



CONSTITUTION

of our

Nova Scotia

New Democratic Party

Approved by Provincial Convention, June 8, 2012
Amended by Provincial Convention, April 12, 2014
Amended by Provincial Convention, June 25, 2016

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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, gender identity and expression, sexual orientation, or disability;
- (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.

Article 1 - Name

1.01- The name of this political party shall be the Nova Scotia New Democratic Party ("the Party").

Article 2 - Representation

2.01 - Representation on all bodies of the Party, including Provincial Table Officers, Executive, Council and Standing Committees should be balanced in terms of:

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

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

Article 3 - Interpretation

3.01 - This Constitution shall be interpreted in accordance with the principles contained in the Preamble.

3.02 - This Constitution shall be interpreted by the President, who may be overruled by a majority vote at any meeting of Executive or Council, or at a Convention.

3.03 - This Constitution includes the Preamble and Appendices.

Article 4 - Membership

4.01 - An application for 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.

4.02 - Individuals shall apply for membership in writing to the Provincial Secretary.

4.03 - Individual memberships shall become active no later than 14 days after being received by the Provincial Secretary, unless the membership application is referred to the next meeting of the Executive.

4.04 - Annual memberships are in effect for the calendar year, unless the member applies for membership after September 30, in which case the fee paid covers the balance of that year and the following calendar year.

Article 5 - Affiliated Organizations

5.01 - Affiliated membership shall be available to 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

5.02 - An application 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 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; or
- (d) a district labour council in respect of the delegates at that council.

5.03 - An application for affiliation shall be made to the Provincial Council and shall include:

- (a) evidence that the applicant organization officially supports the Party, and
- (b) list of Party members within the applicant organization.

5.04 - Affiliated memberships are active for the calendar year.

Article 6 - Rejection of Membership

6.01 - Membership applications referred by the Provincial Secretary to the Executive may be accepted or rejected by the Executive.

6.02 - The Executive may reject any application for membership that it deems detrimental to the interests and principles of the Party.

Article 7 - Discipline of Members

7.01 - In accordance with the procedure set out in Appendix B, 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;
- (b) is contrary to the principles of the Party;
- (c) brings discredit to; or
- (d) willfully damages the interests of the Party.

Article 8 - Fees

8.01 - Categories of membership and fees shall be set by Provincial Council.

8.02 - Membership fees are to be divided between the Party and the Constituency Associations as determined by Provincial Council.

Article 9 - Constituency Associations

9.01 - There shall be a Constituency Association for each provincial electoral district.

9.02 - 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.

9.03 - Membership in a particular Constituency Association is open to any individual member who resides in that electoral district unless that member requests to be listed as a member of another Constituency Association.

9.04 - Voting rights at nomination conventions are limited to resident members of the electoral district.

9.05 - All Constituency Associations shall be deemed to have adopted and shall abide by the by-laws in Appendix C of this Constitution.

9.06 - A Constituency Association may amend its bylaws to reflect local conditions or traditional practice. Amendments are subject to the approval of the Provincial Executive. Any amendments must be consistent with the Constitution.

Article 10 - Constituency Association General Meetings

10.01 - Constituency Association General Meetings must be held at least once per year for the purpose of electing a Constituency Association Executive. Other meetings shall be held as prescribed by the Constituency Association by-laws.

10.02 - If a Constituency Association has not held a general meeting within a 12 month period the Provincial Executive may call a general meeting.

Article 11 - Constituency Association Nominating Meetings

11.01 - 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.

11.02 - If, within five (5) days of the issuance of the election writ the Constituency has not called such meeting, the Table Officers may call a nominating meeting.

11.03 - To be eligible to vote in a Nominating meeting, a person must be:

- (a) a resident in the Constituency; and
- (b) a Party member in good standing, either on the date of the writ or, when the convention is held before the writ, for fourteen (14) days before the Nomination meeting.

11.04 - Notice of a Nominating meeting in a pre-writ period shall be in writing and mailed at least seven (7) days in advance to all eligible members. After an election Writ has been issued the Provincial Secretary may waive the notice period or abridge the time period.

11.05 - Every nominee for candidacy shall be a Party member in good standing and may appoint a scrutineer for the purposes of the ballot count at the Nominating Convention.

11.06 - Nomination of a candidate is subject to the approval of the Leader, and if a candidate is not approved, the Constituency Association has the right to appeal the approval to the Executive.

Article 12 - Provincial Convention

12.01 - The Provincial Convention ("the Convention") is the governing body of the Party and is the final authority in all matters of principle, policy, and the Constitution of the Party.

12.02 - 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 shall only be called for a specific purpose.

12.03 - The delegates for any Convention shall include:

- (a) all members of Provincial Council;
- (b) all provincial and federal elected representatives and nominated candidates;
- (c) delegates elected at a general meeting of each Constituency Association, which shall number:
 - (i) eight (8) delegates, where the Constituency Association membership is fifty (50) or fewer; and
 - (ii) one (1) more delegate for each additional twenty-five (25) members.
- (d) two (2) from each affiliate except where an affiliate confirms that the number of individual members of the Party within the affiliate exceed 100, plus one (1) for each additional one hundred individual members;
- (e) delegates elected at a general meeting of the NSYND, which shall number:
 - (i) Eight (8) delegates where the NS YND membership is fifty (50) or fewer; and
 - (ii) one (1) more delegate for each additional (25) twenty-five members.

12.04 - Every delegate shall be a member in good standing of the Party at the time their election or designation.

12.05 - One third (1/3) of registered delegates shall constitute a quorum at any Convention.

12.06 - Convention fees shall be established by Provincial Council.

12.07 - Rules governing general procedure and voting procedure at any Convention or Annual General Meeting are set out in Appendix A of this Constitution.

12.08 - The unfinished business of any Convention, including resolutions, shall be referred back to Provincial Council.

12.09 - Any resolution that Council has not begun to address at the two (2) meetings following Convention, not including the meeting of Council immediately after the close of Regular Convention, as per 17.04, shall be referred back to the submitting organization.

Article 13 - Regular Conventions

13.01 - Notice of the date and place of a Regular Convention must be given at least 90 days in advance to each Constituency Association, each individual and affiliated member and any other group entitled to representation at Convention.

13.02 - Constitutional amendments shall be received by the Provincial Secretary at least 35 days before a Regular Convention.

13.03 - Resolutions must be submitted to the Resolutions Committee at least 35 days before Convention and can only be presented by Constituency Associations, Provincial Council, Provincial Executive, Affiliated organizations and Standing Committees of the Party.

13.04 - Executive may cancel the Convention in unusual or emergency circumstances.

13.05 - If Convention is cancelled, Council will set a date as soon as possible after the date that was originally set for Convention.

Article 14 - Special Conventions

14.01 - Notice of the date, place and purpose must be given in advance within an adequate time to each Constituency Association, each individual and affiliated member, any other group entitled to representation at Convention.

14.02 - The Executive shall call a Special Convention if requested to do so by:

- (a) half of all the Constituency Associations in the Province, with requests in writing and passed at a properly held General Meeting of each requesting Constituency Association;
- (b) a 2/3 majority vote of Provincial Council; or
- (c) a petition signed by over 50 per cent of the membership in good standing of the Party.

Article 15 - Annual General Meetings

15.01 - The Party shall hold a one day Annual General Meeting in the years in which there is not a Regular 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.

15.02 - Delegates to the Annual General Meeting shall be determined in the same manner as delegates for Convention as prescribed in Article 12.03.

15.03 - One third (1/3) of registered delegates shall constitute a quorum at any Annual General Meeting.

15.04 - Annual General Meeting fees shall be established by Provincial Council.

15.05 - Written notice of the date and place must be given at least ninety (90) days in advance to each Constituency Association, each individual and affiliated member and any other groups entitled to representation at the Annual General Meeting.

Article 16 - Resolutions Committee

16.01 - The Resolutions Committee shall be appointed at least 90 days before a Regular Convention by Provincial Council.

16.02 - The Committee shall be comprised of at least five members, two of whom will be the Co-Chairs.

16.03 - The responsibilities of the Resolutions Committee and its procedures shall be established by Provincial Council.

16.04 - Any decision of the Resolutions Committee may be appealed to the Resolutions Appeals Committee and is ultimately subject to the ruling of the Convention.

Article 17 - Provincial Council

17.01 - The Provincial Council shall consist of:

- (a) the Executive;
- (b) up to five (5) members of Provincial Caucus elected by Caucus;
- (c) up to two (2) Nova Scotia members of the federal Caucus elected by the Nova Scotia members of that Caucus;

- (d) two (2) representatives, one female and one male, selected from each Constituency Association;
- (e) ten (10) Members at Large, five male and five female, elected at Convention or AGM;
- (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; and
- (i) three (3) representatives chosen by the NS YND.

17.02 - Quorum for the Council is one-third (1/3) of its members.

17.03 - The duties of Provincial Council are:

- (a) to serve as the governing body of the Party between Conventions, and to issue policy and election-related statements when necessary for the Party; and
- (b) to appoint the Co-Chairs of a Nominating Committee, at least 4 months prior to Convention.

17.04 - A meeting of Council must take place immediately after the close of a Regular Convention, and there must be at least three (3) meetings during the calendar year at the call of the Executive.

17.05 - A position on the Council may be declared vacant by Council if a Council member is absent without a satisfactory excuse for two (2) meetings in a row between Conventions and Annual General Meetings, and such vacancies:

- (a) involving Members-at-Large between Conventions, can be filled by Provincial Council; and
- (b) involving Constituency Association representatives to Council, can be filled at a meeting of that Constituency Association.

17.06 - The Nominating Committee shall:

- (a) be composed of at least five (5) members, together with the Co-chairs, whose membership is to be approved by Council;
- (b) start its duties at least 90 days before Convention;
- (c) conduct a candidate search, including the current Executive, Council-at-large, and Standing Committee Co-Chairs; and
- (d) bring forward at least one (1) name for each position on the Executive, Council-at-large, and Standing Committee Co-Chairs.

17.07 - Nominations for Executive:

- (a) A candidate for each Executive position referred to in Article 17.01 may be nominated by submitting to the Co-chairs of the Nominating Committee before the thirtieth (30th) day prior to Convention:
 - (i) a nomination form signed by two members of the Party; and
 - (ii) 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 19.01 of the Constitution or that will provide regional imbalance to the Executive.
- (c) If no nomination is received, those candidates identified by the Nominating Committee shall be declared elected.
- (d) In keeping with the above, nominations may also be made at Convention.

Article 18 - Standing Committees

18.01 - The Standing Committees of Council are:

- (a) Convention Planning;
- (b) Editorial Board;
- (c) Election Planning;
- (d) Environment;
- (e) Equity and Diversity;

- (f) Finance and Audit;
- (g) Fundraising;
- (h) Labour Liaison;
- (i) Membership Development;
- (j) Policy Review;
- (k) Rules and Privileges; and
- (l) Women's Action.

18.02 – With the exception of the Women's Action Committee, each standing committee shall have two co-chairs, one male and one female.

18.03 - Membership and responsibilities for Standing Committees shall be set by Council within the terms of reference for Standing Committees.

18.04 - The terms of reference for Standing Committees shall be reviewed by Council every four (4) years at a minimum.

18.05 - The Standing Committees shall carry out and report upon such tasks and activities as are delegated to them by the Convention, the Council or the Executive, at each of those bodies' ordinary meetings.

Article 19 - Provincial Executive

19.01 - The Provincial Executive shall consist of:

- (a) the Table Officers;
- (b) eight (8) Executive-at-Large, four (4) female and four (4) male elected by the Convention or Annual General Meeting;
- (c) the immediate Past President;
- (d) a Federal Council Representative, elected by the delegates at Federal Convention;
- (e) a member of the Federal Party Executive if ordinarily resident in Nova Scotia;
- (f) one (1) representative chosen by the NS YND;
- (g) one (1) representative of each of the Party's standing committees;

and

(h) two (2) members of Provincial Caucus

(i) one provincial Electoral District Association representative from each geographic federal electoral district in Nova Scotia.

19.02 - Meetings shall take place at least six times per calendar year and quorum is one-third (1/3) of the members of the Executive.

19.03 - The Executive has the full authority to administer the affairs of the Party between meetings of Council.

19.04 - The Executive shall appoint an auditor annually.

19.05 - Vacancies of Executive-at-Large positions arising between Conventions shall be filled through appointment from the members of Council by the Executive, with this appointment subject to ratification or change by Council at its subsequent meeting.

19.06 - A position on the Executive may be declared vacant by the Provincial Council if an Executive member is absent without a satisfactory excuse for two (2) meetings in a row.

Article 20 - Provincial Table Officers

20.01 - The Provincial Table Officers of the Party shall be:

(a) Leader;

(b) President;

(c) First Vice-president;

(d) Second Vice-president;

(e) Treasurer; and

(f) Secretary.

20.02 - Regular Convention shall elect the President, First Vice-president, Second Vice-president and Treasurer, two of whom must be women and two of whom must be men, for two-year terms.

20.03 - The Table Officers have the full authority to administer the affairs of the Party between meetings of Provincial Executive.

20.04 - When the position of Leader becomes vacant 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 a vote of all members in good standing as defined in Article 4, in accordance with the rules and procedures adopted by Council for the vote. A voting member must have obtained membership at least 21 days prior to the vote, not including the day of the vote.

20.05 – A Leadership Convention may be triggered at any time through the method prescribed in Article 14 for a Special Convention called for the specific purpose of electing a Leader.

20.06 – A Leadership Convention called under Article 20.05 shall be held within three (3) months of the request under Article 14.02 and Provincial Executive shall choose one of the following methods for electing a Leader:

- (a) by election by delegates at a Special Convention; or
- (b) by a vote of all members in good standing as defined in Article 4, in accordance with the rules and procedures adopted by the Provincial Executive for the vote. A voting member must have obtained a membership at least 21 days prior to the vote, not including the day of the vote.

20.07 - The Provincial Secretary shall be appointed by Provincial Council, following a process approved by Provincial Council.

20.08 - Except for the Leader, a Member of Parliament or a Member of the Legislative Assembly shall not be a Provincial Table Officer unless that person was first elected as an Officer in which case they can continue until the next Convention.

20.09 – Officers, of whom at least one is female, shall meet if there is business that arises between Executive meetings and a quorum is three (3) of the Officers.

20.10 - 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 held; 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.

Article 21 - Powers and Responsibilities of Officers

21.01 - 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.

21.02 - 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.

21.03 - 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.

21.04 - 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 Finance and Audit Committee; 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.

21.05 - 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.

21.06 - The Officers shall constitute the Personnel Committee with the responsibility of dealing with all employment issues in relation to hired Party personnel.

Article 22 - Provincial Caucus

22.01 - Members in good standing in the Party who are Members of the Legislative Assembly shall constitute the Caucus.

22.02 - 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.

Article 23 - NS YND

23.01 - The youth wing of the Party shall be called the Nova Scotia Young New Democrats ("the NS YND").

- (a) the NS YND's role is to facilitate the entry of young people into the Party, to recruit young people into the Party 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 Party 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 comply with the Party Constitution.
- (d) the NS YND is responsible solely to the Party, and to its Executive, Council, and Convention.
- (e) the NS YND shall have by-laws and such by-laws shall be subject to the limitations of these clauses.

23.02 - The NS YND consists of:

- (a) the NS YND Executive; and
- (b) affiliated clubs and organizations.

23.03 - The NS YND Executive shall consist of two Co-chairs (one female, one male) and other members as established in the NS YND by-laws.

23.04 - Affiliated clubs are groups of four or more NS YND members. Upon approval of the NS YND Executive, clubs shall be considered to be officially chartered for a period of one (1) year.

23.05 - Affiliated clubs are those groups that find common cause with the goals of the NS YND 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. Groups interested in affiliation with the NS YND must indicate their interest to the NS YND Executive. Upon approval of the NS YND Executive, clubs shall be considered to be officially chartered for a period of one (1) year.

Article 24 - Publication and Amendments of Constitution

24.01 - This Constitution shall be printed by the Party and be readily available to all members on request.

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

24.03 - The following bodies have the power to present amendments: the Council, the Constituency Associations, the Executive, the NS YND, the Standing Committee on Rules and Privileges and affiliated organizations.

24.04 - 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

Article 1 – Chairing of Meetings

1.01 - The President or 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.

Article 2 – Rules for Speakers

2.01 - 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 organization they represent and shall confine their remarks to the question or issue.

2.02 - Speakers on motions and resolutions shall be limited to three (3) minutes, unless introducing a report on behalf of a Committee.

2.03 - A delegate shall not speak more than once upon a motion, except the person introducing a committee report, who may close debate on it.

Article 3 – Point of Order

3.01 - A delegate shall not interrupt another except to call a point of order.

3.02 - If a delegate is called to order, the floor shall be yielded until the point of order is decided by the Chair.

Article 4 – Appealing the decision of the Chair

4.01 - 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.

4.02 - When challenged, the Chair must vacate until the appeal is resolved and an Acting Chair will take over the proceedings.

4.03 - The question shall not be debatable except that the Chair may give reasons for the decision(s).

4.04 - The Acting Chair shall put the question: "Shall the decision of the Chair be sustained?"

Article 5 – Voting on Motions

5.01 - Questions shall be decided by a show of hands or a standing vote.

5.02 - A standing vote shall be counted upon request from the floor where the vote is unclear from a show of hands.

5.03 - A Chair shall not vote on any question except where there is a tie, in which case, the Chair shall cast the deciding vote.

Article 6 – Calling the Question

6.01 - When the question is called, there is no further discussion or amendments.

6.02 - If, in the view of the Chair, sufficient debate has taken place, the Chair may exercise the discretion to call the question.

6.03 - If the majority vote in favour of calling the question, the question shall be called without debate. If that motion is defeated, discussion will continue.

Article 7 – Resolutions Appeals

7.01 - The Council shall appoint a Resolutions Appeals Committee whose purpose is to hear appeals regarding resolutions.

Article 8 – Committee reports

8.01 - 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.

Article 9 – Motion to Refer

9.01 - A Motion to Refer is not debatable unless it raises a particular point, in which case debate shall be confined to that point.

9.02 - A delegate cannot move a Motion to Refer after having spoken on the question in issue.

Article 10 – Motion to Reconsider

10.01 - A Motion may be reconsidered provided that the mover of the Motion to Reconsider voted with the majority.

10.02 - Notice of the Motion to Reconsider must be given at the next session. It must be supported by two-thirds (2/3) of the delegates present and voting.

Article 11 - Agenda

11.01 - The agenda of the Convention or Annual General Meeting shall be established at the first session of the Convention or annual general meeting.

11.02 - The agenda may be changed during Convention or Annual General Meeting by a two-thirds (2/3) majority of the delegates present and voting.

Article 12 – Speeches by Candidates for Table Officers

12.01 - Candidates for the office of President shall be allowed five (5) minutes each to address Convention.

12.02 - Leadership candidates shall be allowed time as scheduled on the agenda.

12.03 - Persons nominating candidates for President or Leader shall be limited to three (3) minutes.

12.04 - Candidates for other Officers positions do not have nominators speak.

Article 13 - Rules

13.01 - In regards to any matter not provided for in these Rules, Bourinot's Rules of Order shall apply.

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

Article 14 – Voting for Table Officers:

14.01 - President - vote for candidate of your choice.

14.02 - Treasurer - vote for candidate of your choice.

14.03 - First and Second Vice-Presidents - depending upon the results of the votes for President and Treasurer:

(i) if two (2) females were elected, the election of these officers must be for two (2) males.

(ii) if two (2) males were elected, the election of these officers must be for two (2) females.

(iii) if one (1) female and one (1) male were elected, the election of these officers must be for one (1) male and one (1) female.

Article 15 – Voting for Executive

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

Article 16 – Voting for Council-at-Large

16.01 - The vote shall take place on a split ballot for ten candidates, five (5) males and five (5) females.

Article 17 – Balloting Procedure

17.01 - All elections shall be conducted by secret ballot.

17.02 - 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.
- (d) There are five (5) ballots, each one being held after the result of the previous one is known.
- (e)
 - (i) A split ballot is used in the election of positions where this Constitution requires gender parity.
 - (ii) The ballot is divided in two sections by line so that only same gender candidates run against each other.
 - (iii) 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.
 - (iv) If a split ballot is used, the delegates fill in their choices on the appropriate side of the ballot.
- (f) 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.
- (g) Different coloured ballots are to be used for each vote.
- (h) Voting shall begin early on the last day of Convention, but may be interspersed with other business.

Appendix B – Discipline of Members and Affiliated Groups

Article 1 - Request for Disciplinary Proceedings

1.01 - 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.

1.02 - No particular form of written request ("complaint") is required, so long as the complaint meets the requirements set out in Article 1.01 of the Rules.

1.03 - 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.

Article 2 - Investigation of Complaints

2.01 - 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.

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

2.03 - 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.

2.04 - 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.

2.05 - 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.

Article 3 - Action by the Provincial Executive

3.01 - 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.

3.02 - 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.

3.03 - 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

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

3.04 - 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.

3.05 - The evidence given at the hearing shall be recorded in the form decided by the Executive.

3.06 - 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).

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

Article 4 - Appeal to Provincial Council

4.01 - 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.

4.02 - 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.

4.03 - 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.

4.04 - 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.

4.05 - 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.

Article 5 - Appeal to Provincial Convention

5.01 - 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.

5.02 - All delegates to the Provincial Convention are entitled to vote on the appeal from Provincial Council.

5.03 - 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.

5.04 - The decision of the Provincial Convention is final.

Appendix C - Model Bylaws - Provincial Constituency Association

Article 1 - NAME

1.01 - The name of the Association shall be the New Democratic Party Provincial Constituency Association, (the "Constituency Association").

Article 2 - PURPOSE

2.01 - The purposes of the 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.

Article 3 - INTERPRETATION

3.01 - This By-Law shall be interpreted by the President. On formal motion any such interpretation may be over-ruled by a majority vote of all members present and voting at any meeting of the Executive or membership.

Article 4 - MEMBERSHIP

4.01 - Constituency Association membership may consist of Resident and Non-Resident members.

(a) Resident Members: All current individual members of the Party who live within the boundaries of the Electoral District, and who have not elected to become members of any other Constituency Association of the Party shall be members of the Association.

(b) Non-Resident Members: All current individual members of the Party who have applied in writing to the Provincial Secretary of the

Party to become members of this Association, rather than of the Association of the constituency in which they live, shall be members of this Association. Non-Resident members shall not have the right to vote at Nomination Conventions.

Article 5 – EXECUTIVE

5.01 - The Executive shall be the governing body of the Constituency Association between general meetings, subject to this By-Law, and the Constitution of the Party. All business of the Executive shall be transacted only at Executive meetings.

5.02 - The Executive of the Constituency Association shall be:

- (a) President;
- (b) Vice-President;
- (c) Secretary;
- (d) Treasurer;
- (e) Female Provincial Council Representative;
- (f) Male Provincial Council Representative;
- (g) Women's Action Representative;
- (h) NS YND Representative; and
- (i) Any other members elected at large at a General Meeting.

5.03 - The President shall chair general and executive meetings, shall maintain general supervision of all affairs of the Constituency Association, and shall carry out other duties, as decided by the Executive. The President shall be an ex-officio member of all committees.

5.04 - The Vice-President shall perform the duties of the President in the absence of the latter. If the office of the President becomes vacant, the Vice President shall become acting President until the next Annual General Meeting.

5.05 - The Secretary shall keep a brief and accurate form of minutes of all meetings of the Association and of the executive. The Secretary shall

also keep on file reports of committee chairpersons, treasurer, etc., and shall have all of the Constituency Association's filed correspondence and any other records of material belonging to the Association, and be responsible for the Constituency Association's correspondence, when directed by the Executive.

5.05 - The Treasurer shall handle the financial affairs of the Constituency Association; have custody of the funds of the Association received by any member or committee; deposit same in bank or credit union agreed to by the Executive (keeping in mind the convenience to the Treasurer); sign all cheques issued on behalf of the Constituency Association; see that the President counter-signs cheques; keep a complete record of receipts; submit a report to the Annual General Meeting.

5.06 - The offices of the Secretary and Treasurer may be combined at the discretion of the Executive.

5.06 - The Executive may present a budget for the approval of the Constituency Association at its first meeting.

5.07 - The Female and Male Provincial Council Representatives or their alternates shall represent the Constituency Association at all meetings of the Provincial Council of the Party and report the business conducted there to the Executive of the Association at its meetings.

5.08 - The Women's Action Representative shall be a member of the Party's Women's Action Committee.

5.09 - The NS YND Representative shall be a member of the NS YND.

Article 6 - CANDIDATE/MLA

6.01 - The Candidate nominated by the Constituency Association to represent the Party in the election campaign for Member of the Legislature for the Electoral District shall be an Executive member from

the time of nomination; if elected, the candidate shall remain an Executive member for as long as that person remains the Member of the Legislature for the Constituency; if defeated, the candidate shall remain an Executive member until the first Annual General Meeting, or until the first nomination convention held following the election (whichever is sooner).

Article 7 – COMMITTEES

7.01 - The Executive may establish committees to work in particular areas. The Executive shall elect the people to serve on each committee. Members of the Party who are not Executive members may be placed on committees. Such committees may include the following designated areas of responsibility:

- (a) Membership;
- (b) Social;
- (c) Financial;
- (d) Education; and
- (e) Election.

7.02 - The Executive shall establish and approve the terms of reference for the committees.

7.03 - Committees shall report at each Executive meeting all decisions they have taken since the last Executive meeting. Decisions by committees may be confirmed or overturned by the Executive.

Article 8 - MEETINGS

8.01 - There shall be a minimum of eight (8) Executive meetings in each calendar year and such meetings shall, whenever possible, be held on a regular basis.

8.02 - Executive meetings may be called by the President, or upon written request of five (5) members of the Executive.

8.03 - Quorum is 50 per cent of filled positions, plus 1.

8.04 - Minutes shall be kept of all decisions taken at all Executive meetings; these minutes shall be available for inspection by members at general and Executive meetings and at reasonable times by arrangement.

8.05 - Executive meetings shall in general be open to members of the Constituency Association. The Executive may vote to discuss one or more particular items in private. The debate on a motion to discuss items in private must be held in an open Executive meeting; the only items that may be discussed in private are those specific items, whose discussion in private, has been debated and approved at an open Executive meeting. Decisions taken in private Executive meetings must be recorded in the regular minutes and be available for inspection by any member.

8.06 - Executive members shall be elected by those members present and voting at the Annual General Meeting and vacancies that occur between annual meetings shall be filled by a vote of the existing Executive. The terms of those Executive members shall expire at the first annual general meeting following their election.

8.07 - Members who wish to be considered for nomination to the Executive under Article 8.06 above, but who are not able to attend the general meeting at which the election is to be held may submit a written statement signed by them and giving their wish to be considered for nomination; this statement must be received by the chairperson of the meeting before the close of nominations.

8.08 - Executive and/or committee members elected under Article 8.06 above, shall be considered to have vacated their positions if they miss three (3) consecutive meetings without good cause. The Executive may appoint members-at-large to fill or replace vacancies.

8.09 - Should the office of President become vacant prior to the Annual General Meeting, the Vice-President will succeed to the position.

Article 9 - GENERAL MEETINGS

9.01 - The Executive shall call at least one (1) general meeting in every calendar year. Other general meetings may be called by the Executive as necessary. Written notice of each general meeting shall be distributed to all members at least ten (10) days before the meeting. The Executive must call a membership meeting within thirty (30) days of receiving a written request that a general meeting be called for a specific reason, if the request is signed by at least thirty (30) members or one-half of the membership of the Constituency Association.

9.02 - One general meeting in each calendar year shall be designated the Annual General Meeting. At this meeting, the Executive shall be elected, financial reports for the previous fiscal year and for any election campaigns conducted by the Constituency Association during that fiscal year shall be reviewed and any other appropriate business shall be transacted.

9.03 - As prescribed in 11.01, prior to every Provincial Convention and Annual General Meeting, a general meeting must be held for the purpose of selecting delegates. Prior to Provincial Conventions, debate and voting on resolutions to be submitted to the Convention in the name of the Constituency Association must also take place at a general meeting.

Article 10 - FINANCES

10.01 - The financial affairs of the Constituency Association, not including Election campaign finances, shall be handled by the Treasurer. The raising and expenditure of funds shall be subject to the approval of the Executive.

10.02 - The financial affairs of a constituency election campaign shall be handled by the Official Agent of the Candidate. The raising of funds for an election campaign shall be the responsibility of the Election Planning Committee. The expenditures shall be administered by the designated Campaign Manager, subject to the approval of the total expenditure amount by the Executive of the Constituency Association.

10.03 - The Constituency Association's funds shall be deposited in accounts at one or more registered financial institutions.

10.04 - The fiscal year of the Constituency Association shall be from January 1 to December 31 of the same year.

10.05 - Financial reports shall be presented to each Annual General Meeting for the previous fiscal year, and for any election campaigns that the Association may have conducted during that fiscal year.

Article 11 - PARTY CONVENTIONS

11.01 - Prior to every Provincial Convention of the Party the Executive shall call a general meeting for the purpose of delegate selection, and to debate and vote on Resolutions to be submitted to the Convention in the name of the Constituency Association.

11.02 - Resolutions may be proposed by any member. Resolutions may be proposed at the meeting or may be submitted in advance to the Executive.

11.03 - Delegates to a Convention shall be elected by the members present and voting at a general meeting.

11.04 - Members not present at the meeting at which delegates are elected may be nominated as a delegate in their absence.

Article 12 - ELECTION CAMPAIGNS

12.01 - The Constituency Association shall be responsible for the nomination of candidates to represent the Party and for the conduct of Election campaigns in the constituency.

12.02 - A Nominating Convention shall be called for the purpose of nominating candidates.

12.03 - Only members living within the electoral district shall be eligible to vote at a Nominating Convention.

12.04 - Members living within the Constituency shall be sent notice of such Convention at least ten (10) days before it is held.

12.05 - Only persons entitled to vote at a Nominating Convention shall have the right to propose a person for nomination.

12.06 - The successful candidate must receive fifty per cent (50%) plus one of the valid votes cast.

12.07 - Every person offering himself/herself for nomination shall be a member of the Party in good standing thirty (30) days prior to the Convention.

12.08 - The direction of an election campaign in the Constituency shall be supervised by an Election Planning Committee. The Election Planning Committee shall be responsible to the Executive for the conduct of the campaign. The nature of this responsibility may be defined by the Executive for each particular campaign. The Committee is subject to Article 7.03 of this By-Law.

Article 13 - AMENDMENTS

13.01 - This By-Law may be amended by a vote of a least two-thirds (2/3) of the members present and voting at a membership meeting, provided that notice of the proposed amendment(s) was included with the written notice of the meeting, distributed to all members.

Article 14 - CONDUCT OF MEETINGS

14.01 – Bourinot’s Rules of Order shall apply to all matters not covered in the By Law, or in the Constitution of the Party.

14.02 - Voting by proxy shall not be allowed.

14.03 - This Article applies to all General, Executive and Committee Meetings.

Article 15 - PARTY CONSTITUTION

15.01 - Nothing in this By-Law shall be construed to be paramount to or to supersede any provision contained in the Constitution of the Nova Scotia New Democratic Party and a copy of this By-Law and all subsequent amendments thereto, shall be put on deposit at the provincial office of the Party and may be inspected thereat by any party member.