>th</sup> at 3:00 PM ADT, to monitor the voting and vote counting procedures.
- 12.2 In order to appoint a scrutineer, a Candidate must submit a Scrutineer Designation Form to the Returning Officer not later than 4 p.m. ADT on Friday September 10, 2010, or such later time as may be allowed by the Returning Officer. Subject to the discretion of the Returning Officer, a replacement may subsequently be appointed where circumstances require. A scrutineer must be a member in good standing of the Party.
- 12.3 Scrutineers shall be admitted to the voting area(s) twenty (20) minutes prior to the commencement of voting, or such earlier time as may be designated by the Returning Officer for all scrutineers.
- 12.4 Other than the authorized identification badge, scrutineers must not wear any visible markings indicating their voting preference while inside the voting area.
- 12.5 Scrutineers may not carry or use any cellular telephones or any other electronic communication devices inside the voting area whatsoever in any manner once voting has closed.

- 12.6 Prior to the commencement of voting, scrutineers may witness the sealing of the ballot boxes by the Returning Officer.
- 12.7 Once the voting area(s) has/have been secured for the vote counting procedures, scrutineers may not leave the voting area(s) until after the result of the ballot has been officially announced at the podium.
- 12.8 Scrutineers shall, at all times, abide by these Rules and any further instructions given to them by the Returning Officer and his/her representatives.
- 12.9 In the event of non-compliance with these Rules, the Returning Officer may expel and bar a scrutineer from the voting area(s), which decision shall be final and binding.
- 12.10 Scrutineers may challenge an individual's eligibility to vote by immediately informing the Deputy Returning Officer by saying "Challenge". The Scrutineer shall succinctly state the reason for the Challenge to the DRO who shall escort the individual to meet the Returning Officer. The Returning Officer shall determine the validity of the Challenge. The Returning Officer's determination shall be final and binding and not subject to appeal.
- 12.11 It is each Candidate's responsibility to ensure his or her scrutineer is present. The Returning Officer will not seek out scrutineers in the event none are present on behalf of a Candidate.

### **SECTION 13: VOTING PROCEDURES**

- 13.1 The voting procedures shall be conducted at the Convention under the supervision of the Returning Officer.
- 13.2 The Returning Officer shall appoint deputy returning officer and poll clerk for each voting line used in the voting procedures.
- 13.3 The vote shall be conducted by secret ballot.
- 13.4 The Returning Officer shall establish a registration area at the Convention where all members wishing to vote must register. Registration for voting shall close at the call to order of the Convention and any member who is not in the voter registration area by that time will not be permitted to register.
- 13.5 The Returning Officer or Deputy shall, upon being satisfied as to the identity of a member, issue to any member eligible to vote at the Convention a voter's card.
- 13.6 The use of any cellular telephones or other electronic communication devices within the voting area(s), other than by election officials or scrutineers prior to the close of voting, shall be strictly prohibited.
- 13.7 Campaigning by, on behalf of, or in relation to Candidates within the voting area(s) shall be strictly prohibited.

- 13.8 The Returning Officer may order the removal of any individual from the voting area(s) that he/she deems to be in violation of these Rules.
- 13.9 Members eligible to vote shall queue to vote in the appropriate voting line as determined and posted by the Returning Officer.
- 13.10 Members shall be required to present their voter's card in order to vote.
- 13.11 Once the poll clerk has examined and marked the voter's card, the poll clerk shall hand the member a voting ballot, initialled by the poll clerk, which shall list the Candidates in alphabetical order by surname.
- 13.12 Each member shall then proceed to the appropriate voting booth and clearly indicate his/her choice(s) from the list of Candidates and shall then proceed to fold his/her voting ballot and deposit it in the appropriate ballot box.
- 13.13 Each member eligible to vote at the Convention may vote only once on each ballot.
- 13.14 Prior to the commencement of voting the Returning Officer or Deputy Returning Officer shall inspect each ballot box to ensure it is empty then seal the box.
- 13.15 The voting shall begin after all boxes have been inspected and sealed at which time the Convention Chair Person will announce the commencement of voting.
- 13.16 Voting will remain open for thirty minutes or such longer time as the Returning Officer may determine is necessary. The Convention Chair Person shall make announcements to advise that there are 10 minutes remaining to vote and there are 5 minutes remaining to vote.
- 13.17 At close of voting the voting area shall be emptied of all persons except for the Returning Officer and each Deputy Returning Officer and one Scrutineer for each Candidate for each ballot box used for the ballot.

#### **SECTION 14: VOTE COUNTING PROCEDURES**

- 14.1 At the close of voting the Returning Officer:
  - 14.1.1 shall secure the voting area(s) and ensure only scrutineers, deputy returning officers and other election officials authorized by the Returning Officer remain in the voting area(s);
  - 14.1.2 shall collect and secure all voters lists and unused voting ballots; and,
  - 14.1.3 shall only then direct the deputy returning officers to break the seal on the ballot boxes.
- 14.2 The carrying or use of cellular telephones or any other electronic communication devices by any individual inside the voting area shall be strictly prohibited once the voting area

has been secured for the purposes of counting the voting ballots and until after the result of the ballot has been officially announced at the podium.

- 14.3 Once the ballot boxes have been opened, the deputy returning officers or other officials authorized by the Returning Officer shall proceed to tally the ballots. Any decision of a deputy returning officer to reject a ballot may be appealed by a scrutineer to the Returning Officer, whose decision shall be final and binding.
- 14.4 The Returning Officer shall tabulate the results of each ballot and shall provide the results for announcement to the Convention.
- 14.5 The first Candidate who receives 50 percent plus one of the valid votes cast shall be declared elected as the Leader.
- 14.6 In the event no Candidate is elected Leader on a ballot, then the Candidate with the lowest number of votes on the preceding ballot shall be dropped and another ballot held for the remaining Candidates. This process shall be followed until a Leader is elected. In the event there is a tie for the lowest number of valid votes then, unless a Candidate withdraws, there shall be another ballot for the Candidates who were eligible on the preceding ballot.
- 14.7 The tabulation of the vote by the Returning Officer shall be final and binding.

#### **SECTION 15: DISPUTE RESOLUTION**

- 15.1 Except where otherwise provided in these Rules, a dispute related to the election of the Party Leader arising from or related to the operation or interpretation of these Rules:
  - 15.1.1 where the dispute relates to the refusal of the CEC to certify an individual as a Candidate, the applicant may file a written complaint with the Party President within 2 business days of being notified that the application has not been certified. The Party President shall review the matter and make a decision which shall be final, binding and not subject to any further appeal;
  - 15.1.2 where the dispute relates to any electoral irregularities on the Convention day the Candidate's Agent shall as soon as practical, and in any event not later than the announcement of the result of any ballot notify the Returning Officer of the dispute and succinctly outline the facts and issue. The Returning Officer shall consider the matter and make such inquiries as the Returning Officer determines in his or her discretion are necessary in the circumstances. The decision of the Returning Officer shall be final binding and not subject any further appeal; or
  - 15.1.3 in the case of any other dispute the Candidate shall file a written complaint, which concisely states the facts and issue with the Convention Chair Person as soon as practical and in any event not later than 3:00 PM ADT on the next business day after the matter over which the dispute arose, or ought reasonable to have arisen transpired. The Convention Committee shall make a such inquiries as it

determines in its sole discretion are necessary in the circumstances. The decision of the Convention Committee shall be final binding and not subject to appeal.

**SECTION 16: GENERAL**

- 16.1 These Rules may be amended or supplemented at any time by the Executive.
- 16.2 The Returning Officer may make rules consistent with the Constitution and the Rules to provide for the orderly and efficient conduct of voting and ballot counting at the Convention.
- 16.3 The Convention Committee may make rules consistent with The Constitution and the Rules these Rules to provide for the efficient and orderly conduct of the leadership campaign and the Convention.
- 16.4 In the event of any conflict between the Constitution, these Rules, or rules made by the either the Returning Officer or the Convention Committee the Constitution shall prevail in the first instance, these Rules in the second instance and the Returning Officer's in the third instance.

**APPLICATION FORM**

**CONFIRMATION OF RECEIPT**

I, \_\_\_\_\_, Chair Person of the Candidate Evaluation Committee for the Progressive Conservative Association of Prince Edward Island, confirm that I have received, in accordance with the Convention Rules the a completed application for Leadership Candidate for \_\_\_\_\_.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Time: \_\_\_\_\_

**LEADERSHIP CANDIDATE CERTIFICATION**

To: \_\_\_\_\_

Dear \_\_\_\_\_:

I, \_\_\_\_\_, Chair Person of the Candidate Evaluation Committee for the Leadership Convention, wish to advise you that you have been confirmed as a Candidate for the Leadership of the Progressive Conservative Association of Prince Edward Island.

Yours truly,

**SCRUTINEER DESIGNATION FORM**

I, \_\_\_\_\_, a Candidate do hereby appoint the following to be my Scrutineers:

Dated this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_

Candidate

The undersigned Scrutineers agree to follow the Convention Rules and abided by and decisions or instructions given by the Returning Officer.

NAME

District

Phone No.

Signature

**NOTICE OF WITHDRAWAL**

I, \_\_\_\_\_, voluntarily and formally withdraw as a Leadership Candidate for the Progressive Conservative Party of Prince Edward Island.

Dated this \_\_\_ day of \_\_\_\_\_ 2010.

\_\_\_\_\_

Candidate