

**Summary of Constitution and By-Laws Committee**  
**March 22, 2006**  
**National Office Boardroom**  
**5:45 p.m.**

**Present:** C. Therrien, D. Brackley, M. Monaghan, R. Oslund, A. Picotte,  
P. Rosen, D. Martin.

**Absent:** J. Aggrey, B. Belhadji, C. Lakaski, G. Myres, L. Pomerleau.

There was an informal agenda for the meeting and it was agreed that the Committee review the 2004 Elections Committee report in order to decide if each proposal has merit and recommend amendments accordingly where necessary in the By-Laws and Constitution.

**Proposal #1:** C14.2 provides that a member of the EC is not eligible to stand as candidate. This article only covers case of concomitance. The 2004 EC recommend that this provision be extended to say that a member of the EC is not eligible to be a candidate in the current election year.

**Action:** M. Monaghan agreed to draft wording for the next meeting.

**Proposal #2:** C11.3 provides that the president shall not be an ex-officio member of the EC. No provision excludes other members of the NEC. Since the NEC is the appeal body for the EC decisions, NEC members should not be allowed to be members of the EC. A sentence could be added to B3.1 to this effect.

**Action:** P. Rosen agreed to draft wording for the next meeting.

**Proposal #3:** Only the members of the NEC that are not in an election should decide on an appeal from a decision of the EC (B3.9). This would apply to NEC members who are acclaimed for the next term as well. The Chair, or representative, of the EC should be invited to the meeting without right to vote, in order for the appeal to be validly heard.

**Action:** It was moved by D. Brackley, seconded by M. Monaghan, that By-Law 3.9 be amended as follows:

B 3.9 ~~Candidates shall have the right to appeal rulings made by the Elections Committee.~~  
**Rulings of the Elections Committee may be appealed.** Appeals shall be heard by a **sub-committee** of the National Executive Committee, **composed of members who are not candidates or nominees in the current election.** To reverse a decision made by the **Elections** Committee, the **NEC sub-committee** shall require two-thirds majority of the votes cast. **The sub-committee may invite the Elections Committee Chair or a**

**representative of the Elections Committee to the appeal in order to provide advice.**

**Proposal #4:** C16.3 provides that by-laws adopted by the NEC shall immediately come into effect. Since the elections cycle commence officially in January (B3.1) when the call for EC members has to be issued, and only terminates in December with the announcement of the results, the 2004 EC argues that by-laws regarding the elections process should not be amended during the elections cycle except under certain very specific conditions.

Generally, the by-laws that have an effect on the elections process shall come into effect only on January 1st of the following year. And in all cases, the NEC has the obligation to consult with the EC (provision similar to C21.6). Exceptionally, by-laws regarding the elections process will come into effect if they are made at the request of the EC, or if the EC has expressly agreed with the proposed changed by-laws.

**Action:** It was moved by, P. Rosen, seconded by D. Brackley, that Clause 16.3 of the Constitution be amended as below.

16.3 All By-laws adopted by the NEC shall immediately come into effect **except for amendments to the Elections By-Law, which shall come into effect on March 31, when the Elections process is deemed to begin.**

**Proposal #5:** Experience shows that it is impossible for the EC to police electoral activities. Therefore, the second portion of B3.2 should be modified. The EC should not have the monopoly of organizing activities, and candidates should be able to use whatever documentation they want.

**Action:** It was moved by, P. Rosen, seconded by D. Brackley, that By-Law 3.2 be amended as below.

B 3.2 The Elections Committee shall have complete and full jurisdiction over the elections process, in accordance with these By-Laws and Constitution. ~~Only activities organized by the Committee and documents having been approved for distribution by and the Elections Committee the Committee shall be authorized.~~ Non-compliance with these By-Laws may result in the nomination of a candidate being revoked by the Committee. Except where otherwise noted in these By-Laws, any decisions made by the Committee shall be the result of a majority vote.

**Proposal #6:** Similarly, the power given to the EC in B3.7 regarding the content of the text submitted by candidates should be limited with workable parameters.

**Action:** It was moved by D. Brackley, seconded by R. Oslund, that By-Law 3.7 be amended as below.

B 3.7 Completed nominations forms in any format with verifiable signatures shall be received at the National Office no later than September 1. The Elections Committee shall verify all information provided and confirm the candidate's eligibility no later than September 15. The Committee shall also ensure that the presentation text submitted by the candidate is free of libel, **false reports, wilful misrepresentations or abusive language.** ~~and that it contains no inaccuracies, uncalled for remarks or unacceptable elements.~~ If the Committee is of the opinion that certain elements should be modified, the candidate shall be allowed to do so. If the candidate refuses to do so or does not produce the required modifications within 5 working days after being informed of the Committee's concerns, his or her nomination or text referred to in B 3.6. shall be revoked.

**Proposal #7:** The one-pager referred to by B3.6 should not be a condition of the validity of the candidacy. It should be an option that candidates have. And if they choose to exercise their option, these would be the rules they would have to follow. However, any document under the control of the EC should contain a disclaimer that the opinions are those of the candidates and are not endorsed by the EC. If candidates want to reference a personal website or e-mail address, they should be able to; however, for the sake of consistency with the *Resolutions* bylaws, there should be an explicit prohibition on the inclusion of supporters in the candidate-s official one-pager.

**Action:** It was moved by D. Brackley, seconded by R. Oslund, that By-Law 3.6 be amended as written below.

B 3.6 The nomination form **may** be accompanied ~~by a one~~ **with up to two** pages (8 1/2 x 11) text using Arial 12 point font or equivalent in which the candidate may provide a biography, his/her reason for running, **contact information and a website address** . Whenever possible the candidate will provide the National Office an electronic version of this document. ~~The form shall not be accompanied by any document other than the ones required by these By-Laws.~~ If the candidate does not provide the required documents in both official languages, the Association shall have the presentation document translated. ~~Upon request, when submitting his or her nomination,~~ the candidate shall be allowed 5 working days to review the translation produced by the Association.

**Proposal #8:** B3.7 and B3.20 should be amended to include other means of delivery.

**Action:** No action required as amendments have already been done.

**Proposal #9:** Clarification of language in B3.11 and B3.13. In B3.11, a ballot with a message or inscription should be declared spoiled. In B3.13, the EC should be reporting on the number of spoiled ballots and rejected envelopes.

**Action:** It was moved by D. Brackley, seconded by A. Picotte, that By-Law 3.11, 3.12 and 3.13 be amended as written below.

B 3.11 The vote shall be cast using the system of "double envelopes". Only ballots inserted in **an internal** ~~the approved~~ envelopes and accompanied in ~~the an~~ external envelope ~~by with~~ the completed voter registration card signed by the voting member certifying his or her membership status shall be accepted. ~~Unsigned or unfilled~~ **Incompleted** cards or those inserted in the internal envelope with the ballot shall be **a** rejected **envelope**. ~~Any ballot containing a message or inscription other than the vote shall be rejected.~~

B3.12 Blank ballots, ~~or~~ ballots containing more votes than the maximum number of votes possible, ~~or A~~ any ballot containing a message or inscription other than the vote shall be considered as ~~void~~ **spoiled ballots**. Ballots containing less votes than the maximum number of votes possible shall be considered as valid.

B 3.13 Only valid ballots shall be used to calculate the percentage of votes cast for each candidate. The Elections Committee will report on the number of spoiled **ballots** and rejected ~~ballots~~ **envelopes**.

In favour = 4, Opposed = 0, Abstentions = 1. **Motion Carried.**

**Proposal #10:** Since candidates are allowed to be heard at the AGM, B.3.10 should not restrict the time candidates are allowed to campaign. Regarding the time to count the votes, B3.10 should not be so prescriptive. It should provide that the votes will be counted, and the results announced, within 15 days after the end of the voting period.

**Action:** No action required as amendments have already been done.

**Proposal #11:** The by-laws do not prescribe anything in case of a tie.

**Action:** Issue needs to be addressed.

**Proposal #12:** It is not recommended that the Elections Committee has its own budget, but the Election Committee should submit a plan early in the process.

**Action:** No action required as the Elections Committee may submit a budget to the National Executive Committee.

**Proposal #13:** Although the 2004 Elections Committee did not have to deal with any resolutions, the NEC should ensure that there is consistency between the two sections in the by-laws and the Constitution.

**Action:** To be reviewed.

**Outstanding issues to be addressed**

Filling vacancies on Committees and NEC

**Acknowledgements**

It was moved by P. Rosen, seconded by M. Monaghan, that the Constitution and By-Laws Committee wishes to express its appreciation and thanks to the Elections Committee for its draft report on the Elections process.

C. Therrien stated that he would acknowledge the Elections Committee and make a statement in regards to T. Nguyen at the next meeting of the Committee.

**Adjournment**

It was moved by M. Monaghan that the meeting be adjourned at 9:38 p.m. **Carried.**