

CONSTITUTION of the NEW BRUNSWICK NEW DEMOCRATIC PARTY
Adopted April 18, 2015

PREAMBLE

The New Brunswick New Democratic Party, informed by its democratic socialist history and longstanding alliances with a broad range of progressive social movements, is a social democratic party that believes in social, economic, and environmental justice, and champions as a right of citizenship the existence of a strong social safety net, sustained by a well-regulated economy.

The New Brunswick New Democratic Party is committed to seeking the common good and acting in the public interest, which includes addressing the limitations of the market; increasing economic equality; maximizing gender equality; encouraging ethno-cultural empathy; maintaining the vitality of our official language communities; preserving the integrity of the environment; and pursuing sustainable prosperity for all.

ARTICLE ONE - NAME

- 1 The name of the party shall be the New Brunswick New Democratic Party, hereinafter the "Party", and in French shall be "Nouveau Parti démocratique du Nouveau-Brunswick."

ARTICLE TWO - MEMBERSHIP

- 2(1) Membership in the Party, subject to the rights and responsibilities provided herein, shall be open to all individuals who:
 - (a) Have reached fourteen years of age;
 - (b) Are ordinarily resident in New Brunswick within the definition provided by the *Elections Act*;
 - (c) Pay the prescribed fee pursuant to subsection (2).
- 2(2) Provincial Council (hereinafter referred to as Council) will prescribe a membership fee. Such fee shall be established in a manner consistent with ensuring that membership in the Party is accessible to all New Brunswickers regardless of income or social status. Membership shall be valid for the 12-month period following the payment of a minimum ten-dollar membership fee.
- 2(3) Members have the following rights:
 - (a) To have a clear voice in the election of a Leader, Party Executive, and Party candidates for election to the Legislative Assembly,
 - (b) To collectively control the decisions of any Provincial Convention,

- (c) To collectively establish, as they see fit, policies of the Party with regard to public governance and internal operations,
 - (d) To stand for election as Leader, as member of any elected party body, and for nomination as a candidate,
 - (e) To receive courteous and prompt responses from the Party on any matter relating to the Party.
- 2(4) Members have the following responsibilities:
- (a) To demonstrate public support for the Party's electoral aims and objectives and refrain from membership in or support for any other provincial political party, or independent candidate in New Brunswick,
 - (b) To respect the collective will of the Party as expressed by decisions duly rendered under the framework of this Constitution and the policies established thereunder,
 - (c) To participate in Party debate in a manner which is respectful of the democratic process and of the rights of other members to their own effective voice,
 - (d) To provide the Party with accurate contact information to allow for effective communication with the member.
- 2(5) The Provincial Council may deny membership to, or revoke the membership of, any person whose membership is detrimental to the aims of the Party or the collective will of the Membership, provided that:
- (a) at least seven days' notice is provided to the person whose membership might be denied or revoked, and said notice is provided to Council;
 - (b) two-thirds of members present at a meeting of Council vote in the affirmative on a motion, duly presented, to deny or revoke membership;
 - (c) the person whose membership may be denied or revoked is provided an opportunity to be heard by Council, and
 - (d) Provincial Council appoint a standing committee on membership, who shall review disciplinary cases that have been subject to the process outlined in a), b) and c), and make a recommendation to Council.
- 2(6) (a) The Executive Director shall have the authority to suspend membership pending a hearing before a disciplinary tribunal when, in the opinion of the Executive Director:
- (i) A member has publicly endorsed the candidate of another party, or an independent candidate.
 - (ii) A member seeks or accepts the nomination of another party, or files to run as an independent candidate,

- (iii) In the case of a nominated candidate or elected party officer, if that member has criticized the party, its policy, or its leader in such a manner as can be reasonably interpreted as to have withdrawn support for the party and its candidates.
- (b) A member whose membership is revoked under subsection a) may appeal to the next meeting of Provincial Council, who shall hear the appeal on such terms as it deems fair and may overturn the decision of the Executive Director by majority vote.
- (c) Nothing in this section shall be interpreted so as to derogate from the right of elected MLAs to communicate the opinions of their constituents, or to limit internal debate within the party at any level.

ARTICLE THREE - PROVINCIAL CONVENTION

- 3(1) The Provincial Executive shall fix a date for the call to order of a Provincial Convention (hereinafter the "Convention"), which shall be no fewer than two years but no more than three years following the adjournment of the previous Provincial Convention.
- 3(2) The Provincial Executive may set a location and agenda for the Provincial Convention and prescribe a fee for registration thereto, subject to any provisions of this Constitution and the policies thereunder.
- 3(3) No fewer than sixty days prior to the date set for the Call to Order of the Convention, the Executive Director shall cause to be published the dates and location of the Convention, the nomination process for election to offices of the Provincial Executive, and the process for submitting motions for consideration at the Convention.
- 3(4) At each Convention, the following offices on the Provincial Executive shall be open for election:
 - (a) President
 - (b) Vice President
 - (c) Secretary-Treasurer
 - (d) Five regional delegates
- 3(5) At the start of each Convention, the Convention shall appoint a Chief Electoral Officer, who shall receive nominations for each office for a fixed period of time, including at least four hours of the Convention itself; shall chair and set the rules for the portion of the Convention dedicated to candidate speeches; and to certify the counting of ballots for each position.

- 3(6) Nomination of a candidate for any office under subsection (4) shall be deemed to have occurred when the Chief Electoral Officer receives written notice of the candidate's consent to stand for said office and signed by ten members in good standing of the Party.
- 3(7) If, at the close of the period established for nominations under subsection (5), more than one candidate has been duly nominated for the same office, there shall be a vote of all members registered to vote at the convention. A simple majority of ballots cast shall be sufficient to declare a candidate elected. If no candidate receives a simple majority of ballots cast, the candidate receiving the lowest number of votes shall be dropped and another round of balloting shall be held.
- 3(8) At each Convention, motions submitted for consideration shall be debated and voted upon. Motions may deal with any of:
- (a) an amendment to this Constitution,
 - (b) establishment of Party policy, or
 - (c) a directive to any Party officer or body duly empowered to carry out said direction.
- 3(9) Motions may be moved by:
- (a) a Registered District Association under the signature of its President and one other executive member thereof,
 - (b) the Leader,
 - (c) the Provincial Executive
- 3(10) All motions to be considered at Convention must be received by the Executive Director no fewer than twenty days prior to the Call To Order of the Convention. The Executive Director shall cause any motions duly received to be published no fewer than ten days prior to the Call To Order of the Convention.
- 3(11) All motions not considered at Convention shall be referred to Council.
- 3(12) At each Convention where there is no vacancy in the office of Leader and the Leader does not hold the office of Premier of New Brunswick, there shall be deemed to be before the convention the following motion: "Do you wish to hold a Leadership Convention in the next 180 days?"
- 3(13) The motion established in subsection (12) shall be voted upon by secret ballot under the supervision of the Chief Electoral Officer. A simple majority shall be required to either adopt the motion as a directive to the Party Executive or to reject the motion.

- 3(14) In addition to the Convention mandated under subsection (1), the Executive may call additional conventions under these rules. Such conventions shall have all the authority of a regular Convention, but shall be limited to the agenda as set by the Executive and may not consider matters covered by subsections (4) and (11).
- 3(15) Voting delegates to Convention shall include all members of Council and those selected by RDAs based on the following allocation: Two delegates for each RDA and an additional delegate for every five members in good standing thirty days before the convening of the Convention.
- 3(16) For the Convention immediately following a provincial election all candidates who ran in that election and who are members of good standing of the party shall be voting delegates.

ARTICLE FOUR - THE PARTY EXECUTIVE

- 4(1) The Executive shall consist of:
- (a) the following officers, who shall be chosen by the Convention as enumerated in Article 3 with the proviso that at least one of the President or Vice-President be bilingual:
 - (i) the President;
 - (ii) the Vice-President,
 - (iii) the Secretary-Treasurer.
 - (b) the following regional representatives, to be elected by Convention delegates from the RDAs in question:
 - (iv) one representative elected by delegates from RDAs 1-8 and 47-49 inclusive;
 - (v) one representative elected by delegates from RDAs 9-16 inclusive;
 - (vi) one representative elected by delegates from RDAs 17-25 inclusive;
 - (vii) one representative elected by delegates from RDAs 26-36 inclusive;
 - (viii) one representative elected by delegates from RDAs 37-46 inclusive.
 - (c) the elected representative of the Cabinet or Shadow Cabinet, who shall be elected by the members of the Cabinet or Shadow Cabinet;
 - (d) the Leader, who shall be voting and ex officio, and the Executive Director, who shall be non-voting and ex officio, and the Past-President, who shall be non-voting.
- 4(2) The Executive shall be empowered to:
- (a) approve the reports of the Leader and Executive Director;

- (b) oversee the hiring of the Executive Director; set the location, agenda, budget and other operational details for all party conventions held under this Constitution;
- (c) manage the finances of the Party, including but not limited to adopting a budget and adopting financial policies and procedures;
- (d) operationalize decisions of the Party Conventions in between said conventions;
- (e) strike such committees as may be necessary for the operation of the Party;
- (f) oversee the establishment, management, and dissolution of RDAs and their nomination conventions, including the timing of the opening of nominations;
- (g) appoint interim Executive members as the result of a vacancy in any office, including Leader and President, any such interim members to be confirmed by the subsequent meeting of Council;
- (h) choose from among its members two table officers to serve on the Council of Canada's NDP and to notify Canada's NDP of the same upon their selection and of any changes.

4(3) The President shall:

- (a) convene and chair meetings of the Executive and Provincial Council;
- (b) provide advice to the Leader in between meetings;
- (c) act as a signing officer for the Party;
- (d) ensure the maintenance of Party policy in operations, finances, and public policy.

4(4) The Vice President shall fulfill the responsibilities of the President in the event of the President so delegating their authority, or the resignation or illness of the President and, at other times, assist the President and Executive in furthering the objectives of the Party.

4(5) The Secretary-Treasurer shall act as a signing officer for the Party, ensure minutes, meeting records, and financial records of the Party are maintained and a budget presented

4(6) The Executive shall meet no less than six (6) times per year, at the call of the President, with a minimum of two weeks notice, and with an agenda and other documents circulated electronically no less than one week in advance.

ARTICLE FIVE - PROVINCIAL COUNCIL

- 5(1) Provincial Council shall consist of:
- (a) all members of the Executive;
 - (b) one representative of each RDA, which shall be the President unless, by motion of the RDA executive, another member in good standing of the RDA is appointed;
 - (c) all NDP Members of the Legislative Assembly and any party members elected as NDP MPs to the House of Commons;
 - (d) any members of the Party on the Federal Council of Canada's NDP, and
 - (e) the nominated candidates from the upcoming general election or by-election as non-voting members.
- 5(2) Provincial Council may:
- (a) act in the stead of the membership between conventions, but not in negation of any decisions made at a Convention held during the preceding twelve months. Any decisions that are made under the authority of this article must be introduced at the next Convention;
 - (b) issue policy statements;
 - (c) provide advice to the Leader in matters of party policy and organization;
 - (d) review and approve the Party platform for general elections.
- 5(3) Provincial Council shall meet no less than two (2) times per year, at the call of the President, with a minimum of two weeks notice, and with an agenda, minutes and other documents circulated electronically no less than one week in advance.
- 5(4) A majority of the members of Council may petition the Party to convene a meeting of Council. Such a meeting must then be held within thirty days.

ARTICLE SIX - LEADERSHIP CONVENTIONS

- 6(1) In the event of a vacancy in the office of Leader, the Provincial Executive shall set, within three months of such a vacancy occurring, a date for a Leadership Convention to be held no more than two years from the date of the vacancy arising.
- 6(2) No less than four months before a Leadership Convention is convened, the Provincial Executive shall:
- (a) appoint a Chief Electoral Officer;
 - (b) strike an Appeals Committee to act as the final adjudicator of any interpretation or enforcement of rules under this section;

- (c) select a location for the Leadership Convention;
 - (d) consistent with Article Three, publish rules governing the registration of new members of the Party;
 - (e) consistent with Article Three, publish rules governing the agenda of the Leadership Convention;
 - (f) consistent with Article Three, amend bylaws pertaining to the nomination of candidates for Leader, including but not limited to any deposits, and any criteria necessary for admission to the ballot;
 - (g) consistent with Article Three, publish rules for the conduct of voting for Leader including polling locations and ballot format.
- 6(3) Any member in good standing who is a citizen of Canada may, pursuant to rules established under Article 6.2, stand for election as Leader.
- 6(4) In any election for Leader, each Member who is in good standing thirty days before the date established for the election of a Leader may cast a ballot. The Executive shall have the responsibility of ensuring access to balloting for all members.
- 6(5) (a) On the day identified for the Election of a Leader, each Member of the Party shall cast a ballot, listing in order their preference among the candidates for Leader. Their first choice shall be identified with a "1", their second choice with a "2", their third choice with a "3", and so on until all candidates have been prioritized or the member chooses not to list any further preferences.
- (b) Once ballots are cast, the Chief Electoral officer or her delegate(s) shall tabulate the number of ballots on which a candidate appears as the first choice of the Member, and publish in a form to be prescribed the number of such votes received by each candidate.
- (c) If one candidate is identified as the first preference on a simple majority of ballots cast, that candidate shall be deemed elected as Leader. If no candidate obtains such a majority, the candidate with the lowest total number of first-preference marks shall be dropped, and the cast ballots giving preference to the now dropped candidate shall be examined, with those voters' second choices being added to the first-preference total for each remaining eligible candidate.
- (d) After each such re-tabulation as is described in 6(5)c), if no candidate has a simple majority of ballots cast, the remaining candidate with the lowest total number of votes shall be dropped and the re-tabulation performed again under the principles outlined above, until one candidate is the highest-preference candidate on a simple majority of ballots cast.

- 6(6) The Chief Electoral Officer shall be empowered to:
- (a) publish rules governing any matter not expressly covered in these bylaws;
 - (b) determine violations of the rules for Election and sanctions for the breach thereof;
 - (c) determine the final, authoritative version of the list of members;
 - (d) publish all notices due under these bylaws or the rules from time to time established.
- 6(7) All decisions of the Chief Electoral Officer made under Article 6.6 may be appealed to the Provincial Executive or the delegated Appeals Committee thereof within 48 hours of the decision being made.
- 6(8) If only one candidate is on the ballot to stand as Leader that person shall be acclaimed by the Chief Electoral Officer at the time nominations are closed.

ARTICLE SEVEN - LEADER

- 7 The leader of the Party shall:
- a) speak for the Party in public;
 - b) if elected lead the Party caucus in the Legislative Assembly;
 - c) in the absence of established party policy, establish interim policy subject to the approval of Council;
 - d) appoint and dismiss members of the Shadow Cabinet or Cabinet;
 - e) if a member of the Legislative Assembly, lead the party's legislative caucus and, if not a member of the Legislative Assembly, designate one NDP MLA to serve as the Leader's designate and lead the party's legislative caucus;
 - f) appoint up to two additional members of the Executive or Council;
 - g) approve the candidacy for nominations of all prospective candidates.

ARTICLE EIGHT - EXECUTIVE DIRECTOR

- 8(1) The Executive Director of the Party shall be responsible for:
- a) overseeing all day-to-day operations of the Party;
 - b) providing written reports to all meetings of the Executive and Provincial Council;
 - c) overseeing the day-to-day work of the office, including management of staff and volunteers;
 - d) acting as a signing officer for the Party at the discretion of the Executive, who may appoint an alternative signing officer;

- e) the organization of RDAs and their financial, political and structural health;
- f) the maintenance of a Standing Policy Manual and, in cooperation with the Leader, the management of policy engagement processes within the Party;
- g) the management of policies which govern contact with members of the Party between conventions.

8(2) The Executive Director shall serve at the pleasure of the Executive.

ARTICLE NINE - REGISTERED DISTRICT ASSOCIATIONS

9(1) There shall be established, in each electoral district under the *Elections Act* of New Brunswick, a Registered District Association (RDA).

9(2) The RDA shall be responsible for:

- a) promoting the aims of the Party between elections;
- b) recruiting and engaging members;
- c) raising money to elect an NDP candidate in the next election;
- d) identifying a candidate for the provincial election;
- e) nominating a candidate.

9(3) No later than June 30th of each year, the RDA shall hold an annual general meeting of its members, notice for same to be published on the Party website at least 30 days in advance.

9(4) At each annual general meeting of the membership of an RDA, the agenda must include:

- a) election of a President, Secretary and Treasurer of the RDA, and such additional offices as the meeting shall deem fit;
- b) receipt of a financial report by the Treasurer, and
- c) reports on activities by the RDA President and the Leader or the Leader's designate.

9(5) Every member in good standing shall be deemed to be a member of the RDA in which they are ordinarily resident under the definition contained in the *Elections Act* of New Brunswick, unless they apply to and are approved by the Executive Director and the Executive of the RDA to which the member wishes to transfer to transfer their membership to another RDA. Once transferred, a member must remain with their new RDA for at least twelve months.

9(6) An RDA executive may, by majority vote, apply to the executive for approval of a date and location for a Nomination Meeting to select a candidate for the next provincial general election or by-election.

- 9(7) Money raised by an RDA will be charged a 15% administrative fee that will remain with the Party; this excludes membership dues, 100% of which remain with the Party.

ARTICLE TEN - REGISTERED AFFILIATE WINGS

- 10(1) The Executive may, from time to time, approve an affiliate wing of the Party, which shall be a sub-group of members defined by common demographic trait or policy interest, who wish to assemble to engage in party decisions and promote party aims within that community.
- 10(2) The Executive may determine criteria and structures for such affiliate wings.

ARTICLE ELEVEN - DEFINITIONS & INTERPRETATION

- 11 Both English and French versions of the Constitution shall be authoritative.

ARTICLE TWELVE - AMENDMENT

- 12(1) Amendments may be made to this Constitution by two-thirds of members at a Convention.
- 12(2) The Provincial Council may, by three-quarters vote, adopt a temporary amendment to the Constitution, with the following conditions:
- (a) said temporary amendment shall remain in force or effect for no more than thirty days, and said period can only be renewed by three-quarters vote of Council one time between Conventions, and
 - (b) said temporary amendment, whether expired or not, shall be deemed to be on the agenda of the next Convention for ratification.
- 12(3) Any policy manual established under this Constitution may be amended by a simple majority of the body having such authority.
- 12(4) Questions of procedure not covered by this Constitution shall be decided using the latest edition of Roberts Rules of Order.