



RULES AND PROCEDURES FOR THE ELECTION OF THE BC LIBERAL PARTY LEADER

(Adopted by the Leadership Election Organizing Committee on February 22, 2021)

ARTICLE 1: INTERPRETATION

- 1.1 These Rules and Procedures (herein called the “Rules”) are made pursuant to sections 7.9(a), 7.10(d) and 10.6 of the BC Liberal Party Constitution (herein called the “Constitution”) in respect of that Leadership Vote that will be held to elect a new Leader of the BC Liberal Party following the resignation of Andrew Wilkinson and in respect of any Leadership Convention, if one is called by the Party Executive pursuant to section 10.5 of the Constitution.
- 1.2 Any term not defined herein that is defined in the Constitution has the meaning given to it in the Constitution.
- 1.3 If there is any conflict between these Rules and the Constitution, the Constitution will prevail.
- 1.4 In these Rules whenever the words and phrases set out in quotation marks in this section are used they shall have the meanings given to them set out in this section unless there is something in the context inconsistent therewith:
 - (a) **“Applicant”** means a person who has applied to the LEOC for approval to become a Leadership Contestant;
 - (b) **“Application”** means an application in a form approved by the President for approval by the LEOC to become a Leadership Contestant that may include a questionnaire to be completed by the Applicant;
 - (c) **“Application Fee”** means \$1,000;
 - (d) **“Business Day”** means each day other than Saturday, Sunday or a day that is prescribed as a holiday in British Columbia;
 - (e) **“Candidate Fees”** means the Second Fee, Third Fee, Fourth Fee and Final Fee;
 - (f) **“Chief Returning Officer”** means the Chief Returning Officer appointed by the Party Executive pursuant to section 7.9(d)(vii) of the Constitution;
 - (g) **“Compliance Deposit”** means the amount or amounts payable to the Party as a compliance deposit or to replenish a compliance deposit pursuant to Article 4;
 - (h) **“Deputy Returning Officer”** means that Deputy Returning Officer or officers, if any, appointed by the Party Executive;

- (i) **“Final Fee”** means that amount payable pursuant to section 4.1(d) of these Rules;
- (j) **“Fourth Fee”** means that amount payable pursuant to section 4.1(c) of these Rules;
- (k) **“Leadership Contestant”** means an eligible Applicant who has been approved by LEOC to become a candidate for election as the Leader in accordance with the Constitution and these Rules and has paid the Second Fee;
- (l) **“LEOC”** means the Leadership Election Organizing Committee appointed by the Party Executive on January 18, 2021 to administer the next Leadership Vote and to which the Party Executive has delegated the power to determine the Rules and Procedures for conducting the Leadership Vote pursuant to section 10.6 of the Constitution;
- (m) **“Membership Deadline”** means 5:00 p.m. Pacific Time on December 29, 2021;
- (n) **“Nomination Deadline”** means 5:00 p.m. Pacific Time on November 30, 2021;
- (o) **“Party”** means the BC Liberal Party;
- (p) **“Party Leadership Events”** means those events described in Article 9;
- (q) **“President”** means the president of the Party;
- (r) **“Province-Wide Count”** means that counting for each Leadership Contestant of the aggregate number of points allocated to the 87 electoral districts pursuant to in Article 7;
- (s) **“Rules”** means these Rules and Procedures as may be amended from time to time;
- (t) **“Second Fee”** means that amount payable pursuant to section 4.1(a) of these Rules; and,
- (u) **“Third Fee”** means that amount payable pursuant to section 4.1(b) of these Rules.

ARTICLE 2: ROLE AND DUTIES OF THE LEOC

- 2.1 The LEOC will administer the Leadership Vote which shall include, without restriction, the following:
 - (a) preparing the Application in a form approved by the President;
 - (b) determining whether an Applicant is eligible for election as the Leader in accordance with these Rules and the Constitution and approving eligible persons to become Leadership Contestants;
 - (c) establishing, conducting or making procedures, enquiries and investigations to enable the LEOC to determine whether a Leadership Contestant or anyone involved in their campaign has complied with these Rules, including receiving and considering any complaints of non-compliance;
 - (d) taking such action as it determines is advisable is necessary to enforce compliance with these Rules;

- (e) at any time, and from time to time, amending the Rules; and
 - (f) deciding what events or activities will be Party Leadership Events, including the nature of such events and the date, time and manner in which they will be held or conducted.
- 2.2 The LEOC will provide regular reports to the Party Executive regarding its administration of the Leadership Vote.
- 2.3 All decisions of the LEOC are final and not subject to review.
- 2.4 Members of the LEOC must conduct themselves in an entirely neutral fashion in all respects in relation to the Leadership Vote and in the administration of the Leadership Vote.

ARTICLE 3: NOMINATION PROCESS

- 3.1 To be eligible to become a Leadership Contestant, a person must:
- (a) be a Member;
 - (b) be eligible under the Election Act for election to the Legislative Assembly of British Columbia;
 - (c) not be a person whose approval to become a Leadership Contestant would likely bring the Party into disrepute;
 - (d) deliver to the President a written nomination, which may be in one or more counterparts, signed by at least 100 Members that must include signatories who are members of at least five different Riding Associations;
 - (e) pay the Application Fee to the Party;
 - (f) deliver to the LEOC an Application that has been fully completed and signed by them;
 - (g) deliver to the LEOC the written undertaking by them required by Article 11 of these Rules; and,
 - (h) comply with the Constitution and these Rules.
- 3.2 In order to become a Leadership Contestant a person must deliver a completed Application to Party Headquarters before the Nomination Deadline.
- 3.3 As soon as practicable after a completed Application has been delivered to Party Headquarters, the LEOC will review that Application and determine whether the Applicant is eligible to become a Leadership Candidate.
- 3.4 After the LEOC has determined whether an Applicant is eligible to become a Leadership Contestant, they will inform the Applicant either that their Application to become a Leadership Contestant has not been approved or that it has been approved.
- 3.5 An Applicant will become a Leadership Contestant after their Application has been

approved when they have paid the Second Fee to the Party as required by these Rules.

- 3.6 Application Fees paid by Applicants are not refundable and shall not form part of any of the Candidate Fees payable by an Applicant or Leadership Contestant.

ARTICLE 4: CANDIDATE FEES AND COMPLIANCE DEPOSIT

4.1 Subject to section 4.4, every Leadership Contestant and every Applicant who the LEOC has approved to become a Leadership Contestant must pay the following Candidate Fees to the Party at or before the following times:

- (a) \$5,000 not later than the third Business Day immediately following the day on which an Applicant has been informed by the LEOC that their Application to become a Leadership Contestant has been approved (herein called the “Second Fee”);
- (b) \$10,000 on or before the later of June 1, 2021 and the third Business Day immediately following the day on which an Applicant has been informed by the LEOC that their Application to become a Leadership Contestant has been approved (herein called the “Third Fee”);
- (c) \$15,000 on or before the later of September 1, 2021 and the third Business Day immediately following the day on which an Applicant has been informed by the LEOC that their Application to become a Leadership Contestant has been approved (herein called the “Fourth Fee”); and
- (d) \$15,000 on or before January 5, 2022 (herein called the “Final Fee”).

4.2 Every Leadership Contestant must pay \$20,000 to the Party as a Compliance Deposit not later than the earliest of that Business Day which is more than 21 days after the day on which they were informed by the LEOC they have been approved to become a Leadership Contestant or the day immediately before the first Party Leadership Event is held after they were so informed by the LEOC.

4.3 If the Party uses all or any part of the Compliance Deposit made pursuant to section 4.2 to pay or partially pay a fine imposed pursuant to Article 5, the Leadership Contestant in respect of which the Compliance Deposit is held must not later than the seventh Business Day immediately after they are informed that all or a portion of their Compliance Deposit has been used to pay or partially pay a fine, pay to the Party that amount of monies which is required to restore their Compliance Deposit to \$20,000.

4.4 LEOC may at any time, and from time to time, extend a deadline for payment of any Compliance Fee or the Compliance Deposit, or any replenishment of a Compliance Deposit as the LEOC determines is appropriate and subject to any conditions that the LEOC may impose.

4.5 The Party will refund to each Leadership Contestant the balance of the Compliance Deposit held for them after that Leadership Contestant has paid all unpaid fines levied against them, met all filing requirements of Elections BC, provided copies of those

filings to the Party, and all audits have been successfully completed showing no further violations of these Rules.

ARTICLE 5: COMPLIANCE WITH THE RULES

5.1 Every Leadership Contestants must:

- (a) make every payment required by Article 4 within the time limited for making such payment;
- (b) not obtain access to, or use, any credentials issued to a Member enabling that Member to participate in the Leadership Vote or take any action that would allow them to obtain any information that would allow that Leadership Contestant, or anyone involved in their campaign, to use a Member's voting credentials or otherwise vote for or on behalf of a Member in the Leadership Vote and must ensure that no one in their campaign does any of these things or acquiesces in them being done or permitted;
- (c) not spend or incur liability for, any expenses that exceed those permitted by section 10.1 of these Rules;
- (d) not take advantage of public resources, including travel budgets incurred by or available to them as a member of the Legislative Assembly of British Columbia, for purposes of pursuing their campaign;
- (e) comply with the provisions of the *Election Act*;
- (f) comply with and ensure that those involved with their campaigns comply with these Rules;
- (g) comply with and perform each of those undertakings made by them described in Article 11 of these Rules; and,
- (h) comply with the Party's Rules and Procedures for Membership.

5.2 Leadership Contestants or the Chief Returning Officer may deliver to the LEOC a written allegation that a particular Leadership Contestant or a member of a Leadership Contestant's campaign team has contravened these Rules.

5.3 If an issue of compliance with these Rules comes to the attention of the LEOC as a result of a complaint made pursuant to section 5.2 or otherwise, the LEOC may, but will not be required to, conduct an investigation to determine whether there has been a breach of these Rules.

5.4 Subject to section 5.5, if the LEOC determines either that a Leadership Contestant or a member of a Leadership Contestant's campaign team contravened these Rules then it may impose any penalty it deems appropriate, including but not limited to one or more of the following:

- (a) issuing a letter of caution to the Leadership Contestant;

- (b) reprimanding the Leadership Contestant;
 - (c) directing the Leadership Contestant to take immediate and specified actions to ensure compliance with these Rules and to promptly remedy any consequences of the breach;
 - (d) imposing a fine payable to the Party by the Leadership Contestant in an amount which does not exceed \$50,000 for each contravention of these Rules and such fine shall immediately be paid or partially paid by applying that Leadership Contestant's Compliance Deposit and the amount so paid from the Compliance Deposit shall be forfeited by that Leadership Contestant;
 - (e) suspending or restricting the Leadership Contestant from participating in some or all future Party Leadership Events;
 - (f) suspending or restricting the Leadership Contestant's access to BCL Win;
 - (g) disqualifying the Leadership Contestant and, if applicable, instructing the Party and the Chief Returning Officer to remove such Leadership Contestant's name from all ballots; or
 - (h) recommend to the Party Executive that the Leadership Contestant be disqualified from seeking a future BC Liberal Party nomination as a candidate in any British Columbia general election or bi-election or Leadership Vote.
- 5.5 If a Leadership Contestant contravenes section 5.1(c) of these Rules, the penalty or penalties imposed by the LEOC for that breach shall include, but will not be limited to, a fine that is equal to the amount of the Compliance Deposit then held by the Party for that Leadership Contestant.
- 5.6 In any case where there is uncertainty, the LEOC will determine whether someone is a Leadership Contestant, or someone who represents or acts for or on behalf of either a Leadership Contestant or is otherwise a member of a Leadership Contestant's campaign team.

ARTICLE 6: LEADERSHIP CONVENTION

6. If the Party Executive calls a Leadership Convention to be held in connection with the Leadership Vote that Leadership Convention will be held on February 5, 2022 and the results of the Leadership Vote will be announced at the Leadership Convention.

ARTICLE 7: MEMBERSHIP DEADLINE/LEADERSHIP VOTING PROCEDURES

- 7.1 The Leadership Vote will be conducted on a one Member, one vote preferential ballot system.
- 7.2 In order to be eligible to vote, an individual must be a Member in good standing before the Membership Deadline and must be a Member in good standing when they vote for

the Leader.

- 7.3 Each Electoral District will be given equal weight in the balloting, and in particular, each Electoral District will be allocated 100 points.
- 7.4 If there is only one Leadership Contestant, then that Leadership Contestant will be named Leader and no Leadership Vote will be held.
- 7.5 If there are two Leadership Contestants, then each Member who has a right to vote will have the opportunity to vote for their preferred Leadership Contestant.
- 7.6 If there are three or more Leadership Contestants, then each Member who has a right to vote may vote by a preferential ballot on which the Member may indicate the order of their preference for the Leadership Contestants. A ballot will not be considered spoiled only because the Member has not indicated the order of their preference for each of the Leadership Contestants.
- 7.7 The ballots will be counted under the direction and supervision of the Chief Electoral Officer, in accordance with the following procedure:
 - (a) Each Electoral District will be allocated 100 points.
 - (b) On the first count:
 - (i) For each Electoral District, the first choice or preference votes recorded in favour of Leadership Contestants on the ballots cast by the Members who ordinarily reside in that Electoral District (or are registered in such Electoral District as Members living outside such Electoral District pursuant to section 4.4 of the Constitution) will be counted and then the 100 points allocated to the Electoral District will be allocated to each Leadership Contestant on the basis of the ratio the number of the first preference votes received by that Leadership Contestant bears to the total number of votes counted for such Electoral District; and
 - (ii) The total number of points allocated to each Leadership Contestant from all Electoral Districts in British Columbia will be added to produce a total for the Province-Wide Count.
 - (c) On the second count, the Leadership Contestant who received the fewest points on the first Province-Wide Count is eliminated and that Leadership Contestant's first preference votes are distributed in each Electoral District among the remaining Leadership Contestants according to the second preferences indicated and counted according to the procedure set out in the previous section as if they were first preference votes.
 - (d) On each subsequent count, the Leadership Contestant who receives the fewest points in the preceding Province-Wide Count will be eliminated, and that Leadership Contestant's subsequent preference votes will be distributed among the remaining Leadership Contestants according to the next preferences indicated.
 - (e) The first Leadership Contestant to receive more than 50% of the points allocated on

any Province-Wide Count is selected as the Leader.

- 7.8 Leadership Vote balloting will take place through a secure voting system starting on February 3, 2022 and ending on February 5, 2022 at such times as the LEOC sets. The voting system will include a voter registration process, requiring eligible Members to register and verify their identity in order to receive voting credentials.
- 7.9 Members must not allow another person to use their voting credentials or otherwise vote in their place.

ARTICLE 8: CHIEF RETURNING OFFICER

- 8.1 The Chief Returning Officer will be responsible for arranging the conduct of the Leadership Vote and together with the LEOC will oversee and ensure the integrity of the Leadership Vote.
- 8.2 Representatives of the LEOC, each of the Leadership Contestants or a representative for them, the Chief Returning Officer and the Deputy Returning Officer, if any, are entitled to monitor the vote to ensure compliance with these Rules and the integrity of the vote.
- 8.3 Decisions of the Chief Returning Officer with respect to voter eligibility are final and not subject to review.
- 8.4 Anything the Chief Returning Officer is directed or empowered to do by these Rules, or by the Rules for Membership may be done by a Deputy Returning Officer.

ARTICLE 9: PARTY LEADERSHIP EVENTS

- 9.1 Unless their failure to participate is authorized by the LEOC, all Leadership Contestants must attend and participate in all Party Leadership Events.
- 9.2 The LEOC will determine what events or activities, or both, will constitute a Party Leadership Event and the dates, times and places at which the Party Leadership Events will take place and how Leadership Contestants, Members and other persons who are permitted to participate in a Party Leadership Event may participate in a Party Leadership Event.

ARTICLE 10: CAMPAIGN FINANCES

- 10.1 Leadership Contestant expenses are limited to a maximum of \$600,000.00. Leadership Contestant expenses will include personal contestant expenses described in subsection 184(4) of the *Election Act*, but will not include those things described in subsections 180(5) and 184(6) of the *Election Act*, the Application Fee, the Candidate Fees, the Compliance Deposit, and the amounts payable to the Party pursuant to section 10.2. For certainty, expenses incurred by a Leadership Contestant Expense includes an expense incurred by a future Leadership Contestant or by individuals acting on behalf of a future Leadership Contestant before that individual became a Leadership Contestant. Calculation of expenditures by a Leadership Contestant will commence on the date that these Rules and Procedures come into effect and will end immediately after the Election.

- 10.2 In order to partially offset expenses incurred by the Party in arranging and overseeing the Leadership Election process Leadership Contestants must report to the Party the amount of all leadership campaign contributions that are received either before or after the Leadership Vote is held and remit to the Party an amount equal to 25% of those contributions:
- (a) on or before the 5th day of each and every month up to and including January, 2022;
 - (b) on or before January 21, 2022 for the period commencing on January 1, 2022 and ending January 18, 2022;
 - (c) on or before February 11, 2022 for the period commencing on January 19, 2022 and ending February 5, 2022;
 - (d) if the Expenses incurred by a Leadership Contestant exceed the contributions received by that Leadership Contestant before the Leadership Vote is conducted and that Leadership Contestant continues to receive contributions after the Leadership Vote has been concluded, then on or before the 5th day of March, 2022 and the 5th day of each and every month thereafter until that Leadership Contestant ceases to accept contributions, provided that if the deadline for making such a remittance is not a Business Day, such report and remittance shall be made on the next day after the 5th day of the month that is a Business Day.
- 10.3 Membership fees collected by the Party between the date these Rules and Procedures come into effect and the Membership Deadline will be retained by the Party.
- 10.4 Each Leadership Contestant must on or before May 5, 2022 deliver to the Party a copy of the Leadership Contestant's written finance report as required by the *Election Act*.

ARTICLE 11: PARTY UNITY

- 11.1 All Leadership Contestants must undertake in writing to the Party that they will:
- (a) pledge their support for the Leadership Contestant who is ultimately elected as the Leader;
 - (b) commit to campaigning for the Party in the first provincial general election that occurs after the Leadership Vote;
 - (c) neither make, or permit their supporters to make, disparaging personal remarks concerning other Leadership Contestants;
 - (d) provide the Party with all data and email addresses of persons or entities which have contributed to their campaigns;
 - (e) participate in fundraising activities organized by the Party, both before and after the Leadership Vote;
 - (f) support the Principles of the Party set out in section 1.2 of the Constitution and will

- not advocate any policies that are not guided by those Principles; and,
- (g) conduct themselves and their campaigns in a manner so as not to bring the Party into disrepute.

ARTICLE 12: PRIVACY

- 12.1 All Leadership Contestants must comply, and must ensure that their campaigns comply, with the all applicable privacy laws and also the BC Liberal Party Privacy Policy.
- 12.2 With the approval of the LEOC, the Party may put in place such conditions or restrictions as they deem necessary on the use of Party data by Leadership Contestants and their campaigns.

ARTICLE 13: AUDIT

- 13.1 The LEOC, the Chief Returning Officer and their designates may conduct audits and retain an auditor to carry out oversight to ensure the integrity of the Leadership Vote, and in particular, compliance by all interested parties with these Rules and Procedures.
- 13.2 All Leadership Contestants must comply with and facilitate such audits, random or otherwise, as may be conducted by the LEOC and the Chief Returning Officer or their designate.