

## **By-Law #1 - Manitoba Liberal Party Constituencies by Region**

Assignment of constituencies and names to MLP Regions as per Section 4.4 of the MLP Constitution.

<b>RURAL REGIONS</b>	<b>CONSTITUENCIES</b>
<b>Campbell</b>	Borderland, Midland, Morden-Winkler, Portage la Prairie
<b>Kelsey</b>	Keewatinook, Flin Flon, The Pas-Kameesak, Thompson
<b>Keystone</b>	Brandon East, Brandon West, Spruce Woods, Turtle Mountain
<b>Lakes</b>	Gimli-Interlake, Lac du Bonnet, Lakeside, Red River North, Selkirk
<b>Parkland</b>	Agassiz, Dauphin, Riding Mountain, Swan River
<b>Riel</b>	Dawson Trail, La Vérendrye, Steinbach, Springfield-Ritchot

<b>WINNIPEG REGIONS</b>	<b>CONSTITUENCIES</b>
<b>Central Winnipeg</b>	Fort Rouge, Notre Dame, Point Douglas, St. Boniface, Union Station, Wolseley
<b>East Winnipeg</b>	Concordia, Elmwood, Radisson, Rossmere, Southdale, Transcona, Lagimodière
<b>North Winnipeg</b>	Burrows, Kildonan-River East, McPhillips, St. Johns, The Maples, Tyndall Park
<b>South Winnipeg</b>	Fort Richmond, Fort Garry, Fort Whyte, Riel, Seine River, St. Vital, Waverley
<b>West Winnipeg</b>	Assiniboia, Kirkfield Park, River Heights, St. James, Roblin, Tuxedo

**Effective: 2010-01-01**

**Revised: 2019-01-28**

## **By-Law #2 - Manitoba Liberal Party Complaint, Investigation, Board Review and Appeal Procedures**

### **Preamble**

1. Pursuant to the Code of Conduct of the Manitoba Liberal Party and with the goal of ensuring timeliness, certainty, predictability and fairness, this By-law outlines the process for receiving and managing complaints against the Manitoba Liberal Party from any Member.

### **Complaint Procedures**

2. Complaint procedures will initially be managed by the Management Committee. The Management Committee will report, in camera, the details of the complaint and actions undertaken to the Board of Directors at the next regularly scheduled Board meeting.
3. Any Member of the MLP may make a complaint, alleging that a Member of the MLP has violated or is violating the Constitution or By-laws of the MLP.
4. Principles of natural justice and procedural fairness should be considered throughout the complaint process.
5. Any person who has violated or is violating the Constitution, By-laws or any other similar governing document of the MLP may be subject to discipline, up to and including expulsion under this By-law.
6. A Member alleging that another Member of the MLP has contravened the Constitution or By-laws, must submit the complaint in writing and must specify:
  - a. The individual or individuals who are the subject of the complaint; and
  - b. A detailed description of the complaint; and
  - c. If applicable, any potential witnesses who may corroborate or provide additional information about the complaint.
7. Upon receiving a complaint under this section, the Management Committee shall consider the complaint and must take one of the following actions by motion:
  - a. Refer the complaint to an independent agent for investigation pursuant to Sections 8-15 of this By-law.
    - i. For greater certainty the MLP's appointed solicitor be deemed an independent agent for the purpose of this subsection.
  - b. Refer the complaint for mediation, if the Management Committee is of the opinion that mediation is appropriate and has a reasonable likelihood of success.
  - c. Dismiss the complaint without further action.
    - i. Any option to dismiss the complaint requires the vote of 2/3 of those voting members present at the meeting at which the complaint is discussed.

### **Investigation**

8. In the event of a complaint alleging more serious, repeated or harassing behaviour, the Management Committee must refer the complaint for independent investigation.
9. The motion to refer may appoint an investigator, or may delegate to the President the authority to appoint an investigator.
  - a. If the President is either the complainant or the subject of the complaint, the power to appoint an investigator shall be delegated to the Vice President.
10. The investigator shall undertake a fair, neutral and comprehensive investigation and shall determine whether, on a balance of probabilities, the complaint is substantiated.
11. The investigator should conduct interviews with the complainant and the subject of the complaint and may conduct other interviews as the investigator sees fit.
12. Within 30 days of the date the complaint was referred, the investigator must provide to the President, or if the President is the complainant or subject of the complaint, to the Vice President, a report outlining the investigator's findings and recommendation.
  - a. The investigator must make one of the following recommendations:

- i. That the complaint is substantiated and the subject of the complaint should be expelled from the MLP; or
- ii. That the complaint is substantiated but the subject of the complaint should not be expelled from the MLP, but may receive a sanction; or
- iii. That the complaint is not substantiated and the subject of the complaint should not be expelled from the MLP or receive other sanction.

## **Board Review**

- 13. The Investigator shall provide the report to the Board, the complainant and to the subject of the complaint as soon as possible, and the report shall be considered at the next meeting of the Board.
- 14. The report and any discussion arising out of the report shall be considered confidential. No member of the Board shall disclose the contents of the report to any person not on the Board for any reason whatsoever. The complainant and the subject of the complaint may provide the report to his or her legal advisor. The complainant and the subject of the complaint shall have an opportunity to make submissions to the Board prior to the vote.
- 15. Upon receiving the report at the next scheduled meeting of the Board, members of the Board shall consider the report and vote whether to accept the report. If applicable, the Board will vote to either sanction or expel the Member of the MLP for just cause.
- 16. In order for a Member to be sanctioned or expelled for just cause, 50% plus one of those voting members of the Board present must vote in favour of the sanction or expulsion.
- 17. Any vote of the Board to either sanction or expel a Member shall be taken by secret ballot.

## **Appeal Procedures**

- 18. Any final decision made under this By-law may be appealed to the Appeal Committee of the MLP by submitting a request in writing within 30 days of the vote of the Board of Directors to sanction or expel the Member or, if the subject of the complaint was not present when the results of the vote were announced, within 30 days of the subject of the complaint being advised of the outcome of the vote of the Board of Directors.
- 19. The Appeal Committee shall consist of three (3) Members of the MLP.
- 20. A decision of the Appeal Committee shall be final and binding and is not subject to further appeal.
- 21. Members of the Appeal Committee shall be appointed by the Board of Directors and must:
  - a. be Members in good standing of the MLP;
  - b. not be members of the Board of Directors;
  - c. not have been the investigator in the matter being appealed; and
  - d. not be a complainant or subject of the complaint in the matter.
- 22. Not less than two (2) of the three (3) members of the Appeal Committee must be lawyers, licensed to practice law in the Province of Manitoba.
  - a. For the purpose of this section, members who are judges, ~~or~~ retired lawyers or retired judges shall be acceptable.
- 23. Members of the Appeal Committee shall be appointed as needed.
- 24. The Appeal Committee shall establish its own rules of procedure and shall not be bound by the rules of evidence.
- 25. Without limiting the power of the Appeal Committee to establish its own rules of procedure, the Appeal Committee may conduct its proceedings by way of in-person hearings, receiving oral or written argument, as it sees fit.
- 26. The Appeal Committee may only review a decision of the Board and shall not hear new evidence unless, in the unanimous opinion of the Appeal Committee, it would be contrary to the principles of procedural fairness or natural justice not to hear new evidence.

27. The Appeal Committee shall convene not later than 30 days following the receipt of a Request for Appeal.
28. The Appeal Committee shall provide its decision to the appellant and to the Board of Directors not later than 30 days following the hearing.

**Effective: 2018-10-29**

## **By-Law #5 - Manitoba Liberal Party Code of Conduct**

In accordance with Article 3 of the Manitoba Liberal Party Constitution, “*all Members of the MLP are required to adhere to rules as set out in the By-laws of the MLP. Failure to do so can result in enforcement of the penalties therein, up to and including termination of membership*”.

MLP members are committed to the highest levels of personal conduct. Honesty and integrity form the cornerstones of all relationships both inside and outside of the MLP.

The MLP is dedicated to the principles of 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. It is the expectation of the MLP that all members will conduct themselves at all times in accordance with these ideals and with regard for the history and traditions of the MLP.

As members of the MLP, we are committed to the following principles of honesty and integrity:

- although we may compete vigorously for public support, *we will never* disparage those competing against us;
- *we will*, at all times, respect others with differing opinions;
- *we will*, at all times, respect confidential information entrusted to us;
- *we will*, at all times, abide by all federal, provincial and municipal legislation and regulations;
- *we will*, at all times, exercise the care, diligence and skill that a reasonable person would exercise;
- *we will*, at all times, NOT tolerate any form of harassment or violence, including sexual harassment or bullying;
- *we will*, at all times, acknowledge and manage appropriately any potential, perceived or real conflicts of interest;
- *we will not* do business with others who are likely to harm the reputation and image of the MLP;
- *we will not* use a third party to perform any act prohibited by law;
- *we will not* act in a way, or make any public statement to the community at large, including through internet and internal electronic media, that would adversely affect the MLP; and
- *we will*, immediately notify the President of the MLP of any breach or suspected breach of any one or more of these principles of honesty and integrity.

**Effective 2014-12-02**

**Revised: 2018-10-29**

## **By-Law #6 - Manitoba Liberal Party Constituency Association Processes**

### **Preamble**

A Constituency Association approved by the Manitoba Liberal Party must govern itself in accordance with the MLP Constitution, Code of Conduct and By-laws.

The MLP does not require individual Constituency Associations to have separate Constitutions specifying the operations of a Constituency Association.

All Members of the MLP may only be a member of one Constituency Association.

### **Procedures**

All Constituency Associations approved by the MLP shall adhere to the following procedures:

1. At the Annual General Meeting of the Constituency Association elect the following Executive members:
  - a. President
  - b. Vice-President
  - c. Secretary
  - d. Treasurer
  - e. Directors At Large (up to 11)
2. Financial Requirements:

The Constituency Association must:

  - a. establish an appropriate bank account at a recognized financial institution in Manitoba.
  - b. Provide the Chief Financial Officer (CFO) of the MLP with the signatories and account information.
  - c. consider raising funds for its own purposes or for any candidate nominated to run in its Constituency.
  - d. maintain accurate financial records for the Constituency Association and report regularly to the Constituency Association membership.
  - e. file an annual return of information to Elections Manitoba, in accordance with *The Elections Finance Act*.
3. Record Keeping Requirements:

The Constituency Association must:

  - a. maintain an accurate and current minute book for all Constituency Association regular, special and annual meetings.
  - b. ensure minutes record any action or decision made by the Constituency Association.
  - c. provide minutes to the Executive Director and the Regional Director of the Constituency.
4. Duties of Executive Members:
  - a. President:
    - act as primary liaison with the MLP, the President of the MLP and other MLP officers;
    - act as primary liaison with the elected MLA or candidate representing the Constituency Association;
    - keep up-to-date on all regular meetings of the MLP Board of Directors;
    - call and chair all regular, special or annual meetings of the Constituency Association;
    - set agendas for all regular, special annual meetings of the Constituency Association;
    - ensure the MLP Constitution and By-Laws are followed; and

- act as spokesperson on behalf of the Constituency Association.
  - b. Vice President:
    - in the absence of the President, perform all duties required; and
    - perform any other duties, as directed by the Constituency Association.
  - c. Secretary:
    - take minutes of all regular, special and annual meetings of the Constituency Association;
    - ensure minutes of all regular, special annual meetings are distributed to members in a timely fashion; and
    - maintain an accurate list of all members of the Constituency Association.
  - d. Treasurer:
    - ensure the financial records for the Constituency Association are accurate and up-to-date;
    - present a monthly financial report at all regular meetings of the Constituency Association;
    - present an annual financial report to the Annual General Meeting of the Constituency Association; and
    - act as the Financial Agent for the Constituency Association and report to Elections Manitoba, annually or as required, and in accordance with *The Elections Finance Act*.
  - e. Director At Large:
    - The Constituency Association may designate specific functions for these Director At Large positions.
    - Possible specific functions may include, but are not limited to: Communications, Fundraising, Special Events, etc.
    - Directors At Large may also be designated as representing one of the approved MLP Associations (as specified in the MLP Constitution).
5. Other:
- a. Constituency Associations are encouraged to:
    - be actively involved in recruiting, nominating and supporting a candidate for election in their Constituency.
    - work collaboratively with their designated Regional Director to assist in fulfilling the objectives of the MLP and helping to promote strong communication between the Constituency Association and the MLP; and
    - forward to the MLP any suggestions for changes to the MLP Constitution or By-Laws.

**Effective: 2018-10-29**

**Amended: 2021-01-25**

## **By-Law #7 - Manitoba Liberal Party Association Processes**

### **Preamble**

An Association approved by the Manitoba Liberal Party must govern itself in accordance with the MLP Constitution, Code of Conduct and By-laws.

The MLP does not require individual Associations to have separate Constitutions specifying the operations of an Association.

The approved associations of the MLP are specified in the MLP Constitution.

### **Procedures**

All Associations approved by the MLP shall adhere to the following procedures:

1. At the Annual General Meeting of the Association elect the following Executive members:
  - a. President
  - b. Vice-President
  - c. Secretary
  - d. Treasurer
  - e. Directors At Large (5)
2. Financial Requirements:

The Association must:

  - a. consider raising funds for its own purposes, in accordance with paragraph b. below.
  - b. not have an individual Association bank account. All financial transactions related to an Association are managed through the MLP financial record keeping system. MLP will ensure that the finances for each Association are recorded using individual GL Codes.
  - c. maintain accurate financial records for the Association and report regularly to the Association membership.
3. Record Keeping Requirements:

The Association must:

  - a. maintain an accurate and current minute book for all Association regular, special and annual meetings.
  - b. ensure minutes record any action or decision made by the Association.
  - c. provide minutes to the Executive Director.
4. Duties of Executive Members:
  - a. President:
    - act as primary liaison with the MLP, the President of the MLP and other MLP officers;
    - attend all regular and special meetings of the MLP Board of Directors, as a voting representative of the Association;
    - call and chair all regular, special or annual meetings of the Association;
    - set agendas for all regular, special annual meetings of the Association;
    - ensure the MLP Constitution, Code of Conduct and By-Laws are followed; and
    - act as spokesperson on behalf of the Association.
  - b. Vice President:
    - in the absence of the President, perform all duties required; and
    - perform any other duties, as directed by the Association.
  - c. Secretary:
    - take minutes of all regular, special and annual meetings of the Association;



- ensure minutes of all regular, special annual meetings are distributed to members in a timely fashion; and
  - maintain an accurate list of all members of the Association.
  - d. Treasurer:
    - ensure the financial records for the Association are accurate and up-to-date;
    - present a monthly financial report at all regular meetings of the Association; and
    - present an annual financial report to the Annual General Meeting of the Association.
  - e. Director At Large (5):
    - The Association may designate specific functions for these five Director At Large positions.
    - Possible specific functions may include, but are not limited to: Communications, Fundraising, Special Events, etc.
5. Establish Clubs
- a. An Association may establish related Clubs, in accordance with the MLP Constitution. Clubs may be established at any recognized university or college; any high school; or within any Constituency Association.
6. Other:
- a. Associations are encouraged to:
    - work collaboratively with the MLP Board of Directors to assist in fulfilling the objectives of the MLP and helping to promote strong communication between the Association and the MLP:  
and
    - forward to the MLP any suggestions for changes to the MLP Constitution or By-Laws.

**Effective: 2018-10-29**

**Amended: 2021-01-25**

## **By-Law #8 - Manitoba Liberal Party Membership Classifications and Application**

Pursuant to Section 2.1 (ii) of the Constitution of the Manitoba Liberal Party and with the goal of documenting both the different classifications of memberships as well as the application requirements, this By-law shall have the same force and effect as the constitution from which it draws its authority.

- 1) Membership Application Process
  - a) To apply for full membership an applicant must:
    - i) complete an approved application form (paper or online); and
    - ii) submit the annual fee to MLP headquarters
- 2) Membership Classifications
  - a) Regular
    - i) Annual \$10 fee for calendar year
    - ii) Application after Sept 30 rolls over to include membership for the next year
    - iii) 100% of Donation goes to the MLP
  - b) Youth (as defined in Constitution for MYL)
    - i) Annual \$5 fee for calendar year
    - ii) Application after Sept 30 rolls over to include membership for the next year
    - iii) 100% of Donation goes to the MLP
    - iv) Member entitled to discounts at some events
  - c) LAMP
    - i) Minimum \$10/month Donation
    - ii) Membership renewal recurs automatically
    - iii) Membership reverts to Regular upon cessation of payment
    - iv) 50% of Donation goes to the Constituency Association, 50% to the MLP
    - v) Member entitled to discounts at some events
  - d) Builder's Club
    - i) Minimum \$10/month Donation
    - ii) Membership renewal recurs automatically
    - iii) Membership reverts to Regular upon cessation of payment
    - iv) 100% of Donation goes to the MLP
    - v) Member entitled to discounts at some events
    - vi) Member receives Builder's Club Pin
  - e) Gold Builder's Club
    - i) Minimum \$100/month Donation
    - ii) Membership renewal recurs automatically
    - iii) Membership reverts to Regular upon cessation of payment
    - iv) 100% of Donation goes to the MLP
    - v) Member entitled to discounts at some events
    - vi) Member entitled to free entry at some events
    - vii) Member receives 1 ticket to annual Leader's Dinner
    - viii) Member receives 1 ticket to AGM
    - ix) Member receives Builder's Club Pin
  - f) Diamond Builder's Club
    - i) Minimum \$200/month Donation
    - ii) Membership renewal recurs automatically
    - iii) Membership reverts to Regular upon cessation of payment
    - iv) 100% of Donation goes to the MLP
    - v) Member entitled to discounts at some events
    - vi) Member entitled to free entry to all central party events

vii) Member receives 2 tickets to annual Leader's Dinner

viii) Member receives 1 ticket to AGM

ix) Member receives Builder's Club Pin

g) Life Membership

i) This class of membership includes:

(1) all former Leaders of the MLP; and

(2) any person who has been awarded by the Board of Directors, and has accepted, life membership in the MLP; and

(3) Life members recognized by the MLP's predecessor, the Liberal Party in Manitoba.

ii) Life members are not obliged to pay membership fees.

**Effective: 2018-10-29**

**Amended: 2021-01-25**

## By-Law #9 - Manitoba Liberal Party Leadership Convention Rules & Procedures

Pursuant to Sections 9.4 and 9.5 of the Constitution of the Manitoba Liberal Party and with the intent of recording the recommended rules and procedures preceding and during a Leadership Convention, the following shall be considered as rules for a Leadership Convention:

### 1) Leadership Convention Timelines

- a) The following shall be the timelines preceding the date of a Leadership Convention:
  - i) 1 day: Mail-in ballot must be received by midnight preceding the day of contest.
  - ii) 7 days: Eligible Voters List for Leadership Convention finalized
  - iii) 14 days: Final day for challenges from Leadership campaigns
  - iv) 14 days: Final day for application for mail-in ballot
  - v) 21 days: Eligible Voters List sent to all Leadership campaigns
  - vi) 28 days: Cut off day for membership eligibility to vote
  - vii) 28 days: Cut off day for application for leadership
  - viii) 45 days: Notice of date for Leadership Convention

### 2) Leadership Application

- a) In order to be nominated for Leader, a contestant must have filed with the party office no later than **28 days before the date of the Leadership Convention** the following:
  - i) Written acceptance of the nomination by the contestant on a Leadership Application Form which is then approved by the Convention Co-Chair(s).
  - ii) Nomination papers evidencing the signatures of at least 100 members in good standing of the Manitoba Liberal Party who support the nomination, at least 10 names each from a minimum of six different regions of the Party, as those regions are currently defined by the board of directors;
  - iii) A valid Police Record Check (also known as a Criminal Record Check) and a Notice of Assessment from Canada Revenue Agency confirming the filing of the contestant's tax return for the most current year;
  - iv) A nomination fee in the amount of \$5000, comprising of memberships sold that equal \$5000; or a combination of money and memberships that equal \$5000;
  - v) The name, address, and authorizing signature of the campaign's official agent provided on Elections Manitoba Form 944 – Notice of Appointment of Official Agent for Leadership Contestant;
  - vi) The name, address, and authorizing signature of the campaign's auditor provided on Elections Manitoba Form 945 – Notice of Appointment of Auditor for Leadership Contestant.
- b) A Leadership contestant will be given access to the membership database of the party upon submitting a Leadership Application Form, the said database to contain full names, addresses, home telephone numbers, and home emails for all members. The Leadership Application Form may or may not be submitted at the same time as the items required for Leadership Application, so long as those items are submitted **at least 28 days before the date of the Leadership Convention**.
- c) Contestant will be subject to a Green Light process which will consist of an interview with an independent panel to review and verify the information submitted on the application.

### 3) Leadership Campaign Rules

- a) Within thirty days after the Leadership Convention, each contestant's Official Agent must file with the party office and Elections Manitoba Form 947 - Leadership Contestant's Financial Statements and Supporting Schedules, Form 948 - Leadership Contestant's Detailed Contributors' List; and if or when applicable, Form 949 - Leadership Contestant's Campaign Deficit and Loan Status.

- b) To comply with Elections Finances legislation, the names of individual donors who are residents of Manitoba must be listed for each contribution, or goods or services in kind, and leadership contestants and their official agents should familiarize themselves with the Elections Finances Act and all rules pertaining to leadership contestants and contributions.
- c) Contributions to leadership contestants are not tax deductible and contestants are not permitted to receive any transfer from the party or from any Constituency Association.
- d) No leadership contestant shall spend more than \$100,000 in the course of his or her campaign, exclusive of the fee levied by the Party at the time of nomination.
- e) The Manitoba Liberal Party board of directors shall approve, as soon as possible, a "start" date and an "end" date for the leadership campaign period, as recommended by the rules and procedures committee.
- f) The Leadership Convention Committee, led by the convention chairs, are responsible for monitoring the conduct of the contestants and their teams, and have the ability to advise and provide necessary warning if there is any perceived misconduct. For any matter that may be a serious breach of ethics or any matter where a contestant may face disqualification, the convention committee may forward the matter to the board of directors who have the constitutional authority to review and make decisions.
- g) In the event that a leadership contestant who is declared Leader of the party and who is found in substantial breach by the duly appointed Returning Officer on or immediately after the convention (section C1) of any of the rules, must appear before an Appeal Committee seven days after of the convention. The Appeals Committee shall be made up of the chair or co-chairs of the Leadership Convention; the chair of the Rules and Procedures Committee; and the executive of the Manitoba Liberal Party (President, Vice President, Treasurer, Secretary). The Appeals Committee shall hear the legal evidence and arguments of the Returning Officer and the leadership contestant affected as soon as reasonably possible, and issue its written decision within seven days of this hearing. Should a Leadership contestant winner be found in substantial breach of any item, the declaration of leadership shall be set aside as a nullity and the leadership contestant who received the next highest number of votes on the last ballot of the convention shall be declared the new leader, (subject to the same review as described above).
- h) Where applicable and necessary, leadership contestants and their teams and all members of the leadership convention committee shall be guided by the rules and regulations of the Manitoba Elections Act, the Manitoba Election Finances Act, and the Manitoba Liberal Party constitution.

#### 4) Leadership Convention

- a) The MLP Board shall appoint the Convention Organizing Chair or Chairs; a Returning Officer; and a Rules and Procedures Chair.
- b) The Convention Chair(s), may appoint any additional positions they deem necessary to ensure a fair and open process done within guidelines of the MLP Constitution.
- c) Meeting Recording Secretary shall be appointed for the Leadership Convention itself.
- d) The Convention Organizing Chairs may alternate in chairing duties or by agreement operate as co-chairs.
- e) The Convention Organizing Chair(s) may consult with each leadership contestant's Official Agent, or the contestant may appoint a Contestant's Representative, with respect to matters directly affecting the leadership campaigns. The Convention Organizing Chairs shall endeavor to assist the leadership contestants and their campaigns equally in communicating with the membership of the Party and in understanding and complying with the rules of the Convention.
- f) At least **45 days before the date of the Leadership Convention**, the Board of Directors shall give notice to all members of the MLP in good standing, which notice shall include:
  - i) **the date of the Leadership Convention;**
  - ii) **the address of the Leadership Convention location;**
  - iii) **the deadline for nominations for Leader of the Party and the procedure for nomination;**

- iv) the rules respecting voter eligibility for the Leadership Convention;**
- v) application for a mail-in ballot if so provisioned by the Board of Directors;**
- vi) instructions for electronic ballot if so provisioned by the Board of Directors.**

- g) In addition to this notice, the MLP will place the notice at Molgat Place, 635 Broadway, and on the party website.
- h) The Returning Officer at the Central Convention Location shall oversee all voting proceedings at the voting location, and shall determine the time allotted for voting.
- i) On the date of the Convention, the proceedings shall be called to order at 12:00 noon. The leadership contestants and one nominator each shall be afforded an opportunity to speak to the members as soon as possible thereafter. A seconder is also required who does not speak. The order of speaking shall be determined by lot administered by the Convention Organizing Chair(s) in consultation with the contestants' Official Agents or Agent's delegate.
- j) A nominator may speak for up to a maximum of between three to five minutes and the seconder does not speak except to provide their name and that they are seconding the nomination of the contestant. The contestant then may speak for up to a maximum of between ten to twenty minutes ; the exact times will be decided in advance of the convention by the convention chair(s) and communicated to the Leadership contestants as soon as possible following the close of nominations, and it may depend on the number of eligible Leadership contestants. The Convention Chair shall act as time-keeper or may appoint a time-keeper.
- k) Any and all matters arising in the organization and management of the Leadership Convention and any leadership debates sponsored by the Party that are not specifically referred to or dealt with either in the Party Constitution or these rules shall be decided upon in a manner not inconsistent with the Party Constitution and these rules as established by the Convention Organizing Chair(s), whose decision shall be final.

## 5) Voting

- a) Voting shall take place on the date set for the leadership convention at the Convention Location which shall be in Winnipeg.
- b) All members eligible to vote shall be required to present a valid form of government issued photo identification and if they do not have photo ID, then they may present additional forms of government issued ID such as a birth certificate, or health card, or SIN card which must satisfy the Returning Officer of their identity.
- c) All members are entitled to a mail-in ballot, and can apply for a mail-in ballot subject to the timelines for submission, to the Returning Officer.
- d) The Returning Officer shall appoint at least one (1) Deputy Returning Officer to preside over voting at each of the regional polling locations, and may appoint such further Deputy Returning Officers to assist to any of the Convention Locations as he or she deems necessary.
- e) Any member of the Party, who is a member in good standing on the date of the Convention for at least **28 days prior to the date of the Leadership Convention**, and remains in good standing on the date of the convention, may vote in the following ways:
  - i) in person at the Convention Location; or**
  - ii) by mail-in ballot, providing the voter has applied to vote by mail-in ballot**
- f) A voter who has applied to vote by mail-in ballot, and who has received a mail-in ballot, must forward that ballot to the Returning Officer c/o Molgat Place, Liberal HQ, 635 Broadway, Winnipeg, R3C 0X1, which ballot must be received no later than **midnight before the date of the Convention**
- g) Further rules related to the mail-in ballot may be developed by the Convention Committee.
- h) Any dispute as to voter eligibility, voter location, or proper voter registration shall be decided by the Credentials Chair. The Credentials Chair shall, however, provide for an appeal by a voter of a decision to the Returning Officer, who shall be appointed and given her or his mandate and guidelines by the Convention Organizing Committee.

- i) Voting at a Leadership Convention shall be conducted as follows (from Constitution):
  - (i) **A person eligible to vote may vote:**
    - a) **at the convention location; or**
    - b) **by mail-in ballot (or electronic ballot if so provisioned by the Board of Directors)**
  - (ii) **Voting shall be by secret ballot.**
  - (iii) **The ballot shall be a ranked ballot.**
  - (iv) **collection and counting of ballots shall proceed as follows:**
    - a) **Voting shall be by constituency, and all ballots cast by persons eligible to vote from one Constituency shall be collected and counted separately from ballots cast by persons eligible to vote from other Constituencies;**
    - b) **Once all of the ballots from a Constituency are counted, the total number of votes received by each candidate in that Constituency shall be deemed to be one of the following:**
      - i) **Where more than 100 ballots are counted in a Constituency, the percentage of total votes cast in that Constituency received for a candidate multiplied by 100.**
      - ii) **Where 100 ballots or fewer are counted in a Constituency, the number of votes from that Constituency received for a candidate.**
  - (v) **In order to be declared elected, a candidate for Leader of the MLP must receive at least 50% plus one of the total number of votes cast. Where, after a count is made, no candidate receives sufficient votes to be declared elected, the Returning Officer shall cause the names of the candidate receiving the fewest number of votes to be discounted from the ballot and the ballots then recounted with the removed candidate's selections redistributed to the remaining candidates based on who is ranked next on each ballot. This count process shall repeat until a candidate is declared elected or there is a tie between the final two candidates.**
  - (vi) **In the event of a tie between the final two candidates, the Returning Officer will declare a Runoff Election to occur between those two candidates conducted as follows:**
    - a) **no sooner than 14 days and no later than 30 days after the leadership convention;**
    - b) **the same voters list shall be used from the leadership convention;**
    - c) **the same ballot provisioning shall be used from the leadership convention;**
    - d) **the location and participation fees for the Runoff Election shall be determined by the Board of Directors.**
  - (vi) **In the event that only one person is nominated to stand for election as Leader of the MLP in accordance with section 9 and any rules made hereunder, or if more than one person shall have been nominated and all but one of the people so nominated shall have withdrawn or been disqualified as candidates, then after the expiry of the time for the filing of nomination papers or the withdrawal or disqualification of a candidate or candidates, as the case may be, the Returning Officer shall declare such person acclaimed as Leader of the MLP.**

**Effective: 2018-10-29**

## **By-Law #10 - Manitoba Liberal Party Nomination Meeting Rules and Procedures**

Pursuant to Section 8 of the Constitution of the Manitoba Liberal Party and with the intent of recording the recommended rules and procedures preceding and during a Nomination Meeting, the following shall be considered as rules and procedures for Nomination Meetings:

### **1 DEFINITIONS**

**“Candidate application form”** is a document approved by the MLP Board of Directors at the recommendation of ERC.

**“Constituency Association”** means any provincial MLP Constituency Association in an electoral district that meets the requirements set out by the MLP and Elections Manitoba.

**“Election Readiness Committee” or “ERC”** is a sub committee of the MLP that is responsible to the Chairs of ERC as appointed by the Board of Directors and the Leader of the MLP. This committee can make decisions and carry out actions concerning elections and by-elections that do not require pre-approval by the MLP Board of Directors but may be subject to review by the Board where those decisions can be over-ruled.

**“Electoral District”** means a place or territory that is entitled to return a member to serve in the Legislative Assembly of Manitoba.

**“Eligible Member”** means any person who meets the requirements for membership as defined by the MLP constitution and this By-Law entitling the person to vote at a meeting, thus making them a member in good standing.

**“MLP”** means the Manitoba Liberal Party.

**“Nomination Meeting”** means a meeting of members of a Constituency Association in Manitoba called for the purpose of selecting a candidate in that provincial Electoral District for an election or a by-election and does not meet for the purpose of any other constituency business.

**“Nominee” or “Qualified Nomination Contestant”** means a person who desires to be a candidate for an Electoral District and who meets the requirements for seeking the nomination of a Constituency Association and becoming the candidate for an Electoral District.

**“Political Party”** means a political party registered under the Manitoba’s Elections Act.

**“Present Rules”**, as referenced pertaining to Nomination Meeting Rules and Procedures in other documentation, means this By-Law.



## **2 NOMINATION MEETING**

### **2.1 Making a Request for a Nomination Meeting**

- (i) A 'Qualified Nomination Contestant' may make a request for a Nomination Meeting after satisfying the requirement of signing up 25 new or lapsed members. A request to hold a Nomination Meeting must be made to the President of a Constituency Association or the President of the Manitoba Liberal Party (MLP).
- (ii) A request to hold a Nomination Meeting can be made by the President of a Constituency Association or the President of the MLP, to the Leader of the MLP.
- (iii) For a request to hold a Nomination Meeting to be approved, a Constituency Association must show that they have at least one person who has been approved as a qualified nomination contestant and who is ready to let their name stand as a candidate.
- (iv) Once a request to hold a Nomination Meeting is approved by the Leader of the MLP, the President of the MLP, in consultation with the President of the Constituency Association and Election Readiness Committee (ERC), will proceed to call a Nomination Meeting.
- (v) The required Pre-Writ notice and nomination period for a Fixed Election Date is as follows
  - a) 3+ months in advance of Writ: a minimum of 21 days
  - b) 2 months in advance of Writ: a minimum of 14 days
  - c) Incumbent or 1 month in advance of Writ: a minimum of 7 days
- (vi) The deadline for candidates to submit their intent in advance of the Nomination Meeting in advance of a Fixed Election Date is as follows:
  - a) 3+ months in advance of Writ: a minimum of 14 days
  - b) 2 months in advance of Writ: a minimum of 7 days
  - c) Incumbent or 1 month in advance of Writ: a minimum of 2 days
- (vii) In anticipation of an imminent election due to a by-election, fall of government or an early election, the Party will adopt the 1-month Pre-Writ requirements.
- (viii) Any additional individual who has been approved as a qualified nomination contestant and who wants to be a candidate for nomination at a Nomination Meeting must deliver written notice of such intent to either the President of the Constituency Association or the President of the MLP before the deadline indicated in Part **(vi)** of this section.

### **2.2 Notification of a Nomination Meeting**

- (i) Written notice of the Nomination Meeting must be sent in advance to members of the Constituency Association and written notice does include e-mailed notices. Additionally, notice should be posted at party headquarters (635 Broadway) and made available on the party's website. A Constituency Association should also make every available effort to provide written notice to members without e-mails.

### **2.3 Membership Cut off & List Access**

- (i) New memberships will be accepted until the deadline indicated in Part (vi) of this section in advance of a Nomination Meeting,
- (ii) The current and lapsed membership lists will be provided to a candidate upon becoming a 'Qualified Nomination Contestant'. The final updated membership list will be available 2 days after the deadline indicated in Part (vi) of this section in advance of the Nomination Meeting.

### **2.4 After the Nomination**

- (i) Once a candidate has been nominated it is their responsibility to ensure that they meet the requirements of candidacy as set out by Elections Manitoba in advance of and during the writ.
- (ii) A candidate may be removed for any reason at the agreement of the Leader of the MLP and President of the MLP.

### **2.5 Other Considerations**

- (i) In special circumstances where the Constituency Association President is seeking the nomination, the nomination must be made by the Constituency Association Vice President. If there is no Constituency Association Vice President, then another executive member of the Constituency Association may make the nomination. In the absence of any other functioning executive of the Constituency Association the Regional Director may make the nomination.

### **3 CONDUCT OF NOMINATION MEETINGS**

#### **3.1 Scheduling Meetings**

- (i) The Candidates must be elected at a duly called Nomination Meeting.
- (ii) A Chair of ERC or the MLP President or his or her designate shall appoint a person to chair Nomination Meetings (NM).
- (iii) A Chair of ERC or the MLP President or his or her designate shall appoint a person to act as Returning Officer for the NM. Ideally, the returning officer should not be a resident of the Electoral District.
- (iv) The Meeting chair must follow the rules of this By-Law.
- (v) The Executive of the MLP may declare null and void any Nomination Meeting that has not adhered to this By-Law
- (vi) Meetings must be held at a place and time easily accessible to the members and which permits the Nomination Meeting to be conducted in an orderly and fair manner in accordance with this By-Law

#### **3.2 Written Notice**

- (i) Written Notice of the Nomination Meeting must be sent in advance to members of the Constituency Association and written notice does include e-mailed notices. Additionally, notice should also be posted at party headquarters (635 Broadway) and made available on the party's website. A Constituency Association should also make every available effort to provide written notice to members without e-mails.
- (ii) Written Notice must be given prior to the date of a Nomination as follows:
  - a) 3+ months in advance of Writ: a minimum of 21 days
  - b) 2 months in advance of Writ: a minimum of 14 days
  - c) 1 month in advance of Writ: a minimum of 7 days
- (iii) In anticipation of an imminent election due to a by-election, fall of government or an early election, the Party will adopt the 1-month Pre-Writ for written notice

#### **3.3 Voting Requirements and Membership**

- (i) To be entitled to vote, a resident of the Electoral District must be a member in good standing of the Constituency Association prior to the deadline indicated in Part (vi) of this section in advance of the Nomination Meeting.
- (ii) A member of a Constituency Association shall:
  - a) be 14 years of age or over;
  - b) be a current resident in the electoral district;
  - c) not be a member of any other provincial political party within Manitoba;
  - d) not be a member of another provincial Constituency Association.

- (iii) Each person intending to vote at a Nomination Meeting must be able to produce identification to their identity and be able to confirm their address within the Constituency Association. If that individual is not able to provide this information the individual must swear or affirm to the truth of their identity on a written form in the presence of the Returning Officer or Deputy Returning Officer who may only accept this if they are convinced of the validity of their identity.
- (iv) In a contested nomination, should the margin of victory not exceed the number of written forms from members who failed to produce identification confirming their identity and/or residency then an appeal to the board of directors to overturn the nomination and proceed with a new Nomination Meeting may be considered.
- (v) It is the responsibility of the MLP to prepare the membership list prior to the Nomination Meeting seven days in advance of the Nomination Meeting. For the purposes of the rules of this By-Law, a membership list means an alphabetical list, by surname of all current members, including each member of an immediate family. The list must show:
  - a) Surname and first name,
  - b) Residence address, postal code and telephone number where available,
  - c) An indication that the person is a resident of the electoral district
  - d) Residential Email addresses
- (vi) If any member of the Constituency Association or any other interested party wishes to challenge any individual's right to vote, he or she must do so at least five calendar days prior to the scheduled starting time of the Nomination Meeting, unless an Election Writ has been issued in which case such challenge should be made at least 48 hours prior to the meeting. Such challenges shall be made in writing setting out the reasons for said challenges to the Returning Officer, or if the Returning Officer has not been appointed, to the President of the MLP or his or her designate who shall decide whether the individual is eligible to vote at the Meeting.
- (vii) The decision of the Returning Officer on the individual's right to vote may be appealed to a Board of Directors except where an Election Writ has been issued in which case such appeal shall be to an emergency meeting of the management committee of the MLP who may decide the appeal based on written submissions alone or such other procedure as they choose to adopt including the appointment of a board of arbitration.

### **3.4 Candidates**

- (i) Any individual who wants to be a candidate for nomination at a Nomination Meeting must deliver to the MLP office written notice of such intent within the following timeline:
  - a) 3+ months in advance of Writ: a minimum of 14 days
  - b) 2 months in advance of Writ: a minimum of 7 days
  - c) 1 month in advance of Writ: a minimum of 2 days
- (ii) Written notice of intent will be immediately shared with the President of the CA, the ERC Chairs, the Leader, the Nomination Meeting Chair, the Returning Officer, Deputy Returning Officers and all other declared candidates.
- (iii) Any individual who wants to be a candidate for nomination at a Nomination Meeting shall, at the time set for eligibility to vote at that Nomination Meeting, be a member in good standing of the MLP and shall be a Canadian and Manitoba citizen of at least 18

years of age but need not be a resident in the Electoral District, and any other requirement established by provincial legislation.

- (iv) Such a formally declared candidate must have submitted the approved application form, accepted by both the ERC Committee and the MLP Board of Directors.
- (v) Any formally declared candidates are entitled to electronic copies or paper copies that they may pick up from the party office:
  - a) the Constitution of the MLP
  - b) this By-Law
  - c) the membership list of the Constituency Association

### **3.5 Conduct of The Meeting**

- (i) If any member of the Constituency Association or of the Executive or any other interested party wishes to challenge any member's right to vote, he or she may do so in accordance with this By-Law and may request that the Returning Officer or his or her designate make reasonable inquiries to determine the identity of this individual, including whether he or she is the person named on the membership list, whether the address shown regarding his or her membership is accurate, and reasonable proof that he or she resides at this address. The Returning Officer will then make a final ruling whether such person is entitled to vote. The Returning Officer will retain sole discretion on the final authority of eligibility to vote at a meeting.
- (ii) It is the duty of the Meeting Chair to ensure that meetings are conducted in a fair, orderly and democratic manner. The chair may require the meeting to be delayed, adjourned, postponed or moved to another location or may require an alteration of the physical arrangement of the meeting location as he or she may see fit in order to comply with the provisions of the this By-Law or to conduct an orderly and fair meeting in only truly exceptional cases. A change of location must be determined and communicated by the MLP within 7 days or the meeting will not be considered valid. The meeting shall be called to order at the scheduled starting time. The Chair may extend the time for acceptance of renewals or arrivals due to poor weather or other circumstances beyond reasonable control if in his or her sole discretion it is expedient and in the best interests of the membership. Any person standing or waiting in line at the time so prescribed by the Chair shall not be denied the opportunity to register.
- (iii) The Chair may appoint a secretary to take minutes and a timer for the Meeting. The Returning Officer shall appoint Deputy Returning Officers to assist him or her.
- (iv) In a non-contested nomination, the applicant for nomination is declared a candidate by acclamation and no voting is required. The candidate should still have members nominate and second his or her nomination for the minutes of the meeting.
- (v) In a contested nomination, each nominator and seconder must be a member in good standing of the Constituency Association. The nominator may speak for 3 minutes. The seconder does not speak but merely states their name and that they second the nomination. Each candidate for office may speak for a maximum of 5 minutes. The speaking order of the candidates is determined by a draw conducted by the Chair.

- (vi) Each nominee may appoint scrutineers to be present at the taking and counting of the ballots equal to the number of Returning Officers and Deputy Returning Officers. The scrutineers may not hinder or interfere with the voting procedure and shall comply with all directions of the Returning Officer.
- (vii) As no provisions in this By-Law allow for nominations from the floor, the Chair shall declare the nomination period closed once the nomination process has been completed.
- (viii) Each person eligible to vote may cast only one ballot, after nominations have been closed. No proxy ballots are allowed.
- (ix) If more than one nomination has been received, a secret ballot shall be taken. When all persons entitled to vote have voted, the Chair shall inquire whether all have voted who wish to do so, unless there is a scheduled time permitted to vote established in advance of the meeting.

### **3.6 Counting of Ballots / Results**

- (i) If on the first ballot no nominee receives a majority (50% plus 1) of the valid votes cast, the nominee receiving the least number of votes shall retire and another ballot shall be taken. In addition, any nominee not receiving five per cent (5%) of the votes cast shall retire. Voting shall continue in this manner until one of the nominees shall have received a majority of the valid votes cast and shall thereby be elected.
- (ii) The Returning Officer and Deputy Returning Officers shall collect the ballots and seal the ballot boxes. The ballot boxes shall be conveyed to a separate, private place and counted by the Deputy Returning Officers under the direction of the Returning Officer. The Returning Officer shall determine the result and report in writing to the Chair.
- (iii) A member eligible to vote who inadvertently or otherwise has marked his or her ballot and wishes to correct the ballot before casting his or her vote may be given a new ballot by the Returning Officer in exchange for the old marked ballot. The old marked ballot shall immediately be destroyed by the Returning Officer personally without ascertaining or revealing its contents.
- (iv) In the event of a second tie vote after re-balloting once, the Chair shall break such a tie with a coin toss in private in presence of the candidates remaining on the ballot.
- (v) The Chair shall announce the number of ballots cast, the number of ballots ruled invalid, and the name of the successful nominee. Otherwise the results of the voting shall not be disclosed. However, after any ballot in which no candidate receives a majority, then the result of the voting shall be disclosed.
- (vi) With unanimous resolution from the floor, the Chair shall cause all ballots to be destroyed. If there is any objection from a member eligible to vote, all ballots shall be kept secured and sealed by the Chair until turned over by the Chair to the MLP.
- (vii) The Chair shall report to the MLP the result of the election together with written particulars. It is desirable that the Chair obtains names of individuals who have knowledge of any irregularity and statements from them detailing such information.

- (viii) The Returning Officer has authority to rule on all matters not previously given to the Meeting Chair.

#### **4 BOARD OF ARBITRATION**

- i. The President of the MLP may appoint a Board of Arbitration, which shall decide in a fair and equitable manner, disputes arising with respect to Nomination Meetings; admission of members; or any other matter referred to it by the Executive of the MLP or by the Constitution of the MLP or any of its provincial constituencies.
- ii. A Board of Arbitration may begin to exercise its authority only after receipt of a written statement of complaint which must be filed within 72 hours from the date of the matter from which the complaint rose.
- iii. The Board of Arbitration will decide in a fair and equitable manner if there is a requirement to overturn any nomination or if there is a need to review any decisions or action leading up to the meeting itself.
- iv. The Board of Arbitration must consist of a minimum of three people and no more than five, and no majority of its members may be made up of the Board of Directors and additionally no majority of its members may be made up of members of the ERC.
- v. The statement of complaint and deposit shall be addressed and delivered to the President of the MLP. A copy of the Statement of complaint shall also be addressed and delivered to the President of the Constituency Association. Any envelope containing the statement of complaint should have clearly marked on its exterior- "Statement of complaint - For Immediate Attention".
- vi. A meeting of the Board of Arbitration will be convened to hear the statement of complaint in a manner deemed to be appropriate and expeditious.
- vii. All parties receiving notice in the dispute shall be entitled to attend with or without legal counsel as they may wish. However, if legal counsel is present, then either the party or his or her counsel may ask questions, but not both. The board of arbitration shall have the right to appoint counsel to itself if it so wishes.
- viii. The Board of Arbitration shall give written notice of its decision to each party and the MLP executive. All such decisions shall contain the reasons for the decision.
- ix. If a member of the Board of Arbitration is a member of the Constituency Association affected, then he or she shall not participate in the decision with respect to that constituency. Should a majority of members of the board of arbitration be members of the Constituency Association involved in a particular dispute then, the President of the MLP shall be the sole authority to appoint temporary members to the board to hear that particular dispute.
- x. If a person directly interested in the complaint wishes to make a written statement in response to the complaint, he or she must do so at least 2 business days before the hearing date or as time permits. The statement of complaint and the statement of

response referred to in the above sections shall provide concise but explicit summations of the cases of the parties involved.

- xi. Upon reading the statement(s) of complaint(s) and the statement(s) of response, the Board of Arbitration may elect to not hold an oral hearing and may dismiss the complaint if, in the opinion of the Board, the complaint is frivolous, vexatious or an abuse of process. Notice of such a decision shall be in writing with reasons and shall be sent to the complainant and the executive of the MLP forthwith.
- xii. The decision of the board of arbitration shall be final and not subject to further appeal.

## **5 AMENDMENT OF RULES / MLP CONSTITUTION**

This By-Law may be amended by the Board of Directors of the MLP as per the Constitution. If there is a dispute with the interpretation of these rules and procedures with the MLP Constitution, the MLP Constitution will prevail, including the ability of the Leader in special circumstances to directly appoint a candidate.

**Effective: 2019-03-25**

**Amended: 2021-04-26**