

A Compilation of  
Political Party Statutes

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## INTRODUCTION

Party statutes – sometimes referred to as by-laws or constitutions – are the set of written rules by which political parties structure and organize their affairs. Writing statutes is one of the first tasks in establishing a new political party. Ideally, it is the result of a series of discussions involving party leaders and organizers about the philosophy, purpose and internal organizational structure and processes of the party.

In most countries, parties must fulfill certain legal obligations for official registration and recognition. Written statutes are a common requirement. In addition, legal frameworks may stipulate that parties' by-laws address particular issues including mechanisms to: ensure women's representation on candidate lists or party decision-making bodies; promote internal democracy in party affairs; and guarantee proper financial management. For instance, Kenya's 2009 Political Parties Act outlines 28 issues that parties must address in their constitutions or rules. They range from the name and objectives of the party to "the inspection of the books and list of members of the party by any member or officer" to "democratic practices that cover gender, nomination and human rights." In South Africa, the Elections Act simply requires that party constitutions: as far as possible, also contain the following—

- (a) The executive structure of the party;
- (b) The election procedure for the executive of the party;
- (c) The decision making process and functions of the office bearers within the party;
- (d) The minimum requirements for membership of the party;
- (e) The internal disciplinary procedures of the party; and
- (f) The requirements for audited financial statements.

In many circumstances, the development or reform of party constitutions is in response to a combination of internal and external imperatives. Having met requirements for official registration, nascent political parties have been known to reform their statutes over time as they develop more complex organizational structures and as their needs change. Similarly, established political parties have shown a tendency to review and update their statutes, often as a part of organizational renewal efforts and to broaden their public appeal. During the 1990s, the United Kingdom's Labour Party revised Clause IV of its Constitution, marking a formal break with its historical support for nationalization. In Ireland, the Fine Gael Party embarked on a series of internal reforms in the 1980s and 1990s. As a result, the Party revised its statutes to include term limits for Party officials and extensive provisions for headquarters' recognition of Party branches. The latter were introduced to eliminate so-called "paper branches" – artificial structures created by individuals seeking to influence party processes. Thus, party statutes are often a reflection of the environments in which they are developed.

Regardless of the operating context and imperatives, statutes generally help political parties to define:

- party labels;
- their philosophy and purpose;
- membership eligibility requirements, rights, roles and responsibilities;

- governing organs and organizational structures (including composition, mandate, relations between party units, lines of communication, authority and accountability);
- policy development processes;
- procedures for the selection (and possible de-selection) of party leaders and candidates;
- systems for proper financial management;
- mechanisms for internal dispute resolution;
- how party statutes are to be interpreted and amended; and
- transitional arrangements.

This compilation includes statutes from nine political parties of different ideological backgrounds, geographic locations and size. Drawing from the statutes included in this publication, the introduction uses selected examples to highlight how different political parties have addressed various organizational issues. In addition to the core set of rules that define their organizational structures and processes, most parties will have additional guidelines that describe more detailed arrangements for matters such as candidate selection. This introduction focuses on party foundational documents, which, typically, can only be amended by the party’s highest decision-making body. However, there are brief references to examples of additional party rules that can be more easily amended than party constitutions. The introduction is also interspersed with extracts from the *Minimum Standards for the Democratic Functioning of Political Parties*, a set of internationally-accepted guiding principles for open and democratic parties. NDI developed the standards in partnership with Centrist Democrat International (CDI), Liberal International (LI) and Socialist International (SI). Each of these international associations brings together parties united by common ideologies and mission statements. Together, CDI, LI and SI represent more than 320 parties in over 140 countries around the world.

## **PARTY LABELS**

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Minimum Standard:

*Parties may use their statutes to establish their legal name and to specify who may use the party label.*

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Statutes will usually state a party’s legal name, authorized abbreviations and any alternative names. They may also describe the party logo, flag or colors. For example, Article 1 of Bulgaria’s Union of Democratic Forces (UDF) Constitution notes that Party symbols “shall include the blue color, a lion and a logo bearing the abbreviation ‘UDF’ with the sign of the [European Peoples’ Party] inscribed.” South Africa’s African National Congress (ANC) Constitution includes detailed information on the Party logo and flag, as well.

In addition, statutes will often specify who may use the party label. These provisions can help reduce the risk of unauthorized persons – such as other political parties or breakaway factions – using the party label. For example, in Canada’s Liberal Party, all documents, other than checks, executed by the Party must be signed by any two of the Executive Officers or any other person or persons authorized by the National Board of Directors.

## **PHILOSOPHY AND PURPOSE**

Political parties often use the preamble (or a similar section) to state their basic principles and primary goals. The wording may be phrased in broad general terms that will remain relevant over time, but there typically needs to be enough specificity to distinguish the party's principles and goals from those of other parties.

In Article 2, the Conservative Party of Canada's Constitution outlines principles that reflect a combination of priorities for the country and for the Conservative ideological family. For instance, the document affirms "a belief that English and French have equality of status, and equal rights and privileges as to their use in all institutions of the Parliament and Government of Canada," establishing the Conservatives' belief that Canada is a bilingual country. It also notes, "a responsible government must be fiscally prudent and should be limited to those responsibilities which cannot be discharged reasonably by the individual or others," affirming a core value of conservative ideology.

In Article 2, the Constitution of Ghana's New Patriotic Party (NPP) outlines Party aims and objectives, including:

To promote a vibrant, free-market economy and encourage vigorous participation by citizens in economic activities; to create a climate in which private enterprise will thrive, and citizens and foreigners alike may invest without fear and without unnecessary bureaucratic restrictions and impediments.

## **MEMBERSHIP RIGHTS, ROLES AND RESPONSIBILITIES**

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Minimum Standard:

*Party rules should define membership eligibility requirements and spell out members' rights, roles and responsibilities.*

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Party statutes should define membership requirements and members' rights, roles and responsibilities within the party. Membership requirements may include a minimum age and provisions that prohibit membership in another party. Membership rights commonly include opportunities to participate in candidate and/or leadership selection procedures, as well as other party-specific decision-making processes. Paying dues, promoting the party's goals and objectives and adhering to party rules are common membership responsibilities. Statutes will also typically spell out different categories of membership (where they exist) and procedures for dismissing a member.

In the UDF (Article 4j), member rights include the ability to:

Receive support from the party when threatened, persecuted, discredited or slandered because of political beliefs and actions that do not violate the law of the land or the goals and principles of the party.

The constitution recognizes two categories of membership: full members and adherents or associated members. The latter are not obliged to pay membership dues and have limited rights to participate in Party decisions (e.g., they may participate in municipal meetings but have no voting rights).

Article 3 of the NPP Constitution outlines different categories of membership – founding members, patrons and members – as well as grounds for suspension and expulsion. The ANC Constitution includes a membership oath.

## **ORGANIZATIONAL STRUCTURES**

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Minimum Standard:

*Party statutes can clarify lines of communication, authority and accountability between a party's various layers.*

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Although party structures vary, statutes typically include party committees or branches from the local to the national level, and will usually identify the basic subunit – generally a geographic branch or a functional unit, such as women's or youth groups – through which members can join the party. Statutes also define the composition, roles and responsibilities of each structure or organ. These authorities should be structured to ensure checks and balances in managing the party's internal affairs. When parties have multiple organizational levels and governing organs, party statutes can clarify lines of communication, authority and accountability among the party's various layers. For instance, the Canadian Liberal Party's Constitution describes the composition, responsibilities and, where appropriate, the rights of a range of Party structures, including the electoral district associations, provincial and territorial associations, the council of presidents, the national board of directors, committees and commissions.

### **Party Congresses**

In most parties, the highest decision making body is some form of party congress, conference or convention. This structure is often charged with approving amendments to party statutes, certain leadership selection responsibilities and other major decisions. For instance, in the Czech Republic's Civic Democratic Party (ODS), the Congress is described as "the party's highest body." It meets at least every two years, includes the Party executive, members of Government, members of the Czech and European Parliaments and delegates from Party district Assemblies. Among other things, the Congress elects members of the Executive Council, the Appeals Committee and other Party committees or commissions. It also approves rules for candidate selection, financial management and changes to the Party statutes.

Statutes will normally indicate: how often congresses must be held; procedures for holding extraordinary congresses; who presides over congresses; who can participate; the number and process by which delegates are selected from the various party structures; how much notice must be provided to party structures and members prior to a congress; and requirements for quorum and other voting procedures.

### **Party Executives**

Congresses meet with varying frequency, necessitating that political parties make provisions for a structure to oversee the work of the party in between congresses. Typically, there is an executive council or board that will also have the authority to convene an extraordinary congress, if necessary. This body may be separate from or an expanded version of the national executive committee or its

equivalent. For example, in the Australian Labor Party (ALP), the National Executive primarily comprises individuals elected by the Party Conference and, among other things, interprets the National Constitution, National Platform, and decisions of the National Conference; convenes ordinary and special National Conferences; and decides upon appeals from individual members or affiliated organizations against state branch decisions. While the National Executive has the authority to convene an extraordinary Conference, it also is required to convene one upon the request of a majority of state branches. In part, this requirement provides a check on the power of the National Executive. The National Executive Committee comprises the National Secretary and other members elected by the National Executive and is responsible for administering Party affairs in between National Executive meetings.

In Sweden's Social Democratic Party, a Party Council serves as an advisory organ to the Party national board. The Council comprises representatives elected by district congresses, as well as delegates from the parliamentary group, affiliated organizations and other Party structures. The National Board, elected by the Congress, serves as the supreme decision-making body when the congress is not in session.

### **Political Versus Administrative Staff**

Many parties draw a distinction between officials who are responsible for setting party strategy and those charged with implementing the decisions that party leaders make. Typically, administrative staff cannot seek other positions within the party – nomination as the party's candidate for a publicly-elected office, for example. This separation helps to ensure that administrative staff are fully accountable to party leaders and do not use the party machinery for their own political goals. Without such separation, party staff might attempt to support particular individuals seeking the party's nomination for publicly-elected office or attempt to organize media opportunities for their preferred party officials.

Often, officials with primarily political responsibilities are elected and thus enjoy a broad mandate from the party. Administrative staff may be appointed by the political leadership or elected, but will typically work under the close supervision of the political leadership. For example, in Ghana's New Patriotic Party, the General Secretary, a full time employee of the Party, is responsible for overseeing the operations of the national secretariat and performs his/her functions based on directives from the National Executive Committee and the National Chairperson. The General Secretary may not be a candidate for Parliament or for President of the Republic.

In the Czech Republic's ODS, the principal administrator:

Is named and dismissed by the Party Chairman on the Executive Council's proposal;

Manages the activity of the head office;

Manages the managerial network;

Enters into employment contracts with employees...;

Acts and signs on behalf of the party in property, economic, labour and legal relations in the scope of the authorization specified by the Executive Council;

Has the right to participate in the meetings of the Party's bodies on all levels with an advisory vote;

Cannot simultaneously perform an elected function from the district level and higher;

Cannot simultaneously perform the function of Parliament Member, Senator, Government Member or the elected function of local government.

## **Elected Officials and Parliamentary Groups**

Through their actions in the legislature, parliamentary groups often become parties' primary means of developing and shaping policy in between elections. By effectively promoting their policy positions and consistently reaching out to the public through their elected officials, political parties can demonstrate their relevance and their ability to address citizens' concerns. Most party statutes make some reference to parliamentary groups, although these references range from the brief to the more extensive. Clear rules help parties and parliamentary groups define: lines of communication, authority and accountability between the parliamentary group and the party outside parliament; procedures for the regular selection (and possible de-selection) of parliamentary group leaders; decision-making procedures, including the possibility of votes of conscience, where appropriate; and expectations for member conduct in such areas as discipline, confidentiality and attendance.

In the Swedish Social Democratic Party, the caucus is ultimately responsible to the Party Congress and is required to submit a report on its work to the annual general meeting of the National Party Board. In addition, the Constitution notes that:

It is of great importance that the elected representatives of the party and other party members maintain firm and unbroken contact. In addition to this, conditions must be created for good contacts between the elected representatives and the electorate they represent. The elected representatives are appointed to make their own decisions on measures which are important to the citizens, and to do so in a free and unconditional manner, but they also are the representatives of the voters and the party, and for this reason must take part in meetings and other party assemblies to be informed of the opinions and proposals of the members and voters, and to provide information of the policies of the party.

Under Article 13 of the NPP Constitution, the parliamentary group comprises the Party's Members of the Parliament. The National Council, in consultation with the President, elects the parliamentary group leader, deputy leader, chief whip and deputy chief whip, when the Party is in power. The leadership of the parliamentary group, in conjunction with the National Executive Committee, appoints the parliamentary spokesperson. In addition, the National Council and the National Executive Committee each review the performance of the parliamentary leadership and spokesperson on a yearly basis. The National Executive Committee and the National Disciplinary Committee include representatives from the parliamentary group.

In Ireland's Fine Gael Party (Article 51), elected representatives can vote to suspend a member from the parliamentary group but only provided that the member has been given adequate notice and afforded the opportunity to submit evidence defending his/her position (only elected representatives can vote to suspend a member from the group). Suspended members have the option of appealing to the Party's Disciplinary Committee. They may only be reinstated by a two-thirds majority vote of members present at a caucus meeting; all members must be notified of the meeting at least four days in advance.

## **Affiliated Groups**

Many parties have sub-groups and affiliated associations that cater to particular segments of society. Examples include think tanks, organizations for women or youth or organized policy-oriented factions that lobby within the party. Parties may want to formally specify the extent and limits of these relationships.

Fine Gael's Constitution recognizes Young Fine Gael and the Fine Gael Women's Group as party organs. Under Part XII of the Constitution, both structures, subject to the approval of the party Executive Council, may adopt and amend constitutions and rules dealing with structure, election of officers, holding of national conferences and election of executive councils for their respective organizations. Under Part VII of the Constitution, Young Fine Gael and the Women's Group each elect two representatives to the Party Executive Council from their own membership. These representatives may not be publicly-elected representatives.

Articles 34 and 35 of Bulgaria's UDF statutes provide for youth and women's wings and describe how these groups are to be represented in various Party decision-making bodies.

In Sweden's Social Democratic Party, the chairs of the Party's Women's, Youth, Christian and Students associations have the right to attend, speak and propose motions at meetings of the executive committee and the Party board. In addition, they have the right to appoint delegates to the Party council and party congress, who also have the right to address the meetings and to propose motions.

Trade unions often play an important role in social democratic parties and will frequently have particular rights within these parties. Part C of the ALP Constitution describes the procedure for union affiliation to the Party and how union affiliation fees and delegation sizes will be calculated. The Constitution also provides for Labor Advisory Councils comprising Party and union leaders at the state level. These councils serve as the formal consultative mechanism between the Party and unions around the country.

### **Coalitions, Party Mergers and Dissolutions**

Statutes will sometimes make provisions for decisions on entering into coalition, merging or dissolving the party, describing procedures for disposal of assets, where appropriate. Under Rule 33 of the ANC Constitution, the National Conference or any Special Conference may dissolve the Party by a two-thirds majority vote of delegates present and voting. The conference is also authorized to determine how Party assets and liabilities will be handled in such a case. Similarly in the ODS, the Party Congress decides on the dissolution, split or merger of the Party. It also determines how assets should be liquidated in the event the Party is dissolved.

### **POLICY DEVELOPMENT**

In democratic systems, competing political parties offer policy choices and use them to seek a mandate from the people to govern. Given the importance of policy development to winning the trust of voters and to helping ensure that democratic institutions help deliver improvements in citizens' quality of life, political parties will usually have a defined process for developing policy (for more information, see the *NDI-Montenegro Policy Development Manual*). Party statutes will normally state how party platforms are to be developed and adopted.

For example, under Article 13 of Conservative Party of Canada's Constitution, a National Policy Committee appointed by the National Council is responsible for facilitating the policy development process, including identifying policy areas that need to be studied and promoting intra-party discussion on policy issues. The Committee comprises members appointed by the Party National

Council and representatives from Party structures in the country's various provinces and territories. Party policy declarations must be approved at national conventions and must meet two thresholds. First, they must secure a majority of the delegate votes cast. Second, a majority of the votes from a majority of the provinces must also be in favor of the resolutions. This combination of thresholds is designed to help ensure that policy declarations have the support of a broad range of Party structures across the country, as well as the convention as a whole. The Party Leader and parliamentary caucus may determine interim policies between national conventions.

Under Article 13 of the ALP Constitution, a National Policy Committee reviews and coordinates Party platform development; prepares a draft platform for consideration by the National Conference; reviews policy resolutions submitted by various Party structures; works with various Party structures to organize policy forums that may include members; and may recruit experts in specific policy areas to assist in their work.

## **CANDIDATE AND LEADERSHIP SELECTION**

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Minimum Standard:

*Parties benefit from having clear rules about the regular selection (and possible de-selection) of party leaders and party candidates.*

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Political parties benefit from clear rules for selection of party leaders and candidates for publicly-elected offices. Transparent rules that are established well in advance of each contest can help foster healthy competition and minimize the potential for conflict. Rules may specify who is eligible to participate in the selection process, the qualifications required to contest the nomination and the mechanisms by which candidates or officials will eventually be determined.

In Article 10, the Conservative Party of Canada's Constitution outlines roles and responsibilities of the Party's leader. Under Article 10.7, a leadership selection process is launched upon the death, retirement or resignation of the Leader. In addition:

At the first national convention following a federal general election when the Party does not form the government and the Leader has not indicated, prior to the commencement of the national convention, an irrevocable intention to resign, the delegates will vote by secret ballot if they wish to engage in a leadership selection process.

In order to launch the leadership selection process, more than 50 percent of the votes cast during the secret ballot must be in favor of selecting a new leader. Article 10.9 describes the rules for the secret ballot, which includes:

10.9.1 Each member of the Party will have one vote.

10.9.2 Each electoral district will be allocated 100 points.

10.9.3 Leadership candidates will be assigned a point total based on their percentage of the vote in each electoral district.

10.9.4 To win the leadership, a candidate must obtain a majority of points from across the country.

Particularly in the case of legislative candidate selection, some parties choose to embed certain principles, rights, roles and responsibilities in their party statutes, leaving responsibility for the

development of more detailed selection procedures to an identified body. Since amendments to party statutes often require a decision at a party congress and/or by a membership ballot, this approach allows political parties flexibility in adapting their selection procedures to the needs of their political environment. At the same time, the principles outlined in party statutes help ensure that certain standards are followed even as the process is adapted from one selection process to the next. In some cases, a party organ must approve selection procedures (see *Selecting Candidates for Legislative Office* for additional information on candidate selection procedures).

Under Article 8 of the ODS statutes, the Party Congress:

Approves the rules for the selection of candidates and for the compilation of ballots, the sample rules of procedure and the binding electoral regulations. It may entrust the Executive Council with this authorization.

Other articles empower local Party structures to approve the nomination of Party candidates for municipal councils, the national legislature and the European Parliament, in their respective geographic areas.

Under Section 32 of the Canadian Liberal Party Constitution, the National Election Readiness Committee develops the rules for candidate selection. Chapter 12 outlines the eligibility criteria for nomination as a candidate for the House of Commons. Chapter 15 provides broad parameters for candidate selection meetings, including who has the right to attend. It also notes that, while Party structures in each province and territory may adopt their own variations for candidate selection, nomination rules must address candidate deposit requirements; guidelines for access to Party membership records (for use during the intraparty campaign for the nomination); special procedures in the case of by-elections or other imminent elections; voting procedures for the selection process; and penalties for any violation of Party rules.

Under Rule 10 of South Africa's African National Congress, the National Executive Committee develops procedures for the selection of candidates for the National Parliament. In addition, the National Executive Committee appoints a National List Committee that oversees the selection process.

Under Article 12 of the NPP's constitution, the Party's presidential candidate is selected at a National Congress and must secure more than 50 percent of the votes cast. Eligible candidates must have been an active member for at least five years; pay the fee for presidential aspirants set by the NEC; be nominated by at least 100 members in good standing from each of the country's regions; and pass the screening process administered by the Party Vetting Committee.

### **Affirmative Action**

Regardless of the selection procedures they use, parties may decide that special arrangements are required to make their leaders or candidates more representatives in terms of gender, religion, persons with disabilities, youth, ethnicity, race or other marginalized groups. For instance, Article 10 of the Australian Labor Party Constitution states:

The ALP is committed to men and women in the Party working in equal partnership. It is our objective to have equal numbers of men and women at all levels in the Party organization, and in public office positions the Party holds. To achieve this, the Party adopts a comprehensive

affirmative action model...whereby a minimum of 40 percent of relevant positions shall be held by either gender.

In the ANC (Rule 6), all elected Party structures must include not less than 50 percent women.

## **FINANCIAL MANAGEMENT**

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Minimum Standard:

*Political parties should keep sound and proper financial records, which serve to generate confidence, enhance credibility, and encourage contributions to finance party operations. In order to minimize internal wrangling and to enhance the legitimacy of those selected, parties should strive to establish clear rules well in advance of each contest. In addition, officeholders and party units need to be internally accountable for party finances within their domains.*

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Clear procedures for financial management contribute to internal party accountability by helping to ensure that funds are only used for approved party business. Parties may use their statutes to outline financial reporting responsibilities and to create internal oversight boards responsible for auditing internal party finances. Such measures can help prevent financial scandals and enhance a party's credibility.

Under the Australian Labor Party's Fundraising Code of Conduct, adopted at a 1994 Conference, members of parliament or candidates are not allowed to accept money or services above the amount of \$3000 from any one source. In addition, any donations by check must be made out to the Party, not to individuals. Furthermore, the Code states that:

Under no circumstances will the Labor Party accept funds, which even if only by inference are intended to obtain the Party's support for specific actions, attitudes or public statements. Donors have a right to put views to the Party – but a right to no more than that.

In Ireland's Fine Gael, National Officers include between five and 11 trustees who are appointed or dismissed by the Executive Council upon the proposal of the Leader of the Parliamentary Party. Under Article 7 of Fine Gael's Constitution and Rules, Party property and assets are vested in the Trustees who are also charged with "general policies and procedures to be followed in raising, managing and dispersing funds...presenting audited accounts of the National headquarters' revenue and expenditure to the Executive Council... and also to the [Party Congress]." Further, Trustees are empowered and authorized to open bank accounts, borrow funds (including providing security for such loans) and represent the Party in legal proceedings.

## **DISPUTE RESOLUTION AND DISCIPLINARY MEASURES**

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Minimum Standard:

*Party statutes should anticipate conflicts and should provide frameworks for fostering, but also for containing, healthy internal debate.*

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In democratic political parties, it is both inevitable and desirable that dedicated and passionate members have intensive internal debate on decisions that must be made. Party statutes should anticipate conflicts and should provide frameworks for fostering, but also containing, intraparty debate. Rules for the internal adjudication of conflicts may prevent disputes from escalating, making it less likely that they spill outside the party as aggrieved members take their concerns to the courts. Statutes may provide for internal independent appeals bodies that can review and adjudicate disputes between the party establishment and individual members or between various party structures. While aggrieved members deserve opportunities to seek redress, leadership should also have the option of sanctioning wayward members whose actions pose a threat to the party. Therefore, parties may want to consider a combination of measures that protect the party, while addressing the potential needs and concerns of aggrieved members.

Rule 25 in the ANC Constitution outlines various types of conduct that may trigger disciplinary proceedings. It also provides for disciplinary structures at every level of the Party, as well as timelines for appeals and decrees that the Party's disciplinary procedures shall not "be used as a means of stifling debate or denying members their basic democratic rights." An appendix to the rules provides further details including the following objective: "To establish a formal, just and fair procedure, to ensure that members are presumed innocent until proven guilty, have chances to defend themselves and the right to appeal." The appendix also outlines the conditions under which proceedings may be instituted and guidelines for holding disciplinary proceedings, adjudicating them and appealing disciplinary rulings.

The Appeals Committee provided for under Article 18 of the ODS Constitution is elected by the Party Congress and includes one representative per region. To help ensure that any grievances against Party officials are administered impartially, members of the National Appeals Committee cannot be members of the Executive Council, Party employees or members of appeals committees at sub-national levels. The body is charged with deciding "disputes among members, bodies and components of the Party" and must reach its decision within 60 days of receipt of a written submission.

In the NPP Constitution, Article 4 describes the Party's formal disciplinary and grievance procedures and structures. There are disciplinary committees at the constituency, regional and national levels of the Party. The rules outline the jurisdiction and functions of disciplinary committees at different levels in the Party; how disciplinary proceedings may be initiated; and provisions for appeal. In addition, Article 15 provides for a National Council of Elders who may be called upon to, among other things, resolve disputes and differences among members.

## **AMENDING AND INTERPRETING PARTY STATUTES**

Party statutes should make provisions for amendments to party rules and to identify the body responsible for resolving any disputes over interpretation of party rules.

In Ghana's NPP, under Article 19, constitutional amendments must be approved by a two-thirds vote at the National Delegates Conference. However, notice of amendments must be submitted in writing to the General Secretary no later than two months before the conference. In addition, the General Secretary must circulate the proposed amendment to each regional and constituency office at least one month before the conference.

In Fine Gael, amendments to the Party Constitution must be approved by the Party Congress or a special meeting convened specifically for that purpose, based on a resolution at the Party Congress. In addition, at least 42 days' notice of the amendment must be given to the General Secretary. Furthermore, any amendments that the Party Congress or the special meeting approve must be confirmed by a postal ballot of those entitled to vote at the Party Congress.

The Fine Gael Party rules also include provisions for amendments in cases where the rules become invalid or inoperable in the opinion of the Executive Council. In such cases, the Executive Council may:

For the purpose solely of rectifying the invalidity or inoperability of the Rule, adopt an amendment...Such an amendment may only be adopted on the proposal of the Leader of the Parliamentary Party with the consent of the Trustees and must have the assent of at least 75% of the members of the Executive Council.

Any such amendment must be ratified through the normal procedures for statute amendment. The Executive Council is authorized to interpret the Party rules.

In the Canadian Liberal Party, different bodies are authorized to interpret the Constitution depending on the mandated schedule of meetings of the Party organs. Thus, between meetings of the Council of Presidents, the National Executive interprets the Constitution. Between Conventions, the Council of Presidents interprets the Constitution. Finally, during conventions, the attending members interpret the Constitution. The Party Constitution also provides guidelines for any individual interpreting and applying the Constitution.

## **TRANSITIONAL PROVISIONS**

Party statutes sometimes make provisions for the period covering the transition from old to new party rules. These provisions often include an indication of the date on which new provisions will come into effect, as well as the time limit for various party structures to bring their procedures into compliance with the new rules.

## **CONCLUSION**

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Minimum Standard:

*Party officials and party employees should adhere to party rules for making decisions, including selection decisions for candidates and leaders.*

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In their infancy, parties will often adopt the minimum requirements needed to secure registration. Over time, as their organizations become more complex and as they confront issues such as structuring the relationship between elected representatives and the party outside parliament, changing societal norms and internal conflicts, parties will review their rules, amending them to address new challenges. As this compilation shows, party statutes vary significantly in their level of detail. Overly informal or fluid intra-party processes create breeding grounds for confusion, patronage, influence peddling and conflict. At the same time, overly rigid party rules can limit a

party's ability to adapt to fluid political environments. In most cases, changes to party statutes require a party congress vote or a membership ballot, both of which take time to organize. In order to guarantee respect for certain fundamental principles and, at the same time, to maintain the flexibility to adapt procedures to changes in their political environment, parties often choose to embed certain rights, roles and responsibilities in their statutes, while leaving responsibility for the development of more detailed procedures or directives to an identified body.

The development of well-designed statutes is an essential step in party building (for more information on basic party-building (see *Political Parties and the Transition to Democracy*). By incorporating checks and balances that allow members a voice in party affairs, promoting party cohesion and ensuring that leaders are held accountable for their decisions, party statutes can help lay the foundation for internal democracy (see *Implementing Intra-Party Democracy* for additional information). However, statutes alone do not ensure that a party will be effective or representative in carrying out its functions.

Political parties – whether in power or in opposition – have a duty to reflect and promote democratic values within their own organizations. However, democracy never flourishes simply because it is proclaimed. Insular management, disregard for established rules and procedures, poor communication, stagnant leadership structures and concentration of power in the hands of a few people all serve to undermine internal party democracy. In short, a party's commitment to democratic principles should be reflected not only in its written rules, but also in the management of its affairs, including the day-to-day interaction between leaders and members. In other words, a truly representative and inclusive party will be committed to democratic rules and democratic behavior, including:

- Educating members about party objectives and rules;
- Allowing members to express their views freely;
- Encouraging the participation of marginalized groups;
- Tolerance for different views;
- Adherence to agreed-upon rules and procedures for decision-making; and
- Holding leaders accountable to members.

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# Australian Labor Party Constitution (ALP)



## **National Constitution of the ALP**

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## **Part A: Objectives and Principles**

### Origins

**1** The Australian Labor Party had its origins in:

- the aspirations of the Australian people for a decent, secure, dignified and constructive way of life;
- the recognition by the trade union movement of the necessity for a political voice to take forward the struggle of the working class against the excesses, injustices and inequalities of capitalism; and
- the commitment by the Australian people to the creation of an independent, free and enlightened Australia.

### Objectives

**2** The Australian Labor Party is a democratic socialist party and has the objective of the democratic socialisation of industry, production, distribution and exchange, to the extent necessary to eliminate exploitation and other anti-social features in these fields.

**3** To achieve the political and social values of equality, democracy, liberty and social cooperation inherent in this objective, the Australian Labor Party stands for:

- (a) redistribution of political and economic power so that all members of society have the opportunity to participate in the shaping and control of the institutions and relationships which determine their lives;
- (b) establishment and development of public enterprises, based upon federal, State and other forms of social ownership, in appropriate sectors of the economy;
- (c) democratic control and strategic social ownership of Australian natural resources for the benefit of all Australians;
- (d) maintenance of and support for a competitive non-monopolistic private sector, including small business and farming, controlled and owned by Australians, operating within clear social guidelines and objectives;
- (e) the right to own private property;
- (f) recognition and encouragement of the right of labour to organise for the protection and advancement of its interests;
- (g) the application of democracy in industry to increase the opportunities for people to work in satisfying, healthy and humane conditions; and to participate in and to increase their control over the decision making processes affecting them;

(h) the promotion of socially appropriate technology and the monitoring of its introduction to ensure that the needs and interests of labour, as well as the requirements of competitive industry and consumer demand, are taken into consideration;

(i) the restoration and maintenance of full employment;

(j) the abolition of poverty, and the achievement of greater equality in the distribution of income, wealth and opportunity;

(k) social justice and equality for individuals, the family and all social units, and the elimination of exploitation in the home;

(l) equal access and rights to employment, education, information, technology, housing, health and welfare services, cultural and leisure activities and the law;

(m) reform of the Australian Constitution and other political institutions to ensure that they reflect the will of the majority of Australian citizens and the existence of Australia as an independent republic;

(n) recognition and protection of fundamental political and civil rights, including freedom of expression, the press, assembly, association, conscience and religion; the right to privacy; the protection of the individual from oppression by the state; and democratic reform of the Australian legal system;

(o) the development of a democratic communications system, as an integral part of a free society, to which all citizens have opportunities for free access;

(p) elimination of discrimination and exploitation on the grounds of class, race, sex, sexuality, religion, political affiliation, national origin, citizenship, age, disability, regional location, economic or household status;

(q) recognition of the prior ownership of Australian land by Aborigines and Islanders; recognition of their special and essential relationship with the land as the basis of their culture; and a commitment to the return of established traditional lands to the ownership of Aboriginal and Islander communities;

(r) recognition and encouragement of diversity of cultural expression and lifestyle within the Australian community;

(s) the use, conservation and enhancement of Australia's natural resources and environment so that the community's total quality of life, both now and into the future, is maintained and improved;

(t) recognition of the need to work towards achieving ecologically sustainable development;

(u) maintenance of world peace; an independent Australian position in world affairs; the recognition of the right of all nations to self-determination and independence; regional and international agreement for arms control and disarmament; the provision of economic and social aid to

developing nations; a commitment to resolve international conflicts through the UN; and a recognition of the inalienable right of all people to liberty, equality, democracy and social justice;

(v) commitment to and participation in the international democratic socialist movement as represented by the Socialist International; and

(w) recognition of the right of citizens to work for progressive changes consistent with the broad principles of democratic socialism.

### Principles of Action

**4** The Australian Labor Party believes that the task of building democratic socialism is a cooperative process that requires:

- constitutional action through the federal and State Parliaments, municipal and other statutory
- authorities;
- union action; and
- ongoing action by organised community groups.

### Membership and Organisation

**5** Membership of the Australian Labor Party is open to all residents of Australia who are prepared to accept its objectives and who have associations with no other political party.

**6** Australian Labor Party policy is made by National Conferences comprising the federal and State parliamentary leadership of the Party, together with elected delegates from all States, the Australian Capital Territory, the Northern Territory and Australian Young Labor.

**7** Party policy within the States and Territories is framed by conferences of delegates elected by constituent branches and affiliated unions. Policy within the Australian Labor Party is not made by directives from the leadership, but by resolutions originating from branches, affiliated unions and individual Party members.

## **Part B: Rules**

### Name

**1** The name of the Party shall be "The Australian Labor Party".

### Objectives

**2** The objectives of the Party are set out in the Basic Principles as determined by the National Conference. To achieve these objectives the ALP will act in accordance with the Principles of Action and Progressive Reforms set out in the Party Platform from time to time.

## Head Office

**3** The Head Office of the Party shall be known as the National Secretariat and shall be established in Centenary House, Barton, ACT or any other place determined by the National Executive from time to time.

## Composition

**4** The Party shall consist of branches in each State, the Northern Territory and the Australian Capital Territory (hereinafter referred to as State Branches).

## Structure of Party Organisation

**5** (a) The Party shall function upon the following basis:

- (i) National Conference,
- (ii) National Executive,
- (iii) Federal Parliamentary Labor Party (FPLP), and
- (iv) Australian Young Labor.

(b) The National Conference shall be the supreme governing authority of the Party and its decisions shall be binding upon every member and every section of the Party.

(c) The National Executive shall be the chief administrative authority of the Party, subject only to the National Conference.

(d) The Federal Parliamentary Labor Party shall have authority in properly constituted Caucus meetings to make decisions directed towards establishing the collective attitude of the Parliamentary Party to any question or matter in the Federal Parliament, subject to:

- (i) at all times taking such action which may be possible to implement the Party's Platform and Conference decisions;
- (ii) on questions or matters which are not subject to National Platform or Conference or Executive decisions, the majority decision of Caucus being binding upon all members in the parliament; and
- (iii) no attitude being expressed which is contrary to the provisions of the Party Platform or any other decision of National Conference or National Executive.

(e) Australian Young Labor shall function in accordance with the rules that may be approved from time to time by the National Executive and subject to its control and jurisdiction.

(f) The National Labor Women's Network shall function in accordance with the rules that may be approved from time to time by the National Executive and subject to its control and jurisdiction.

(g) That a National Indigenous Labor Network be formed from the State Networks with appropriate support from the National Office. The Network's goals will be to:

- (i) attract and support Indigenous ALP members;
- (ii) increase the involvement of Indigenous people at all levels of the ALP;
- (iii) provide a focus for the identification, training and support of Indigenous candidates;
- (iv) increase awareness of Indigenous issues throughout the ALP;
- (v) increase commitment of Party members to greater representation of Indigenous people throughout the Party; and
- (vi) encourage the employment of Indigenous people in staff and Party positions.

#### National Conference

6 (a) National Conference shall consist of 400 delegates, comprising:

- (i) three delegates being the National President and National Vice-Presidents elected under rule 9(a);
- (ii) four delegates being the Leader and Deputy Leader of the Federal Parliamentary Labor Party and the Leader and Deputy Leader of the Party in the Senate;
- (iii) six delegates elected from and by the Federal Parliamentary Labor Party;
- (iv) delegations from each State consisting of:

- (a) the State Parliamentary Leader,
- (b) a base component of 12 persons, and
- (c) a supplementary component of a number of persons equal to twice the number of House of Representatives electorates in that State as at the previous 31 December;

(v) delegations from each Territory consisting of:

- (a) the Territory Parliamentary Leader,
- (b) a base component of 2 persons, and
- (c) a supplementary component of a number of persons equal to twice the number of House of Representatives electorates in that Territory as at the previous 31 December; and

(vi) three delegates from Australian Young Labor.

(b) State Secretaries and members of the Federal Parliamentary Labor Party who are not delegates to National Conference shall be able to attend National Conference with the rights of delegates except that of voting.

(c) All members of the State or Territory Branch shall be eligible to be elected as delegates from that State or Territory.

#### Proxy Delegates

- (d) (i) Each State shall be entitled to a minimum of two proxies up to a maximum equal to half the State's delegation.
- (ii) The credentials for State Branch proxies shall be circulated in advance and accepted at the commencement of the Conference and no other proxies may be admitted.

(iii) It is the responsibility of each State delegation to ensure that the Chair is advised of all changes of delegation during the Conference. No proxy shall participate in the debate of a report in which the delegate he/she is replacing has participated.

(iv) State and federal Leaders may each nominate one proxy subject to paragraph (ii) above. Such proxies must be a member of the relevant parliamentary party.

(e) All delegates must be elected by a system of proportional representation in a single ballot with affirmative action in accordance with rule 10.

(f) Delegates shall be elected within 12 months prior to the date of National Conference.

(g) State Branches cannot bind delegates with regard to their vote on any issue before the National Conference.

(h) National Conference shall be held every three years in a location determined by the National Executive which shall have the responsibility for determining the time of the National Conference.

(i) Special National Conferences may be held for specially stated purposes and shall be called in the manner prescribed by these Rules.

(j) (i) The National President and National Vice-Presidents need not be delegates to National Conference, but have the full rights of a delegate except that of voting.

(ii) The National Secretary shall not be a delegate to National Conference, but shall have the full rights of a delegate except that of voting.

(k) The National Secretary, after receiving instructions from the convening authority, shall observe the following procedure for the purpose of establishing the Conference agenda:

(i) give the following bodies three months' notice to send items to the National Policy Committee: State Branches, Australian Young Labor, and Federal Electorate Councils, and trade unions whose State branches are affiliated with the Party in a majority of States in which they operate, all of which shall have the right to submit items to the National Policy Committee. Bodies so submitting items to the National Policy Committee shall be notified in writing of the Committee's views on such items; and

(ii) send to State Branches and other bodies represented at National Conference, agenda and any other documents related thereto at least one month before Conference meets.

#### National Executive

**7** (a) The National Executive of the Party, which shall be the chief administrative authority subject only to National Conference, shall be constituted in the following manner:

(i) the National President and National Vice-Presidents, who are directly elected by Party members in accordance with rule 9(a), have the full rights of a delegate except that of voting, unless elected as a delegate in their own right;

(ii) 20 executive members elected by the National Conference;

(iii) the National Secretary, who shall be elected by the National Conference, shall not be a delegate but shall have the full rights of a delegate except that of voting;

- (iv) the Leader of the Federal Parliamentary Labor Party or proxy nominated by the Leader. Such proxy must be a member of the Federal Parliamentary Party;
- (v) State Secretaries who are not delegates to the National Executive shall be able to attend National Executive meetings with the rights of delegates except that of voting; and
- (vi) Delegates shall be entitled to nominate their proxy for any meeting or part of a meeting that they are unable to attend and for any ballot in which they are unable to vote.

(b) (i) The terms of all those elected by the National Conference shall commence at the conclusion of the National Conference at which they are elected. They shall be subject to re-election at each Conference except the National Secretary who shall be subject to re-election at every second Conference.

(ii) Casual vacancies will be filled by the National Executive in accordance with the principles of proportional representation.

(iii) Casual vacancies for the positions of National President, National Vice-Presidents and National Secretary shall be filled by a ballot of the National Executive and the National Executive Committee shall institute procedures to hold a ballot.

#### Powers and Duties of the National Executive

(c) Decisions of the National Executive are binding on all sections and members of the ALP subject only to appeal to National Conference. Pending the hearing of any appeal, the decision of the National Executive continues to operate.

(d) Subject only to National Conference, the National Executive may exercise all powers of the Party on its behalf without limitation, including in relation to the State Branches and other sections of the Party.

(e) Without limiting the plenary powers of the National Executive under rule 7(d), the National Executive:

(i) is the administrative authority of the Party responsible for:

(a) carrying out the decisions of National Conference;

(b) interpreting the National Constitution, the National Platform and decisions of National Conference; and

(c) directing federal members;

(ii) must convene triennial National Conferences in accordance with these Rules;

(iii) may convene Special National Conferences for specified purposes;

(iv) must convene a Special National Conference for a specified purpose when requested by a majority of State Branches;

(v) must elect a National Executive Committee and a National Policy Committee;

(vi) may elect such other committees as it may determine from time to time;

(vii) must consider any matter submitted to it by a State Branch, Australian Young Labor, the Federal Parliamentary Labor Party or a trade union whose State branches are affiliated with the Party in a majority of States in which it operates (in this rule "affiliated organisation");

(viii) may hear and decide appeals from any affiliated organisation or individual member against a decision of a State Branch alleged to be inconsistent with any national decision or matter; and

(ix) may hear and decide appeals by any person seeking to be a candidate for a federal election against a decision of a State Branch affecting that person's preselection.

(f) Without limiting the plenary powers of the National Executive under rule 7(d), if in the opinion of the National Executive any State Branch or section of the Party is acting or has acted in a manner contrary to the National Constitution, the National Platform or a decision of National Conference, as interpreted by the National Executive, the National Executive may:

(i) overrule the State Branch or section;

(ii) intervene in the State Branch or section, and take over and direct the conduct of its affairs; and

(iii) conduct any preselection that would otherwise have been decided by the State Branch or section.

(g) The National Executive must meet at least three times each year. Subject to the National Executive, the National Executive Committee is responsible for convening meetings of the National Executive.

(h) (i) The National Executive may meet by telephone and other electronic means provided each member who wishes to participate in the meeting is able to clearly and simultaneously communicate with every other such member.

(ii) A resolution agreed to in writing by all voting members of the National Executive has the same effect as a resolution passed at a meeting of the National Executive. In this rule "writing" includes emails, faxes and other electronic means of representing or reproducing words in a visible form.

(iii) The National Executive may conduct elections by postal vote.

#### National Executive Committee

**8** (a) The National Executive Committee (NEC) shall consist of the National Secretary and such other members of the National Executive as may be elected by the National Executive.

(b) The National Executive Committee shall be responsible for the administration of the Party between meetings of the National Executive.

(c) They shall meet at least once between each two meetings of the National Executive for the purpose of preparing the agenda and making recommendations to expedite the business of the National Executive.

(d) Other than in urgent situations which preclude either a special meeting or a resolution without meeting of the National Executive, the NEC shall not have the power to make decisions on behalf of the National Executive.

(e) Any actions taken by the NEC between Executive meetings shall be reported to the next meeting of the Executive for endorsement.

(f) The non-parliamentary members of the NEC shall also be members of the companies John Curtin House Limited and ALP Legacies and Gifts.

(g) Rules 7(d)(i) and (ii) apply to the NEC in the same way as the National Executive.

## National President and National Vice-Presidents

**9** (a) The National President and 2 National Vice-Presidents must be directly elected from and by Party members in the 12 months before each triennial National Conference in a single ballot by proportional representation with affirmative action in accordance with rule 10.

(b) (i) The candidate first elected holds office in turn as National President, National Junior Vice-President and National Senior Vice-President.

(ii) The candidate second elected holds office in turn as National Senior Vice-President, National President and National Junior Vice-President.

(iii) The candidate third elected holds office in turn as National Junior Vice-President, National Senior Vice-President and National President.

(iv) The term of office in each position is 12 months, beginning at the commencement of National Conference or on the anniversary of that date, except that the term of office in the third position ends at the commencement of the next triennial National Conference.

(c) The National President, when available, will chair National Conference and meetings of the National Executive, and conduct such meetings in accordance with the National Conference Standing Orders. The National President will carry out any other duties referred by the National Executive.

(d) The National Vice-Presidents in order of seniority will take the Chair in the absence of the National President, and carry out any other duties referred by the National Executive.

## **10** Affirmative Action

The ALP is committed to men and women in the Party working in equal partnership. It is our objective to have equal numbers of men and women at all levels in the Party organisation, and in public office positions the Party holds. To achieve this the Party adopts a comprehensive affirmative action model of 40:40:20, as set out below, whereby a minimum of 40% of relevant positions shall be held by either gender.

### Party Positions

(a) All elections, other than public office preselections conducted by national and State level Party units for three or more positions, shall comply with the affirmative action model. Not less than 40% of such positions shall be held by women, and not less than 40% by men, provided that sufficient candidates of the relevant gender nominate ("the basic entitlement"). If the calculation to determine the basic entitlement results in a fraction of one half or more then the basic entitlement shall be the next higher whole number, and where it results in a fraction of less than one half it shall be the next lower number.

### Union Delegations

(b) Union delegations to Party conferences and forums shall comply with the affirmative action model. Not less than 40% of a union's delegation shall be women, and not less than 40% shall be

men ("the minimum representation"). Provided that if the level of male or female membership of a union is less than 40%, the minimum representation shall be set at that level.

#### Public Office Preselection

(c) Preselections for public office positions at a State and federal level shall comply with the affirmative action model in this rule 10(c). PRINCIPLES

(i) The intention of this rule is to produce an outcome where not less than 40% of seats held by Labor will be filled by women, and not less than 40% by men ("the minimum target").

(ii) This minimum target shall apply to any preselection round taking place after 1 January 2012.

(iii) The remaining 20% of the seats held by Labor may be filled by candidates of either gender.

#### IMPLEMENTATION

(i) State and Territory Branches shall be required to amend their rules so as to achieve the minimum target by applying these principles to the relevant seats.

(ii) For the purposes of paragraph (iv), the relevant seats shall include:

(a) in relation to lower houses, those seats needed to form government, or those seats held by Labor, whichever is the greater; and

(b) in relation to upper houses, at least 50% of seats in the upper house, or those seats held by Labor, whichever is the greater.

(d) The National Executive shall have the responsibility and the power to enforce rules 10(a)–(c) generally and specifically to determine the outcome in any public office preselection progressively between now and the year 2012 in order to ensure that this rule is complied with.

(e) Each State and Territory Branch must no later than 1 November each year provide a report to its Administrative Committee or State Executive and to the National Executive on the implementation of rules 10(a)–(c).

(f) Each State and Territory Branch must ensure that its rules are consistent with this rule, and are submitted to the National Executive for approval by 1 November 2003.

#### Transitional Provisions - Former Rule 12 to Continue to Apply

(g) Any preselection round held after the date this rule is adopted by National Conference, but prior to 1 January 2012, shall comply with the provisions of rule 12 as it was immediately prior to the adoption of this rule ("the former rule"), except that the references in the former rule to the year 2002 shall be read as references to the year 2011.

#### National Labor Women's Network

##### Membership

**11** (a) (i) There will be a National Labor Women's Network.

(ii) Every woman member of the Party is automatically a member of the National Labor Women's Network.

(iii) There will be no membership fee at the national level

#### Role of the NLWN

(b) The role of the National Labor Women's Network is:

- (i) to encourage women to join and participate in the Australian Labor Party;
- (ii) to increase the numbers of women in the Party;
- (iii) to maintain and expand e-communication between Labor women;
- (iv) to devise and promote training programs to improve the skills, confidence and participation of Labor women throughout the ALP;
- (v) to sponsor and expand the NLWN political work experience program;
- (vi) to develop and promote women within branches and other structures of the ALP as well as to elected office;
- (vii) to organise, in conjunction with the host State or Territory, the National Labor Women's Conferences;
- (viii) to administer travel subsidy to the National Labor Women's Conferences;
- (ix) to promote contact between the ALP and women's organisations in the community;
- (x) to assist in the development of policy and ensure women participate in policy making; and
- (xi) to nominate representatives to women's forums, including international women's forums.

#### National Executive

- (c) (i) The NLWN Executive will consist of 15 women members of the ALP elected by each triennial National Conference in a single ballot by proportional representation, but so that at least one candidate elected is from each State and Territory (in so far as there are nominations from each State and Territory).
- (ii) At its first meeting after each triennial National Conference, the NLWN Executive will elect from its members a Convenor, Deputy Convenor, Secretary and any other officers it thinks appropriate. The Convenor and Deputy Convenor will be elected in a single ballot. The NLWN Executive may fill vacancies in officer positions from its members.
- (iii) The National Executive may fill vacancies in the membership of the NLWN Executive in accordance with the principles of proportional representation and State and Territory representation in rule 11(c)(i).
- (iv) Women members of the ALP National Executive and the Federal Minister or Shadow Minister for the Status of Women shall be ex-officio members of the NLWN Executive.
- (v) Nominees for the NLWN Executive do not have to be delegates to the National Conference at which they are elected.
- (vi) Members of the NLWN Executive shall be able to nominate their proxy for NLWN Executive meetings.
- (vii) The NLWN Executive will provide an annual report of its activities to the National Executive, State and Territory Branches and State and Territory women's organisations.
- (viii) The NLWN Executive will meet monthly by telephone and twice a year, face to face, with travel funded through the National Secretariat.
- (ix) Accounts and financing will be run through the National Secretariat, within an annual budget, allocated by the National Executive.

#### State Women 's Groups and Interaction

- (d) (i) The NLWN will coordinate contact with State and Territory branches of the Labor Women's Network , other Labor women's organisations and women's contact officers.
- (ii) The NLWN will regularly meet with State and Territory representatives of the LWN by telephone conference.
- (iii) The structure of State and Territory Labor Women's Networks will be determined by each State and Territory although uniformity is desirable.
- (iv) The NLWN will continue to develop materials, share programs and information to assist and support State LWNs. Transitional Provision(e) That the current term of the LWN Executive be extended to the next National Conference, and the Executive expanded to 10 members to ensure representation by all States and Territories.

## Finance

**12** (a) To meet the general expenses of the Party, each State Branch shall pay each year, to the National Executive through the National Secretary, a sum representing a rate per thousand adult members, and a rate per thousand pensioner and student/junior members. The total due shall be paid in four quarterly installments on 1 January, 1 April, 1 July and 1 October. The National Executive shall have the power to fix sustentation fees.

(b) In the event of a State Branch being six months in arrears in its contributions to the Party, the National Executive may decide that such Branch shall not be entitled to be represented at any meeting of the National Executive or National Conference, or be consulted on any question that may be subject to a ballot of State Branches, until such arrears are paid.

(c) Upon request, State and Territory Branches shall report financial information to the National Secretary in a standard format determined by the National Executive.

(d) The National Executive shall determine an annual budget for travel costs and administer an equalisation pool for such costs associated with National Conferences and the National Executive.

(e) The National Executive shall meet the expenses of the National President attending National Conference and the expenses of any officers associated with any duty being carried out on behalf of the National Executive.

(f) Each Branch shall pay to the National Executive not later than 31 December of each year the appropriate fee, to be determined by the National Executive, for international affiliations or activities associated therewith.

(g) The National Executive shall authorise the National Secretary to negotiate banking facilities on behalf of the National Executive of the Party and determine the manner in which the Party's accounts shall be operated including the signatories to the Party's bank accounts.

(h) Fundraising by the Labor Party at State, Territory and national levels and by the Labor Party candidates for public office shall be governed by the ALP Code of Conduct for Fundraising as approved by the National Executive.

(i) All accounts conducted for candidates whether at Commonwealth, State or municipal elections shall include the Australian Labor Party in their title. Furthermore, they shall be controlled by that level of Party organisation with the identical relevant signatories, be audited at the July meeting of such Party organisations and such annual accounts shall be forwarded to the Party State Branch for inclusion in the Party's annual account reporting process to the Australian Electoral Commission.

#### National Policy Committee

**13** (a) At its first meeting after each triennial National Conference, the National Executive must appoint a National Policy Committee consisting of a Chair, Deputy Chair and seven other members, all of whom have considerable experience in policy development.

(b) The Committee will be responsible for:

- (i) coordinating development of the Party Platform;
- (ii) conducting ongoing reviews of the Platform;
- (iii) preparing the draft Platform for consideration by National Conference;
- (iv) actively participating in the formulation of policy at National Conference;
- (v) taking into account all policy resolutions passed by State and Territory Conferences;
- (vi) considering all policy resolutions sent to it by State and Territory Policy Committees and other constituent units; and
- (vii) in conjunction with State and Territory Policy Committees, conducting regular policy forums in which rank and file participation is encouraged.

(c) The Committee has power to co-opt non-voting members with particular expertise to the Committee when examining specific policy areas.

(d) The Committee will work closely with the convenors of the State and Territory Policy Committees, and will be resourced by the National Secretariat.

#### Federal Parliamentary Labor Party

**14** (a) No State Branch may direct or discipline members of the FPLP in regard to matters affecting the National Platform or policy or upon legislation before the parliament or any matters the subject of consideration by the FPLP.

(b) The power of direction, advice and/or guidance is reserved for the National Conference and between Conferences, the National Executive.

#### Membership Recruitment

**15** (a) It is an abuse of Party rules for an individual or group/s to fund Party membership for other individuals or groups of individuals who would otherwise be unwilling to pay their own subscriptions.

(b) It is an abuse of Party rules for an individual or group/s to encourage reduced-rate membership to people that may not be eligible for that category of membership.

(c) It is an abuse of Party rules for an individual or group/s to recruit members who do not live at the claimed addresses in an attempt to gain advantage at local Party meetings or the outcome of Party ballots.

(d) It is a requirement of Party rules for members, where eligible, to join or transfer to the branch or sub-branch which has geographical coverage, in accordance with State or Territory Branch rules, of the address at which the member is enrolled to vote. Members must, at the time of joining or transferring to the branch or sub-branch, either be correctly enrolled with the Australian Electoral Commission to vote in a federal election at their stated address or not be so entitled because they are under 18 years of age or not an Australian citizen.

(e) It is a requirement of the Party rules for members to personally apply for membership and renew membership by signing their own membership application or renewal form and either:

(i) organising to post the form back to State Branch office with an appropriate fee;

(ii) by personally attending the State Branch office or arranging a person to attend on their behalf and paying their membership fees (identification shall be necessary);

or

(iii) subject to the rules of a State Branch, by personally attending their local branch meeting and paying their fees to the Secretary during the meeting. In this regard, the money shall be receipted to the member and the member's attendance recorded in any attendance book. The Secretary shall forward such moneys to the State Branch office along with the signed membership renewal forms.

(f) A Party member may also renew their membership by phone or the internet using their personal credit card or by signing a standing authority for the renewal of membership via their personal credit card or bank account.

(g) Notwithstanding the above, a Party member's membership may also be renewed by a family member resident in the same household.

(h) All records associated with the payment of membership fees shall be available to any full-time officer of the State Branch upon request.

(i) In order to prevent the "bulk renewal" of other members, the National Executive must prescribe membership application and renewal forms for use by all State and Territory Branches that:

(i) require the signature of the applicant or member authorising the application or renewal; and

(ii) contain a declaration by any applicant or member paying a reduced-rate subscription that they are entitled to that reduced rate. The declaration must also indicate the basis on which the member is claiming this entitlement. State or Territory Branches may also set standard requirements of evidence to be met by members claiming this entitlement.

(j) All State and Territory Branches must implement an appropriate cap or limitation/review procedure relating to the number of members that may validly apply to join the ALP at a local branch or sub-branch meeting. Members who seek to transfer into a branch or sub-branch shall be included/counted for the purposes of determining the number of members to which the cap or limitation applies.

(k) Involvement in such abuses will be considered as behaviour likely to bring the Party into disrepute and will result in disciplinary action which may include expulsion under the rules of the Party.

(l) All State and Territory Branch rules must, where necessary, establish a tribunal to effectively resolve disputes concerning membership. All State dispute tribunals will operate according to due process and according to the national membership principles and rules.

(m) All State and Territory Branch rules must contain a procedure that permits a decision to admit a person as a Party member to be reviewed, where there is an allegation that the person was ineligible to become a Party member.

(n) All State and Territory Branch rules must permit 50 members or 25% of the members in a federal electorate, whichever is the lesser, to petition the Administrative Committee or State Executive to investigate any allegations of breaches of this rule in that electorate.

(o) In order to ensure that these rules are given effect, the State and Territory Branches of ALP be required to amend, where necessary, their rules to reflect these National Rules. Such amended rules will be presented to the National Executive no later than 1 November 2003.

(p) The National Executive must continue: (i) to monitor and enforce compliance with this rule; and (ii) to review the operation of this rule to ensure the integrity of the Party's membership processes.

(q) All States and Territory Branches must provide to the National Executive a complete current Branch membership list by no later than 31 July of each year.

#### National Life Membership

**16** (a) The National Executive can award national life membership of the Australian Labor Party.

(b) Nominees for national life membership must be longstanding members of the Party and have provided distinguished service to the Party at a national level.

(c) Only the National Executive, State Branches, federal electorate bodies and nationally affiliated unions can make nominations for national life membership. Nominations should describe the background and history of service of the nominee particularly their contribution at a national level.

(d) Nominations for national life membership must be forwarded to the National Secretary at least one month prior to a meeting of the National Executive.

(e) National life membership shall only be awarded with the unanimous support of the National Executive.

#### Australian Labor Advisory Council

**17** (a) There will be an Australian Labor Advisory Council (ALAC), consisting of the Leader and senior members of the Federal Parliamentary Labor Party, the National President and National Secretary or their nominees, and representatives of the Australian Council of Trade Unions.

(b) The role of ALAC will be to provide a formal consultative mechanism between the Party and the union movement.

(c) The National Policy Committee must consult with ALAC in relation to Party policy relevant to ALAC's role, and resolutions of ALAC relevant to Party policy must be considered by the National Policy Committee.

(d) ALAC must meet at least twice each year, the meetings to be resourced by the National Secretariat.

### National Appeals Tribunal

**18** (a) The National Executive must:

(i) at its first meeting after each triennial National Conference; and  
(ii) whenever there is a vacancy in a position; by a three-quarters majority of all voting members appoint three persons to form the panel for the National Appeals Tribunal.

(b) A member of the panel may only be removed by a three-quarters majority of all voting members of the National Executive.

(c) In respect of each appeal, the Tribunal is constituted by a member of the panel determined by lot under the supervision of the National Secretary.

(d) The Tribunal is responsible on behalf of the National Executive for hearing all appeals by members, affiliated unions and constituent units of the Party that relate to:

(i) compliance with the National Constitution; or  
(ii) enforcement of the rights and obligations of members, affiliated unions and constituent units under the National Constitution; and making recommendations to the National Executive in relation to those appeals.

(e) No appeal may be heard by the Tribunal until all practicable avenues of appeal have been exhausted under the rules of the relevant State or Territory Branch.

(f) The Tribunal must:

(i) comply with the rules of procedural fairness in conducting hearings;  
(ii) (subject to paragraph (i)) conduct its hearings as expeditiously as possible; and  
(iii) give the National Executive and all parties to the appeal written reasons for its recommendations.

(g) The National Executive:

(i) must promptly consider all recommendations of the Tribunal; and  
(ii) may make any decision in relation to the appeal it thinks fit.

(h) The Tribunal:

(i) must prescribe guidelines for the conduct of appeals, including the granting of leave by the Tribunal to hear appeals; and

(ii) may otherwise regulate its own procedure; subject to these Rules and any direction of the National Executive.

(i) In this rule "National Constitution" has the same meaning as in rule 19. (j) The powers of the National Executive under this rule are in addition to, and not in derogation from, those contained in rule 7(c).

#### National Constitution Not Enforceable in Law

**19** (a) In this rule "National Constitution" means all national constituent instruments of the Party, and includes the national Objectives and Principles, the national Rules, the National Principles of Organisation, and all resolutions of National Conference and the National Executive relating to the structure and organisation of the Party.

(b) It is intended that the National Constitution and everything done in connection with it, all arrangements relating to it (whether express or implied) and any agreement or business entered into or payment made or under the National Constitution, will not bring about any legal relationship, rights, duties or outcome of any kind, or be enforceable by law, or be the subject of legal proceedings. Instead all arrangements, agreements and business are only binding in honour.

(c) Without limiting rule 19(b), it is further expressly intended that all disputes within the Party, or between one member and another that relate to the Party be resolved in accordance with the National Constitution and the rules of the State and Territory Branches and not through legal proceedings.

(d) By joining the Party and remaining members, all members of the Party consent to be bound by this rule.

### **Part C: National Principles of Organisation**

**1** Policy at the national, State and Territory level shall be determined by the national, State and Territory conferences respectively. Such decisions shall be binding on every member and every section of the Party, or of the relevant State or Territory Branch.

**2** On matters that are not subject to National Platform or Conference or Executive decisions, or their State and Territory equivalents, the majority decision of the relevant Parliamentary Labor Party shall be binding upon all members of the parliament.

**3** In all parliaments, the parliamentary leadership, the Ministry and Shadow Ministry shall be elected by the Parliamentary Labor Party.

#### Election of Delegates to National Conference

**4** State and Territory Branch delegates to National Conference (including proxy delegates) must be elected in accordance with the rules of that State or Territory Branch, subject to rule 6.

## Composition of State Conferences

**5** (a) In all States the State Conference shall comprise 50 percent union representatives and 50 percent constituency Party representatives. (This shall not bind Territory Branches until the proportion of unions affiliated is equivalent to that in the States. This principle shall apply to all State level Party units comprised of direct representatives of unions and constituency units.)

(b) State Branches should increase or maintain the size of State Conferences, which should have greater rank and file involvement.

## Membership

**6** (a) Membership of the ALP is open to all residents of Australia who are prepared to accept its objectives and who have associations with no other political party or proscribed organisation. This right to join shall not be impaired other than in circumstances in which it can be demonstrated clearly that an individual cannot meet the requirement outlined above.

(b) Members of the Party are encouraged to be members of a union or to employ union labour. State and Territory Branch rules should require members of the Party to be members of a union or to employ union labour to the maximum extent permitted by law.

(c) To further encourage union members to join the Party, State and Territory Branches should offer discounts in membership subscriptions for members of affiliated unions.

## Affiliation of Unions

**7** (a) All bona fide unions shall have the right to affiliate to the ALP. This right to affiliate shall not be impaired unless it can be demonstrated clearly that the relevant organisation is not a bona fide union or that the organisation has engaged in conduct that renders it unsuitable to be affiliated.

(b) For the purposes of calculating union delegation sizes and affiliation fees, the number of members of each affiliated union must be determined each year by an independent audit by a registered auditor of:

(i) the number of members eligible to vote in a ballot for an office in that union at 30 June as conducted by the appropriate Electoral Commission/s, and

(ii) the number of members identified in paragraph (i) above for whom the union received an amount of dues in relation to the period between 1 April and 30 June inclusive for that year.

(c) Each affiliated union must by 4.00 p.m. on the last Friday in February each year provide to the State or Territory Branch in a sealed envelope:

(i) the independent audit report for the previous year, and

(ii) advice on the number of members that union will affiliate on for the current year, and all such sealed envelopes must be opened at the same time in the presence of scrutineers appointed by affiliated unions.

(d) Union delegation sizes must be based on the three year rolling average of that union's affiliation for the current and two preceding years (except that affiliation figures before 2002 must not be used to determine a union's rolling average).

(e) Each State and Territory Branch (other than the Queensland Branch) must amend its rules to implement clauses 7(b)–(d) above in accordance with the model adopted by the National Executive for the Queensland Branch on 12 April 2002.

**8** Each State and Territory Branch should develop an equitable basis of determining union entitlement for representation at relevant State level Party units. This shall not prevent State Branches making reasonable special arrangements for the representation of small unions.

#### Union Delegations

**9** Subject to rule 10(b), it shall be the right of each union to determine the criteria and procedures for selection of its delegates, subject to those delegates being members of that union and financial members of the Party.

#### State and Territory Labor Advisory Councils

**10** (a) Labor Advisory Council (LAC), consisting of the Leader and senior members of the State or Territory Parliamentary Labor Party, the State or Territory President and Secretary or their nominees, and representatives of the Trades and Labour Council or equivalent body in that State or Territory.

(b) The role of the LAC will be to provide a formal consultative mechanism between the Party and the union movement in that State or Territory.

#### Dialogue with Local Union Activists

**11** All Labor MPs must establish dialogue with local union activists in their electorates, including frequent meetings with those union activists who work in their area. Senators and MLCs must be invited to attend such meetings.

#### Members' Rights

**12** The following are to be established as minimum standards:

(a) The process of joining the Party shall be simplified and all unnecessary impediments to that process shall be removed from State and Territory Branch rules.

(b) Subject to any attendance requirements in the State or Territory, full membership rights in all States and Territories shall begin to accrue in accordance with the relevant State or Territory

requirements and those rights shall accumulate, to a maximum, following two years consecutive membership. These rights include: being eligible for preselection; standing and voting for or standing on, the various Party bodies and executives.

(c) Each State and Territory Branch must adopt rules that establish an appeals process in relation to compliance with and enforcement of Branch Rules by members, affiliated unions and constituent units of the Branch, such rules to be submitted to the National Executive for approval by 1 November 2003. The appeals process must include compliance with the rules of procedural fairness, expedited hearings and written reasons for decision.

### Organisation and Training

**13** (a) In addition to geographically based local branches within State and federal electorates, State and Territory Branches should consider different forms of rank and file organisation, such as:

(i) occupation, workplace and employment related branches,

(ii) university and TAFE campus branches, and

(iii) policy forums (including online forums). However, any attendance requirements in State and Territory Branch rules will continue only to be met through attendance at geographically based local branches.

(b) The number of local branches in metropolitan areas should be consolidated to provide for larger meetings and better branch organisation.

(c) Branches should be involved in local community activities, and should provide regular updates and suggestions of events in which members might participate.

(d) Local branches and MPs should institute, and participate in, regular joint community consultation processes in their electorates to raise the profile of the ALP and provide feedback on policy and Party initiatives.

(e) MPs and State and Territory Branches should respond to branch correspondence promptly so that branch members know their contribution has been considered.

(f) State and Territory Branches should ask branches to nominate either a women's officer or contact person to assist the development of equitable participation for women in the Party.

(g) State and Territory Branch rules should provide for a forum of all members within each federal electorate to be held at least once each year.

(h) The Federal Electorate Council (FEC), or combinations thereof, shall be encouraged to appoint a Women's Contact Officer, Community Activities Officer and a Policy Development Officer when electing or appointing its executive.

(i) The Community Activities Officer and Women's Contact Officer shall assist the local branches to identify the major issues within the community, within which they should be active and assist in the development of either endorsed or unendorsed (depending on the State Branches) candidates for local government or other community bodies.

(j) The State Branches shall assume within their organisational structure the responsibilities of coordinating the Women's Contact Officers, Community Activities Officers and the Policy Development Officers.

(k) The Policy Development Officer at a State Office level and at State and federal electorate level shall be responsible for coordinating policy input on local, State or federal matters, as appropriate, and work within a defined relationship between those electorate based Policy Committees and State and Territory Policy Committees and/or the National Policy Committee.

(l) Each State Branch shall develop training programs for Branch executives, candidates and activists, as well as introductory programs for new Party members and mentoring and development programs targeting women. The National Secretariat shall assist in the development of such programs.

(m) State and Territory Branches should form supporters clubs, and explore the possibility of the creation of an associate class of membership as a way of broadening involvement in the Party.

#### State and Territory Policy Committees

**14** (a) State and Territory Branches should expand and improve the system of State and Territory Policy Committees, which should be linked to any policy forums that have been established.

(b) All Party members should be eligible to attend State and Territory Policy Committee meetings to contribute specialised knowledge and expertise on policy issues. However, final decisions on policy documents should continue to be taken by elected Committee members. Committees should, where feasible, conduct forums and consultations in regional centres.

(c) Resolutions passed by Party units should be circulated to the relevant Ministers and Shadow Ministers, State and Territory Policy Committees and the National Policy Committee for consideration and response.

#### Preselections

**15** (a) Any member who meets the membership eligibility requirements shall be entitled to participate in voting for a candidate in any preselection covered by the applicable boundaries within which they reside, subject to clause 15(c).

(b) The only residential boundaries that can affect that right are those devised by either federal, State or municipal electoral commissions. That is, the entitlement is guaranteed by the publicly known and independently drawn boundaries of respective electoral commissions. Therefore, if you live within the respective electorate and meet other criteria within the rules you are eligible to vote in the preselection.

(c) To ensure the integrity of preselection ballots, no member shall receive a vote in any preselection unless that member is correctly enrolled with the Australian Electoral Commission to vote in a

federal election. The member's address for the purposes of preselection will be their enrolled address.

(d) In order to ensure that MPs are fulfilling local responsibilities, State and Territory Branches must:

- (i) introduce a system of compulsory candidate forums during preselection processes; and
- (ii) develop a system of reporting to federal electorate bodies the activities of their MP.

#### Australian Young Labor

**16** Every State and Territory Administrative Committee or State Executive should consider co-opting a non-voting member or members of Young Labor.

#### Indigenous Labor Network

**17** That each State and Territory Branch form an Indigenous Labor Network. Membership should be open to all Indigenous people who are members of the ALP. Non-Indigenous ALP members can nominate to be associate members.

#### Implementation of National Principles of Organisation

**18** The National Executive will monitor the implementation of these National Principles of Organisation in consultation with the State and Territory Branches. These Principles will apply equally to all State and Territory Branches unless otherwise stated.

#### State and Territory Branch Rule Changes

**19** All State and Territory Branch rules must be revised in accordance with these National Principles of Organisation as amended at the Special Rules National Conference held in October 2002, and be submitted to the National Executive for endorsement no later than 1 November 2003.

**20** That, pursuant to rule 7(c)(i), the National Executive be empowered to amend the rules of any State Branch as required to implement the National Principles of Organisation.

### **Part D: Resolutions to Implement National Principles of Organisation**

#### General Membership System

**1** (a) Each State should adopt a system to allow applications to be processed and accepted by the head office thus allowing potential expansion of a general membership system.

(b) A general member initially has only the right to take up at their initiative the process of becoming a full member through the Branch membership system. The general members are to be encouraged

to contribute to the Party in whatever way they can and they are bound to assume the responsibilities of supporting the Party both privately and publicly.

(c) Any general member of five years or more standing could be considered for preselection provided the majority request of all Party members in their respective electorate was made and/or the majority request of that State Branch Administrative Committee or Executive was made. (for guidance to the State Branches)

#### Party Communications

**2** The National Secretary shall be requested to prepare an annual budget for internal Party communications, to include methods of financing, as well as expenditure. The National Executive shall liaise with the State and Territory Branches with the objective of improving internal Party communications. (for direction to the National Secretariat)

#### Responsibilities of National Executive

**3** That the responsibilities of National Executive be clarified to ensure appropriate powers to manage the Party's:

- (a) finances,
- (b) education and training for memberships,
- (c) liaison with the trade union movement,
- (d) liaison with community organisations,
- (e) campaign technique development for Party members and constituent units, and
- (f) Party communication; and to organise the Manning Clark Labor History Memorial Lecture at each National Conference of the Party.

#### Review of Campaign Techniques

**4** That National Conference instructs the National Executive and State Administrative Committees to undertake a review of campaign techniques to ensure continued electoral success. The following principles are central to such a review:

- (a) the need for redevelopment of campaign skills within safe Labor seats;
- (b) the need for continuous workplace campaigns to be developed in consultation with the trade union movement;
- (c) improved liaison with community organisations; and
- (d) continued development of ministerial involvement at the local level.

#### National Organisation - Ongoing Review

**5** (a) That the National Executive take responsibility for an ongoing process of organisational review. The National Executive should establish a Standing Committee to initiate proposals, or

receive submissions from members and affiliates, on the Party's rules, structures and political effectiveness.

(b) That an ongoing National Organisational Review Committee (ORC) be established with appropriate delegated powers under the guidance of the National Executive to continue the process of improving the effectiveness, participation and accountability of the Party's organisation.

(c) That the ORC undergo a consultative process with State Branches, union affiliates, Party units and members on strategies to achieve the following objectives:

(i) strategies to increase the level of ALP branch membership;

(ii) strategies to encourage more trade unions to affiliate to the ALP and to involve unions more effectively in the Party's decision-making processes;

(iii) strategies the ALP should consider in order to defeat coalition party proposals to undermine the existing arrangements for trade union affiliation; and

(iv) strategies to increase the participation of women at all levels within the ALP.

(d) That the National Secretariat provide adequate resources for the Committee to meet its objectives.

## 6 Preselections

That the matter of preselections be referred to the ongoing organisational review process.

## Internal Party Relationships

7 (a) The National Secretariat shall coordinate a regular program of ministerial visits to FEC meetings, coordinated through the State Branch offices, to report on the work of the Government and then receive views of Party members. Such FEC meetings to be open to all Party members.

(b) That a representative delegation from the State Administrative Committee shall combine with the parliamentary leadership and Caucus representatives to form a State political coordination committee. Such a committee shall meet regularly, to discuss key strategic issues facing the Parliamentary Party. *(for guidance to the National Secretariat and State Branches)*

## 8 Basic Principles

(a) The National Executive establish a Committee for the purpose of revising the Basic Principles of the Party including its objectives.

(b) The Committee, in conducting its revision, should invite submissions from any interested Party member or interested unit and conduct appropriate seminars on the subject, prior to finalising any recommendations on changes.

## 9 Preselections

State and Territory Campaign Directors should consult the Leader and the National Campaign Director before the selection of candidates in both target and safe Labor seats to discuss quality potential candidates. This process should begin at least 18 months prior to the next election. It is the responsibility and obligation of Party officers and other influential figures within the Party to ensure that quality candidates are preselected in all seats. The Party must also actively identify and encourage candidates from a wide range of occupations and life experiences.

#### National Public Office Training Program

**10** The National Secretariat, in conjunction with State and Territory Secretaries, should conduct a pilot National Public Office Training Program and report to the National Executive by 1 July 2003. The NPOTP would involve former Labor leaders and ministers and would be responsible for: running training schools for candidates, those who aspire to be candidates, and younger Party members; overseeing mentoring programs; and running skills workshops. Better training and professional development should also be examined for elected members.

### **Part E: Register of Conference Decisions**

#### Members Initiating Legal Proceedings (decision of the 1955 Conference)

**1** This Conference resolves that as a general principle it cannot concede the right of any member of the Party to initiate legal proceedings for the purpose of establishing the constitutional behaviour of the Labor Movement. We emphasise that, with a few isolated exceptions, the history of our Party discloses we have functioned on a basis of complete determination in accordance with our own rules and our own interpretation of them. We insist we must continue to create our own procedures, taking care of our own business without the introduction of lawyers and law courts.

#### Union Elections (decision of the 1963 Conference)

**2** Conference believes that industrial legislation should provide for trade unions to properly determine their own internal policies in accordance with their rules and constitutions and deplors interference in trade unions activities by any government, outside individuals or organisations. Conference accordingly calls upon all trade unionists to refrain from interference in the internal affairs of another trade union.

#### Grievance Procedures (decision of the 1979 Conference)

**3** That Conference believes that the procedures of the Party at State and national level provide adequate opportunity for people who are dissatisfied to seek redress of grievance and calls upon all members of the Party in respect of matters in dispute to refrain from making comment outside the Party.

#### Affirmative Action (decision of the 1981 Conference)

**4 (a) That Conference:**

- (i) asserts its support for affirmative action to ensure greater representation of women in the Party structures and amongst its representatives at all levels of government;
- (ii) endorses the Guidelines for Implementation of an Affirmative Action Programme in the ALP, June 1981, produced by the Working Party on Affirmative Action, drawn from the State Women's Groups and requests each State and Territory Branch to implement an affirmative action programme in keeping with these guidelines; and
- (iii) requests the National Executive to monitor regularly progress in each State Branch and to report to each National Conference.

(b) That all Party publications and Party ballot papers be given an indication of sex by use of given names.

(c) That it be the policy of the ALP to investigate, instigate, and fund the provision of childcare facilities at all conferences and large assembly meetings of the Party.

(d) That it be the policy of the ALP that all Party literature and publications should be free of sexist terms and sexist overtones; similarly all Party conferences, meetings etc. should be free of sexist comments, terms and overtones of any kind and all officers, MPs and members of the Party should be advised accordingly.

**Abortion (decision of the 1984 Conference)**

**5** Conference resolves that the matter of abortion can be freely debated at any State or federal forum of the Australian Labor Party, but any decision reached is not binding on any member of the Party.

**Conduct of Ballots (decision of the 1994 Conference)**

**6** Procedures for conduct of ballots if required:

- (a) that ballots for multiple vacancies be conducted in accordance with the rules of the Victorian Branch;
- (b) that ballots for single vacancies be conducted under the optional preferential system; and
- (c) that ballots for multiple vacancies be conducted in accordance with rule 10(a).

**ALP Code of Conduct for Fundraising (decision of the 1994 Conference)**

**7 Preamble**

Australia's political and economic stability is dependent on the strength of our democracy. The Labor Party believes that democracy in Australia will be strengthened by moderate and equal financial contributions from corporate Australia to both sides of politics.

- This code of conduct establishes the conditions that govern fundraising by the Labor Party at State, Territory and National levels. It is binding on all Labor Party branches, units and candidates for public office.
- Funds are raised by the Organisational wing of the Labor Party to assist candidates for public office to gain and/or maintain office.
- Funds are needed for policy development, Party administration and, most importantly, campaigning. All these political tasks must be carried out Federally and in each State and Territory.
- Each State, Territory and National Secretary of the Labor Party has a responsibility to raise funds.
- Campaign responsibilities can overshadow the need for adequate funds to support a strong and effective party organisation. Lack of funding for party maintenance and administration not only drains the Party's ability to develop policy and membership, but also undermines Labor's ability to campaign effectively and therefore undermines the stability of Australia's political system.

### Organisation of Fundraising

- The Party's National Director of Fundraising is the National Secretary. State and Territory Directors of Fundraising are the relevant State or Territory Secretary.
- Each State and Territory Branch and the National Secretariat raise funds cooperatively but separately.
- Each State and Territory Branch and the National Secretariat has a Finance Committee and a Fundraising Director. These individuals and their committees and/or donation collectors have sole responsibility for fund raising for their respective Branches. Each Branch organises its efforts independently and according to its own methods.
- State and Territory Finance Committees, all of whose members act in a voluntary capacity, collect funds from individual unions and corporations. Such funds supplement the Party's income from normal membership dues and affiliation fees.
- The National Secretariat collects funds for national campaigning, maintenance of the National Secretariat and the support of various State Branches. These funds support the National Secretariat's role of national policy development, assistance to the Federal Parliamentary Party and maintenance of the Party's professional and voluntary organisation throughout Australia.
- State, Territory and National offices shall operate systems of "centralised banking".
- All local campaign and other party accounts will be held under the relevant State or Territory central banking system with the relevant Tax File Number.

### Conditions

- The Labor Party observes a fundraising code of conduct. This code is fundamental to the integrity of the Party and its organisational and Parliamentary members.
  - Parliamentarians can, and should, voice the Party's needs for funds or services and on occasions sign appeal letters.
  - on reasonable request, Parliamentarians can, and should, speak or appear at Labor Party fundraising events.
  - Members of the Parliament or candidates should not accept money or services on the Party's or their own behalf, above the amount of \$3000 from any one source. Donations that are accepted must be held in appropriate Labor Party central banking accounts styled in the form: Australian Labor Party Campaign Account.

- Any funds held in accounts, or otherwise not under a State or Territory central banking system with the relevant Tax File Number, will be regarded by the Australian Labor Party and any other interested party as "personal accounts".
- Cheques should be made payable to the Australian Labor Party named account, not individuals.
- It is the legitimate responsibility of the relevant Fundraising Director, Finance Committee members and/or collectors to accept money on behalf of the Party.
- On the written authority of the relevant State, Territory or National Secretary, Parliamentarians or Candidates may act as fundraising agents for the Labor Party.
- Members of parliamentary executives may not be asked to act as fundraising agents or collectors.
- The detail of donations shall be publicly disclosed as per the requirements of the Commonwealth Electoral Act 191 - The Labor Party does not accept funds that are subject to conditions of any kind.
- Under no circumstances will the Labor Party accept funds which, even if only by inference, are intended to obtain the Party's support for specific actions, attitudes or public statements.
- Donors have a right to put views to the Party-but a right to no more than that.
- The Labor Party never raises funds on behalf of any other Party or Organisation.
- Candidates for public office who act outside these guidelines will be liable to sanctions by the relevant Labor Party Caucus or State or Territory Administrative Committee or other interested parties.

#### National Conference Decisions

**9 8.** That decisions of National Conference are equally binding on all members of the Party whether determined as Platform or as a decision of Conference. However, decisions of Conference which relate to matters of policy lapse if they are not reaffirmed by the subsequent Conference. Decisions of Conference which relate to organisational, administrative or rules matters continue in force until a subsequent Conference otherwise determines.

### **Part F: National Conference Standing Orders**

#### Chair of Conference

**1** The National President shall preside over Conference. In the President's absence the senior officer present shall preside. If no officers are present a delegate shall be appointed by Conference to preside.

#### Credentials

**2 (a)** Each body represented at National Conference or National Executive shall lodge with the National Secretary the names and addresses of its delegates as early as practicable before the meeting. These names and addresses shall be sent by the National Secretary to all members of the National Executive and other bodies represented at the National Conference as soon as possible.

(b) Anybody or delegate may challenge the credentials of any delegate by lodging with the National Secretary the grounds of objection in writing within 14 days of being notified of the nomination of that delegate.

(c) The grounds of the objection shall be conveyed to the delegate challenged and to the body nominating the delegate by the quickest possible means. The National Executive shall hear and determine the challenge. An appeal shall lie to the National Conference. Pending the outcome of any such appeal, the decision of the National Executive shall stand.

#### Session Times

**3** Conference shall meet each day from 9.30 a.m. to 12.45 p.m., and 2.15 p.m. to 5.30 p.m., subject to Conference at any time, determining on motion or amendment without debate, and without rescission of any previous decisions as to meeting times, to meet at any other times.

#### Order of Business

**4** The agenda of the National Conference shall be as distributed by the National Executive pursuant to rule 6(j)(ii). The order of business shall be as determined by Conference from time to time.

**5** No discussion shall be allowed except on motion or amendment duly proposed and seconded.

**6** Any member desiring to propose a motion or amendment, or to discuss any matter under consideration, must address the Chair. No member shall address the Conference unless called by the Chair of Conference.

**7** All questions shall be determined in the following manner:

(a) the mover of the motion shall have seven minutes to present argument in support of the motion and five minutes to reply;

(b) the seconder of such motion, and all other speakers, shall be limited to five minutes;

(c) the movers and seconders of motions and amendments must exercise the right to speak at the time of moving and not subsequently, subject to the right of reply by the mover of the motion;

(d) Conference on motion without debate may extend the time of any speaker; such extension of time shall not exceed five minutes. Conference may agree to further extensions on the same basis;

(e) the Chair shall call attention to the time of all speakers one minute before such time expires. Motions for extensions may be made when the Chair so calls, but no later;

(f) after the motion has been moved and seconded, and no speaker rises to oppose or move an amendment, the Chair shall proceed to put such motion to a vote of Conference;

(g) all votes of Conference shall be subject to the following procedure:

- (i) the Chair shall call upon those who support the question to say "Aye" and those who are opposed to say "No"; and
- (ii) the Chair shall then declare the question carried or lost;

(h) any delegate not satisfied with the Chair's decision may, by standing in their place, call for a show of hands. The Chair shall proceed to determine the question by calling upon those who support the motion to raise their hands, and those opposed to act similarly. The Chair shall appoint two tellers to take the count and they shall be representative of the opposing viewpoints. When the tellers are agreed upon their count the Chair shall declare the result by quoting the figures for and against;

(i) when any question voted upon by Conference results in equal numbers for and against, the Chair shall declare such question lost; and

(j) any motion or amendment affecting the Pledge, Platform or Constitution of the Party shall be declared lost if less than a majority of delegates credentialled to the Conference vote for it.

#### Amendments

**8** (a) At any time during debate on any motion it shall be competent for any delegate to move an amendment. All amendments must be seconded. Motions may be amended by adding words, by deleting words, or by deleting words and inserting others in their place, providing that the effect of any proposed amendment is not to establish a direct negative to the question contained in the motion.

(b) Any number of amendments may be proposed and discussed simultaneously with the original motion, notwithstanding standing order 14. At the close of debate amendments shall be put in the order they have been moved.

**9** No member shall speak more than once to any question before the Chair, unless by way of personal explanation or with the consent of the Conference. Such consent shall not be given unless by a majority of those present.

**10** At any time during debate on any question it shall be competent for the Chair to accept a motion "that the question be adjourned," "that the question be put", or "that the next business be proceeded with", provided at least two speakers have spoken for and against. A member having spoken to the question shall not be competent so to move. Such motions shall be immediately put without debate, provided that in the event of Conference agreeing "that the question be now put" the mover of the original motion shall have the right of reply.

**11** On Conference agreeing "that the question be now put" it shall mean not only the question contained in the motion, but in any and all amendments.

**12** No question shall be debated for a longer period than one and a half hours, subject to Conference agreeing on motion or amendment put without debate to extend such time. A two-thirds majority of those present shall be required to approve any such extension.

**13** Motions directed towards the re-consideration of any decision reached by Conference shall fail unless carried by a three-fourths majority of the delegates credentialled to Conference.

**14** Not more than two delegates in succession shall speak for or against any question.

**15** All questions involving an interpretation of policy on any section of the Platform or the direction of members of the parliament in accordance with the principles and methods of the Party, shall be subject to decision by Conference on the basis of these Standing Orders and not by ruling of the President.

**16** Questions other than those contained on the Agenda shall not be discussed unless agreed to by two-thirds of the delegates credentialled to Conference, and no delegate shall canvass the subject matter of the proposed new business when seeking Conference approval for discussion of same.

**17** Rulings given by the Chair on any question shall be subject to a motion calling upon Conference to disagree with any ruling. In the event of such motion, the mover shall be permitted not more than five minutes to support the motion and the Chair shall be permitted not more than five minutes to defend the Chair's ruling. There shall be no other speakers. The Vice-President or any other delegate appointed by Conference shall occupy the Chair during the currency of such motion.



# Fine Gael Constitution



## **Fine Gael Constitution and Rules**

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## **FINE GAEL GUIDING PRINCIPLES**

- Creating a tolerant and pluralist society whose laws fully reflect common values shared by different traditions in our island.
- Ensuring that all the Institutions of State including its political institutions, the legal system and the public service are efficient and serve the purposes for which they were established.
- Promoting enterprise, efficiency and self-reliance by individuals and communities in all economic activity.
- Accepting of the fact that Irish unity requires the consent of a majority in Northern Ireland and promoting peace and reconciliation in the island of Ireland.
- Achieving social justice, in particular through securing equality of opportunity for all our citizens and equality as between the sexes.
- Protecting the rights of the individual to live in peace, safety and security in their own environment.
- Preserving and protecting our physical environment and the cultural heritage of this country.
- Protecting the family, including the extended family, as the fundamental unit of society, and in particular, protecting the rights of children.
- Advancing of the ideal of a united Europe. Pursuing policies of devolution and subsidiarity so as to empower local communities in a programme of democratic renewal.
- Achieving the highest possible standards of efficiency and service in the public and state controlled sectors and protecting the rights of the citizen and the consumer.
- Pursuing an active foreign policy that makes a positive contribution to the achievement of world peace and justice.

## **PART I PARTY AND ORGANISATION**

1. The name of the Party shall be Fine Gael (United Ireland) herein after referred to as the Party.

2. (i) Membership shall be open to every person who accepts the Principles of the Party and who agrees to abide by its Constitution and Rules.

(ii) No member of the Party may campaign for, participate in or assist in the organisation of the affairs of a candidate or candidates for election to Dáil Éireann, Seanad Éireann, the European Parliament, Local Authority or Údarás na Gaeltachta other than those candidates ratified by the Executive Council of the Party.

3. Subject to the provisions of Rule 4 the members of the Party shall be those who are members when these rules come into effect together with such other persons as may be admitted to membership under the provisions of these rules.

4. No person shall be entitled to rights or privileges of membership of the Party unless he/she is a registered member of an affiliated Branch of the Party and his/her name is included on the copy register furnished by the Branch Secretary under Rule 14 and he/she is aged at least fifteen years on the date the relevant register came into force.

5. (i) The Units of the Party shall be:

- (a) Branch
- (b) District Executive
- (c) Constituency Executive
- (d) Policy Council
- (e) Parliamentary Party
- (f) Executive Council
- (g) Árd Fheis

Each unit of the Party shall be organised on the basis that it shall:

- Be of service to the community in which it operates;
- Be capable of informing and educating in political and social matters;
- Provide a forum for debate on local and national issues;
- Provide access for the public to elected representatives;
- Identify, promote, support and ensure the election of candidates who best represent the principles and values of Fine Gael;
- Be open, democratic and participative;
- Maximise the numbers of Fine Gael candidates who are elected to public office;
- In so far as is practicable, and subject to the Rules and the directives of the Executive Council, each Constituency organisation shall be responsible for devising, administering and managing its own internal structures.

(ii) The Organs of the Party shall be;

- (a) Young Fine Gael
- (b) Council of Local Representatives
- (c) Fine Gael Women's Group
- (d) National Agricultural Advisory Committee
- (e) Trade Union Council
- (f) Dublin Constituency Forum and such other Organs as may from time to time be established by the Executive Council and ratified by the Árd Fheis.

6. (i) The National Officers of the Party shall be the President, two Vice Presidents, who shall be elected at each Árd Fheis to hold office until the next Árd Fheis, together with not less than five and not more than eleven Trustees. The Trustees shall be appointed and removed from office by the Executive Council on the proposal of the Leader of the Parliamentary Party as defined in Rule 49 (i).

(ii) In the event of death or resignation of any National Officer, the Executive Council may appoint a successor to hold office until the next Árd Fheis.

7. (i) The property and assets of the Party shall be vested in the Trustees who, for the time being, shall control the finances of the Party, including the general policies and procedures to be followed in raising, managing and dispersing funds and shall be responsible for presenting audited accounts of the National Headquarter's revenue and expenditure to the Executive Council as soon as possible after the end of each calendar year and also to the Árd Fheis following the accounts year end. The Trustees shall not be liable for any loss howsoever arising other than such as shall have been occasioned by deliberate neglect or default.

(ii) The Trustees shall be empowered and authorised to open and make arrangements for the operation of a banking account or accounts in such bank or banks or other financial institutions as the Executive Council shall from time to time determine.

(iii) The Trustees shall be empowered to borrow from a bank or other financial institution such amount as the Party may require and shall be empowered and authorised to provide security therefore by the mortgage or pledge of the Party's property or assets or in such other manner as may be required or appropriate.

(iv) The Trustees shall on a quarterly basis present a statement to the Executive Council outlining the financial affairs of the Party. The Trustees shall, in consultation with the Leader of the Parliamentary Party and General Secretary, present a budget to the Executive Council, in the event of any election, an Árd Fheis, and annual running expenses.

(v) The Trustees shall be empowered to bring or defend any legal proceedings in the name of or on behalf of the Party.

(vi) The Trustees shall be responsible for determining the terms and conditions of employment of staff and subject to the approval of the Leader of the Parliamentary Party, their appointment and removal.

8. (i) The National Headquarters of the Party shall be established at an address to be determined by the Executive Council and shall be administered by the General Secretary of the Party.

(ii) The Staff employed at National Headquarters shall act as secretariat to the Executive Council.

(iii) The principal functions of National Headquarters shall include the efficient organisation of the Party throughout the country and the promotion in every way open to it of the Principles of the Party as enunciated in the Constitution.

## **PART II THE BRANCH**

9. The Branches of the Party shall be:-

(i) All Branches affiliated to National Headquarters.

(ii) Such other Branches as may from time to time be established or reconstituted by the Executive Council or by any Constituency Executive with the approval of the Executive Council and may be duly affiliated.

10. Where any Branch fails to participate in Party fund-raising activity or carry out instructions issued by the Constituency Executive then either the registered members of such Branch or the Branch (whichever shall be appropriate) shall forfeit all voting rights in the Party for the following twelve months. Questions of fact as to whether the Branch fails in these matters shall be determined by the Constituency Executive, provided such Branch has been afforded an adequate opportunity of making any submission or tendering any evidence written or verbal or both. Such order shall not become effective until the expiration of ten days of its making and if within that time the Branch

affected appeals against the order to the Executive Council the order shall not in any event become effective. In the event of such appeal the Executive Council and the Branch affected shall be furnished with a report by the Constituency Executive.

11. (i) A Branch shall consist of not less than nine persons whose annual subscription has been paid and accepted under the provisions of Rule 14 (i) hereunder.

(ii) The members of a Branch shall be drawn from those who are ordinarily resident in the functional area of the Branch, but other persons may be members of a Branch with the consent of the Constituency Executive in whose functional area the Branch is situated. Save as otherwise provided for in these rules no person may be a member of more than one Branch at the one time and any person wishing to resign his/her membership of a Branch and join another Branch must have the consent of the Constituency Executive in whose functional area the Branch he/she proposes to join is situated.

12. (i) The Executive Council may, however, establish a Branch or Branches without a functional area to which associate members may be admitted by applying in writing, by electronic mail or on the internet in accordance with guidelines established by the Executive Council and if approved, they shall be entitled to receive correspondence on policy or other matters from time to time, but shall not be entitled to vote at a meeting of any unit of the Party. The Executive Council shall determine the annual membership fee for associate members, and the method of payment.

(ii) Every Branch established under this rule shall have such functions as the Executive Council may from time to time assign to it and shall be subject to the direction and control of such Unit or Units of the Party as the Executive Council may direct.

13. (i) The functional area of each Branch other than a Branch established under Rule 12 shall be prescribed by the Constituency Executive. Disputes about functional areas shall be adjudicated on by the Executive Council.

(ii) Every Branch other than a Branch established under Rules 12, 55 and 57 shall be responsible for the organisation of its members and Party supporters and for all other aspects of organisation within its functional area. It shall take an active interest in local affairs by holding regular meetings and organising political and social activities and by all other appropriate means seek to increase the standing, strength and effectiveness of the Party.

14. (i) Each member of a Branch shall pay an annual subscription to his/her Branch. The amount of the subscription and the proportion of such subscription to be allocated to National Headquarters and the affiliation fee for Branches shall, from time to time, be determined by the Executive Council, which may, at its discretion, set different fees and subscriptions for purposes of encouraging early affiliation of branches.

(ii) Each Branch shall be affiliated at National Headquarters by completing the procedures at paragraphs (a) to (d) hereof inclusive, not later than 30 April in each year or in exceptional circumstances only, such as a Dáil election, such other date as may be specified from time to time by the Executive Council.

(a) The registration by its Secretary (or in his/her absence the Branch Chairperson) with the General Secretary of the names and addresses of the Branch Officers and the date of their election; and  
(b) The payment of the Branch affiliation fee; and

(c) The furnishing to the Executive Council of the Branch accounts for the previous accounting year in accordance with Rule 16; and

(d) The furnishing to the Executive Council of a copy of the Branch Register in accordance with paragraph (iii) of this rule.

(iii) The Branch Secretary shall ensure that the Members' Register contains at all times a complete and accurate record of membership and shall furnish copies of the Register through National Headquarters to the Executive Council and the Constituency Executive as soon as practicable in each year and whenever the Executive Council or the Constituency Executive requests a copy.

(iv) A membership card of the Party shall be issued by National Headquarters to each member on a basis to be decided by the Executive Council, from time to time. Only persons who have been registered at National Headquarters by the Branch Secretary are deemed to be Branch members.

(v) Provisional Membership, for a period not exceeding three months, may be granted to those seeking to join the Party only following a determination of the relevant Constituency Officer Board situated in the functional area where the applicant ordinarily resides, and pending consideration of that person's application for membership by the relevant Branch. A provisional member shall be entitled to attend meetings at Branch, District and Constituency level and receive correspondence from Party Headquarters, but shall not be entitled to voting rights or to otherwise participate in the affairs of the Party until registered in accordance with the rules hereof. Following the grant of provisional membership, National Headquarters shall advise the Branch appropriate to such member of the grant of provisional membership and request such Branch to consider within a period of two months, the grant of membership to that person. If the Branch fails to consider the application within such time, or to notify its determination to National Headquarters, the Executive Council may, on application by the person concerned, decide to admit the person to membership of the relevant Branch. If the Branch refuses to admit a person, the person may appeal the decision to the Affiliation Appeals Committee in accordance with Rule 14 (vi).

(vi) National Headquarters shall, no later than June 30 in each year or such other date as may be specified from time to time in exceptional circumstances by the Executive Council, cause to be published by constituency, a Register of all Branches duly affiliated together with a list of the members thereof. This Register shall be furnished:

- to the Honorary Secretary and each Oireachtas member in the relevant Dáil Constituency;
- in the case of each Branch, to the Honorary Secretary of that Branch, and
- in the case of each Branch in a Local Authority Electoral Area, to the relevant Local Public Representatives.

The Register as aforesaid, shall be effective for the purposes of any vote from 1 July in that year until 30 June in the following year. Applications however, may be made for the rectification of such Branch Register by no later than July 21 in each year or such other date as may be specified from time to time by the Executive Council. Such applications shall be considered by the Affiliation

Appeals Committee in accordance with Rule 14 (vii). The Register of Branches duly affiliated and their members, as rectified by the Affiliation Appeals Committee shall be conclusive.

The provisions of this rule shall also apply to Non College Branches of Young Fine Gael. However, in the case of Young Fine Gael Branches in educational institutions, such Branches shall affiliate no later than 31 October each year and the Register of Members shall be issued no later than 31 December each year, and shall be effective from the following 1 January to the following 31 December. For the purposes of Rule 49 (i) all references to the previous year commencing 1 July and terminating 30 June shall be construed in the case of a Young Fine Gael Branch in an educational institution as a reference to the previous year commencing 1 January and terminating 31 December.

(vii) An Affiliation Appeals Committee shall be established consisting of four members who shall be elected by and from the members of the Executive Council, at the first meeting of the Executive Council convened after the coming into force of this rule, and thereafter at the first meeting of the Executive Council following an Árd Fheis, together with the Chairperson of the Executive Council, the General Secretary and the National Organiser. The Affiliation Appeals Committee shall have the power to adjudicate on and to determine finally any dispute relating to the Register of Members as follows:-

(a) any disputes relating to Branch affiliations received after 30 April [or later date prescribed under Rule 14 (ii)] provided that such an appeal, stating the grounds of the appeal, is lodged with National Headquarters by the day occurring 75 days after the date affiliation had to be completed under Rule 14 (ii);

(b) any dispute relating to members to be listed on the Register of Members, provided that such an appeal, stating the grounds of the appeal, is lodged with National Headquarters by 30 September;

(c) any dispute pursuant to Rule 14 (v)

(d) to administer the required changes to the Register of Members under schemes of restructuring or reformation of Branches, which have been proposed by the appropriate Constituency Executive and approved by the Executive Council;

(e) to consider, and if appropriate, to determine an application from a member who proposes to transfer his/her membership to a different Branch, to transfer their voting rights;

(f) to do all such other acts as are necessary to ensure the equitable and efficient administration of the Register of Members.

(viii) The Affiliation Appeals Committee shall issue its findings by 15 June in the case of appeals under (a) above and by 15 September in the case of appeals under (b) above.

15. (i) The Officers of the Branch shall be elected from among the members of the Branch present at the Annual General Meeting. The date of the Annual General Meeting shall be determined by the Branch with the consent of the Constituency Executive, and in any event not later than January 31 unless otherwise directed by the Executive Council. The Chairperson of the Annual General Meeting shall not be a member of the Branch, and his/her appointment shall be subject to the

approval of the Constituency Executive. All Branches in a District Executive Functional Area should hold Annual General Meetings before the District Executive Annual General Meeting or where no District Executive exists before the Constituency Executive Annual General Meeting.

(ii) The Officers of the Branch shall consist of a Chairperson, one Vice/Chairperson, one Secretary, two Treasurers, one Policy Officer, one Membership Officer, one Organiser and one Public Relations Officer. The Branch may, if it so desires, elect other officers.

(iii) The Officers so elected shall hold office until the commencement of the next Annual General Meeting and then retire. They shall perform the duties of acting officers at such AGM solely for the purposes of conducting the business of such AGM. No member shall be eligible for election to, or shall remain in the office of Chairperson, Vice/Chairperson, Secretary, Treasurer, Policy Officer or Membership Officer if he/she has held that same office since the Annual General Meeting held in the third year prior to the then current year. This provision shall apply similarly to the equivalent Officerships of District Executives and Constituency Executives. Each Officer must be elected individually and a resolution providing for the election of officers en bloc shall not be entertained and shall be of no effect.

(iv) A Branch may, by a majority of not less than two thirds of its members present and voting at a meeting of which not less than seven days' notice in writing specifying the intended business has been given to all those entitled to be present, by order dismiss any Officer of the Branch from his/her office, provided such Officer has been afforded an adequate opportunity of making any submissions or tendering any evidence written or verbal or both. Such submissions may be made personally or by any other member of the Party acting on behalf of the Officer concerned. Such order of dismissal shall not become effective until the expiration of ten days of its making and if within that time the Officer affected appeals against the order to the Executive Council, the order shall not in any event become effective. In the event of such appeal the Executive Council shall be furnished by the Branch Officers with a report of the proceedings of the Branch meeting, a copy of which shall be furnished to the Officer concerned. If the Executive Council by a majority of two-thirds of its members present and voting so decides it may order the dismissal of such Officer from such office and thereupon the Officer shall be dismissed from such office and the order of the Executive Council shall be final. Otherwise such Officer shall continue as an Officer of such Branch.

(v) Any vacancies arising during the course of the year, either through death, resignation, retirement or otherwise shall be filled by co-option at the following meeting.

(vi) A person who is a member of the Parliamentary Party or a member of a Local Authority shall not be elected as an Officer of a Branch.

(vii) Conventions for the selection of Candidates for Borough/Town Councils or co-options shall be convened by the Constituency Secretary in consultation with the General Secretary and in accordance with the terms of a directive from the Executive Council to select candidates for Borough and Town Council Election or co-option and to take decisions for any purpose that the Executive Council may direct. Those eligible to vote at these conventions, unless otherwise directed by the Executive Council shall be:-

(i) Members of Branches registered at National Headquarters in accordance with Rule 14 (ii) whose names appear on the Register of Members referred to in Rule 14 (vi) which applies at the date of the Convention and whose names also appeared on the Register of Members in the previous year commencing 1 July and terminating 30 June as published in accordance with Rule 14 (vi). Save that where restructuring or reformation of Branches has taken place in accordance with a Scheme of Reorganisation approved by a Constituency Executive, those Branches affected may seek the consent of the Affiliations Appeals Committee that their members be permitted to participate, notwithstanding the fact that such members have been affiliated with different Branches in accordance with the list aforesaid. At such a Convention, each registered member will be required to present identification when receiving a ballot paper.

(ii) Public Representatives taking the Party Whip, who are members of the Party and who represent the Local Authority area or part thereof, provided that no Public Representative may vote at more than one Convention in the same Local Election;

(iii) Senators, who are members of the Party, taking the Party Whip, ordinarily resident in the functional area of the Local Authority concerned. Nominations for candidates shall be furnished in writing by Branch Members to the Constituency Secretary for the Constituency in which the Borough/Town Council is situated at least fourteen days before the Convention, unless a shorter period is authorised by the Executive Council and/or the General Secretary.

16. The Treasurers of each Branch shall, as soon as possible after the end of each year, prepare and furnish accounts furnishing details of revenue and expenditure of such year and of the assets and liabilities of the Branch at the end of each such year. Copies of these accounts signed by two Officers of the Branch shall be furnished to all members of the Branch present at the Branch Annual General Meeting and through National Headquarters to the Trustees and to the Executive Council and the Constituency Executive not later than March 31 following such accounting year or such other time as may be specified from time to time by the Executive Council.

17. Ordinary meetings of the Branch shall be held at regular intervals and unless the Branch shall otherwise determine with the consent of the Constituency Executive shall be held not less than quarterly and on a day to be determined by the Chairperson. Special meetings may be called at any time by the Chairperson of the Branch and shall be called on a request in writing to the Chairperson by five Branch members or by any higher Unit of the Party. The quorum for a Branch meeting shall be five or a quarter of the membership whichever is the greater; for branches with a membership of over thirty however the quorum shall be eight or a quarter of the membership whichever is the lesser. A report on the activities of the Branch shall be furnished by the Secretary to the District Executive, or in areas where there is no District Executive to the Constituency Executive as may be appropriate, as soon as practicable after each Annual General Meeting.

18. Subject to Rule 14 (v) every application for membership of a Branch shall be considered at a meeting of the Branch and if accepted the Branch Secretary, or in his/her absence, the Branch Chairperson shall (but in the case of a Branch established without a functional area only with the consent of or in accordance with guidelines established by the Executive Council or the Unit of the Party to the direction and control of which such Branch is subject) following the first meeting attended by the applicant enter the name and address of the new member on the Members Register and communicate the new membership as soon as possible to National Headquarters. An application from a person who has stood for election to Dáil Éireann, Seanad Éireann (other than as

a candidate on the university panels), European Parliament, Local Authority or Údarás na Gaeltachta other than as a Fine Gael candidate shall not be considered without the approval in writing of the Executive Council. An application from a person who has formerly been a member of Fine Gael but who has been expelled or who has resigned from the Party shall not be considered without the approval in writing of the Executive Council.

19. (i) The representation of Branches at District Executive and Constituency Executive shall, unless otherwise determined from time to time by the Executive Council be on the basis that each registered member of such Branch is entitled to one vote.

(ii) The representation of Branches at all Conventions and at the Árd Fheis shall be on such basis as shall be determined from time to time by the Executive Council.

### **PART III DISTRICT EXECUTIVE**

20. District Executives shall be those which are in existence at the time when these Rules come into effect but the Executive Council shall be entitled, after consulting with the appropriate Constituency Executive, which shall furnish details of these functional areas to the General Secretary or his/her deputy to dissolve any District Executive or to establish further District Executives.

21. The Functional Area of each District Executive shall be defined by the Constituency Executive and shall ordinarily be the same as the boundaries of a Local Authority Electoral Area. The District Executive shall consist of all members of Dáil Éireann, City, County, Borough and Town Councillors, taking the Party Whip representative of the District Executive or part thereof. It shall also consist of all Senators ordinarily resident in the District Executive taking the Party Whip subject to the fact that a Senator may seek the consent of the Executive Council to become a member of a District Executive other than the one in whose functional area he/she is ordinarily resident and on foot of that application the Executive Council may make such decisions and issue such directions as seem proper. It shall also consist of the registered members from each Branch within the District Executive area.

22. (i) The Officers of the District Executive shall be the Chairperson, Vice/Chairperson, Secretary, two Treasurers, Membership Officer, Organiser and P.R.O. A District Executive may, if it so desires, elect other Officers. The provisions of Rule 15 relating to Branch Officers shall similarly apply to the election of the Chairperson, Vice-Chairperson, Secretary, two Treasurers and Membership Officer of District Executives and their removal from office. The Organiser and P.R.O. shall be appointed at a meeting of the elected District Executive Officers and the Public Representatives taking the Party Whip representing the area or part thereof.

(ii) Nominations for Officers to be elected at the District Executive Annual General Meeting shall be furnished by Branch Secretaries to the District Executive Secretary at least fourteen days before the Annual General Meeting unless a shorter period is authorised by the Constituency Executive and approved by the Executive Council.

(iii) Any member of a Branch in the District shall be eligible for officership in such District Executive provided, however, that no member of the Parliamentary Party or of a Local Authority will be eligible for election as Officers of a District Executive.

(iv) The date of the Annual General Meeting shall be determined by the District Executive with the consent of the Constituency Executive but in any event an Annual General Meeting shall be held not later than March 1st in each calendar year unless otherwise directed by the Executive Council and/or the General Secretary. The Annual General Meeting of all District Executives in a Constituency should be held before the Constituency Executive Annual General Meeting.

(v) The Treasurers of each District Executive shall, as soon as possible after the end of each year, prepare and furnish accounts furnishing details of revenue and expenditure of such year and of the assets and liabilities of the District Executive at the end of each year. Copies of these accounts signed by two Officers of the District Executive shall be furnished to all members present at the District Executive Annual General Meeting and to the Constituency Executive and through the National Headquarters to the Trustees and the Executive Council as soon as possible thereafter.

(vi) Meetings of the District Executive shall be held at least quarterly unless otherwise authorised by the Constituency Executive, and shall be held whenever required by the Chairperson or by a higher authority, or whenever required in writing by two branches within the District. The agenda of every meeting of a District Executive shall include reports to be submitted to that meeting by every Branch within the District on its activities.

(vii) The District Executive shall subject to the control of the Constituency Executive have full responsibility for Party Organisation in its functional area.

(viii) The District Executive shall be registered at National Headquarters each year by completing the procedures set out at paragraphs (a) to (b) hereof inclusive not later than April 30 in each year or such other date as may be specified from time to time by the Executive Council.

(a) The registration by its Secretary with the General Secretary of the names and addresses of the District Executive Officers and the date of their election and;

(b) The furnishing to the Executive Council of the District Executive accounts for the previous accounting year.

23. (i) District Executives shall arrange Conventions for the selection of candidates for election to Local Authorities in their area, in accordance with the terms of a directive from the Executive Council and subject to the authority of the Constituency Executive, shall control all Local Elections in its area.

(ii) In any case where a Local Authority Electoral area includes all or part of the functional area of more than one District Executive, which are all in the same Constituency, the District Executive to carry out the duties provided in paragraph (i) of this rule shall be nominated by the Constituency Executive and approved by the Executive Council.

24. Local Authority Election and co-option conventions shall be convened in accordance with the terms of a directive from the Executive Council to select candidates for Local Authority Election or co-option and to take decisions for any purpose that the Executive Council may direct. Local Authority Election and co-option conventions and District Executive Annual General Meetings shall be conducted as follows:

Those eligible to vote at such Conventions and Annual General Meetings unless otherwise directed by Executive Council shall be:

(i) Members of Branches registered at National Headquarters in accordance with Rule 14 (ii) whose names appear on the Register of Members referred to in Rule 14 (vi) which applies at the date of the Convention or Annual General Meeting and whose names also appeared on the Register of Members in the previous year commencing 1 July and terminating 30 June as published in accordance with Rule 14 (vi). Save that where restructuring or reformation of Branches has taken place in accordance with a Scheme of Reorganisation approved by a Constituency Executive, those Branches affected may seek the consent of the Affiliations Appeals Committee that their members be permitted to participate, notwithstanding the fact that such members have been affiliated with different Branches in accordance with the list aforesaid. At such a Convention or AGM, each registered member will be required to present identification when receiving a ballot paper.

(ii) Public Representatives taking the Party Whip, who are members of the Party and who represent the Local Authority Electoral Area or part thereof, and Senators, who are Party members, taking the Party Whip as provided for in Rule 21, ordinarily resident in the functional area of the Local Authority concerned provided that no Public Representative may vote at more than one Convention in the same Local Election and shall be required to opt by a date to be determined by the Executive Council as to where he/she proposes to exercise the right to vote.

(iii) A Senator taking the Party Whip who wishes to vote or be a member of a District Executive other than the one in which he/she ordinarily resides shall give notice of that fact to the Executive Council who shall make such decision on the application.

(iv) Nominations for Local Election or Co-option Conventions shall be furnished in writing by Branch Secretaries to the District Executive Secretary at least fourteen days before the Convention unless a shorter period is authorised by the Executive Council and or General Secretary.

(v) Any vacancy arising on a Local Authority either through death, resignation, retirement or otherwise shall be notified in writing by the District Executive Secretary or where no District Executive exists by the Constituency Secretary through the General Secretary or his/her deputy to the Executive Council.

25. The Executive Council may from time to time issue directives relating to situations where the functional area of a Branch falls into two Local Authority Electoral Areas, two District Executives, two Dáil Constituencies or two European Parliament Constituencies.

26. In Constituencies where no District Executive or Executives exist their functions shall be discharged by the Constituency Executive.

#### **PART IV CONSTITUENCY EXECUTIVE**

27. (i) A Constituency Executive shall be established in each Dáil Constituency.

(ii) A Constituency Executive shall consist of;

(a) All the members of Dáil Éireann, or of any Local Authority taking the Party Whip, representative of the Constituency or any part thereof.

(b) All Senators or M.E.P.s ordinarily resident in the Constituency taking the Party Whip subject to the fact that a Senator or M.E.P. may seek the consent of the Executive Council to become a member of a Constituency other than the one in which he/she is ordinarily resident and on foot of that application the Executive Council may make such decisions and issue such directions as seem proper.

(c) Registered members of affiliated branches within the Constituency.

(iii) The Constituency Executive shall, subject to the control of the Executive Council, have full responsibility for Party Organisation in the Constituency.

28. (i) The Officers of the Constituency Executive shall be the Chairperson, one Vice/Chairperson, one Secretary, two Treasurers, one Constituency Organiser, one Constituency P.R.O., one Policy Officer, one Membership Officer, one Youth Officer and one Disability and Equality Officer. The Constituency Executive may if it so wishes elect other Officers. The provisions of Rule 15 relating to the election of Branch Officers, the tenure under which they may hold office and their removal from office shall similarly apply to Constituency Officers with the exception of the Officers appointed under the provisions of Rule 29 hereunder.

(ii) Nomination for the Officers and Delegates to other organs to be elected at a Constituency Annual General Meeting shall be furnished by Branch or District Executive Secretaries to the Constituency Secretary at least fourteen days before the Annual General Meeting unless a shorter period has previously been determined by the Constituency Executive and approved by the Executive Council.

(iii) Any registered Member of a Branch in the Constituency shall be eligible for officership in such Constituency Executive subject to Rule 15 hereof, provided, however, that no Member of the Parliamentary Party or of a Local Authority will be eligible for election as Officers of the Constituency Executive.

(iv) A detailed written plan for the year ahead shall be submitted to the General Secretary by the Secretary of the Constituency Executive not later than three weeks after the Annual General Meeting of the Constituency Executive.

29. (i) Each Constituency Executive shall have a Constituency Organiser, Disability and Equality Officer and a Constituency Public Relations Officer who shall be selected as follows: The Constituency Secretary shall seek nominations from all Branches in the Constituency after which a suitable person shall be considered by the Constituency Officer Board, by all members of Dáil Éireann and Seanad Éireann on the Constituency Executive and by the National Director of Organisation in the case of a Constituency Organiser and of a Disability and Equality Officer, and the National Director of Press and Information in the case of a Constituency P.R.O. When agreement on a recommendation has been reached between the Constituency Officer Board, the said members of Dáil Éireann and Seanad Éireann and the National Director of Organisation and the National Director of Press and Information, as the case may be, the appointment shall require ratification by the Constituency Executive. In the event of agreement on a recommendation not

being reached within one month of the position becoming vacant the Executive Council shall have the power to take such action as it thinks fit on the matter.

(ii) A person on accepting appointment as Constituency Organiser or Constituency P.R.O. shall remain ineligible to be nominated as a candidate to Dáil Éireann or Local Authority or European Parliament in that Constituency until after the next Dáil Election whether or not he or she continues to hold office.

(iii) The term of office for a Constituency Organiser, Disability and Equality Officer or Constituency Public Relations Officer shall terminate after the completion of each Dáil Election, or as directed by the Executive Council but he/she shall be eligible for re-appointment subject to the conditions referred to a paragraph (i) and (ii) hereof.

30. (i) The functions of a Constituency Organiser, Disability and Equality Officer and Constituency P.R.O. shall be those assigned to them from time to time by the Executive Council.

(ii) The Constituency Organiser, on the dissolution of the Dáil shall call an immediate meeting of an Election Committee which will assume the powers conferred on the Constituency Executive under Rule 27 (iii) hereof until the declaration of the result by the relevant Constituency Returning Officer. The Committee will consist of the Constituency Organiser, Constituency P.R.O., Accounting Officer and at least one other member selected by the Constituency Executive.

(iii) For Local Authority, Údarás na Gaeltachta and European Parliament Election campaigns the Executive Council shall on the proposal of the Leader of the Parliamentary Party vest such power for such term in the Constituency Organiser as it may decide.

31. (i) The Constituency Executive shall, except where the Executive Council otherwise directs, meet at least quarterly. Meetings may be convened by the Chairperson or by the Executive Council or by a written request giving not less than seven days' notice addressed to the Secretary and signed by not less than seven members of the Constituency Executive.

(ii) The agenda of every meeting of a Constituency Executive shall include reports to be submitted to that meeting by every District Executive within the Constituency on its activities.

32. (i) The Constituency Executive shall after consultation with the General Secretary or his/her deputy call a Constituency Annual General Meeting as early as practicable in each calendar year but in any event not later than March 31 unless otherwise authorised by the Executive Council to elect Officers and review the work of the Party in the Constituency during the previous year and to plan for the future.

(ii) The Treasurers of each Constituency Executive shall, as soon as possible after the end of each year prepare and furnish audited accounts furnishing details of revenue and expenditure of such year and of the assets and liabilities of the Constituency Executive at the end of each year. Copies of these accounts signed by two Officers of the Constituency Executive shall be furnished to all members present at the Constituency's Annual General Meeting and through National Headquarters to the Trustees and the Executive Council as soon as possible thereafter.

(iii) A Constituency Convention or Conventions shall be convened in accordance with the terms of a directive from the Executive Council to select candidates for Dáil Éireann and to take decisions for any purpose that the Executive Council may direct.

33. (i) The Constituency Officer Board shall comprise the Officers of the Constituency Executive, all Public Representatives who are members of the Constituency Executive and two Officers of each District Executive, or where no District Executive exists, at least one Officer of each Branch.

(ii) The functions of the Constituency Officer Board shall be to implement and expedite the work and decisions of the Constituency Executive as may be required.

34. The Constituency Executive shall have the power from time to time to delegate to a committee of its members any of its functions other than those specified in Rule 29 and Rule 32 (i) and (iii).

35. (i) Conventions for Dáil Elections and Constituency Annual General Meetings shall be conducted as follows:

(ii) Those eligible to vote at any such Convention or Annual General Meeting unless otherwise directed by Executive Council shall be:

(a) Members of Branches registered at National Headquarters in accordance with Rule 14 (ii) whose names appear on the Register of Members referred to in Rule 14 (vi) which applies at the date of the Convention or Annual General Meeting and whose names also appeared on the Register of Members in the previous year commencing 1 July and terminating 30 June as published in accordance with Rule 14 (vi), provided that if a Convention for the General Election next ensuing after the date of this Árd Fheis does not take place until on or after 1 July 2006, that Convention shall be treated as an Excepted Convention for purposes hereof and the rule in existence prior to this amendment shall continue to apply to such Convention. Save that where restructuring or reformation of Branches has taken place in accordance with a Scheme of Reorganisation approved by a Constituency Executive, those Branches affected may seek the consent of the Affiliations Appeals Committee that their members be permitted to participate, notwithstanding the fact that such members have been affiliated with different Branches in accordance with the list aforesaid. At such a Convention or AGM, each registered member will be required to present identification when receiving a ballot paper.

(b) Public Representatives taking the Party Whip, who are members of the Party and who represent the Constituency or part thereof, and Senators or M.E.P.s, who are members of the Party taking the Party Whip ordinarily resident in the Constituency. A Senator or M.E.P. taking the Party Whip may seek the consent of the Executive Council to vote at a Convention of a Constituency other than the one in which he/she ordinarily resides. The Executive Council may make such a decision on his/her application as to it seems fit and proper. Public Representatives taking the Party Whip whose area extends to two Dáil constituencies shall opt as to the Constituency Annual General Meeting or Convention in which they will vote.

(c) Nominations for Conventions for Dáil Elections shall be furnished in writing by any two affiliated members to the Constituency Secretary before such date as may be approved by the Executive Council.

(d) The Executive Council may from time to time issue directives relating to situations where the functional area of a Branch falls into two Local Authorities, two District Executives, two Dáil Constituencies or two European Parliament Constituencies.

(e) In any Dáil Bye Election, the names of Candidates who may be nominated shall, unless the Executive Council otherwise decides, be furnished to the Executive Council by the Constituency Executive at least fourteen days before the Convention. Only Candidates so nominated and approved by the Executive Council shall be submitted to the Constituency Convention. Such a Convention shall select a Candidate from among the names so submitted. In any Dáil Bye Election Representatives only of those Branches affiliated for at least three months at the time the vacancy is created or Branches which were affiliated in previous calendar years and which have again affiliated prior to the Convention and which have been in continuous existence for at least three months prior to the Convention shall be entitled to vote.

36. The venue and other arrangements for each Constituency Executive Annual General Meeting shall be advised to the General Secretary or his/her deputy and approved by the Executive Council not less than three weeks before the proposed date. In the event of a failure to set a date the Executive Council shall act as it determines.

## **PART V EUROPEAN ELECTIONS**

37. (a) The Candidates for election to the European Parliament shall be selected by Conventions comprising delegates from each Dáil Constituency, the number of such delegates being as far as practicable approximately proportionate in number to the population or Dáil representation of such Constituency. The detailed arrangements for such Conventions shall be made by the Executive Council. The Executive Council may determine that a particular Constituency or Constituencies may not vote at the Convention if, in the opinion of the Executive Council, such Constituency has failed to assist in fundraising activity or otherwise failed to carry out instructions issued.

(b) Fine Gael Members of the European Parliament shall be entitled to attend any meeting of a Constituency Executive, District Executive or Branch held within the European Parliament Constituency for which they have been elected.

(c) On the proposal of the Leader of the Parliamentary Party the Executive Council shall appoint persons who shall be known as Regional Directors of Election with such powers and for such period as may be necessary for the efficient running of the European Parliament Election campaigns.

(d) The Executive Council shall determine the arrangements for the composition and ranking of the MEP replacement list in respect of the Fine Gael European Parliamentary representation.

## **PART VI POLICY COUNCIL**

### **Policy**

38. (i) The sole responsibility for the adoption of policy within the Party lies with the Parliamentary Party, subject to the authority of the Árd Fheis in accordance with Rule 54 (d) (ix)

(ii) The Parliamentary Party shall provide, for consultative purposes, a statement of current Party policy to all Branches (including Branches of Young Fine Gael), District Executives and Constituency Executives annually;

(iii) The Parliamentary Party shall present a consolidated statement of party policy to each Árd Fheis.

## **PART VII EXECUTIVE COUNCIL**

39. The Executive Council shall consist of;

(a)

- ex officio
- The President
- The Party Leader (if he/she is not President or otherwise a member)
- The Deputy Leader of the Parliamentary Party
- Two Vice-Presidents (at least one of whom shall not be a member of the Parliamentary Party) elected at the Árd Fheis.
- Two Trustees nominated by the President.

(b)

- elected;
- four members elected by the Parliamentary Party from among its membership at the Árd Fheis.
- twelve members (who shall not be Public Representatives) elected at the Árd Fheis, three of whom shall be elected from each of the Euro Constituencies.
- two members (who shall not be members of the Parliamentary Party) elected by the Council of Local Representatives, elected by and from its membership at the Árd Fheis.
- three representatives (who shall not be Public Representatives) of Young Fine Gael elected by and from its membership
- two representatives (who shall not be Public Representatives) of the Women's Group, elected by and from its membership.

(c) Any member of the Executive Council who shall be absent for three consecutive meetings during his/her term of office without furnishing a satisfactory explanation as to his/her absence shall be deemed to have vacated his/her office.

(d) In the event of a vacancy arising on the Executive through death, resignation or otherwise, the Executive Council may co-opt a replacement either by:

(i) Selecting the co-optee itself, or

(ii) Directing the manner in which the person to be co-opted will be selected by the relevant Unit or Organ of the Party

The Executive Council shall also have the power to decide to leave the vacancy unfilled.

Only those members who are eligible to vote in accordance with Rules 24(i) and 35(ii) (a) shall be eligible to seek election as a member of Executive Council.

40. (i) The Executive Council shall meet at least quarterly and shall elect at its first meeting after each Árd Fheis a Chairperson, a Vice-Chairperson and five members of the Disciplinary Committee referred to in Rule 44 hereof, to office.

(ii) A meeting of the Executive Council shall be convened by the Chairperson after petition by six members in writing.

41. A quorum shall be seven members including the Presiding Chairperson but six during the period of a General Election Campaign or at a meeting called in connection with a Dáil Bye Election.

42. The Executive Council shall have power from time to time to delegate to a committee any business other than the discharge of its functions under Rule 44A (xi), (xii), (xiii), (xviii), (xix), and (xxiii) of these Rules and shall determine the quorum for each such committee, provided always that a majority of such a committee are members of the Executive Council.

43. (i) Subject to the authority of the Árd Fheis the management, control, government and administration of the Party shall be vested in and exercised by the Executive Council whose secretariat shall be located at National Headquarters.

(ii) On the proposal of the Leader of the Parliamentary Party the Executive Council shall appoint a person to be known as the National Director of Elections with such powers and for such time as may be necessary for the efficient running of a Dáil Election, Local Authority, or European Parliament Election campaign.

44A. The Executive Council shall have the following powers in addition to the other powers conferred on the Executive Council by these Rules.

(i) To accept or refuse the affiliation of any Branch.

(ii) To convene meetings of an ordinary or special Árd Fheis or any meeting of any Unit of the Party.

(iii) On the proposal of the Leader of the Parliamentary Party to determine the maximum and minimum number of candidates to be selected by a Convention in any Dáil, European, Local Authority or Údarás na Gaeltachta Election.

(iv) On the proposal of the Leader of the Parliamentary Party to ratify candidates in Dáil, European, Local Authority and Údarás na Gaeltachta Elections.

(v) On the proposal of the Leader of the Parliamentary Party to add and/or delete and/or substitute a candidate at any election to those selected by a Convention. For the avoidance of all doubt and without prejudice to the operation of (iv) above, only those persons selected as candidates under and pursuant to these Rules are entitled to describe themselves as being Fine Gael candidates on literature, advertisements, correspondence, through public discourse and whilst engaged in any form of political activity including inter alia election campaigning.

(vi) On the proposal of the Leader of the Parliamentary Party to replace or add any candidate in the event of death or withdrawal of any candidate notwithstanding the prior exercise by the Executive Council of the power set out at (iv) of this rule.

(vii) To require (after consultation with the relevant Constituency Officer Board) that a selection Convention shall select candidates for election in accordance with such geographical or other considerations as may be determined by the Executive Council.

(viii) On the proposal of the Leader of the Parliamentary Party to determine what measures should be taken in the event of the death, incapacity or withdrawal of any candidate who has previously been selected at a convention for a Borough/Town Council, Local Authority Election or Dáil Election or European Election, which measures may include a new convention with a geographical directive and/or a restricted franchise, a reconvened convention at which all candidates previously selected must submit themselves or any other measure the Executive Council considers appropriate.

(ix) To appoint, from time to time, Area Representatives to represent the Party in a Local Electoral Area or part of a Local Electoral Area, and to vary, extend, terminate and do all things consequential to the said appointment

(x) To fix the date, method and allocation of the annual National Collection and to fix the target or levy for each Constituency or Unit contribution to National Headquarters.

(xi) To establish for any period or for an indefinite period any Branch, District Executive or Constituency Executive (after consultation with the appropriate Constituency Executive in the case of a Branch or District Executive).

(xii) To order for reasons of maintenance of party discipline or for strategic political reasons or for either the dissolution or suspension for any period or for an indefinite period of any Branch, District Executive, or Constituency Executive (after consultation with the appropriate Constituency Executive in the case of a Branch or District Executive), Organ or Support group providing always that no such order shall be made unless the Unit or Organ concerned has received adequate written notice of the nature of the complaint made against it and has had an adequate opportunity of tendering evidence and making submissions in answer to the complaint provided always that such order shall not be made unless a resolution ordering the dissolution or suspension shall have been passed by a majority of two thirds of the members of the Executive Council present and voting at a meeting of which not less than one weeks' notice in writing specifying the intended business has been given to all its members. In the event of such a resolution being passed, the order of dissolution or suspension shall be final and immediately effective.

(xiii) To adjudicate on and determine finally, all complaints and matters of dispute within the Party (other than matters of discipline) save where such complaints or matters are reserved to the Parliamentary Party as herein provided and in such circumstances to refer for consideration such complaints or matters to the Parliamentary Party provided always that the Executive Council shall not be obliged to deal with any complaint or matter of dispute, in circumstances where it determines that it is not appropriate for it to do so.

(xiv) To lay down from time to time a code of conduct for persons offering themselves for election and cooption and persons who have been selected as candidates under these Rules and for the

behaviour of Members and Officers at all levels in the Party which Code shall contain inter alia provisions relating to co-options to Local Authority and other public bodies and rules requiring notification to the Constituency Executive and Executive Council of all occasions for co-options as soon as they shall occur.

(xv) To require that all Members and Units of the Party shall comply with the provision of any Code of Conduct laid down as aforesaid.

(xvi) To require that all members of the Party offering themselves for election or co-option and all Public Representatives taking the Party Whip shall take a Party Pledge in terms laid down by the Executive Council before their selection as candidates for election or co-option or before the Whip is extended to them.

(xvii) To require all candidates prior to their selection as candidates for European, Dáil or Seanad elections, to agree, if elected, to contribute to the Party such sum as the Parliamentary Party shall have determined or may from time to time determine.

(xviii) To decide to restore the Whip and/or set aside the suspension of any member of the Party from whom the Whip has been removed or who has been suspended from the Party pursuant to this rule provided such decision shall only be made by a resolution passed by two thirds of the members present and voting at a duly convened meeting of the Executive Council.

(xix) To hear and determine any question on appeal (with the exception of any matter of discipline other than that provided for in Rule 15 (v)) from any Member, Unit or Organ of the Party made to the Executive Council under the provisions of the Constitution and Rules of the Party and to take any such action as to the Executive Council may seem appropriate.

(xx) To hear reports from time to time from the General Secretary/National Director of Organisation on the state of Party Organisation and the operation of National Headquarters.

(xxi) On the proposal of the Leader of the Parliamentary Party to appoint and/or remove Trustees.

(xxii) To require statements from the Trustees which shall be presented on a quarterly basis, outlining the financial affairs of the Party, including annual running expenses and also to receive a budget in relation to an Árd Fheis which shall be prepared in consultation with the Party Leader and General Secretary.

(xxiii) To hear and determine all appeals arising from findings and decisions of the Disciplinary Committee referred to hereunder.

(xxiv) From time to time and at its absolute discretion to remove either temporarily or permanently any member of the Disciplinary Committee referred to hereunder from his or her position on the Disciplinary Committee.

(xxv) To do all such other acts as are necessary for the proper and efficient management, control, government and administration of the Party and to take all necessary measures to secure compliance with the provisions of the Electoral Acts 1992 to 1998, any other electoral legislation and any amendment of such Acts and all Statutory Instruments made thereunder, and to issue directives to

candidates and constituencies in relation thereto and generally to do all such other acts as are necessary or desirable to secure compliance with such legislation.

(xxvi) To determine the arrangements for the establishment of Constituency and District Strategy Committees (without prejudice to the operation of Rule 30 (ii)) and to prescribe standing orders for the governance of same following consultation with the resident Constituency and District Executives

44B.1 The Disciplinary Committee shall have the following powers:

(i) To adjudicate on and determine finally, subject to the appeal to the Executive Council provided for in Rule 44A. (xxiii) above, all complaints and matters of discipline within the Party, provided always that the Disciplinary Committee shall not be obliged to investigate a particular complaint or matter of discipline in circumstances where it determines it is not appropriate for it to do so.

(ii) To determine whether any member of the Party has been in breach of the Code of Conduct or the Party Pledge and in the event of such determination, such Member shall be suspended automatically and (where applicable) lose the Party Whip unless the Disciplinary Committee shall otherwise determine and in the event of such determination the provisions of paragraph (iv) of Section B of the Rule shall apply.

(iii) To determine notwithstanding paragraph (ii) of Section B of this Rule, whether any member who is or was a candidate for election at any Local Authority, Dáil Éireann, Seanad Éireann, Údarás na Gaeltachta or European Election has been in breach of the Code of Conduct or Party Pledge or has acted in a manner damaging to the interests of the Party in the course of an election campaign and in the event of such determination the Disciplinary Committee shall take such actions as it sees fit including (where appropriate) suspension or removal of the Fine Gael Whip in accordance with the provision of paragraph

(iv) of Section B of this Rule. The Disciplinary Committee shall be entitled and is empowered to exercise all of its powers, functions and jurisdiction under the provisions of this Rule in relation to every candidate contesting an election on behalf of Fine Gael whether that candidate is ultimately successful or not or whether that candidate was at the time of the calling of election or at the time of the making of the complaint or at the time of the hearing of that complaint or was not a member of the Parliamentary Party.

(iv) To hear and determine any complaint (whether made by a member of the Executive Council or any other Member or Unit of the Party) on matters of discipline within the Party that a member of the Party has acted in a manner seriously damaging to the interests of the Party and in the event of the Disciplinary Committee determining that a member has acted in a manner aforesaid the Disciplinary Committee may decide to expel the member from the Party and (where applicable) withdraw the Party Whip from the person concerned to take such other action as it shall consider appropriate provided however that the person or persons against whom the complaint is made shall, prior to such determination and decision be given adequate written notice of the nature of the complaint made and shall be afforded the opportunity of making written or oral submissions to the Disciplinary Committee and the opportunity to adduce such evidence as he/she wishes in relation to the said complaint.

(v) To hear and determine any question on appeal relating to matters of discipline from any Member, Unit or Organ of the Party made to the Disciplinary Committee under the provisions of the Constitution and Rules of the Party and to take any such action as to the Disciplinary Committee may seem appropriate.

(vi) To determine where any member of the Party has stood for election, while a member of the Party other than as a Party candidate and in the event of such determination, such member shall automatically cease to be a member of the Party unless the Disciplinary Committee otherwise determines.

(vii) To do all such other acts as are necessary to maintain and effect discipline within the Party.

44B.2 The Disciplinary Committee shall consist of five persons who shall be elected by and from the members of the Executive Council at the first meeting of the Executive Council convened after each Árd Fheis with at least one member from each European Constituency.

44B.3 The five persons so elected shall hold office until the first meeting of the Executive Council convened and held after the next following Árd Fheis shall take place.

44B.4 The Disciplinary Committee may from time to time, coopt one (but not more than one) additional person as a member (who may or may not be a member of the Executive Council) for a specified matter or matters at its discretion.

44B.5 In the event of any member of the Disciplinary Committee either:

- (i) withdrawing from the consideration of a particular matter before the Disciplinary Committee; or
- (ii) resigning from membership of the Disciplinary Committee; or
- (iii) being removed by the Executive Council a substitute shall be elected by and from the Executive Council for such term as the Executive Council shall determine.

44B.6 The Disciplinary Committee shall at its first meeting elect a Chairperson from its number who shall act as Chairperson for the term of office of the Disciplinary Committee and who shall have a casting vote. The quorum for a meeting of the Disciplinary Committee convened for the purposes of making a decision or finding shall be three members. For all other meetings, the quorum shall be two.

44B.7 An appeal shall lie from any decision or finding of the Disciplinary Committee to the Executive Council provided that such an appeal is lodged within 30 days of such determination being issued. Such appeal shall relate solely to the decision and finding of the Disciplinary Committee although either party may adduce further evidence for the purposes of the appeal provided that such party had good and valid reasons for not being able to put such evidence before the Disciplinary Committee and the decision of the Executive Council in this regard shall be final. The Executive Council may inter alia determine that the matter referred to it should be re-heard and in this regard, shall have the power to give such ancillary directions regarding the re-hearing as it may determine, including, if appropriate, direction that the matter be reheard by a Committee, the composition of which shall be determined by the Executive Council. An appeal in respect of any decision resulting from any such rehearing may be appealed in accordance with the Rule.

45. Where any member of the Parliamentary Party is in breach of the Code of Conduct or Party Pledge or fails to make the contribution provided for in 44A (xvii) he or she shall automatically lose the Party Whip. Questions of fact as to whether the Pledge or Code of Conduct has been breached or the contribution specified has been made shall be determined by the Parliamentary Party.

46. No candidate for any election shall be entitled to be described on the ballot paper or elsewhere as Fine Gael unless and until the Executive Council has ratified such candidature.

## **PART VIII PARLIAMENTARY PARTY**

47. (i) The Parliamentary Party shall consist of all the members of Dáil Éireann and Seanad Éireann and the European Parliament taking the Party Whip and during the period from the dissolution of a Dáil to the election of the members of the following Dáil such members of the outgoing Dáil shall be deemed to be members of the Parliamentary Party.

(ii) The Parliamentary Party shall meet at the commencement of each Parliamentary year, unless a General Election shall have taken place within the six months prior to such commencement and after each General Election to elect its Chairperson, Vice-Chairperson, Secretary, and Assistant Secretary at that meeting. The officers so elected shall hold office until the conclusion of the meeting held at the commencement of the next Parliamentary year or following the next General Election process, as the case may be.

(iii) All members of the Parliamentary Party shall be entitled to vote at such elections which shall be by the alternative vote system and shall be by secret ballot.

48. (i) The business of the Parliamentary Party shall be organised by the Chairperson who shall take into account the wishes of its members. Committees of the Parliamentary Party may be established from time to time by the Leader of the Parliamentary Party who shall also nominate the Chairperson and membership of such Committees.

(ii) The business of the Parliamentary Party shall include issues of policy, parliamentary tactics, parliamentary disciplines and such other matters as may be referred to it by the Executive Council from time to time. The Parliamentary Party may also discuss matters of Party organisation and may submit its views on these by way of written report to the Executive Council.

(iii) The members of the Parliamentary Party elected to the Executive Council shall report on the work and decisions of the Executive Council to the Parliamentary Party and shall likewise report the views of the Parliamentary Party on organisational matters to the Executive Council.

49. (i) (a) There shall be elected in the manner set out below a Party Leader who shall be known and referred to as “Leader of the Parliamentary Party”. The position of Leader of the Fine Gael Parliamentary Party shall be determined by the Electoral College system set out in this rule.

(b) The Electoral College shall be composed of the following:

(a) Parliamentary Party, being the persons referred to in Rule 47 (i)

(b) Members of the Party, other than persons at (a) and (c), who are entered in the register referred to in Rule 14 (vi) and are eligible to vote

(c) Public Representatives, being the persons referred to in Rule 56(a)

(c) Voting weight attaching to each group shall be as follows:

- Parliamentary Party 65 %
- Party Membership 25 %
- Public Representatives 10 %

For the avoidance of doubt, the vote of each part of the Electoral College shall be split proportionate to the votes obtained by each candidate in that part of the Electoral College. No member shall be entitled to vote more than once in an Election.

(d) Party Membership shall be entitled to participate in the election of the Leader in the following way:

- Each member eligible to vote shall be issued with a ballot paper in a manner approved by Executive Council.
- Members shall cast their vote at polling centres on the date fixed by Executive Council for polling.
- Polling day and times of opening will be determined by the Executive Council but shall not be later than 20 days after a vacancy in the position of Leader arises. Provided that in an exceptional situation, Executive Council, following consultation with the Chairperson of the Parliamentary Party, may extend this time and any other period referred to in this rule.

(e) Candidates for the position of Party Leader must be members of Dáil Éireann. A candidate must be nominated in writing by members representing at least 10% of the Parliamentary Party, not more than 7 days after the vacancy arises.

(f) Regional meetings will be organised between day 10 and day 18, or if an earlier date is fixed for polling by the Executive Council, the day before polling day. The regional meetings will provide an opportunity for the Party membership including the local Public Representatives to meet the candidates.

(g) The ballot shall be by the alternative vote system and shall be by secret ballot.

(h) Public Representatives shall vote on the same day and at the same venues as the Party membership.

(i) Parliamentary Party members shall cast their vote at a special Parliamentary Party meeting convened by the Parliamentary Party Chairperson.

(j) All matters pertaining to the election, such as organisation of time, date and venue of regional meetings, fixing of polling centres and time of polling for all parts of the Electoral College, appointment of returning officers and distribution of votes will be decided by the Executive Council.

(k) The national returning officer shall be appointed by the Executive Council.

(l) Those Party members eligible to vote shall be members of Branches registered at National Headquarters in accordance with Rule 14(ii) whose names appear on the Register of Members referred to in Rule 14(vi) which applies at the date of the election for Party Leader and in the case of such an election on or after 1 July 2006 provided their names also appeared on the Register of Members for the previous year commencing 1 July and terminating 30 June as published in accordance with Rule 14(vi).

(ii) If after a General Election the Party is not forming or joining in the formation of a Government, the Leader of the Parliamentary Party shall within two months after the conclusion of the election process submit himself/herself to a vote of confidence of the Parliamentary Party to be carried out by secret ballot. If he/she fails to secure a majority in such vote of confidence he/she shall resign as Leader of the Parliamentary Party. Whenever the Leader of the Parliamentary Party resigns or dies or in the opinion of the Parliamentary Party, becomes permanently incapacitated when in office, the provisions of rule 49(i) shall apply to elect a successor. A motion of no confidence in the Party Leader shall be valid only if tabled in writing to the Secretary of the Parliamentary Party by not less than five members of the Parliamentary Party. If a motion of no confidence is defeated, any further motion shall not be valid until a period of at least six months has elapsed. Save as provided aforesaid, motions of no confidence or seeking to remove or change the Party Leader cannot be put down.

50. (i) In addition to the provisions elsewhere in this Constitution and Rules relating to the removal of the Whip in the Parliamentary Party, the Parliamentary Party may by a two thirds majority of its members present and voting at a meeting of which not less than one weeks' notice in writing, specifying the intended business, has been given to all its members order the withdrawal of the Whip from or the suspension of any member of the Parliamentary Party. No such order shall be made unless the member concerned has had adequate written notice of the matter complained against him/her and has been afforded an adequate opportunity of making any submission or tendering any evidence written or verbal or both in answer to such complaint. Such a submission may be made personally or by any other member of Fine Gael acting on behalf of the member against whom the complaint has been made. Where, following a complaint the Whip has been withdrawn from a member of the Parliamentary Party, the Disciplinary Committee may if it thinks fit consider that complaint to see whether it wishes to proceed to consider the expulsion of that member from the Party and where it wishes to proceed as aforesaid the provisions of Rule 44B1. (iv) shall apply.

(ii) Where the Whip has been withdrawn from a member of the Parliamentary Party whether under this provision or otherwise it shall be re-extended only at a meeting of the Parliamentary Party by a majority of two thirds of its members present and voting provided that not less than four days' notice in writing specifying the intended business has been given to all its members.

51. The Leader of the Parliamentary Party shall at his/her discretion appoint and remove a Deputy Leader, members of the Shadow Cabinet, Spokespersons and Whips. He/she shall also nominate members of the Parliamentary Party to represent the Party at functions both in Ireland and abroad.

## **PART IX SEANAD ELECTIONS**

52. (a) The following shall be the method of selection of Fine Gael candidates for Seanad Éireann on Oireachtas sub-panels.

(i) The number of candidates shall be decided by a Seanad Selection Commission which shall be established by the Executive Council, comprising five members.

(ii) The candidates on each sub-panel shall be selected by the Selection Commission following consideration of nominations which shall be submitted by units of the Party before a closing date to be decided by the Executive Council. The total number of nominations submitted for all Oireachtas sub-panels shall be as follows:

- (a) 15 nominations from the Parliamentary Party
- (b) 1 nomination per Constituency, from each Constituency Executive
- (c) 5 nominations from the Executive Council
- (d) 2 nominations from the Young Fine Gael National Executive

(iii) On each sub-panel, the Party Leader shall be entitled to add and/or delete and/or substitute a candidate notwithstanding the provisions of paragraph (i) and (ii) of the Rule.

(iv) The Selection Commission shall submit the final list of candidates to the Executive Council for individual ratification.

(b) (i) The Selection Commission shall also determine the optimum number of candidates to seek election as Fine Gael candidates on each non- Oireachtas sub-panel and shall submit to the Executive Council, a list of candidates for each sub-panel for individual ratification.

(ii) The full list of ratified candidates shall be circulated to all Fine Gael members entitled to cast a vote in the Seanad Elections.

(iii) Any member of the Party who receives a nomination to contest the election to Seanad Éireann on a non- Oireachtas sub-panel shall be obliged to notify the General Secretary accordingly, immediately upon receiving confirmation of such nomination.

(c) The Executive Council shall have power to determine the manner in which candidates shall be nominated for a Seanad Éireann Bye Election. Such a determination shall be consistent with Rules 52 (a) and (b).

(d) The Executive Council shall have the power to determine:

(i) the manner in which Fine Gael candidates may be selected and ratified to contest a Seanad Éireann General Election on the National University of Ireland and the University of Dublin panels (or on any successor Higher Education panels to the aforesaid) or

(ii) the manner in which Fine Gael shall endorse the candidacy of persons nominated to contest a Seanad Éireann General Election on the National University of Ireland and the University of Dublin panels (or on any successor Higher Education panels to the aforesaid).

## **PART X PRESIDENTIAL ELECTION**

53. (i) The selection of a candidate who shall be nominated by the Fine Gael Party to contest a Presidential Election shall be carried out on the basis of an Electoral College system of voting with the votes of each elector weighted as follows.

- (a) The votes of the Fine Gael Parliamentary Party to comprise 70% of the total poll.
- (b) The votes of the Fine Gael Council of Local Representatives to comprise 20% of the total poll.
- (c) The votes of the Executive Council to comprise 10% of the total poll.

(ii) The ballot will be conducted at a specially convened meeting of the members of the Fine Gael Parliamentary Party and the members of the Fine Gael Council of Local Representatives and the members of the Executive Council, of which at least seven days written notice has been given to all eligible members. Only those members attending such meeting shall be entitled to vote. Members of the Parliamentary Party who are also members of the Council of Local Representatives shall only be entitled to vote in the ballot as a Member of the Parliamentary Party.

(iii) Nominations for such ballot shall be submitted to the General Secretary in advance of a date to be specified by the Executive Council and shall be accompanied by at least twenty signatures of members of the Fine Gael Parliamentary Party and at least thirty signatures of members of the Fine Gael Council of Local Representatives and at least five signatures of members of Executive Council.

(iv) An independent Returning Officer shall be appointed by the Executive Council to oversee the selection process and he/she shall draw up whatever procedures are deemed necessary to ensure the proper conduct of the ballot. The Returning Officer shall submit the name of the winning candidate to the General Secretary.

## **PART XI ÁRD FHEIS**

54. (a) (i) The Árd Fheis shall be the governing body of the Party.

(ii) The Árd Fheis shall ordinarily be held once in any twenty four month period on a date to be determined by the Executive Council provided that this period of twenty four months may be extended where the Leader of the Parliamentary Party and the Executive Council in an exceptional situation so agree.

(iii) The Executive Council shall by regulation fix the time by which notice of motions for an Árd Fheis are to be received by National Headquarters. (iv) The Agenda of Árd Fheiseanna shall be arranged by the Executive Council.

(b) The following shall be entitled to attend and vote at an Árd Fheis:

- (i) The members of the Executive Council.
- (ii) Officers of each Constituency and District Executive.
- (iii) Such number of delegates from each Branch recognised under the provisions of this Constitution and Rules and currently affiliated as may be determined from time to time by the Executive Council.
- (iv) Members of the Parliamentary Party.
- (v) Members of the Council of Local Representatives.

(c) Such other persons as may be invited by the Executive Council or the Leader of the Parliamentary Party may attend but without power to vote.

(d) The Agenda of the Árd Fheis shall include:

- (i) The appointment of Chairpersons.
- (ii) The adoption of Standing Orders.
- (iii) The election of the President.
- (iv) Election of not more than two Vice-presidents at least one of whom shall not be a member of the Parliamentary Party.
- (v) Four members elected by the Parliamentary Party from among its membership at the Árd Fheis.
- (vi) Election of members of the Executive Council, none of whom shall be Public Representatives.
- (vii) Presidential address.
- (viii) Motions of which notice has been given in accordance with Rule 54 (a) (iii) and which have been approved for debate by the Executive Council.
- (ix) Review of new policies
- (x) Any other Business

(e) Candidates for election at the Árd Fheis shall be proposed and seconded by units of the Party in accordance with regulations as may be decided from time to time by the Executive Council. Nominations for such elections shall be submitted in writing to National Headquarters not less than twenty-one days before the date fixed for the Árd Fheis.

(f) (i) All decisions at an Árd Fheis other than election of Officers and members of the Executive Council shall be decided in the first instance by a show of delegate cards and any decision shall be referred to a ballot if so demanded by the Chairperson of the session or by four members of the Executive Council or by ten members of the Parliamentary Party or by fifty voting members at the Árd Fheis. Ballots so demanded shall be carried out in accordance with procedures to be determined by the Executive Council.

(ii) At the beginning of each session of the Árd Fheis tellers shall be appointed on the proposal of the presiding Chairperson, who shall count a show of delegate cards whenever requested by the presiding Chairperson. All elections at the Árd Fheis shall be decided by delegates to that Árd Fheis in accordance with procedures to be determined from time to time by the Executive Council.

## **PART XII PARTY ORGANS**

### **YOUNG FINE GAEL**

55. (a) A Branch of Young Fine Gael should be established in each District Executive or, in Constituencies without District Executives, in each Constituency Executive. Additional Branches of Young Fine Gael may be established with the consent of the Constituency Executive.

(b) Branches established in educational institutions should be branches of Young Fine Gael and shall be affiliated to and have voting rights in such Constituencies as the Executive Council shall decide.

(c) Subject to the approval of the Executive Council of the Party, Young Fine Gael may from time to time adopt and amend a Constitution and Rules which shall entirely deal with Organisation, the election of Officers including Youth Officer, the holding of National Conferences, the election of a National Youth Executive and the method of selection of the representatives of Young Fine Gael on the Executive Council of the Party.

A member of Young Fine Gael should be a member of, and shall, if a member be eligible for election to office in a Branch having a functional area.

### **COUNCIL OF LOCAL REPRESENTATIVES**

56. (a) There shall be established a Council of Local Representatives of the Party of which all members of Corporations, County Councils, Urban District Councils, Town Commissions and Údarás na Gaeltachta taking the Party Whip shall be members;

(b) Subject to the approval of the Executive Council the Council of Local Representatives may from time to time, adopt and amend a Constitution and Rules which shall entirely deal with Organisation, the election of Officers, the holding of National/Regional Conferences, the election of an Executive and the method of selection of the representatives of the Council of Local Representatives on the Executive Council.

(c) The Officer Board of the Council shall meet at least four times a year and shall maintain contact with the Executive Council and the Cabinet/Shadow Cabinet between annual conferences. It may also arrange Regional Conferences of Party Local Representatives.

### **TRADE UNION COUNCIL**

57. (a) A Trade Union Council shall be established of which all Trade Unionists in the Party shall be entitled to become members.

(b) Subject to the approval of the Executive Council the Trade Union Council may from time to time adopt and amend a Constitution and Rules which shall entirely deal with Organisation, the election of Officers, the holding of National Conferences and the election of an Executive.

(c) A member of The Trade Union Group should be a member of, and shall, if a member, be eligible for election to office in a Branch having a functional area.

### **FINE GAEL WOMEN'S GROUP**

58. (a) A Women's Group shall be established of which all Women members of the Party shall be entitled to become members.

(b) Subject to the approval of the Executive Council the Women's Group may, from time to time, adopt and amend a Constitution and Rules which shall entirely deal with Organisation, the election of Officers, the holding of National Conferences, the election of Women's Executive Council and the method of selection of a representative of the Women's Group on the Executive Council of the Party.

(c) A member of the Women's Group should be a member of and shall, if a member, be eligible for election to office in a Branch having a functional area.

### **NATIONAL AGRICULTURAL ADVISORY COMMITTEE**

59. (a) There shall be established a National Agricultural, Food & Rural Development Forum of which all members of the Party who are engaged to a material extent in an activity related to agriculture, agribusiness or rural development shall be entitled to be members.

(b) Subject to the approval of the Executive Council, the National Agricultural, Food & Rural Development Forum may, from time to time, adopt and amend a Constitution and Rules which shall entirely deal with Organisation, the election of Officers, the holding of National Conferences and the election of an Executive.

(c) A member of the National Agricultural, Food & Rural Development Forum should be a member of and shall, if a member, be eligible for election to office in a Branch having a functional area.

### **DUBLIN CONSTITUENCY FORUM**

60. (a) A Dublin Constituency Forum shall be established to co-ordinate the activities of the Party in Dublin on matters of mutual interest and to further the standing and profile of the Party in Dublin.

(b) The rules for the operation of and the membership of the Dublin Constituency Forum shall be set by the Executive Council from time to time, but shall include a power for the Dublin Constituency Forum to adopt and amend its own Constitution and Rules which shall entirely deal with its affairs, subject to the approval of same or amendments to same by the Executive Council and a provision that at least two members from each Dublin Constituency be elected to the Dublin Constituency Forum.

### **OTHER ORGANS AND SUPPORT GROUPS**

61. The Executive Council may from time to time establish other organs and support groups subject to ratification by the Árd Fheis.

### **PART XIII GENERAL**

62. Unless otherwise determined by the Executive Council all elections to office in Branches, District Executives, Constituency Executives, Policy Council, the Executive Council, the Árd Fheis and all Organs of the Party and at Conventions and at Annual General Meetings shall be carried out by the Proportional Representation Alternative Vote System on the same basis as employed in elections to Seanad Éireann.

63. Subject to any provisions herein before in these rules contained, at least four days written notice of meetings of any Unit or Organ of the Party shall be given to members and in the case of Branch and District Executive meetings a similar notice shall also be given to Members of the Parliamentary Party and other Public Representatives taking the Party Whip for the electoral area, the Constituency Chairperson, Secretary, Organiser, Public Relations Officer and Policy Officer, provided that the General Secretary with the consent of the Chairperson of the Executive Council can authorise a

meeting of the Executive Council or any Unit or Organ of the Party on less than four days written notice, where the exigencies of the situation so require.

64. The General Secretary or in his absence such person as may be nominated by the President shall act as Secretary of the Executive Council and any Committee thereof and the Disciplinary Committee.

65. The Members of the Executive Council may attend at any meeting of any Constituency Executive, Constituency Officer Board, District Executive or Branch. The Officers of any Unit of the Party may attend any meeting of any unit subsidiary to their unit within their functional area. No member so attending may vote.

66. The accidental omission to give notice of any meeting to or the non-receipt of notice of any meeting by any member entitled to receive notice shall not invalidate the proceedings at the meeting.

67. (a) This Constitution and Rules shall not be altered save

(i) By the Árd Fheis on a motion of which forty two days written notice shall have been given to the General Secretary, or

(ii) By a Special Meeting convened specifically for such purpose following a resolution passed at the Árd Fheis on a motion to alter of which forty two days written notice shall have been given to the General Secretary and, in that event any such meeting shall have full and enabling power and authority to alter the Constitution and Rules as affirmed by the Special Meeting.

Those entitled to attend any Special Meeting so convened shall be the persons referred to in Rule 54 (b) and (c). The agenda of the Special Meeting shall be arranged by Executive Council but shall be limited to proposals for alterations to the Constitution and Rules, the appointment of Chairpersons, adoption of standing orders and any other business.

(b) Any motions passed providing for an alteration in these Rules shall have to be confirmed by Postal Ballot which shall be carried out by posting to each person entitled to vote at that Árd Fheis and/or the Special Meeting convened in accordance with (a) (ii), in the case of Branch delegates, to the Secretary of each currently affiliated Branch, ballot papers setting out the matter to be resolved, and shall be decided upon by a majority of votes cast by all such ballot papers which have been returned to National Headquarters within forty two days of such posting of the ballot papers. Notice of the date, time and venue of the count, which shall be open to any member of the Party, shall accompany the ballot paper.

(c) Notwithstanding (a) and (b) above, if at any time a Rule of this Constitution and Rules shall in the opinion of the Executive Council become inoperable or invalid, the Executive Council may, for purpose solely of rectifying the invalidity or inoperability of the Rule, adopt an amendment of these Rules. Such an amendment may only be adopted on the proposal of the Leader of the Parliamentary Party and with the consent of the Trustees and must have the assent of at least 75% of the members of the Executive Council. Any such amendment shall be put before the next ensuing Árd Fheis and/or the Special Meeting convened in accordance with (a) (ii) and confirmed in accordance with (a) and (b) above. If the amendment is not so confirmed, the amendment shall cease to have effect but without prejudice to any action taken thereunder prior to the time it was not so confirmed.

68. The Executive Council shall be entitled to interpret these rules and their decision in this respect shall be final.

69. This Constitution and Rules shall come into effect on July 1, 1996.



# Union of Democratic Forces Constitution (UDF)



## **Union of Democratic Forces Constitution (UDF)**

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## **I. GENERAL**

### **Article 1 /As amended on 8 April 2006/**

- (1) The Union of Democratic Forces (UDF) shall be a people's party.
- (2) UDF shall be a member of the European People's Party.
- (3) UDF shall be registered as a legal entity under the Political Parties Act, with registered offices at 134, G. S. Rakovski Street, Sofia.
- (4) Symbols of the Union of Democratic Forces shall include the blue colour, a lion and a logo bearing the abbreviation 'UDF' with the sign of EPP inscribed.

### **Article 2 /As amended on 8 April 2006/**

- (1) The UDF shall have the following programme goals and objectives:
  - To build and establish the Republic of Bulgaria as a free and democratic state of rule of law with a developed civil society and a social and environmentally-friendly market economy;
  - To overcome the heritage of the criminal communist regime in Bulgaria;
  - To guarantee the fundamental human rights and freedoms;
  - To promote respect for the traditional moral and national values and ideals of the Bulgarian people;
  - To ensure inviolability of private property;
  - To promote entrepreneurship, creativity and freedom to work;
  - To encourage initiative and support the aspirations of young people in their professional and personal expression in the Republic of Bulgaria
- (2) The UDF shall achieve these goals by organising the efforts of Bulgarian citizens, in accordance with the Constitution and the laws, to develop successful and competent governance by participation at all government levels.

## **II. MEMBERSHIP, RIGHTS AND OBLIGATIONS**

### **Article 3 /As amended on 8 April 2006/**

- (1) Any Bulgarian citizen with the right to vote who accepts the UDF statutes and programme and is prepared to work towards the achievement of its goals and objectives can become a member of UDF. No citizen who has been involved in any criminal or political action against his/her people and the state, personally or as a member of a totalitarian party, shall be eligible for UDF membership.

- (2) Membership in the UDF shall be exercised individually and shall be the expression of personal volition and wish.
- (3) No individual for whom legal restrictions apply shall be eligible for membership to the UDF.
- (4) Membership to the UDF shall not bring any advantages in terms of citizens' rights.
- (5) Membership to the UDF shall be an expression of voluntary consent to comply with all decisions of the organisation's authorities and structural units.

**Article 4 /As amended on 8 April 2006/** Any UDF member shall have the right to:

- (a) Participate in the development and implementation of UDF policies and decisions;
- (b) Participate directly in the operations of his/her municipal organisation and in UDF clubs;
- (c) Elect, and be elected to, UDF authorities;
- (d) Elect, and be elected as, a UDF candidate for presidential, parliamentary and local elections;
- (e) Exercise his/her right to vote in the proceedings of UDF authorities and structural units;
- (f) Express opinions within UDF structural units;
- (g) Receive written replies to questions asked by him/her in writing;
- (h) Be invited to participate in person when his/her party situation and activities are discussed;
- (i) Individuals sitting on the leadership authorities of UDF structural units at all levels shall have the right to assume only one leadership position;
- (j) Receive support from the party when threatened, persecuted, discredited or slandered because of political beliefs and actions that do not run against the law of the land, or the goals and the principles of the party.

**Article 5 /As amended on 8 April 2006/** Any UDF member shall have the obligation to:

- (a) Comply with the UDF statutes, rules and decisions and work towards the achievement of its goals and objectives;
- (b) Share the principles and values of the Union of Democratic Forces as a European people's party;
- (c) Participate in its activity and election campaigns;
- (d) Treat other UDF members and UDF authorities with tolerance;

(e) Through his/her behaviour in public, contribute for strengthening the authority and prestige of the UDF;

(f) Make regular payment of his/her individual membership dues;

(g) Participate in the implementation of decisions adopted by UDF authorities and refrain from acting against them.

**Article 5A /New, as adopted on 8 April 2006/**

(1) Any Bulgarian citizen with a right to vote who shares the UDF principles and programme and is not a member of another party can register as an adherent.

(2) Registration of UDF adherents shall be effected by the relevant municipal council on the basis of an application in a standard form filed by hand, electronically or by other means. An adherent can register in only one municipal organisation.

(3) A UDF adherent shall have the status of an associated member: s/he shall not pay any membership dues and shall have the right to participate without any voting right in proceedings of any municipal UDF meetings; an adherent shall have the right to vote in internal party surveys and in nominating UDF candidates for parliamentary, presidential and local elections following a procedure as set in the Rules on Implementing the Statutes.

(4) An adherent elected to local or central government authorities shall have the obligations of a UDF member.

**Article 6 /As amended on 8 April 2006/**

(1) Membership to the UDF shall take place through municipal organisations of the UDF. A UDF member may register in only one municipal UDF organisation.

(2) Membership to the UDF unions shall be regulated by the rules set out in Chapter VII, Chapter VIII, and in the provisions of these Statutes and the Rules on Implementing the UDF Statutes.

**Article 7 /As amended on 8 April 2006/** Membership to the UDF shall be acquired by registering with the relevant UDF municipal council.

**Article 8 /As amended on 8 April 2006/**

(1) A candidate for membership to the UDF shall apply with the relevant UDF municipal council filing an application in a standard form, in accordance with the Rules on Implementing the UDF Statutes.

(2) Any intentional concealment or misrepresentation of information shall serve as grounds to refuse membership under the preceding paragraph.

(3) An announcement of the candidate's application shall be posted by the municipal council in its premises and, provided that no objections supported by arguments are received within two weeks,

such application shall be registered by the secretary of the municipal council. In case any objections supported by arguments are received, the municipal council chairperson shall present the issue at a meeting of the municipal council which shall resolve in favour of or against registering the candidate.

**Article 9 /As amended on 8 April 2006/**

(1) Membership to the UDF shall terminate due to a resignation, death or in the cases referred to in Article 10.

(2) Termination of UDF membership shall be established by the municipal secretary and shall be recorded in municipal documentation and in the UDF membership database.

(3) The following shall be deemed resignations from the UDF:

(a) Any voluntary relinquishment of membership expressed in writing or documented in a protocol before the relevant Municipal UDF Council;

(b) Any participation in, or running for, presidential, parliamentary or local elections against a UDF candidate or a UDF party-list; any statement made to the media during an election campaign supporting another political formation; any failure to join, or relinquishment of the UDF group after having been elected to serve as member of parliament to the National Assembly, or as a Municipal Council member on a local government Municipal Council, on a UDF party-list. Resignation under this subparagraph shall be established by the Supervisory Council.

**Article 10 /As amended on 8 April 2006/**

(1) Membership to the UDF may terminate also in the following cases:

(a) Any action which is intentional and damaging to the organisation, inconsistent with UDF statutes, programme and decisions;

(b) Any work for another political formation in local or central government or a legislature without the approval of the relevant UDF structural units or authorities;

(c) Any public expression of disagreement with decisions adopted by the UDF;

(d) Any financial misappropriation or misappropriation involving UDF assets.

(2) The issue of terminating a membership to UDF in cases referred to in paragraph (1) shall be resolved upon a proposal, supported by arguments, made by UDF structural units or authorities, in a decision issued by a UDF LSC. The LSC decision can be appealed before the UDF SC within two weeks following the notification of the individual concerned. The decision of the UDF SC shall be final.

(3) The issue of terminating the membership of a member of the UDF NC or SC in cases referred to in paragraph (1) shall be resolved upon a proposal, supported by arguments, made by a UDF

structural unit or authority, in a decision issued by the UDF SC. The decision of the UDF SC can be appealed before the UDF NC following the procedure set out in paragraph (2).

**Article 10A /New, as adopted on 8 April 2006/**

(1) Any UDF member who fails to pay his/her membership dues over a period of six months shall acquire the status of an associated member (adherent).

(2) Any UDF member who has acquired the status of an associated member (adherent) on the basis of the preceding paragraph may regain his/her full membership status upon making payment of his/her membership dues outstanding for the entire suspension period.

**Article 11 /As amended on 8 April 2006/**

(1) In case of a failure to fulfill one's duties on the part of a chairperson, deputy chairperson or secretary of a regional or a municipal council, his/her mandate may be prematurely terminated. A decision to such an effect shall be made by the UDF National Council upon a proposal made by the UDF National Executive Council and/or the UDF Supervisory Council by a majority vote of 50% +1 of the NC membership.

(2) In case of a premature termination of a mandate of a chairperson, deputy chairperson or secretary, the UDF NEC shall designate their temporary replacements until a municipal meeting or a regional council with a reporting and election agenda is held within the next six months.

**Article 12 /Repealed on 21 February 2004/**

**III. UDF STRUCTURAL UNITS AND AUTHORITIES**

**Article 13 /As amended on 8 April 2006/** UDF shall have the following structural units and authorities:

(1) The supreme authority of UDF shall be its National Conference.

(2) The management authorities of the party shall be the following:

(a) National Council (NC);

(b) National Executive Council (NEC);

(3) Its political authorities and structural units shall be the following:

(a) Regional councils;

(b) Municipal meetings;

(c) Municipal councils;

- (d) Clubs;
  - (e) Youth Union of Democratic Forces (YUDF);
  - (f) UDF Women's Union.
- (4) Its supervisory authorities shall be the following:
- (a) Supervisory Council (SC);
  - (b) Local supervisory councils (LSC);
- (5) Its administrative and expert authorities shall be the following:
- (a) Organisational Secretariat;
  - (b) Standing Committee on Preparation of Candidates for Local and Parliamentary Elections;
  - (c) Expert groups.
- (6) Other authorities, as established under an NC decision.

**Article 14.** UDF structural units and authorities shall implement UDF policies within their respective territory and work towards building public confidence in and respect for the UDF; support, organise and carry out election campaigns; enforce rules of procedure as set out in the Rules enclosed in the Annex to these Statutes concerning registration and secondment of cadres and other matters relating to the activities of UDF; ensure and implement two-way communications with higher- and lower-level structural units and authorities of the UDF.

#### **IV. UDF NATIONAL STRUCTURAL UNITS AND AUTHORITIES**

##### **Article 15**

- (1) The National Conference shall be the supreme authority of the UDF.
- (2) The National Conference shall adopt and amend the UDF statutes and political programme and provide the main directions for the organisation's political activity. It can decide on all issues concerning UDF activities. Its decisions shall be binding on all structural units, authorities and members, and on its Parliamentary Group.
- (3) The National Conference shall make a decision as to terminating the Union of Democratic Forces. Such decision shall be taken by a majority of two-thirds. The Union of Democratic Forces shall be terminated only in case of self-dissolution, or merging with or into another organisation.

**Article 16 /As amended on 8 April 2006/**

(1) A National conference with a reporting and election agenda shall be convened once every three years under a decision issued by the National Council. The National Council may convene an extraordinary or earlier National Conference with a reporting and election agenda.

(2) The National Conference shall consist of 900 (nine hundred) delegates, with delegate slots to be allocated as follows:

(a) Delegates by right shall include: all NC members; all SC members; any members of the Council of Ministers who are UDF members; any mayors of municipalities who are UDF members; chairpersons of local government municipal councils who are UDF members;

(b) One delegate from each municipal organisation;

(c) The remaining delegate slots up to 900 shall be allocated among municipal organisations proportionally to the votes received by the UDF in the respective municipalities applying a methodology as described in the following paragraph.

(3) The methodology for allocating delegate slots among municipalities shall be as follows:

1. Votes for UDF received at the most recent parliamentary elections shall be divided by the difference obtained after subtracting from 900 the number of any delegates by right, and the number of UDF municipal organisations.

2. Votes for UDF received at the most recent parliamentary elections in each municipality shall be divided by the number calculated under item (1).

3. The result obtained under item (2) shall be rounded off in the following way: for any figure after the decimal point which is smaller than five, the result shall be rounded down; for any figure after the decimal point which is bigger than or equal to five, it shall be rounded up.

4. The integer produced by rounding off as described in item (3) shall then become the number of delegate slots for each municipality.

5. Regardless of whether the sum of all delegates calculated as specified above may be a number different from 900, their number thus calculated, after rounding off as described in item (3), shall not change.

(4) The decision referred to in Article 16 (1) shall be published in two national daily newspapers not later than 21 days prior to the date of the National Conference and shall contain a draft agenda, a date and place for holding the Conference.

#### **Article 17 /As amended on 8 April 2006/**

(1) The National Council shall be the management authority of the UDF in the interim between National Conferences. Decisions made by the National Council shall be binding on all UDF authorities and structural units (except for the National Conference), all UDF members, the UDF Parliamentary Group and all members thereof. The National Council shall approve party-lists for UDF members of parliament proposed by UDF regional councils, in consultation with UDF NEC.

(2) The National Council shall consist of the following members, each with voting rights:

(a) NEC members;

(b) Members of parliament and members of the Council of Ministers who are UDF members;

(c) 15 /fifteen/ members elected directly by the National Conference beyond the quota for members of parliament and regional representatives, for a term of 3 (three) years; the fifteen nominees who have received the largest number of votes among all candidatures put to the vote shall be deemed elected;

(d) The chairperson of YUDF and of the UDF Women's Union, plus one, nominated by the YUDF National Council and the National Council of the UDF Women's Union, respectively.

(e) Representatives of regional councils: one representative from each regional council, plus another 60 regional council representatives. Allocation of these 60 slots for representatives of regional councils shall follow the procedure as described in Article 16, paragraph (3).

(f) Members of the European Parliament, the European Commission and members of the leadership of the European People's Party who are UDF members.

(g) Former chairpersons of the UDF, prime ministers, presidents and chairpersons of the National Assembly, if UDF members;

(h) The International Secretary of the UDF.

(3) The chairperson of the Supervisory Council shall participate by right in the proceedings of the UDF National Council.

(4) The National Council may, in a decision, solicit the support of other individuals to assist it in its activities.

(5) Regular meetings of the National Council shall be held at least six times per year and shall be convened by the chairperson by a decision issued by NEC. Extraordinary meetings shall be convened by the UDF chairperson upon a request made by one-third of its members within one week of receipt of such request.

**Article 18 /As amended on 8 April 2006/** The UDF NC may convene a National Party Convention. The rules for determining participants in the Convention shall be set under the decision on convening it. Convention decisions shall be recommendable to the UDF NC.

**Article 19 /As amended on 8 April 2006/**

(1) The National Executive Council shall be an operational management authority implementing the decisions of the National Conference and of the National Council. Its decisions shall be binding on all UDF regional, municipal and local structural units and authorities and on their members. It can

convene and postpone meetings of all UDF structural units with the exception of the National Conference.

(2) The National Executive Council shall consist of:

- (a) The UDF chairperson;
- (b) Four deputy chairpersons of the UDF;
- (c) The Secretary General of the UDF;
- (d) The chairperson of the UDF Parliamentary Group;
- (e) Four members.

(3) All NEC members except for the Secretary General shall be elected directly by the National Conference. If they should get elected in both the NEC and the NC, their place in the election quota on the NC shall be taken by the individual who has gained the next highest number of votes.

(4) The UDF chairperson shall be elected by the National Conference in a direct vote.

(5) The Secretary General shall be elected by the NC, upon a proposal made by the UDF Chairperson, in a direct vote;

(6) The mandate of a leadership member shall terminate prematurely in case of:

- (a) A resignation;
- (b) Any of the cases described in Article 10;
- (c) Upon a vote of non-confidence cast by the authority which has elected him/her, and for the Secretary General, by a majority of two-thirds of the members of such authority which has elected him/her who are present, in accordance with the quorum requirements set out in Article 40 of these Statutes;
- (d) Death.

In such cases s/he shall be replaced by members of the National Council under the latter's decision until the expiry of the term specified in Article 19, paragraph 3.

(7) The chairperson of the UDF Parliamentary Group shall be elected and discharged by the Parliamentary Group upon a proposal made by the National Council.

(8) The chairperson of the UDF shall direct the activities of the National Council and the National Executive Council and shall represent the Union of Democratic Forces before all legal entities and individuals. In his/her absence or for the purposes of tasks specified by him/her, he/she shall be substituted for by any of the UDF deputy chairpersons or by the UDF Secretary General following a procedure to be specified by the chairperson.

(9) The UDF Secretary General shall be responsible for the activities of UDF structural units and authorities in accordance with the statutes, rules and the decisions of the National Council and the National Executive Council, and shall provide guidance and oversight for the legitimacy, composition and activities of UDF structural units and authorities. In his activity, s/he shall be supported by a Deputy Secretary General and an Organisational Secretariat. The Deputy Secretary General shall be approved by the NC upon a proposal made by the Secretary General.

(10) Upon a proposal made by the UDF Chairperson, the NC shall approve a Spokesperson, an International Secretary and other individuals to support the activities of the organisation.

(11) The chairperson of the UDF Parliamentary Group shall be responsible for the activity of the Group in accordance with the latter's rules of operation.

## **V. UDF REGIONAL STRUCTURAL UNITS AND AUTHORITIES**

### **Article 20 /Repealed on 8 April 2006/**

### **Article 21 /As amended on 8 April 2006/**

(1) A Regional Council of the UDF shall be established within the territory of each administrative region. It shall consist of the following members, each with voting rights:

(a) Chairpersons of UDF at the level of municipalities, plus two with non-voting rights, plus:

- For Sofia Metropolitan Area, 50 representatives of municipalities;

- For Plovdiv and Varna, 30 representatives of municipalities;

- For regions with more than 10 municipalities, 20 representatives of municipalities;

- For all others, 10 representatives of municipalities.

Allocation of slots for representatives of municipalities on a regional council shall be done following the procedure described in Article 16, paragraph (3). Representatives of municipalities shall be elected to the Regional Council by the Municipal Assembly. Allocation of slots for representatives of the municipalities of Plovdiv and Varna on the regional councils of Plovdiv and Varna shall be made on the basis of votes received at the district organisations;

(b) Members of parliament who are UDF members elected from the district constituency;

(c) The chairperson of the group of municipal council members (for Sofia Metropolitan Area);

(d) The chairperson, deputy chairpersons and the secretary of the Regional Council;

(e) Chairpersons of the YUDF and the Women's Union at the regional level who are UDF members;

(f) Chairpersons of the municipal and district councils, for the municipalities of Plovdiv and Varna;

(g) Mayors of municipalities and chairpersons of municipal councils who are UDF members.

(2) Regular meetings of the Regional Council shall be held at least six times per year. Extraordinary meetings shall be convened by the chairperson or upon a request made by one-third of its members with voting rights, within one week of receipt of such request. A Regional Council meeting may also be convened by any higher-level authority of the UDF, and by the UDF Secretary General.

(3) The mandate of Regional Council members shall be for a term of two years.

#### **Article 22 /As amended on 8 April 2006/**

(1) A Regional Council of the UDF shall coordinate, collaborate and implement the UDF policies within the territory of its region in accordance with the programme, the UDF statutes and the decisions of higher-level UDF authorities and structural units, and with the Rules on Implementing the UDF Statutes.

(2) A UDF Regional Council shall:

(a) Coordinate the activity of UDF structural units and authorities in the administrative region;

(b) Prepare and implement regional political initiatives and, after consulting with the UDF NEC, national political initiatives;

(c) Organise and direct election campaigns within the territory of its region;

(d) Set up UDF regional election headquarters and standing and ad hoc committees;

(e) Exercise other authorities within the framework of these statutes and the Rules on Implementing the UDF Statutes.

**Article 23 /As amended on 8 April 2006/** A UDF Regional Council can convene a Regional Party Convention. The rules for determining participants in the Convention shall be set under the decision on convening it. Convention decisions shall be recommendable to the UDF Regional Council.

#### **Article 24 /As amended on 8 April 2006/**

(1) The Regional Council shall elect a chairperson and deputy chairpersons. It shall approve a Secretary upon a proposal made by the chairperson.

(2) The chairperson shall represent the UDF Regional Council, convene and chair Regional Council meetings. Each of the deputy chairpersons or the secretary shall serve as his/her substitutes in his/her absence or for the purposes of tasks specified by him/her. The Regional Council secretary shall be responsible for documentation, financial reporting and the assets of the UDF Regional Council.

(3) The mandate of a chairperson, deputy chairperson and that of a secretary shall be terminated following the procedure specified in Article 11 or Article 19 (6), as the case may be.

## **VI. UDF MUNICIPAL STRUCTURAL UNITS AND AUTHORITIES**

### **Article 25 /As amended on 8 April 2006/**

(1) A UDF municipal organisation shall consist of all UDF members within the territory of the municipality. The assembly of the municipal organisation shall be the supreme authority of the UDF within the territory of the municipality.

(2) Municipal meetings shall be convened by the relevant UDF Municipal Council. The decision to convene a municipal meeting shall be taken at least one week prior to the meeting date and must include the meeting agenda. When convening a regular municipal meeting with a reporting and election agenda, the Municipal Council shall set up technical rules for preparing and holding the meeting, a mandate and elections committee, and a draft agenda. The decision to convene a regular municipal meeting with a reporting and election agenda shall be consulted on with the Secretary General.

(3) When holding meetings of municipal organisations, if the necessary quorum is not present at the opening time announced, there shall be a one-hour waiting period. After that, the meeting shall proceed with the members present.

### **Article 26 /As amended on 8 April 2006/**

(1) The Municipal Council shall consist of the following members, each with voting rights:

(a) Chairperson, deputy chairpersons and secretary;

(b) Members of the Municipal Council directly elected by the Municipal Assembly, where the number of such members shall be set as follows:

- For a municipality with a population of up to 10 000, up to 5 members;
- For a municipality with a population from 10 000 to 25 000, up to 10 members;
- For a municipality with a population from 25 000 to 50 000, up to 15 members;
- For a municipality with a population from 50 000 to 100 000, up to 20 members;
- For a municipality with a population from 100 000 to 200 000, up to 25 members;
- For a municipality with a population of over 200 000, up to 30 members;

(c) The chairperson of the local government municipal council group from the UDF;

(d) Mayors and chairpersons of local government municipal councils who are UDF members.

(2) Chairpersons of UDF clubs and chairpersons of YUDF and of the UDF Women's Union at the municipal level may participate in the proceedings of the Municipal Council with non-voting rights.

(3) The mandate of Municipal Council members shall be for a term of two years.

(4) The mandate of a member of the Municipal Council shall be terminated in case of:

(a) Resignation;

(b) A non-confidence vote by the Municipal Assembly;

(c) Death.

In such cases s/he shall be substituted for following the procedure described in Article 19, paragraph (3).

**Article 27 /As amended on 8 April 2006/**

(1) The UDF Municipal Council shall make and implement UDF policies within the territory of its municipality in accordance with the UDF programme and statutes and the decisions of higher-level UDF structural units and authorities, and any rules attached to the Statutes. Its decisions shall be binding on UDF structural units, authorities and members within the territory of the municipality. The Municipal Council shall:

(a) Direct the political activity of clubs within the municipality;

(b) Resolve on issues of municipal significance and make proposals to the UDF Regional Council on issues of regional significance;

(c) Prepare and implement municipal political initiatives and participate in regional and national political initiatives;

(d) Implement political oversight over the activities of UDF representatives in local government;

(e) Organise and direct election campaigns within the territory of the municipality;

(f) Adopt opinions concerning decisions of UDF clubs;

(g) Set up UDF municipal election headquarters, and standing and ad hoc committees;

(h) Exercise other authorities within the framework of these Statutes.

(2) Regular meetings of the Municipal Council shall be held at least six times per year. Extraordinary meetings shall be convened by the chairperson or upon a request made by one-third of its members with voting rights within one week of receipt of such request. A Municipal Council meeting may also be convened by any higher-level authority of the UDF, and by the UDF Secretary General.

**Article 28 /As amended on 8 April 2006/**

- (1) Each Municipal Council of the UDF shall develop and adopt a programme for the development of clubs within the municipality.
- (2) Such municipal programmes shall include:
  - (a) Number of clubs in the municipality;
  - (b) Name of each club, indicating its type.
- (3) The programme for the development of clubs within the municipality shall be adopted under a decision of the Municipal Council and shall be approved by the Secretary General.

**Article 29 /As amended on 8 April 2006/** At least three times per year, municipal meetings shall be held to discuss topical issues of local and/or national significance.

**Article 30 /As amended on 8 April 2006/**

- (1) The UDF Municipal Assembly shall elect a chairperson and deputy chairpersons.
- (2) If such deputy chairpersons have been elected to serve as members on the Municipal Council, their place on the Municipal Council shall be taken by the individual who has gained the next highest number of votes.
- (3) Upon a proposal made by the municipal chairperson, the Municipal Council shall approve a secretary.
- (4) The chairperson shall represent the UDF municipal organisation, convene and chair meetings of the Municipal Council. Each of the deputy chairpersons or the secretary shall serve as his/her substitutes in his/her absence or for the purposes of tasks specified by him/her. The Municipal Council secretary shall be responsible for documentation, financial reporting and the assets of the municipal organisation of the UDF.
- (5) The mandate of a chairperson, deputy chairperson and that of a secretary shall be terminated following the procedure specified in Article 11 or Article 19 (6), as the case may be.

**Article 31 /As amended on 8 April 2006/**

- (1) UDF clubs shall be set up in accordance with the programme adopted following the procedure described in Article 28. Their members shall elect a chairperson and a secretary for a term of two years.
- (2) Both members of the UDF and adherents shall participate in UDF clubs with equal rights. Only UDF members shall be eligible for election to the office of chairperson or secretary of a UDF club.

**Article 32 /As amended on 8 April 2006/**

(1) Where municipal centres are subdivided administratively into districts, district structural units of the UDF shall be set up. The rules for UDF municipal structural units and authorities shall apply mutatis mutandis to district structural units and authorities of the UDF.

(2) On the territories of the municipalities of Plovdiv and Varna, municipal councils shall be set up following the rules for setting up regional councils as described in Article 21, and the quota for representatives of district councils on a Municipal Council shall be 15 /fifteen/ people.

(3) The Regional Council of Sofia Metropolitan Area and the municipal councils of Plovdiv and Varna shall have the authorities of municipal councils as described in Article 27 and Article 28.

## **VII. YUDF**

### **Article 34 /As amended on 8 April 2006/**

(1) The UDF shall have an organisation named 'Youth Union of Democratic Forces' as an integral part of the UDF. Members of YUDF shall be members of the UDF or shall have the status of an associated member (adherent) of the UDF.

(2) In each municipality, there shall be one youth club of the YUDF, with the exception of cities with administrative division into districts, where a YUDF youth club shall be set up in each district of the respective municipality. YUDF youth clubs shall have the statute of UDF clubs. Their members shall be individuals of legal age, the upper age limit being thirty-five years. YUDF members may become members of the UDF following the procedure described in Article 7 and Article 8.

(3) The development of youth clubs shall be the obligation and responsibility of UDF municipal councils and YUDF regional councils. Oversight for the composition, legitimacy and the activities of the YUDF shall be performed by UDF authorities following the provisions of the present Statutes.

(4) YUDF shall be made up of YUDF youth clubs. Their structural units shall follow the design of the structural units of the UDF. They shall be set up and shall operate according to their own statutes consistent with the Statutes of the UDF. The former shall be adopted by the UDF National Council.

(5) YUDF structural units and authorities shall be represented in UDF structural units and authorities following the rules described in these Statutes.

## **VIII. WOMEN'S UNION /As amended on 8 April 2006/**

### **Article 35 /As amended on 8 April 2006/**

(1) The UDF shall have an organisation named 'UDF Women's Union'. Members of the Women's Union shall be members of the UDF or shall have the status of an associated member (adherent) of the UDF.

(2) In each municipality, one club of the Women's Union may be set up, with the exception of cities with a district administrative division, where clubs of the Women's Union shall be set up in each district of the respective municipality. The clubs of the Women's Union shall have the statute of UDF clubs. Their members shall be female individuals of legal age. Members of the UDF Women's Union may become members of the UDF following the procedure described in Article 7 and Article 8.

(3) Development activities in terms of clubs of the Women's Union shall be supported by UDF municipal councils in consultations with the national leadership of the Women's Union. Oversight for the composition, legitimacy and the activities of the UDF Women's Union shall be performed by UDF authorities following the provisions of these Statutes and their Implementing Rules.

(4) The structural units of the UDF Women's Union shall follow the design of the structural units of the UDF. They shall be set up and operate according to their own statutes consistent with the Statutes of the UDF. The former shall be adopted by the UDF National Council.

(5) Structural units and authorities of the Women's Union shall be represented in UDF structural units and authorities following the rules described in these Statutes.

**Article 36 /Repealed on 8 April 2006/**

## **IX. UDF SUPERVISORY, ADMINISTRATIVE AND EXPERT AUTHORITIES**

**/As amended on 8 April 2006/**

**Article 37 /As amended on 8 April 2006/**

(1) The Supervisory Council shall consist of a chairperson and eight members elected by the National Council for a term of three years. In case of systematic failure to perform their duties, their mandate may be terminated prematurely by the NC upon a proposal made by the NEC, for the SC chairperson, and upon a proposal made by the SC chairperson, for the remaining eight members.

(2) Upon a request by the UDF Chairperson, the UDF Secretary General, the UDF NEC and NC, the Supervisory Council shall provide an interpretation of the Statutes and their Implementing Rules.

(3) The chairperson of the UDF SC, or a member of the SC designated by him/her, may attend the proceedings of any UDF structural unit or authority and demand all documents that may be relevant for the performance of their duties.

(4) Under the UDF Supervisory Council, seven local supervisory councils shall be set up. Each Regional Council shall nominate members for the respective local Supervisory Council the composition of which shall be determined following a procedure set out in the Rules on Implementing the UDF Statutes.

(5) Members of the SC and the LSC may not perform the duties of any other office within the UDF structural units and authorities at the same time.

(6) The activities of the UDF SC and LSC shall be regulated in the Rules on Implementing the UDF Statutes.

**Article 38 /As amended on 8 April 2006/** A Standing Committee on Preparation of Candidates for Local and Parliamentary Elections shall be set up; its activities and structure shall be determined in the Rules on Implementing the Statutes.

**Article 39 /As amended on 8 April 2006/** The UDF Organisational Secretariat shall operate in accordance with these Statutes and the Rules on Implementing the Statutes.

**Article 39A /New, as adopted on 8 April 2006/** Expert groups shall be set up under the UDF NC to support its activities. Their mode of operation and development shall be regulated in the Rules on Implementing the Statutes.

## **X. RULES OF PROCEDURE**

**Article 40 /As amended on 8 April 2006/**

(1) Any UDF authority shall take decisions in the presence of a quorum of more than half of its members. Decisions of all authorities shall be taken by more than half of the valid votes cast, unless otherwise provided in these Statutes.

(2) For municipal meetings, the rules of the declining quorum as described in Article 25, paragraph (3) shall apply. Everywhere, indicated majorities for election purposes shall be read in light of the provisions of Article 40, paragraph (1).

(3) In an election of members to collegiate bodies, those who have received the largest number of votes shall be deemed elected.

(4) In an election of chairpersons at all levels and of any other single-person authorities, if none of the candidates has received more than half of the valid votes cast, a run-off election shall be held between the two candidates having the highest results.

(5) Each UDF member shall have the right to one vote. Voting shall be open. In any specific case, open voting may be replaced by secret ballot.

(6) The number of members of each municipal organisation shall be verified against a central database kept by the Organisational Secretariat.

(7) The UDF National Council shall adopt Rules on Implementing the UDF Statutes.

## **XI. MEMBERSHIP DUES**

**Article 41 /As amended on 8 April 2006/**

(1) Each UDF member shall pay individual membership dues to the UDF and hold a UDF membership card.

(2) Any member or adherent (in the meaning of Article 5A) may make additional voluntary contributions to the UDF.

(3) The National Council shall determine the procedure for collecting and accounting for membership dues, the amount of such dues and deductions for UDF authorities, in rules adopted specifically to that effect.

## **XII. ASSETS AND HOLIDAY /As amended on 8 April 2006/**

### **Article 42 /As amended on 8 April 2006/**

(1) UDF property and funding shall be raised from membership dues, additional voluntary contributions, donations and wills, subsidies from the public budget and by all other means allowed by the Political Parties Act.

(2) Rules for fund raising and spending and for disposition with party assets shall be determined by the NC in a separate decision adopted specifically to that effect.

**Article 43 /New, as adopted on 8 April 2006/** The day of the UDF shall be 7 December, the day of its creation.

## **XIII. ADDITIONAL PROVISIONS**

§ 1. In case of any change to the administrative territorial division of the country or to constituency districts, the National Council may take a decision concerning respective structural changes.

§ 2 /As amended on 8 April 2006/ The rules concerning elections of municipal and regional councils shall take force upon the adoption of the current amendments to the Statutes of the UDF, and provisions for the implementation of these shall be made within six months following their adoption.

§ 3 /As amended on 8 April 2006/ The present Statutes comprise all modifications and additions as discussed, voted on and adopted by the Sixteenth National Conference of the UDF held on 8 April 2006, and where new articles have been added the remaining ones have been renumbered accordingly.

§ 4 /New, as adopted on 8 April 2006/ The change to the number for the election quota for the National Council shall take effect upon holding the next UDF conference with a reporting and election agenda.

§ 5 /New, as adopted on 8 April 2006/ All amendments to these Statutes shall take effect as from the date of their adoption.

§ 6 /New, as adopted on 8 April 2006/ Adherents shall not be members of the UDF in the meaning of the Political Parties Act.

§ 7 /New, as adopted on 8 April 2006/ Within 6 months of the amendments made to these statutes, the NC shall adopt new Rules on Implementing the Statutes, amend the existing rules and adopt rules in the meaning of Article 41 of the Statutes.

§ 8 /New, as adopted on 8 April 2006/ In the meaning of these Statutes, leadership positions in the party and its structural units shall refer to the chairperson of the UDF and the chairpersons of regional and municipal councils.



# Civic Democratic Party Constitution (ODS)



## **Civic Democratic Party Constitution (ODS)**

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## **Article 1 : Introductory Provisions**

1. The name of the political party is the Civic Democratic Party which is abbreviated as ODS.
2. The party's headquarters are at Jánký vršek 13, Prague 1.
3. The party operates in the Czech Republic
4. The subject of the party's activities is political activity in the sense of Act No. 424/1991 Coll., on Assembly in Political Parties and in Political Movements, as later amended.

## **Article 2: The Party's Main Objectives and Tasks**

### 1. The Party's Main Objectives

- a. To be a party of capable, enterprising and self-confident citizens, who are capable of taking responsibility for themselves, for their families, for their community and for the country
- b. To be a democratically formed party, with a modern European structure, whose members will actively participate in the daily work of local governments, the state administration, Parliament and Government
- c. To be a party built on the tradition of European Christian civilisation, on the humanitarian and democratic traditions of the 1st Republic and on the experience of current western democracies
- d. To be a party that resolutely refuses Marxist and Leninist ideology in all of its manifestations and consequences and whose members refuse any socialising and collectivising tendencies in economics and politics
- e. To be a party whose members will actively participate in creating private ownership and the free market of goods, work and ideas
- f. To be a party whose social policy does not lead to equality in redistribution, but to equality in opportunities for fulfillment
- g. To be a party of citizens respecting the legal code, protecting their rights and freedoms and respecting the rights and freedoms of others
- h. To be a party whose members will actively participate in the development of our lifestyle - on the development of the culture of work and housing, the culture of free time and human relations
- i. To be a party contributing to the huge task of reaching harmony between the economy and the environment.

### 2. The Party's Main Tasks

- a. To be a tool of electoral success
- b. To select candidates and help them in the elections
- c. To specify the standards and rules of conduct in order to provide all party members with the complete, timely and equal opportunity to participate in the formulation of the political course and the management of the party's other affairs and to elect and be elected to all functions, if they fulfill the conditions of Article 3 (9)
- d. To train and educate its members
- e. To be a two-way communication channel between the party members on one side and the Chairman, party leadership and parliamentary groups on the other side.

### **Article 3: Membership**

1. Membership in the party is open to citizens 18 years of age and older that want to support the party, want to be known as members of the party, respect its programme and statutes and are not members of any other political movement or party.
2. Party members must be registered at a local organisation. Registration is only possible at one organisation.
3. Membership in the party begins by the signing of the declaration by one's own hand, by the decision of the local organisation's council and by the payment of the fees.
4. Membership in the party expires
  - a. By not paying the fees in the specified period
  - b. By joining another political party or movement
  - c. With the loss of the capacity for legal acts
  - d. By death
  - e. With the written declaration of resignation
  - f. By the cancellation of membership by the local assembly for reasons of a serious breach of the obligations specified in Article 3 (8)
  - g. If the local organisation ceases to exist and the member does not register at another local organisation with a valid licence within three months
  - h. By candidacy for another electoral body in parliamentary or regional elections or candidacy for another electoral body in civic elections without the approval of the party body that is authorised to approve the candidacy.

The local council (or district council in the case of paragraph 4(g)) notes the expiry of the membership.

5. The local council is obliged to declare the membership of anybody who knowingly presented false information in the application to the party to be invalid by its decision.

6. It is possible to appeal against a decision on the non-acceptance, cancellation or invalidity of a membership at the appropriate appeals committee within 15 days from the notification of this fact

a. Until the decision to cancel the membership pursuant to paragraph 4 is validly decided, the membership of the member in question is suspended on the date of the appeal

b. Anyone whose membership has been suspended cannot execute the function to which he/she has been elected, vote, elect and be elected to any body or organ of the party. This person is not counted when determining electoral keys.

7. In the event that a membership is cancelled by the local assembly, the new entrance to the party can eventually be carried out after a period of one year from the moment the membership has elapsed elapses.

## 8. Rights and obligations

A party member has the right

a. To participate in the local assembly's meetings

b. To elect the local organisation's bodies and to be elected to all the party's bodies

c. To submit ideas, complaints and comments to all of the party's bodies and to be notified of the solution

d. To be regularly informed on passed resolutions and political, organisational and other issues concerning the party

e. To advocate one's opinions, promote them and submit them to the party's elected bodies for decisions

f. To appeal to the appeals committee in matters of dispute

g. To point out defects in the party activities and propose their removal

The member is obliged:

h. To cooperate in carrying out the party's objectives and to promote its programme

i. To respect the resolutions and decisions of the party's bodies

j. To adhere to the party's statutes and to promote its programme principles and objectives

k. To pay membership fees in the specified amount and in the specified periods

l. To immediately inform the local organisation of changes to personal data that are part of the membership records.

9. Any member of ODS that does not fulfill the conditions specified in Act No. 451/1991 Coll. (the "Lustration Act") cannot be elected to any ODS function on the individual levels.

10. District and regional managers cannot simultaneously carry out an elected function on the regional level and higher.

#### **Article 4: Party Bodies**

1. The local assemblies and local councils are the party bodies on the local level. The party bodies on the district level are the district assemblies, district councils, district control and revision commissions and district appeals committees. The party bodies on the regional level are the regional assemblies and regional councils, and the regional control and revision commissions and appeals committees. The party bodies on the central level are the Congress, Board, Executive Council, ODS Control and Revision Commission and Appeals Committee.

2. The Executive Council is the party's statutory body. The Chairman (or a member of the Executive Council entrusted by the Executive Council) acts and signs on behalf of the Executive Council.

3. The party's body with general competence on the local level is the Local Council. The Chairman (or a Vice-Chairman or other member of the Local Council entrusted by the Local Council) acts and signs on behalf of the Local Council.

4. The party's body with general competence on the district level is the District Council. The Chairman (or a Vice-Chairman or other member of the District Council entrusted by the District Council) acts and signs on behalf of the District Council.

5. The party's body with general competence on the regional level is the Regional Council. The Chairman (or a Vice-Chairman or other member of the Regional Council entrusted by the Regional Council) acts and signs on behalf of the Regional Council.

6. All of the collective bodies of ODS adhere to their rules of procedure and have a quorum when an absolute majority of all its members are present. The approval of an absolute majority of those present is required for the acceptance of a resolution. The manner for reaching quorum for appeals and revision bodies is specified in more detail in their statutes.

7. The term of office for all of the party's bodies is two years.

#### **Article 5: The Local Organisation**

1. The local organisation is the basic component of the party comprised of at least three members. It can make quorum and make decisions and manage the resources entrusted to it in accordance with the statutes.

2. The origin and dissolution of a local organisation

a. A local organisation originates by the Local Assembly's resolution on the creation of a local organisation and with the approval of a license by the Executive Council

b. A local organisation is dissolved by the local assembly's resolution on the dissolution of a local organisation or with the cancellation of the license by the Executive Council. A local organisation also dissolves if the local organisation's number of members drops below 3 members for a period of 3 months.

c. The District Council notes the origin and dissolution of a local organisation.

3. The local organisation's Chairman

a. Is the party's main representative and spokesperson at that location

b. Is responsible for the party's activity at that location

c. Is constantly prepared to politically advise the District Council

d. Assembles the Local Assembly and Local Council and chairs them

e. Submits the annual report to the Local Assembly

f. Actively looks for and proposes suitable candidates

g. Actively obtains financial resources.

4. The Vice-Chairman (Vice-Chairmen) of the local organisation stands in for the Chairman in specified matters on the basis of his authorisation and during his absence during negotiations in all matters.

5. The local organisation's Treasurer

a. Is fully responsible for the entrusted resources and for keeping proper records

b. Submits an economic report to the Local Assembly.

6. The Local Assembly

a. Is the party's highest body in that location

b. Meets once a year (or more often if necessary)

- c. The Chairman is obliged to call the Local Assembly, in writing if requested by at least 1/3 of the Local Council's members or at least 1/3 of the local organisation's members (within 30 days from the delivery of the request to the Chairman). If the Chairman does not call the Local Assembly for any reason, the Chairman of the district organisation does so immediately, no later than within 15 days.
- d. Composition: all members of the local organisation
- e. Competence: Elects a Chairman every other year as well as a Vice-Chairman, a Treasurer and members of the Local Council and elects its delegates to the District Assembly
- f. Approves the nomination of candidates for local elections
- g. Approves the Chairman's report and the Treasurer's economic report with a majority vote
- h. Decides on the cancellation of its member's membership
- i. Proposes candidates for elections to the Czech Parliament and European Parliament and to the region's municipal councils and candidates to the party's bodies.

## 7. Local Council

- a. Has all responsibility for the party's activity in the period between the Local Assemblies
- b. Meets once every three months (or more often if necessary)
- c. The Chairman is obliged to call the Local Council, in writing if requested by at least 1/3 of the Local Council's members (within 30 days from the delivery of the request to the Chairman). If the Chairman does not call the Local Council for any reason, the Chairman of the district organisation does so immediately, no later than within 15 days.
- d. Composition: Chairman, Vice-Chairman (Vice-Chairmen), Treasurer and any other members elected by the Local Assembly
- e. Competence: Decides on all matters of the party's local organisation in the period between the Local Assemblies (when voting the Chairman's vote is decisive in the event of a tie vote), decides on the establishment of an interested applicant's membership by voting, decides on a member's request for re-registration from another local organisation.

## **Article 6: The District Organisation**

1. The district organisation is a component of the party and is comprised of the district's local organisations
  - a. It is an organisational unit of the party, can act in the name of ODS in accordance with the statutes, acquire rights and bind ODS pursuant to the principles of economic management specified in Article 19 of the statutes

b. The party's highest body on the district level is the District Assembly, while the District Council has all responsibility in the period between Assemblies.

2. The origin and dissolution of a district organisation

a. A district organisation originates by the District Assembly's resolution on the creation of a district organisation and with the approval of the Executive Council

b. A district organisation is dissolved by the District Assembly's resolution on the dissolution of a district organisation or by the dissolution of all local organisations in the district and with the approval of the Executive Council.

3. The district organisation's Chairman

a. Is the party's main representative and spokesperson in the district and is responsible for the party's activity in the district

b. Is constantly prepared to politically advise the Executive Council

c. Actively looks for and proposes suitable candidates

d. Actively obtains financial resources

e. Assembles the District Assembly and District Council and chairs them

f. Submits the annual report to the District Assembly.

4. The Vice-Chairman (Vice-Chairmen) of the district organisation stands in for the Chairman in specified matters on the basis of his authorisation and during his absence during negotiations in all matters.

5. The District Assembly

a. Is the party's highest body in the district

b. Meets once a year (or more often if necessary)

c. The Chairman is obliged to call the District Assembly, in writing if requested by at least 1/3 of the District Council's members or at least 1/3 of the local organisations in the district (within 30 days from the delivery of the request to the district office); if the Chairman does not call the District Assembly for any reason, the Chairman of the regional organisation does so immediately, no later than within 15 days.

d. Composition: the District Council and the delegates of the local organisations elected by the Local Assemblies (according to the key specified by the District Council), Parliament Members, Senators and Regional councillors registered in the district with the minimum number of members with a decisive vote is 50, if possible; Chairman of the district's Control

and Revision Commission and Appeals Committee with an advisory vote, if no proper Assembly delegates have been elected

e. Competence: elects the Chairman, Vice-Chairman (Vice-Chairmen), District Council and members of the district's Control and Revision Commission and Appeals Committee every other year by a majority vote, elects the delegates to the country-wide Congress by majority vote and proposes candidates to the Executive Council, Control and Revision Commission and Appeals Committee to the regional organisation

f. Approves the Chairman's report, the Council's economic report, the district's Control and Revision Commission report and takes note of the district's Appeals Committee report

g. Approves the nomination of candidates for election to the Czech Parliament, European Parliament, regional councils and for local elections in cases where the territorial competence of the local board intersects with the territorial competence of the district organisation

h. Sets the amount of the membership fees in the district (and their differentiation) on the basis of the Executive Council's resolution

i. Approves the district organisation's budget.

## 6. The District Council

a. Has all responsibility for the party's activity in the period between the District Assemblies

b. Meets once every three months (or more often if necessary)

c. The Chairman is obliged to call the District Council, in writing if requested by at least 1/3 of the District Council's members (within 30 days from the delivery of the request to the district office). If the Chairman does not call the District Council for any reason, the Chairman of the regional organisation does so immediately, no later than within 15 days.

d. Composition: the Chairman of the district organisation, Vice-Chairman (Vice-Chairmen) of the district organisation and representatives of local organisations elected by the District Assembly; Parliament members, senators and regional councillors registered in the district with advisory votes; the District Manager, Chairman of the district's Appeals Committee and Chairman of the Control and Revision Commission with advisory votes

e. Competence: Decides on all matters of the district organisation in the period between the District Assemblies; when voting, the Chairman's vote is decisive in the event of a tie vote

f. Cooperates closely with the District Manager

g. Submits the economic report to the District Assembly

h. Submits the proposal for granting or cancelling a local organisation's licence to the Executive Council

- i. The members of the District Council have the right to participate in the local councils and assemblies with an advisory vote
- j. Submits proposals for entering into employment contracts and submits opinions for terminating employment contracts with ODS employees operating in the relevant district office to the main manager
- k. Manages the entrusted ODS resources in the district, acts on behalf of ODS and binds ODS in the extent approved by the district organisation's budget
- l. Specifies the key for the election of delegates to the District Assembly.

### **Article 7: The Regional Organisation**

1. The regional organisation is a component of the party and is comprised of the local's district organisations
  - a. It is an organisational unit of the party, can act in the name of ODS in accordance with the statutes, acquire rights and bind ODS pursuant to the principles of economic management specified in Article 19 of the statutes
  - b. The party's highest body on the regional level is the Regional Assembly, while the Regional Council has all responsibility in the period between Assemblies.
2. The origin and termination of a regional organisation
  - a. A regional organisation originates by the Regional Assembly's resolution on the creation of a regional organisation and with the statement by the Executive Council
  - b. A regional organisation is dissolved by the Regional Assembly's resolution on the dissolution of a regional organisation or by the dissolution of all district organisations in the region and with the statement by the Executive Council.
3. The regional organisation's Chairman
  - a. Is the party's main representative and spokesperson in the region and is responsible for the party's activity in the region
  - b. Is constantly prepared to politically advise the Executive Council
  - c. Actively obtains financial resources
  - d. Assembles the Regional Assembly and Regional Council and chairs them
  - e. Submits the annual report to the Regional Assembly.

4. The Vice-Chairman (Vice-Chairmen) of the regional organisation stands in for the Chairman in specified matters on the basis of his authorisation and during his absence during negotiations in all matters.

#### 5. The Regional Assembly

a. Is the party's highest body in the region

b. Meets once a year (or more often if necessary)

c. The Chairman is obliged to call the Regional Assembly, in writing if requested by at least 1/3 of the Regional Council's members or at least 1/3 of the district organisations in the region (within 30 days from the delivery of the request to the regional office). If the Chairman does not call the Regional Assembly for any reason, the ODS Chairman does so immediately, no later than within 15 days.

d. Composition: the Regional Council and the delegates of the district organisations elected by the District Assemblies according to the key specified by the Regional Council, members of the Executive Council elected for the region, Parliament Members, Senators and Regional councillors registered in the region with the minimum number of members with a decisive vote is 70, if possible; the Chairman of the region's Control and Revision Commission and Appeals Committee with an advisory vote, if no proper Assembly delegates have been elected

e. Competence: elects the Chairman, Vice-Chairman (Vice-Chairmen), Regional Council and members of the region's Control and Revision Commission and Appeals Committee every other year by a majority vote and proposes candidates to the Executive Council, Control and Revision Commission and Appeals Committee to the Congress

f. Approves the Chairman's report, the Council's economic report, the region's Control and Revision Commission report and takes note of the region's Appeals Committee report

g. Assembles the regional candidate ballot for elections to the Parliament and to the region's councils, approves the nomination of candidates for elections to the Senate and to the European Parliament

h. Approves the regional organisation's budget.

#### 6. The Regional Council

a. Has all responsibility for the party's activity in the period between the Regional Assemblies

b. Meets once every three months (or more often if necessary)

c. The Chairman is obliged to call the Regional Council, in writing if requested by at least 1/3 of the Regional Council's members (within 30 days from the delivery of the request to the regional office). If the Chairman does not call the Regional Council for any reason, the ODS Chairman does so immediately, no later than within 15 days.

- d. Composition: the Chairman of the regional organisation, Vice-Chairman (Vice-Chairmen) of the regional organisation and delegates of district organisations elected by the Regional Assembly, members of the Executive Council elected for the Region; Parliament members, senators and regional councillors registered in the region with advisory votes; the Regional Manager, the Chairman of the Control and Revision Commission and the Chairman of the region's Appeals Committee with advisory votes
- e. Competence: Decides on all matters of the regional organisation in the period between the Regional Assemblies; when voting, the Chairman's vote is decisive in the event of a tie vote
- f. Cooperates closely with the Regional Manager
- g. Submits the economic report to the Regional Assembly
- h. The members of the Regional Council have the right to participate in the local and district councils and assemblies with an advisory vote
- i. Submits proposals for entering into employment contracts and submits opinions for terminating employment contracts with ODS employees operating in the relevant regional office to the main manager
- j. Manages the entrusted ODS resources in the region, acts on behalf of ODS and binds ODS in the extent approved by the regional organisation's approved budget
- k. The establishment of the Regional Council's Board is in its competence. The Board is comprised of the Chairman and Vice-Chairmen of the regional organisation, members of the Executive Council for the Region and representatives of the regional governments. The Board makes operative decisions between Regional Council meetings and is responsible to the Council for its activities.

## **Article 8: The Party Congress**

### 1. The party Congress is the party's highest body

- a. It meets at least once every two years
- b. The Chairman is obliged to call the Congress, if requested by at least 1/3 of the members of the Executive Council or at least 1/3 of the district organisations. This is done no later than 2 months from the submission of the proposal.

### 2. Composition

- a. Delegates with decisive votes: the Chairman, first Vice-Chairman, Vice-Chairmen, members of the Executive Board, members of the Government, members of the Czech and European Parliaments, district delegates elected at District Assemblies according to the key specified by the Executive Council

b. Delegates with advisory votes: The Main Manager, ODS employees specified by the Executive Council, members of the Control and Revision Commission and members of the Appeals Committee and guests invited by the Executive Council or Board.

### 3. Competence

- a. Elects the Chairman, First Vice-Chairman, Vice-Chairmen and representatives of the regions (and their substitutes) to the Executive Council
- b. Elects the members of the Control and Revision Commission (1 per region)
- c. Elects the members of the Appeals Committee (1 per region)
- d. Approves the statutes and changes to the statutes
- e. Approves the statutes of the Control and Revision Commissions
- f. Approves the statutes of the Appeals Committees
- g. Approves the Chairman's report
- h. Approves the Executive Council's report
- i. Approves the report of the Control and Revision Commission
- j. Takes note of the Appeals Committee report
- k. Decides on the manner of handling property balance that arises from the liquidation of assets and obligations in the event the party is dissolved
- l. Decides on the dissolution, division or merging of the party
- m. Approves the rules for the selection of candidates and for the compilation of ballots, the sample rules of procedure and the binding electoral regulations. It may entrust the Executive Council with this authorisation
- n. Approves the party's economic management rules and the division of financial resources
- o. It may name an Honourable ODS Chairman with its resolution.

#### **Article 9: The Honourable Chairman**

- a. Is in appreciation of extraordinary merits to ODS
- b. Only one person can be the Honourable Chairman.

#### **Article 10: The Party Chairman**

- a. Is the head of the party, its representative and its spokesperson
- b. Calls the Congress and the Executive Council and chairs them
- c. Submits the Party Chairman report to the Congress.

#### **Article 11: The First Vice-Chairman**

Stands in for the party Chairman in specified matters on the basis of his authorisation and during his absence in negotiations on all matters.

#### **Article 12: The Vice-Chairmen**

Stand in for the party Chairman in specified matters on the basis of his authorisation and in negotiations on all matters during his absence and the absence of the First Vice-Chairman.

#### **Article 13: The Board**

1. Composition: party Chairman, First Vice-Chairman, party Vice-Chairmen, chairmen of the parliamentary groups.
2. Competence:
  - a. Has general responsibility for the party between meetings of the Executive Council
  - b. Meets as necessary
  - c. Submits a report on its activities to the Executive Council
  - d. Submits active proposals to the Executive Council concerning the party's activities.

#### **Article 14: The Main Manager**

- a. Is named and dismissed by the party Chairman on the Executive Council's proposal
- b. Manages the activity of the head office.
- c. Manages the managerial network
- d. Enters into employment contracts with employees operating in the district and regional offices on the proposal of the district and regional councils and terminates employment contracts with employees of these offices after the opinions of the district and regional councils
- e. Enters into and terminates employment contracts with employees of the parliamentary group or senatorial group on the proposals of these groups
- f. Acts and signs on behalf of the party in property, economical, labour and legal relations in the scope of the authorisation specified by the Executive Council

- g. Has the right to participate in the meetings of the party's bodies on all levels with an advisory vote
- h. Participates in the meetings of the Executive Council and Board with an advisory vote
- i. Is an employee of ODS
- j. Cannot simultaneously perform an elected function from the district level and higher
- k. Cannot simultaneously perform the function of Parliament Member, Senator, Government Member or the elected function of local government
- l. Can, according to the rules of the organisation order, authorise an ODS employee to act and sign in property relations of a defined kind and to a certain amount.

## **Article 15: The Executive Council**

### 1. Composition

- a. Board members
- b. Representatives of the regions (1 representative for each 1000 members (or part thereof) registered in the region on the day these statutes are approved, for further years 2 months before the electoral Congress is held)
- c. The Main Manager, Government members, Chairman of the Control and Revision Commission, the Chairman of the Appeals Commission and other invited parties, with an advisory vote

### 2. Competence

- a. Is the party's statutory body
- b. Manages the activity of ODS and decides on all matters that are not designated to other bodies
- c. Fulfills the resolutions of the Congress and is responsible to it for its activity
- d. Has general responsibility for the activity of the party between Congress meetings
- e. Approves the establishment of local organisations (licenses) by a majority vote and can cancel these licenses
- f. Approves the origin or dissolution of district organisations by majority vote
- g. States the origin and dissolution of regional organisations

- h. Decides on the composition of ballots from candidates proposed by the regional organisations
- i. Establishes the head office, including the managerial network, for fulfilling the party's tasks and approves its organisation order
- j. Submits the report on the activities and economic management of ODS to the Congress
- k. Approves the annual budget of the head ODS office
- l. Approves the annual report on the party's economic management for the accounting period
- m. Approves the binding template of applications to ODS
- n. Annually specifies the deadline for paying membership fees and their minimum amount. The membership fees of a member cannot exceed the amount specified by law
- o. Approves the ODS budget regulations
- p. Establishes its advisory and initiative bodies
- q. Meets at least once a month (or more often if necessary)
- r. The Chairman is obliged to call the Executive Council, if requested by at least 1/3 of the members of the Executive Council
- s. In all cases of the Executive Council's voting, the Chairman's vote is decisive during a tied vote.

3. The members of the Executive Council have the right to participate in the meetings of local, district and regional councils and assemblies with an advisory vote

### **Article 16: Groups of Parliament Members, Senators and Councillors**

#### 1. Composition

Unifies members of Parliament, senators or council members.

#### 2. Competence

a. Coordinates the work of members of Parliament, senators and members of councils so that they forward the opinions and positions of the party in legislative and representative bodies in the best and most efficient manner

b. Coordinates the cooperation with coalition partners for the same purpose.

3. It creates its own structure.

4. The chairmen of the groups represent the given group, are its representatives and spokespeople.

#### **Article 17: Control and Revision Commissions**

1. The Control and Revision Commissions

- a. Are ODS revision bodies
- b. Are established on a country-wide, regional and district level.

2. The ODS Control and Revision Commission

- a. Is elected by the Congress - one member per region, members of the Control and Revision Commission cannot be members of the Executive Council, ODS employees or members of control and revision commissions on other levels of ODS
- b. Controls the economic and administrative activity of ODS.

3. The Control and Revision Commission of a region

- a. Is elected by the Regional Assembly and numbers at least five members
- b. Controls the economic and administrative activity of ODS in the region.
- c. Members of the region's Control and Revision Commission cannot be members of any other body of the regional organisation, ODS employees or members of control and revision commissions on other levels of ODS.

4. The Control and Revision Commission of a district

- a. Is elected by the District Assembly and numbers at least five members
- b. Controls the economic and administrative activity of ODS in the district.
- c. Members of the district's Control and Revision Commission cannot be members of the District Council, ODS employees or members of control and revision commissions on other levels of ODS.

5. The control and revision commissions adhere to statutes that are approved by the Congress.

#### **Article 18: Appeals Committees**

1. The Appeals Committees

- a. Are ODS arbitration bodies
- b. Are established on a country-wide, regional and district level.

## 2. The ODS Appeals Committee

- a. Is elected by the Congress - one member per region; members of the Appeals Committee cannot be members of the Executive Council, ODS employees or members of appeals committees on other levels of ODS
- b. Decide in disputes among members, bodies and components of the party
- c. Is an appeals body; it reviews the decisions of district and regional appeals committees, its decision is final and comes into validity on the date of delivery. The decision must be made no later than within 60 days from the written submission
- d. It is entitled to make a binding interpretation of the statutes.

## 3. The Appeals Committee of a region

- a. Is elected by the Regional Assembly and numbers at least five members
- b. Decides in disputes between ODS members and bodies in the region that are outside the jurisdiction of the district appeals committees; the decision must be made no later than within 60 days from the written submission
- c. Decides on the bias of the members of a district's Appeals Committee
- d. Members of the region's Appeals Committee cannot be members of any other body of the regional organisation, ODS employees or members of appeals committees on other levels of ODS.
- e. Decides on cases falling into the jurisdiction of a district Appeals Committee, if the district Appeals Committee does not hear the cases submitted in the period specified in paragraph 3 (b) and on the participant's proposal

## 4. The Appeals Committee of a district

- a. Is elected by the District Assembly and numbers at least five members
- b. Decides in disputes between ODS members and bodies in the districts; the decision must be made no later than within 60 days from the written submission
- c. Members of the district's Appeals Committee cannot be members of the District Council, ODS employees or members of appeals committees on other levels of ODS.

## 5. The appeals committees adhere to statutes that are approved by the Congress.

### **Article 19: Principles of ODS Economic Management**

1. As a legal entity, ODS is responsible for its obligations with all of its assets. The Executive Party manages the party's assets on the basis of an approved annual budget. The Executive Council may authorise the Main Manager to manage the party's assets in a limited scope.
2. The regional organisation manages the entrusted ODS assets in the region according to the regional organisation's approved budget. The Regional Council can act and bind ODS up to the amount of the regional organisation's budget. A change to the revenue or expenditure aspect of the already-approved budget is subject to a new approval by the Regional Assembly. The Executive Council, by its decision, can assume the competence of the Regional Assembly or Council for managing the ODS assets in the region. The regional organisation cannot use the ODS assets in the region for securing an obligation.
3. The district organisation manages the entrusted ODS assets in the district according to the district organisation's budget, approved by the District Assembly. The District Council can act and bind ODS up to the amount of the district organisation's budget. A change to the revenue or expenditure aspect of the already-approved budget is subject to a new approval by the District Assembly. The Executive Council, by its decision, can assume the competence of the District Assembly or District Council for managing the ODS assets in the district. The district organisation cannot use the ODS assets in the district for securing an obligation.
4. The local organisation manages financially on the basis of paid operating advances from the respective district's resources. The local organisations' treasurers submit the subsequent accounting to the specified ODS employees in the relevant district offices.
5. The sources for financing ODS and the regional and district organisations are comprised of revenue pursuant to the legal regulations of Act No. 424/1991 Coll., on Assembly in Political Parties and in Political Movements, as later amended. The financial resources pursuant to the previous sentence are the revenue of the budgets of the district and regional ODS organisations, or the ODS budget pursuant to the rules of allocation that are specified by the Congress.
6. ODS and its regional and district organisations only manage their finances on the basis of approved budgets. The budgets must be approved as balanced or surplus budgets. The budgets of ODS and its regional and district organisations are prepared for an annual period according to ODS' budgetary rules that are approved by the Executive Council. The manner for dividing the financial resources of the regions among the regional organisation and the individual district organisations is part of the budget of the regional organisations. The manner for dividing the financial resources of the districts among the district organisation and the individual local organisations is part of the budget of the district organisations.
7. ODS establishes electoral funds separately from budgetary resources.

## **Article 20**

The statutes come into effect on the day they are approved by the Congress.



African National Congress Constitution  
(ANC)



## **African National Congress Constitution (ANC)**

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As amended by and adopted at the 50th National Conference, December 1997

## **INTRODUCTION**

*As a successful liberation movement, the African National Congress strives to represent the aspirations of the oppressed. Over a long history, we have sought to be in tune with the strongest urgings of our people so as to ensure that we remain their champions - not only as a liberation movement but in the rebuilding of our land after apartheid. Within our united, powerful movement, there is a diversity of view and experience which enriches the voice of the ANC.*

*The ANC must enter the future, the critical years of consolidation after transition to democracy, with its house in order. This means reviewing the effectiveness of our structures at all levels so as to face the world with continuing vigour and success. All members must examine their actions to ensure that they fit into the pattern set by the institutions of the ANC.*

*The movement is judged not only by the performance and personality of individual members, but also as a collective, as an organisation. Its strength lies in its capacity to embrace all its members. They all have a role to play. The voluntary basis of membership of the ANC implies not only rights but acceptance of obligations to the ANC.*

*While the ANC has won political power, the task of transforming South African society and building a new nation is far from complete. The ANC is the lead organisation in achieving this transformation. It is the prime agent for renewal. In view of this, all ANC members must seek to be exemplary members of society. They share in the vanguard of the new nation.*

*The 50th National Conference of the ANC held in Mafikeng in the North West Province in December 1997 considered the role of the ANC in government and the challenges facing the organisation as we move to the 21st Century. The amendments made by the Conference to the ANC Constitution reflect those deliberations.*

*The ANC Constitution defines the character and nature of the organisation. The Constitution also prescribes the rights and duties of its officials and members.*

*The ANC Constitution reflects the ANC's dual position as liberation movement and political party. Amendments have been made which streamline the structures of the ANC to make them fit the process of governance.*

*We therefore call on all our structures and members to support and comply with the provisions of the ANC Constitution so that we may more effectively meet the challenges of the 21st Century.*

## **PREAMBLE**

Whereas the African National Congress was founded in 1912 to defend and advance the rights of the African people after the violent destruction of their independence and the creation of the white supremacist Union of South Africa; and

Whereas in the course of fulfilling this historic aim, the ANC has emerged to lead the struggle of all democratic and patriotic forces to destroy the apartheid state and replace it with a united, non-racial, non-sexist and democratic South Africa in which the people as a whole shall govern and all shall enjoy equal rights; and

Whereas through the struggles and sacrifices of its members over the generations, the ANC has come to be recognised as the central organiser and inspirer of a vast popular upsurge against apartheid, involving a great array of social, cultural, religious, trade union, professional and political organisations;

Whereas the fundamental goal of the ANC remains to construct a non-racial, non-sexist, democratic society in South Africa;

And whereas the historic April 1994 election has placed the ANC in the position of responsibility for leading the process of reconstruction and development aimed at eradicating the problems of poverty and inequality created by apartheid and creating a just and equitable economic and social order;

Now therefore, the 50th Conference of the ANC, duly constituted and assembled, cognisant of the historic mission of the ANC and of the need to build a mass based democratic structure to enable it to fulfil its historic mission, hereby adopts this amended Constitution.

#### **Rule 1: NAME**

The name of the organisation shall be the African National Congress, hereinafter referred to as the ANC.

The logo and the colours of the ANC are as described in the attached schedule.

#### **Rule 2: AIMS AND OBJECTIVES**

The aims and objectives of the ANC shall be:

2.1 To unite all the people of South Africa, Africans in particular, for the complete liberation of the country from all forms of discrimination and national oppression.

2.2 To end apartheid in all its forms and transform South Africa as rapidly as possible into a united, non-racial, non-sexist and democratic country based on the principles of the Freedom Charter and in pursuit of the national democratic revolution.

2.3 To defend the democratic gains of the people and to advance towards a society in which the government is freely chosen by the people according to the principles of universal suffrage on a common voters' role.

2.4 To fight for social justice and to eliminate the vast inequalities created by apartheid and the system of national oppression.

2.5 To build a South African nation with a common patriotism and loyalty in which the cultural, linguistic and religious diversity of the people is recognised.

2.6 To promote economic development for the benefit of all.

2.7 To support and advance the cause of women's emancipation.

2.8 To support and advance the cause of national liberation, development, world peace, disarmament and environmentally sustainable development.

2.9 To support and promote the struggle for the rights of children and the disabled.

### **Rule 3: THE CHARACTER OF THE ANC**

3.1 The ANC is a non-racial and non-sexist and democratic liberation movement.

3.2 Its policies are determined by the membership and its leadership is accountable to the membership in terms of the procedures laid down in this Constitution.

3.3 The ANC also contests elections as a registered political party drawing its electoral support from all sections of South African society.

3.4 The ANC shall, in its composition and functioning, be non-racial, anti-racist and non-sexist and against any form of tribalistic exclusivism or ethnic chauvinism.

3.5 While striving for the maximum unity of purpose and functioning, the ANC shall respect the linguistic, cultural and religious diversity of its members.

3.6 The ANC shall support the emancipation of women, combat sexism and ensure that the voice of women is fully heard in the organisation and that women are properly represented at all levels.

3.7 The principles of freedom of speech and free circulation of ideas and information shall operate within the ANC.

3.8 Membership of all bodies of the ANC will be open to all men and women in the organisation without regard to race, colour or creed.

3.9 The ANC co-operates closely with religious bodies in the country and provides, on an interfaith basis, for the recognition of the spiritual needs of its many members who are believers.

### **Rule 4: MEMBERSHIP**

4.1 Membership of the ANC shall be open to all South Africans above the age of 18 years, irrespective of race, colour and creed, who accept its principles, policies and programmes and are prepared to abide by its Constitution and rules.

4.2 Spouses or children of South Africans who have manifested a clear identification with the South African people and its struggle, may apply for membership.

4.3 All other persons who have manifested a clear identification with the South African people and their struggle and are resident in South Africa may apply for membership.

4.4 The National Executive Committee may, acting on its own or on the recommendation of branch or provincial executive committees, grant honorary membership to those men and women who do

not qualify for membership under Rules 4.1, 4.2 or 4.3, but who have demonstrated an unwavering commitment to the ANC and its policies.

4.5 Applications for membership shall be considered by the branch executive committee where such exists, and by the regional executive committee, if no branch executive committee exists. The branch executive committee, the regional executive committee, or such interim structures as the Provincial Executive Committee or the NEC may create from time to time to decide on applications, shall have the power to accept or refuse any application for membership provided such acceptance or refusal shall be subject to review by the next higher organ of the ANC.

4.6 Membership cards shall be issued to registered members of the ANC and to persons whose application for membership has been accepted, subject to review as aforesaid, and, in all cases, subject to payment of the prescribed subscription. An applicant shall be issued with an acknowledgement of provisional membership and the details of the branch and constituency/area in which the applicant resides and any available information about the local branch structures.

4.7 a) Provisional membership shall apply to persons who wish to join the organisation for the first time or who wish to re-join the organisation after a considerable lapse of time.

4.7 b) Provisional membership rights commence from the date of production of acknowledgement following receipt of the application and the appropriate membership subscription. A provisional member shall have the right to attend branch meetings only in a non-voting capacity.

4.8 Any objection to any application for membership may be made by the membership to the branch, regional or provincial secretary within eight weeks of the notification.

4.9 At any time before the individual is accepted as a full member of the organisation, or in exceptional circumstances even after the member has been admitted, the Secretary-General may rule that the application or the membership may be rejected if it was invalidly obtained.

4.10 In the absence of any objection from the structures and/or any ruling by the Secretary-General, the applicant shall, on the expiry of eight weeks from the date of notification of provisional membership, become a full member. The provisional member shall then be transferred to the national membership list as a full member as soon as is practicable.

4.11 The reasons for the rejection of an application for membership by the Secretary-General or the objection by the membership to the application for membership must be sent to the individual applicant in writing.

4.12 Membership cards shall be issued to registered members of the ANC and to persons whose application for membership have been accepted, subject to review and subject to payment of the prescribed subscription in all cases.

4.13 Members shall pay an annual subscription fee as determined by the National Executive Committee.

4.14 Non-earning members or those on reduced incomes will pay such fees as are determined by the NEC.

4.15 On being accepted in the ANC, a new member shall, in a language he or she knows well, make the following solemn declaration to the body or person designated to administer such oaths:

*I, ....., solemnly declare that I will abide by the aims and objectives of the African National Congress as set out in the Constitution, the Freedom Charter and other duly adopted policy positions, that I am joining the organisation voluntarily and without motives of material advantage or personal gain, that I agree to respect the Constitution and the structures and to work as a loyal member of the organisation, that I will place my energies and skills at the disposal of the organisation and carry out tasks given to me, that I will work towards making the ANC an even more effective instrument of liberation in the hands of the people, and that I will defend the unity and integrity of the organisation and its principles, and combat any tendency towards disruption and factionalism.*

4.16 The following acts will be regarded as an abuse of organisational rules, whether committed by individuals or groups:

- a. The payment of membership subscription of the organisation for persons or groups of persons who would otherwise be unwilling or unable to pay their own subscriptions;
- b. The offer of reduced rate membership to those known by the individual or group making the offer to be ineligible for that category of membership;
- c. The recruitment of members who do not reside at an address claimed, where this is done in order to manipulate branch meetings or the outcome of organisational votes.

4.17 The commission of any of the abuses described in rule 4.16 will be considered as behaviour likely to invoke disciplinary proceedings.

4.18 Any member of the ANC who stands in an election for local government, provincial or national government elections or acts as the election agent or canvasser of a person standing for such election in opposition to a candidate duly endorsed by the PEC or NEC shall be ineligible to be or remain a member.

4.19 a) Any member who joins a political organisation or party other than the ANC or a party in alliance with the ANC shall be automatically expelled by the PEC or NEC where applicable.

4.19 b) Any member who supports a political organisation or party other than an organisation in alliance with the ANC in a manner contrary to the aims, objectives and policy of the ANC shall be liable for disciplinary action.

4.20 Members who fail to pay their subscriptions for three months and having being reminded of their lapse shall not be regarded as members in good standing until they pay their arrears.

## **Rule 5: RIGHTS AND DUTIES OF THE MEMBERS**

### 5.1 Rights:

A member of the ANC shall have the right to:

- a. Take a full and active part in the discussion, formulation and implementation of the policy of the ANC.

- b. Receive and impart information on all aspects of ANC policy and activities.
- c. Offer constructive criticism of any member, official, policy programme or activity of the ANC within its structures.
- d. Take part in elections and be elected or appointed to any committee, structure, commission or delegation of the ANC.
- e. Submit proposals or statements to the branch, province, region or NEC, provided such proposals or statements are submitted through the appropriate structures.

## 5.2 Duties:

A member of the ANC shall:

- a. Belong to and take an active part in the life of his or her branch.
- b. Take all necessary steps to understand and carry out the aims, policy and programme of the ANC.
- c. Explain the aims, policy and programme of the ANC to the people.
- d. Deepen his or her understanding of the social, cultural, political and economic problems of the country.
- e. Combat propaganda detrimental to the interests of the ANC and defend the policy, aims and programme of the ANC.
- f. Fight against racism, tribal chauvinism, sexism, religious and political intolerance or any other form of discrimination or chauvinism.
- g. Observe discipline, behave honestly and carry out loyally decisions of the majority and decisions of higher bodies.
- h. h) Inform his or her branch of movement to any other area and report to the branch committee secretary on arriving at any new area.
- i. Refrain from publishing and/or distributing any media without authorisation which purports to be the view of any organised grouping, faction or tendency within the ANC.
- j. All members shall ensure that they are registered as voters in the constituency where they live.
- k. ANC members who hold elective office in any sphere of governance at national, provincial or local level are required to be members of the appropriate caucus, to function within its rules and to abide by its decisions under the general provisions of this Constitution and the constitutional structures of the ANC.

## **Rule 6: ORGANISATIONAL STRUCTURE**

6.1 The ANC shall consist of the following organs:

- a. The National Conference which elects the National Executive Committee.
- b. The Provincial Conference which elects the Provincial Executive Committee.
- c. The Regional Conference which elects the Regional Executive Committee.
- d. The Branch Annual General Meeting which elects the Branch Executive Committee.

6.2 Branches may be grouped together in zones and may be subdivided into smaller units such as street committees, and zones may be grouped into sub-regions.

6.3 The ANC Women's League shall be open to women who are members of the ANC and shall have the same basic structure, namely, national, provincial and branch. Its objectives will be to defend and advance the rights of women, both inside and outside the ANC, against all forms of national, social and gender oppression and to ensure that women play a full role in the life of the organisation, in the people's struggle and in national life. The Women's League will function as an autonomous body within the overall structure of the ANC, of which it will be an integral part, with its own Constitution, rules and regulations, provided that these shall not be in conflict with the Constitution and policies of the ANC.

6.4 The ANC Youth League shall be open to all persons between the ages of 14 and 35. It will operate on a national, provincial and branch basis. Its objectives will be to unite and lead young men and women in confronting and dealing with the problems that face the youth, and in ensuring that the youth make a full and rich contribution to the work of the ANC and the life of the nation. The Youth League will function as an autonomous body within the overall structure of the ANC, of which it will be an integral part, with its own Constitution, rules and regulations, provided that these shall not be in conflict with the Constitution and policies of the ANC.

6.5 Members of the Youth League over the age of 18 shall be expected to play a full part in the general political life of the ANC.

6.6 A member of the Youth League shall not be eligible for any position as office-bearer of the ANC or to attend ANC conferences, members' or executive meetings of the ANC (unless specially invited), unless he or she is a full member of the ANC.

#### **Rule 7: THE HEADQUARTERS**

The site of the National Headquarters of the ANC shall be determined by the NEC.

#### **Rule 8: PROVINCES**

8.1 For purposes of ANC structures, the country shall be divided into the following provinces: Western Cape, Northern Cape, Eastern Cape, KwaZulu Natal, Free State, Gauteng, Northern Province, Mpumalanga, North West.

8.2 The provincial headquarters will be determined by the Provincial Conference.

8.3 The National Executive Committee may from time to time alter the number, the boundaries or the names of the Provinces.

#### **Rule 9: THE NATIONAL CONFERENCE**

9.1 The National Conference shall be the supreme ruling and controlling body of the ANC. It shall be composed of:

9.2 Voting delegates:

- i. At least 90% of the voting delegates at Conference shall be from branches which shall be

- represented by elected delegates. The number of delegates shall be in proportion to the paid up membership.
- ii. The number of delegates to be elected to National Conference by each province shall be fixed by the NEC in proportion to the paid up membership of each province.
  - iii. The remainder of the 10% of voting delegates at the Conference shall be allocated by the NEC from among the Provincial Executive Committees, the ANC Youth League and the ANC Women's League.
  - iv. All members of the National Executive Committee shall attend ex-officio as full participants in the conference.

### 9.3 Non-Voting Delegates:

The NEC may invite individuals, who have made a special contribution to the struggle or who have special skills or experience, to attend the Conference.

9.4 The NEC shall appoint a conference organising committee which will circulate conference information in advance, determine the precise procedure for selection of delegates and indicate how the membership can then ensure their concerns are on the agenda.

9.5 The Conference shall determine its own procedures in accordance with democratic principles.

9.6. Voting on key questions shall be by secret ballot if at least one third of the delegates at National Conference demand it.

9.7

a) The National Conference shall be convened at least every five years. A National General Council may be convened by the NEC from time to time, provided that the NEC shall convene a National General Council not later than 30 months after National Conference.

b) The NEC shall, after consultation with Provinces, determine the composition of the National General Council.

c) The National General Council shall:

- i. Subject to paragraph (iv) below, determine and review the policies and programmes of the ANC;
- ii. receive and discuss reports of the NEC;
- iii. have the right to ratify, alter or rescind any decision taken by any of the constituent bodies, units or officials of the ANC, including the evaluation of the performance of members of the NEC;
- iv. have the power to discuss any issue it deems necessary taking into account policies and directives of the National Conference.
- v. Subject to Rule 11.3(g) it may fill vacancies that have arisen in the NEC provided that such vacancies do not exceed 50% of the Executive.

## **Rule 10: DUTIES AND POWERS OF THE NATIONAL CONFERENCE**

The National Conference shall:

10.1 Decide and determine the policy, programme and Constitution of the ANC.

10.2 Receive and discuss the reports of the NEC which shall include the Presidential Address, the Secretary General's Report, which shall include a report on the work and activities of the Women's League and Youth League, and the Treasurer General's Report.

10.3 Have the right and power to review, ratify, alter or rescind any decision taken by any of the constituent bodies, units or officials of the ANC.

10.4 Elect the President, the Deputy President, National Chairperson, the Secretary General, Deputy Secretary General, the Treasurer General and the remaining 60 members of the NEC.

10.5 Have the power to elect or appoint any commission or committee and assign specific tasks and duties to such commission or committee.

### **Rule 11: NATIONAL EXECUTIVE COMMITTEE**

#### 11.1 Powers

The National Executive Committee is the highest organ of the ANC between Conferences and shall have the authority to lead the organisation, subject to the provisions of this Constitution.

11.2 Without prejudice to the generality of its powers, the NEC shall:

- a. Carry out the decisions and instructions of the National Conference.
- b. Issue and send directives and instructions to and receive reports from the provinces.
- c. Supervise and direct the work of the ANC and all its organs, including national, provincial and local government caucuses.
- d. Ensure that the provincial regional and branch structures of the ANC function democratically and effectively. The NEC may suspend or dissolve a PEC where necessary and call for new elections within three months. The suspension may not last for more than three months.
- e. Oversee the work of the Women's League and the Youth League.
- f. Establish departments and set up committees as it considers appropriate.
- g. Manage and control all the national and international property and assets of the ANC.
- h. Receive reports, supervise the work of, and delegate such functions to the NWC as it considers necessary.
- i. Issue documents and other policy directives as and when it deems fit.
- j. Confer such honours as it may deem appropriate.
- k. Appoint annually a National List Committee of not fewer than five and not more than nine persons for the selection and adoption of candidates for the national Parliament. The NEC shall draw up regulations for the procedures to be followed in such a selection. The National List Committee shall report to the NEC prior to the implementation of its recommendations. Provincial structures for the adoption of candidates shall report to the National List Committee. Every candidate for elections must undertake to abide by the Constitution of the ANC and the relevant Code of Conduct for elected representatives.

11.3 The National Executive Committee, except where otherwise stipulated, shall be elected by secret ballot by the National Conference and shall hold office for five years and shall be constituted as follows:

- a. The President, Deputy President, National Chairperson, the Secretary General, Deputy Secretary General and the Treasurer General who shall be elected separately by the National Conference.
- b. Sixty (60) members of the NEC who shall be elected by secret ballot by the National Conference.
- c. The Chairperson and the Secretary of each elected ANC Provincial Executive Committee who shall be ex officio members of the NEC.
- d. The National President and Secretary of the ANC Women's League who shall be ex-officio members of the NEC.
- e. The National President and Secretary of the ANC Youth League who shall be ex-officio members of the NEC.
- f. The NEC shall have the power to co-opt not more than five (5) additional members at any time during its term of office in order to provide for a balanced representation that reflects the true character of the South African people, provided that such co-option enjoys the support of the Provincial Executive Committee of the Province from which the proposed person comes.
- g. Should a vacancy occur on the NEC for any reason, the NEC shall have the power to fill the vacancy by appointing a replacement.
- h. The quorum for meetings of the NEC shall be 50%+1 of its total membership.
- i. A person shall have been a paid-up member of the ANC for at least five years before she or he can be nominated to the National Executive Committee of the ANC.

11.4 Nominations for the NEC members referred to in Rule 11.3(a) and 11.3(b) above shall be by the following procedure:

- a) (i) Nominations for the posts of:
  1. President
  2. Deputy President
  3. National Chairperson
  4. Secretary General
  5. Deputy Secretary General
  6. Treasurer General shall be made by any Province and placed before the National Conference.
- ii. A delegate to the Conference shall, however, have the right to nominate any person whose name has not been proposed in terms of sub-section (i) above. In such event the presiding officer shall call for seconds to the nomination. If such nomination is seconded by a minimum of 25 percent (25%) of Conference delegates, then such nomination shall be regarded as having been duly seconded, in which event the name of such nominees shall be placed on the ballot paper. If the nomination fails to secure the support of a minimum of 25% of conference delegates, such nomination shall fall away.

b) Nominations of candidates for the National Executive Committee other than the above positions shall be carried out by the following procedure:

- i. Subject to sub-section (ii) below, only those candidates who have been proposed by a Province shall appear on the National Conference ballot paper.
- ii. A delegate to the conference shall, however, have the right to nominate any person whose name has not been proposed in terms of sub-section (i) above. In such event the presiding officer shall call for seconders to the nomination. If such nomination is seconded by a show of hands by a minimum of 25 percent (25%) of Conference delegates, then such nomination shall be regarded as having been duly seconded, in which event the name of such nominee shall be placed on the ballot paper. If the nomination fails to secure the support of a minimum of 25% of delegates, such nomination shall fall away.
- iii. Not more than two persons per province may be successfully nominated in terms of b)(ii) above.

11.5 Voting shall take place by secret ballot. Each voting delegate shall vote once in each ballot.

11.6 If any Provincial Chairperson or Secretary is elected to the NEC in his or her own right or as a national official, such person shall vacate the Provincial position, provided that the Province has the right to make representations to the NEC, in a special case, where extraordinary circumstances may warrant an exception to this rule. However, when such a provincial officer is allowed to retain his or her NEC position, the Province shall not be entitled to an additional member on the NEC.

11.7 Subject to the provisions of this Constitution, the Secretary General, the Deputy Secretary General and the Treasurer General shall be full-time functionaries of the ANC.

11.8 The NEC shall meet in plenary session at least once every three months and shall provide broad political and organisational perspectives to the National Working Committee.

## **Rule 12: NATIONAL WORKING COMMITTEE**

12.1 As soon as possible after the conclusion of the National Conference, the NEC shall meet and elect a National Working Committee.

12.2 The National Working Committee shall be constituted as follows: The President, Deputy President, National Chairperson, Secretary General, Deputy Secretary General and the Treasurer General.

12.3 In addition, the NEC shall elect additional members to the NWC from among the directly-elected members of the NEC. These shall not exceed one-quarter of the composition of the directly-elected members.

12.4 The members of the National Working Committee shall not necessarily be full-time functionaries of the ANC. However, the NEC shall determine the extent to which the elected members shall be full-time functionaries who may be allocated specific responsibilities.

12.5 The ANC Women's League and the ANC Youth League shall appoint one representative each to serve on the NWC.

12.6 The National Working Committee shall:

- a. Carry out decisions and instructions of the National Conference and the NEC.
- b. Conduct the current work of the ANC and ensure that provinces, regions, branches and all other ANC structures such as parliamentary caucuses carry out the decisions of the ANC.
- c. Submit a report to each NEC meeting.

### **Rule 13: THE ELECTORAL COMMISSION**

13.1 The NEC shall appoint an Electoral Commission of not fewer than three members whose task it will be:

- a. To prepare the ballot papers as directed by the Constitution.
- b. To make provision for ballot boxes or other means of secret voting.
- c. To create machinery for the counting of ballot papers and the effective supervision of the counting of votes.
- d. To announce the results of all ballots and make known the number of votes received by each successful candidate.
- e. To establish procedures for voting and to determine any dispute raised in regard to elections and election procedures, and to determine how any tied vote should be resolved.

13.2. The names of the electoral commission whose work shall commence before Conference opens shall be submitted to the Conference for endorsement and they shall then be reinforced by a representative appointed by each Provincial delegation.

### **Rule 14: GENDER AND AFFIRMATIVE ACTION**

14.1 In an endeavour to ensure that women are adequately represented in all decision-making structures, the ANC shall implement a programme of affirmative action, including the provision of a quota of at least one-third (1/3) in all its structures to enable such effective participation.

14.2 The method of such implementation shall be addressed in all ANC structures immediately and on a continuing basis.

### **Rule 15: THE NATIONAL FINANCE COMMITTEE**

15.1 The NEC shall appoint the National Finance Committee.

15.2 The NEC shall determine the composition and powers of the National Finance Committee.

15.3 The National Finance Committee shall report to the NEC at least twice a year on the finances and budget of the ANC.

### **Rule 16: DUTIES AND FUNCTIONS OF OFFICIALS**

16.1 **The President**

The President is the head and chief directing officer of the ANC and the leader of the house at a National Conference. He or she shall:

- a. Present to the National Conference a comprehensive statement of the state of the nation and the political situation generally.
- b. Make pronouncements for and on behalf of the NEC outlining and explaining the policy or attitude of the ANC on any question.
- c. Preside over meetings of the NEC in conformity with the Constitution, by-laws and rules of procedure adopted by the NEC.
- d. Under the overall supervision of the NEC, orient and direct the activities of the ANC.
- e. Be an ex-officio member of the NWC.

#### 16.2 Deputy President

The Deputy President shall assist the President, deputise for him or her when necessary and carry out whatever functions are entrusted to him or her by the National Conference, the President or the NEC. He or she shall be an ex-officio member of the NWC.

16.3 In the event of death or permanent incapacity of the President and the Deputy President, the NEC shall as soon as possible appoint an **Acting President** until such time as the National Conference meets.

#### 16.4 The **National Chairperson** shall:

- a. Preside over the National Conference.
- b. Remain the custodian of the decisions taken by the National Conference and ensure that all organs of the ANC implement these decisions and operate within the parameters of policy set out by Conference.
- c. Carry out such additional tasks as the Conference or NEC may instruct.
- d. Be an ex-officio member of the NWC.

16.5 In the absence or incapacity of the National Chairperson, the President shall assume his or her functions.

#### 16.6 The **Secretary General**

The Secretary General is the chief administrative officer of the ANC. He or she shall:

- a. Keep the minutes of the National Conference, the NEC, the NWC as well as other records of the ANC.
- b. Conduct the correspondence of the NEC and the NWC and send out notices of all conferences and meetings at the national level.
- c. Convey the decisions and instructions of the National Conference, the NEC and the NWC to the provincial executive committees, and see to it that all units of the ANC carry out their duties properly.
- d. Prepare annual reports on the work of the NEC and the NWC and such other documents which may, from time to time, be required by the NEC and the NWC.
- e. In the absence of the President or the Deputy President, the Secretary General shall assume the functions of the President.

- f. All departments, save those falling directly under the President, shall report on their activities to the Secretary General.
- g. Be an ex-officio member of the NWC.

### 16.7 Deputy Secretary General

The Deputy Secretary General shall assist the Secretary General, deputise for him or her when necessary and carry out the functions entrusted to him or her by the National Conference or the NEC and shall be an ex-officio member of the NWC.

### 16.8 Treasurer General

The Treasurer General is the chief custodian of the funds and property of the ANC. He or she shall:

- a. Receive and bank all monies on behalf of the NEC and shall, together with any two members of the NEC, operate a banking account.
- b. Keep such books of account as may be necessary to record clearly the financial position of the ANC.
- c. Submit to the National Conference a report showing the Income and Expenditure Account and Balance Sheet of the ANC for the period since the previous National Conference, and shall submit periodic reports to the NEC and the NWC.
- d. Be responsible, with the National Finance Committee, for working out and executing plans for fund raising.
- e. Be an ex-officio member of the NWC.

### 16.9 The National Chaplaincy

There shall be a National Chaplaincy appointed by the NEC on an interfaith basis to provide spiritual guidance.

## Rule 17: PROVINCIAL CONFERENCE

17.1 Subject to the overall guidance of the NEC, the Provincial Conference shall be the highest organ of the ANC in each Province.

17.2 The Provincial Conference shall:

- a. Be held at least once every three years and more often if requested by at least one third of all branches in the Province.
- b. Be a conference attended by delegates chosen on a democratic basis by all branches in the Province with representation in proportion to membership, with attention being paid to ensuring representation of areas where membership is reduced.
- c. Be attended by members of the Provincial Executive Committee who shall have full voting and speaking rights as ex officio participants.
- d. Be attended by representatives of the Women's League and Youth League with voting rights.
- e. Carry out the decisions of the National Conference, the NEC and the NWC.
- f. Receive and consider reports by the Provincial Executive Committee.
- g. Elect the Provincial Chairperson, Deputy Chairperson, Secretary, Deputy Secretary,

- Treasurer and other members of the Provincial Executive Committee who will hold office for 3 years. The Provincial Secretary shall be a full-time functionary of the organisation.
- h. Carry out and develop the policy and programme of the ANC in the Province.

### **Rule 18: THE PROVINCIAL GENERAL COUNCIL**

18.1 A Provincial General Council shall be convened between Provincial Conferences.

18.2 The Provincial General Council consists of all members of the Provincial Executive Committee and delegates representing branches in proportion to membership, with a minimum of one delegate per branch. The Women's and Youth Leagues shall be represented by their PECs. The RECs shall be appropriately represented as determined by the PEC.

18.3 The PGC shall meet at least once a year. A PGC shall, for good cause shown, be convened by the PEC upon the request of one-third (1/3) of branches in the Province.

18.4 The Provincial General Council may discuss and decide any issue it deems necessary, including any matter brought before it by the PEC, and may decide on any matter falling within its competence, subject always to the policies and directives of the National Conference, National General Council, Provincial Conference or the NEC.

18.5 The PGC may fill any vacancy on the PEC provided that the filling of vacancies does not exceed 50% of the membership of the PEC.

### **Rule 19: PROVINCIAL EXECUTIVE COMMITTEE**

19.1 The Provincial Executive Committee shall be responsible for carrying out the decisions of the Provincial Conference and Provincial General Council always subject to Rule 18.4.

19.2 It shall consist of the Provincial Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer and not more than 13 other persons elected by the Provincial Conference. A person shall have been a paid-up member of the ANC for three years before she or he can be nominated to a Provincial Executive Committee of the ANC. Each region shall be equally represented by the Chair and/or the Secretary as determined by the PEC provided that the number of regional representatives on the PEC does not exceed the number of elected members of the PEC.

19.3 The Women's League and the Youth League in the Province shall be represented by two representatives with full voting rights.

19.4 The PEC shall:

- a. Meet as soon as possible after its election to elect the Provincial Working Committee and thereafter at least once a month.
- b. Carry out the decisions of the Provincial Conference and the NEC.
- c. Manage and control the funds and assets of the ANC in the Province.
- d. Submit reports to the NEC Provincial Conference and Provincial General Council as often as is required on the state of the organisation, the financial position of the province, and such other matters as may be specified.

- e. Appoint the regional organiser and staff as required.
- f. Organise, establish and service branches in the Province and supervise the work of the regions in the Province; suspend, dissolve, and re-launch branch executive committees and regional executive committees where necessary, subject to any directives from the provincial conference provided that where a BEC or REC has been suspended or dissolved there shall be a right of appeal to the NEC. A suspension shall not exceed a period of three months. Elections for dissolved structures shall be called within three months.
- g. Carry out the policy and programme of the ANC and do all things necessary to further the interests, aims and objectives of the organisation
- h. Have the right to co-opt up to 3 persons subject to confirmation by the Provincial General Council.
- i. The quorum for any meeting of the PEC shall be 50% (fifty percent)+1 of its total membership.
- j. Have the duty to appoint annually a Provincial List and Candidates Committee which will identify regulations for the drawing up of the Provincial List of candidates for national elections, provincial elections and for the selection of candidates for local government elections. The Provincial Executive Committee shall report to the NEC and shall be bound by the recommendations of the National List Committee. Every candidate for elections must undertake, in writing prior to the elections, to abide by the Constitution of the ANC and the relevant Code of Conduct for elected representatives.

## **Rule 20: PROVINCIAL WORKING COMMITTEE**

20.1 The Provincial Working Committee shall be a core group of the PEC and shall consist of not less than one quarter of its members, including the Chairperson, Secretary and Treasurer of the Province and the Chair or Secretary of the ANC Women's League and the ANC Youth League in that Province.

20.2 It shall perform the duties and functions of the PEC to which it shall report.

20.3 It shall meet at least once a week.

## **Rule 21: FUNCTIONING OF THE PROVINCIAL EXECUTIVE COMMITTEE**

21.1 Provincial offices shall, with due allowance for differences of scale and level of work, perform the same functions as their national counterparts.

21.2 The PEC shall, wherever possible, set up provincial departments in line with national departments.

21.3 The PEC shall determine the boundaries of regions within the Provinces, in consultation with the NEC.

## **Rule 22: PROVINCIAL REGIONS**

22.1 The PEC, under the supervision of the NEC, shall divide the Province into regions for the more efficient and democratic functioning of the ANC.

22.2 The maximum number of regions shall be determined by the PEC but shall not exceed 13 in number.

22.3 Each region shall hold a regional conference every two years which shall elect the Chairperson, Deputy Chairperson, Secretary, Deputy Secretary and Treasurer and a committee of not more than fifteen members; in addition the Chair and Secretary of the ANC Women's League and the ANC Youth League in that Region shall be members of the Regional Executive Committee. A person shall have been a member of the ANC for at least two years before she or he can be nominated to a Regional Executive Committee of the ANC.

22.4 Each branch within a region shall be entitled to send delegates to the biennial regional conference in proportion to its members.

22.5 There shall be at least one regional council meeting in the course of each year with each branch being entitled to send at least one delegate. Additional regional council meetings may be convened by the regional executive committee or the PEC or on the request of at least one-third of the branches.

22.6 The regional executive committee shall be accountable to the PEC for its functioning. The powers of the regional executive committee are such powers delegated to it by the PEC.

22.7 Regional Executive Committees may recommend to the PEC the suspension or dissolution of a BEC, Zonal Committee or Sub-Regional Committees.

### **Rule 23: PROVINCIAL CHAPLAINCIES**

Provincial Chaplains may be appointed by the PEC on the same basis as National Chaplaincy.

### **Rule 24: BRANCHES**

Every member of the ANC shall belong to a branch, which shall be the basic unit of the organisation.

24.1 The branch shall:

- a. Be registered with the PEC and have a minimum of 100 members, provided that the PEC may confer special recognition, where due to exceptional circumstances, the branch has fewer than 100 members.
- b. Meet as provided for in the rules and regulations.
- c. Be the place where members exercise their basic democratic rights to discuss and formulate policy.
- d. Be the basic unit of activity for members.
- e. Elect at an annual branch meeting a Branch Executive Committee consisting of Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer, and other committee members, consisting of not less than three and not more than ten persons. A person shall have been a member of the ANC for one year before she or he can be nominated to a Branch Executive Committee of the ANC, provided that where a new

branch is being established, the PEC may waive this provision. The Women's League and the Youth League, shall be entitled to two representatives each on the BEC.

- f. Meet at least once per month.

24.2 The branch executive committee shall:

- a. Meet as soon as possible after its election and allocate tasks and functions among its members to enable it to carry out the day-to-day activities of the Branch.
- b. Carry out the publicity and organisational work in its area in furtherance of the policy, programme and decisions of the ANC.
- c. Meet at least once per fortnight.
- d. Submit reports on its work to the branch meeting and at least each month to the Regional Executive Committee.
- e. Co-opt not more than three persons, if it considers it necessary to ensure greater representativity.
- f. The quorum for each meeting of the Branch Executive Committee shall be 50%+1 (fifty percent plus one) of the total BEC membership.

## **Rule 25: ZONAL STRUCTURES AND SUB REGIONS**

25.1 Any three (3) or more branches within a Region for the purpose of co-ordination of activities and better organisational efficiency, may be formed into a Zone at the instance of the Regional Executive Committee after consultation with the relevant branches, or on application to the PEC, by at least two branches within an area of a proposed Zone.

25.2 Whenever a Zone has been established the Branch Executive of constituent Branches shall at a properly convened meeting, elect a Zonal Committee which shall consist of a Chairperson, Secretary, Treasurer and one (1) representative elected per Branch within the Zone.

25.3 Where Zonal structures of the Women's League and Youth League exist, they shall be represented by one (1) member each, subject to the same provisions relating to the requirement for ANC membership.

25.4 The tasks of the Zonal Committee will include:

- a. To meet at least once a month.
- b. To co-ordinate the work and activities of the constituent branches and submit reports to the REC.
- c. To see to the implementation of the instructions of the NEC, PEC or the PWC, REC in the Zone.
- d. To participate in the work of the Regional Council.
- e. To maintain effective links with all branches in the Zone.

25.5 Sub-regions may be formed by 3 or more Zones with similar arrangements and powers as between Zones.

## **Rule 26: DISCIPLINE**

26.1 All members, without exception, must abide by the Constitution of the ANC, the Rules, the Standing Orders and Codes of Conduct as adopted or amended from time to time.

26.2 Disciplinary proceedings against a member shall be confined to violations of the ANC Constitution, Rules, Standing Orders, Codes of Conduct, or the commission of offences as set out in Rule 26.3, and shall not:

- a. Be used as a means of stifling debate or denying members their basic democratic rights;
- b. Be instituted as a means of solving private problems or as a means of interfering in the private lives of members where the norms of the organisation are not directly affected, unless such conduct itself constitutes a violation or an offence affecting the organisation.

26.3 A serious offence shall be committed by any member who:

26.3.1 Prejudices the integrity or repute of the organisation, its personnel or its operational capacity by:

- a. Impeding the activities of the organisation;
- b. Creating division within its ranks or membership;
- c. Doing any other act which undermines its effectiveness as an organisation.
- d. Acting on behalf of or in collaboration with:
  - i. Counter-revolutionary forces;
  - ii. A political organisation or party other than an organisation or party in alliance with the ANC in a manner contrary to the aims, policies and objectives of the ANC;
  - iii. Intelligence or the security services of other countries;
  - iv. Any person or group who seriously interferes with the work of the organisation or prevents it from fulfilling its mission and objectives.

26.3.2 The following shall also be regarded as serious offences, without prejudice to the generality of this provision and the right of the NEC to add to this category of offences:

- a. Conviction in a court of law and sentenced to a term of imprisonment without the option of a fine, for any serious non-political offence;
- b. Misappropriation of the funds of the organisation or destruction of its properties;
- c. Behaving corruptly in seeking or accepting any bribe for performing or for not performing any task;
- d. Engaging in sexual or physical abuse of women or children or abuse of office to obtain sexual or any other undue advantage from members or others;
- e. Abuse of elected or employed office in the organisation or in the State to obtain any direct or indirect undue advantage or enrichment;
- f. Fighting or behaving in a grossly disorderly or unruly way;
- g. Deliberately disrupting meetings and interfering with the orderly functioning of the organisation.

26.3.3 If, in the opinion of the NEC or the relevant body exercising its right to invoke disciplinary proceedings under this Constitution, a member is guilty of the following offences, disciplinary proceedings may follow:

- a. Behaviour which brings the organisation into disrepute or which manifests a flagrant violation of the moral integrity expected of members or conduct unbecoming that of a member;
- b. Sowing racism, sexism, tribal chauvinism, religious and political intolerance, regionalism or any form of discrimination;
- c. Behaving in such a way as to provoke serious divisions or a break-down of unity in the organisation;
- d. Undermining the respect for or impeding the functioning of the structures of the organisation;
- e. Participating in organised factional activity that goes beyond the recognised norms of free debate inside the organisation and threatens its unity.

26.4 a Disciplinary proceedings shall normally be conducted at the level where the alleged violation or offence took place, namely the branch, region, province or national, and may be heard by the relevant structure;

b The NWC may direct that the disciplinary proceedings should be heard at a higher level from where the alleged violation or offence took place.

26.5 a Any person faced with disciplinary proceedings shall receive due written notice of any hearing and of the basic allegations and charges against him or her and be afforded a reasonable opportunity to make his or her defence.

b The National Disciplinary Committee shall draw up guidelines for the interpretation of this section on discipline and for the rules of procedure including time limits to be followed before, during and after a hearing.

26.6 Any person found guilty in a disciplinary proceeding, or the complainant has the right, within a reasonable period, to appeal against the conviction or sentence, to the next higher body of the ANC. The NWC may direct that any appeal should be heard by a body higher than the one to which the appeal has been made. The PEC may direct that an appeal against the decision by a branch should be heard directly by the Provincial Disciplinary Committee.

26.7 Penalties for proven violations of the Constitution, principles, norms and decisions of the ANC shall include reprimand, payment of compensation and/or the performance of useful tasks, suspension and expulsion.

#### 26.8 Temporary Suspension

The Provincial Disciplinary Committee, the National Disciplinary Committee or the NWC having regard to the nature and seriousness of an alleged violation or offence by a member, may summarily suspend the membership of any member pending the preparation of a charge against the member and the finalisation of disciplinary proceedings against the member. The member shall be informed of such suspension. The temporary suspension shall lapse if no disciplinary proceedings are instituted against the member within 30 days of the date of the temporary suspension. Such disciplinary proceedings shall be attended to as quickly as possible and completed within a reasonable period.

26.9 All disciplinary proceedings shall be attended to as speedily as possible.

26.10 Decisions relating to disciplinary proceedings shall be publicly announced.

- i. The NEC shall appoint a National Disciplinary Committee from among its membership and from other structures of the ANC. The decisions of the NDC shall be final except that the NEC may, in its discretion, review a decision. Such a review shall be regulated by standing orders adopted by the NEC.
- ii. The National Disciplinary Committee shall hear and determine violations or offences on appeal from appropriate organs of the ANC. In addition, the national officers, the NWC or the NEC may refer such violations or offences directly to the NDC. In exceptional situations arising out of serious breaches of the Constitution, Rules or Codes of Conduct, the NDC itself may exercise jurisdiction to investigate and determine a complaint.

26.11 The NEC may authorise other structures of the ANC to institute disciplinary proceedings and to set up appropriate structures to apply the provisions of this Rule.

#### **Rule 27: RULES AND REGULATIONS**

27.1 The NEC shall have the power to adopt rules and regulations for the better carrying out of the activities of the ANC.

27.2 The PECs shall have the power to adopt rules and regulations for the better functioning of the ANC in their respective provinces.

27.3 All such rules and regulations shall be consistent with the constitutional norms of the ANC, and rules and regulations framed by the PEC shall only become operative when approved by the NEC, or, on a provisional basis pending approval by the NEC, by the NWC.

27.4 The NEC shall have the power to frame a code of conduct to cover all structures, officials, public representatives, office bearers and members.

#### **Rule 28: GENERAL**

The ANC shall have perpetual succession and power, apart from its individual members, to acquire, hold and alienate property, enter into agreements and do all things necessary to carry out its aims and objects and defend its members, its property and its reputation.

#### **Rule 29: AMENDMENTS**

Any amendments to this Constitution shall be by a two-thirds majority of delegates present and voting at the National or Special Conference. Notice of intent to propose any amendments to the Constitution should be forwarded to the Office of the Secretary General at least three months before the National or Special Conference. The NEC shall provide at least one month's notice for any Constitutional amendment.

#### **Rule 30: SPECIAL CONFERENCE**

30.1 A special conference of the ANC may be convened by the NEC at any time or at the request of a majority of the Provinces for a stated purpose or purposes.

30.2 Not less than one month's notice of such conference shall be given.

30.3 Participation at the Conference shall be determined by the NEC, provided that branches shall be represented at such a conference in proportion to their membership.

### **Rule 31: CONTRACTUAL LIABILITY**

Only the National Officials shall have the authority to bind the ANC or to create any legal relationship. Any other person purporting to bind the ANC must produce a written authorisation from one of the National Officials which must indicate the extent of that person's authority.

### **Rule 32: TRANSITIONAL ARRANGEMENTS**

The NEC is authorised to make consequential changes to the content and style of these rules following these amendments and to make such transitional arrangements as necessary.

### **Rule 33: DISSOLUTION**

The National Conference or any Special Conference may dissolve the organisation by a two-thirds majority of delegates present and voting and transfer the assets and liabilities of the movement in such a manner as determined by the Conference.

## **SCHEDULE TO ANC CONSTITUTION:**

### **ANC Logo and Colours**

The ANC logo is a black African shield in the form of a pointed oval with a narrow white border and canton, the latter bearing six narrow black horizontal bars, surmounted in the centre by a spear erect the shaft white bearing a narrow black vertical line and the blade faceted vertically, white and black, held by a right hand issuant from behind an eight-spoked wheel set to the viewer's right, both white, the rim and spaces between the spokes of the wheel, black, flouting from the upper shaft of the spear and partly surmounting the wheel, a horizontal tricolour, comprising from top to bottom, equal bands of black, green and gold.

### **ANC Flag**

The ANC flag is rectangular; it is one and a half times longer than it is wide. It is a horizontal tricolour, comprising from top to bottom, equal bands of black, green and gold.

## **APPENDIX:**

### **Disciplinary Procedure (as amended on 17 February 1998)**

## **INTRODUCTION**

Rule 26 of the Constitution deals with discipline. This disciplinary procedure prescribes how the disciplinary procedure is to be used and how disciplinary proceedings are to be conducted.

## **OBJECTIVE OF DISCIPLINARY PROCEDURE**

The objective of disciplinary procedure is to ensure that in all disciplinary proceedings:

- There is a formal procedure.
- There is a just and fair procedure.
- A member is presumed innocent until proven guilty.
- A member has a chance to defend herself or himself.
- A member has the right to appeal.

## **STARTING DISCIPLINARY PROCEDURE**

Disciplinary Proceedings may be instituted:

1. Only for violations or offences of the ANC Constitution, the Rules, the Standing Orders, Codes of Conduct, or the violations and offences set out in Rule 26.3.1 or Rule 26.3.2 or Rule 26.3.3. (See Rule 26.2. of the ANC Constitution.)
2. By any organ or official of the ANC at Branch, Regional, Provincial or National level. However, the NWC may direct that the disciplinary proceedings should take place at a higher level than where a violation or offence was committed (Rule 26.4).
3. By the National Disciplinary Committee which can hear and decide cases:
  - Referred to it by the ANC National Officials, NWC, or the NEC.
  - Of very serious violations or offences on its own initiative (Rule 26.11).

At Branch, Regional, Provincial or National level by a Disciplinary Committee unless:

- The NWC directs that the disciplinary proceedings should take place at a higher level than where a violation or offence was allegedly committed (Rule 26.4).
- The National Disciplinary Committee institutes disciplinary proceedings referred by the ANC National Officials, NWC, or the NEC (Rule 26.11).
- The National Disciplinary Committee institutes disciplinary proceedings itself for very serious violations or offences. (Rule 26.11)

## **HOLDING DISCIPLINARY PROCEEDINGS**

1. A charge must be made within reasonable time of the violation or offence. (Rule 26.9)
2. A charge must be prepared on behalf of the organ or officials of the ANC instituting the disciplinary proceedings. The charge must:
  - Be in writing
  - Set out the information forming the reason for the charge and the alleged violation or offence in reasonable detail.

- Identify the:
- Provision of the ANC Constitution, the Rules, the Standing Orders, Codes of Conduct alleged to have been violated.
- The violations and offences set out in Rule 26.3.1 or Rule 26.3.2 or Rule 26.3.3 alleged to have been committed.
- Advise the charged member of her or his right to be represented by a member of the ANC in good standing, to have an interpreter present, to call witnesses for defence of the charge, and to recall and question witnesses called for prosecution of the charge.
- Specify the time and place of the disciplinary proceedings.
- Be delivered to the charged member seven days before the disciplinary proceedings or sooner if this is necessary in certain serious circumstances.

3. The following persons must be present at a Disciplinary Proceeding:

- The Chairperson and members of the Disciplinary Committee.
- The presenter of the charge.
- The charged member, who can be tried in her or his absence if she or he does not appear.
- The charged member's representative and/ or interpreter who is a member of the ANC in good standing.
- The witnesses.
- A minute taker.

4 The Chairperson of the Disciplinary Committee must ensure that:

- The disciplinary proceedings are held in a fair manner. He or she will rule on all matters that may arise and ensure order is maintained.
- The charged member is informed of the charge, is informed of her or his rights and is asked to plead guilty or not guilty to the charge.
- The presenter of the charge details the charged member's alleged violation or offence and may call witnesses in support of the charge and may produce relevant documentation in support of the charge.
- The charged member or her or his representative presents the defence to the charge and may call witnesses and may request the recall of and question witnesses called in support of the charge, and may produce relevant documentation.

## **ADJUDICATION**

At the end of the disciplinary proceedings, the Chairperson of the Disciplinary Committee must ensure that:

1. The members of the Disciplinary Committee discuss the issues raised at the disciplinary proceedings in private and make a finding based on the facts and evidence of the case and make a ruling.

2. The Chairperson and the members of the Disciplinary Committee decide a penalty. The penalties are:

- Reprimand
- Payment of compensation and/or performance of useful tasks
- Suspension
- Expulsion.

3. The charged member is advised of the ruling and the penalty of the Disciplinary Committee with the reasons for these and is advised of her or his right to appeal.

4. That the ruling and penalty are publicly announced. (Rule 26.10).

## **APPEAL**

1. An appeal may be lodged by:

- The charged person against whom a finding has been made or a penalty imposed by the Disciplinary Committee.
- The organ and/or officials who laid the charge against a finding or a penalty imposed by the Disciplinary Committee.

2. An Appeal Hearing must be held by the next higher level unless:

- The PEC directs that any appeal from a Branch Disciplinary Committee appeal should be heard by the Provincial Disciplinary Committee.
- The NWC directs that any appeal should be heard by a higher level than the next higher level.

3. The National Disciplinary Committee is the final structure for appeals to be heard. However, the NEC may at its discretion review a decision of the National Disciplinary Committee in accordance with standing orders adopted by the NEC. (Rule 26.11).

## **APPEAL PROCEDURE**

The following procedure must be followed for appeals:

1. The appeal must be made at the next higher level or the level which the NWC or the PEC directs to hear the appeal.

2. The appeal must:

- Be made within fourteen days of the charged member being informed of the ruling and penalty with the reasons for these.
- Be in writing
- Set out the reason for the appeal in reasonable detail.
- Set out the grounds for the appeal in reasonable detail.

3. Except in exceptional circumstances determined by the Chairperson of the Disciplinary Committee hearing the Appeal, no new evidence may be presented or considered at the appeal. No new charges may be brought at the appeal.
4. The Chairperson and the members of the Disciplinary Committee must discuss the issues raised at the appeal hearing, and come to a finding based on the facts and evidence of the appeal hearing and make a ruling which can confirm, vary or amend the original ruling and/or penalty.
5. The person who appeals must be advised of the ruling and the confirmation or variation of the original ruling and/or penalty.
6. Any further appeal will need the permission of the next higher level.
7. Any such further appeal must follow the above appeal procedure.

## **GLOSSARY:**

### **EXPLANATION OF TERMS USED IN THE CONSTITUTION**

**Accountable:** To answer for, or explain, one's conduct, decisions or acts.

**Additional Members:** NEC Members who are elected.

**Annual subscription fee:** The NEC decides the annual subscription fee.

**Appeal:** A resort or an application to a higher authority for a decision.

**Assign:** To give out as a task.

**Autonomous:** The Leagues operate independently, next to and in addition to ANC structures and within the framework of the Constitution and policies of the ANC.

**Bribe:** A bribe includes any promise or offer to give something, usually money, to procure services or gain influences in an improper manner.

**Candidate duly endorsed:** A candidate nominated and elected democratically by the constitutional structures of the ANC at the appropriate levels, and endorsed by the NEC, the PEC or the Branch.

**Chaplaincy:** Does not have the usual meaning which necessarily refers to one faith only, and it is therefore qualified by the word "interfaith" in the next line.

**Consistent with:** Agreeing, compatible, not contradictory.

**Constitution:** The Constitution of the ANC contains the rules and principles that prescribes the rights and duties of its official structures and members. It is the basic law of the movement which must be observed by all members.

**Contractual liability:** The effect of this is to protect the ANC against being held responsible by outsiders (e.g. a money lender) for the actions of an individual member who may have been acting on his or her own account.

**Co-opt:** This is an option whereby an elected body appoints further (non-elected) members to itself.

**Deemed [necessary]:** Considered, regarded as a subjective opinion; indicates a state of affairs which does not necessarily or in fact exist, but is taken or regarded to exist.

**Designated to administer...oaths:** The ANC designates someone within the organisation to administer the oath.

**Direct:** To conduct the affairs of, manage, regulate.

**Directive:** An order or instruction, especially one issued by a central authority.

**Disrepute:** The absence or loss of reputation; discredit; disgrace.

**Elective office:** Refers to an office held as Councillor, Member of the Provincial Legislature or Member of Parliament.

**Electoral Commission:** The ANC appoints from among its members a body to constitute an Electoral Commission.

**Election agent:** Representative of a candidate contesting an election and who represents the interests of the candidate.

**Ex officio:** Means by virtue of his or her position or office.

**Eligible/Ineligible [for membership]:** These are the rules that determine which persons are eligible for (qualified for or worthy to be) members of the organisation. A person qualified for membership is not necessarily entitled to membership.

**Endorsed:** Approved or supported

**Ethnic chauvinism:** A prejudiced belief in the superiority of a certain ethnic group (a cultural or social group with certain characteristics like religion, language, ancestry or physical traits).

**Freedom Charter:** The document containing the essential philosophy of the ANC, adopted by the (then) alliance in 1955 and ratified by the ANC in April 1956.

**Good cause shown:** Sufficient reasons. Any fact or circumstance that would make it just and fair between the parties. Good cause should not merely be alleged, but must be able to be shown.

**Honorary membership:** Membership given as a mark of honour without the usual requirements or privileges of membership.

**Impeding [activities]:** Obstruct the way of, hinder the progress of.

**Incapacity:** Lack of strength or ability; disability, helplessness.

**Invalidly obtained [membership]** Membership obtained falsely, not in accordance with the Constitution, and therefore legally ineffective.

**Legal relationship:** A relationship, like for example a contract, from which legal rights, obligations (like debts) and duties flow.

**Logo and Colours:** The ANC is the sole copyright holder of its logo and colours.

**Member:** A person who has applied for and being accepted as a paid up member of the ANC. South African citizens over 18 years of age may apply for membership.

**Members not in good standing:** A member who fails to pay his or her subscriptions for three months and whose membership has lapsed.

**Misappropriation:** To use money or funds wrongly or dishonestly, especially for one's own use.

**National Democratic Revolution:** Refers to the process of transforming the country from an apartheid state to a non-racial, non-sexist, united democratic society in which all people enjoy equal rights.

**National List Committee:** This is appointed annually by the NEC and which is responsible for drawing up regulations and procedures to be used in the selection of candidates for National Parliament. It shall consist of at least five members and not more than nine members.

**Nominate:** To propose by name as candidate.

**Official:** One who holds an office or position of authority in the organisation.

**Party in alliance:** Includes our alliance partners: SACP, COSATU, and others as decided by the NEC.

**Perpetual succession and power:** Rule 28 confers legal personality on the ANC, by which it exists in law as an entity with rights and duties independent from the change in its members or officials from time to time, and these rights vests indefinitely in the organisation as a legal person.

**Provincial List and Candidates Committee:** Refers to the Committee in each province responsible for the compilation of elections lists and ward candidates.

**Provisional membership:** Refers to a member whose membership has not yet been confirmed, but who may participate in the activities of the organisation except election onto any committee, structure, commission or delegation of the ANC.

**Quorum:** The minimum number of officials or members of a structure, committee or assembly, usually a majority, who must be present for the valid transaction of the business of the meeting.

**Ratify:** Approve, give formal sanction to.

**Reasonable Period:** The NEC may declare a time frame as to when an appeal may be lodged (see Rule 27.1).

**Region:** This means the geographic area of the Province, and not the "region" as defined in Rule 22.

**Registered political party:** This refers to registration in terms of the Electoral Act, 1993.

**Rescind:** To void or repeal.

**Review [of membership application]:** The reconsideration of an acceptance or refusal of membership.

**Rules and Regulations:** In addition to the Rules contained in this constitution, the NEC may also adopt subordinate Rules for the better carrying out of the activities of the ANC.

**Second:** An utterance or show of endorsement of a proposal or nomination.

**Shall/may [convene, etc.]:** 'Shall' normally means 'must' (obligatory, no discretion). 'May' is permissive, and usually confers a discretionary power or function.

**Supervise:** To direct and inspect the performance of work, to oversee.

**Suspend/suspension:** To bar for a period from a privilege, office or position; to render temporarily ineffective or inoperative under certain conditions.

**Tied vote:** A state of equality of votes; a draw

**Tribalistic exclusivism:** To prevent persons from certain tribes to play a role in the organisation, or to admit only persons from certain tribal backgrounds to memberships or participation.

**Undermines:** To weaken, injure or ruin insidiously or secretly.

**Universal Suffrage:** The right of all persons to vote.

**Voting and speaking rights [at meetings]:** The right to vote is a matter that is regulated in the Constitution of the organisation. The reason why non-members of a structure are afforded speaking rights (when they do not have voting rights) is to ensure that the non-members have spoken at the meeting and by virtue of their forceful character possibly unduly influenced the meeting or inhibited free discussion or decision.

**Zones:** A (geographical) area distinguished from adjacent parts by some distinctive feature or character.



# Swedish Social Democratic Party Constitution



## **Swedish Social Democratic Party Constitution**

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Adopted by the ordinary party congress of 2009

## **Chapter 1: Purpose**

Social democracy aims to build a society based on the ideals of democracy and the equal value of every person. The aim of democratic socialism is free and equal individuals in a society based on solidarity.

Each person must be free to develop as an individual, control their own life and influence their own community. Freedom means freedom from external coercion and pressure, hunger, ignorance and fear of the future, as well as freedom to participate in decision-making, to develop themselves, to interact freely with others and to have the opportunity to control their own life and choose their own future.

This human freedom requires equality. Equality means that every individual, regardless of background, is given the same opportunity to build their own life and influence their society. This equality implies the right to choose and develop differently, without the differences leading to subordination and inequalities in power and influence over everyday life and society.

Freedom and equality concern both individual rights and collective solutions to achieve what is best for the common good, and also form the basis for the individual's life and opportunities. Human beings are social creatures who develop and grow in interaction with others, and much that is important for the well-being of the individual can only be created through cooperation with others.

The common good demand solidarity, the unity which arises from the realisation that we are all mutually dependent on each other and that the best society is based on cooperating with mutual consideration and respect. Everyone must have the same rights and opportunity to influence solutions, and everyone must have the same obligations to take responsibility for them. Solidarity does not expel the desire for individual development and success, but it does not accept the egotism which makes it permissible to exploit others for personal gain.

All power in society must come from the individuals who together make up the society. Economic interests never have the right to set limits to democracy; democracy always has the right to specify the conditions for the economy and set limits to the market.

Democracy must be exercised on many roads and levels. Social democracy strives for a social order in which people as citizens and individuals can influence both society as a whole and community work at an everyday level. We strive for an economic order in which every individual as a citizen, a wage earner and consumer can influence the direction and distribution of production, and the organisation and conditions of working life.

Social democracy wishes to see these democratic ideals characterise all of society, as well as the mutual relationships between people. Our aim is a society free from superiority and submission, without class distinctions, segregation or ethnic divisions, a society without prejudices and discrimination, where everybody is needed and where there is room for everybody, where everybody

has the same rights and the same value, where each child can grow up to become a free and independent adult, where each person is free to develop as an individual and in equal and loyal cooperation with others is free to search for the solutions which best serve the public good.

These ideas of democratic socialism have been passed down to us from previous generations, and have been shaped in the light of experience. They are the driving force of all political endeavours, now and in the future. The deepest roots of social democracy lie in the conviction that all people are of equal value and every individual is sacrosanct.

## **Chapter 2: The Party Constitution**

### § 1 The Party's task

Social democracy in Sweden is a popular movement based on democracy. The party's political vision for the future of society depends on close contact with members and electors. The party must, therefore, be an active, modern popular movement firmly rooted in the everyday lives of the people.

The party is responsible for:

- bringing into the party everyone who shares the fundamental values of social democracy,
- influencing public opinion in favour of the ideals of social democracy on the basis of the party's programme,
- the development of social democratic ideas, programmes and policy,
- planning and coordinating election campaigns
- coordinating the political work of social democracy in municipalities and county councils, and in the Church of Sweden,
- coordinating the party's international activities,
- strategic development of trade union-political activities,
- the election of political representatives in the European Union,
- support for organisational development and activities in party districts,
- strategic planning for growth in party membership,
- the development of party-wide systems for members registers and the collection of membership fees.

### § 2 Organisation

#### Clause 1

The Social Democratic associations and local clubs are the local organisations of the party. The associations unite to form local branches, known as workers municipalities (arbetarekommuner), the

primary local organisations of the party. The local branches unite to form districts, which are the regional main organisations of the party and which build the party.

## Clause 2

The party consists of the following party districts:

Stockholm party district

Stockholm County party district

Uppsala County party district

Södermanland party district

Östergötland party district

Jönköping County party district

Kronoberg party district

Kalmar County party district

Gotland party district

Blekinge party district

Skåne party district

Halland party district

Göteborg party district

Bohus County party district

Norra Älvsborg party district

Älvsborg södra party district

Skaraborg party district

Värmland party district

Örebro County party district

Västmanland party district

Dalarna party district

Gävleborg party district

Västernorrland party district

Jämtland County party district

Västerbotten party district

Norrbotten party district

Clause 3

The congress is the supreme decision-making body of the party. Other bodies are the Party Council, the national board and its executive committee.

§ 3 Membership register and fees

Clause 1

The national board is responsible for registering all individual members in the party's local organisations and for the collection of membership fees.

Each local organisation, local branches and party district is given access to the appropriate part of the members register.

Clause 2

Each member pays a membership fee which is the total of the association/club fee, the fee to the local branch, to the party district and to the party.

Members who hold their membership in women's clubs, Christian groups, student clubs or the Swedish Social Democratic youth clubs will pay a membership fee in accordance with § 3 clause 4 of the Constitution of Social Democratic Associations.

Membership fees are to be remitted to the national board of the party. Fees paid for each party district, local branch and the Social Democratic associations are paid out by the national board of the party to these on 30 June and 31 December of the year in which the fees were paid by the member.

Clause 3

Rules on affiliation of local trade unions are stipulated by the national board of the party.

§ 4 Party congress

Clause 1

The congress is the supreme decision-making body of the party.

The ordinary congress is held the year prior to the year the general election takes place. An intermediate congress is held if called for by the national board of the party, or by vote in accordance with § 11 of the party constitution. An intermediate congress can deal only with the issues specified in the notice convening the congress.

#### Clause 2

Notice convening the party congress is to be issued by the national board of the party no later than ten months before the congress is to be held. An intermediate congress can be summoned without observing this time period. In doing so, the national board of the party stipulates the times for the material issues regulated in §§ 4 and 5 of the constitution.

#### Clause 3

The Congress shall consist of 350 representatives of the party districts.

#### Clause 4

In each party district one delegate is elected for each whole number equivalent to one three hundred and fiftieth of the number of party members. The number of members refers to the reported party membership. The distribution of delegates is decided on the basis of the number of members on 31 December of the year prior to the congress year.

#### Clause 5

If the number of representatives to be elected according to clause 4 does not amount to 350, the remaining representatives shall be distributed with one representative each to the party districts which have the largest surplus numbers. If the surplus numbers are equal, the distribution will be determined by lot.

#### Clause 6

Nine months before the congress at the latest, the national board of the party decides and informs the party districts of the number of delegates each party district shall elect.

#### Clause 7

The parliamentary group of the Social Democratic Party and the Swedish Social Democratic group within the European Parliament appoint from among themselves one delegate for each group of ten members and each new group of up to ten members. The delegate must attend the congress and has the right to address congress and to propose motions at congress.

#### Clause 8

Auditors appointed by the party congress, members of the party programme commission, the chair of the party districts and two representative s from the party group on the board of the Swedish

Association of Local Authorities and Regions have the right to attend the congress. They have the right to address congress and to propose motions.

#### Clause 9

The Social Democratic Women in Sweden, the Swedish Social Democratic Youth (SSU), the Swedish Christian Social Democrats and the Swedish Social Democratic Students' Association (SSF) each have the right to appoint one delegate to the congress. They have the right to address congress and to propose motions at congress.

#### Clause 10

The authorisation of delegates is issued by the district board and sent to the party office three months before the ordinary congress at the latest.

#### Clause 11

The auditing of authorisations is carried out by the auditors of the party and must be completed before the opening of the congress.

#### Clause 12

The order papers and the agenda of the congress shall be drawn up by the national board of the party.

#### Clause 13

The nominating committee and the audit committee are appointed by the Party Council. The congress can choose its own committees and determine the subjects they will work with.

#### Clause 14

The members of the party board have the right to address congress and to propose motions at the congress.

#### Clause 15

Only delegates have the right to vote at the congress. Every delegate has one vote. The right to vote may not be transferred.

#### Clause 16

Voting takes place by a show of hands. The election of individuals takes place by secret ballot when requested by a delegate.

In a secret ballot, the candidates are listed in alphabetical order on the ballot paper. A valid ballot must list the number of persons who are to be elected. A ballot paper listing more or fewer names is

void. The person(s) receiving the highest number of votes will be elected, unless the congress decides that a simple majority is required for election.

If an equal number of votes are cast for each candidate in a secret ballot, a second ballot can be held. In the case where only two candidates stand, the vote will be decided by lot.

If there are an equal number of votes in a show of hands, the vote will be decided by lot.

#### Clause 17

A motion may be moved by an individual party member or by a local Social Democratic organisation, and must be submitted to the executive of the local branch within the period of time stipulated by the latter. The motion shall be dealt with at the meeting of the local branch. The local branch can adopt the motion as its own, submit it as an individual motion or reject the motion. A motion can also be proposed by the executives of the party districts. Proposals can be put forward by the national board of the party and its executive committee and also by the programme commission. If the national board of the party so decides, the right to submit motions can apply until the intermediate congress. A motion to an intermediate congress can deal only with the issues specified in the notice convening the congress.

#### Clause 18

A motion must be submitted to the party office no later than six months before the congress. A motion submitted after this date will not be debated at the congress.

#### Clause 19

The national board of the party shall reply to proposed motions. Motions together with replies and proposals from the national board of the party shall be sent to local branches, party districts and congress delegates six weeks before the congress at the latest.

#### Clause 20

Before the national board of the party replies to a motion concerning the party programme, the motion must first be submitted to the programme commission.

#### Clause 21

The annual reports for the congress period shall be submitted by the national board of the party to the ordinary congress.

#### Clause 22

Congress decisions and amendments to the programme and constitution shall come into force immediately, unless the congress decides otherwise.

#### Clause 23

The minutes of the congress shall be sent out to districts, local branches and congress delegates no later than twelve months after the congress.

## § 5 Election of delegates to the party congress

### Clause 1

For the election of congress delegates the party districts should be subdivided into constituencies. These are stipulated by the district board which also stipulates the number of delegates and deputies in each constituency.

### Clause 2

The subdivision into constituencies and the time limit for nominating candidates shall be communicated in a circular to the local branches and the Social Democratic associations and clubs no later than eight months before the congress.

### Clause 3

The elections of delegates shall start no earlier than six months and be concluded no later than four months before the congress.

### Clause 4

The election of the delegates must be held over at least two days. The time(s) and place(s) for the election are to be decided by the executive of the local branch. The executive of the local branch may also decide that the election of the delegates be by postal voting. If more than one local branch is included in a constituency, this decision is remitted to the district board. The rules for postal voting are stipulated by the district board.

### Clause 5

The local branch of the Social Democratic Party shall, by way of an advertisement or a written communication no later than 14 days before the election, ensure that the members are informed of the election.

### Clause 6

All party members who have paid their membership fees are entitled to vote in the election of congress delegates elected in the local branch where their membership is registered.

### Clause 7

When voters cast their votes, membership of the local branch must be validated on request.

Clause 8

The election of delegates shall be by secret ballot.

Clause 9

Every member has the right to nominate candidates. Nominations shall be made to the executive of the local branch within the time stated by the latter. The local branch shall send the district board a list of all the candidates nominated. The district board produces ballot papers and sends them to local branches. All the candidates within the constituency shall be listed on the ballot in alphabetical order. The number of delegates nominated for election must be stated on the ballot. Only the ballot paper drawn up by the district board may be used in the election.

Clause 10

A valid ballot must include the number of delegates to be elected. A ballot paper that includes more or fewer names is invalid.

Clause 11

No later than eight days after the end of the election, the local branch shall send the ballot papers to the district board together with a protocol on the election in a sealed envelope, marked "Ballots".

Clause 12

The envelopes are to be opened on the day of the count and the count is to be carried out by the district board or by the tellers appointed by the district board before the end of the 15th week before congress. The local branches and the Social Democratic associations and clubs shall be informed in advance of the time and place for the count.

Clause 13

The member(s) with the highest number of votes in every constituency is elected as a delegate. Deputies are those coming next in numbers of votes cast to the elected delegates. Delegates are summoned according to the votes they have received. When the number of votes is equal, the decision will be by lot.

Clause 14

The district board shall make public the result of the voting by circulars sent to the local branches and the Social Democratic associations and clubs immediately after the count.

Clause 15

The organisation of the election is to be determined by the district board.

Clause 16

If a member considers that the election of delegates is in conflict with the constitution of the party and wishes to appeal against the election, this must be made known to the district board no later than five days after the result of the voting has been announced.

The district board shall submit such an appeal, together with its comments on the appeal, to the national board of the party. If the national board of the party finds that the voting has not been carried out in accordance with the constitution and that this might have a bearing on the result of the vote, it shall recommend a new election within the constituency or the local branch concerned.

## § 6 The Party Council

### Clause 1

The Party Council shall act as the advisory organ to the national board of the party. Before every meeting the national board of the party determines the agenda and standing orders for the meeting.

### Clause 2

The Party Council assembles at least once a year, and otherwise when summoned by the national board of the party.

### Clause 3

A notice convening the Party Council shall be issued by the national board of the party no later than two weeks before the meeting.

### Clause 4

The Party Council consists of 120 delegates distributed among the party districts according to the same principle of distribution as for the ordinary congress.

Representatives and deputies to the Party Council are elected by the district congress in the year following the ordinary congress for a period of four years.

### Clause 5

The members of the executive committee and the national board of the party and the deputies of the executive committee shall be summoned to the Party Council meetings and they have the right to address the meeting and to propose motions.

When an ordinary member of the national board of the party is prevented from attending, the deputy delegates shall be summoned to the Party Council in the order in which they have been elected and they then have the right to address the meeting and to propose motions.

### Clause 6

The Parliamentary group of the Social Democratic Party and the Swedish Social Democratic group within the European Parliament appoint from among their members one delegate for every thirty members and for each new group of up to thirty members. A delegate must attend the Party Council and has the right to address the meeting and propose motions at the Party Council.

#### Clause 7

Auditors appointed by the party congress, members of the programme commission, the chairmen of the party districts and two delegates from the party group on the board of the Swedish Association of Local Authorities and Regions have the right to attend the Party Council and the right to address the meeting and propose motions.

#### Clause 8

The Social Democratic Women in Sweden, the Swedish Social Democratic Youth (SSU), the Swedish Christian Social Democrats and the Swedish Social Democratic Students' Association (SSF) have each the right to appoint one delegate to the Party Council. They have the right to address the meeting and to propose motions.

#### Clause 9

The Party Council elects the nominating committee and audit committee for the period up to the next congress.

The nominating committee consists of eleven ordinary members and six deputy members.

When ordinary members are prevented from attending, the deputies take their places in the order in which they have been elected.

The nominating committee has the task of preparing the election of the national party board at congress, the executive committee, auditors, the programme commission and deputies in accordance with §§ 7, 8, 9 and 10 of the party constitution, and the election of committees in accordance with § 4 clause 13 of the party constitution.

Nominations shall be sent to the nominating committee within the time stipulated by the nominating committee

#### Clause 10

The Party Council applies the same rules on voting and secret ballots as congress.

#### Clause 11

Minutes of the Party Council are to be sent out to party districts, local branches and representatives no later than 6 months after the meeting.

## § 7 The national board of the party

### Clause 1

The national board of the party is responsible for the management of the activities of the party in accordance with the party programme and constitution as well as the decisions of congress.

The national board of the party is the supreme decision-making body of the party when congress is not in session.

The national board shall determine the budget and working plan of the party for the coming working year.

The national board of the party shall determine the attestation rights and the rules for delegation to the executive committee, the party board and the party office.

The party board determines the list of Swedish Social Democratic candidates before an election to the European Parliament. The party board may, if it so wishes, delegate the task of determining the list to Party Council or to Congress.

### Clause 2

Congress elects the national board of the party consisting of 33 members. Of these, seven are ordinary members of the executive committee.

Congress elects seven deputy members for the ordinary members of the executive committee. Congress also elects a further 15 deputy members for the other members of the party board. These shall be summoned to the meetings of the party board. They have the right to speak and to propose motions as well as the right to vote when they replace the ordinary member. They stand in the order in which they have been elected.

### Clause 3

The chairs of the Social Democratic Women in Sweden, the Swedish Social Democratic Youth Association, the Swedish Christian Social Democrats' Association and the Swedish Social Democratic Students' Association have the right to attend the meetings of the party board and have the right to speak and to propose motions.

### Clause 4

The party board elects the party treasurer.

The party treasurer must attend meetings of the executive committee and of the national board of the party, has the right to address the meetings and to propose motions.

### Clause 5

The national board of the party shall hold an annual general meeting in April each year. In addition to this, a meeting is held when the executive committee finds it necessary or when at least five members of the national board of the party call for a meeting.

#### Clause 6

At the annual general meeting of the national board of the party the executive committee shall present a report on the accounts and the work of the party for the previous year.

### § 8 The executive committee

#### Clause 1

The executive committee administers the day-to-day management of the work of the party and is responsible to the party board.

The committee is responsible for ensuring that the decisions made by the congress and the party board are carried out. The executive committee is responsible for ensuring that the archives are kept and preserved in a secure manner.

The executive committee is the responsible employer for the staff employed at the party office.

#### Clause 2

The executive committee consists of seven ordinary members and seven deputies.

The chair and secretary are elected separately from the standing members of the committee.

Deputy members of the executive committee shall be summoned to the meetings of the committee and the party board except for meetings held in accordance with clause 4. They have the right to speak, to propose motions and to vote when standing in for an ordinary member. They stand in the order in which they have been elected.

#### Clause 3

The chairs of the Social Democratic Women in Sweden, the Swedish Social Democratic Youth, the Swedish Christian Social Democrats and the Swedish Social Democratic Students' Association have the right to attend meetings of the committee, to speak and to propose motions, except for meetings held in accordance with clause 4.

#### Clause 4

For extraordinary reasons, the executive committee may meet with attendance limited to ordinary members.

## § 9 The Programme commission

### Clause 1

The programme commission consists of five members and five deputy members, who are elected by the ordinary party congress. The deputies shall be summoned to the meetings of the programme commission. They have the right to speak, to propose motions and to vote when standing in for an ordinary member. They stand in the order in which they have been elected.

### Clause 2

The programme commission shall reply to proposals governed by § 4, clause 20 of the constitution, before the party board replies to such proposals.

### Clause 3

The members and deputy members of the programme commission have the right to attend the meetings of the national board of the party when proposals from the commission are to be discussed and they then have the right to speak and to propose motions.

## § 10 Audit

### Clause 1

For the ongoing audit of the work of party executive, the executive committee and financial affairs of the party, the ordinary congress elects three auditors and three deputy auditors. When an ordinary auditor is prevented from attending, the deputies are summoned in the order in which they have been elected.

The national board of the party has the task of appointing an authorised accountant.

### Clause 2

At the annual general meeting of the national board of the party the auditors present their statement on the accounts and the work of the executive committee for the previous year.

### Clause 3

To audit the work of the national board and the executive committee of the party during the congress period ending, the Party Council elects an audit committee to report to the ordinary congress. Its remit is to prepare the congress' procedure in respect of the national board's administration report and the auditors' reports.

The audit committee shall consist of nine members and four deputies. The committee elects a chair from among its members, who will present the committee's report to congress.

The committee presents a report to congress on the accounts and the work of the national board of the party during the congress period ending, and recommends whether or not discharge from liability should be granted.

Clause 4

The auditors appoint among themselves a chair who submits the report to the executive committee, the national board of the party and the congress.

Clause 5

The auditors' remuneration is set by the congress.

## § 11 General voting

Clause 1

The national board of the party can allow a vote be held within the party on an issue raised. Such a vote shall be consultative. At the same time as the matter to be decided by vote is being sent out, the national board of the party shall make public the period of time within which the vote is to be carried out and the protocol on it sent to the district and the national board of the party. The issue can be dealt with at a meeting summoned by the local branch, by means of a postal vote or in some other way according to the rules set by the national board of the party.

Clause 2

If a vote takes place at a meeting summoned by the local branch, the executive of the local branch shall send a protocol on the voting to the district board. On the protocol the total number of votes cast is to be stated as well as the number of votes for and against the proposals submitted. The district board sends the protocols and a summary of them to the national board of the party.

Clause 3

If at least five percent of the party members, according to the latest membership report submitted, support the submitted motion for a vote, the national board of the party is obliged to hold a vote.

Clause 4

The final decision on matters which have been subject to general voting is taken by the national board of the party.

## § 12 The parliamentary group of the Social Democratic party

### Clause 1

The parliamentary group, which is responsible to the party congress, shall submit a report on its work during the previous year to the annual general meeting of the national board of the party. This report is added to the annual reports of the national board of the party for the next party congress.

### Clause 2

A joint meeting with the national board of the party and the parliamentary group is held when it is regarded necessary by either party. Minutes of such a meeting are included in the minutes of the national board of the party.

### Clause 3

The rules for the parliamentary group are set by the national board of the party based on proposals from the parliamentary group.

## § 13 The European Parliament party

### Clause 1

The Swedish Social Democratic group within the European Parliament, which is responsible to the party congress, shall submit a report to the annual general meeting of the national board of the party on its work during the previous year. This report is added to the annual reports of the national board of the party to the next party congress.

### Clause 2

A joint meeting of the national board of the party and the Swedish Social Democratic group within the European Parliament is held when it is regarded necessary by either body. Minutes of such a meeting are included in the minutes of the national board of the party.

### Clause 3

The rules for the Swedish group in the European Parliament are set by the national board of the party on proposals from the Swedish group in the European Parliament.

## § 14 Other groups

Rules for the Social Democratic synod groups of the Church of Sweden and the Social Democratic groups on the boards of the Swedish Association of Local Authorities and Regions are set by the national board of the party on proposals from the groups concerned.

## § 15 General rules

### Clause 1

Only party members can be elected to positions of trust within the party. A member who leaves the party thereby resigns from the position of trust to which he/she was appointed by the party. Party membership is also required for positions of trust under a Social Democratic mandate in municipalities, county councils and central government, as well as for bodies within the Church of Sweden.

### Clause 2

A member who behaves disloyally towards the party, who makes propaganda in obvious violation of the general principles of the party or who in any other way deliberately damages the party and its work can be expelled by the national board of the party. For exclusion  $\frac{3}{4}$  of the votes cast is required.

The decision to expel a member is prepared by an expulsion commission, which is appointed by the national board of the party at its first meeting after the ordinary party congress. The commission consists of a chair and an additional four members.

The initiative for the expulsion of a member can be taken by a Social Democratic association, local branch, party district or by the expulsion commission.

### Clause 3

In cases where the executive committee does not have the right to make decisions in accordance with clause 4, a member, who is proposed for expulsion, can be suspended from his/her membership in the party by the executive committee until the national board of the party has made a decision in the matter.

### Clause 4

When an accusation in a case of expulsion refers to disloyal behaviour in a trade union conflict, a membership in another political party or actions against the party in a general election, the case can be dealt with by the executive committee. Decisions by the executive committee must be unanimous.

### Clause 5

It is incumbent upon the executive of the local branch to inform an affiliated union or club if a member has been expelled from the party.

#### Clause 6

If an expelled member wishes to renew his or her party membership, the application will be decided by the national board of the party. In cases of renewal of membership, the decision must be supported by  $\frac{3}{4}$  of the votes cast.

#### Clause 7

Exemption from the rules for party districts and local branches and from Rules for drawing up ballot papers in general elections and elections within the Church of Sweden can be granted by the national board of the party.

#### Clause 8

If a decision taken is in conflict with the rules for party districts, local branches or Social Democratic associations, a party member may appeal that decision to the national board of the party. The appeal must be in writing and must be received by the national board no later than one week after the date on which the appealed decision was taken.

The national board of the party may quash the appealed decision if, after an investigation has been carried out, there is reason to do so.

#### Clause 9

These rules, as well as the party programme, can only be amended or suspended by an ordinary party congress.

### **Chapter 3: The rules for party district organisations**

#### § 1 The party districts' purpose

The party district is responsible for:

- external opinion forming in favour of the party's ideas and policies within
- their area of operation,
- the election campaign organisation in their area of operation,
- developing and coordinating policies within the county council,
- nominating representatives at county level,
- communication support for members of parliament at county level,
- contact with the local party organisations within the district and with the
- national board of the party,

- cooperating with the child and youth organisations of the working-class movement,
- trade union political activities and other organisational activities,
- supporting the organisational and operational development of the local branches.

## § 2 Organisation

### Clause 1

The party district area shall consist of one or several constituencies for parliamentary elections. A change to the district area can be decided by the national board of the party after proposals by party districts or several local branches in a constituency.

### Clause 2

Each local branch within the district shall belong to the party through the party district.

## § 3 Fees

### Clause 1

The party district's membership fees for the following financial year are determined by the district congress. The national board of the party arranges the collection of the fees. Fees paid in on behalf of the party district are paid out by the national board of the party on 30 June and 31 December of the year in which the fees were paid by the member.

### Clause 2

The executive of the local branch shall send a report on its activities during the previous year to the party district no later than 15 April every year.

## § 4 District congress

### Clause 1

The district congress is the supreme decision-making body of the party district.

### Clause 2

The ordinary congress is held annually at a time and place determined by the district board.

An intermediate congress is held when the district board so decides, or when at least 1/3 of the local branches within the party district call for a congress. An intermediate congress can deal only with the issues specified in the notice convening the congress.

#### Clause 3

A notice convening the ordinary congress shall be issued by the district board no later than five months before the congress.

An intermediate congress can be summoned without observing this time limit. In doing so, the district board stipulates the time for the clauses referred to in § 4 of the district rules.

#### Clause 4

Every local branch has the right to appoint delegates to the congress in proportion to the number of party members in the branch in accordance with the rules stipulated by the district congress.

#### Clause 5

The election of delegates to the intermediate congress is carried out under the same rules as for the ordinary congress.

#### Clause 6

A member of the party district has the right to nominate candidates as congress delegates. The names of proposed candidates are to be submitted to the executive of the local branch within the specified time limit. A Social Democratic association/club shall send information on all the nominated candidates to the executive of the local branch. The meeting of the local branch elects delegates and deputy delegates. If the local branch has introduced a representative assembly, the election will be carried out at the meeting of the assembly.

#### Clause 7

A representative appointed by the national board of the party and the Social Democratic members of parliament within the district area has the right to attend the congress and the right to address congress and to propose motions.

#### Clause 8

Social Democratic members of the county council within the party district appoint one representative for each county council district. Such representatives have the right to address congress and to propose motions.

#### Clause 9

Authorisation of delegates and their deputies is issued by the executive of the local branch and sent to the district board within the time stated by the latter.

#### Clause 10

The audit of authorisation is carried out by the auditors of the district and must be completed before the opening of the congress.

#### Clause 11

Proposals for standing orders and agendas for the congress are drawn up by the district board.

#### Clause 12

The members of the district board and an auditor submitting the report have the right to address congress and to propose motions.

#### Clause 13

Only delegates have the right to vote at the congress. Each delegate has one vote. The right to vote must not be transferred.

#### Clause 14

Votes are taken by a show of hands. A secret ballot for individuals is taken when a delegate calls for such a ballot.

In a secret ballot, candidates are listed in alphabetical order on the ballot paper. A valid ballot must list the number of persons who are to be elected. A ballot paper listing more or fewer names is void. The person(s) receiving the highest number of votes will be elected, unless the congress decides that a simple majority will be required for election.

If there are an equal number of votes in a secret ballot, another ballot can be held. If there are an equal number of votes in a ballot where only two candidates take part, the outcome will be decided by lot. If there is an equal number of votes in a show of hands, the outcome will be decided by lot.

#### Clause 15

A motion can be proposed by every individual party member or Social Democratic local organisation belonging to the party district, and is to be sent to the executive of the local branch within the time stated by the latter. A motion shall be dealt with at the meeting of the local branch. The local branch can either adopt the motion as its own or decide to send it in as an individual motion.

#### Clause 16

After the decision of the local branch, a motion shall be sent to the district board no later than three months before the congress.

#### Clause 17

The list of motions together with the replies to motions from the district board shall be sent to the local branches, the Social Democratic associations and clubs and congress delegates no later than one month before the congress.

#### Clause 18

A report of the work of the previous year together with the guidelines for the work of the coming year shall be submitted to the ordinary congress by the district board. Social Democratic members of the county council within the party district shall present a written report on their activities during the previous year to congress.

#### Clause 19

The congress elects a nominating committee for the next congress.

### § 5 The regional party council

#### Clause 1

A regional party council will be set up after a decision by the district congress. The regional party council assembles at least once a year – when summoned by the district board.

#### Clause 2

The notice convening the council meeting is to be issued by the district board no later than two weeks before the meeting.

#### Clause 3

The regional party council consists of the number of delegates stipulated by the district congress and distributed among the local branches according to the same distribution principle as for the district congress.

Delegates and deputies for the regional party council are elected by the local branches for the period up to the next district congress.

#### Clause 4

Before every meeting, the district board decides on the agenda and standing orders for the meeting.

#### Clause 5

The members of the district board have the right to address and to propose motions at the meeting of the regional party council.

#### Clause 6

The rules in respect of the right to vote and voting at the regional party council are the same as at the district congress, § 4 clauses 13 and 14.

#### Clause 7

Minutes of the meeting of the regional party council are issued to the local branches and representatives no later than six months after a meeting.

### § 6 The district board

#### Clause 1

The district board is responsible for the management of the activities of the district in accordance with these rules and with the decisions made by the congress.

The district board is the supreme decision-making body of the district when congress is not in session.

The district board has the employer's responsibility for the staff employed at the district office. The district board can delegate the employer's responsibility to the executive committee.

#### Clause 2

The district board shall consist of at least seven members. For these deputies can be appointed.

The chair is elected separately.

#### Clause 3

An executive committee can be appointed within the district board. If the district congress so decides, the executive committee can be elected separately.

#### Clause 4

When ordinary members are prevented from attending, the deputies take their places as ordinary members in the order in which they have been elected.

#### Clause 5

A study organiser and a trade union leader shall be appointed within the district. They are to be appointed to the district board.

### § 7 Audit

#### Clause 1

For the purpose of auditing the work of the district board and the executive committee and auditing the accounts of the district, the congress elects three auditors and three deputy auditors. When the ordinary auditors are unable to attend, the deputy auditors are summoned, in the order of the number of votes received.

#### Clause 2

The auditors present their report on the accounts and the work of the district board for the previous year and recommend whether or not to discharge the board from liability.

### § 8 General elections and the treatment of county council issues

For candidate nominations for general elections, co-operation between elected representatives and party organisations, as well as the treatment of county council issues, the party's "Rules for drawing up ballot papers for general elections and elections within the Church of Sweden", "Rules for candidate nominations for other bodies", "Rules for the co-operation between elected representatives and the party organisations" and "Rules for dealing with county council issues" will apply.

### § 9 General rules

#### Clause 1

The party district and its executive shall observe the constitution of the party and decisions of the party congress.

#### Clause 2

Additional clauses to the rules for party districts can be adopted by the district congress. These must not conflict with or in any way set aside the fundamentals of the constitution.

#### Clause 3

Only the ordinary party congress can amend or set aside these rules. A party district may apply to the national board of the party for a dispensation from these rules.

#### Clause 4

The rules for the party districts of Stockholm, Goteborg and Gotland are laid down by the national board of the party.

## Chapter 4: The rules for the local branches

### § 1 The purpose of the local branches

Local branches are responsible for:

- opinion forming in favour of the party's ideas and policies within the municipality,
- communications with electors within the municipality,
- the election campaign organisation in their area of operation,
- development of policy within the municipality,
- election of political representatives,
- development of political representatives,
- trade union political activities and other organisational activities,
- supporting the organisational and operational development of the Social Democratic associations.

### § 2 Organisation

#### Clause 1

The local branch is the main local organisation of the party and covers a primary municipality.

#### Clause 2

The local branch adopts an organisation plan for its area of operation. This shows which Social Democratic associations and clubs are included in the local branch.

A local branch with members who do not wish to have their party membership in any of the existing associations/clubs shall establish a free quota for the full local branch.

#### Clause 3

The executive of the local branch is responsible for ensuring that there are associations/clubs and an election organisation in residential areas and workplaces within the operational area of the local branch.

### § 3 Membership in the local branch

#### Clause 1

All Social Democratic associations and clubs, Social Democratic women's clubs, Christian Social Democratic groups, Social Democratic student clubs and members of the free quota within a primary municipality must affiliate to the local branch.

Social Democratic youth associations and Social Democratic youth clubs which recognise the party's constitution and which request affiliation to the local branch shall be granted affiliation.

When joining a local branch, all members of such Social Democratic youth associations and Social Democratic youth clubs who are fifteen years of age or older shall belong to the local branch.

#### Clause 2

A local trade union can be affiliated as a member to a local branch.

The members of the organisation obtain membership by individual application.

#### Clause 3

A member of the Social Democratic party is initially affiliated through his/her party membership with the local organisation or the free quota in the local branch of the primary municipality where he/she is resident. A member can then transfer his/her party membership to a local organisation in another local branch.

### § 4 Fees

The local branch's membership fees for the following financial year are determined at the local branch meeting before the end of October. The national board of the party arranges the collection of the fees. Fees paid in on behalf of the local branch are paid out by the national board of the party on 30 June and 31 December of the year in which the fees were paid by the member.

### § 5 Meetings

#### Clause 1

The membership meeting of the local branch is the supreme decision-making body, unless a representative assembly has been introduced, in which case this assembly will lead the membership meeting.

#### Clause 2

The annual general meeting of the local branch can resolve to establish a representative assembly.

#### Clause 3

If a local branch has introduced a representative assembly, all associations and clubs affiliated to the local branch shall elect delegates directly to the representative assembly in proportion to the number

of party members in the association or club, in accordance with the general rules adopted by the annual general meeting of the local branch.

#### Clause 4

The annual general meeting is to be held before the end of March.

#### Clause 5

At the annual general meeting, except for any other business, the following issues shall be considered:

1. The annual report of the board and the audit for the year ending
2. The report from the municipal council group
3. The discharge from liability for the executive
4. The election of the executive and the deputy members
  - a) Chair
  - b) Other members of the executive
  - c) Deputy members
5. The election of auditors and deputy members
6. The election of a nominating committee for the next annual general meeting
7. The guidelines for future activities

#### Clause 6

A motion to a membership meeting or to a representative assembly meeting can be proposed by every individual party member or by a Social Democratic local organisation which belongs to the local branch. A motion shall be sent to the local branch executive within the period of time stated by the latter.

#### Clause 7

Members of the executive do not have the right to vote on the discharge from liability for the executive.

#### Clause 8

Votes are by show of hands. The right to vote is not transferable. The election of individuals is carried out in a secret ballot when called for.

In a secret ballot, the candidates are listed in alphabetical order on the ballot paper. A valid ballot must list the number of persons who are to be elected. A ballot paper listing more or fewer names is invalid. The person(s) receiving the highest number of votes will be elected, unless the meeting decides that a simple majority is required for election.

If there are an equal number of votes in a secret ballot, another vote can be held. If there are an equal number of votes in a ballot where only two candidates take part, the result will be determined by lot. If there are an equal number of votes in a show of hands, the sitting chair will have the casting vote.

#### Clause 9

Proposals for candidates for election at the annual general meeting are sent to the nominating committee within the period of time stated by the local branch meeting. After the nominating deadline has expired, the nominating committee alone has the right to propose candidates.

### § 6 The board of the local branch

#### Clause 1

The board of the local branch is responsible for the management of the branch's activities in accordance with these rules and the decisions made by the party congress, district congress and the local branch. The role of the board is to agitate for the party and its policy, to draw up municipal policy programmes, to be responsible for the finances of the local branch and the administration of the membership, and to support the activities of the Social Democratic associations and clubs. When the local branch meeting is not in session, the board is the highest decision-making body of the local branch.

The board has the employer's responsibility for the staff employed at the local branch office, unless this has been delegated to the executive of the party district.

#### Clause 2

The board of the local branch shall consist of at least seven members. For these deputy members can be appointed. The board is elected for a period of two years. Among the members of the board the chair and treasurer are elected separately. A study organiser and trade union leader are to be appointed in the local branch, and sit as members of the board.

The board shall have an uneven number of members. The members of the numerically smaller group stand for re-election in one year, and the others in the following year.

#### Clause 3

An executive committee can be appointed from within the board, or if the annual general meeting so decides, the executive committee can be elected separately.

#### Clause 4

When ordinary members are prevented from attending, the deputy members take their places in the order in which they have been elected.

### § 7 General voting

#### Clause 1

The board for the local branch can on a certain matter arrange for a ballot among the party members of the local branch. Such a vote shall be consultative.

#### Clause 2

A final decision on a matter that has been the subject of a general vote is made by the membership meeting or the representative assembly meeting.

#### Clause 3

The rules for carrying out a ballot are stipulated by the board of the local branch.

### § 8 Audit

#### Clause 1

Three auditors and three deputy members are elected at the annual general meeting. When the ordinary auditors are prevented from attending the deputy members take their places in the order in which they have been elected.

#### Clause 2

The auditors presents their report to the annual general meeting of the local branch on the accounts and the work of the board during the previous year, and move or oppose the motion to discharge the board from their liabilities for the previous year.

### § 9 General elections and local issues

For candidate nominations for general elections, co-operation between elected representatives and party organisations and the treatment of county council and primary municipality issues, the party's

“Rules for drawing up ballot papers for general elections and elections within the Church of Sweden”, “Rules for candidate nominations for other bodies”, “Rules for the co-operation between elected representatives and the party organisations” and “Rules for dealing with county council and primary municipality issues” will apply.

## § 10 General rules

### Clause 1

A local branch cannot discontinue without the approval of the district board. If a local branch discontinues, all its assets shall be transferred to the party district.

### Clause 2

Additional clauses to the rules for a local branch can be adopted at the annual general meeting of the local branch. Such clauses must not conflict with or rescind the content of the constitution.

### Clause 3

Only the ordinary party congress can amend or set aside these rules. A local branch may apply to the national board of the party for a dispensation from these rules.

## **Chapter 5: The rules for Social Democratic associations and clubs**

### § 1 The association/club’s purpose

The Social Democratic association is responsible for:

- opinion forming in favour of the party, its ideas and policies,
- shaping local Social Democratic policies in dialogue with the electors,
- member development and contacts with members,
- development of the value of membership.

### § 2 Organisation

The social democratic association/club is the local organisation of the party. Its area of operation is set out in the organisation plan of the local branch.

### § 3 Membership and fees

#### Clause 1

Membership in the association/club is granted to every person who recognises the party's constitution.

#### Clause 2

A person is a member of the local organisation that person chooses to belong to or of the free quota in the local branch and the party district in which the member lives. A member may also transfer his/her party membership to a local organisation in another local branch.

#### Clause 3

When joining the association/club, a fee is paid for the year during which the membership is registered.

#### Clause 4

By paying a fee, a person becomes a member of the party. Every party member pays a fee covering every level in the organisation once only.

The fee consists of the total of the association/club fee, the fee to the local branch, to the party district and to the party.

Members who hold their membership in women's clubs, Christian groups, student clubs or the Swedish Social Democratic youth associations/clubs will pay a membership fee to the club/group/branch, district and national organization in accordance with each organisation's constitution and rules, and shall also pay a fee to the local branch in which the membership is registered.

The national board of the party arranges the collection of the fees. Fees paid in on behalf of the party district are paid out by the national board of the party on 30 June and 31 December of the year in which the fees were paid by the member.

The association/club can charge a member an administration fee if he/she wants to take part in the activity of the association/club but is not a party member of the association or club in question. Such an administration fee gives membership rights limited to the activities of the association/club.

#### Clause 5

The membership fee to the association/club for the following year is fixed by the association/club meeting before the end of November.

#### Clause 6

A member who, despite a written reminder, is in arrears with fees for a period exceeding twelve months, can be expelled from the association/club. Before such an expulsion takes effect, the local branch to which the member belongs must be informed of this in writing.

On re-admission, the fees that were outstanding when the member was expelled shall be paid in full.

#### § 4 A member's rights and obligations

##### Clause 1

Membership of the Social Democratic party gives members the right to:

- participate in the meetings and study activities of the associations and local branches,
- vote at members meetings, congress elections and general votes,
- be elected to positions of trust within the party and in political assemblies,
- obtain information on the party's position on political and organisational issues,
- put forward motions at meetings of Social Democratic associations and local branches,
- put forward motions to annual general meetings and congresses,
- participate in conferences organised by the party, the party district or the local branch.

##### Clause 2

A member of the Social Democratic party:

- must accept the party's fundamental ideas as they are expressed in the party programme and constitution,
- is obliged to pay the membership fee set by the party,
- must not behave disloyally towards the party,
- must not make propaganda in violation of the party's fundamental ideas,
- must not cause injury to the party or its activities.

#### § 5 Meetings

##### Clause 1

The membership meeting of the association/club is the supreme decision-making body.

##### Clause 2

The annual meeting of the association/club is held before the end of February.

#### Clause 3

At the annual meeting, apart from any other business, the following items must be addressed:

1. The annual reports of the executive and the auditors for the previous year
2. The motion on a discharge for the executive
3. The election of members of the board and deputies
4. The election of auditors and deputy auditors
5. The election of one or several persons responsible for members
6. The election of the nominating committee for the next annual meeting
7. The guidelines for future activities

#### Clause 4

When deciding on a discharge for the executive, the members of the executive have no right to vote.

#### Clause 5

Votes are by show of hands. The election of individuals is carried out in a secret ballot if a member so requests.

In a secret ballot, the candidates are listed in alphabetical order on the ballot paper. A valid ballot must list the number of persons who are to be elected. A ballot paper listing more or fewer names is invalid. The person(s) receiving the highest number of votes will be elected, unless the meeting decides that a simple majority is required for election.

If there are an equal number of votes in a secret ballot, another vote can be held. If there are an equal number of votes in a ballot where only two candidates take part, the result will be determined by lot. If there are an equal number of votes in a show of hands, the sitting chair will have the casting vote.

#### Clause 6

Proposals for candidates to election at the annual general meeting are sent to the nominating committee within the period of time stated by the local branch meeting. After the nominating deadline has expired, only the nominating committee has the right to propose candidates.

§ 6 The board of the association/club

#### Clause 1

The board of the association/club is responsible for the activities of the association/club in accordance with these rules and the decisions made by the association/club. The purpose of the board is to form public opinion in favour of the party and its policy, to develop the value of the membership, to promote active and open party work within the association/club and to ensure that members are given the opportunity to influence the views of the party in current political issues and to take an active part in shaping the activities of the association. The board is the supreme decision-making body of the association/club when the membership meeting is not in session.

#### Clause 2

The board of the association/club shall consist of at least five members. For these, deputies can be appointed. A chair and treasurer are elected separately by the members of the executive. The association/club shall appoint a study organiser who shall be part of the board.

The board shall have an uneven number of members. The members of the numerically smaller group stand for re-election in one year, and the others in the following year.

#### Clause 3

When ordinary members are prevented from attending, the deputies take their places as ordinary members in the order in which they have been elected.

### § 7 Audit

#### Clause 1

At least two auditors and two deputies are elected annually by the annual general meeting. When the ordinary auditor is prevented from attending, the deputies take his/her place in the order they have been elected.

#### Clause 2

The auditors presents their report to the annual general meeting of the association/club on the accounts and the work of the board during the previous year and recommend whether or not to discharge the executive from liability for the previous year.

### § 8 General elections and the treatment of local issues

For candidate nominations for general elections, co-operation between elected representatives and party organisations and the treatment of county council and primary municipality issues, the party's "Rules for drawing up ballot papers for general elections and elections within the Church of

Sweden”, “Rules for candidate nominations for other bodies”, “Rules for the co-operation between elected representatives and the party organisations” and “Rules for dealing with county council and primary municipality issues” will apply.

## § 9 General rules

### Clause 1

Additional clauses for a Social Democratic association/club can be adopted at the annual meeting of the association/club and shall be submitted to the local branch for approval. Such regulations must not conflict with or rescind the fundamental principles of these rules.

### Clause 2

The association/club cannot discontinue without the approval of the local branch. If an association/club discontinues, all its assets shall be transferred to the local branch.

### Clause 3

Only the ordinary party congress can amend or set aside these rules.

## **Rules for the nomination of candidates in general elections and elections within the Church of Sweden**

### General rules

1. A party member who holds a seat in the European parliament or in the Swedish parliament or who is an elected member of a municipal council or is elected to a position within the Church of Sweden contributes to the implementation of the Social Democratic program, established by the party congress, the district congress or a local branch meeting.
2. Every member of the party and organisation affiliated to the party has the right to propose candidates for election to the bodies specified in section 1.
3. The ballot papers of the party shall be drawn up in such a way that there is an even distribution according to gender. The need for a continuous new recruitment of younger people shall be met.
4. The ballot papers of the party are drawn up at a meeting, a conference or by a general vote.
5. In order to promote unanimity in general elections, organisations and party members are advised to counteract the emergence of splinter lists.

6. Parliamentary and local government appointments should be distributed to as many members as possible.

#### The nominating committee

1. In order to prepare ballot papers for the parliamentary election, the ordinary congress of the district appoints a nominating committee the year prior to the year of the parliamentary election
2. In order to prepare ballot papers for the county council election, the ordinary congress of the party district decides the year prior to the year of the county council elections the way in which the nominating committee is to be appointed.
3. In order to prepare the ballot papers for the municipal elections, the meeting of the local branch appoints a nominating committee the year prior to the year of the municipal elections.
4. In order to prepare the ballot papers for vestry elections of the Church of Sweden, the meeting of the local branch appoints a nominating committee the year prior to the year of the vestry elections. The local branch may delegate the task of appointing a nominating committee for vestry elections to a Social Democratic association.
5. In order to prepare the ballot papers for diocesan synods and national synods of the Church of Sweden, a nominating committee for each diocese is appointed, in consultation with the national board of the party, consisting of representatives of the party districts which are wholly or partly within the diocese.
6. Within the nominating committee a working committee can be appointed.
7. The nominating committee of the party district should include at least one representative of the trade union committee of the party district.
8. The nominating committee of the local branch should include at least one representative of the trade union committee of the local branch.

#### Candidate nominations

1. Proposals for candidates to parliamentary and county council elections are to be sent to the district board within the time stipulated by the latter. This shall be communicated in writing to local branches and Social Democratic associations and clubs.
2. Party members, affiliated associations and the union committee of the local branch send proposals for candidates for parliamentary, county council and municipal elections to the executive

of the local branch within the time stipulated by the latter. This shall be done through public notices and written messages to affiliated associations and the union committee of the local branch.

3. The local branch sends information on all the candidates proposed for parliamentary and county council elections to the district board. The local branch may rank the candidates in order of precedence.
4. After the nominating deadline has expired, only the nominating committee has the right to propose candidates. Such a nomination must not, however, be made after a decision has been taken on a general vote.

#### Test ballot

1. During the nominating process, a consultative test ballot may be held.
2. Rules for consultative test ballots are set by the district board where ballot papers for parliamentary elections and county council elections are concerned, and by local branch executives where ballot papers for municipal elections are concerned.

#### Drawing up ballot papers at a meeting or at an election conference

1. The nominating committee draws up a ballot paper for a parliamentary election. The proposal is submitted to the district board for review. The proposal of the nominating committee and the views of the district board shall be discussed at the district election conference before April 15 of the election year. This may be the ordinary congress of the district, if it has been stated in the notice convening that this congress is to be an election conference. If a special election conference is arranged, what is prescribed in the rules for the ordinary congress of the district will apply where appropriate.
2. The nominating committee draws up a nomination list for an election to a county council. The proposal is submitted to the district board for review. Subsequently the proposal of the nominating committee and the views of the district board will be discussed at a meeting or election conference in every county council constituency. The district board arranges these meetings or election conferences before April 15 of the year of the election. The right of representation at such an election conference is determined by the ordinary congress of the party district.

If the ordinary congress so decides – no later than the year before the year of the county council election – the district election conference will discuss the views of the of the district board and the nominating committee’s proposals for ballot papers in all the county council election districts.

3. The nominating committee draws up a nomination list for the election of a municipal council. The proposal is submitted to the local branch executive for review.

Subsequently, the proposal of the nominating committee and the views of the local branch executive will be discussed at the meeting of the local branch before the end of March in the year of the election.

4. When drawing up ballot papers at a meeting or at an election conference, voting shall be by constituency or by electoral district.

To be listed on the ballot, a candidate must have at least one vote more than half of all the valid votes. If such a majority is not achieved, a new election is held between the two candidates who have obtained the highest number of votes. When the number of votes is equal, the successful candidate will be chosen by lot.

A secret ballot will be held if a member calls for this, unless the party district or the local branches have introduced other rules for a secret ballot in the form of supplementary clauses.

#### Drawing up ballot papers by general vote

1. If at least 1/3 of those present who are entitled to vote at a meeting or at an election conference call for a general vote among the party members, such a vote must be held.

The call for a general voting is discussed after a ballot paper has been drawn up in accordance with item 4 of “Drawing up a ballot paper at a meeting or at an election conference”. The rules for a general vote, besides the ones mentioned here, are determined at the same time.

2. In a general vote, the ballot paper drawn up in accordance with item 4, “Drawing up a ballot paper at a meeting or at an election conference” is used. The rules for the vote are stated on the ballot paper. A list of all the candidates nominated within the prescribed time must be posted at the polling station.

3. Voters who want to change the order of the candidates on a ballot paper can do so by numbering the candidates. All the members who have been nominated within the prescribed time are eligible as candidates.

4. Only the ballot paper which includes the number of names as determined in drawing up the paper is to be considered valid. A ballot paper listing more or fewer names after cancellation is void.

5. A ballot which does not make clear the voter’s intentions is to be disqualified.

6. After a general vote, the candidates are placed on the party ballot paper according to the following rules. The first place is occupied by the candidate who has received the highest number of valid votes for this place. The second place is occupied by the candidate who has, in total, received the highest number of valid votes for the first and second places. The third place is occupied by the candidate who has, in total, received the highest number of valid votes for the first, second and third

places. Subsequent places are filled using the same method of counting as above. When the number of votes is equal, the result will be determined by lot.

#### Rules for candidate nominations to other bodies

##### County council posts

1. Proposals for candidates for elections held by the county council in a general election year are prepared by a nominating committee appointed by the annual congress of the party district. The nominating committee should also include representatives from the board of the party district and the executive of the county council group, as well as the union committee of the party district.

2. Proposals for candidates for elections held by the county council in a general election year are to be sent to the district board within the period specified by the board. This will be communicated in writing to local branches, affiliated organisations and to the union committees of the local branches.

Party members, affiliated organisations and union committees of the local branches send proposals for candidates to the executive of the local branch within the period specified by the local branch.

The executive of the local branch shall send in information on all proposed candidates to the district board. The local branch may rank candidates in order of precedence in the submission.

3. The nominating committee draws up proposals for candidates. The board of the party district considers the proposal. The county council group subsequently considers and determines all election matters and passes these to the county council's nominating body. If the annual congress of the party district so decides, the nominating committee's proposal shall be considered by an election conference before it is submitted to the county council group.

4. Proposals for candidates for a by-election for committees and agencies within the county council are prepared by the county council group's executive and the board of the party district, unless the ordinary congress of the party district has decided otherwise.

##### Primary municipality posts

1. Proposals for candidates for elections held by the municipal council in a general election year are prepared by a nominating committee appointed by the annual general meeting of the local branch. The nominating committee should also include representatives from the executive of the local branch and the municipal council group, as well as the union committee of the local branch.

2. Party members, affiliated organisations and union committees of the local branches send proposals for candidates to the executive of the local branch within the period specified by the local

branch. This shall be communicated in writing and through advertisements to affiliated organisations and to the union committee of the local branch.

3. After the nominating deadline has expired, only the nominating committee has the right to propose candidates for elections to be held by the municipal council in a general election year.

The nominating committee prepares proposals for candidates. The proposal is submitted to the executive of the local branch for comments. The proposal is then discussed at a meeting of the local branch.

The municipal council group determines all election matters and passes these to the municipality's nominating body. The nominating committee's proposal, along with the comments of the executive of the local branch, are to be sent to affiliated organisations no later than 14 days before the meeting of the local branch.

4. Proposals for candidates for a by-election to be held by the municipal council are prepared by the executive committee of the local branch and the executive of the municipal group, unless the annual general meeting of the local branch has decided otherwise.

#### Posts in the Church of Sweden

1. Proposals for candidates for elections held by the vestry of the Church of Sweden in a general election year are prepared by a nominating committee appointed by the annual general meeting of the local branch/the annual general meeting of the association. The nominating committee should also include representatives of the local branch/association executive and the vestry group's executive, as well as the union committee of the local branch.

2. Proposals for candidates are to be sent to the local branch/association executives within the period specified by the local branch/association executives. This shall be communicated in writing and through advertisements to affiliated organisations and to the union committee of the local branch.

3. The nominating committee draws up proposals for candidates. The proposals are submitted to the local branch/association executives and the vestry group's executive for comments. The proposals and comments are subsequently considered by the local branch/association meeting before the vestry group determines all election matters.

4. Proposals for candidates for by-elections and other elections held by the vestry within the three-year period are prepared by the executive of the vestry group and the executive committee of the local branch and the association's executive, unless the annual meeting of the local branch/association has decided otherwise.

## Rules for cooperation between elected representatives and party organisations

It is of great importance that the elected representatives of the party and other party members maintain firm and unbroken contact. In addition to this, conditions must be created for good contacts between the elected representatives and the electorate they represent. The elected representatives are appointed to make their own decisions on measures which are important to the citizens, and to do so in a free and unconditional manner, but they also are the representatives of the voters and the party, and for this reason must take part in meetings and other party assemblies to be informed of the opinions and proposals of the members and voters, and to provide information of the policies of the party.

Party members must always be aware of the fact that all the details of policy cannot be decided at meetings. The main lines of party policy are drawn up in the party programme, in the county council political programmes of the districts and in the municipal policy programmes of the local branches.

These programmes and the decisions of the party organisation on overall and fundamentally important issues are the guidelines for the elected representatives of the party. When judging the way the elected representatives manage their duties, members and organisations should take into consideration the different grounds for the standpoints which the representatives have adopted.

## The rights and obligations of elected representatives

### Rights

A member who holds public office on the party's mandate has, in addition to the rights which he/she has as a member of the party,

- the right to participate in study activities arranged for elected representatives in public office,
- the unreserved right, in accordance with the party's principles and political programme, to form his/her own views and to take decisions within areas covered by the post of elected representative.

### Obligations

A member who holds public office on the party's mandate has, in addition to the obligations which he/she has as a member of the party,

- the obligation to permit his/her decisions to be guided by the party's ideas and decisions on principle,
- the obligation to maintain firm and unbroken contact with the party organisation, for example through regular participation in meetings,

- the obligation to keep the party organisations continuously informed of developments within the areas covered by the post of elected representative,
- the obligation to pay administration fees which have been adopted by the party,
- the obligation to act in a manner consistent with the fundamental values of social democracy.

#### Rules for working with county council and primary municipality issues

##### Rules for working with county council issues

1. Members of the county council, who belong to the Swedish Social Democratic party, shall form a county council group.
2. Members and deputies of committees or agencies within the county council shall form a party group.
3. The rules for the county council group are drawn up by the ordinary congress of the party district. Before drawing up the rules, the executives of the county council group and the party district shall comment on the proposed rules.
4. The congress of the party district draws up the party programme for county council policy before the general elections. The programme provides guidelines for the elected representatives of the party. At the congress of the party district, county council issues that are of fundamental or economic importance shall also be discussed. The executive of the party district should continuously discuss county council policy. In addition to this, county council issues should be dealt with at the meetings of the party organisation. The county council group shall present a report on its work during the previous year to the ordinary congress of the party district. The report is included in the annual report of the party district.
5. When the count is completed after a general election of county council members, the board of the party district shall summon the elected county council members and the district board to a group meeting.
6. The party district board determines the standard rules for Social Democratic county council groups.

##### Rules for working with primary municipality issues

1. Members and deputies of the municipal council, who belong to the Swedish Social Democratic party, shall form a municipal council group.
2. Members and deputies of the municipal board or executive shall form a party group.

3. The rules of the municipal council group are drawn up by the annual meeting of the local branch. Before the rules are adopted, the executives of the municipal council group and the local branch shall express their opinions on the proposed regulations.

4. The local branch establishes the action programme for municipal policy and the local action programmes of the party before the general election. The programmes provide guidelines for the elected representatives of the party. Local issues that are of fundamental or economic importance shall be discussed at the meeting of the local branch.

Local issues of great importance for the area shall be discussed by the Social Democratic associations and clubs. The municipal council group shall present a report on its work during the previous year to the annual meeting of the local branch. This report is included in the annual report of the local branch.

5. When the count is completed after a general election of members to the municipal council, the executive of the local branch shall summon the elected municipal council members and deputies and the executive of the local branch to a group meeting.

6. The executive of the local branch, the executive of the municipal council group and the group of chairs of the committees and boards of the municipality shall discuss local activities at least once a year. The executive of the local branch will call the meeting.

7. The party group in local bodies shall provide an annual report on its activities to the Social Democratic associations and clubs within its local area.

8. The national board of the party sets out the standard rules for Social Democratic municipal council groups.



# New Patriotic Party Constitution (NPP)



## **New Patriotic Party Constitution (NPP)**

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First registered with the Electoral Commission on 24th June 1992 and amended on 29th August 1998.

## CONSTITUTION

With faith in God, believing in the supreme dignity of man, in common brotherhood of all Ghanaians wherever they may be and in the right of every Ghanaian citizen to freedom of conscience, association and expression, we the members of the Party assembled in a National Delegates Conference on this 29th DAY OF AUGUST, 1998 hereby adopt unto ourselves and promulgate this constitution.

### **ARTICLE: 1**

#### NAME OF THE PARTY

The name of the Party is the New Patriotic Party.

### **ARTICLE: 2**

#### AIMS AND OBJECTIVES

The aims and objectives of the Party are:

1. To foster and actively promote unity among all the peoples of this country regardless of ethnic origin, religion, position, gender, occupation status in society or political affiliation;
2. To bring together like minded citizens of the country so that they may strive for Freedom and Justice by the appreciation and protection of human rights and the Rule of Law through the practice of true democracy;
3. To build in this country a free and democratic system of government under which all citizens will be able to contribute to the welfare, peace and prosperity of our nation and keep its people free from dictatorship and oppression;
4. To harness to the full the human and natural resources of the country and ensure development of all Regions and Districts of the country without discrimination.
5. To ensure that the wealth of the country is not monopolized by a section or particular area of the country but is fairly shared and enjoyed by all; in particular, to bridge

the present wide gap between the urban and rural communities and also improve conditions in depressed urban areas of the country;

6. To reduce the excessive centralization which has characterized Government up to now and ensure as far as practicable that the regions and districts of this country fully participate in deciding matters effecting their development and their wellbeing.

7. To promote the well balanced development of agriculture and industry, making the best use of the resources of each area of the country;

8. To protect the environment from degradation and repair the damage done to the environment by wasteful and improper exploitation of our land, forest, marine, and fresh water resources;

9. To ensure that there are equal opportunities for all citizens without discrimination on any grounds whether of gender, age, position, politics, religion or status.

10. To manage the economy of the country with efficiency and prudence, guided by the consideration of the national interest;

11. To promote a vibrant, free-market economy and encourage vigorous participation by citizens in economic activities;

12. To create a climate in which private enterprise will thrive, and citizens of foreigners alike may invest without fear and without unnecessary bureaucratic restrictions and impediments, in order to create wealth and prosperity for the citizens and people of this country.

13. To provide a good system of education, both public and private, at all levels which responds to the developmental needs of the country as well as the need for qualitative education;

14. To solve the grave problem of massive unemployment and to provide for all, who are capable, the opportunity and means of earning a living, either by way of self-employment or as employees in various undertakings;

15. To give priority attention to the health needs of the nation in order to establish and maintain a decent, human, efficient system of public health which is easily accessible to the broad masses of the people.

16. To foster and maintain freedom of the media, and open dissemination and interchange of ideas, subject only to the laws of libel and the legitimate claims of national society;
17. To give equal opportunities to women and ensure that all forms of discrimination against women end, so that they can contribute more effectively to the development of the nation;
18. To pursue responsible population policies;
19. To maintain, in all interest of national unity, harmonious relations with all other political parties, notwithstanding any differences in ideologies;
20. To respect, obey and protect the Constitution and laws of the Republic;
21. To ensure and protect the integrity of the Republic;
22. To respect, preserve and promote the traditional cultures and institutions of this country, particularly Chieftaincy;
23. To ensure that the country maintains friendly relations with all countries which respect our sovereignty and integrity as a nation, and supports measures that strengthen the Economic Community of West African States (ECOWAS), the African Union (AU), the Commonwealth and the United Nations (UN), in pursuit of development, peace, freedom and just international order;
24. To ensure that the Charter of the AU and Treaty of ECOWAS conform to democratic principles and maintain respect for the Rule of Law in Africa.
25. To develop and maintain close fraternal relations with all political parties in West Africa, and the rest of Africa, which share the liberal democratic ideals of the Party, with the view to the establishment of regional and continental associations of likeminded democratic parties to promote and defend the ideals of Democracy and the Rule of Law in Africa.

### **ARTICLE 3:**

#### A Membership:

1. Membership of the Party shall be open to all citizens of voting age without regard to gender, ethnic origin, religious affiliation or status.

2. Any citizens may join the Party by declaration in prescribed form of his or her intention to become a member and to abide by this Constitution.
3. Any person who desires to become a member of the party may enroll for membership in any parliamentary constituency where the party person resides or hails from, or in the overseas branch.
4. Every person shall, upon being enrolled, be issued with a membership card bearing the person's name, address, constituency or overseas branch which the person has been enrolled.
5. There shall be three categories of membership:
  - a. Founding Members
  - b. Patrons
  - c. Members
    - a) Founding Members are those persons who took part in bringing the Party into being and paid the prescribed fee.
    - b) Patrons are Members who undertake to contribute to the national fund of the Party for the support of the Party's organization such extra levies as the Party may impose from time to time.
    - c) Levies paid by Founding Members and Patrons shall be in addition to whatever membership dues they may pay in the constituency in which they are registered as Members.
6. A Patron who persistently fails to pay the levies duly imposed may cease to be such by having his or her name struck off the register of Patrons, provided, however, that any such Member whose name is struck off the register for this reason shall have his or her name reinstated upon payment of all outstanding levies.
7. Persons who are neither Founding Members nor Patrons shall be described as Members.

#### B Donation And Subscriptions

1. Every Member shall be liable to pay such amount of dues and in such a manner as the Party may from time to time determine.
2. Subject to the provisions of the laws governing political parties, any person or group of persons, who agree with the aims, objectives, policies and programmes of the Party, may make donations to the Party.

#### C Rights of a Member

A member shall have the right to:

1. Participate in all activities of the Party, subject to rules and regulations governing such activities;
2. Be heard whenever his or her activities and conduct are in question and under consideration by the Party;
3. Contest for any position or office within the Party, in accordance with rules and regulations governing elections. A member shall be disqualified from holding any office or contesting any election in the Party if he or she:
  - a. Has been convicted and/or sentenced by a court of competent jurisdiction in respect of any offence involving high treason, or an offence involving the security of the State, dishonesty, fraud or moral turpitude unless a period of ten years has elapsed after the serving of the sentence, he or she has been granted a full pardon;
  - b. Suffers from mental disability;
  - c. Is not of good standing. A member shall be of good standing where he or she has paid in full and up to date all dues or levies he or she is liable to pay as a Member, and has discharged all his or her duties as a Member.

#### D Duties Of A Member

A member shall

1. Protect and promote the good name of the Party;
2. Protect the unity of the Party;
3. Be loyal and truthful to the Party;
4. Abide by, and publicly uphold, the decisions of the Party;
5. Carry out his or her duties faithfully and with honesty to the best of his or her ability; Participate fully in the activities of the Party and ensure that the local organs of the Party work effectively and accountably;
6. Pay dues as well as give donations for special programmes and activities as may be decided from time to time by the Party;
7. Not initiate or commence any legal proceedings against the Party without first having exhausted the grievance procedure laid down in this Constitution. For the avoidance of doubt, no Member shall commence any legal proceedings against the Party for any reason whatsoever unless whatever grievance the Member may have against the Party has been put before the Party for investigation and decision.

#### E Resignation of a Member

1. A Member shall cease to be a member by declaring his or her intention to cease to be a member and forthwith surrendering his or her membership card.

2. Any person who, accordingly, ceases to be a member of the Party shall return to the Party any Party property in his or her custody and shall forfeit any monies, dues or donations made to the Party.

#### F Suspension of a Member

1. A member may be suspended from membership of the Party, or holding any office in the Party, pending an enquiry into his conduct by a Disciplinary Committee.

2. Any decision to suspend a Member shall not be taken unless the nature of the complaint has been communicated to the Member in writing, and disciplinary proceedings have been initiated against such member.

#### G Expulsion of a Member

1. A Member may be expelled from the Party on grounds of misconduct in accordance with the provisions of this Constitution, and upon such expulsion shall cease to be a member.

2. Any person who, accordingly, ceases to be a member shall return to the Party any party property in his or her custody and shall forfeit any monies, dues or donations made to the Party.

3. No member shall be expelled unless such expulsion is effected in accordance with the provisions of Article 4 of this Constitution.

#### H Forfeiture of membership

1. A member who joins or declares his or her adherence to another political party automatically forfeits his or her membership of the Party.

#### I Registration of members

1. There shall be kept in the office of the Party in each Constituency a register of Members. The National Secretariat shall keep a register of all Founding Members and Patrons, and the Regional Secretariat shall keep a register of Founding Members and Patrons in its Region.

### **ARTICLE 4:**

#### DISCIPLINARY AND GRIEVANCE PROCEDURES

##### A Discipline

##### 1. Appointment of Disciplinary Committees

a. Each constituency shall have a Constituency Disciplinary Committee which shall be appointed by the Constituency Executive Committee. It shall comprise not less than three (3) and not more than five (5) members provided, however, that where the Constituency Disciplinary Committee consists of three (3) members at least one (1) shall be a woman and where there are five (5) members at least two (2) shall be women. None of the members of the Constituency Disciplinary Committee shall be Constituency Officers.

b. Each Region shall have a Regional Disciplinary Committee which shall be appointed by the Regional Executive Committee. It shall comprise not less than three (3) and not more than five (5) members provided, however, that where the Regional Disciplinary Committee consists of three (3) members at least one (1) shall be a woman and where there are five (5) members at least two (2) shall be women. None of the members of Regional Disciplinary Committee shall be Regional Officers.

c. There shall be a National Disciplinary Committee, which shall be one of the Standing Committees of the National Council and shall be composed as follows.

i. One (1) person appointed by the National Executive Committee

ii. One (1) representative of the Parliamentary Group

iii. One (1) representative of the National Council of Elders

iv. One (1) representative of the Constitutional Committee

v. One (1) representative of the Legal Committee

vi. One (1) representative of the Regional Chairpersons

vii. Three (3) persons appointed by the National Chairpersons in consultation with the National Executive Committee, one of whom shall be designated Chairperson of the National Disciplinary Committee, provided, however, that at least two (2) out of nine (9) members shall be women. At least five (5) members of the committee, including the Chairperson, shall be present to constitute a valid meeting of the Committee.

## 2. Term

a. The term of members of a Disciplinary Committee shall be three (3) years, but they may be reappointed.

## 3. Jurisdiction

a. The Constitution Disciplinary Committee shall have jurisdiction in all matters affecting discipline within the constituency organization.

b. The Regional Disciplinary Committee shall have jurisdiction in all matters affecting discipline at the regional level, involving Regional Officers and figures of the Party, and shall

have jurisdiction to hear appeals from recommendations of the Constituency Executive Committee.

c. The National Disciplinary Committee shall have jurisdiction in all matters affecting discipline at the national level, involving National Officers and figures of the Party, and shall have jurisdiction to hear appeals from decisions of the Regional Executive Committee.

#### 4. Functions

a. A Disciplinary Committee shall:

i. Investigate complaints concerning the misconduct of a Member;

ii. Make a full, and impartial inquiry into any complaint referred to it;

iii. Report in writing the results of the inquiry and the reasons leading to conclusions reached;

iv. Make recommendations to the Executive Committee based on the results of the inquiry;

b. The Executive Committee shall, within fourteen (14) days of receipt of the recommendation of a Disciplinary Committee, adopt, modify or reject same and shall communicate its recommendation and the reasons leading thereto in writing to all affected parties.

c. The Executive Committee shall make any recommendation it deems fit to promote discipline within the Party, including the suspension and or expulsion of the Member. The recommendation automatically comes into full force and effect where no appeal is lodged against it in accordance with the provisions of this Constitution.

#### 5. Proceedings

a. Disciplinary proceedings may be initiated by a complaint in writing delivered to the Disciplinary Committee, in so far as the complaint relates to the affairs of the Party.

b. Proceeding of a Disciplinary Committee shall be held in camera and shall be conducted in accordance with the Rules of Natural Justice.

c. A Disciplinary Committee shall, within twenty-one (21) days of the receipt of a complaint, conduct its deliberations on the matter, and make its recommendation thereon to the Executive Committee, except that the period of twenty-one (21) days may, in appropriate circumstances, be extended by the Executive Committee.

d. The determination of any question or matter before a Disciplinary Committee shall be in accordance with the opinion of the majority of the members of the Committee.

e. A Disciplinary Committee shall not be subject to the direction or control of any person in the performance of its function.

## 6. Appeals

a. A member aggrieved by, or dissatisfied with, a recommendation of the Constituency Executive Committee may, within fourteen (14) days of the receipt of the notice of the recommendation, appeal against the recommendation to the Regional Disciplinary Committee by filing an appeal within twenty-one (21) days from the date of receipt of the appeal and submit its recommendations on the appeal to the Regional Executive Committee for its decision.

b. A member aggrieved by, or dissatisfied with, a decision of the Regional Executive Committee may, within fourteen (14) days of the receipt of the notice of the decision of the Regional Executive Committee, appeal against the decision to the National Disciplinary Committee by filing an appeal in writing with the General Secretary. The National Disciplinary Committee shall conclude its deliberations on the appeal within twenty-one (21) days from the date of receipt of the appeal and submit its recommendation on the appeal to the National Executive Committee for its decision.

c. A Member aggrieved by or dissatisfied with a decision of the National Executive Committee may, within seven (7) days of the receipt of the notice of the decision, appeal against it to the National Council by filing an appeal in writing with the General Secretary. The National Council shall conclude its deliberations on the appeal within fourteen (14) days of receipt of the appeal and its decision shall be final and binding upon all affected parties.

## 7. Misconduct

a. A complaint shall involve an allegation that any of the following acts of misconduct relates to a Member;

- i. Violation of the duties of a Member;
- ii. Violent, dangerous or intimidatory conduct against another Member;
- iii. Falsification of reports, accounts or expense claims or other fraudulent conduct;
- iv. Willful damage to Party property;
- v. Breach of the duty to uphold publicity Party policy;
- vi. Creation of discord or factionalism within the Party;
- vii. Defection to another party

b. These acts are not exhaustive or exclusive and acts of a similar nature will be dealt with as provided herein.

## 8. Grievance

a. A member who has a grievance against the Party may, in writing, petition the Constituency Executive Committee, Regional Executive Committee or the National Executive Committee, as the

case may be for redress. A grievance shall involve an allegation of unjust or unfair treatment by the Party against the Member.

b. A Constituency, Regional or National Executive Committee, as the case may be, shall, in conjunction with other party organs, where appropriate, within twenty one (21) days from the receipt of the petition, investigate the grievance, conclude its deliberations thereon, and notify its decision to the Member.

c. A member aggrieved by, or dissatisfied with, the decision of the Constituency, Regional or National Executive Committee, as the case may be, may, within seven (7) days from the date of the receipt of the notice of the decision, appeal in the case of the decision by the Constituency Executive Committee, to the Regional Executive Committee or the Regional Council of Elders, in the case of a decision by the Regional Executive Committee, to the National Executive Committee and the National Council of Elders, and in the case of a decision by the National Executive committee, to the National Council of Elders, as the case may be, shall decide within seven (7) days of its receipt, and communicate its decision thereon to the member.

## **ARTICLE 5:**

### Structure and Organization

1. The Party is a national party and shall accordingly be structured and operated on that basis.
2. The Party shall be based on Constituency, Regional, Overseas and National Organizations.

## **ARTICLE 6:**

### Constituency Organization

1. There shall be, in every parliamentary constituency of Ghana, a branch of the Party consisting of Members who have enrolled in the Constituency. The basic unit of organization of the Constituency shall be the Polling Station area.
2. Each constituency shall have a Constituency Executive Committee, which shall consist of:
  - a. The Constituency Chairperson
  - b. The 1st Constituency Vice Chairperson
  - c. The 2nd Constituency Vice Chairperson
  - d. The Constituency Secretary

- e. The Constituency Assistant Secretary
- f. The Constituency Treasurer
- g. The Constituency Financial Secretary
- h. The Constituency Organizer
- i. The Constituency Women Organizer
- j. The Constituency Youth Organizer
- k. Sitting Parliamentarian or Parliamentary Candidate for the Constituency.

3. With the exception of the Financial Secretary who shall be appointed, Constituency Officers shall be elected at a Constituency Annual Delegates Conference, which shall be supervised by a person appointed by the Regional Executive Committee.

4. Election of Constituency Officers shall be by secret ballot, and by a simple majority. They shall hold office for three (3) years, and may seek re-election.

5. The Constituency Officers and sitting Parliamentarian or Parliamentary Candidate shall, within fourteen (14) days of the election, appoint the Financial Secretary where there is none. Thereafter, within seven (7) days, the Constituency Executive committee shall appoint members of the Constituency Disciplinary Committee.

6. There shall be,

- a. In every Constituency, a Constituency office of the Party, which shall be headed by the Constituency Secretary and Shall have such other personnel as the Constituency Executive Committee may appoint.
- b. The Constituency Secretary shall report administrative matters the Constituency Chairperson.
- c. The remuneration, terms and conditions of service of the Constituency Secretary and other personnel of the Constituency office shall be determined by the Constituency Executive Committee.

7. The;

- a. Constituency Chairperson shall be the executive head of the Party in the constituency and the convener of meetings of the Constituency Executive Committee.
- b. The Constituency Chairperson shall be a member of the Regional Executive Committee.

c. In the absence of the Constituency Chairperson the 1st Constituency Vice Chairperson shall act in his or her place.

8. The Constituency Executive Committee shall meet at least once in every month and shall present quarterly reports on the operations and activities of the Party in the Constituency to the Regional Executive Committee. The presence of at least-third (1/3) of the members of the Constituency Executive Committee shall be necessary to constitute a quorum of the Committee.

9. The Constituency Executive Committee shall be responsible for overseeing the operation of the Party within the constituency and the implementation of its programmes for promoting social and political awareness and general political education within the constituency, for recruiting members into the Party and for mobilizing support for the party before and during elections.

10. The Constituency Executive Committee may form such committees or sub-committees as it considers necessary or expedient and may co-opt any Member within the constituency into any of such committees.

11. A Constituency Officer shall cease to be such an Officer if:

a. He or she resigns;

b. He or she is removed in accordance with the procedure for the removal of officers;

c. By reason of bodily or mental infirmity, is incapable of carrying out his or her duties and responsibilities as Constituency officer;

d. He or she is expelled from the Party;

e. Without just cause, he or she absents himself or herself persistently from meetings of the Constituency Executive Committee of which he or she is given notice, provided that no Constituency Officer shall cease to be an Officer for this reason without:

i. Being summoned to appear before the Regional Executive Committee and being afforded an opportunity to explain himself or herself;

ii. A report being submitted to the Regional Executive Committee on the conduct of such officer with the recommendation of the Constituency Executive Committee;

iii. The Regional Executive Committee considering the report of the Constituency Executive Committee and pronouncing whether such Officer shall cease to be a Constituency Officer;

iv. Having the right to appeal to the National Executive Committee which shall decide the matter and whose decision shall be final.

12. A Constituency Officer who ceases to be such officer by reason of absenteeism shall nevertheless continue to be a Member of the Party and shall be entitled to offer him or her for re-election to membership of the Constituency Executive Committee at any subsequent Constituency Annual Delegates Conference.

13. Any vacancy which may occur for whatever reason in the membership of the Constituency Executive Committee shall be filled in the case of the Constituency Chairperson by the 1st Constituency Vice-Chairperson; in the case of the 1st Constituency Vice-Chairperson by the 2nd Constituency Vice Chairperson, and in the case of the 2nd Constituency Chairperson, Constituency Secretary and Constituency Treasurer, by election by the Executive Committee of another officer to hold such office. In the case of any other Constituency Officers at the end of the term of three (3) years. In the case of the Financial Secretary, the Constituency Executive Committee shall appoint someone to act in his or her place until a substantive appointment is made.

14. In every year, at least four (4) weeks prior to the Regional Annual Delegates Conference, there shall be a Constituency Delegates Conference which shall be attended by the following delegates; i) Members of the Constituency Executive Committee; ii) The Chairperson of each Polling Station Executive Committee.

15. The presence of at least one-third (1/3) of the delegates of the Constituency shall be necessary to constitute a quorum of the Conference.

16. The Constituency Annual Delegates Conference shall:

- a. Deliberate on all matters affecting the organization and wellbeing of the Party in the Constituency;
- b. Consider and approve a statement of account presented by the Constituency Treasurer;
- c. Consider and approve programme of activity for the coming year;
- d. Pass resolutions or make recommendation for consideration of the Regional Annual Delegates Conference;
- e. Elect one (1) member if the Constituency, who is not a Constituency Officer, together with a Constituency Officer, to be the two (2) delegates of the Constituency to attend the National Annual Delegates conference;
- f. Elect two (2) Members of the Constituency, who are not to Constituency Officers, together with two (2) Constituency Officers, to be the four (4) delegates of the Constituency to attend the Regional Annual Delegates Conference;
- g. Elect Constituency Officers when required.

17. Every Constituency Executive Committee shall within two (2) weeks from the close of the proceedings of the Constituency Annual Delegates Conference, submit a report thereon to the Regional Executive Committee.

18. Every Constituency Executive Committee shall convene an Extraordinary Constituency Delegates Conference to elect, when required, six (6) Members of the Constituency who are not Constituency Officers, together with four (4) Constituency Officers, to be the ten (10) delegates of the Constituency to attend the National Congress.

19. Every Constituency Executive Committee shall convene an Extraordinary Constituency Delegates Conference to select the Parliamentary Candidates for the Constituency.

20. When the Constituency Executive Committee or the Constituency Chairperson or one third (1/3) of the polling Station Executive Committees, as the case may be, thinks it necessary, an Emergency Constituency Delegates Conference may be convened. The Constituency Secretary shall give notice of such meeting not later than seven (7) days before the date of the Conference, and shall specify the agenda for the conference.

## **ARTICLE 7:**

### Regional Organization

1. Each Region shall have a Regional Executive Committee, which shall consist of:

- a. The Regional Chairperson
- b. The 1st Regional Vice Chairperson
- c. The 2nd Regional Vice Chairperson
- d. The Regional Secretary
- e. The Regional Assistant Secretary
- f. The Regional Treasurer
- g. The Regional Organizer
- h. The Regional Women Organizer
- i. Regional Youth Organizer
- j. A representative of the Regional Council of Elders
- k. Sitting Parliamentarians or Parliamentary Candidates from the Region, who shall, however, have no right to vote.

2. Regional Officers shall be elected at a Regional Annual Delegates Conference, which shall be supervised by a person appointed by the National Executive Committee.
3. Election of Regional Officers shall be by secret ballot, and by a simple majority. They shall hold office for three (3) years, and may seek re-election.
4. Within seven (7) days of the election, the Regional Executive Committee shall appoint members of the Regional Disciplinary Committee and the Regional Finance Committee.
5. There shall,
  - a. Be in every Region, a Regional Office of the Party, which shall be headed by the Regional Secretary and shall have such other personnel as the Regional Executive Committee may appoint.
  - b. The Regional Secretary shall be responsible for;
    - i. Keeping proper records of the Party;
    - ii. Carrying out decisions of the Regional Executive Committee;
    - iii. Supervising and coordinating the operations of the Constituency Officers within the Region.
  - c. The Regional Secretary shall report administrative matters to the Regional Chairperson
  - d. The remuneration, terms and conditions of service of the Regional Secretary and other personnel of the Regional Secretariat shall be determined by the Regional Executive Committee.
6. The;
  - a. Regional Chairperson shall be the executive head of the Party in his or her Region and the convener of meetings of the Regional Executive Committee and the 1st Regional Delegates Conference, and shall preside over such meetings.
  - b. The Regional Chairperson shall be a member of the National Executive Committee,
  - c. In the absence of the Regional Chairperson the 1st Regional Vice-Chairperson shall act in his or her place.
7. The Regional Executive Committee shall meet, at least, once in every three (3) months and shall present quarterly reports on the operations and activities of the Party in the Region to the National Executive Committee. The presence of at least one-third (1/3) of the members of the Regional Executive Committee shall be necessary to constitute a quorum of the committee.

8. The Regional Executive Committee shall be responsible for coordinating the operations and activities of the Party in the Region, for ensuring that Party Policies and programmes are implemented in the Region, for fostering cooperation between the various constituency organizations of the Party within the Region and for drawing up suitable regional programmes of activity for this purpose.

9. The Regional Executive Committee may form such committees or sub-committees as it considers necessary or expedient and may co-opt any Member in the Region to any of such committees.

10. A Regional Officer shall cease to be such an officer if;

a. He or she resigns;

b. He or she is removed in accordance with the procedure of removal of officers;

c. By reason of bodily or mental infirmity, is incapable of carrying out his or her responsibilities as a Regional Officer;

d. He or she is expelled from the party;

e. Without just cause, he or she absents himself or herself persistently from meetings of the Regional Executive Committee of which he or she is given notice, provided that no Regional Officer shall cease to be an Officer for this reason without;

i. Being summoned to appear before the Regional Executive Committee and being afforded an opportunity to explain himself or herself;

ii. A report being submitted to the National Executive Committee on the conduct of such Officer with the recommendation of the Regional Executive Committee;

iii. The National Executive Committee considering the report of the Regional Executive Committee and pronouncing whether such officer shall cease to be a Regional Officer. The decision of the National Executive Committee shall be final.

11. A Regional Officer who ceases to be such officer by reason of absenteeism shall, nevertheless, continue to be a member of the Party and shall be entitled to offer himself or herself for re-election to membership of the Regional Executive Committee at any subsequent Regional Annual Delegates Conference.

12. Any vacancy which may occur for whatever reason in the membership of the Regional Executive Committee shall be filled, in the case of the Regional Chairperson by the 1st Regional Vice-Chairperson, in the case of the 1st Regional Vice-Chairperson by the 2nd Regional Vice-Chairperson; and in the case of the Regional Secretary and Regional Treasurer, by election of the Regional Executive Committee of another officer to hold such office. In the case of any other officer, Regional Executive Committee shall appoint someone to act. Any person elected or

appointed to fill a vacancy shall vacate his or her office at the same time as the other Regional Officers at the end of term of three (3) years.

13. In every year, at least four (4) weeks prior to the National Annual Delegates Conference, there shall be a Regional Delegates Conference which shall be attended by the following delegates;

- a. Members of the Regional Executive Committee
- b. Four (4) delegates from each of the constituencies within the Region
- c. The regional representatives on the National Council
- d. Two (2) representatives of the Founding Members in the Region;
- e. Two (2) representatives of the Patrons in the Region;
- f. Two (2) representatives of the Region's Council of Elders

14. The presence of at least one-third (1/3) of the delegates of the Regional Delegates Conference shall be necessary to constitute a quorum of the Conference.

15. The Regional Annual Delegate Conference shall:

- a. Deliberate on all matters affecting the organization and wellbeing of the Party in Region;
- b. Consider and approve a statement of accounts presented by the Regional Treasurer;
- c. Pass any resolution or make any recommendations for the consideration by the National Annual Delegates Conference;
- d. Elect representatives to serve on the National Council so that fifty percent (50%) of the regional representatives to the National Council shall be Regional Officers and fifty percent (50%) shall not be such officers. Each Region shall have such number of representatives as determined by the number of constituencies in the Region s that every five (5) constituencies in the Region shall have one representative on the National Council:
- e. Elect Regional Officers when required.

16. Every Regional Executive Committee shall, within two (2) weeks from the close of the proceedings of the Regional Annual Delegates Conference, submit a report thereon to the National Executive Committee.

17. A representative of the Regional Chairperson shall be a member of the National Disciplinary committee.

18. Whenever the Regional Executive Committee or the Regional Chairperson or one third (1/3) of the Constituency Executive Committee in the Region, as the case may be, thinks it necessary, an

Emergency Regional Delegates Conference may be called. The Regional Secretary shall give notice of such meeting not later than seven (7) days before the date of the Conference, and shall specify the agenda for the Conference.

#### **ARTICLE 8:**

##### Overseas Branches

1. There may be established overseas branches of the Party whose activities shall be governed by the provisions of this Constitution.
2. Each Overseas Branch shall, subject to the approval of the Party, have such officers as it deems necessary.
3. The Rules and Regulations of the Branch shall be in conformity with the provisions of this Constitution.
4. The disciplinary procedures of the branch shall be in conformity with the provisions of this Constitution.
5. Where the dues paying Members of an overseas branch are of a minimum number one hundred (100) that branch shall be entitled to send one (1) representative to the National Delegates Conference with voting rights.

#### **ARTICLE 9:**

##### National Organization

1. There shall be a national organization of the Party which shall consist of:
  - a. The National Annual Delegates Conference
  - b. The National Congress
  - c. The National Council
  - d. The National Executive Committee

##### A National Annual Delegates Conference

- i. There shall be a National Delegates Conference which shall be the supreme governing body of the party.

ii. The National Delegates Conference shall;

1. Meet once every year, at least four (4) weeks after the last of the Regional Annual Delegates Conference.
2. The National Delegates Conference shall be attended by the following delegates:
  - a. Members of the National Council
  - b. Two (2) delegates from each Constituency
  - c. One (1) representative of the Founding Members from each Region;
  - d. One (1) representative of the Patrons from each Region
  - e. One (1) representative from each Overseas Branch of the Party which is entitled to send one representative.
3. The presence of at least one third (1/3) of the delegates of the National Annual Delegates shall be necessary to constitute a quorum of the Conference.

iii. The notice convening a National Annual Delegates Conference shall be given to every Constituency Executive Committee by the General Secretary not later than one (1) month before the date for holding the Conference.

iv. The National Annual Delegates Conference shall deliberate and make appropriate resolutions on the following:

1. The National Chairperson's Report:
2. The National Treasurer's Statements of accounts ;
3. Any other matters.

The National Annual Delegates Conference shall also;

- a. Instruct the General Secretary and the National Treasurer to file the appropriate annual returns to the Electoral Commission;
- b. Elect National Officers when required.

v. Whenever the National Executive or the National Chairperson thinks it necessary, an emergency National Delegates Conference may be convened. The General Secretary shall give notice of such meeting not later than seven (7) days before the date for the Conference , and shall specify the agenda for the conference.

## B. The National Congress

There shall be a National Congress which will be responsible for the election of the Presidential Candidate of the party in accordance with the provisions of Article 12 of this Constitution.

## C. The National Council

1. There shall be a National Council which, subject to the decisions of the National Delegates Conference, shall direct the affairs of the Party in between meetings of the National Delegates Conference, and , for this purpose , may give such directives to the National Chairperson as may be considered necessary for the well-being of the Party.

2. The National Council shall consist of :

- a. Voting members of the National Executive Committee;
- b. Twenty (20) sitting parliamentarians chosen by the Party's Parliamentary Group;
- c. Regional representatives;
- d. Past National Chairpersons, Presidential Candidates and General Secretaries.

3. Regional representatives shall serve for a terms of three (3) years, but may seek re-election.

4. The National Council shall meet at least twice a year, provided that no more that seven (7) months shall elapse between the first and second meetings . The presence of at least one-third (1/3) of the members National Council shall be necessary to constitute a quorum of the Council.

5. The National Council shall have the following Standing Committees, which shall submit quarterly reports of their activities to the National Executive Committee for consideration and transmission to the National Council.

- a. Finance Committee;
- b. Constitutional Committee;
- c. Organization Committee;
- d. Research Committee;
- e. Disciplinary Committee;
- f. Vetting Committee;

a. Finance Committee.

- i. The finance Committee shall consist of the National Treasurer and six ( 6) other members, who, including the Chairperson, shall be appointed by the National Council on the recommendation of the National Chairperson. The National Treasurer shall be secretary to the Finance Committee.
- ii. It shall be the duty of the Finance Committee to raise the funds necessary to finance the operations of the Party in conformity with applicable laws. It shall report on its activities to the National Chairperson.
- iii. The Finance Committee shall, at the beginning of each Financial Year, approve and submit for decision by the National Executive Committee budgetary estimates prepared by the National Treasurer on the running of the Party.
- iv. The Chairperson of the Finance Committee shall be a member of Vetting Committee.

b. Constitutional Committee

- i. The Constitutional Committee shall consist of a Chairperson, who should be an eminent jurist, and six (6) other members, all of whom shall be appointed by the National Council.
- ii. The constitutional Committee shall advise the National Council and the National Executive Committee on matters relating to the smooth operation of the Party's Constitution, and shall resist in the resolution of any conflicts that may arise between the various organs of the party in the implementation of the Party's Constitution.
- iii. The Constitutional Committee shall submit to the National Council and the National Executive Committee any proposals it may have for the development and implementation of the Party's Constitution.
- iv. The Chairperson of the Constitutional Committee shall be a member of the Vetting Committee, and a representative of the Constitutional Committee shall be a member of the National Disciplinary Committee.

c. The Organization Committee

- a. The Organization Committee shall consist of a Chairperson and six (6) other members, all of whom shall be appointed by the National Council.
- b. The Organization Committee shall advise the National council and the National Executive Committee on improvements in the operation of the Party Organization.

c. The Chairperson of the Organization shall be a member of the Vetting Committee.

d. Research Committee

a. The Research Committee shall consist of a Chairperson and such other persons as the National Council may appoint. Its functions will be as determined by the National Council. The Chairperson of the Research of the Committee shall be a member of the Vetting Committee.

e. The National Disciplinary Committee.

a. The National Disciplinary Committee shall have the composition, functions and jurisdictions set down in Article 4 of this Constitution.

b. The Chairperson of the National Disciplinary Committee shall be a member of the Vetting Committee.

f. Vetting Committee

a. The Vetting Committee shall examine and vet the candidature of every aspirant for the presidential nomination of the Party to ensure that such person qualifies for the office of the Republic.

b. The Vetting Committee shall consists of ;

i. The five (5) Chairpersons of the other Standing Committee of National Council;

ii. The Chairperson of the National Council of Elders ; and

iii. Three ( 3) other persons appointed by the National Council, one of whom shall be designated chairperson of the Vetting Committee, provided however that the National Council shall ensure that at least two (2) of out of the nine (9) persons are women.

c. The Vetting Committee shall disallow the candidature of any aspirant when it finds that such aspirant does not qualify to be a Presidential Candidate. It shall submit such finding in writing to the National Executive Committee, with a copy to the aspirant.

d. An aspirant who is dissatisfied with such a finding may appeal against it to the National Executive Committee within forty-eight (48) hours of receipt of notice of the finding by filing an appeal in writing with the General Secretary. The National Executive Committee shall give its decision within seven (7) days of receipt of the

appeal. The decision of the National Executive Committee on the appeal shall be final.

#### D. The National Executive Committee

1. Subject to such directives as the National Council may issue, the National Executive Committee shall be responsible for directing and overseeing the operations and activities of the Party.

2. The National Executive Committee shall consist of :

- a) The National Chairperson
- b) The Presidential Candidate
- c) The 1st National Vice . Chairperson
- d) The 2nd National Vice-Chairperson
- e) The 3rd National Vice-Chairperson
- f) The General Secretary
- g) The National Treasurer
- h) The National Organizer
- i) The Party's Parliamentary Leader
- j) The Chairperson of the National Council Of Elders
- k) The National Women Organizer
- l) The National Youth Organizer
- m) Regional Chairpersons or their representatives
- n) One (1) representative of the Parliamentary Group
- o) One ( 1) representative of the Founding Members
- p) One (1) representative of the Patrons.

Chairperson of Sector Committees, past National Chairpersons, past Presidential candidates, past General Secretaries and such other Members as the National Executive Committee may determine, shall be entitled to attend meetings of the National Executive Committee but without the right to vote.

3. National Officers shall be elected at a National Annual Delegates Conference by a simple majority of the votes cast and shall hold office for three (3) years. Nomination of such officers shall be lodged with the General Secretary not later than fourteen (14) days before the holding of the National Annual Delegates Conference. They may seek reelection.
4. The National Executive Committee shall meet at least once in every three (3) months. The presence of at least one-third (1/3) of the members of the National Executive Committee shall be necessary to constitute a quorum of the Committee.
5. The National Executive Committee may form such Committees, including Sector Committees and Sub-committees as it may consider necessary and expedient, and may co-opt any member into such Committees. Sector Committees may assist the National Executive Committee in defining the Party's Policies on national issues, in monitoring the activities of the various departments of Government and in such other matters as the National Executive Committee may determine.
6. Any vacancy which may occur for whatever reason in the membership of the National Executive Committee shall be filled in the following manner. In the case of the National Chairperson by the 1st National Vice Chairperson and the other National Vice-Chairpersons in descending order as the occasion may require ; and in the case of the 3rd National Vice-chairperson , the General Secretary and the National Treasurer, by election of the National Executive Committee of another National Officer to hold such office. In the case of the National Women Organizer and the National Youth Organizer, the National Executive Committee shall request the bodies they represent to nominate someone to act in their place while a Regional Chairperson shall be replaced by the Vice Chairperson. Any person elected or appointed to fill a vacancy shall vacate his or her office at the same time as the other National Officers at the end of the term of three (3) years.

#### E. The National Chairperson

- a. The National Chairperson shall preside over all meetings of the National Delegates Conference, the National Congress, the National Council , the National Executive Committee and the Steering Committee of the National Executive Committee.
- b. The National Chairperson shall be the convener of all the meetings of the National Delegates Conference, the National Congress, the National Council, the National Executive Committee, and the Steering Committee of the National Executive Committee.
- c. In the absence of the National Chairperson the 1st National Vice Chairperson shall act in his or her place.
- d. The National Chairperson shall not be a candidate for the office of Member of Parliament of President of the Republic.

#### F. The National Vice-Chairperson

a. There shall be three (3) National Vice .Chairpersons ranked first, second and third, according to the number of votes received at the election at the National Annual Delegates Conference. The 1st National Vice-Chairperson, being the most senior, shall at for the National Chairperson in his or her absence, and the others in descending order as the occasion may require. The National Vice-Chairpersons shall assist the National Chairperson in the running of the Party and shall be assigned such duties as may be prescribed by the National Council, the National Executive Committee, and the National Chairperson.

#### G. The General Secretary

a. The Party shall have a National Secretariat which shall be headed by the General Secretary , who shall be a full time employee of the Party.

b. The National Secretariat shall consist of the General Secretary the National Organizer, the Director of Finance, the Director of Communications, the Director of Campaign Strategy, and such other personnel as the National Executive Committee may appoint.

c. The remuneration, terms and conditions of service of the General Secretary and other personnel of the National Secretariat shall be determined by the National Chairperson with the approval of the National Executive Committee.

d. The General Secretary shall be responsible for overseeing the operations of the Party's National Secretariat and coordinating the activities and operations of the Party and of all employees of the Party at Constituency, Regional, Overseas and National Levels.

e. The General Secretary shall perform his functions in accordance with the directives of the National Executive Committee and the National Chairperson.

f. The General Secretary shall, within one (1) month prior to the holding of the National Annual Delegates Conference, submit to the National Executive Committee a report on the state of the Party. Upon approval by the National Executive Committee, the General Secretary shall submit the report to the National Annual Delegates Conference.

g. The General Secretary shall not be a candidate for the offices of Member of Parliament or President of the Republic.

#### H. The National Treasurer

a. The National Treasurer shall be responsible for handling the national funds of the Party, and shall see to their proper disbursement in accordance with applicable laws.

- b. The National Treasurer shall be responsible to the Finance Committee and shall make a monthly report on the state of the Party's finances to the Finance Committee.
- c. The National Treasurer shall, prior to the beginning of each financial year, prepare budgetary estimates for the Party's Operations for approval by the Finance Committee, which shall submit them to the National Executive Committee for decision.
- d. The National Treasurer shall, not less than one (1) month prior to the holding of the National Delegates Conference, submit to the National Executive Committee a report on the state of the party's finances. Upon approval by the National Executive Committee, the National Treasurer shall present the report to the National Delegates Conference.
- e. The National Treasurer shall not be candidate for the office of Member of Parliament or President of the Republic.

#### I. The National Organizer

- a. The National Organizer shall be responsible for the management of the organizational work of the Party.
- b. The National Organizer shall be responsible for organizing recruitment drives, establishing contacts at all levels among voters, setting up and maintaining local branches, training of party activists and in association with the Director of Communications, train officials to become trainers and organize both inner-party and voter-education exercises.
- c. The National Organizer shall perform his functions in accordance with the directives of the National Executives Committee and the General Secretary.
- d. Once every quarter, the National Organizer shall submit a comprehensive report of his activities regarding the state of the Party's organization to General Secretary.

#### J. Steering Committee of The National Executive Committee

- a. There shall be a Steering Committee of the National Executive Committee, which shall be responsible for overseeing daily management of the Party and shall act on behalf of the Party on urgent matters. The Steering Committee shall report on its activities to the National Executive Committee.
- b. The Steering Committee shall consist of the following members:
  - a. The National Chairperson
  - b. The Presidential Candidate

- c. The Party's Parliamentary Leader
- d. The Chairperson of the Council of Elders
- e. The General Secretary
- f. The National Treasurer
- g. The National Organizer
- h. The National Women Organizer
- i. The National Youth Organizer

Five (5) members of the Steering Committee, including the National Chairperson, shall be present at a meeting to constitute a quorum of the Committee.

#### **ARTICLE 10:**

##### Removal of Elected Officers

Whenever forty percent (40%) of the delegates that elected a Constituency, Regional, National Officer, as the case may be, give written notice to the Constituency, Regional, or National Executives Committee, as the case may be, of their demand for the removal of such an officer, the Constituency, Regional or National Executive, as the case may be, shall, within one(1) week of receipt of the notice, circulate such notice to all delegates and shall, thereafter, within one (1) month, summon an Emergency Delegate conference to deliberate 26

and decide on the matter. Upon receipt of the notice, the Constituency, Regional f or National Executive, as the case may be, may suspend the officer from acting in his or her office pending the holding of the Conference. The notice summoning the Conference shall specify the agenda. Approval for the removal of the officer shall be by simple majority of the votes cast at the Conference. Refusal by the Conference to approve the removal of the officer shall, automatically, terminate his or her suspension, if any, from office.

#### **ARTICLE 11:**

##### Selection of Parliamentary Candidates

a. No Member shall be nominated or endorsed as the Party's candidate in any Parliamentary election unless the Member has been selected in accordance with the provisions of the article.

b. Upon decision by the National Executive Committee not later than thirty (30) months prior to the date of the national election, every Constituency Executive Committee shall invite applications from Members for nomination as the Party's Parliamentary Candidate for the Constituency. The notice inviting applications shall be displayed in as conspicuous place in the Party's Constituency office and shall specify the closing date for application ,which shall not be more than twenty-nine (29) months prior to the date of the national election, The National Executive Committee may, however, on appropriate occasion, vary these dates.

c. Any Member may, prior to the expiry date of the period set out in Article 11 (2), submit an application for nomination as the party's Parliamentary Candidate.

d. No Member shall be entitled to apply for nomination as the Party's Parliamentary Candidate for any Constituency unless he or she:

a. Is a known and active Member for at least two (2) years

b. Is a registered Member and voter in the Constituency which he or she seeks to represent, provided that in appropriate cases the Constituency Executive C omission may dispense with this requirement:

c. Is of good character

d. Is otherwise of good standing:

e. Has paid the prescribed fee for Parliamentary Candidates by the deadline set by the National Executive Committee:

f. Qualifies under the electoral laws to be a Parliamentary Candidates for the Constituency ;

and

g. Has signed the "Undertaking for Parliamentary Candidates".

e. It shall be the obligation of the Member seeking nomination as the Party's Parliamentary Candidate to satisfy the Constituency Executive Committee and the National Executive Committee that the conditions stipulated in Article 11(4) have been fulfilled, and any application which does not comply with these conditions shall be rejected.

f. An extraordinary Constituency Delegates Conference shall be convened not later than twenty-six (26) months prior to the date of the national election to elect the Parliamentary Candidate. The procedure described in Article 12(7) shall be applied with appropriate modification to the election.

## **ARTICLE 12:**

A. Election of the Presidential Candidate

a. The election of the Party's Presidential Candidate shall take place at a National Congress held not later than twenty-four (24) months from the date of the national Congress shall be decided by the National Council, provided, however, that the National Council may, on appropriate occasion, vary the date.

b. Not later than six (6) months prior to the holding of the National Congress, the General Secretary shall give notice inviting applications from members of nomination as the Party's candidate to contest for the office of the President of the Republic. The notice shall be displayed in conspicuous place in the Party's Constituency, Regional and National Offices and shall specify the closing date for application, which shall not be more than five(5) months prior to the holding of the National Congress.

c. Any Member may, prior to the expiry of the period set out in Article 12 (2), submit an application for nomination as the Party's Presidential Candidate No member shall be entitled to nomination as the Party's Presidential Candidate unless he or she

a. Is a known and active Member of at least five (5) years

b. Is of good character

c. Has paid the prescribed fee for the Presidential Aspirants by the deadline set by the National Executive Committee

d. Is otherwise of good standing

e. Is found to be qualified to be a President Candidate by the Vetting Committee

f. Has signed the "Undertaking for Presidential Aspirants." And,

g. The member's nomination has been endorsed in writing by at least one hundred (100) from each Region

d. Its shall be the obligation of the member seeking nomination as the Party's Presidential Candidate to satisfy the National Executive Committee that the conditions stipulated in Article 12(4) have been fulfilled and any application which does not comply with these conditions shall be rejected.

e. The Party's Presidential candidate shall be elected by the National Congress, which shall comprise the following delegates:

a. Ten (10) delegates from each Constituency;

b. One (1) representative of the Founding Members from each region.

c. One (1) representative of the Patrons from each Region;

d. One (1) representative of each overseas branch of the party that is entitled to send a representative to The National Delegates Conference.

f. Where,

- a. There is only one (1) contestant for nominations as the Party's presidential candidate, the National Congress shall acclaim his nomination as the party's Presidential Candidate.
- b. Where there is more than one (1) contestant, each delegate will cast his or her vote by secret ballot for one of the contestants.
- c. Where a contestant obtains more than fifty percent (50%) of the votes cast, he or she shall be the party's Presidential Candidate.
- d. Where, however, no contestant obtains more than 50% of the votes cast, there shall be a run-off between the first two contestants and the contestant with a simple majority shall be the party's Presidential Candidate.
- e. In the event of a tie between the two contestants, the runoff will continue until one contestant obtains a simple majority.

#### B. Selection of the Vice Presidential Candidate

The party's presidential candidate shall, in consultation with the National Executive Committee, nominate his running mate.

### **ARTICLE 13:**

#### The Parliamentary Group

- a. The party's members of parliament shall form the parliamentary group, which shall have rules and regulations not inconsistent with the constitution, to govern its activities. \
- b. The election of the leader, the deputy leader, the chief whip and the deputy chief whip of the parliamentary group shall be done by the National Council.
- c. The leadership of the parliamentary group shall, in conjunction with the National Executive Committee appoints the party's parliamentary spokesperson.
- d. The National Council and National Executive Committee shall respectively review each year the performance of the parliamentary leadership and spokesperson with the view to making appropriate changes where necessary.
- e. The parliamentary leader, together with one (1) other representative of the parliamentary group, shall be members of the National Executive Committee, and one representative of the parliamentary group shall be a member of the National Disciplinary Committee. The parliamentary leader shall be

a member of the Steering Committee of the National Executive Committee and parliamentary spokespersons shall be members of their representative sector committees.

#### **ARTICLE 14:**

Special organs of the party

1. The following are the special organs of the party;

- a) The National Women's Wing
- b) The National Youths Wing ;and
- c) such other organs as the National Council may determine

##### a) THE NATIONAL WOMEN'S WING

The national women's wing is a special organ within the party which promotes the policies and programmes of the party amongst women. Its responsibilities are to:

- i. Recruit women into the membership of the party;
- ii. Cultivate the support of women for the party before and during election.
- iii. Raise public awareness on gender and children issues.
- iv. Promote policies that will realize the full potential of women and children.
- v. Oppose vigorously policies and practices that militate against the full development of women and children.
- vi. Create a nationwide organization within the party to cater for the activities and interests of female members.

The National Women's Wing shall have rules and regulations to govern its activities, including the elections of its officers, which shall not be inconsistent with this constitution.

The National Women Organizer shall be a member of the National Executive Committee and the Steering Committee of the National Executive Committee.

##### b) THE NATIONAL YOUTHS WING

The National Youth's Wing is a special organ within the party which promotes the policies and programmes of the party amongst the youth. "Youth" is a member who has not attained the age of forty (40) years). Its responsibilities are to:

- i) Recruit the youth into membership of the party;
- ii) Cultivate the support of the youth for the party before and during elections.
- iii) Create awareness about the problems facing the youth, including falling educational standards and wide spread unemployment;
- iv) Promote policies that will realize the full potential of the youth, including policies to improve the quality of education and to widen access of the youth to quality education;
- v) Oppose vigorously policies and practices that militate against the full development of the youth.
- vi) Establish branches of the party in second cycle and tertiary institutions of learning in or part of the country;
- vii) Create a nation-wide organization within a party to cater for the activities and interest of young members. 30

The National Youth's Wing shall have rules and regulations to govern its activities including the elections of its officers, which shall not be inconsistent with this constitution.

The National Youth Organizer shall have a member of the National Executive Committee and of the Steering Committee of the National Executive Committee.

2. The National Council may, by a resolution of the council expand the category of special organs as it deems fit.

## **ARTICLE 15:**

### **COUNCIL OF ELDERS**

a. There shall be a National Council Elders composed of members who have given of their best and have contributed significantly to the formation, welfare and progress of the party and its forbears. The Chairperson and other officers.

b. The National Council of Elders may be called upon from time to time to:

- i) Solve dispute and differences among members:
- ii) Give ideas and advice for the improvement of the parties. activities
- iii) Assist in raising funds for the party.

c. The National Executive Committee shall approve of nominations of outstanding party Elders to the list of the National Council of Elders. The list shall be prepared by the National Chairperson in

consultation with the Regional Chairpersons. An Elder is a member who has attained the age of sixty five (65) years or more.

d. The Chairperson of the National Council of Elders shall be a member of the National Executive Committee, the Steering Committee of the National Executive Committee and the vetting committee, and a representative of the National Council of Elders shall be a member of the National disciplinary committee.

e. Each region shall have a regional Council of Elders, composed of members who have made a significant contribution at the regional constituency level to the formation, welfare and progress of the party and its forbears. The members of the regional council of Elders shall elect their own chairperson and other officers.

f. The Regional Executive committees shall approve of nominations of deserving party elders in the Region or Constituencies to the list of the Regional council of Elders and, new entrants shall be decided by the Regional Executive Committee.

g. Two (2) representative of the Regional Council of elders shall be delegates to the Regional Delegate conference.

## **ARTICLE 16:**

### ASSOCIATION OF FOUNDING MEMBERS AND PATRONS

Founding members and patrons may form their own associations, whose rules and regulation shall not be inconsistent with this constitution. One (1) representative of the founding members from each Region and one (1) representative of the patrons from each Region shall be delegates to the National Delegate Conference .Two (2) representative each of the founding members and the patrons shall be delegates to the National Congress. One (1) representative each of the founding members and of the patrons shall be members of the National Executive Committee.

## **ARTICLE 17:**

### AUDITORS

There shall be appointed by the National Council a firm of auditors to audit the accounts of the Party to be presented at the National Annual Delegate Conference, but they may re-appointed for a further 4 period.

## **ARTICLE 18:**

## RULES AND REGULATIONS TO THIS CONSTITUTION

There may be separate rules and regulations of the party to supplement the provisions of the Constitution. The rules and regulations may provide the guidelines of the constitution. The rules and regulations may provide the guidelines needed for the constituency, Regional, overseas and National Organization and Operations of the party.

### **ARTICLE 19:**

#### AMENDMENT TO THE CONSTITUTION

Every amendment to this constitution shall be made at a National Delegate Conference, provided, however, that no amendment may be made unless:

- 1) Notice of such amendment has been submitted in writing to the general secretary not later than two (2) months before the National Delegate conference
- 2) The general secretary has circulated the proposed amendment to every Regional and constituency office at least one (1) month before the National Delegate Conference;
- 3) At least two thirds (2/3) of the Delegates at the National Delegates Conference cast their votes in favor of the amendment.

### **ARTICLE 20:**

#### TRANSITIONAL PROVISIONS

The election of all National Officers that took place at the National Delegate Conference held on 29th August 1998 shall be deemed to have taken place under the provisions of this constitution and the person so elected shall be taken to have been duly elected National

Officers for the purposes of this constitution. 32

### **ARTICLE 21:**

#### REVOCATION OF THE 1992 CONSTITUTION

Upon the coming into force this constitution, constitution of the Party registration with the National Electoral Commission on 24th June 1992 shall cease to have effect.

DATED THIS 29TH OF AUGUST 1998

PETER ALA ADJETEY

NATIONAL CHAIRPERSON

JOSEPH AGYENIM BOATENG

GENERAL SECRETARY

CONSTITUTIONAL AMENDMENTS

## 1. MEMBERSHIP

a. Founding members.

- i. The signatories of the documents presented to the electoral commission for the registration of the Party.
- ii. All those who contributed substantially in various ways to the sustenance of the Party between 1992 to 1998.

## 2. CONSTITUENCY ORGANISATION

ART .5.2 is amended to read as;

- i. The Party shall be based on: Polling station, constituency, regional, overseas and National Organizations.
- ii. There shall be a Polling Station Executive of five (5) members. (Chairman, secretary, organizer, youth organizer, and women organizer) whose duties shall be to:
  1. Act as polling agents when appropriate.
  2. Be responsible for house to house campaigns.
  3. Act as agents during voters' registration and cleaning of the voters register
  4. And to perform any other function that will be assigned them by the Constituency Officers.
- iii. Election of Officers at various Levels of Organizations.

(The following were accepted as an addition to the existing provisions):

1. Polling station executive elections. In polling station executive elections, all card-bearing and paid up members in good standing in the polling station area shall vote.
2. Election of Regional Officers have the following delegates:
  - a. All members of Parliament in the region
3. Delegates for an Annual National Delegates Conference is as follows:
  - a. Five (5) members from each Constituency, that is, 3 officers and 2 non officers.
  - b. All Regional Officers.
  - c. All sitting Members of Parliament, provided that no Member of Parliament shall vote twice.
  - d. Constituency or Regional Officers. (The function of Constituency Of regional officers is as follows);
    - i. In the running of the constituency and regions, Constituency officers and Regional Officers shall be responsible for the day-to-day Administration of the Party in the Constituency and Regional respectively.
    - ii. Constituency or Regional Officers shall appoint an Officer from amongst them and not just any person to supervise, polling station and Constituency elections as in the case of Art 6.3
  - e. Steering Committee
    - i. The membership of the Steering Committee shall include the three National Vice-Chairperson. When the Party is in power, a representative of the President shall attend Steering Committee meetings.
    - ii. The Steering Committee of the National Executive Committee shall appoint a National Officer who will supervise Regional Officers election but not any person appointed by the National Executive as in ART 7.2.
  - f. Selection of Parliamentary Candidates
    - i. The selection of Parliamentary Candidates shall be advertised for 18 months prior to the date of the national election provided that it shall be advertised for one (1) month in the Constituency.
    - ii. Parliamentary Candidates shall be elected at least twelve (12) months before the national general election. For the avoidance of doubt, the National Executive Committee shall have the power to determine separate dates for

elections in constituencies where the Party has sitting Members of Parliament.

iii. A member applying for nomination as the Party's Parliamentary Candidate should be known and active member for at least two years provided that, in appropriate cases, the National Executive Committee, in consultations with the Regional and Constituency Executives, may dispense with this requirement.

iv. A member applying for nomination as the Party's Parliamentary candidate for any Constituency shall be a registered member and voter in the Constituency, which he or she seeks to represent, provided that, in consultation with the Regional and Constituency Executives, may dispense with this requirement.

g. Parliamentary Group

i. The National Council, in consultation with the President, shall do the election of the Leader, the Deputy Leader, the chief Whip and the Deputy Chief Whip of the Parliamentary Group when the Party is in power.

h. National Executive Committee

i. Membership to include to President when Party is in power.

ii. Article 9D; 3i (0) (p) are deleted.

i. Election of Presidential Candidates

i. When the Party is in government, the election of a Presidential Candidate shall be held not later than 11 months before the national general election.

ii. Notice inviting application for members for nomination as the Party's candidate shall be given three (3) months prior to holding of the National Congress and shall close after two (2) months.

iii. Any Minister, National Officer and District Chief Executive (DEC) who files to contest to become a Presidential Candidate of the Party shall resign his/her position.

j. Overseas Branches

i. The minimum number to qualify as Overseas Branch should be determined by the National Executive Council from time to time.

ii. The National Executive Committee shall , in the appropriate cases, allow a number of overseas countries to come together to form one overseas Branch.

k. COUNCIL OF ELDERS

All constituencies should have Council of Elders consistent with ART. 15.

l. Rules and Regulations

Because of ART. 18, no group or special organ of the party shall have its own rules and regulations and that all such clauses in the Constitution should be deleted.

m. Association of Founding Members.

ART 16 deleted.

n. Wherever the name OAU appears it is changed to reads 'AU' (African Union)

o. Term of Office (Resolution)

Conference accepted that the term of office for all officers from polling station, Constituency, Regional, and National Offices, should be four years and that this Constitution be amended to this effect.

In view of this term of office for the current National Officers be extended by one (1) year from August 2004 to August 2005, and that fresh elections should also be held for officers from polling Station to regional so that there would be uniform term for all officers within the party.



# Conservative Party of Canada: Constitution



## **Conservative Party of Canada: Constitution**

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As amended by the delegates to the National Convention on November 15, 2008. As consolidated by the National Constitution Committee and approved by National Council.

## **1. NAME**

1.1 The name of the Party is the “Conservative Party of Canada”.

## **2. PRINCIPLES**

2.1 The Conservative Party of Canada is founded on and will be guided in its policy formation by the following principles.

2.1.1 A belief in a balance between fiscal accountability, progressive social policy and individual rights and responsibilities.

2.1.2 The goal of building a national coalition of people who share these beliefs and who reflect the regional, cultural and socio-economic diversity of Canada.

2.1.3 The goal of developing this coalition, embracing our differences and respecting our traditions, yet honouring a concept of Canada as the greater sum of strong parts.

2.1.4 The Conservative Party of Canada will operate in a manner accountable and responsive to its members.

2.1.5 A belief in loyalty to a sovereign and united Canada governed in accordance with the Constitution of Canada, the supremacy of democratic parliamentary institutions and the rule of law.

2.1.6 A belief in the equality of all Canadians.

2.1.7 A belief in the freedom of the individual, including freedom of speech, worship and assembly.

2.1.8 A belief in our constitutional monarchy, the institutions of Parliament and the democratic process.

2.1.9 A belief in the federal system of government as the best expression of the diversity of our country, and in the desirability of strong provincial and territorial governments.

2.1.10 A belief that English and French have equality of status, and equal rights and privileges as to their use in all institutions of the Parliament and Government of Canada.

2.1.11 A belief that the best guarantors of the prosperity and well-being of the People of Canada are:

2.1.11.1 the freedom of individual Canadians to pursue their enlightened and legitimate self-interest within a competitive economy;

2.1.11.2 the freedom of individual Canadians to enjoy the fruits of their labour to the greatest possible extent;

2.1.11.3 the right to own property.

2.1.12 A belief that a responsible government must be fiscally prudent and should be limited to those responsibilities which cannot be discharged reasonably by the individual or others.

2.1.13 A belief that it is the responsibility of individuals to provide for themselves, their families and their dependents, while recognizing that government must respond to those who require assistance and compassion.

2.1.14 A belief that the purpose of Canada as a nation state and its government, guided by reflective and prudent leadership, is to create a climate wherein individual initiative is rewarded, excellence is pursued, security and privacy of the individual is provided and prosperity is guaranteed by a free competitive market economy.

2.1.15 A belief that the quality of the environment is a vital part of our heritage to be protected by each generation for the next.

2.1.16 A belief that Canada should accept its obligations among the nations of the world.

2.1.17 A belief that good and responsible government is attentive to the people it represents and has representatives who at all times conduct themselves in an ethical manner and display integrity, honesty and concern for the best interest of all.

2.1.18 A belief that all Canadians should have reasonable access to quality health care regardless of their ability to pay.

2.1.19 A belief that the greatest potential for achieving social and economic objectives is under a global trading regime that is free and fair.

### **3. DEFINITIONS**

3.1 “affiliated organization” means an organization which has been recognized by National Council pursuant to the provisions of the Constitution.

3.2 “Arbitration Committee” means the arbitration and dispute resolution committee established pursuant to the provisions of the Constitution.

3.3 “by-law” means a by-law enacted by National Council pursuant to the provisions of the Constitution.

3.4 “Conservative Fund Canada” means the fundraising arm and chief agent of the Party provided for in Article 9.

3.5 “Constitution” means this constitution of the Party, as amended from time to time.

3.6 “electoral district association” means an association in a federal electoral district recognized by National Council pursuant to the Constitution.

3.7 “Leader” means the leader of the Party.

3.8 “leadership selection process” means the process for selecting a Leader provided for in the Constitution.

3.9 “member” and “membership” means a member and the membership of the Party respectively, unless the context otherwise requires.

3.10 “National Council” means the body provided for in Article 8.

3.11 “national convention” means a meeting of members provided for in Article 7.

3.12 “Party” means the Conservative Party of Canada.

3.13 “Presidents’ Forum” means an affiliated organization consisting of presidents of electoral district associations and other members of the Party on a national or regional level, as recognized by National Council.

#### **4. MEMBERSHIP**

4.1 Membership in the Party is open to every citizen or permanent resident of Canada who:

4.1.1 has attained the minimum age specified by by-law;

4.1.2 actively supports the principles of the Party;

4.1.3 signifies their intention to join the Party; and

4.1.4 has personally paid the Party’s national membership fee in the amount specified by by-law and in the manner specified by National Council which shall set rules and procedures to provide reasonable assurance that the membership fee was paid by the member personally.

4.2 Subject to minimum periods of membership which may be set out in the Constitution, or in a by-law or otherwise by National Council, every member is entitled to:

4.2.1 participate in any meeting of the electoral district association in which that person holds membership;

4.2.2 vote for, and stand for election to, the board of directors of any electoral district association in which that person holds membership;

4.2.3 attend any national convention upon payment of the prescribed fee; and

4.2.4 vote for, and stand for election as, a delegate or alternate delegate at any meeting called by an electoral district association of which that person holds membership, for the selection of delegates or alternate delegates to any national convention of the Party.

4.3 Subject to the oversight of National Council, the Executive Director shall maintain a National Membership Program consistent with the objectives for such a program as set out by by-law. As a minimum, the National Membership Program will contain a listing of each member's name and address and the name of the electoral district association to which the member belongs. A membership will be considered as valid when listed in the National Membership Program, which listing may be subject to periodic verification by an independent auditor appointed by National Council. The membership fees shall be shared as determined by National Council between the costs of operation of the National Membership Program and the provision of revenue to electoral district associations.

4.4 National Council may by by-law set out rules and procedures for the revocation and reinstatement of membership, which shall provide for a two-thirds majority vote for the revocation or reinstatement of a membership.

4.5 Subject to Article 4.6, in order for a member to exercise the rights of a member to vote as provided for in this Constitution, they must first provide identification using:

4.5.1 one original piece of identification, set out by by-law or the leadership election organizing committee, as the case may be, issued by a Canadian federal, provincial or territorial government agency containing the member's photograph, name and address, or

4.5.2 two original pieces of identification, set out by by-law or the leadership election organizing committee, as the case may be, both of which contain the member's name, one of which contains the member's photograph and one of which contains the member's address.

4.6 Identification requirements shall be subject to the exercise of discretion by the returning officer or equivalent to waive specific requirements where exceptional circumstances warrant.

4.7 Each of the following must be a member of the Party in good standing upon assuming office:

4.7.1 the Leader;

4.7.2 members of National Council;

4.7.3 directors of Conservative Fund Canada; and

4.7.4 the Executive Director.

## **5. ELECTORAL DISTRICT ASSOCIATIONS**

5.1 The electoral district association is the primary organization through which the rights of members are exercised.

5.2 Recognition may be granted by National Council to one electoral district association in each federal electoral district, and such recognition may be revoked, pursuant to rules and procedures set out by by-law.

5.3 Electoral district associations shall comply with such requirements as to their governance, financial management and reporting, as may be implemented by National Council by bylaw or otherwise.

## **6. GOVERNANCE OBJECTIVES**

6.1 The governance of the Party shall adhere to the following objectives:

6.1.1 full representation of the interests and views of members;

6.1.2 direct regular communication from National Council, Conservative Fund Canada and the Leader to electoral district associations and members to ensure accountability;

6.1.3 maintenance of a policy development process which respects and encourages the participation of all members and which culminates in the adoption of policy resolutions at national conventions that will become the Party's Policy Declaration from which the Party's election campaign platform will be developed;

6.1.4 open and accountable fundraising and financing which are coordinated with other Party activities and electoral district association fundraising efforts designed to meet the Party's overall objectives; and

6.1.5 democratic representation of the membership at national conventions.

## **7. NATIONAL CONVENTIONS**

7.1 Subject to Article 12, the governance, management and control of the activities of the Party are vested in the members at national conventions.

7.2 Subject to Article 7.3, a national convention has the power and responsibility to:

7.2.1 amend the Constitution;

7.2.2 amend and adopt Party policy; and

7.2.3 elect National Council by secret ballot.

7.3 The date, location(s), business to be transacted, and the rules and procedures for any national convention of the Party will be as determined by National Council. One or more of the matters set out in Article 7.2 need not be conducted at a national convention if less than eighteen months have

passed since such a matter was conducted at a national convention. National Council may convene a national convention upon 90 days' notice to the membership.

7.4 There shall be a national convention with a National Council election at least every second calendar year, subject to such reasonable extension not exceeding nine months as may be necessary due to the conduct or threat of a federal election or conduct of the leadership selection process.

7.5 The following shall be entitled to vote as delegates to a national convention:

7.5.1 an equal number not exceeding 10 from each electoral district association elected in such number and in such manner as determined by National Council which shall include a requirement that at least one such delegate reflect youth participation, and as an additional delegate the president of the electoral district association as of a date set by National Council;

7.5.2 the official candidate of the Party for each electoral district in the preceding federal election, or the then current nominated Party candidate for each such electoral district;

7.5.3 the parliamentary caucus of the Party;

7.5.4 elected members of National Council;

7.5.5 leaders of provincial parties who are members of the Party; and

7.5.6 former leaders of the Party.

7.6 Between national conventions, the governance, management and control of the activities of the Party are vested in National Council, the Leader, and Conservative Fund Canada, as the case may be, subject to general direction from, accountability to and review by the members at national conventions.

## **8. NATIONAL COUNCIL**

8.1 National Council shall be composed of:

8.1.1 four members elected from a province with more than 100 seats in the House of Commons;

8.1.2 three members elected from a province with 51-100 seats in the House of Commons;

8.1.3 two members elected from a province with 26-50 seats in the House of Commons;

8.1.4 one member elected from a province with 4-25 seats in the House of Commons;

8.1.5 one member elected from each territory;

8.1.6 the Leader;

8.1.7 the Chair of Conservative Fund Canada or his or her designate, in a non-voting capacity; and

8.1.8 the Executive Director or his or her designate, in a non-voting capacity.

8.2 For any province that elects more than one member of National Council, National Council may provide by by-law that the province shall be divided into a number of regions equal to the number of members to be elected, with one member to be elected for each region by delegates of the electoral district associations of that region, subject to the following:

8.2.1 The by-law shall provide that the number of electoral districts assigned to each region shall be approximately equal allowing for natural differences that may arise in the composition of the regions of a province, such as the presence of a major metropolitan area.

8.2.2 National Council shall consult with the presidents of the electoral district associations for each province that elects more than one member of National Council as to the advisability of such a by-law. The provisions of Article 8.8 shall not apply, however such a by-law may only be adopted for a particular province with the approval of a majority of the presidents of the electoral district associations of each proposed region of that province.

8.2.3 The by-law shall apply only to the election for a particular province where the bylaw is in force at least ninety days before the commencement of a national convention at which the election of National Council is to take place.

8.3 The following may not hold office as, nor be appointed to replace, an elected member of National Council:

8.3.1 Members of Parliament or Senators, except the Leader;

8.3.2 employees or contractors of the Party;

8.3.3 employees or contractors of Senators or Members of Parliament;

8.3.4 individuals holding a membership in another federal political party;

8.3.5 directors of Conservative Fund Canada.

8.4 Conservative Fund Canada shall appoint the returning officer for elections to National Council. The returning officer shall set out rules and procedures for the conduct of any election, subject to review by National Council. The rules shall provide that no one may be elected to more than three consecutive terms of office and that the election shall be by way of a preferential ballot.

8.5 No person shall be considered for selection as a candidate for the National Council unless that person has signed the following affirmation: "I have read, understand, and do hereby affirm my personal commitment to the principles and policies of the Conservative Party of Canada and the Constitution of the Conservative Party of Canada."

8.6 Immediately following each national convention at which an election of National Council occurred, National Council shall elect by simple majority from its members a President, a Vice-President, a Secretary and such Vice-Presidents and other positions as it may determine. The Secretary is accountable for the encouragement and development of membership in the Party, and for the oversight of the National Membership Program on behalf of and subject to the direction of National Council and for reporting to National Council and national conventions.

8.7 National Council has the following powers and responsibilities:

8.7.1 the establishment and recognition of electoral district associations and the terms of their constitutions, including processes for the conduct of founding meetings, and the transfer of assets in the event of redistribution;

8.7.2 the development and implementation of rules and procedures to ensure fair and effective candidate recruitment and selection;

8.7.3 recognition of affiliated organizations;

8.7.4 encouraging the participation and recruitment of youth;

8.7.5 the appointment of the Auditor of the Party;

8.7.6 the establishment of such committees as National Council may determine for the conduct of its responsibilities;

8.7.7 subject to Article 8.8, the enactment of rules and procedures for the conduct of its business;

8.7.8 subject to Article 8.8, the enactment of by-laws for matters set out in this Constitution to be provided by by-law; and

8.7.9 other responsibilities set out in this Constitution or as may be assigned by the Leader.

8.8 Rules and procedures enacted under Article 8.7.7 and by-laws enacted under Article 8.7.8 shall be circulated to all electoral district association presidents within 7 days of enactment by National Council and shall take effect on the date of enactment. If written notice of objection from more than 99 electoral district association presidents has been received by National Council within 30 days of the rule and procedure or by-law being distributed to the electoral district associations, it shall be deemed repealed. Alternatively, National Council may propose rules and procedures and by-laws to a national convention, which, if approved by a simple majority of delegates voting, will not be subject to subsequent review and repeal by the presidents of electoral district associations.

8.9 National Council shall provide the minutes of each meeting to all electoral district associations within 30 days.

8.10 The voting of National Council on motions shall be recorded in the minutes to indicate, by member of National Council, his/her vote on each motion, as follows: (i) In favour; (ii) Against; (iii) Abstained; (iv) Absent; except that where a motion names a person to a position, the vote will be by secret ballot if requested by two or more voting members of National Council.

8.11 National Council and Conservative Fund Canada shall establish a liaison committee with equal representation from each body.

8.12 National Council and the parliamentary caucus of the Party shall establish a liaison committee with equal representation from each body whose purpose will be to ensure a close and harmonious working relationship between the membership and the parliamentary caucus.

8.13 National Council, on approval of two-thirds (2/3) of its current voting membership (not including those on leave of absence) present and voting may remove a National Council member whose conduct is judged improper or unbecoming, or likely to adversely affect the interest or reputation of National Council, the Leader, or the Party, at a meeting called for that purpose.

8.14 National Council, on approval of a majority of its current membership (not including those on leave of absence) present and voting may suspend a National Council member whose conduct is judged improper or unbecoming, or likely to adversely affect the interest or reputation of National Council, the Leader, or the Party, at a meeting called for that purpose.

8.15 Disputes concerning the revocation or continuance of the suspension, or the removal, of a member of National Council, shall be adjudicated by a panel of the Arbitration Committee, whose decision shall be final and binding.

8.16 The presidents of the electoral district associations of the Party in the territories, a province, or a region of a province if applicable, shall elect members to National Council to fill any vacancies in elected positions between national conventions. Where a vacancy occurs for a province where its members of National Council were elected at the last national convention on a regional basis, a new member shall be ordinarily resident in the region of the former member.

8.17 National Council shall meet at least quarterly in every twelve (12) month period, at the call of the President or the Leader. It shall also meet upon written request of at least five (5) National Council members.

8.18 National Council shall abide by the principles and policies of the Party and shall act in the interests of all members, not just the jurisdiction from which they were elected, and subject always to the provisions of this Constitution, and to motions passed at any national convention, or by referenda.

8.19 Members of National Council shall be reimbursed for reasonable expenses incurred while fulfilling their responsibilities on National Council.

## **9. FINANCIAL ORGANIZATION**

9.1 Conservative Fund Canada, a non-share capital corporation incorporated under and governed by the provisions of the Canada Corporations Act, is the sole fundraising arm of the Party and shall be the chief agent of the Party pursuant to the Canada Elections Act.

9.2 Conservative Fund Canada shall submit quarterly financial reports and an annual audited financial statement to National Council.

9.3 Conservative Fund Canada shall submit the annual budget of the Party to National Council for consultation prior to adoption and implementation by Conservative Fund Canada, and shall consult with National Council prior to authorizing or implementing substantial amendments to the budget. Conservative Fund Canada shall not provide funding for activities or programs within the areas of responsibility of National Council unless such activities or programs have been approved by National Council.

9.4 Electoral district associations and affiliated organizations shall provide such financial information to Conservative Fund Canada as National Council may require.

9.5 National Council may authorize Conservative Fund Canada to take all necessary steps to assume control and ownership of all of the assets of an electoral district association in such special circumstances as may be set out by by-law, including the suspension or revocation of recognition of any electoral district association. Assets assumed under the provisions of this Article shall be held by Conservative Fund Canada and shall be returned to or paid out to the next duly elected board of the electoral district association whose recognition has been renewed. In the event that such association ceases to exist or does not re-apply for renewal of recognition within a period of five (5) years from the assumption of the control of its assets, such assets shall become property of Conservative Fund Canada.

9.6 Any member committing Conservative Fund Canada or the Party to unauthorized expenditures or indebtedness shall save harmless and indemnify the Party against any claim, demand, action, debt or cause of action which may arise as a result of such unauthorized commitment.

9.7 The Party shall maintain a national office in the National Capital Region.

9.8 The Leader shall nominate the directors of Conservative Fund Canada subject to ratification by National Council.

9.9 The Leader shall nominate the Executive Director of the Party subject to ratification by National Council.

## **10. LEADER**

10.1 The Leader is the chief public official of the Party, whose authority includes that specified for the leader of a party pursuant to the Canada Elections Act.

10.2 The Leader shall promote the Party, its principles and policies.

10.3 If the Leader is not a Member of Parliament or Senator, he or she shall, upon written request to the Chair of Conservative Fund Canada, be entitled to receive a salary equivalent to that of a Member of Parliament.

10.4 The Leader shall provide a report to, and carry out an accountability session with, the delegates at every national convention.

10.5 The Leader shall provide a report to National Council at least quarterly.

10.6 At the first national convention following a federal general election when the Party does not form the government and the Leader has not indicated, prior to the commencement of the national convention, an irrevocable intention to resign, the delegates will vote by secret ballot if they wish to engage the leadership selection process.

10.7 In the event of any of the following, National Council shall implement the leadership selection process at the earliest convenient date thereafter:

10.7.1 the death or retirement of the Leader;

10.7.2 the Leader indicates an intention to resign by submitting notice in writing to the President of National Council;

10.7.3 more than fifty percent (50%) of the votes cast at a national convention as provided for in Article 10.6 are in favour of engaging the leadership selection process.

10.8 In the event of the implementation of the leadership selection process, the following shall apply.

10.8.1 The parliamentary caucus shall appoint an Interim Leader of the Party who shall exercise the powers and responsibilities of the Leader until a new Leader has been selected. A person appointed as Interim Leader may not be nor become a candidate in the leadership selection process. An Interim Leader may but need not be appointed where the Leader has indicated an intention to resign.

10.8.2 The leadership election organizing committee shall determine the rules and procedures for the conduct of the leadership selection process, including a dispute resolution procedure which shall be final and binding. The rules shall provide that a member may cast a postal ballot; the minimum membership period established for eligibility to vote in the leadership election shall be set so as to permit adequate time for ballots to be mailed to members and returned by mail. Voting by way of faxed ballot shall not be permitted.

10.8.3 National Council shall appoint the chair and members of the leadership election organizing committee.

10.9 The election of the Leader shall be by way of a direct vote of members in every electoral district, as follows.

10.9.1 Each member of the Party will have one vote.

10.9.2 Each electoral district will be allocated 100 points.

10.9.3 Leadership candidates will be assigned a point total based on their percentage of the vote in each electoral district.

10.9.4 To win the leadership, a candidate must obtain a majority of points from across the country.

10.9.5 Voting will be by preferential vote (single transferable ballot).

10.9.6 Each leadership candidate is entitled to have scrutineers present at all stages of the vote count.

10.9.7 At each count round, both the weighted results and the results by electoral district shall be made public.

## **11. AFFILIATED ORGANIZATIONS**

11.1 Recognition and renewal of recognition as a Presidents' Forum, youth, campus or other affiliated organization, and the rights and obligations of any such affiliated organizations or their membership may be determined by National Council as provided by by-law.

## **12. POLLS, PETITIONS, REFERENDA**

12.1 National Council may conduct non-binding polls of the members of the Party.

12.2 Proxy voting is not permitted.

12.3 A referendum of the members of the Party may be initiated by:

12.3.1 a petition submitted to National Council requesting a referendum, signed by not less than five (5) percent of the members of the Party in each of at least five (5) provinces;

12.3.2 a motion passed by a national convention where notice of such a motion is given in advance of the meeting in such manner as set out in by by-law or rules and procedures; and

12.3.3 a motion passed by National Council by a two-thirds majority vote, where notice of such a motion is given in advance in such manner set out by by-law.

12.4 Only persons who have been members of the Party for twenty-one (21) days are eligible to sign a petition. For a petition to be valid for the purposes of this Article, all names must be collected within a ninety (90) day period. The organizers must inform National Council forthwith in writing of the date on which the collection of signatures for a petition commences. National Council shall determine the validity of any petition.

12.5 National Council is responsible for conducting a referendum by secret ballot within one hundred and twenty (120) days of receiving the results of a valid petition to conduct the referendum, or of a motion passed by a national convention or the National Council to conduct a referendum. National Council shall set the rules and procedures for the conduct of a referendum to ensure a fair and effective process.

12.6 The results of a referendum shall be binding if at least one third (1/3) of the membership cast ballots, and the majorities required by this Article have been achieved.

12.7 To be eligible to vote in a referendum a person must be a member for twenty-one (21) days.

12.8 All matters to be voted on in a referendum shall be in the form of a resolution, including a resolution to amend the Constitution.

12.9 To be carried, a resolution must receive two-thirds of the votes cast, and a majority of votes cast in each of a majority of individual provinces.

12.10 For the purposes of Article 12, the territories together shall constitute one province.

### **13. POLICY**

13.1 Within thirty (30) days of the previous National Policy Committee having completed its mandate, National Council shall establish a National Policy Committee whose responsibilities shall include:

13.1.1 facilitating the promotion and maintenance of an ongoing policy process of the Party, and ensuring that the policy process is at all times accountable to the members;

13.1.2 facilitating and supporting policy discussion within the Party;

13.1.3 identifying policy areas needing study;

13.1.4 serving as a means of communication between members on policy issues; and.

13.1.5 after each national convention at which delegates approve amendments to the Policy Declaration, ensuring that a consolidated version of the Policy Declaration is prepared in both official languages for approval by National Council, incorporating all of the amendments made at the national convention, and following legislative practice in preparing such a consolidation by correcting any numerical, typographical, grammatical, syntax or translation errors that may otherwise exist in the text.

13.2 The National Policy Committee shall consist of:

13.2.1 a chair appointed by National Council;

13.2.2 the President of National Council;

13.2.3 two members of National Council to be selected by National Council;

13.2.4 the same number of representatives from each province as the number of members of National Council from that province, selected by the presidents of the electoral district associations in each province; and

13.2.5 one representative for the three territories elected by the presidents of the electoral district associations from the territories.

13.3 The term of the National Policy Committee shall begin upon the election and appointment of its members and shall terminate upon the submission to National Council of the consolidated text of the Policy Declaration referred to in Article 13.1.5.

13.4 Between national conventions, interim policies of the Party may be determined by the parliamentary caucus and the Leader.

13.5 Interim amendments to the Policy Declaration of the Party may be made by the parliamentary caucus and the Leader with interim ratification by the National Policy Committee. Upon the National Policy Committee ratifying an interim amendment to the Policy Declaration, National Council shall cause to be published an Interim Policy Declaration that sets out the amendments. Interim amendments to the Policy Declaration shall be subject to final ratification at the next national convention. These amendments along with any policy resolutions passed at the national convention shall become the Policy Declaration of the Party.

13.6 At a national convention, a policy resolution must receive a majority of votes cast by delegates and a majority of votes cast by delegates from each of a majority of individual provinces. For the purpose of this provision, the territories together shall constitute one province.

## **14. CANDIDATES FOR PARLIAMENT**

14.1 National Council shall create rules and procedures for the selection of candidates. The rules shall provide that only a member of the Party may seek nomination as a candidate. National Council shall establish the National Candidate Selection Committee that shall have the right to disallow the candidacy of any person before or after nomination by the electoral district association, subject to the appeal of such a decision to National Council whose decision shall be final and binding or who may refer the matter to the Arbitration Committee for decision by a panel.

14.2 The rules shall provide for a candidate nomination committee in each electoral district that shall, subject to the rules, be responsible for the administration of the candidate selection process in the electoral district.

14.3 Every electoral district association shall provide organizational and financial support to the Party's candidate in the electoral district.

## **15. PROVINCIAL PARTIES**

15.1 The Party shall not establish provincial political parties. The Party shall promote and maintain relationships with existing provincial conservative parties.

## **16. CONSTITUTIONAL AMENDMENT**

16.1 In addition to a referendum provided for in Article 12, the Constitution may be amended at a national convention by a majority of votes cast by delegates and a majority of votes cast by delegates from each of a majority of individual provinces. For the purpose of this provision, the territories together shall constitute one province.

16.2 The following may propose amendments to the Constitution for consideration at a national convention:

16.2.1 National Council;

16.2.2 any four electoral district associations from at least two provinces, on approval of a majority vote of the board of directors or membership of each of those electoral district associations at a duly constituted meeting of each called for that purpose, subject to such requirements as may be set out by by-law or the rules and procedures for the national convention.

16.3 The text of any proposed amendment must be received by the Executive Director within such time and in such manner as set out by by-law or in the rules and procedures of the national convention. The Executive Director shall cause the text of all proposed amendments duly received to be posted forthwith on the public website of the Party.

16.4 In lieu of the prior notice provided for in Article 16.3 and subject to the rules and procedures for the national convention, a proposed amendment will be put to a vote at a national convention where constitutional amendments are being considered if it has the supporting signatures of delegates from at least one hundred electoral district associations.

16.5 Within thirty (30) days of the previous National Constitution Committee having completed its mandate, National Council shall establish a National Constitution Committee whose responsibilities shall include:

16.5.1 facilitating the constitutional amendment process;

16.5.2 considering and drafting amendments to the Constitution; and

16.5.3 after each national convention at which delegates approve amendments to the Constitution, ensuring that a consolidated version of the Constitution is prepared in both official languages for approval by National Council, incorporating all of the amendments made at the national convention, and following legislative practice in preparing such a consolidation by correcting any numerical, typographical, grammatical, syntax or translation errors that may otherwise exist in the text.

16.6 The term of the National Constitution Committee shall begin upon the election and appointment of its members and shall terminate upon the submission to National Council of the consolidated text of the Constitution referred to in Article 16.5.3.

16.7 The National Constitution Committee shall consist of:

16.7.1 a chair appointed by National Council;

16.7.2 two members of National Council to be selected by National Council;

16.7.3 the same number of representatives from each province as the number of members of National Council from that province selected by the presidents of the electoral district associations in each province;

16.7.4 one representative for the three territories elected by the presidents of the electoral district associations from the territories; and

16.7.5 one representative of the parliamentary caucus of the party appointed by the Leader.

## **17. ENFORCEMENT AND INTERPRETATION OF THE CONSTITUTION**

17.1 The Constitution is to be interpreted and read subject to the provisions of the Canada Elections Act. Unless the context otherwise requires, words and phrases used in the Constitution have the same meaning as in the Canada Elections Act. To the extent that there is any conflict between any provision of this Constitution and the Canada Elections Act or other applicable law, the law shall prevail.

17.2 National Council shall provide rules and procedures for the giving of any notice required under the Constitution.

17.3 Subject to Article 17.1, the Constitution shall govern the affairs of the Party and in the event of any conflict between the Constitution and any other document, the Constitution shall prevail.

## **18. LIABILITY AND INDEMNITY**

18.1 When acting within the scope of their authority, no employee, volunteer, officer, director, or member of any committee established by the Party shall be liable for any debts, actions, claims, demands, liabilities or commitments of any kind of the Party. The Party and Conservative Fund Canada shall indemnify and hold harmless each such person against any debt, action, claim, demand, liability or commitment whatsoever.

## **19. DISPUTE RESOLUTION**

19.1 Except for any dispute related to the leadership selection process, any ten (10) members of an electoral district association or affiliated organization may give notice in writing to National Council of a dispute as to whether the requirements of the Constitution, a by-law or any rules and

procedures are being met by the electoral district association or affiliated organization or any committee thereof.

19.2 National Council shall appoint one or more members to investigate the merits of the dispute, which member(s) shall be authorized to intervene to attempt to resolve the dispute.

19.3 If the members appointed pursuant to Article 19.2 decide not to intervene or are unsuccessful in resolving the dispute, National Council shall, in writing, refer the matter to the Arbitration Committee.

19.4 National Council may also refer any other matter or class of matter, other than a matter related to the leadership selection process, to the Arbitration Committee for adjudication by a panel.

19.5 On receipt of a referral from National Council, the Arbitration Committee shall select a panel of three (3) of its members to arbitrate and decide on the dispute.

19.6 The decision of an Arbitration Committee panel is final and binding and there shall be no appeal or review on any ground whatsoever.

19.7 Subject to any specific directions from any Arbitration Committee panel, National Council is empowered to implement the decisions of that Arbitration Committee panel.

19.8 The general rules and procedures for the Arbitration Committee and its panels shall be determined by the Arbitration Committee, subject to ratification by National Council.

19.9 National Council shall appoint the chair and members of the Arbitration Committee. None of them shall be on National Council in any capacity and at least half of them shall have legal training. They shall be appointed for terms of office of at least two years.

19.10 A person who was a member of the Arbitration Committee at the time of the second national convention shall continue in office for six months after the conclusion of that convention, and may be re-appointed for a further term under Article 19.9. This Article 19.10 shall be treated as spent six months after the conclusion of the second national convention, and need not appear in a subsequent consolidation of the Constitution prepared after that national convention.



# Liberal Party of Canada: Constitution



## **Liberal Party of Canada: Constitution**

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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 ratified by the National Board of Directors on September 19, 2009

## **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.

(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

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

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 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;

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

- (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 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;

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<sup>4</sup> 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*.

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

<sup>6</sup> Note the “grandparenting” provisions in Subsection 77(10).

<sup>7</sup> See Chapter 16 for details of the process of selection as a delegate.

(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 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;

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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.

(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);

(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**

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<sup>10</sup> See paragraph 403.02(2)(c), *Canada Elections Act*.

<sup>11</sup> See subsection 403.2, *Canada Elections Act*.

(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.

(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.

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

## 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

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<sup>13</sup> 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.

compliance; PTA Commission organization, election readiness and policy 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;

(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.

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<sup>14</sup> 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.

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

(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.

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

(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, 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;

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

(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.

## 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

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

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<sup>18</sup> <sup>19</sup> The Chief Financial Officer is appointed by the National Board of Directors under Subparagraph 23(1)(d)(ii).

(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 have 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

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<sup>19</sup> See Section 43.

(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;

(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:

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<sup>20</sup> See Section 65 for details of the call of conventions.

- (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
- (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 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

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

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;

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

(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;

(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.

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

(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.

(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 26th 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 65th 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 Section 76.

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

(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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<sup>25</sup> 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);

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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).

- (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 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

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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.

(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 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>

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<sup>28</sup> See Section 64 on the Leadership Endorsement Ballot.

(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 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 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;

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

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

<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*.

(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 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, 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

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<sup>32</sup> 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).

<sup>33</sup> 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).

<sup>34</sup> 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).

<sup>35</sup> 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).

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 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”.

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

(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;
- (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;

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

- (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 events 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.

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

(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.

## **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.

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<sup>39</sup> See Section 39.

“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).

“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>

## **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**

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

(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>1st choice</b>	Anne A	Patrick B	Pascale C	Marc D	Pascale C
<b>2nd choice</b>	Patrick B	Anne A	Patrick B	Pascale C	Anne A
<b>3rd choice</b>	Pascale C	Marc D	Marc D	Anne A	Marc D
<b>4th 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>1st choice</b>	Marc D	Pascale C	Patrick B	Anne A	Marc D
<b>2nd choice</b>	Anne A	Marc D	Anne A	Pascale C	Patrick B

<b>3rd choice</b>	Patrick B	Patrick B	Marc D	Marc D	Pascale C
<b>4th 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</b> (first preference votes)	<b>Allocation calculation</b>	<b>Points allocated</b> (votes weighted for the Electoral District)
<b>Anne A</b>	39	$39/100 \times 100 =$	39
<b>Patrick B</b>	12	$12/100 \times 100 =$	12
<b>Pascale C</b>	19	$19/100 \times 100 =$	19
<b>Marc D</b>	30	$30/100 \times 100 =$	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:

	<b>Tally of votes</b> (first preference votes)	<b>Allocation calculation</b>	<b>Points allocated</b> (votes weighted for the Electoral District)
<b>Anne A</b>	1,500	$1500/5000 \times 100 =$	30
<b>Patrick B</b>	1,950	$1950/5000 \times 100 =$	39
<b>Pascale C</b>	600	$600/5000 \times 100 =$	12
<b>Marc D</b>	950	$950/5000 \times 100 =$	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	$51/100 \times 100 =$	51
<b>Patrick B</b>	19	$19/100 \times 100 =$	19
<b>Marc D</b>	30	$30/100 \times 100 =$	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</b>	<b>Allocation calculation</b>	<b>Points allocated</b>
	<b>(first preference votes and votes transferred from Pascale C)</b>		<b>(votes weighted for the Electoral District)</b>
<b>Anne A</b>	1,500	$1500/5000 \times 100 =$	30
<b>Patrick B</b>	1,950	$1950/5000 \times 100 =$	39
<b>Marc D</b>	1,550	$1550/5000 \times 100 =$	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</b>	<b>Allocation calculation</b>	<b>Points allocated</b>
<b>(first preference votes and votes transferred from Pascale C and Patrick B)</b>		<b>(votes weighted for the Electoral District)</b>
<b>Anne A</b> 63	$63/100 \times 100 =$	63
<b>Marc D</b> 37	$37/100 \times 100 =$	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</b>	<b>Allocation calculation</b>	<b>Points allocated</b>
<b>(first preference votes and votes transferred from Pascale C and Patrick B)</b>		<b>(votes weighted for the Electoral District)</b>
<b>Anne A</b> 3,450	$3450/5000 \times 100 =$	69
<b>Marc D</b> 1,550	$1550/5000 \times 100 =$	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”.

	Points from Electoral District A	Points from Electoral District B	Total for the “national count”
<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 sub-item 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.

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<sup>41</sup> The “effective date” is December 2, 2006.

(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:

(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 sub-item 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 sub-items 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 sub-item 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 sub-items 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 sub-item 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 sub-items 9(2), (2.1) and (2.2), a standing committee or other committee established by the Party under the *previous constitution* is abolished.

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<sup>42</sup> See page 21 of the *Red Ribbon Task Force Report*.

(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:

- (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 sub-item 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.





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