



2018 LEADERSHIP ELECTION RULES

Adopted by the PC Party of Ontario Executive
on January 31, 2018

STATEMENT OF AIMS AND PRINCIPLES

These Leadership Election Rules shall be interpreted according to the aims and principles set out below.

All members of the Party Executive, all members of the Leadership Election Organizing Committee and its sub-committees and every election official shall uphold these aims and principles.

- 1. The members of the Party Executive and its committees, the members of the Leadership Election Organizing Committee and its sub-committees and all election officials at all times shall act in the best interests of the Party and its members.*
- 2. An objective of the Leadership Election is to promote the unity, renewal and strength of the Party.*
- 3. The Executive and its committees and appointees shall work together to ensure a smooth transition to the new Leader once he or she is elected.*
- 4. The Leadership Election shall be fair and democratic. Decisions made during the process shall ensure the equal treatment of all candidates for Leader.*
- 5. The Leadership Election shall be a positive experience for candidates for Leader and Party members alike.*
- 6. Out of respect for every Party member's right to vote, the Leadership Election Organizing Committee shall strive to use a voters' list that is of the highest-quality and error-free.*
- 7. The Leadership Election shall be a volunteer-based operation and conducted in a fiscally responsible manner that at least breaks even.*
- 8. The members of the Party Executive and its committees, the members of the Leadership Election Organizing Committee and its sub-committees and all election officials at all times shall adhere to the Party Constitution and to any rules and regulations made under it.*
- 9. Everyone involved in administering the Leadership Election shall act with strict neutrality.*

1. LEADERSHIP ELECTION

1.1 These Rules take effect on January 26, 2018 (“**CALL DAY**”), the day that the Executive called a leadership election pursuant to paragraph 25.1 of the Party Constitution.

1.2 Dates

1.2.1 Thursday, March 8, 2018, (“**E-DAY**”) is the date on which voting shall conclude.

1.2.2 Friday February 16, 2018 (“**NOMINATION DATE**”) is the date by which Candidates’ nominations must be received. Nominations shall be received by 5:00 p.m. on this date.

1.2.3 Subject to Section 3.3.2(a) of these Rules, Friday February 16, 2018 (“**CUT-OFF**”) is the date of membership cut-off referred to in paragraph 25.4 of the Party Constitution. The cut-off shall occur at 11:59 p.m. on this date.

1.3 Despite section 1.1, paragraph 2.5.1 is effective Thursday, January 25, 2018.

1.4 If a calculated deadline or date would fall on a holiday as defined in the *Legislation Act, 2006* (Ontario) or on a significant date of religious observance then the Leadership Election Organizing Committee (“**LEOC**”) may re-issue the Rules and in its sole discretion substitute another deadline or date.

1.5 If in the opinion of the LEOC the determination of a reference date results in calculated deadline or date falling out of sequence or occurring too early or too late, then in re-issuing the Rules the LEOC may in its sole discretion substitute another deadline or date for the calculated deadline or date.

1.6 For greater certainty, the authority of the LEOC to amend calculated dates does not include the authority to amend CALL DAY, E-DAY, NOMINATION DATE or CUT-OFF.

1.7 The Rules issued or re-issued by the LEOC shall be the Rules that govern the leadership election.

2. ELECTION OFFICIALS

2.1 Leadership Election Organizing Committee

2.1.1 Subject to compliance with their obligations under these Rules, including Section 2.5, the LEOC shall be determined by the Party Executive and shall choose its own Chair, Vice-Chair, and Secretary. In the event of a vacancy in one of these positions, the LEOC shall itself fill such vacancy.

2.1.2 Subject to these Rules, the LEOC has overall responsibility for the leadership election.

2.1.3 Meetings of the LEOC shall be chaired by the Chair or a co-chair, and shall be conducted in accordance with the procedures set out in Schedule B.

2.2 Chief Election Officer

2.2.1 The duties of the Chief Election Officer (“**CEO**”) as defined are assigned by the LEOC.

2.2.2 All communications from the CEO will come through the Chair of the LEOC.

2.2.3 Subject to these Rules and the Party Constitution, the CEO shall have overall responsibility and authority for the actual voting process.

2.2.4 Subject to section 2.4, the CEO has exclusive authority to interpret, apply and enforce these Rules and the Guidelines.

2.3 Other Provincial Election Officials

2.3.1 The CEO may appoint one or more Deputy Chief Election Officers (“**Deputy CEOs**”) and such other provincial election officials as he or she deems necessary.

2.3.2 The CEO may assign duties and functions to the Deputy CEOs and may give them such titles as are appropriate. One of the Deputy CEOs may be given the title of Chief Returning Officer or Provincial Returning Officer.

2.3.3 The CEO may delegate to a Deputy CEO or an election official any of his or her authority under these Rules, including the authority to interpret and apply some or all of the Rules and Guidelines. Decisions of the CEO’s delegate are final and binding.

2.4 Rules and Appeals Board

2.4.1 The Executive shall select five members to serve as the Rules and Appeals Board (“**Board**”).

2.4.2 At least one member of the Board must be a lawyer authorized to practice law in Ontario.

2.4.3 The Board shall elect a Chair of the Board from among its members. The Board may elect one or more Deputy Chairs from among its members.

2.4.4 Despite paragraph 2.4.2, the CEO, Deputy CEO or an existing member of the LEOC shall not be appointed to the Board.

2.4.5 The Board has the ultimate authority to interpret and enforce these Rules and the Guidelines. Its decisions are final and binding on the Candidates, their agents and supporters, election officials, the Executive and all Members. Its decisions are not subject to appeal.

2.4.6 Despite paragraph 2.4.5, the Board in its sole discretion may issue a revised decision that clarifies or amends a decision previously made.

2.4.7 All applications, challenges, appeals, complaints or any issue must be decided by the Board under these Rules.

2.4.8 The Chair of the Board shall preside over the Board’s meetings, deliberations and hearings.

2.4.9 The exercise of discretion by the Chair of the Board is not subject to appeal.

2.4.10 The Chair of the Board may attend and participate in each meeting of the LEOC, but is not a member of the LEOC and shall have no vote thereon or other capacity to exercise any power of the CEO. The Chair’s participation in meetings of the LEOC shall not constitute grounds for any challenge or appeal.

2.4.11 The Chair of the Board may delegate any of his or her duties or powers to another member of the Board.

2.4.12 Challenges, Applications, and Appeals shall be conducted in accordance with the procedures set out in Schedule A.

2.5 Neutrality of Election Officials

2.5.1 The CEO, each Deputy CEO, the Chair of the Board, members of the LEOC, members of the Board, each employee of the Party, the PC Ontario Fund and the Office of the Leader, and any other Leadership Election officials designated by the LEOC shall since Thursday January 25, 2018 have been, and until after a Leader is elected remain, neutral in the leadership election, and shall swear an oath of neutrality in the prescribed form.

2.5.2 Every person assisting any of the above individual listed in 2.5.1 in any of their duties shall be strictly neutral in the performance of those duties.

2.5.3 The Board, acting as a full panel, shall have the power to relieve any individual listed in 2.5.1 of their powers and responsibilities under these Rules if found, following due process as set out herein, to have breached their neutrality obligations as set out herein.

3. VOTER ELIGIBILITY AND CENTRAL VOTERS' LIST

3.1 Central Voters' List

Pursuant to paragraph 25.5 of the Party Constitution, Members recorded on the Registry comprise the Central Voters' List.

3.2 Rules Governing the Registry

3.2.1 Except as amended or superseded by this section, the Rules Governing the Provincial Membership Registry ("**Registry Rules**") as amended September 9, 2017, apply during the Leadership Election.

3.2.2 Effective between January 26, 2018 and March 10, 2018 inclusive, the following sections of the Registry Rules are suspended:

- (a) section 2, Administration of the Registry;
- (b) paragraph 7.4, verification of qualification and eligibility;
- (c) section 9, Residence; and
- (d) section 10, Challenges.

3.2.3 Effective January 26, 2018 and until March 10, 2018, the CEO shall administer the Registry.

3.2.4 For purposes of the Leadership Election, residence shall be governed by these Rules.

3.2.5 Until March 10, 2018, challenges related to the Registry shall be handled as provided in these Rules.

3.2.6 In the event of a conflict between these Rules and the Registry Rules, these Rules prevail. In the event of a conflict between a Guideline and the Registry Rules, the Guideline prevails. In the event of a conflict between the Guidelines and these Rules, these Rules prevail.

3.3 Eligibility

3.3.1 All Members whose membership is in good standing as of the CUT-OFF are eligible to vote in the Leadership Election. A Member in good standing has, subject to Section 3.3.2:

- (a) renewed a membership that has lapsed in the preceding 12 months; or
- (b) submitted a membership application in the format provided in Section 3.3.2.

3.3.2 For clarity, but subject to the terms and conditions hereof and to the applicable provisions of the Registry Rules, a membership application may be submitted in either of the following ways:

- (a) to the attention of the CEO at Party headquarters or another location in accordance with Section 3.5.1 hereof, during normal business hours but in no event any later than 5:00 p.m. on Friday February 9, 2018; or
- (b) electronically through the Party's online membership registration system until 11:59 p.m. on Friday February 16, 2018.

3.3.3 The CEO shall use the Registry to establish a list of Members that meets the requirements of paragraph 3.3.1. This list constitutes the Central Voters' List.

3.3.4 For avoidance of doubt, the eligibility of a Member to vote in the Leadership Election is not affected by the Member's eligibility or ineligibility to participate in any business of a recognized association.

3.4 Membership Applications and Payments of Fees

3.4.1 The membership applications and fees for more than one individual may collectively be submitted to the Party headquarters as provided in section 3.5.

3.4.2 Payment for membership fees must be accompanied by a prescribed membership form signed or attested to by each applicant and a copy of the applicant's cheque, money order, or first and last four digits of the applicant's credit card number used to purchase such membership.

3.4.3 Each individual applicant for membership in the Party shall sign to confirm or otherwise indicate his or her constitutional eligibility, desire to apply for membership and support of the Party's aims, principles and objects.

3.4.4 Collective applications shall be submitted in the prescribed form.

3.4.5 This section applies until 11:59 p.m. on Friday February 16, 2018.

3.5 Supervision of Membership Applications

- 3.5.1 From 9:00 a.m. to 5:00 p.m. on Friday February 9, 2018, the CEO or a delegate thereof shall be present at Party headquarters or another location reasonably accessible to Members and applicants for membership and to representatives of Candidates who wish to witness the receipt of membership applications. If the location selected by the CEO is not Party headquarters, the CEO shall advise each Candidate of the location no later than 9:00 p.m. on Wednesday February 7, 2018.
- 3.5.2 A duly appointed Candidate's representative who wishes to witness the receipt of membership applications shall at all times permit the CEO and any applicable Party staff to go about their business on a reasonably unobstructed basis. Upon direction by the CEO, any Candidate representative(s) may be evicted from the premises for failure to abide by this 3.5.2.

3.6 Residence

- 3.6.1 Each Member's vote shall be counted as a vote in and for the Electoral District of the Member's residential address associated with their membership.
- 3.6.2 "**Residence**" shall be determined under the *Elections Act* (Ontario).
- 3.6.3 Despite paragraph 3.6.2, the residence of a student is presumed to be the place where he or she lives while attending school unless the student notifies the CEO that the residence is at another address. Notice to the CEO shall be in the prescribed form, shall specify the other address and include evidence satisfying the CEO that the student resides there or will reside there on a day during the Voting Period, and must be received by the CEO by Friday February 16, 2018.
- 3.6.4 The Central Voters' List shall state the Electoral District in which each Member is entitled to vote.
- 3.6.5 A Member whose residence changes between CALL DAY up to and including February 23, 2018, may apply to the CEO to amend the Central Voters' List by changing the Member's Electoral District. The application shall be made in the prescribed form and received by the CEO before Friday, February 16, 2018.
- 3.6.6 If the application is rejected or no application is received, then the Member shall vote in the Electoral District where the Member resided on CALL DAY.

3.7 Challenges Related to Membership

- 3.7.1 This section applies to the determination of membership in the Party and the eligibility of a Member to vote.
- 3.7.2 A Candidate may challenge the eligibility of any individual entered on the membership list on the grounds that any such individual is not a Member in good standing.
- 3.7.3 Any challenge pursuant to this section must be made in writing and received by the CEO no later than three days after the Member first appeared on a membership list provided to the Candidate making the challenge.

- 3.7.4 Any challenge pursuant to this section must specify the Member in reasonable detail, as well as the date on which the Member first appeared on the membership list and the basis of the challenge.
 - 3.7.5 The onus of proof where a challenge has been submitted is on the person who submitted the challenge.
 - 3.7.6 The CEO shall investigate the challenge, request further information as deemed necessary, and make a determination.
 - 3.7.7 Candidates may appeal the decision of the CEO to the Board as further specified in these Rules. Notwithstanding anything else contained in these Rules, the Board may request further information relating to the challenge from the Candidate that made the challenge, or from one or more other Candidates, provided that the Board is not obligated to receive representations from any Candidate with respect to any challenge.
 - 3.7.8 In the event that the CEO, in his or her sole discretion, determines that one or more challenges pursuant to this Section 3.7 has been made frivolously, then the LEOC shall be entitled to levy a fine against the compliance deposit of the challenging Candidate.
 - 3.7.9 The Board may, in its sole discretion, refuse to hear further eligibility challenges from a Candidate who has been determined to have made one or more frivolous challenges.
- 3.8 Candidates' Access to Central Voters' List
- 3.8.1 The CEO shall give to each Candidate, upon payment of the Voter List Integrity Security Access Fee outlined in paragraph 5.5.3 hereof:
 - (a) the active membership list of the Party at the time of the Candidate's payment of the Voter List Integrity Security Access Fee;
 - (b) periodic updates of names and addresses of new Members provided pursuant to this Article 3 as determined by the CEO;
 - (c) the Central Voters' List, when finalized by the CEO.

4. OBLIGATIONS OF RECOGNIZED ASSOCIATIONS

4.1 Modification of Article 8 During Leadership Election

Membership reports from recognized associations under Article 8 of the Party Constitution shall be deemed to have been received by the Secretary upon receipt at Party headquarters and shall immediately be forwarded to the CEO. If such reports are received prior to the date and time set out in Section 3.3.2, the applicable individuals shall be deemed to be Members for the purposes of Section 3.3.

5. CANDIDATES

5.1 Eligibility

No person shall be a Candidate unless he or she:

- (a) is a Member in good standing;
- (b) as of March 8, 2018, is eligible to stand for election to the Legislative Assembly;
- (c) supports the aims, principles and objects of the Party and the policy resolutions adopted at the Constitutionally-mandated 2017 policy process, and so confirms in the prescribed form; and
- (d) complies with the Party's existing riding nomination and selection process as established and amended (and as may be further amended from time to time) by the Party Executive and the Provincial Nominations Committee struck thereby, and is approved by the Provincial Nominations Committee as a candidate in the 2018 provincial general election, having regards to its approval process and past practice.

5.2 Requirements

5.2.1 Each Candidate must submit to the CEO so that they are received before 5:00 p.m., Friday February 16, 2018, in the prescribed forms:

- (a) the name of the Candidate;
- (b) legible nomination papers with the names, signatures, residential addresses and electoral districts of the nominator, the seconder and 100 Members of the Party not more than ten of whom reside in the same electoral district;
- (c) evidence of eligibility in compliance with section 5.1;
- (d) an indemnity in favour of the Party and PC Ontario Fund against any claims that may arise as a result of the candidacy or campaign of the Candidate and a guarantee that the Party and PC Ontario Fund shall not be responsible for debts and liabilities of the Candidate and campaign;
- (e) the agreement of the Candidate, campaign manager, chief financial officer and official agent that each of them and the campaign shall comply with the Party Constitution, these Rules, the Guidelines and all applicable laws, including without limitation legislation relating to privacy and electronic messages and so-called "spam";
- (f) the names, addresses, e-mail addresses, telephone numbers and facsimile transmission numbers of the Candidate's campaign manager, chief financial officer, official agent and auditor;
- (g) the address(es) of the Candidate's campaign office(s);
- (h) an agreement governing use of the Party logo and other Party identifiers;
- (i) a licensing agreement restricting use of membership lists and voters' lists to purposes of the Leadership Election and requiring destruction or return of such lists after the Leadership Election;

- (j) a commitment to pay the first installment of the Candidate registration fee and the first installment of the deposit no later than ten business days after the Candidate has registered with Ontario's Chief Election Officer or by 5:00 p.m. Friday, February 16 2018, whichever is earlier; and
- (k) such other forms as the CEO may reasonably require.

5.2.2 If any of this information changes, then the Candidate shall forthwith notify the CEO.

5.3 Election Finances Act

5.3.1 After a Candidate has satisfied the requirements of section 5.2, the CEO shall certify to Ontario's Chief Election Officer that the Candidate has met the constitutional requirements of the Party for eligibility to contest the leadership.

5.3.2 Each Candidate shall provide the CEO with his or her application for registration under section 14 of the *Election Finances Act* (Ontario).

5.4 Questions As To Eligibility and Requirements

5.4.1 If a question arises as to the eligibility of a person to be a Candidate under section 5.1 or as to whether a person has met the requirements of section 5.2, then the question shall be determined by the Board. The Board shall provide the affected person and other interested persons an opportunity to be heard. The Board's ruling is final and binding on the affected person and on all Members.

5.4.2 A question under this section may be raised upon application by the CEO, a Deputy CEO, a Candidate or any Member.

5.4.3 The application must be submitted in writing to the Chair of the Board and be accompanied by any evidence relevant to the question.

5.5 Registration Fee and Deposit

5.5.1 To help defray the costs of administering the leadership election, each Candidate shall pay a registration fee of \$75,000. The fee may be paid in two installments; the first installment of \$25,000 is due no later than five business days after the Candidate has registered with Ontario's Chief Election Officer or 5:00 p.m., Friday, February 16, 2018, whichever is earlier, and the second installment of \$50,000 is due no later than 5:00 p.m., Friday, February 16, 2018.

5.5.2 Each Candidate shall also provide a deposit of \$25,000 (the "**Compliance Deposit**"), refundable at the conclusion of the leadership contest period subject to the Candidate's and campaign's compliance with these Rules, the Guidelines, the Party Constitution and applicable laws. The deposit may be made in two equal installments, the first installment is due no later than five business days after the Candidate has registered with Ontario's Chief Election Officer or 5:00 p.m., Friday, February 16, 2018, whichever is earlier, and the second due 5:00 p.m., Friday, February 16, 2018.

5.5.3 Following registration as a Candidate and payment of all fees as provided in paragraphs 5.5.1 and 5.5.2, access to the personal information of Members as outlined in section 3.7, and in the form and including the content prescribed by the CEO, will be provided to each

Candidate upon payment of a Voter List Integrity Security Access Fee of \$25,000. For avoidance of doubt, any misuse by a candidate of membership information provided to Candidates may result in forfeiture of any or all of the Compliance Deposit.

5.5.4 Installments of the registration fee and deposit shall be paid by certified cheque made out to the PC Ontario Fund or by a means of payment prescribed by the CEO as acceptable.

5.6 Election Finances Act (Ontario) Compliance

Candidates must at all times comply with rules and restrictions relating to election financing, fundraising and contributions under the *Election Finances Act (Ontario)* and rules and guidance issued by Elections Ontario from time to time.

5.7 Reporting of Contributions

5.7.1 Paragraph 25.11 of the Party Constitution requires that contributions to leadership contestants be reported to the PC Ontario Fund on a timely basis. “**Timely basis**” means weekly, with reports due by 5:00 p.m. of the 3rd business day after the end of the subject week.

5.7.2 Weekly reporting shall continue until the conclusion of the leadership contest period, provided that after E-DAY reporting shall be monthly, with reports due by 5:00 p.m. of the 15th calendar day after the end of the subject month.

5.7.3 Each report shall be in the prescribed form and, in addition to contributions, shall include the name and address of each donor whose contribution exceeds \$25.

5.7.4 All contributions to a Candidate and campaign must be reported in accordance with the rules and guidelines of Elections Ontario as may be amended from time to time, including in respect of those that are not “contributions” under paragraph 5.8.2.

5.8 Sharing of Contributions to Leadership Campaigns

5.8.1 A payment made to the PC Ontario Fund in an acceptable format in the amount of 20 per cent of contributions received during the reporting period, shall accompany each weekly report.

5.8.2 In this section, “**contribution**” includes,

- (a) a contribution under the *Election Finances Act (Ontario)*, including without limitation section 22 and section 23 of that Act;
- (b) the first \$25,000 raised by a Candidate during the campaign; and
- (c) funds borrowed by or money advanced to a Candidate.

5.8.3 Despite paragraph 5.8.2, contributions received to the extent they are used to repay a debt or obligation referred to in clause 5.8.2(b) are deemed not to be contributions.

5.9 Reporting of Expenses

By 5:00 p.m. April 6, 2018, each Candidate shall submit to the PC Ontario Fund in the prescribed form a report of campaign expenses incurred by the Candidate.

5.10 Limit on Expenses

5.10.1 The total campaign expenses incurred by a Candidate shall not exceed \$750,000.

5.10.2 “**Campaign expense**” means any expense incurred for goods or services in relation to the Leadership Election by or on behalf of a Candidate for use in whole or in part during the period commencing CALL DAY, and terminating on Monday, March 19, 2018, and includes the value of,

- (a) any goods held in inventory,
- (b) any fees or expenses for services for a Candidate, and
- (c) any contribution of goods and services to the Candidate.

5.10.3 For avoidance of doubt, the transfer of any contributions to the PC Ontario Fund, including without limitation, fees paid or deposits made under paragraphs 5.5.1, 5.5.2 and 5.5.3 or transfers made under paragraph 5.8.1, is not a campaign expense.

5.11 Withdrawal of Candidates

5.11.1 A Candidate may withdraw at any time by notifying the CEO in writing.

5.11.2 If a Candidate withdraws by 5:00 p.m., Friday February 23, 2018, then the CEO shall forthwith distribute notice of the withdrawal to Candidates and to the membership of the Party and shall at minimum post notice of withdrawal on the main website of the Party and any election microsite(s) of the Party.

5.11.3 If a Candidate withdraws after 5:00 p.m., Friday February 23, 2018, then if practical the CEO will distribute notice of the withdrawal the membership of the Party and shall at minimum post notice of withdrawal on the main website of the Party and any election microsite(s) of the Party.

5.11.4 A notice under paragraph 5.10.2 or 5.10.3 shall clearly list the names of the candidates who have not withdrawn, state the name of the Candidate who has withdrawn and indicate that the withdrawal was voluntary.

5.11.5 If a Candidate withdraws by 5:00 p.m., Friday February 23, 2018, then ballot counting and calculations under Part 8 shall proceed as if the Candidate has been dropped from the counting.

5.11.6 If a Candidate withdraws after 5:00 p.m., Friday February 23, 2018, then ballot counting and calculations under Part 8 shall proceed as if the Candidate has not withdrawn.

6. CANDIDATE DEBATE(S)

6.1 The LEOC shall arrange one or more debates among the Candidates.

6.2 After consulting with the Candidates, the LEOC shall make all decisions about the debate(s), including rules, location(s), timing, format, set-up, admission policy, cost and communication.

6.3 Each Candidate shall participate in each debate arranged by the LEOC.

7. ELECTION EVENTS

- 7.1 The LEOC shall organize a leadership event which shall end Saturday, March 10, 2018, where election officials shall announce the results of voting and the election of the Leader.
- 7.2 The time, location and agenda of the events shall be determined by the LEOC.
- 7.3 The LEOC shall establish the registration process and set fees for attendance at the events.
- 7.4 Subject to section 7.4, the events shall be open to all Members.
- 7.5 Each Candidate shall be present at the event and participate in all prescribed Candidates' activities.

8. VOTING PROCESS

8.1 Timing of Ballots

Members shall cast ballots through a method of secure remote electronic voting. The precise form and manner of the balloting shall be prescribed by the LEOC.

8.2 Voting

8.2.1 Voting shall commence Friday, March 2, 2018 and shall conclude at 9:00 p.m. on Thursday, March 8, 2018 (the "**Voting Period**").

8.2.2 Only Members whose names appear on the final Central Voters' List as under 3.8.1(c) shall be permitted to vote.

8.3 Assisted Voting

All eligible voters are entitled to request assistance in casting their ballots. The CEO shall make rules governing requests for and the provision of assistance in voting.

8.4 Form of Ballot

8.4.1 Each voter shall be given the opportunity to vote one time by using numbers to rank Candidates in order of the voter's preference.

8.4.2 Candidates shall appear on the ballot alphabetically by surname and, if two or more surnames are identical, alphabetically by first and then by middle names.

8.4.3 Provided that the voter's intention is clear, a ballot is not invalidated merely because it fails to comply with this section.

8.4.4 A voter shall not be required to rank more than one Candidate.

8.5 Scrutineers

8.5.1 Subject to this section, Candidates may appoint scrutineers to monitor the Leadership Election.

8.5.2 Each scrutineer must possess a Scrutineer Appointment in the prescribed form and authorized on behalf of a Candidate.

8.5.3 In consultation with the CEO, the LEOC will determine a prescribed role for all Candidate scrutineers at such time as the CEO has determined the location, time, and manner of the counting of all ballots cast in the Leadership Election.

8.5.4 A scrutineer shall not take any action that may potentially compromise the secrecy of any Member's vote.

8.6 Counting the Ballots

8.6.1 The procedure for the counting of the ballots shall be conducted in accordance with Guidelines issued by the LEOC.

8.7 Calculation and Communication of Results

8.7.1 Based on the count from each Electoral District the CEO will calculate the number of Electoral Votes for each Candidate.

8.7.2 Spoiled and unmarked ballots shall be excluded from the calculations in this section.

8.7.3 A ballot which fails to rank any Candidate who has not already been dropped shall be excluded from the calculations in this section.

8.7.4 If 100 or fewer ballots in an Electoral District are included in the calculations, then each Candidate shall receive Electoral Votes equal to the number of votes cast for the Candidate.

8.7.5 If more than 100 ballots in an Electoral District are included in the calculations, then each Candidate shall receive Electoral Votes equal to the Candidate's percentage of votes in the Electoral District, calculated to three decimal places, and this figure is the official result. Solely for purposes of communication and electronic display, the LEOC may choose to round the official results to whole numbers.

8.7.6 For ease of understanding and communication to Members, the media and the public, the LEOC may choose to refer to "Electoral Votes" as the percentage of votes received by Candidates in a given Electoral District.

8.7.7 The CEO's calculations under this section are final, binding and not subject to recount, challenge or appeal.

8.7.8 The scrutineering of the ballot count and the calculation of results shall be in accordance with Guidelines issued by the LEOC.

8.8 Accounting Firm

The LEOC shall appoint an independent accounting firm to oversee and confirm the accuracy of the tabulation and calculation of results.

8.9 Counts and Election of Leader

8.9.1 Under paragraph 26.8 of the Party Constitution, the Candidate placing last, and any Candidate with fewer than 10 per cent of the Electoral Votes, shall be dropped from the ballot and not proceed to the next round of counting.

8.9.2 Under paragraph 26.7 of the Party Constitution, the Candidate who receives more than one-half of the Electoral Votes is elected as Leader of the Party.

8.9.3 Successive rounds of counting shall continue until a Leader is elected.

8.10 Tie for Last Place

8.10.1 If the official results show two or more Candidates tied for last place, each with more than 10 per cent of the Electoral Votes, then the CEO shall re-tabulate the results to 6 decimal places.

8.10.2 If the re-tabulated results still show the Candidates tied for last place, then the tie shall be broken by counting the total number of votes cast for each of them across the province. The Candidate who received the fewest votes shall be dropped from the next count.

8.10.3 If the Candidates received the same total number of votes across the province, then the CEO shall break the tie between two Candidates by coin toss and among three or more Candidates by drawing names from a suitable container. The Candidate who loses the toss or whose name is drawn from the container shall be dropped from the next count.

8.11 Two Candidates Tied With One-Half the Electoral Votes

8.11.1 The official results show the remaining two Candidates tied with exactly one-half of the Electoral Votes, then the CEO shall re-tabulate the results to 6 decimal places.

8.11.2 If the re-tabulated results still show the Candidates tied with one-half of the Electoral Votes, then the tie shall be broken by counting the total number of votes cast for each of them across the province. The Candidate who received the most votes shall be declared the Leader.

8.11.3 If the Candidates received the same total number of votes across the province, then the CEO shall break the tie by coin toss. The Candidate who wins the toss shall be declared the Leader.

8.12 Questions Arising during Balloting

8.12.1 Any question or issue arising between the commencement of balloting and the announcement of the balloting results related to the interpretation, application or enforcement of the Party Constitution, the Rules or the Guidelines, including any issue under Part 9, shall be promptly determined by the Chair of the Board who for this purpose shall possess all the powers of the Board.

8.12.2 In determining the question or issue, the Chair of the Board may adopt such summary process as he or she considers expedient and just. The procedures in Part 10 do not apply to a determination during such period.

8.12.3 The Chair's determination is final, binding on the Candidates, election officials and all Members, and not subject to appeal.

8.12.4 This section applies despite sections 9.2, 9.3, 9.4, 9.5 and 9.8.

9. NON-COMPLIANCE

- 9.1 Upon application by any Member, or at the request of the CEO or a Deputy CEO, the Board may inquire into whether a Candidate, campaign, official or Member has contravened these Rules, the Guidelines, the Party Constitution or any applicable law.
- 9.2 An application under section 9.1 shall be in writing, state the grounds for the application and be accompanied by any evidence in support of the application.
- 9.3 A request under section 9.1 shall be in writing, set out the circumstances giving rise to the request and be accompanied by any relevant information or documentation.
- 9.4 The Board shall notify the Candidate or other party who is the subject of the inquiry of its inquiry and provide the Candidate or such other party, and other interested persons an opportunity to be heard.
- 9.5 Where the inquiry is commenced by application, the onus of proving a contravention lies on the applicant.
- 9.6 If the Board determines that a Candidate or campaign has contravened these Rules, the Guidelines, the Party Constitution or any applicable law, breached any agreement made under these Rules or the Guidelines, made a false statement or failed to comply with a direction by the Board, then it may do one or more of the following:
- (a) direct the Candidate to take specified actions to achieve compliance and to remedy any consequences of the contravention, with which direction the Candidate and campaign shall immediately comply;
 - (b) direct the LEOC to withhold all or part of the Candidate's deposit;
 - (c) direct the Candidate to replenish the deposit or part of deposit withheld under clause (b), with which direction the Candidate and campaign shall immediately comply;
 - (d) issue a warning;
 - (e) make public the Board's determination and ruling; and
 - (f) disqualify the Candidate and instruct the CEO to remove the candidate's name from the ballot and advise Ontario's Chief Election Officer accordingly.
- 9.7 The Board's ruling is final and binding on the Candidate and campaign or the official and on all Members.
- 9.8 An application or request under this Part may not be assigned to a panel consisting of fewer than three members of the Board.
- 9.9 Sections 9.4 and 9.5 apply to applications or questions involving officials and members, with necessary modifications.
- 9.10 If the Board determines that an official has contravened these Rules, the Guidelines, the Party Constitution or any applicable law, breached an agreement made or oath taken under these Rules or the Guidelines, or failed to comply with a direction by the Board, then despite any other

provision of these Rules it may do anything that it considers necessary to protect the integrity and fairness of the leadership election, including but not limited to one or more of the following:

- (a) direct the official to take specified actions to achieve compliance and to remedy any consequences of the contravention, with which direction the official must immediately comply;
- (b) require the official to reimburse the PC Ontario Fund for any costs incurred as a result of the contravention or breach;
- (c) prohibit the official from participating in any or all portions of the event organized under Part 7 or of a debate or of any other activity under these Rules or the Guidelines;
- (d) issue a warning;
- (e) remove the official from any or all responsibilities or duties connected with the leadership election and appoint a replacement;
- (f) prohibit the individual from acting on behalf of a Candidate under these Rules or the Guidelines even after he or she has ceased to be an official;
- (g) overturn a decision of the official and substitute a new decision in its place; and
- (h) make public the Board's determination and ruling.

9.11 If the Board determines that a Member has contravened these Rules, the Guidelines, the Party Constitution or any applicable law, breached an agreement made or oath taken under these Rules or the Guidelines, made a false statement or failed to comply with a direction by the Board, then despite any other provision of these Rules it may do one or more of the following:

- (a) direct the Member to take specified actions to achieve compliance and to remedy any consequences of the contravention, with which direction the official must immediately comply;
- (b) require the Member to reimburse the PC Ontario Fund for any costs incurred as a result of the contravention or breach;
- (c) prohibit the Member from participating in any or all portions of the event organized under Part 7 or of a debate or of any other activity under these Rules or the Guidelines;
- (d) issue a warning;
- (e) prohibit the Member from acting on behalf of a Candidate under these Rules or the Guidelines;
- (f) determine that the Member is no longer in good standing; and
- (g) make public the Board's determination and ruling.

9.12 In this Part, "**official**" means an individual mentioned in paragraph 2.5.1 or 2.5.2 and includes a former official.

10. PROCEEDINGS BEFORE THE BOARD

- 10.1 This Part applies to proceedings under sections 5.4 and 9.1.
- 10.2 Proceedings shall be open only to the applicant, if any, the respondent, and any other persons determined by the Board to be “interested persons.” The Board in its sole discretion may permit observers.
- 10.3 Despite section 10.2, each Candidate who is not a respondent will be notified of and permitted to observe a proceeding under section 10.2.
- 10.4 Persons appearing in a proceeding may be represented by counsel or, at the discretion of the Board, by agent.
- 10.5 In a proceeding under section 5.4, the respondent shall be given a copy of the application and if the respondent files material in response then a copy shall be given to the applicant. An oral hearing shall follow this order:
- (a) evidence led by the applicant;
 - (b) evidence led by the respondent;
 - (c) any reply evidence permitted by the Board;
 - (d) argument by the applicant;
 - (e) argument by the respondent; and
 - (f) reply argument by the applicant.
- 10.6 In a proceeding, the Board shall determine whether persons other than the applicant and respondent are “interested persons.” Interested persons shall be allowed to present argument and, at the Board’s discretion, may be permitted to lead evidence. The order in which an interested person presents argument or leads evidence shall be determined by the Board.
- 10.7 Despite sections 10.2 and 10.6, the CEO or a Deputy CEO has the right to appear and to make oral or written representations in any proceeding under this Part. The CEO or Deputy CEO may participate in person or by counsel or agent.
- 10.8 The applicant, respondent and interested persons shall have access to representations made under section 10.7.
- 10.9 At a hearing, the Board has the power to make such orders or to give such directions as it considers proper to maintain order at the hearing and to prevent abuse of its processes. Among other powers, it may:
- (a) set deadlines for the receipt of evidence and submissions;
 - (b) place time limits on oral argument;
 - (c) require the disclosure of particulars;
 - (d) ask questions of parties and witnesses;

- (e) admit as evidence and act on any relevant oral testimony, document or thing, whether or not admissible as evidence in a court of law in the Province of Ontario;
- (f) restrict or exclude argument or evidence that is redundant, repetitive or irrelevant;
- (g) limit further cross-examination of a witness where it is satisfied that the cross-examination of a witness has been sufficient to disclose fully and fairly the facts in relation to which the witness has given evidence; and
- (h) exclude from the hearing any individual who fails to comply with an order or direction of the Board.

10.10 In this Part,

- (a) “**applicant**” means the person who has made the application, submitted the question, or made the request, and includes the CEO or a Deputy CEO who has made an application, submitted a question or made a request; and
- (b) “**respondent**” means the affected person under section 5.4 or the Candidate who is the subject of an inquiry under section 10.1.

11. GENERAL

- 11.1 The CEO has the authority to prescribe ballots, forms and the manner of submitting information, for any purpose required by these Rules.
- 11.2 The CEO has the authority to prescribe forms for and the manner of submitting applications for membership.
- 11.3 The Schedules form part of these Rules. From time to time the Chair of the Board may amend Schedule A. From time to time the LEOC may amend Schedule B. The Schedules as amended shall form part of these Rules and shall replace the prior Schedules adopted by the Executive.
- 11.4 The LEOC has the authority to issue Guidelines:
 - (a) defining or interpreting any word, term or phrase in these Rules;
 - (b) establishing deadlines for taking any steps under these Rules, except deadlines related to challenges, appeals, applications, questions and other issues that are to be determined by the Board;
 - (c) establishing rules for debates;
 - (d) establishing processes for Candidate registration, voter registration, voter identification, financial disclosure, spending limits, Candidate reporting and voting;
 - (e) prescribing acceptable methods of payment;
 - (f) governing collective applications for membership and prescribing forms and limits above which collective applications must be submitted in electronic form;

- (g) governing applications made or submitted in electronic form, including electronic signatures, and prescribing forms and deadlines for submitting documentary confirmation of and fees for such applications;
- (h) prescribing administrative fees for the submission of lists by recognized associations, administrative fees for submitting collective applications and other administrative and handling fees intended to recover costs of the Leadership Election;
- (i) governing the conduct of Candidates, campaign managers, campaign chief financial officers, official agents, campaign workers and scrutineers;
- (j) requiring that Candidates submit additional financial information to the PC Ontario Fund or the CEO and requiring that Candidates make financial records available for inspection;
- (k) regulating voting and the tabulation and calculation of results, including rounding to three and six decimal places;
- (l) governing scrutineering;
- (m) for the organization, agenda and conduct of the election event, including registration and fees;
- (n) permitting or requiring Candidates to obtain licenses, materials or services from the LEOC and establishing prices for the same;
- (o) delegating any of the LEOC's authority to the CEO or a Deputy CEO; and
- (p) governing any matter that the LEOC deems necessary to the fair, orderly and successful administration of the leadership election.

11.5 The Chair of the Board has the authority to issue Guidelines governing the process and rules for challenges, appeals, applications, questions and other issues that are to be determined by the Board, including Guidelines that set deadlines for taking steps and prescribe forms.

11.6 Guidelines issued under sections 11.4 and 11.5 have the same force and effect as these Rules.

11.7 Communication to or consultation with a Candidate's campaign manager, campaign chief financial officer or official agent shall be deemed to be communication to or consultation with the Candidate.

11.8 These Rules are made by the Party Executive pursuant to paragraphs 8.9, 9.9, 12.2 and 25.7 of the Party Constitution.

12. INTERPRETATION

12.1 The definitions in Article 1 of the Party Constitution apply to these Rules, unless different definitions are used in these Rules.

12.2 "**Board**" means the Rules and Appeals Board.

12.3 "**Candidate**" means a candidate for Party leadership.

- 12.4 “**Election Day**” refers to balloting beginning Monday, March 5, 2018 and concluding Thursday, March 8, 2018.
- 12.5 “**Electoral District**” has the same meaning as in the *Representation Act, 2005* (Ontario).
- 12.6 “**Guidelines**” means those made pursuant to Sections 11.4 and 11.5 of these Rules.
- 12.7 “**Leadership contest period**” has the same meaning as in the *Election Finances Act* (Ontario).
- 12.8 “**Member**” means a member of the Party.
- 12.9 “**Member in good standing**” as of a date means a Member who as of the date has paid the membership fee set under paragraph 7.3 or paragraph 8.8 of the Party Constitution.
- 12.10 “**Rules**” means this document, including the Schedules as amended from time to time.
- 12.11 “**Student**” means a person who:
- (a) attends a recognized post-secondary or other educational institution in Ontario on a full-time basis; or
 - (b) is participating in an accredited apprenticeship, co-operative, or other program for the purpose of completing the requirements of his or her course of studies.
- 12.12 “**Voting Period**” has the meaning given to such term in Section 8.2 of these Rules.
- 12.13 All references to dates and times mean Eastern Time, it being intended that all start times and deadlines occur simultaneously across the province.
- 12.14 The power to appoint includes the power to revoke an appointment or to fill a vacancy.

**SCHEDULE A:
CHALLENGES, APPLICATIONS AND APPEALS**

1. An appeal to the Board for review of a ruling must be received by the Chair of the Board within 24 hours of issuance of the subject ruling.
2. Documentary evidence supporting the challenge, application or appeal must accompany the appeal.

Applications, etc., to the Rules and Appeals Board

3. An application, challenge, appeal, request or complaint to the Board shall be made legibly in writing and state the following information:
 - (a) The name, address, telephone number, and e-mail address of the Member by whom or on whose behalf it is made. (If made on behalf of a Candidate, then the address, telephone number, and e-mail address may be that of a campaign office.)
 - (b) The name, address, telephone number, and e-mail address of counsel or agent, if any, for the applicant.
 - (c) The name(s) and address(es) of any respondent(s), and proof that a copy of it has already been served on each respondent.
 - (d) The relevant provision(s) of the Party Constitution, Rules and/or Guidelines under which it is made.
 - (e) The ground(s).
 - (f) The evidence to support it. Unless impractical, a copy of the evidence shall accompany it and shall have been served on each respondent.
 - (g) The remedy requested and any other order that the Board is being asked to make.
4. A respondent who intends to respond to the application, challenge, appeal or complaint to the Board shall forthwith submit a response after serving it on each other party. The response shall be submitted according to paragraph 12 of this Schedule and shall state the following information:
 - (a) The name, address, telephone number, and e-mail address of the respondent. (If the respondent is a Candidate, then the address, telephone number, and e-mail address may be that of a campaign office.)
 - (b) The name, address, telephone number, and e-mail address of counsel or agent, if any, for the respondent.
 - (c) Proof that a copy of the response has already been served on each party.
 - (d) Any provision(s) of the Party Constitution, Rules and/or Guidelines on which the respondent relies.
 - (e) The position that the respondent takes in response, and the ground(s) for that position.

- (f) The evidence to support it. Unless impractical, a copy of the evidence shall accompany it and shall have been served on each other party.
 - (g) The respondent's position concerning the remedy or order requested in the application, challenge, appeal or complaint.
 - (h) Any order that the respondent is asking the Board to make.
5. Any correspondence related to an application, challenge, appeal or complaint to the Board shall be submitted according to paragraph 12 of this Schedule and a copy shall be delivered simultaneously to each other party.
 6. Despite paragraph 5 of this Schedule, if the matter has been assigned to a panel of the Board then correspondence concerning the matter may be submitted directly to each member of the panel.
 7. The Chair of the Board may appoint a member of the Board to mediate a settlement of the issues in any proceeding before the Board. A settlement agreement requires the approval of the Board. The member appointed to mediate shall not, without the consent of the parties, be part of a panel assigned to hear the matter.
 8. If an inquiry under section 9.1 of the Rules relates to a campaign, official or Member, then the campaign, official or Member is entitled to the same rights of notice and an opportunity to be heard as a Candidate under section 9.4 of the Rules.
 9. The procedure in Part 10 of the Rules also applies to an application or request under section 9.1 of the Rules that relates to a campaign, official or Member. In that case, for purposes of Part 10 of the Rules, "**respondent**" means the campaign, official or Member who is the subject of the inquiry.

Service and Submission

10. Any document may be served on another party by personal service or an alternative to personal service under the Rules of Civil Procedure, by registered mail or by courier service that provides signed proof of receipt.
11. Unless the Board permits otherwise, the following documents shall be served on an individual only by a method listed in paragraph 10:
 - (a) a challenge or an appeal that would, if successful, remove the individual's right to vote in the leadership election;
 - (b) a challenge or appeal, or notice of a request, that would, if successful, change the Electoral District in which the individual votes; and,
 - (c) an application, challenge, appeal, request or complaint that raises an issue of whether the individual has contravened a provision of the Rules, the Guidelines, the Party Constitution or any applicable law, unless the individual is among the classes of persons listed in column A of the table in paragraph 15 of this Schedule.

12. An application, challenge, appeal or complaint to the Board shall be submitted to the Chair by, e-mail, or by regular mail, registered mail, or personal delivery. If delivered by regular mail, registered mail, or personal delivery, the Chair's name must appear on the outer envelope.
13. A response may be served by e-mail, registered mail, regular mail or courier using the contact information provided in the application, challenge, request, appeal or complaint.
14. If an application, challenge, request, appeal or complaint was submitted by counsel or an agent, then the response shall be served on counsel or the agent alone.
15. An application, challenge, request, appeal or complaint may be served by e-mail, registered mail, regular mail or courier on a respondent listed in column A of the following table by serving each person listed in the corresponding entry in column B.

RESPONDENTS WHO MAY BE SERVED BY E-MAIL, REGISTERED MAIL, REGULAR MAIL OR COURIER	
(A) Respondent	(B) Serve Each of the Following Persons
Candidate or campaign	Campaign Manager Official Agent
election official	the individual election official Chief Election Officer Chair of the LEOC
employee of the Party, of the Caucus, of the Leader or of the PC Ontario Fund	the individual employee Chief Election Officer Chair of the LEOC
committee or group of election officials	chair or co-chairs of the committee or group (if known) Chief Election Officer Chair of the LEOC
official or employee of a Candidate or campaign	the individual Campaign Manager Official Agent

16. An application, challenge, request, appeal, complaint or response that is served by e-mail shall be accompanied by copies of all the evidence on which the applicant or the respondent, as the case may be, relies.
17. Regardless of the method of submission or when it leaves the sender, a challenge, application, request, appeal, complaint or response is not received until it arrives at the address of the Chair of the Board.
18. Proof that a document has been served by e-mail shall be provided by including the Board on the distribution list at the same time as the e-mail is sent to the other party/parties, in a manner that allows the Board to view all the e-mail addresses to which the document is sent.
19. A Delivery Confirmation Certificate from Canada Post is proof of service by Registered Mail.
20. A party's signature is proof of service on the party by courier.

21. While permitted by this Schedule, service or submission by regular mail is not recommended and a party uses regular mail at his, her or its own risk.
22. A party providing e-mail contact information is deemed to agree that e-mail notice is acceptable.

Relevant Information and/or Records

23. In a proceeding, the Board may direct a party to the proceeding, Candidate, campaign, election official, Recognized Association, Member or other entity within the Party, including the Party itself, to provide information and/or records that the Board in its sole discretion considers relevant to the proceeding.
24. A party, Candidate, campaign, election official, Recognized Association, Member and other entity within the Party and the Party itself shall comply with a direction issued under paragraph 23 of this Schedule.
25. The Board will share with the parties information and records provided in compliance with the direction.
26. Except with the approval of the Board, no party, Candidate, campaign, election official, Recognized Association, Member or other entity within the Party or the Party itself shall disclose or use outside the proceeding any information or records provided under paragraph 27 of this Schedule or shared under paragraph 25 of this Schedule.
27. The Board may attach further conditions to the use and disclosure of the information and records and each party, Candidate, campaign, election official, Recognized Association, Member and other entity within the Party and the Party itself shall comply.

Proceedings under Section 9.14

28. This Schedule, except paragraphs 23 through 27 of this Schedule, does not apply to a proceeding under Section 8.13 (Questions Arising during Balloting) of the Rules.

**SCHEDULE B:
RULES OF PROCEDURE GOVERNING
MEETINGS AND DECISIONS OF THE
LEOC**

1. These Rules of Procedure apply to the LEOC meetings and meetings of the LEOC.
2. Quorum for all meetings of the LEOC shall be one-half of the LEOC.
3. Motions are passed by simple majority.
4. The latest version of Robert's Rules of Order shall govern the LEOC meetings.