



CONSTITUTION
of the
Nova Scotia
New Democratic Party

Approved at 1996 Provincial Convention
Amended 1999, 2000, 2001, 2004, 2006, 2007, 2010 Conventions.
Printed June 2010

INDEX TO THE CONSTITUTION

	Page
Preamble	
Part I - Name [s. 1]	1
Part II - Principles and Interpretation [s. 2, 3]	1
Part III - Membership [s. 4]	1
Individual [s. 5] 1	
Affiliate [s. 6]	2
Rejection/Discipline [s. 7]	
Part IV - Fees [s. 8, 9]	2
Part V - Constituency Associations	2
Name [s. 10]	
Purposes [s. 11]	
Membership [s. 12]	2
Voting rights [s. 13]	2
By-laws [s. 14]	
General meetings [s. 15]	2
Constituency executive [s. 16]	3
Part VI - Provincial Convention	3
Definition [s. 17(1)]	3
Delegates [s. 17 (2), (3)]	3
Quorum [s. 17 (4)]	3
Types and Procedure [s. 18]	3
Regular Conventions (Notice; Resolutions; Procedure) [s. 19]	3
Special Conventions (Notice; Resolutions; Procedure) [s. 20]	4
Annual General Meetings [s. 21]	4
Resolutions Committee (Appointment; powers) [s. 21]	4
Part VII - Provincial Officers	4
Officer positions [s. 23 (1)]	5
Election of Leader [s.23 (2) (4)]	5
Election/appointment of officers [s. 22(3)(6)]	5
Quorum [s. 23 (7)]	5
Personnel Committee [23 (8)]	5
Vacancies [s. 23 (9)]	5
Powers and Responsibilities [s. 24]	5
Leader (1)	5
President (2)	5
Vice-President (3)	5
Treasurer (4)	5
Secretary (5)	6
Part VIII - Provincial Caucus [s. 25]	6
Part IX - Provincial Executive [s. 26]	6

Members (1)	6
Meetings and quorum (2)	6
Powers (3)	6
Vacancies (4)	6
Part X - Provincial Council [s. 27]	
Members [s. 27(1)]	6
Quorum [s. 27(2)]	6
Duties [s. 27(3)]	6
Meetings [s. 27(4)]	6
Vacancies [s. 27(5)]	7
Nominating Committee [s. 27(6)]	7
Nominations for Executive [s. 27(7)]	7
Standing committees [s. 27(1)]	7
Committee membership/powers [s. 27(2), (3)]	7
Part XI - Nominating Meetings [s. 29]	8
Purpose (1)	8
Call of Convention (2)	8
Eligibility to Vote (3)	8
Notice (4)	8
Nominees' status (5)	8
Candidate approval (6)	8
Part XII - Area Councils [s. 30]	8
Part XIII- Young New Democrats [s. 31]	8
Definition of Youth wing (1)	
Membership (1(b))	
Executive (3)	
Council (5)	
Affiliates	
Part XIV - Publication and Amendment of Constitution [s. 32]	9
Appendix A - Rules for Convention Procedure	10
Appendix B - Discipline and Appeals	12

*Note: Numbers in [] are sections, numbers in () are subsections.

THE CONSTITUTION OF THE NOVA SCOTIA NEW DEMOCRATIC PARTY

PREAMBLE

The New Democratic Party believes that the social, economic and political progress of Nova Scotia can be assured only by the application of social democratic and egalitarian principles to the governance and administration of public affairs.

The **Principles** of Social Democracy can be briefly described as:

- (1) That the production and distribution of goods and services shall be directed to meeting the social and individual needs of people within a framework that sustains the environment while maximizing the economy now and in the future;
- (2) That the dignity and freedom of the individual is a basic right that must be maintained and extended to all persons regardless of race, ethnic background, religion, gender or sexual orientation;
- (3) That the abolition of poverty and the elimination of exploitation are achievable goals and must be the priority of any thinking and compassionate government; and
- (4) That the people have a right to a meaningful voice in public policy through consultation and participation in all levels of public decision-making.

Part I - Name

1. The name of this political party shall be the Nova Scotia New Democratic Party ["the Party"].

Part II - Principles and Interpretation

2. Principles

(1) Representation on all bodies of the Party, including the Officers, the Executive, the Council and its Committees, should be balanced in terms of:

- (a) gender;
- (b) demographics; and
- (c) region.

(2) Gender parity is a requirement where not otherwise stated in this Constitution and in those cases, parity shall be satisfied.

(3) This Constitution includes the Preamble and the Appendices.

3. Interpretation

(1) This Constitution shall:

- (a) be interpreted by the President, but s/he may be overruled by a majority vote at any meeting of a Executive or Council, or at the Convention, and
- (b) not be interpreted in any way that conflicts with the federal Party's constitution.

(2) This Constitution shall be interpreted in accordance with the principles outlined in section 2 and in the Preamble.

Part III - Membership

4. Membership shall include individuals and affiliates as defined here.

5. (1) Individual membership shall be open to every resident of Nova Scotia who is at least 14 years of age, and undertakes to accept and abide by the constitution and principles of the Party; and who is not a member or supporter of any other political party.

(2) Individuals shall apply in writing to the Secretary, using the form determined by Council.

(3) Annual memberships run the calendar year UNLESS the member is accepted after September 30, in which case the fee paid covers the balance of that year and the following calendar year.

6. Affiliated Membership

- (1) Affiliated membership shall be open to trade unions, district labour councils, farm groups, co-operatives, women's organizations and other groups and organizations which, by official act, undertake to accept and abide by the Constitution and Principles of the Party, and are not associated or identified with any other political party
- (2) An applications for affiliated membership may be received from:
 - (a) a provincial, national, regional or international organization in respect of its membership in Nova Scotia;
 - (b) a provincial section of an international or national organization in respect of its membership in Nova Scotia;
 - (c) a local, lodge or branch of any of the above-mentioned organizations in respect of the membership of that local, lodge or branch;
 - (d) a district labour council in respect of the delegates at that council.
- (3) An application for affiliation shall be made to the Provincial Council and shall include:
 - (a) evidence that the applicant organization officially supports the Party,
 - (b) confirmation of the number of individual members of the Party within the applicant organization.
- (4) The Council may waive Article 6 (3(a) in cases where it deems just cause.

7. (1) Rejection of Membership: The Executive may reject any application for membership that it deems detrimental to the interests and principles of the Party subject to an appeal to the Council, using the procedure in Appendix B, Part I.

(2) **Discipline of Members:** The Executive may suspend, expel or otherwise discipline any individual or affiliate Party member, or body within the Party for any conduct which:

- (a) is contrary to this Constitution; or
- (b) is contrary to the principles of the Party; or
- (c) brings discredit to or
- (d) willfully damages the interests of the Party, in accordance with the procedure set out in Appendix "B", Part II.

Part IV - Fees

8. The annual fee for members, including individuals, families, un-waged and under-waged persons and others shall be set by Council.

9. Membership fees are to be divided between the Party and the Constituencies as determined by Council.

Part V - Constituency Associations

10. There shall be a constituency association ["the constituency"] for each provincial electoral district.

11. (1) The purposes of a constituency association are:

- (a) to organize for electoral, political and educational purposes;
- (b) to participate in policy development; and
- (c) to nominate candidates for electoral office.

2) To assist in these purposes, the constituency association shall have a Membership Committee and a Fund Raising Committee.

12. Membership in a particular constituency association is open to any individual member who resides in the constituency unless that member makes a personal request to be listed as a member of another Constituency.

13. Voting rights at nomination conventions are limited to resident members of the constituency.

14. By-laws may be adopted by a constituency only if approved by the Party and must be consistent with this Constitution.

15. (1) General meetings must be held at least two (2) times per year, one of which shall occur between September and November for the purpose of electing a constituency executive.

(2) Written notice of the date, time, place and agenda must be given 10 days in advance.

(3) Failure of an incumbent constituency executive to call meetings as required, or after 12 months, means any constituency member can appeal to the provincial Executive who shall call a general meeting for that constituency.

16. (1) a constituency executive shall consist of:

- (a) a President;
 - (b) at least one Vice President;
 - (c) a Secretary-Treasurer (or both);
 - (d) a Women's Rights Representative;
 - (e) a Youth Wing Representative;
 - (f) a male and female Council representative; and
 - (g) any other officers permitted by the constituency by-laws or decided by the members at a general meeting.
- (2) Vacancies in an executive are to be filled at a general meeting. Interim appointments can be made but are subject to ratification by the constituency members or the election of a replacement.

Part VI - Provincial Convention

17. (1) The Provincial Convention ["the Convention"] is the governing body of the Party and is the final authority in all matters of principle, policy, constitution and programmes of the Party.

(2) The delegates for any Convention shall include:

- (a) all members of Council;
 - (b) all provincial and federal elected representatives and nominated candidates;
 - (c) delegates elected at a General meeting of each Constituency, which shall number:
 - (i) where the Constituency's membership is less than fifty (50), eight (8) delegates;
 - (ii) where membership is fifty (50) or more, eight (8) plus one (1) more for each additional twenty-five members or major fraction thereof;
 - (d) two (2) from each affiliate except where an affiliate confirms that the number of individual members of the Party within the affiliate exceed one hundred (100), plus one (1) for each additional one hundred individual members or major fraction thereof;
 - (e) two (2) from each Affiliated club of the Youth Wing with ten members plus one (1) for each additional six members or major fraction thereof, long as that number of Youth delegates is no greater than for a constituency with the same number of members.
- (3) Every delegate shall be a member in good standing with the Party at the time of his/her election or designation.
- (4) One third (1/3) of registered delegates shall constitute a quorum at any Provincial Convention.
- (5) Convention fees shall be set by Council.

18. (1) There are two types of Convention

- (a) a Regular Convention which shall take place every two years at a time and place determined by Council; and
 - (b) a Special Convention which can be called by Council when deemed necessary.
- (2) Rules governing general procedure and voting procedure at any Convention or Annual General Meeting are set out in Appendix A of this Constitution.
- (3) The unfinished business of any Convention shall be referred to Council. Six months after referral, any such resolution that Council has not begun to address shall be referred back to the submitting organization.

19. Regular Conventions

- (1) Written notice of the date and place must be given at least 70 days in advance to each Constituency, each individual and affiliated members and any other group entitled to representation at Convention.
- (2) Constitutional amendments shall be received by the Secretary at least 35 days before a Regular Convention.
- (3) Resolutions must be submitted to the Resolutions Committee at least 35 days before Convention and can only be presented by Constituencies, Council, Affiliated organizations and Standing Committees of the Party.
- (4) Council may cancel the Convention in unusual or emergency circumstances but must set a date as soon as possible after the date that was originally set for Convention.

20. Special Conventions

- (1) Adequate written notice of the date, place and purpose must be given in advance to each Constituency, each individual and affiliated member, Affiliated Club of the Youth Wing and any other group.
- (2) The business to be dealt with at a Special Convention shall be set by the Council or the Executive at least 20 days prior to its date.
- (3) The Executive shall call a Special Convention if requested to do so by one half of all the Constituencies in the Province which requests must be in writing and passed at a properly held General Meeting of each requesting Constituency.

21. Annual General Meetings

- (1) The Nova Scotia NDP shall hold one-day Annual General Meetings in the years in which there is not a provincial convention to elect an Executive, receive reports from the Leader and President, receive the annual audited statements and conduct policy or other workshops on topics determined to be priorities by the Provincial Executive.
- (2) Delegates to the Annual General Meeting shall be determined in the same manner as delegates for Convention as described in Sections 17(2) and (3).
- (3) One third (1/3) of registered delegates shall constitute a quorum at any Annual General Meeting.
- (4) Annual General Meeting fees shall be set by Council.
- (5) Written notice of the date and place must be given at least seventy (70) days in advance to each Constituency, each individual and affiliated member and any other groups entitled to representation at the Annual General Meeting.

- 22.** (1) The **Resolutions Committee** shall be appointed at least three (3) months before the Convention by the Council. The Committee shall be comprised of at least five members, all of whom must be Party members in good standing and two of whom will be the Co-Chairs.
- (2) Responsibilities: The Resolutions Committee shall:
- (a) examine all submitted resolutions and identify the intent of each resolution as:
 - (i) re-affirming present policy;
 - (ii) amending present policy;
 - (iii) rescinding present policy;
 - (iv) initiating new policy; or
 - (v) adding to present policy.
 - (b) prepare for each Convention a compilation of all resolutions duly submitted into a Resolutions booklet;
 - (c) organize the resolutions under various broad policy topics and including the information from (a)(ii)-(v) as part of the booklet;
 - (d) combine resolutions of similar intent without altering their substantial intent;
 - (e) determine the priority of the resolutions;
 - (f) consult with the submitting Constituency, Affiliate or other group on rewording where necessary for the purposes of clarity, form or consistency with Party principles;
 - (g) re-draft resolutions as directed by Convention without changing their intent; and may:
 - (h) refer those resolutions identified as type (2) (a) directly to Council for action at its discretion;
 - (i) recommend whether or not the Convention should concur with resolutions and the reason therefore; and
 - (j) perform any other function which is necessary or within the spirit of these stated responsibilities.
- (3) Any decision of the Resolutions Committee may be appealed to the Resolutions Appeals Committee [see App. A, s. 10] and is ultimately subject to the ruling of the Convention.

Part VII - Provincial Officers

- 23.** (1) The Provincial Officers of the Party shall be:
- (a) a Leader;

- (b) a President;
 - (c) a First and Second Vice-president;
 - (d) a Treasurer; and
 - (e) a Secretary.
- (2) Except as provided in subsection (4), the Convention shall elect a Leader and nominees for Leader shall be submitted at least sixty (60) days in advance of the day set for the election of a Leader.
- (3) The Convention shall elect the President, a First Vice President, a Second Vice President and a Treasurer, two of whom must be women and two of whom must be men.
- (4) Should the position of Leader become vacant, or should the Leader announce the intention of resigning the position, Provincial Council shall choose one of the following methods for electing a new Leader:
- (a) by election at the next regular Provincial Convention;
 - (b) by election at a Special Provincial Convention as provided in Section 20 of the Constitution;
 - (c) by a vote of all members in good standing in accordance with the rules and procedures adopted by Council for the vote; and the term member as used in this section shall be a member as defined in Section 5 who has become a member in good standing at least twenty-one (21) days prior to the date which Council sets for the vote, not including the date on which Council sets for the vote.
- (5) The Provincial Secretary shall be appointed by the Council and his/her appointment may be subject to reconsideration at the first Council meeting following each Convention.
- (6) Except for the Leader, a Member of Parliament or a Member of the Legislative Assembly shall not be a Provincial Officer unless that person was first elected as an Officer in which case s/he can continue until the next Convention.
- (7) Officers shall meet, if there is business that arises between Executive meetings and a quorum is three (3) of the Officers, at least one of whom is a woman.
- (8) The Officers shall constitute the Personnel Committee with the responsibility of dealing with all employment issues in relation to hired Party personnel.
- (9) Where a vacancy occurs, between Conventions, in the position of:
- (a) Leader, the Council may, after consultation with the Caucus, appoint an Acting Leader to serve until such time as a Convention may be called; or
 - (b) any of the other elected Officers, it can be filled through appointment from the members of Council by the Executive but such appointment is subject to ratification or change by Council at its subsequent meeting.

24. Individual Powers and Responsibilities of Officers:

- (1) The **Leader** is the chief political spokesperson of the Party and shall:
 - (a) make statements on behalf of the Party;
 - (b) enunciate the Party policy as set by Conventions;
 - (c) if a Member of the Legislative Assembly, lead the Caucus; and
 - (d) actively encourage the development and building of the Party in every way possible.
- (2) The **President** is the chief executive officer of the Party and shall:
 - (a) chair meetings of the Officers, Executive and the Council;
 - (b) be a member of all Standing Committees of the Party;
 - (c) supervise the internal activities of the Party in general; and
 - (d) upon consultation with the Officers, call the meetings of the Executive.
- (3) The **Vice-Presidents** are assistants to the President and shall:
 - (a) assist the President in all of her/his duties; and
 - (b) chair meetings of the Officers, Executive or the Council in the President's absence.
- (4) The **Treasurer** is the chief financial officer and shall:
 - (a) handle all the money and assets of the Party;
 - (b) prepare the budget in consultation with the Standing Committee on Finance and Fundraising; and
 - (c) present an audited annual financial statement, which accurately discloses the current financial affairs of the Party based upon its fiscal year of January 1 to December 31, to:
 - (i) each Convention or Annual General Meeting; or

- (ii) if the Convention or Annual General Meeting is cancelled, the Council within three (3) months of the audit's completion date.
- (5) The **Provincial Secretary** is the chief administrative officer of the Party and shall:
 - (a) maintain active supervision over the day-to-day operations and administration of the Party; and
 - (b) perform such functions as are determined by the Executive and the Council.

Part VIII - Provincial Caucus

25. (1) Members in good standing in the Party who are Members of the Legislative Assembly constitute the Caucus.

(2) The Caucus shall have discretion to prioritize which policies of the Party they will pursue more vigorously both within the Legislative Assembly and the public in general.

Part IX - Provincial Executive

26. (1) The Provincial Executive shall consist of:

- (a) the Officers;
 - (b) eight Executive-at-Large, four of whom must be women and four whom must be men, to be elected by the Convention;
 - (c) the immediate Past President;
 - (d) Federal Council Representative, elected by the delegates at Federal Convention;
 - (e) one member as designated by the Women's Rights Committee;
 - (f) members of the federal Party Executive if ordinarily resident in Nova Scotia;
 - (g) one Youth representative chosen by the Young New Democrats Executive; and
 - (h) one representative of each of the Party's standing committees.
- (2) Meetings shall take place at least six times per calendar year and quorum is one-third (1/3) of the members of the Executive.
- (3) The powers of the Executive are that it:
- (a) has full authority to administer the affairs of the Party between meetings of the Council;
 - (b) shall appoint an auditor annually; and
 - (c) may designate the Officers as a sub-committee to perform such functions as the Executive may from time to time require.
- (4) Vacancies arising between Conventions shall be filled as provided in subsection 23 (9) (b).. A position on the Executive can be declared vacant by the Council if an Executive member misses two meetings in a row without an excuse or one deemed unsatisfactory by Council.

Part X - Provincial Council

27. (1) The Provincial Council shall consist of:

- (a) the Executive;
 - (b) up to five (5) members of Caucus elected by them;
 - (c) to two (2) members of the federal Caucus elected by the Nova Scotia members of that Caucus;
 - (d) two (2) representatives, one female and one male, from each Constituency;
 - (e) ten (10) Members at Large elected at Convention, five men and five women;
 - (f) the Chairs of all Standing Committees of the Council;
 - (g) one (1) representative from the Nova Scotia Federation of Labour;
 - (h) one (1) representative from each affiliate member;
 - (i) one (1) representative from each Young New Democrats affiliated club; and
 - (j) the two co-chairs of the Young New Democrats.
- (2) Quorum for the Council is one-third (1/3) of its members.
- (3) The **Duties of Council** are:
- (a) that it is the governing body of the Party between Conventions and as such, may issue policy and election-related statements for the Party, and
 - (b) that it shall appoint the Co-Chairs of a Nominating Committee, at least 4 months prior to Convention.

(4) The **Meetings of Council** must take place immediately after the close of a Regular Convention and at least three (3) times during the calendar year at the call of the Executive.

(5) Vacancies may be declared by Council if any of its members are absent without an excuse or with an unsatisfactory excuse for two (2) meetings in a row and such vacancies arising:

(a) amongst Members-at-Large between Conventions, can be filled by the Council;

(b) amongst Constituency representatives to Council, can be filled at any ordinary meeting of the constituency.

(6) The **Nominating Committee** shall:

(a) be composed of at least five (5) members, together with the Co-chairs, whose membership is to be presented to Council for approval;

(b) start its duties at least 3 months before Convention;

(c) prepare appropriate descriptions of the responsibilities for each Executive position and inform prospective candidates of those responsibilities;

(d) conduct an extensive candidate search, including the current Executive; and

(e) bring forward at least one (1) name for each position on the Executive.

(7) **Nominations for Executive**

(a) A candidate for each Executive position referred to in s. 26 (1) may be nominated by forwarding to the Co-chairs of the Nominating Committee before the thirtieth (30th) day prior to Convention,

- a nomination form signed by two members of the Party; and

- a consent form signed by the candidate.

(b) No nomination shall be accepted for any Executive position that would result in a contravention of Sections 26 (1) or 27 (5) of the Constitution or that will provide regional imbalance to the Executive.

(c) If no nomination is received pursuant to subsection 27 (6), those candidates nominated by the Nominating Committee shall be declare elected.

(d) In keeping with the above, nominations may also be made at Convention.

28. (1) The Standing Committees of Council are:

(a) The Membership Development Committee

(b) Rules and Privileges

(c) Policy Review

(d) Women's Action

(e) Convention Planning

(f) Election Planning

(g) Finance and Audit

(h) Editorial Board of the Party newspaper

(i) Labour Liaison;

(j) Diversity Committee, whose primary mandate is to address issues surrounding race, religion and culture.

(k) Fund Raising

(l) Sexual Diversity Committee, whose primary mandate is to address issues surrounding sexual orientation.

(m) Environment, whose primary mandate is to develop and articulate environmental policies for the Party as well as to engage Party members.

(2) Committee Membership and Powers:

(a) The **Membership Development Committee** should be composed of at least one representative from each federal riding region, together with the co-chairs.

(b) The **Election Planning** Committee shall be composed of:

(i) the Chair

(ii) the Provincial Secretary;

(iii) the Co-Chairs of Membership Development Committee;

- (iv) the Co-Chairs of Finance and Audit;
 - (v) The co-chairs of Fund Raising Committee
 - (vi) up to three (3) members of Caucus;
 - (vii) the Leader; and
 - (viii) up to eleven (11) other members appointed reflecting representation from each of the federal riding regions.
- (c) The Treasurer is one of the Co-Chairs of the Finance and Audit Committee which is responsible for drafting budgets for approval by Council and overseeing the finances of the Party.
- (d) All other Committees shall be composed of at least three (3) to five (5) members, including a Chair but shall not exceed fifteen (15) unless otherwise approved by Council .
- (3) The Committees shall carry out and report upon such tasks and activities, as are delegated to them by the Convention, the Council or the Executive, to each of those bodies' ordinary meetings.

Part XI - Nominating Meetings

- 29.(1) A Nominating meeting shall be called by the Constituency Executive for the purpose of choosing a candidate for elected office in accordance with rules and procedures established by the Provincial Council..
- (2) If, within five (5) days of the issuance of the election Writ, the Constituency has not called such meeting, the Provincial Executive may do so as it deems appropriate in light of the circumstances.
- (3) To be eligible to vote in a Nominating meeting, a person must be:
- (a) a resident member in the Constituency and
 - (b) a Party member in good standing, either on the date of the Writ or, where the convention is held before the Writ, for fourteen (14) days before the Nomination meeting.
- (4) Notice of a Nominating meeting in a pre-writ period shall be in writing and mailed at least seven (7) days before it is held to all eligible members and shall be advertised in the media in a manner deemed suitable by the constituency executive. After an election Writ has been issued the Provincial Secretary may waive the notice period or abridge the time period.
- (5) Every nominee for candidacy shall be a Party member in good standing as defined in Part III of this Constitution and may appoint a scrutineer for the purposes of the ballot count at the Nominating Convention.
- (6) Nomination of a candidate is subject to the approval of the Leader and if a candidate is not approved, the Constituency has a right to appeal the approval to the Executive.

Part XII - Area Councils

30. (1) Constituencies and affiliated organizations may, with the consent of the Council, establish Area Councils.
- (2) Each Area Council may adopt by-laws for the conduct of its business and such by-laws shall be subject to the approval of the Council and shall accord with this Constitution.
- (3) Each delegate to an Area Council shall be elected or otherwise selected by the general memberships of his/her Constituency or affiliated organization.
- (4) Every delegate to an Area Council shall be an individual Party member in good standing.

Part XIII - Youth Wing

31. (1) The youth wing of the Party shall be called the Nova Scotia Young New Democrats (NS YND) and shall hold its meeting at its General Convention, at which time the YND Executive shall be elected.
- (a) the NS YND's role is to facilitate the entry of young people into the NSNDP, to recruit young people into the NSNDP and to represent the concerns and interests of young people within the NSNDP.
 - (b) NS YND membership is open to all members in good standing of the NS NDP between the ages of 14 and 26 and to all students at any educational facility in Nova Scotia up to the age of 29.
 - (c) the NS YND must abide with the Constitution of the NS NDP in all its parts and be subject to all its provisions and shall be subject solely to the Rules and Privileges Committee of the NS NDP.
 - (d) The NS YND is responsible solely to the NS NDP, and to its Executive, Council, and Convention.

(e) any by-laws relating to the YND passed by the YND Executive shall be subject to the limitations of these clauses.

(2) The NS YND consists of

(a) the NS YND Executive

(b) affiliated clubs and organizations

(3) The NS YND Executive shall consist of the following positions, with their relevant responsibilities:

(a) Co-chairs. Shall represent the NS YND to the Federal NDP and sit upon the NS NDP's Election Planning Committee and Provincial Council.

(b) Director of Organization. Shall represent the YND on the Provincial Executive and Council.

(c) Director of Finance & Fundraising. Shall sit upon the Finance Committee of the NSNDP.

(d) Director of Communications: Shall sit upon the NS NDP's Editorial Board.

(e) Provincial Youth Secretary: Shall sit upon the Organization & Membership Committee.

(f) Three (3) Regional Co-ordinators for Halifax Regional Municipality, Cape Breton and Rural Mainland.

(g) Two (2) Members at Large (one must be male and one female).

(h) Immediate Past President

(i) Affiliated Club representatives (1 per club).

(4) Affiliated clubs are groups of four or more YND members of the NS NDP who elect a President and Secretary-Treasurer. Upon approval of the NS YND Executive, clubs shall be considered to be officially chartered for a period of one year.

(5) Affiliated organizations are those groups that find common cause with the goals of the NS YND and indicate their interest in affiliating with the NS YND to the Executive. Upon approval of the NS YND Executive clubs shall be considered to be officially chartered for a period of one year.

Part XIV - Publication and Amendments of Constitution

32. (1) This Constitution shall be printed by the Party and be readily available to all members on request.

(2) This Constitution can only be amended by a two-thirds (2/3) majority of all the delegates present and voting at the Convention.

(3) The following bodies have the power to present amendments: the Council, the Constituencies, the Executive, the Area Councils, the Young New Democrats, the Standing Committee on Rules and Privileges and affiliate Party members.

(4) Amendments shall take effect immediately upon their adoption by the Convention, unless otherwise directed by the Convention.

APPENDIX A
RULES OF PROCEDURE FOR CONVENTION AND ANNUAL GENERAL MEETINGS

- 1.** The President or a Vice-President shall take the Chair at the time specified. Either of those Officers, any Officer designated by them, or a Convention Chair or a Chair approved by Convention, shall occupy the Chair and preside over the sessions of Convention.
- 2.** When delegates wish to speak, they shall proceed to one of the microphones provided and when recognized by the Chair, give their name and the constituency or affiliate member they represent and shall confine their remarks to the question or issue
- 3.** Speakers on motions and resolutions shall be limited to three (3) minutes, unless introducing a report on behalf of a Committee.
- 4.** A delegate shall not speak more than once upon a motion, except the person introducing a committee report, who may close debate on it.
- 5.** (1) A delegate shall not interrupt another except to call a point of order.
(2) If a delegate is called to order, the floor shall be yielded until the point of order is decided by the Chair.
- 6.** (1) The decision of the Chair on any motion or resolution can be appealed by two delegates, one of whom may state the reason for the appeal.
(2) When challenged, the Chair must vacate until the appeal is resolved and an Acting Chair take over the proceedings.
(3) The question shall not be debatable except that the Chair may make give reasons for the decision(s).
(4) The Acting Chair shall put the question: "Shall the decision of the Chair be sustained?"
- 7.** (1) Questions shall be decided by a show of hands or by a standing vote.
(2) A standing vote shall be counted upon request from the floor where there is an apparent closeness in the vote.
- 8.** A Chair shall not vote on any question except where there is a tie, in which case, the Chair shall cast the deciding vote.
- 9.** (1) When the previous question is moved, no discussion or amendment of either motion is permitted.
(2) If the majority vote in favour of the "question is now put", it shall be put without debate. If that motion is defeated, discussion will continue.
(3) If, in the view of the Chair, sufficient debate has taken place, the Chair may exercise the discretion to accept a motion for the previous question directly from the floor.
- 10.** The Council shall appoint a Resolutions Appeals Committee whose purpose is to hear appeals regarding resolutions.
- 11.** (1) Committee reports shall not be amended directly from the floor, but it shall be in order to refer such report, or any section thereof, back to the Committee for reconsideration in light of the discussion on the floor, or the particular point raised in the Motion to Refer.
(2) A Motion to Refer is not debatable unless it raises a particular point, in which case debate shall be confined to that point.
(3) A delegate cannot move a Motion to Refer after having spoken on the question in issue.
- 12.** (1) A Motion may be reconsidered provided that the mover of the Motion to Reconsider voted with the majority.
(2) Notice of the Motion to Reconsider must be given at the next session and it is supported by two-thirds (2/3) of the delegates present and voting.
- 13.** (1) The agenda of the Convention or Annual General Meeting shall be established at the first session of the Convention or annual general meeting.
(2) The agenda may be changed during Convention or Annual General Meeting by a two-thirds (2/3)

majority of the delegates present and voting.

14. (1) Candidates for the office of President shall be allowed five (5) minutes each to address Convention.
- (2) Leadership candidates shall be allowed time as scheduled on the agenda.
- (3) Persons nominating candidates for President or Leader shall be limited to three (3) minutes.
- (4) Candidates for other Officers positions do not have nominators speak.

15. (1) In regards to any matter not provided for in these Rules, Bourinot's Rules of Order shall apply.

(2) Any of these Rules may be suspended by a two-thirds (2/3) majority of the delegates present and voting.

16. Voting for Table Officers:

(1) President - vote for candidate of your choice.

(2) Treasurer - vote for candidate of your choice.

(3) First and Second Vice-Presidents - depending upon the results of the votes in subsections (1) and (2):

(a) if two (2) women were elected, the election of these officers must be for two (2) men.

(b) if one (1) woman and one (1) man were elected, the election of these officers must be for one (1) man and one (1) woman

17. Voting for Executive

(1) Executive at Large: The vote shall take place on a split ballot since out of these eight (8) positions, there must be four (4) women and four (4) men.

18. Voting for Council-at-Large: The vote shall take place on a split ballot for ten candidates, five (5) men and five (5) women.

19. (1) All elections shall be conducted by secret ballot.

(2) Drop down balloting:

(a) A majority of votes cast shall be required before any candidate can be declared elected and second and subsequent ballots shall be taken, if necessary, to obtain such a majority.

(b) On the second and subsequent ballots, the candidate receiving the lowest number of votes in the previous ballot shall be dropped.

(c) In the case of a final tie vote, the presiding Officer may cast the deciding vote.

(3) There are five (5) ballots, each one being held after the result of the previous one is known.

(4) (a) A split ballot is used in the election of positions where this Constitution requires gender parity.

(b) The ballot is divided in two sections by line so that only same gender candidates run against each other.

(c) When voting on a split ballot, either the names of the candidates must appear on the ballot, or be visually displayed so that all the delegates know the persons running.

(d) If a split ballot is used, the delegates fill in their choices on the appropriate side of the ballot.

(5) Where more than one position is to be elected on a given ballot, the full complement of candidates must be written on the ballot or else it will be deemed a spoiled ballot.

(6) Different coloured ballots are to be used for each vote.

(7) Voting shall begin early on the last day of Convention, but may be interspersed with other convention or annual general meeting business.

APPENDIX B
RULES OF DISCIPLINARY PROCEEDINGS

PART I

APPEAL FROM REJECTION OF APPLICATION OF MEMBERSHIP

1. Rejection of Application

(1) A person or group whose application for membership in the New Democratic Party has been rejected by the Provincial Executive shall be informed by the Provincial Secretary, in writing, within one week of the Executive having made its decision.

(2) The notice by the Provincial Secretary need not be in any particular form, but it shall contain:

(a) statement to the effect that the application for membership had been rejected by the Provincial Executive, and the reason or reasons for the rejection; and

(b) a statement to the effect that the applicant may appeal to the Provincial Council; and (c) a copy of these Rules of Disciplinary Proceedings.

2. Notice of Appeal

(1) An applicant whose application for membership has been rejected by the Provincial Executive and who wishes to appeal to the Provincial Council, shall, within thirty days of the date upon which he/she receives notice of the rejection, notify the Provincial Secretary, in writing, that he/she wishes to appeal to the Provincial Council.

(2) The written notice of appeal need not be in any particular form, but it must state, in effect that the applicant wishes to appeal the decision of the Provincial Executive to Provincial Council and that he/she still desires to obtain membership with the New Democratic Party.

(3) Upon receipt of a notice of appeal, the Provincial Secretary shall: (a) inform the President and the Chairperson of the Rules and Privileges Committee; and

(b) provide copies of the notice of rejection and notice of appeal to the President and Chairperson of the Rules and Privileges Committee; and

(c) place the appeal on the agenda of the next meeting of the Provincial Council.

3. Appeal Hearing

(1) The procedure to be followed at the hearing of the appeal at Provincial Council shall be as follows: (a) upon the appeal being called by the Chairperson of the Council Meeting, the Chairperson, or Acting Chairperson (as the case may be) of the Rules and Privileges Committee shall take the chair and conduct the appeal;

(b) the Chair shall conduct a hearing ensuring that both the applicant and the Provincial Executive have an adequate opportunity of presenting evidence and making representations on their behalf;

(c) the Chair may allow as evidence at the hearing, whether or not given under oath or affirmation and whether or not admissible in court,

(i) any oral testimony; and

(ii) any document or other thing, which is relevant to the appeal, but the Chair may exclude anything unduly repetitious.

4. General

(1) The decision of the Provincial Executive to reject any application for membership may be made by a majority of those present and voting at a duly called meeting.

(2) The majority decision of the Provincial Council delegates present and voting at an appeal from a rejection of membership is final and may not be appealed to Provincial Convention.

PART II DISCIPLINE OF MEMBERS AND AFFILIATED GROUPS

I. Request for Disciplinary Proceedings

(1) A request that disciplinary proceedings be taken against any member or group of the Party In Nova Scotia shall be:

(a) made in writing; and

(b) outline the reason or reasons for the request; and

(c) be sent to the Provincial Secretary, or if the complaint is against the Provincial Secretary, to the Chairs of the Rules and Privileges Committee.

(2) No particular form of written request ("complaint") is required, so long as the complaint meets the requirements set out in Section 1:1 of the Rules.

(3) Upon receiving the complaint, the Provincial Secretary shall, within five (5) business days, forward one copy of the complaint to the Chairperson or Acting Chairperson (as the case may be) of the Rules and Privileges Committee and one copy to the member or group who/which is the subject of the complaint ("respondent"). The Provincial Secretary shall also send to the member or group who/which is the subject matter of the complaint a copy of these rules which relate to Discipline of Members and Affiliated groups.

2. Investigation of Complaints

(1) Within twelve (12) days of receipt of a copy of a complaint, the Rules and Privileges Committee shall, upon the call of the Chairperson/Acting Chairperson, meet and appoint a sub-committee of two (2) or more of their members to investigate the complaint.

(2) Within two (2) weeks of their appointment, the sub-committee shall, if possible, meet with the complainant(s), and the respondent(s).

(3) At the meeting, the sub-committee shall: (a) appoint a chairperson from amongst their members; and

(b) allow both sides (the complainant(s) and the respondent(s)) and opportunity to present evidence and make representations.

(4) The Rules and Privileges Committee shall, after considering all relevant evidence, prepare a report containing their findings and recommendation(s) as to what action(s), if any, should be taken by the Provincial Executive regarding the complaint.

(5) Copies of the report of the Rules and Privileges Committee shall be sent to:

(a) the complainant(s);

(b) the respondent(s);

(c) The Provincial Secretary; and

(d) the President; within ten (10) days of the completion of the hearing.

3. Action by the Provincial Executive

(1) Within thirty (30) days of receipt of the report of the Rules and Privileges Committee by the President, the Provincial Executive shall meet to consider the report and decide by a majority of those present and voting whether a hearing will be convened.

(2) The decision of the Executive as to whether or not to hold a meeting shall not be subject to appeal by the complainant(s) to Provincial Council or Provincial Convention.

(3) Hearings:

(a) the Provincial Executive shall set a date for the hearing, which shall be held within thirty (30) days of the date of that meeting of the Provincial Executive; and

(b) that Provincial Secretary shall send a written notice of the hearing and a set of these Rules on "Discipline of Members

and Affiliated Groups" to the complainants and the respondents, or if the complaint is against the Provincial Secretary, to the Co-chairs of the Rules & Privileges Committee.

(4) Procedure:

(a) the President or, in his/her absence, a Vice-President designated by the Executive shall chair the hearing;
(b) both the complainant(s) and the respondent(s) shall be afforded an adequate opportunity of presenting evidence and making representations on their behalf; and (c) the Chair may allow as evidence at the hearing, whether or not admissible as evidence in a Court:

(i) any oral testimony; and

(ii) any document or other thing; which is relevant to the complaint, but the Chair may exclude anything unduly repetitious.

(5) The evidence given at the hearing shall be recorded in the form decided by the Executive.

(6) After hearing from the complainant(s) and the respondent(s) the Provincial Executive shall, in the absence of these parties, decide, by a majority of those present and voting:

(a) as to whether the complaint is valid, in whole or in part ; and

(b) if the complaint is found to be valid, in whole or in part, the penalty to be imposed upon the respondent(s).

(7) Once the Provincial Executive has reached a decision, the complainant(s) and respondent(s) shall be informed of it by the chair.

5. Appeal to Provincial Council

(1) The respondent(s) may, within thirty (30) days after the decision of the Provincial Executive, appeal the decision to Provincial Council, by sending a written notice to the Provincial Secretary, or if the complaint is against the Provincial Secretary, to the Co-chairs of the Rules & Privileges Committee.

(2) No particular form of notice of an appeal is required, so long as the respondent(s) clearly state(s) their desire to appeal the decision of the Provincial Executive.

(3) Provincial Council shall meet to hear the appeal within sixty (60) days of the Provincial Secretary or Co-Chairs of the Rules and Privileges Committee if the complaint is against the Provincial Secretary, receiving the notice of appeal.

(4) The procedure to be followed at the appeal hearing shall be the same as is set forth in these rules for a hearing before the Provincial Executive, except that the Chairperson of the hearing shall be a member of the Provincial or Federal Party who is not a member of the Provincial Executive and who is chosen for this purpose by the Provincial Council. The members of the Provincial Executive may vote upon the question of whether or not their decision will be upheld. A majority of the Provincial Council present and voting shall make a decision on the appeal.

(5) Following the decision by Provincial Council on the question of whether or not to uphold the original decision of the Provincial Executive, the respondent(s) may call for a vote to allow the respondent(s) to appeal.

6. Appeal to Provincial Convention

(1) The procedure to be followed at the appeal hearing in the Provincial Convention shall be as recommended by the Provincial Executive in consultation with the Rules and Privileges Committee.

(2) All delegates to the Provincial Convention are entitled to vote on the appeal from Provincial Council.

(3) The Provincial Convention shall decide whether or not to uphold the decision of the Provincial Council by a majority vote of the delegates present and voting.

(4) The decision of the Provincial Convention is final.