



# LEADERSHIP CAMPAIGN GUIDELINES

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# INTRODUCTION

Along with the Ontario NDP Constitution and Bylaws, the Ontario Election Finances Act, the Ontario Election Act, this document comprises the basic rules governing the leadership race for Ontario's NDP.

These guidelines facilitate the democratic process by which New Democrats who are members in good standing select the leadership candidate of their choice. They must also be consistent with the relevant Constitutional provisions of the Ontario NDP and, where applicable, the Federal NDP, with the other existing policies of the Party, Election Finances Act and the Election Act.

Read through these rules carefully and review the relevant forms available in the Leadership Candidate Workbook. The current Ontario NDP Constitution is available online at [www.ontariondp.ca/governance](http://www.ontariondp.ca/governance).

Should there be any inconsistency or conflict between the English and French versions of the Leadership Race Rules, the English version shall prevail.

For additional information, please contact the Ontario NDP Provincial Office:

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# PRINCIPLES

The principles of the Party shall be the foundational principles for the Leadership Contest. The Leadership Contest must:

- a. Elect a new leader with greater than 50% of votes cast;
- b. Comply with the Constitution of the Party;
- c. Comply with the Ontario Election Act and the Ontario Election Finances Act;
- d. Comply with the ONDP Anti-Harassment policy;
- e. Generate enthusiasm for the Ontario New Democratic Party, its ideas and principles;
- f. Be positive, inclusive and accessible;
- g. Grow the membership of the Party including prioritizing growth in equity-deserving communities; and
- h. Contribute financially to the Party.

The Leadership Rules are based on and shall be interpreted and applied in accordance with the above principles.

# 1. CHIEF ELECTORAL OFFICER

- a. A Chief Electoral Officer (CEO), to oversee the leadership contest, shall be appointed by the Provincial Executive of the New Democratic Party of Ontario (ONDP).
- b. The CEO shall enforce the regulations set out in the Ontario Election Act, Election Finances Act, the Party's Constitution and Bylaws, and this document.
- c. The CEO is the final authority on all rules and regulations of the leadership contest that are not already provided for in the Ontario Elections Act, Election Finances Act, and the Party's Constitution and Bylaws.
- d. The CEO shall have the authority to set any rules and regulations not detailed in this document, the Ontario Election Act, Election Finances Act, or the Party's Constitution and Bylaws. Any rule or regulations change will be communicated within 24 hours to all registered Candidates.
- e. The CEO shall interpret the rules and provide direction to the campaigns. In the event of a dispute regarding the interpretation or application of the rules, a Candidate may appeal a decision to the Administrative Committee (Provincial Officers).
- f. Staffing support for the CEO shall be provided by the ONDP's Provincial Office.
- g. The CEO will meet at an early date with the campaign manager or an alternate of each registered Candidate to discuss logistical and other details for the leadership campaign.
- h. The CEO will report as stipulated in Appendix A on the leadership campaign and the application of the rules and regulations.
- i. The CEO shall ensure that services or privileges provided to publicly elected officials are not used to further the candidacy of a leadership Candidate.
- j. The CEO shall apply sanctions up to and including fines and/or disqualification for an offending Candidate. Complaints concerning adherence to leadership rules are to be made to the CEO and will not be anonymous and must be documented.
- k. The CEO shall inform and keep apprised the campaigns on arrangements regarding logistics, debates and any other related matters.

- l. The CEO shall authorize the refund of Candidates' deposits upon approval of the financial returns.
- m. The CEO shall be responsible for conducting an investigation when advised or is of the belief that a candidate or person working on their behalf has paid a membership fee for Party members.
- n. The CEO shall be responsible for attending to all other matters referred to the CEO by the Administrative Committee of the ONDP.
- o. The CEO shall ensure the neutrality of the leadership contest. No member of the Administrative Committee of the ONDP, or any member of the Provincial Executive attending to leadership matters, or any staff working with the CEO to facilitate the leadership campaign shall work on behalf of, or against, any Candidate or potential Candidate.
- p. Any answers provided by the CEO to a question from a leadership campaign will be provided to all leadership campaigns, if at the discretion of the CEO, it is in the interest of a fair contest.

## **2. CAMPAIGN PERIOD**

For the purposes of reporting expenses and accepting contributions, the period of time commencing on the date set out in Appendix A shall be deemed the campaign period.

### 3. CANDIDATES

- a. Any member of the Party in good standing for at least 60 days prior to the Leadership vote who demonstrates a genuine interest in seeking the leadership and serving as the Leader may apply to be a Candidate.

Prior to being officially registered as a leadership Candidate with the Party, a prospective leadership Candidate must declare intent with the CEO.

- b. In order to be officially registered as a Candidate, a prospective candidate must:
  - ➔ register with Elections Ontario (LC-1); and
  - ➔ file the Party's nomination paperwork including the disclosure document with the CEO; and
  - ➔ submit the application fee with the CEO; and
  - ➔ be approved to stand as a candidate for leadership by the Provincial Director (Party CFO LC-1).
- c. To protect the best interests of the leadership Candidate and the Party, potential leadership Candidates are to provide complete disclosure. Potential Candidates are required to complete and sign a Personal Disclosure Questionnaire. The Personal Disclosure and other research will be reviewed closely (a process described internally as “vetting”) and will form the basis of decisions by the Provincial Director regarding candidacy. The disclosure process is important: it will help identify personal issues that may become public in the political arena. Information in this questionnaire will be kept confidential and only used internally by the Provincial Director and a small candidate review team and such limited third parties as may be warranted in the circumstances to verify and investigate any items referred to in the disclosure questionnaire or which may arise in any due diligence conducted by the party, including the Provincial Director. The Chief Electoral Officer will publish a blank copy of the Personal Disclosure Questionnaire.
- d. There shall be a non-refundable registration fee of \$50,000 for all Candidates. Of the \$50,000 non-refundable registration fee, \$5,000 is to be remitted by the prospective Candidate on filing registration papers (application fee). The balance (\$45,000) is to be remitted in two scheduled payments as set out in Appendix A. Failure to remit the non-refundable registration fee shall render the registration null and void.
- e. The Candidate's CFO may instruct the party to apply directed contributions, submitted as cheques or credit card donations, towards the application fee until

paid. The application deposit will be deemed paid once the applied directed contributions have reached the required level. Otherwise, any other method deemed acceptable by the CEO in consultation with Elections Ontario will be accepted.

- f. The second instalment of the registration fee of twenty thousand (\$20,000) dollars is due 30 days following registration of the Candidate. The third installment of the registration fee of twenty five thousand (\$25,000) is due 90 days from the leadership vote date.
- g. There shall be a refundable deposit of \$5,000, which is to be returned to candidates on acceptance by the CEO of the final statement of donations and expenses. This deposit shall be remitted within 30 days of filing. Failure to remit the refundable registration fee shall render the registration null and void.
- h. The leadership Candidate shall comply with all rules and regulations set out in this document, the Ontario Election Act, Ontario Election Finances Act, the Constitution and Bylaws, and those prescribed by the CEO.
- i. Violation of the Leadership contest rules, Constitution and Bylaws or Election Act, Election Finances Act or the anti-harassment policy may result in sanctions up to and including fines and/or disqualification of the offending Candidate.
- j. Mutual respect must be the basis of interaction among New Democrats in addition to cooperation and understanding.

The Ontario NDP Anti-Harassment Policy applies to the Leadership Contest. It is the mutual responsibility of all participants in the Leadership Contest to promote a harassment-free environment.

- k. Each Candidate is responsible for their own web site and other social media sites. Each candidate shall provide to the CEO contact information of the host for each candidate's web site. A candidate's web site and social media shall be registered with the CEO. A declaration stating that the candidate's web site and other social media accounts are the candidate's views and do not represent the views of the Ontario NDP must be in a reasonably visible location. All costs associated with social media are considered leadership campaign expenses and must be reported. To facilitate transparency and openness, leadership campaigns should keep a record of the content campaign materials sent to members or published online. Where targeted advertising is used for online materials, candidates will keep a record of the profiles or targeting parameters used.



## 4. NOMINATION PROCESS

- a. Prospective Candidates must file nomination signature paperwork with the CEO that has been duly signed by one hundred (100) members in good standing of the ONDP at the time papers are filed. The nomination paperwork must include signatures from:
  - i. a minimum of twenty (20) members from each of any four regions, of the six regions defined in Appendix A of the ONDP Constitution.
  - ii. At least fifty percent (50%) of the required nomination signatures must be from women, gender diverse or non-binary members.
  - iii. At least 25 percent (25%) of the required nomination signatures must be from other members in good standing of the Party's equity-seeking groups including members who are Black, Indigenous and people of colour.
- b. The CEO shall provide the Prospective Leadership Candidate Package no more than two (2) business days after a request is made by the prospective Candidate or their campaign manager.
- c. The decision to accept or reject a candidacy lies with the Provincial Director.
- d. A prospective Candidate may appeal a rejection within two (2) business days of receiving their notice. Administrative Committee of the ONDP shall consider the appeal provided it is submitted in writing within two (2) business days of the rejection and details the prospective candidate's arguments as to why they should be approved as a leadership Candidate. The Administrative Committee shall deliberate and provide a response to the appealing prospective Candidate within three (3) business days of the submission of the appeal. The Administrative Committee shall only consider one appeal from a rejected prospective Candidate.
- e. The deadline for registration for Candidates to appear on the ballot is set out in Appendix A. Candidates must be registered in order to be included in Party leadership events and Party facilitated promotion.
- f. Each Candidate must appoint a Chief Financial Officer (CFO) and notify the CEO of the name, mailing address, phone numbers and email address of the CFO at the time of their registration.
- g. Once the Provincial Director has approved the Candidate, and the CEO has confirmed that they have received all of the required documentation, the Candidate will be officially registered and will be eligible for the services provided by the Provincial Party.

## 5. DEFINITION OF ELECTION EXPENSES

- a. Election expenses shall be defined as: any expense incurred by a leadership Candidate in respect of the conduct or management of the leadership Candidate's campaign, including amounts paid, liabilities incurred, the commercial value of goods and services donated or provided, other than volunteer labour.
- b. Election expenses shall be deemed to include the value of any goods and services, which have been used in whole or in part during the leadership campaign. Paid staff services shall be included in election expenses. Volunteer labour, as defined under the Election Finances Act, shall not be included in election expenses.
- c. Election expenses must not be incurred until the leadership Candidate's registration papers are approved by both Elections Ontario and the Ontario NDP, and the CEO advises the Candidate of such.
- d. Surpluses, if any, will be transferred to the ONDP at the conclusion of the contest. Candidates are responsible for raising all political contributions necessary to cover their campaign expenses in full.
- e. Political advertising on behalf of a leadership Candidate must be authorized by the CFO of the Candidate.
- f. Candidate campaigns shall not use the Ontario NDP logo or other official branding elements on any public materials.

## 6. ELECTION EXPENSES

The spending limit for all Candidates shall not exceed [\$600,000 (November), \$800,000 (January) or \$900,000 (February)] in election expenses.

### **Expenses not Subject to Spending Limit**

The following shall be reported by the Candidate's campaign but shall be exempt from campaign spending limits:

- a. Any sums paid as replacement salary for the Candidate;
- b. Any expenditure made toward the childcare or dependent care costs for which the Candidate or campaign team is normally responsible;
- c. Additional accommodation (e.g. attendant) costs due to disability;
- d. Expenses related to fundraising;
- d. Leadership race election night party;
- e. Administration fees paid to the Party;
- f. Registration fees paid to the Party;
- g. Audit fees.

## 7. CONTRIBUTIONS TO LEADERSHIP CANDIDATES

- a. All contributions and loans to leadership Candidates are regulated by Elections Ontario and the Election Finances Act, including contributions received and loans incurred before the first day of the leadership contest.
- b. Contributions cannot be accepted until the Chief Electoral Officer of Elections Ontario has received official notification of the date of the leadership contest from the Ontario NDP. Additionally the leadership Candidate must also be registered with the Chief Electoral Officer of Elections Ontario and the Chief Electoral Officer of the ONDP before accepting contributions.
- c. Contributions to candidates' campaigns shall not exceed the amounts set out in the Election Finances Act, for eligible donors as defined in the Election Finances Act, and who meet the ONDP criteria on donations. This does not include candidates' use of their own funds.
- d. All monetary contributions to leadership campaigns must be processed through the Provincial Party and are subject to a 40% fee for processing and administration. No leadership donations may be deposited directly into the Candidate's personal accounts or in the Leadership Campaign account.
- e. The Chief Financial Officer of a leadership Candidate's campaign must open a bank account for the leadership campaign.
- f. The Provincial Party shall be responsible for issuing all tax receipts at the conclusion of the race.
- g. Goods and Services from a single source in excess of \$100 contributed to a leadership campaign are considered a contribution under the Election Finances Act.
- h. Riding associations cannot transfer money to a leadership Candidate or leadership campaign.

## **8. CAMPAIGN MANAGER & CHIEF FINANCIAL OFFICER (CFO)**

- a. The Candidate's campaign manager and CFO must be a member in good standing of the Party.
- b. The campaign manager or the designated representative will be the Candidate's primary contact for communication with the CEO.
- c. The campaign manager and CFO shall be responsible for ensuring that the rules set out in this document, decisions of the CEO, the provisions in Election Act and the Election Finances Act and the Constitution and Bylaws and the principles of the Anti-Harassment Policy are followed. The campaign manager and CFO shall also undertake to ensure that paid staff and volunteers are trained on the Leadership campaign rules and regulations.

## **9. FINANCIAL REPORTING**

- a. The Candidate's CFO shall be responsible for keeping a record of all contributions of money, goods and services and recording all expenditures in accordance with the guidelines. All election expenses and non-election expenses must be reported.
- b. All donations must be sourced. The CFO shall record the names, addresses and donations of all contributors.
- c. Interim statements of donations and expenditures must be filed by the dates set out in Appendix A.
- d. All reports submitted to Elections Ontario must be submitted concurrently to the CEO on the same date.
- e. The CFO must submit a final statement to the CEO as set out in Appendix A. Upon approval of this statement, the CEO will authorize a refund of the deposit, as set out in section 3.e. Any fines incurred by a candidate's campaign may be deducted from this deposit.
- f. Candidates are required to use the auditing firm selected by the Provincial Council when appointing an auditor.

## 10. CANDIDATE ENTITLEMENTS

- a. The Provincial Party will circulate content provided by all registered Candidates at least once to every member of the ONDP. The schedule and format shall be determined by the CEO.
- b. The Provincial Party will provide candidate information in a standard format on its website. The publication schedule and format shall be determined by the CEO.
- c. In order to receive membership lists and information, Candidates shall be required to sign the “Use of Membership List Consent Form”. Unauthorized use of any membership list by a campaign may result in the disqualification of the Candidate and the Party reserves the right to pursue legal action for misuse of confidential and proprietary information.
- d. The ONDP will provide access to the list of Provincial Council delegates and Presidents of provincial riding associations pursuant to the timelines set out in the Appendix A.
- e. The ONDP will provide access to the list of all members in good standing of the Party pursuant to the timelines set out in Appendix A. The ONDP will provide to officially registered Candidates a list of affiliated unions.
- f. Ridings and affiliated organizations are expected to provide equal opportunity to the greatest extent possible to all Candidates to interact and engage with members of the Party.
- g. The Party shall make reasonable accommodations to support Candidates with disabilities. Such support - financial or otherwise - shall not be deemed an election expense.

## 11. LEADERSHIP EVENTS

- a. The Provincial Party shall facilitate two (2) official Leadership debates, two (2) Candidate meet and greet events (virtual or in person), a candidate showcase event, and a result announcement event.
- b. The official debates, result announcement event, and meet and greets shall be organized at the discretion of the CEO. The CEO shall consider French language and equity issues when determining details of events.
- c. The CEO shall consult official leadership Candidates on the rules of these debates. The goal of the debates is to be a respectful and substantive exchange of views between candidates to inform members prior to their vote.
- d. The Provincial Party shall be responsible for the costs associated with hosting of the events.
- e. The Provincial Party will be responsible for advertising the official events to members.
- f. The Provincial party shall ensure that the official debates and result event are live streamed in order to be accessible to Party members.
- g. Leadership Candidates shall be responsible for their own travel, accommodation, food and incidentals for the leadership events. These costs shall be included in the spending limits.
- h. Only officially registered candidates shall be permitted to participate in the official leadership events.
  - i. The Party shall organize a Candidates Showcase event before the opening of the voting period.
  - i. Each candidate will be given a fixed and equal amount of time to make a presentation at this event.
  - ii. The speaking order shall be determined randomly.
  - iii. The Party will ensure the Candidates Showcase event is live streamed online to be accessible to all members.
  - iv. Leadership Candidates will be responsible for arranging their own travel and accommodations for the Showcase.

## 12. ELECTED OFFICE & PARTICIPATION

- a. Those services or privileges provided to publicly elected officials shall not be used to further the candidacy of a leadership Candidate.
- b. These services must not be used for communicating with delegates or Party members in any organized fashion.
- c. Staff may only work on leadership campaigns on their own time and away from public offices and not use any facilities or services afforded by government bodies whether they be federal, provincial, territorial or municipal. The CEO shall determine the application of this provision.

## 13. MEMBERSHIP

- a. All new memberships and membership renewals obtained by the Candidate or their agents shall be promptly submitted to the Provincial Office.
- b. Membership application forms and fees for new members must be submitted to the Provincial Office so that they are received no later than 60 days before the date of the Leadership vote.
- c. Each Candidate shall direct their supporters to sign-up for membership online to ensure speedy processing of members. Each candidate will have a dedicated membership webpage provided by the Party for membership sign ups.
- d. The Provincial Director or their designate shall provide approved Candidates with an updated membership list every 30 days upon request.
- e. Candidates must agree to respect the membership categories of the Ontario NDP and the membership fees associated with those categories.
- f. The Provincial Director or their designate may review any application for membership to ensure that it meets the requirements of the Ontario NDP. Following such a review, the Provincial Director may refer the application for membership to the Provincial Executive, as per Article 3.03(2)(b) of the Constitution of the Ontario NDP. In the case of such a referral, the Provincial Director shall promptly notify the applicant in writing of their decision.



g. Membership submissions from Candidates may only be paid by the individual or family member using their personal funds, in accordance with the Ontario NDP Membership policy and Elections Ontario rules.

h. Where the CEO finds a Candidate or a person working on behalf of a Candidate has paid any membership fees for Party members, that Candidate may be disqualified. This disqualification may be subject to appeal by the Candidate to the Administrative Committee of the ONDP.

i. Disputes between and amongst Candidates regarding eligibility for membership in the Ontario NDP shall be brought to the attention of the Provincial Director

or their designate. The Provincial Director shall, wherever possible, work with candidates to resolve these differences in an open and enquiring manner. Should these attempts at consensus be unsuccessful, the Provincial Director may proceed with the referral described above. Candidates dissatisfied with the decision of the Provincial Director may appeal their decision to the Ontario NDP Administrative Committee.

j. No later than 50 days before the date of the leadership vote, the Provincial Director or their designate shall supply to each declared candidates a copy of the list of the membership, as of 60 days before the date of the meeting.

k. Candidates wishing to appeal the eligibility of any member to vote must do so no later than 45 days before the date of the leadership vote. The Provincial Director shall deal with these appeals as described above. The membership list shall then be considered final.

l. All memberships valid on the cut-off date will receive a ballot irrespective of expiry date of membership.

## 14. LEADERSHIP SELECTION

### VOTING PROCEDURE

- a. Every member of the ONDP in good standing as of the cut-off date set out in Appendix A is entitled to cast a vote for the election of Leader.
- b. The Leader shall be chosen by secret ballot.
- c. Balloting
  - i. Only the legal name, or familiar form of the name of the registered candidate shall appear on the ballot. Candidates shall appear in alphabetical order of their surname
  - ii. The ballot will be a preferential ranked choice ballot. Eligible voters can rank candidates in their preferred order.
  - iii. Proxy voting shall not be permitted.
  - iv. A ballot is valid if at least one Candidate is selected.
  - v. All eligible voters may cast their ballot in one of two ways: 1) Mail-in ballot 2) online ballot.
  - vi. Voting period will be decided by the CEO, and set out in Appendix A.
  - vii. In the event of a tie on the last ballot, or a tie affecting candidates to be dropped from subsequent balloting, the current ballot will be extended or another ballot will take place.
  - viii. Candidates for the leadership with the fewest number of weighted votes will drop off the ballot in subsequent rounds until one candidate receives a majority of the total weighted votes cast in that round.
- d. The ballots cast by Party members shall be weighted to a total of 75% of the votes counted, and the balance, 25% of the votes counted, shall be allocated among the affiliated members.

## Affiliate Vote

- a. The affiliate vote represents the organizational partnership of the ONDP and its affiliated members, which are currently primarily labour unions. The affiliate vote will be weighted to represent 25% of the total vote.
- b. Eligible affiliated bodies will elect members to vote on their behalf. All persons casting affiliate votes must be members in good standing of the ONDP on the date set out in Appendix A. Eligibility to participate will be determined on the basis of affiliated membership as of the date set out in Appendix A. Notification of eligibility will be sent directly to each affiliated local by a date set out in Appendix A.
- c. Each affiliated organization is entitled to voting representation according to the number of its members, namely two votes for the first 100 members or any portion thereof, and one additional vote for each additional 300 members or major fraction thereof. Individuals casting such votes shall be members of the affiliated organizations or the parent organization to which the affiliated organization belongs.
- d. Central labour bodies, specifically affiliated local Labour Councils, union councils, and the Ontario Federation of Labour, shall be entitled to voting representation as follows: one vote each from such central local body and two votes from the Ontario Federation of Labour.
- e. Each affiliated body must submit a list of the individuals who members in good standing and are designated to vote on their behalf prior to the ballots be distributed, the date of which is outlined in Appendix A.
- f. Persons voting on behalf of an affiliated organization may not in addition cast a ballot as an individual member. For further clarity, no person may vote twice.
- g. All affiliate ballots will be counted together and the appropriate percentage assigned to each Candidate for the total vote.

# APPENDIX A

## Dates & Deadlines

The following are approximate key dates for the Leadership Race and to be confirmed by the CEO.

- ➔ Leadership campaign start date: **July 18, 2022**
- ➔ Leadership campaign voting day: **March 2, 2023 (TBC)**
- ➔ Candidates must register by, and have paid the 3<sup>rd</sup> deposit fee (90 days from voting day) to appear on the ballot: **December 2, 2022 (TBC)**
- ➔ To be eligible to vote, new or renewed memberships must be received (not postmarked) at Provincial Office (60 days from voting day) by: **January 1, 2023 (TBC)**
- ➔ Cut-off date for affiliates (received at Provincial Office). (80 days from voting day): **December 12, 2022 (TBC)**
- ➔ Cut-off date for submission of affiliate lists of ONDP members designated to vote in the leadership. (70 days from voting day): **December 22, 2022 (TBC)**
- ➔ Deadline for Candidates to appeal the eligibility of members to vote in contest (45 days from voting day): **January 16, 2023 (TBC)**

### Candidate Financial Fee Dates

1. Initial/First Deposit (non-refundable) **\$5,000** due with registration.
2. Second Deposit (non-refundable) **\$20,000** due within 30 days of registration.
3. Audit Deposit (refundable) **\$5,000** due within 30 days of registration.
4. Third Deposit (non-refundable) **\$25,000** due 90 days from voting day.
5. Interim Statement of Candidate Income and Expenses due to CEO – every 30 days