



## RULES AND PROCEDURES FOR CANDIDATE NOMINATIONS

### 1) DEFINITIONS

- a) In these Rules
- i. "Applicant" means any person who has submitted an Application to become a Nomination Contestant;
  - ii. "Application" means the documents as set out in Section 7 of these Rules and shall include both complete and incomplete packages;
  - iii. "Candidate" means the Conservative Party of Canada candidate for Parliament in an Electoral District;
  - iv. "Close of Nominations" means the deadline for submission of Applications which shall be at 5:00pm ET fourteen (14) days after the Closing Notice is given;
  - v. "Closing Notice" means the notice described in Section 5 of these Rules;
  - vi. "CNC" means the Electoral District Candidate Nomination Committee as set out in Section 11 of the EDA Constitution;
  - vii. "CNC Chair" means the chairperson of the CNC as described in Section 4 of these Rules;
  - viii. "CNC Interview" means the interview conducted by the CNC with the Applicant;
  - ix. "EDA" means the Conservative Party of Canada Electoral District Association;
  - x. "EDA Board" means the board of directors of a Conservative Party of Canada Electoral District Association as set out in Section 7 of the EDA Constitution;
  - xi. "Electoral District" means a federal electoral district as defined by the Parliament of Canada;
  - xii. "Executive Director" means the Executive Director of the Conservative Party of Canada as set out in Section 10.4 of the Party Constitution;
  - xiii. "MP" means a Member of Parliament who is a member of the Conservative Party of Canada caucus;
  - xiv. "National Council" means the National Council of the Conservative Party of Canada;
  - xv. "National Councillor" means the individual members of the National Council of the Conservative Party of Canada;
  - xvi. "NCSC" means the National Candidate Selection Committee as set out in Section 14.1 of the Party Constitution;

- xvii. "Nomination Contestant" means any person who meets the criteria set out in Section 7 of these Rules;
- xviii. "Nomination Meeting" means the meeting or meetings where the Candidate is selected as set out in Section 9 of these Rules;
- xix. "Nomination Meeting Notice" means the notice described in Section 10 of these Rules;
- xx. "Opened" means that the Electoral District nomination processes is formally in a state where the Executive Director pursuant to these Rules can issue the Closing Notice at any time and Applications are welcomed;
- xxi. "Party" means the Conservative Party of Canada;
- xxii. "Party Headquarters" means the primary office of the Conservative Party of Canada located at the address set out Section 7 of these Rules; and
- xxiii. "RO" means the appointed returning officer described in Section 9(f) of these Rules.

## **2) GENERAL**

- a) These Rules for candidate nominations have been adopted by the National Council for use by the EDAs of the Party pursuant to Article 8.7.2 of the Constitution.
- b) National Council hereby recognizes the NCSC to act pursuant to Article 14.1 of the Constitution and to provide general supervision over the nomination process.
- c) Pursuant to Article 14.1 of the Constitution of the Party, the NCSC has the absolute discretion to disallow an Applicant, Nomination Contestant, or Candidate.

## **3) APPLICATION PROCESS**

### *Electoral District held by an MP elected by means of a By-Election*

- a) Where an MP is elected by means of a by-election, the MP will be automatically acclaimed as the Candidate for the upcoming General Election and the EDA shall not be required to form a CNC.

### *Electoral District held by an MP*

- b) MPs must confidentially notify the Executive Director by January 15, 2021 if they intend to stand for re-election in the next General Election.
- c) MPs who notify the Executive Director that they are running for re-election will be automatically acclaimed as the Candidate for the upcoming General Election and the EDA shall not be required to form a CNC if one of the following conditions are met:
  - i. the MP raises for his or her EDA \$15,000 between January 1, 2020 through to December 31, 2020, or
  - ii. the MP raises for his or her EDA \$25,000 between January 1, 2020 through to April 1, 2021, or
  - iii. the Executive Director, in consultation with National Council and the NCSC, waives the requirements of 3)c) i-ii due to the likelihood of a General Election being called by April 2, 2021.

- d) In an Electoral District held by an MP, where the MP has notified their intent to stand for re-election and where the MP is not acclaimed pursuant to Section 3(c), the Electoral District will be automatically Opened on April 2, 2021.
- e) In an Electoral District held by an MP, where the MP has not notified the Executive Director that they intend to stand for re-election, the Electoral District is Opened as of a date set by the Executive Director, in consultation with the NCSC.

#### All Other Electoral Districts

- f) Where neither an MP was elected by means of a by-election nor the Electoral District is held by an MP, the Electoral District is Opened as of the date of the adoption these Rules by National Council.

#### Close of the Nominations

- g) The Close of Nominations shall be at 5:00pm ET fourteen (14) days after the Closing Notice is given.

#### Application Process for Application submitted prior to the Closing Notice

- h) Applications may be submitted prior to the Closing Notice and will be reviewed for completeness by the Executive Director or their designate within sixty (60) days after receipt or within seven (7) days after receipt if the Closing Notice has been issued, except where a waiver is granted by the NCSC to allow for more time to review the Application.
- i) Applicants who submit their Applications prior to the Closing Notice are not immediately required to declare which Electoral District they are running in or to submit their nomination petition of twenty-five (25) signatures (as set out in Section 7). These eligibility requirements must only be met after the Closing Notice, at which time, Applicants must submit to the Executive Director within fourteen (14) days of the Closing Notice: (i) a letter of intent (Schedule A, Part II) to run in the riding (the “**Letter of Intent**”), and (ii) a nomination petition form (Schedule F) signed by at least twenty-five (25) current Party members who are in good standing and reside in the Electoral District in which the Applicant wishes to run (the “**Nomination Petition**”).
- j) If an Application which is deemed by the Executive Director or their designate to be complete is received by the Executive Director or their designate prior to the Closing Notice where the Applicant also submits the Letter of Intent and Nomination Petition but prior to the appointment of the CNC in that EDA, the EDA will have seven (7) days after the receipt of the complete Application to constitute the CNC.
  - i. If the CNC is constituted within seven (7) days of receipt of the complete Application, the CNC will complete the CNC Interview. The CNC shall advise the Executive Director or their designate within one (1) day of the CNC Interview as to whether or not the CNC recommends to the NCSC the approval of the Applicant to contest the nomination.
  - ii. If the CNC has not been constituted within seven (7) days of receipt of the complete Application, the NCSC shall review the Application and conduct the Applicant interview process. In this case, no CNC Interview will take place.

- k) If an Application which is deemed by the Executive Director or their designate to be complete is received by the Executive Director or their designate prior to the Closing Notice where the Applicant elects not to submit the Letter of Intent and Nomination Petition or, notwithstanding Section 3(h), if an Applicant requests that their Application be reviewed in confidence for professional or personal reasons that the NCSC deems reasonable, the NCSC shall review the Application, conduct the Applicant interview process and render a decision. Once the Letter of Intent and Nominations Petition are submitted, the Applicant will be asked to also participate in the CNC Interview within seven (7) days of the submission of the Letter of Intent and Nominations Petition specifically to allow the CNC an opportunity to meet and become familiar with the Applicant.
- l) Within a reasonable time of the conclusion of the above process, the NCSC shall decide whether to invite the Applicant to contest the Nomination or decline the Applicant's application to contest the Nomination. This decision shall be communicated to the CNC, if applicable, and Applicant by the Executive Director or their designate without reasons.

Application Process for Application submitted subsequent to the Closing Notice

- m) Applications submitted subsequent to the Closing Notice will be reviewed for completeness by the Executive Director or their designate within seven (7) days of receipt, except where a waiver is granted by the NCSC to allow for more time to review the Application.
- n) The Applicant who submits his or her complete Application after the Closing Notice is given but before the Close of Nominations shall be interviewed by the CNC within seven (7) days after it is determined that the Application is complete. If the CNC has not been constituted within seven (7) days of the Closing Notice, the NCSC shall review the Application and conduct the Applicant interview process. In this case, no CNC Interview will take place.
- o) The CNC shall advise the Executive Director or their designate within one (1) day of the CNC Interview as to whether or not the CNC recommends to the NCSC the approval of the Applicant to contest the nomination.
- p) Within a reasonable time of the conclusion of the above process, the NCSC shall decide whether to invite the Applicant to contest the Nomination or decline the Applicant's application to contest the Nomination. This decision shall be communicated to the CNC, if applicable, and Applicant by the Executive Director or their designate without reasons.

General Rules for the Application Process

- q) The NCSC may require that a representative of the NCSC participate in the CNC Interview, in which case the CNC will assist the NCSC in making any necessary arrangements to enable such participation.
- r) At any time, the NCSC may require that the CNC provide further information or documentation, and the NCSC may contact the Applicant directly to obtain any additional information or documentation it may require.
- s) Applications received after the Close of Nominations and Applications that are not complete, including any additional information or documentation requested, as of the Close of Nominations will not be

accepted and the Applicant will not be permitted to become a Nomination Contestant. The Party is not obliged to accommodate delays in delivery or grant deadline extensions.

- t) The NCSC has authority to disallow an Applicant, a Nomination Contestant or a Candidate at any time on any grounds the NCSC sees fit. The decision of the NCSC may be appealed to National Council pursuant to these Rules.

#### **4) ELECTORAL DISTRICT CANDIDATE NOMINATION COMMITTEE**

- a) Pursuant to Section 11 of the EDA constitution, the EDA Board shall appoint a CNC subsequent to each election where the EDA is Opened.
- b) The CNC shall be comprised of:
  - i. the President of the EDA Board, if willing and able to participate in the CNC;
  - ii. the financial agent of the EDA, if willing and able to participate in the CNC;
  - iii. two (2) EDA Board members;
  - iv. two (2) members at-large of the Electoral District; and
  - v. the Executive Director or their designate who will be a staff member of the Party and whose membership on the CNC may be reassigned by the Executive Director at any time without prior notice.
- c) The EDA Board shall appoint two (2) members as alternates for the CNC and specify which appointee shall be the first alternate and which shall be the second alternate. These alternates will not participate in any CNC functions.
  - i. In the event that a member of the CNC becomes unable or unwilling to participate in the CNC, the first alternate shall become a member of the CNC.
  - ii. In the event that a second member of the CNC becomes unable or unwilling to participate in the CNC, the second alternate shall become a member of the CNC.
  - iii. In the event that a subsequent EDA Board member who is a member of the CNC becomes unable or unwilling to participate in the CNC, the CNC Chair shall request that the President of the EDA Board call an emergency meeting of the EDA Board, to be held as soon as possible after the member on the CNC has tabled his or her resignation. The Board shall appoint another EDA Board member to the CNC.
  - iv. In the event that more than two (2) members on the CNC have become unable or unwilling to act within five (5) days of the first Nomination Meeting, the CNC shall continue with no additional Board members.
  - v. In the event that one or more of the members at-large are named CNC Members become unable or unwilling to act, the Board may appoint a replacement only upon the request of the CNC Chair.

- d) The CNC shall select one of its members as the CNC Chair; the EDA President is not eligible to serve as CNC Chair. The CNC Chair shall provide the names and contact coordinates of all CNC members to the Executive Director or their designate.
- e) A majority of members of the CNC shall constitute a quorum for the conduct of CNC business.
- f) In the event of a tie vote of CNC, the vote shall be considered defeated.
- g) The CNC shall administer a candidate nomination and selection process in accordance with these Rules, the EDA's Constitution, and the Canada Elections Act. If any of the timelines in the Rules conflict with notices and timelines in the EDA constitution, the Rules prevail. This provision constitutes a waiver by National Council pursuant to Article 12.4 of the EDA's Constitution.
- h) Each member and alternate of the CNC must sign Appendix "C" of the Conservative EDA Constitution – Written Affirmation of Neutrality for Candidate Nomination Committee confirming that they will not become a Nomination Contestant and will remain neutral in the candidate nomination process for that Electoral District. Any member of the CNC who does not remain neutral must resign or be removed from the CNC. The completed affirmation must be sent to Party Headquarters or provided to the Executive Director or his or her designate. The CNC will not be recognised by the Party until all forms have been received.
- i) The NCSC, by a simple majority vote, may remove a member of the CNC following a review of a formal complaint from the Executive Director, the CNC, the EDA Board or any interested party.

## **5) CLOSING NOTICE**

- a) The Executive Director or their designate in consultation with the Chair of the NCSC and the National Councillor(s) for the respective jurisdiction may close nominations at any time they see fit in any Electoral District by causing the Closing Notice to be sent to current members of the Electoral District.
- b) The Closing Notice shall include notice that nominations close in fourteen (14) days and shall be given by any one (1) or combination of the following methods:
  - i. Regular mail sent to the member's address of record;
  - ii. E-mail sent to the member's e-mail address of record; or
  - iii. Phone call to the member's phone number of record.

## **6) ELIGIBILITY**

- a) Being a Nomination Contestant is a privilege, rather than a right. The Party therefore expects Nomination Contestants to:
  - i. Be familiar with and respectful of (a) the Constitution, (b) the National Policy Declaration of the Conservative Party of Canada, (c) the Rules and Procedures for Candidate Nominations and (d) the Code of Conduct for Volunteers, Campaign Staff and EDA Staff;
  - ii. Be forthcoming about any past or current activities that might negatively affect the ability of the Nomination Contestant to be a credible Conservative candidate in a general election or by-election. Such activities include, but are not limited to, having a criminal record, being the subject of allegations of misconduct – criminal, sexual, professional or otherwise, having expressed

opinions that are not representative of the principles of the Party, or having filed for personal, or business bankruptcy.

- iii. Demonstrate a knowledge of the factors and an approach that may result in a successful election campaign, including a person's ability to engage and communicate with voters, recruit and retain members to the Party, build a campaign team, fundraise and serve as a Member of Parliament with integrity.
- b) A Nomination Contestant means an Applicant who:
- i. submitted a complete Application under the requirements of the Rules,
  - ii. was interviewed pursuant to Section 3, and
  - iii. was permitted to contest the nomination by the NCSC.
- c) Without limiting any discretion under these Rules to decide that an Applicant is not eligible to become a Nomination Contestant or contest a Nomination, or to disallow an Applicant, Nomination Contestant, or Candidate, if any of the following eligibility requirements are not met at all times during the application and nomination process, the Applicant will not be allowed to become a Nomination Contestant or regardless of their status as a Nomination Contestant will not be permitted to contest the Nomination:
- i. the Applicant must be eligible to be a candidate under the *Canada Elections Act*;
  - ii. unless waived by the Executive Director and the President of National Council and then approved by the majority of NCSC after consulting with the National Councillor(s) for the affected jurisdiction, the Applicant must not have been an unsuccessful candidate in both of the two prior federal general elections;
  - iii. unless waived by the Executive Director and the President of the National Council, and then approved by the majority of NCSC after consulting with the National Councillor(s) for the affected jurisdiction, the Applicant must not have been an unsuccessful nomination contestant in a Conservative Party nomination contest during the same Parliament as the one contested.
  - iv. unless waived by the Executive Director and the President of National Council after consulting with the National Councillor(s) for the affected jurisdiction, the Applicant must have been a member of the Party for a minimum of six (6) months prior to filing his or her Application.
  - v. the Applicant has not obtained an approval to contest the nomination by NCSC.

If the above requirements are not met, the Applicant will not be allowed to become a Nomination Contestant.

## 7) APPLICATION

- a) Any eligible person wishing to be an Applicant shall submit the original copy of the Application to Party Headquarters at:

The Conservative Party of Canada  
1720 – 130 Albert Street  
Ottawa, ON K1P 5G4  
Attn: National Candidate Selection Committee

- b) The Application shall consist of the following documents, substantially in the form set out in the Schedules to these Rules where so indicated:
- i. A completed and signed Nomination Contestant Questionnaire (NCQ) (Schedule A);
  - ii. A signed Confidentiality Agreement, in which the Applicant agrees not to publicly disclose any information concerning the conduct of the application process (Schedule B);
  - iii. A signed Financial Agent Consent signed by the Applicant's financial agent consenting to act as the Applicant's financial agent pursuant to Section 478.06 of the *Canada Elections Act* (Schedule C);
  - iv. A current (within the past six (6) months) Certificate of Conduct/Criminal Records Check obtained through a system provided by the Party;
  - v. A current (within the past six (6) months) credit check;
  - vi. Signed authorization for the Party to conduct a credit and criminal records check (Schedule D);
  - vii. A consent letter to Elections Canada, stating that if nominated, the Party has permission to receive information on the status of their electoral campaign return (Schedule E);
  - viii. A nomination petition form (Schedule F) containing:
    - A. the Applicant's name, address, telephone number(s) and email address,
    - B. the Applicant's written consent to be a Nomination Contestant, and
    - C. a nomination petition signed by at least twenty-five (25) current EDA Members who reside in the electoral district in which the Applicant wishes to run, are in good standing in the Party, were members at least three (3) months prior to the day notice provided for in Section 5 was given and will still meet these criteria as of the close of nominations;
  - ix. A signed declaration (Schedule G) stating the agreement of the Applicant that:
    - A. the NCSC has authority to not permit or disallow his or her candidacy on any grounds it sees fit, which rejection may be appealed to National Council pursuant to these Rules. National Council's decision shall be final and binding and is not subject to appeal, challenge or review on any grounds whatsoever,
    - B. he or she accepts, and agrees to advance, the policies, principles, goals and objectives of the Party,
    - C. membership information provided by the EDA or Party will be used only for the purpose of campaigning for the nomination, and not for any other purpose,
    - D. use of the Party logo is not permitted in campaigning for a nomination,
    - E. if they are successful in winning the nomination, they will participate in training session(s) conducted by the Party on how to run an effective federal election campaign and will agree to enter into any reasonable financial arrangements with the Conservative Party of Canada concerning the payment for the provision of campaign services by the Party to the candidate. (Schedule G), and

- F. he or she agrees to follow Elections Canada rules, or any applicable legislation, at all times and understands that breaching these rules in any way shape or form is immediate grounds for dismissal;
  - x. Completed forms authorizing the Canada Revenue Agency, the Canada Border Services Agency, Citizenship and Immigration Canada, and the Department of National Defence to release any available information through the *Privacy Act* to the Party concerning any offences, infractions, or pending matters involving the Applicant under an Act, regulation, or Code enforced by those departments. (Schedules H-K);
  - xi. A \$1,000 certified cheque or bank draft payable to Conservative Fund Canada from the nomination campaign bank account. This deposit is a good conduct bond that will be returned to the financial agent of the Applicant, Nomination Contestant or Candidate, as the case may be provided the Applicant has adhered to these Rules, as follows:
    - A. for any Applicant who is not accepted as a Nomination Contestant, upon completion of the nomination process, and
    - B. for a Nomination Contestant including the person who becomes the Candidate, upon the completion of the next federal general election or by-election.
- The proceeds of forfeited good conduct bonds will be transferred to the EDA. The good conduct bond will not constitute a contribution or transfer from the Applicant to the Party.
- xii. A Declaration whereby the Applicant confirms that they have read, understand and will adhere to the Bulk Membership Rules (Schedule L).
  - xiii. A declaration agreeing only to use campaign materials authorized by the Conservative Party of Canada if nominated as the Candidate (Schedule M).
  - xiv. A Candidate Assignment Form which designates the Conservative Fund Canada to receive the Reimbursement of the Candidate's Election and Expenses following the general election (Schedule N).
  - xv. A Candidate Donation Pledge whereby the Candidate pledges to make the maximum allowable donation to the Party or EDA in each calendar year while serving as a MP (Schedule O).
  - xvi. A Declaration whereby the Applicant confirms that all the assets of the campaign shall become the property of the EDA upon the conclusion of the campaign (Schedule P).
- c) An Applicant may, prior to the Close of Nominations, provide amendments to their Application. The amendments may be submitted to the Party at the Party Headquarters, emailing a scanned copy to the designate of the Executive Director.
  - d) It is the responsibility of the Applicant to ensure that a complete Application is received prior to the Close of Nominations. If a complete Application is not received prior to the Close of Nominations, the Applicant will not be eligible to be a Nomination Contestant.

## 8) MEMBERSHIP LISTS

- a) If an Applicant is approved to contest the Nomination, the Executive Director or their designate must provide a copy of the list of current members to the Applicant current as of the date of the Closing Notice. A copy of the list of current members will not be provided prior to the Closing Notice. Any new applicant

to the race will be given the same list; subsequent lists will be given to all Nomination Contestants at the same time.

- b) After the deadline for submission of memberships has passed, and as soon as the final list of members eligible to vote at the Nomination Meeting(s) (as defined below) is available, it shall be provided by the Executive Director or their designate to each Nomination Contestant.
- c) Upon receipt, Nomination Contestants may review the final list of members eligible to vote at the Nomination Meeting(s) to identify any members that were not on the list but the Nomination Contestant believes should be or any members that should not be included on the list. The Nomination Contestant shall advise the designate of the Executive Director within forty-eight (48) hours of receipt of final list of members eligible to vote at the Nomination Meeting(s) of any specific issues that may need to be resolved.
- d) If amendments are made to the final list of members eligible to vote at the Nomination Meeting(s), the Party will circulate an updated list in advance of the Nomination Meeting. Any members of the Party residing in the Electoral District but not on the list will be able to vote in the nomination process once their membership eligibility and residency has been confirmed by the Executive Director or their designate.

## **9) CANDIDATE NOMINATION MEETING**

### Where there are no Nomination Contestants

- a) If following the Close of Nominations there are no Nomination Contestants, any further action concerning the nomination process in the EDA will be subject to the direction of the Executive Director or their designate in consultation with the Chair of NCSC, President of National Council, and the National Councillor(s) for the respective jurisdiction.

### Where there is only one Nomination Contestant

- b) If following the Close of Nominations there is only one accepted Nomination Contestant that person shall be acclaimed.

### Where there is more than one Nomination Contestant

- c) If following the Close of Nominations, the CNC determines that there has been no acclamation; the remaining provisions of this Section shall be followed.
- d) The CNC must meet as soon as possible after the CNC has determined there has been no acclamation. At this meeting the CNC shall select the date, time, location and medium of the Nomination Meeting(s). The Nomination Meeting(s) must occur no sooner than thirty-five (35) days and no later than forty-seven (47) days from the Closing Notice.
- e) Only those who were members of the Party as of seven (7) days following the issuance of the Closing Notice are eligible to vote. Any member whose membership has expired within the previous ninety (90) days of seven (7) days following the issuance of the Closing Notice shall be eligible to vote provided that the member pays the appropriate membership renewal fee "at the door" in the amount and in the manner required by the Party.

- f) Each Nomination Contestant must be given the opportunity to address the membership at least once prior to the vote. Each Nomination Contestant shall be given equal time to speak, and the time may be used by the Nomination Contestant and/or introducer(s) as the Nomination Contestant may choose.
- g) The Executive Director or their designate shall appoint an impartial RO. The name and contact information of the proposed RO shall be provided to the Executive Director or their designate via the CNC Chair. The RO shall supervise the voting and vote count, declare the nomination of the Party candidate. The RO shall keep in their possession related election materials used for the Nomination Meeting including membership lists and the cast ballots which will then be destroyed seven (7) days following the conclusion of the appeal periods as identified in Section 12 unless otherwise directed by the Executive Director or their designate.
- h) No official business other than the selection of a Candidate shall be conducted at the Nomination Meeting until after the vote for the candidate has been held.
- i) On the ballot, the Nomination Contestants shall be listed in alphabetical order by surname followed by first name if more than one (1) Nomination Contestant has the same surname and by first and second name if more than one (1) Nomination Contestant have similar surnames and first names.
- j) Votes will be conducted by a single preferential transferable ballot wherein the voters numerically rank the Nomination Contestants in sequence of their choice, where, if after the first vote no Nomination Contestant receives more than fifty (50) percent of the valid votes cast, then the Nomination Contestant(s) receiving the least number of votes or failing to achieve a minimum of ten (10) percentage of vote shall be dropped and the ballots recalculated based on next choices for the dropped candidates. This process shall be repeated until one (1) Nomination Contestant receives more than fifty (50) percent of valid votes cast. A Nomination Contestant receiving more than (50) percent of valid votes cast shall be the Candidate.
- k) In Electoral Districts where factors such as geography, weather, health concerns and transportation hinder members from attending at a single location, the Executive Director or their designate in consultation with the Chair of NCSC, the President of National Council, the National Councillor(s) for the respective jurisdiction and CNC Chair of the applicable Electoral District, if the CNC has been constituted, may direct, or, upon request from the EDA Board may authorize, that the selection of the Candidate take place at Nomination Meetings held at two (2) or more times and locations or conducted by telephone and / or video conference and / or in-person and / or combination of medium. The Executive Director or their designate in consultation with the Chair of NCSC, the President of National Council, the National Councillor(s) for the respective jurisdiction and CNC Chair of the applicable Electoral District will determine the method of balloting to be used in these circumstances.
- l) In the event the Executive Director or their designate in consultation with the Chair of NCSC, the President of National Council, the National Councillor(s) for the respective jurisdiction and CNC Chair of the applicable Electoral District, if the CNC has been constituted, has determined to allow multiple Nomination Meetings to occur at multiple times and/or locations, then all the deadlines, timelines and notice periods shall be based on the date of the first nomination meeting.
- m) Under extenuating circumstances other methods of balloting may be approved by the Executive Director or their designate in consultation with the Chair of NCSC, the President of National Council, the National Councillor(s) for the respective jurisdiction and CNC Chair of the applicable Electoral District, if the CNC has been constituted.

- n) Ballots shall be marked in secret, except where the vote is conducted by telephone and / or video conference and / or in-person and / or combination of medium pursuant to Section 9(k) and Section 9(m).
- o) Proxy voting is not permitted.
- p) In the event of a tie vote, the vote shall be determined by a coin toss.
- q) The Executive Director or their designate in consultation with the Chair of NCSC, the President of National Council, the National Councillor(s) for the respective jurisdiction and CNC Chair of the applicable Electoral District, if the CNC has been constituted, will review if there are any significant religious holidays that may cause a change in the scheduling of a Nomination Meeting.
- r) Media may be allowed to attend the Nomination Meeting(s) at the discretion of the Executive Director or their designate in consultation with the Chair of NCSC, the President of National Council, the National Councillor(s) for the respective jurisdiction and CNC Chair of the applicable Electoral District, if the CNC has been constituted.

#### **10) NOMINATION MEETING NOTICE**

- a) A Nomination Meeting Notice shall be given no more than four (4) days after the CNC has determined that no Nomination Contestant has been acclaimed.
- b) The Nomination Meeting Notice shall include the date, time and location of the Nomination Meeting(s) and shall be given by any one (1) or combination of the following methods:
  - i. Regular mail sent to the member's address of record;
  - ii. E-mail sent to the member's e-mail address of record; or
  - iii. Phone call to the member's phone number of record.

#### **11) REPORTING**

- a) The Party shall provide, on the first business day of every month, the President of National Council and the Chair of the NCSC with a list of Applications received by the Party to date with a description of the status of all Applications received to date and the current tentative schedule for anticipated Closing Notices to be issued.

#### **12) MAINTENANCE OF LIST OF NOMINATION CONTESTANTS**

- a) The Party shall maintain a list of Nomination Contestants and strive to annually contact each prior Nomination Contestants to confirm their interest in contesting a Nomination in the future.

#### **13) ABRIDGEMENT OF THE RULES**

- a) All Nomination Meetings must comply with any and all public health orders; National Council authorizes the RO and / or the Executive Director or their designate to take such reasonable measures as may be required to comply with public health orders inclusive of measures which may require a departure from the provisions of the Rules which, if enforced, would result in non-compliance with public health orders.
- b) National Council authorizes that the Executive Director or their designate and the President of National Council in consultation with the Chair of NCSC and the National Councillor(s) for the affected jurisdiction,

may alter, abridge or suspend Sections 3, 5, 7 and 10 of the Rules as they see fit. Any such decision shall be final and binding and is not subject to appeal, challenge or review on any grounds whatsoever.

- c) National Council may alter, abridge or suspend any of the Rules as it sees fit.

#### **14) APPEAL PROCESS AND DISPUTE RESOLUTION**

- a) National Council hereby appoints, pursuant to Article 19.2 of the Constitution, the members of the Secretariat Committee to attempt to intervene to resolve any dispute referred to National Council pursuant to Article 19.1 as to whether the requirements of the Constitution, a by-law or any rules are being met by the EDA Board or any committee thereof in relation to the nomination process. However, for: (i) any dispute connected to the rejection of a waiver pursuant Section 6(c)(ii) - (iv) by the Executive Director and the President of the National Council, the sole remedy shall be the appeal process provided in Section 14(c); or (ii) any dispute in respect of NCSC disallowing or not permitting the candidacy of any person before or after nomination by the EDA, the sole remedy shall be the appeal process provided in Section 14(d) and (e).
- b) Where the Secretariat Committee decides not to intervene or is unsuccessful in resolving a dispute described in Section 14(a) and the dispute remains outstanding, the Secretary shall forthwith report same to the Chair of the Arbitration Committee at which time the matter shall be deemed to stand referred to the Arbitration Committee pursuant to Article 19.3 of the Constitution for adjudication by a panel.
- c) Where the Executive Director and the President of the National Council reject a waiver pursuant Section 6(c)(ii) - (iv) that person may appeal to the NCSC by filing an appeal in writing with the Executive Director of the Party within forty-eight (48) hours of the decision being communicated to the person. The Executive Director shall bring any appeal to the attention of the Chair of the NCSC. The decision of NCSC on an appeal shall be final and binding and is not subject to appeal, challenge or review on any ground whatsoever.
- d) Where the NCSC disallows or does not permit the candidacy of any person before or after nomination by the EDA, that person may appeal to National Council by filing an appeal in writing with the Executive Director of the Party within forty-eight (48) hours of the decision being communicated to the person. The Executive Director shall bring any appeal to the attention of the President and Secretary of National Council forthwith.
- e) National Council shall determine expeditious procedures to be followed in an appeal, recognizing that disallowance and permitting an Applicant to contest a Nomination is an act of discretion of the NCSC. The decision of National Council on an appeal shall be final and binding and is not subject to appeal, challenge or review on any ground whatsoever.
- f) If a Nomination Candidate wishes to appeal the conduct or the results of the Nomination Meeting, they must do so in writing within five (5) days of the Nomination Meeting to the Chair of the NCSC through the Executive Director. In the event of a Nomination process-taking place over a number of days, they must file their appeal within five (5) days of the final meeting. The written appeal must clearly identify the issues being raised as well as provide any support of those issues for which they feel an appeal should be heard. If the Nomination Candidate is not satisfied with the decision of the NCSC on their complaints, they may appeal to the National Council whose decision shall be final and binding and is not subject to appeal, challenge or review on any grounds whatsoever.
- g) Without limiting any other provisions in these Rules, all Applicants, Nomination Candidates and Candidates expressly undertake that they will not seek the review by the Courts in contract, tort, judicial

review or otherwise of any decision of the Party or any of its representatives, including any decision of the Executive Director or their designate, an RO or their designate, or an EDA Board, a CNC, a CNC Chair, the NCSC, the Secretariat Committee, the Arbitration Committee, the National Council, or any Chair, President or member thereof. If an Applicant, Nomination Candidate or Candidate, in breach of this undertaking, commences such a proceeding or pursues a course of action which involves an appeal, challenge or judicial review, he or she shall be responsible for any and all costs thereof and shall bear the legal fees and expenses incurred by all persons named as defendants or respondents on a full indemnity basis, including but not limited to any and all legal fees and expenses incurred by the Party or the Conservative Fund Canada.

- h) All Applicants, Nomination Candidates and Candidates are advised to obtain independent legal advice before participating in any process under these Rules.
- i) All Applicants, Nomination Candidates and Candidates represent that they have consulted with independent legal counsel or that they have waived their right to do so because they fully understand their rights and obligations hereunder without such professional advice.

#### **15) BULK MEMBERSHIP PROCESSING PROCEDURES**

- a) Attached as Schedule L to these Rules are certain procedures governing the processing of membership applications received in bulk on behalf of either EDAs, Applicants and Nomination Contestants. By submitting an Application, each Applicant is deemed to be bound by these procedures; specifically the Applicant agrees that memberships processed by their campaign using the bulk membership procedures will be paid for with funds from the individuals seeking membership with their consent and not by the Applicant or Nomination Contestant or their campaign.