

# ONTARIO'S NEW DEMOCRATS PARTY CONSTITUTION AND BY-LAWS

AS AMENDED BY THE MEMBERS AT CONVENTION 2019



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## Article 1: Name

The name of the Party shall be the NEW DEMOCRATIC PARTY OF ONTARIO. The New Democratic Party of Ontario will constitute a section of the New Democratic Party (of Canada).

## Article 2: Principles

The provincial Party will unite progressive people and organizations into a party democratically controlled and openly financed by its membership. It will, with all the resources at its command, extend the policies and program on a provincial level of the New Democratic Party (of Canada). It will endeavour to establish in this province a government whose object shall be to substitute economic planning for irresponsible control with all its unjust consequences and thereby to give maximum opportunity for public, co-operative, and private enterprise to contribute to the development of our province. To this end we will invite the cooperation of all persons who are dedicated to the extension of freedom, the abolition of poverty and the elimination of exploitation.

## Article 3: Individual Membership

### Section 1:

- 1.1 Any individual who resides in Ontario may apply for individual membership in the Party.
- 1.2 An individual who applies for individual membership shall undertake that they:
  - (a) Will abide by the Constitution and principles of the Party; and
  - (b) Is not a member or supporter of any other political party.
- 1.3 There shall be no discrimination whatsoever with respect to individual membership in the Party provided the individual complies with the provisions of this Article.

### Section 2:

- 2.1 Annual membership fees for individual members shall be established from time to time by a resolution of a Provincial Convention.

### Section 3:

- 3.1 Each application for individual membership and each renewal of individual membership shall be forwarded to the Director of the Party together with the appropriate membership fee.
- 3.2 Subject to this Article and to Article 11.03, an applicant for individual membership becomes an individual member of the Party:
  - (a) Upon acceptance of the application by the Director of the Party, or designate; or
  - (b) Upon the expiration of the 30th day after the application for individual membership and the appropriate membership fee are received by the Director of the Party, unless the applicant is given notice in writing by the Director of the Party that the application has been referred to the Provincial Executive.

### Section 4:

- 4.1 Individual membership shall be based on a calendar year.
- 4.2 An individual who becomes an individual member or who renews their membership on or after November 1 in any year shall remain a member in good standing until December 31 of the next year.
- 4.3 An individual member in good standing at the end of any calendar year retains all rights and privileges

of membership until March 31 in the next year; thereafter, an individual member may immediately regain all rights and privileges of membership by renewing their membership at any time before the end of the year.

- 4.4 An individual member in good standing at the end of any calendar year who does not renew their membership before the end of the next year must apply for membership in the same manner as a new applicant.

### **Section 5:**

- 5.1 The Director of the Party shall maintain the list of individual members of the Party.

### **Section 6:**

- 6.1 Each individual member shall be a member of one provincial constituency association and one federal constituency association.
- 6.2 An individual member may be a member of more than one municipal constituency association provided that the boundaries of those municipal constituencies overlap.

### **Section 7:**

- 7.1 An individual member has the right to be a member of the constituency association for the constituency in which they reside.
- 7.2 An individual member may become a member of a constituency association other than the one in which they reside by making a personal request to the constituency association to which they wish to belong, and by having that constituency association accept their membership.

### **Section 8:**

- 8.1 To have voting rights within the Party an individual member must be thirteen years of age or older.

## **Article 4: Affiliated Organizations**

### **Section 1:**

- 1.1 Affiliated membership shall be open to trade unions, farm organizations, co-operatives, equity-seeking organizations and other appropriate organizations.
- 1.2 An organization wishing to affiliate shall do so through methods determined by the organization itself.
- 1.3 A local, regional, or provincial organization may apply for affiliation for its membership in the province or for members of a local, lodge, branch, or district.

### **Section 2:**

- 2.1 Each affiliated organization shall undertake to accept and abide by the principles and Constitution of the Party, and shall not be associated or identified with any other political party.

### **Section 3:**

- 3.1 Each affiliating union or local would be required to make written application to the Party, signed by a minimum of two officers of the organization and endorsed by the presiding body of the union or local.
- 3.2 Each application for affiliation shall be made to the Provincial Council. Any such decision for affiliation may be appealed to the following Provincial Convention, which shall have the final determination on

any such appeal.

- 3.3 Upon acceptance of an application for affiliation, affiliated organizations should provide an up-to-date count of their current membership to allow for the calculation of representation and delegates to Provincial Council and Convention.

## **Article 5: Constituency Associations**

### **Section 1:**

- 1.1 There shall be a constituency association for each provincial constituency and a constituency association for each federal constituency within the province of Ontario.
- 1.2 There may be a constituency association for each municipal constituency.

### **Section 2:**

- 2.1 The purpose of each constituency association shall be to organize within the constituency for electoral, political and educational purposes and to nominate candidates for electoral office.
- 2.2 In addition, the purpose of each provincial constituency association shall be:
  - (a) To recruit members;
  - (b) To carry out the administrative work of the party within its constituency; and
  - (c) To be the constituency association to which the Party assigns responsibilities under Ontario's election laws.

### **Section 3:**

- 3.1 Subject to Article 3.07(2), the individual members who reside within a particular constituency shall constitute the membership of that constituency association.

### **Section 4:**

- 4.1 Each constituency association shall be governed by an executive, which shall consist of a minimum of four (4) officers: a President, a Vice-President, a Secretary, and a Chief Financial Officer.
- 4.2 Each constituency association must offer for election representatives to all six Equity committees, including: ONDY, Ethno-Racial Equity, Persons Living With DisABILITIES Committee, Women's Committee, LGBTQ Committee, and Indigenous Peoples Committee.

### **Section 5:**

- 5.1 Each constituency association shall adopt a constitution to govern its affairs.
- 5.2 Each constituency association shall forward its constitution and any amendments thereto to the Provincial Council as soon as the constitution or amendment has been adopted.
- 5.3 No constitution of a constituency association or amendment thereto, is valid unless it is in accordance with the Provincial Constitution and is approved by the Provincial Council.

### **Section 6:**

- 6.1 The Provincial Council may adopt and amend model constitutions for federal, provincial and municipal

constituency associations.

- 6.2 Any constituency association which has not adopted a constitution in accordance with this Article shall be deemed to have adopted the appropriate model constitution or amendment thereto and the Provincial Council shall be deemed to have approved it.

### **Section 7:**

- 7.1 In a constituency where the holding of meetings and conducting of normal constituency association activities are extremely difficult because communities are widely separated, the constituency association may adopt a constitution to allow for “community clubs.”
- 7.2 Community clubs” shall carry on the normal coordinating functions of a regular constituency association but shall be subordinate to the total constituency association.
- 7.3 Such matters as the selection of candidates, selection of convention delegates and adoption of resolutions for conventions must be done by the full constituency association.

### **Section 8:**

- 8.1 Federal constituency associations shall abide by obligations to the New Democratic Party (of Canada) as determined by the New Democratic Party (of Canada) and agreed to by the New Democratic Party of Ontario.

## **Article 6: Nomination Meetings**

### **Section 1:**

- 1.1 The executive of every constituency association shall, in accordance with rules and procedures established by the Provincial Council, call a nomination meeting for the purpose of selecting a candidate to represent the Party in a general election or by-election.

### **Section 2:**

- 2.1 The executive of the constituency association shall ensure that notice of the nomination meeting is mailed to every individual member of the constituency association no later than fourteen (14) days prior to the date of the nomination meeting.
- 2.2 The executive of the constituency association shall ensure that notice of the nomination meeting is issued to each person whose application for membership is received by the Director of the Party at least thirty (30) days prior to the date of the nomination meeting but whose application is received subsequent to the date on which the notice of nomination meeting was issued. Such notice to new members shall be issued no later than fourteen (14) days prior to the date of the nomination meeting. Associations shall be required to ensure alternative methods of notification are used in the case of electronic mail delivery failures.

### **Section 3:**

- 3.1 After an election writ has been issued, the Provincial Executive or the Director of the Party may waive the notice provision or abridge the time period.

### **Section 4:**

- 4.1 To have the right to vote at a nomination meeting, a person must be an individual member of the Party:



- (a) Who resides within the constituency; and
- (b) Whose application for membership was received by the Director of the Party at least thirty (30) days prior to the date of the nomination meeting.

4.2 Where an individual member's name does not appear on the membership list of a constituency association provided by the Director of the Party for the purpose of a nomination meeting, it is the responsibility of that individual member to prove that they reside within the constituency and that they otherwise have the right to vote at the nomination meeting.

### **Section 5:**

- 5.1 Only an individual member who is eligible to vote at the nomination meeting may nominate a member to be a candidate.
- 5.2 Only an individual member may be nominated to be a candidate.

### **Section 6:**

- 6.1 In a contested nomination, there shall be a secret ballot to determine which member shall be endorsed as the candidate, and that member must receive more than fifty per cent (50%) of the votes cast.
- 6.2 In an uncontested nomination, in order for a member to become the candidate, they must be endorsed by a majority of the members present and voting.

### **Section 7:**

- 7.1 The candidate selected at a nomination meeting must be endorsed by the Provincial Council before they become the Party's official candidate.
- 7.2 If the Provincial Council decides not to endorse a selected candidate, the Provincial Council shall provide the constituency association and the selected candidate with a full explanation of its reason and, if requested, shall provide the selected candidate and the constituency association with a full hearing before the Provincial Council.

### **Section 8:**

- 8.1 Where a constituency association fails or is unable to call a nomination meeting, or where there is no appropriate constituency association, the nomination meeting may be called and conducted by the Provincial Executive.
- 8.2 Where a constituency association does not nominate a candidate, the Provincial Executive may intervene to ensure that there is an official candidate.

## **Article 7: Provincial Conventions**

### **Section 1:**

- 1.1 The regular Provincial Convention shall take place every two years, at a time and place to be decided on by the Provincial Council.
- 1.2 The regular Provincial Convention shall not take place in the same year as the regular convention of the Federal Party.

### **Section 2:**

- 2.1 The Provincial Convention shall be the governing body of the provincial Party, and shall have final authority in all matters of principles, policies, constitution and program.

### **Section 3:**

- 3.1 At least ninety (90) days' notice of date and place of Convention shall be given to each provincial constituency association, affiliated organization, and any other group entitled to representation.

### **Section 4:**

- 4.1 Registration fees for delegates to Conventions shall be determined by the Provincial Council.

### **Section 5:**

- 5.1 The Provincial Council may call a special Convention when it deems such necessary and shall do so if requested in writing by two-thirds of the provincial constituency associations such request must be for a specific purpose or purposes.
- 5.2 Authority for the provincial constituency to make such a request must be passed at a properly called provincial constituency meeting.
- 5.3 A special convention will only be convened for the specific purpose or purposes stated in the written request for such a convention.

### **Section 6:**

- 6.1 The provincial Party shall adopt such rules and regulations as it deems necessary for the conduct of its business, but in all matters not governed by these rules and regulations, Robert's Rules of Order shall govern.

### **Section 7:**

- 7.1 The basis of representation for the seating of delegates at Conventions shall be:
- (a) All members of the Provincial Council.
  - (b) Each provincial constituency association shall be entitled to one delegate for the first 25 members or any portion thereof, and one additional delegate for each additional 25 members or major fraction thereof. Such delegates shall be elected at a general membership meeting of the provincial constituency association. To have the right to be a delegate, and to have the right to vote in the election of delegates, a person must be an individual member of the Party whose application for membership was received by the Secretary of the Party at least thirty (30) days prior to the date the delegates are elected. A member may vote in the election of delegates in only one constituency association
  - (c) Each affiliated organization is entitled to representation according to the number of its members, namely one delegate for the first 300 members or any portion thereof, and one additional delegate for each additional 300 members or major fraction thereof. No affiliated union (central bodies and locals combined) will be eligible for more than a maximum of 150 Convention delegates. Such delegates shall be members of the affiliated organizations or the parent organization to which the affiliated organization belongs. Individual affiliate members shall be accounted for under either their local or central membership for the purposes of delegate allotment calculation.
  - (d) Delegates from organizations recognized under Articles 11 and 12 of this Constitution shall be entitled to representation on the same basis as provincial constituency associations subject to a maximum of four (4) delegates. For purposes of this subsection, to be counted for the purpose of establishing the number of delegates to which the organization is entitled, a member of any such organization

shall be a member in good standing of the ONDP who has signed a declaration that they are an active member of such organization and such declaration has not been revoked. Such declarations shall be forwarded to the Secretary of the Party and must be received by the Secretary at least thirty (30) days prior to the day the delegates are elected.

(e) Where a provincial or regional organization comprised of more than one local or branch affiliates for the total membership in the province, it shall be entitled to one delegate.

(f) All members of the Party's Caucus in the Provincial Legislature and Ontario members of the Party's Caucus in the Federal Parliament shall be seated as delegates.

(g) Central bodies, specifically local Labour Councils, union councils, and the Ontario Federation of Labour, which are not eligible for direct affiliation to the Party, but undertake to accept and abide by the constitution and principles of the Party and have been recognized by the Executive of the Provincial Party, shall be entitled to representation as follows: one delegate from each such central local body and two delegates from the Ontario Federation of Labour.

(h) Each recognized youth club shall be entitled to representation at the Convention on the same basis and in the same manner as each constituency association. To be a delegate or to be counted for the purpose of establishing the number of delegates to which a recognized youth club is entitled, a member shall be a member of good standing in the ONDP who is eligible to be a member of ONDY pursuant to Article 11.05 (4) (b) of this Constitution and shall be a member of that youth club in accordance with the ONDY constitution. For purposes of delegate entitlement a member may be counted as well in the constituency association in which he or she is entitled to be counted as well in the constituency association in which he or she is a member in accordance with Article 7.07 (b).

## **Section 8:**

8.1 Every delegate to a Convention shall be an individual member of the Party in good standing.

## **Section 9:**

9.1 Resolutions or constitutional amendments may be submitted by provincial constituency associations, area councils, affiliated organizations, Provincial Executive, Provincial Council, regional conferences, recognized ONDY clubs or Special Sections and Equity Committees (Article 11), and recognized Ethno-Racial Equity advisory committees (Article 12).

9.2 Resolutions to Provincial Council and Convention shall be passed at an Annual or General Meeting or Conference of the committee.

9.3 The deadline and procedure for submitting such resolutions or constitutional amendments shall be as determined by the Provincial Executive before each Convention.

## **Section 10:**

10.1 At each Provincial Convention one-third of the registered delegates shall constitute a quorum.

# **Article 8: Provincial Officers**

## **Section 1:**

1.1 The Officers of the Provincial Party elected by the Convention shall consist of: Leader; President; Six Vice-Presidents (at least 50% of which shall be women with any of the positions filled by Trans, genderqueer, or non-binary persons); and Treasurer.

- (a) With the exception of the Leader, and the Secretary, the Officers shall be elected by Convention.
  - (b) The Leader shall be elected by a vote of the membership of the Party.
- 1.2 The Provincial Executive shall hire the Provincial Director. The Provincial Director shall be an Officer of the Party. The Executive's decision to hire must be ratified by Provincial Council.
- 1.3 A member of the Federal Parliament or the Provincial Legislature may not be President or Director except that a President or Director who is elected to the House of Commons or the Legislative Assembly during their term of office may complete that term.
- 1.4 When the Leader is unable to attend meetings of Executive or of any committee of Executive to which the Leader belongs, the Leader shall have the authority to appoint a Designate to act in their absence. This Designate shall be counted for quorum purposes and have the same authority as the Leader to participate in decisions, except that the Designate shall not vote.
- (a) Every member is entitled to cast a ballot for the election of the Leader.
  - (b) The ballots cast by Party members shall be weighted to a total of 75% of the votes counted in a Leadership election, and the balance, 25% of the votes counted in a Leadership election, shall be allocated among the affiliated members.
  - (c) At every regular convention that is not a leadership convention; a secret ballot vote will be held to determine whether or not a leadership election should be called. If a majority of the voting delegates supports the calling of a leadership election, such an election will be held within one year of the convention vote.
  - (d) The Leader will be chosen by secret ballot. 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. Other leadership selection procedures will be determined by Provincial Council.

## Article 9: Provincial Executive

### Section 1:

- 1.1 The Provincial Executive shall consist of:
- (a) Provincial Officers.
  - (b) Six (6) members-at-large, of whom at least 50% of which shall be women with any of the positions filled by Trans, genderqueer, or non-binary persons.
  - (c) Two (2) Co-Chairs from each of the Regional Caucuses, of whom at least one (1) must be a woman with any of the positions filled by Trans, genderqueer, or non-binary persons. The Provincial Council may determine the boundaries of the regions.
  - (d) Two (2) Co-Chairs of each Special Section and Equity Committee, of whom at least one (1) must be a woman with any of the positions filled by Trans, genderqueer, or non-binary persons.
  - (i) In the event that a nominee for Co-Chair declares that that they are unable to fulfill the roles and responsibilities of the Provincial Executive, and that person is successful in being elected as a Co-Chair, then the Provincial Executive representative will be elected by the members of that Special Section or Equity Committee.
- 1.2 No more than five (5) of the Regional Caucus Co-Chairs and members-at-large may be Members of Parliament or Members of the Legislative Assembly at the time of their nomination to the Provincial Executive.

### Section 2:

- 2.1
- (a) Provincial Officers and Members-at-Large shall be elected by Convention and vacancies shall be filled by Provincial Council with the exception of Provincial Leader and Director.
  - (b) Regional caucuses, and all Special Sections and Equity Committees recognized in Article 11 of this Constitution shall choose their own representatives to Provincial Executive and shall fill vacancies

as they arise.

## 2.2

(a) When the position of Leader is vacant, or when the Leader has announced his or her intention to resign as Leader, the Provincial Council may elect an Interim Leader.

(b) When the Provincial Executive chooses to nominate a person for Interim Leader, it must first consult with the Party's Caucus in the Legislative Assembly of Ontario. Nominations from the floor of Provincial Council shall also be accepted.

(c) An Interim Leader may attend and speak at all meetings of the Provincial Executive and Provincial Council but is not entitled to a vote.

## Section 3:

3.1 Any member absenting themselves from three consecutive meetings of the Executive without a reasonable excuse shall be deemed to have vacated their office.

3.2 A quorum of the Provincial Executive shall be one-third of its members.

## Article 10: Provincial Council

### Section 1:

1.1 The Provincial Council shall consist of:

(a) The Provincial Executive;

(b) Two members elected by and from the Provincial Caucus;

(c) Two members elected by and from the Federal Caucus, representing Ontario constituencies;

(d) Two members, at least one of which shall be a woman with any of the positions filled by Trans, genderqueer or non-binary persons from the executive of each provincial constituency association of up to three hundred members and an additional member for each further three hundred members or fraction thereof;

(e) The president or vice-president of each recognized area council;

(f) Two members, at least one of which shall be a woman with any of the positions filled by Trans, genderqueer or non-binary persons elected by each organization recognized under Articles 11, of this Constitution;

(g) Ten members elected by the Ontario New Democratic Youth;

(h) One member from each affiliated local or grouping of affiliated unions with an affiliated membership in Ontario of three hundred or more and an additional delegate for each additional one thousand members to a maximum of three delegates from any one local or grouping of affiliated unions;

(i) One delegate from the Ontario Federation of Labour and one delegate from each Labour Council;

(j) Eight members elected by the ONDP Women's Committee;

(k) Each recognized youth club shall be entitled to representation on the same basis as a constituency association as set out in subsection (d) of this Article; and

(l) Every delegate elected by the Ontario caucus of delegates at the Convention of the NDP of Canada to represent Ontario members who otherwise is not a delegate to Provincial Council.

1.2 Every delegate shall be an individual member of the Party in good standing.

1.3 Organizations entitled to delegates under this article shall elect or appoint alternates who will have full rights in the absence of the regular delegates.

### Section 2:

2.1 The Provincial Council shall meet at least three times a year.

2.2 The Provincial Council shall meet at the call of the Executive or on the written request of twenty-five per cent (25%) or more of its members.

### **Section 3:**

- 3.1 The Provincial Council shall be the governing body between Conventions.
- 3.2 The Provincial Council shall have full authority to adopt and issue statements in the name of the Party in conformity with and based as far as possible on Convention decisions.
- 3.3 The Provincial Council shall have full authority to accept or reject applications for membership or affiliation, subject to the requirements of Article 4.03.
- 3.4 The Provincial Council shall appoint an Auditor of the Party who is not a member of the Council, who shall make an audit of the books and accounts of the Party each fiscal year and report to the Convention, in accordance with the Ontario Election Finances Act.

### **Section 4:**

- 4.1 Any member absenting themselves from three consecutive meetings of the Council without a reasonable excuse shall be deemed to have vacated their office.

### **Section 5:**

- 5.1 At each meeting of the Provincial Council, fifty per cent (50%) plus one of the registered delegates shall constitute a quorum.

## **Article 11: Special Sections and Equity Committees**

### **Section 1:**

- 1.1 Special Sections and Equity Committees may, at the discretion of the Provincial Council, be formed and given representation at Conventions, Councils and Executives

### **Section 2:**

- 2.1 The creation of Special Sections and Equity Committees will be brought to the next Convention for ratification.

### **Section 3:**

- 3.1 Only members of the Party shall be eligible for membership in special sections.

### **Section 4:**

- 4.1 Special Sections and Equity Committees shall be autonomous as to their Constitution and program, provided that the Constitution and program are not in conflict with those of the New Democratic Party of Ontario or the New Democratic Party of Canada.

### **Section 5:**

- 5.1 The recognized Special Sections and Equity Committees are:
  - (a) Ethno Racial Equity Committee;
  - (b) Indigenous People's Committee;
  - (c) Persons Living with Disabilities Committee;
  - (d) Ontario New Democratic Youth;
    - (i) All members in good standing of the New Democratic Party of Ontario who are under

- twenty-six (26) years of age are eligible for membership in the Ontario New Democratic Youth.
- (ii) One of the co-chairs will serve as the Federal Council Youth Delegate from Ontario.
- (e) ONDP Women's Committee; and
- (f) Lesbian, Gay, Bi-sexual, Trans, Queer Committee (LGBTQ)

## **Article 12: Ethno-Racial Equity Advisory Committees**

### **Section 1:**

- 1.1 Ethno-Racial Equity advisory committees of the New Democratic Party of Ontario may be recognized by resolution of Provincial Council and ratified by Convention.

### **Section 2:**

- 2.1 Each Ethno-Racial Equity advisory committee shall be entitled to name two delegates to Provincial Council/Convention who shall be members in good standing of the NDP.

### **Section 3:**

- 3.1 Each Ethno-Racial Equity advisory committee shall be autonomous in its structure and activities provided that these are not in conflict with the constitution and program of the New Democratic Party and will be under the umbrella of the Ethno-Racial Equity Committee for Provincial Executive representation

## **Article 13: Special Sections, Equity Committees, Area Councils and Regional Conferences Process**

### **Section 1:**

- 1.1 Provincial constituency associations and affiliated organizations may, with the consent of the Provincial Council, establish area councils and organize regional conferences.

### **Section 2:**

- 2.1 Each special section, equity committee, area council and regional conference shall adopt a constitution for the conduct of its business and such constitution shall be subject to the approval of the Provincial Council and shall be in accordance with this Constitution.
- 2.2 In the absence of a constitution the following will apply:
  - (a) All meetings shall be advertised as widely as possible through the Provincial Office with a minimum of fourteen days' notice.
  - (b) Minutes shall be taken at all meetings, including the date, the names of all those attending and the result of any votes taken. Such minutes shall be made available to the Provincial Secretary upon request.

### **Section 3:**

- 3.1 Each delegate to an area council or regional conference shall be elected or otherwise selected by the general membership of their constituency association or affiliated organization.

### **Section 4:**

- 4.1 Every delegate to an area council or regional conference shall be an individual member of the Party in good standing.

## **Article 14: Discipline**

### **Section 1:**

- 1.1 The Provincial Executive has the right to expel, suspend or otherwise discipline any member for any conduct contrary to this Constitution, or the principles of the Party.
- 1.2 When such expulsion, suspension or discipline has been undertaken it shall be subject to a final appeal and hearing before the Provincial Council.
- 1.3 Any member who is expelled under the terms of this Article shall be required to apply to the Provincial Executive for reinstatement.

### **Section 2:**

- 2.1 The Provincial Executive shall be responsible for the discipline of affiliated organizations and organizations constitutionally established within the Party and has the right to expel, dissolve, suspend or otherwise discipline such organizations for any violation of this Constitution or for acts that bring discredit to the Party.
- 2.2 In the event of disputes among members of bodies recognized in Articles 11, 12, or 13 involving censure, discipline, or removal from office, before any such action is taken, the issue must first be brought to the Provincial Director who in turn will bring it to the Provincial Executive for resolution.
- 2.3 When such expulsion, dissolution, suspension or discipline has been undertaken it shall be subject to a final appeal and hearing before the Provincial Council.

## **Article 15: Interpretation and Amendments**

### **Section 1:**

- 1.1 On a day-to-day basis, this Constitution shall be interpreted by the Director of the Party, or, in the absence of the Director, by a staff member appointed by the Director.
- 1.2 Any interpretation by the Director may be appealed to the Provincial Executive.

### **Section 2:**

- 2.1 At a meeting of the Provincial Executive, the Provincial Council or a Provincial Convention, this Constitution shall be interpreted by the President of the Party, or, in the absence of the President, by the chairperson of the meeting.
- 2.2 Any interpretation by the President or chairperson of the meeting may be overturned by a majority vote of those present and voting at the meeting.

### **Section 3:**

- 3.1 At every meeting of a Provincial Convention, the Provincial Council, or the Provincial Executive, and at every meeting of all constituency associations, area councils and regional conferences, as well as every meeting of the executive or other committees thereof, where any matter is not covered by this Constitution or any other constitution which is binding on the body, Robert's Rules of Order shall govern the matter, unless some other method of procedure has been specifically agreed to beforehand.



## **Section 4:**

- 4.1 This Constitution may be amended by a two-thirds majority vote of all delegates present and voting at a Provincial Convention.

## **Article 16: By-laws**

### **Section 1:**

- 1.1 The Provincial Executive may adopt by-laws as needed, if the bylaw is of an urgent nature.
- 1.2 Any such bylaw shall remain in force until the next meeting of Provincial Council, at which point the bylaw shall be confirmed by the Provincial Council or shall cease to be in force.

### **Section 2:**

- 2.1 The Provincial Council may adopt by-laws as needed.
- 2.2 Proposed by-laws shall be circulated to Provincial Council delegates, at least 21 days, in advance of any Provincial Council at which the by-law is to be considered.
- 2.3 The by-law shall be adopted if it receives at least two-thirds of the delegates voting at a Provincial Council meeting.

## **Appendix A: Membership**

### **Resolution on Membership Fees**

*(Convention 2002)*

Therefore be it resolved that the Ontario NDP attempt to cover the cost of new membership processing by increasing the NGE1 fee from the current \$3.00 to \$5.00 effective immediately.

### **Resolution on Membership Fees**

Pursuant to the authority vested in it by Article 3 of the Provincial Constitution, the following shall constitute the proper setting and disposition of membership fees:

1. For those gainfully employed, there shall be a minimum general membership fee of \$25 per person and the minimum fee for all other members shall be \$5 per person. Only one copy of the NEW DEMOCRAT or like periodical shall be sent to a household.
2. Sustaining membership fees are payments of \$25 per year or more.
3. Any member of the Party who has reached age 65 and has been a member for 10 years or who is recommended by their riding executive may apply to be a life member. There shall not be a membership fee for a life member.
4. All membership fees shall be credited to the provincial constituency association and will be remitted to the constituency association according to that constituency association's agreement on its portion of the Provincial Party's budget.
5. The Provincial Party undertakes to meet the obligations to the New Democratic Party (of Canada) as determined by the New Democratic Party (of Canada) from time to time and agreed upon by the Provincial Party.

## Resolution on Responsibilities of Membership

A member of the New Democratic Party shall be subject to the disciplinary provisions of the Constitution of the Party if they:

1. Misrepresents the policy of the Party;
2. While representing the Party or any constituency association publicly conducts themselves in such a way as to bring discredit to the Party;
3. Supports a group or organization, not constitutionally set up within the Party, which uses the name of the Party without prior written approval of the Party.

1Non-gainfully employed

## Appendix B: Regional Representation

On January 21, 2017, the Provincial Council approved the following regional groupings of constituency associations for the purpose of Article 9 §1.1(c) of the Constitution:

### Central East:

- Ajax
- Aurora—Oak Ridges—Richmond Hill
- Barrie—Innisfil
- Barrie—Springwater—Oro-Medonte
- Durham
- King—Vaughan
- Markham—Stouffville
- Markham—Thornhill
- Markham—Unionville
- Milton
- Newmarket—Aurora
- Oshawa
- Pickering—Uxbridge
- Richmond Hill
- Simcoe North
- Simcoe—Grey
- Thornhill
- Vaughan—Woodbridge
- Whitby
- York—Simcoe

### Central West:

- Brampton Centre
- Brampton East
- Brampton North
- Brampton South
- Brampton West
- Burlington
- Flamborough—Glanbrook
- Hamilton Centre
- Hamilton East—Stoney Creek
- Hamilton Mountain
- Hamilton West—Ancaster—Dundas

- Mississauga Centre
- Mississauga East–Cooksville
- Mississauga—Erin Mills
- Mississauga—Lakeshore
- Mississauga—Malton
- Mississauga—Streetsville
- Niagara Centre
- Niagara Falls
- Niagara West
- Oakville
- Oakville North—Burlington
- St. Catharines

### **East:**

- Bay of Quinte
- Carleton
- Glengarry—Prescott—Russell
- Haliburton—Kawartha Lakes—Brock
- Hastings—Lennox and Addington
- Kanata—Carleton
- Kingston and the Islands
- Lanark—Frontenac—Kingston
- Leeds—Grenville—Thousand Islands and Rideau Lakes
- Nepean
- Northumberland—Peterborough South
- Orléans
- Ottawa Centre
- Ottawa South
- Ottawa West—Nepean
- Ottawa—Vanier
- Peterborough—Kawartha
- Renfrew—Nipissing—Pembroke
- Stormont—Dundas—South Glengarry

### **North:**

- Algoma—Manitoulin
- Kenora—Rainy River
- Kiiwetinoong
- Mushkegowuk-James Bay
- Nickel Belt
- Nipissing
- Parry Sound—Muskoka
- Sault Ste. Marie
- Sudbury
- Thunder Bay—Atikokan
- Thunder Bay—Superior North
- Timiskaming—Cochrane
- Timmins

### **Southwest:**

- Brantford—Brant
- Bruce—Grey—Owen Sound
- Cambridge
- Chatham-Kent—Leamington
- Dufferin—Caledon
- Elgin—Middlesex—London
- Essex

- Guelph
- Haldimand—Norfolk
- Huron—Bruce
- Kitchener Centre
- Kitchener South—Hespeler
- Kitchener—Conestoga
- Lambton—Kent—Middlesex
- London North Centre
- London West
- London—Fanshawe
- Oxford
- Perth—Wellington
- Sarnia—Lambton
- Waterloo
- Wellington—Halton Hills
- Windsor West
- Windsor—Tecumseh

### **Toronto:**

- Beaches—East York
- Davenport
- Don Valley East
- Don Valley North
- Don Valley West
- Eglinton—Lawrence
- Etobicoke Centre
- Etobicoke North
- Etobicoke—Lakeshore
- Humber River—Black Creek
- Parkdale—High Park
- Scarborough Centre
- Scarborough North
- Scarborough Southwest
- Scarborough—Agincourt
- Scarborough—Guildwood
- Scarborough—Rouge Park
- Spadina—Fort York
- Toronto Centre
- Toronto—Danforth
- Toronto—St. Paul's
- University—Rosedale
- Willowdale
- York Centre
- York South—Weston

## **By-Laws of the Ontario NDP**

### **By-law 1: The By-laws**

*Applies to: All*

*Effective: 2014-Nov-15*

*Amended: Nil*

### **Section 1: Establishment**

- 1.1 The By-laws shall govern the internal, standing rules and procedures of the Party that are not set out in the Constitution. The By-laws may not conflict with the Constitution. In any conflict that may arise between the Constitution and the By-laws, the Constitution shall supersede and prevail.
- 1.2 Bodies of the Party may still adopt rules and procedures to govern their own affairs, so long as those rules and procedures do not conflict with the By-laws and are adopted in accordance with the governing rules of that body or its parent body.

## **Section 2: Amendment**

- 2.1 The By-laws may be amended by a majority of those present and voting at a meeting of the Provincial Council or at a Provincial Convention.
- 2.2 To be considered at a meeting of the Provincial Council, motions to amend the By-laws must, unless indicated otherwise in the By-laws:
  - (a) Have been given proper notice, which shall be providing notice of intent to make the motion, stating the complete substance of the proposed change, at the previous meeting of the Provincial Council;
  - (b) Be submitted in writing to the Provincial Secretary at least forty-five (45) days in advance of the meeting of the Provincial Council; and
  - (c) Be moved by the Provincial Executive, or a delegate on behalf of one of the following that adopted the motion at a general meeting:
    - (i) A constituency association;
    - (ii) A regional council; or
    - (iii) A special section or equity committee, if the resolution deals exclusively with an issue directly affecting that special section or equity committee.
- 2.3 To be considered at a meeting of the Provincial Council without prior notice, emergency motions to amend the By-laws must:
  - (a) Be submitted in writing to the chair; and
  - (b) Be moved by one of the following:
    - (i) The Provincial Executive; or
    - (ii) The Constitution and By-laws Committee, after review in advance of the meeting of the Provincial Council of a motion adopted at a general meeting of a body of the Party.
- 2.4 If the Constitution and By-laws Committee does not move a submitted motion to amend the By-laws as an emergency resolution, a delegate from the body that submitted the motion may provide notice of intent to make the motion, stating the complete substance of the proposed change, for the next meeting of the Provincial Council.

## **By-law 2: Nominations for Candidacy for the Provincial Executive**

*Applies to: Provincial Executive*

*Effective: 2014-Nov-15*

*Amended: Nil*

### **Section 1: Nomination for Provincial Executive**

- 1.1 At a Provincial Convention where an election for the Provincial Executive is to occur, an individual must be a registered delegate to and in attendance at the Provincial Convention in order to be nominated as a candidate for the Provincial Executive.
- 1.2 To be nominated as a candidate for the Provincial Executive, a completed Nomination Form must be submitted in person, with a nominator present, to the Balloting Co-Chairs, at the Convention NDP Office, at specified times listed on the Provincial Convention agenda.

### **Section 2: Declaration of Candidacy**

- 2.1 Prior to nomination as a candidate for the Provincial Executive, a member may declare their intention to be nominated as a candidate.
- 2.2 To declare their intention to be nominated as a candidate, a member must submit a Declaration of Candidacy for the Provincial Executive Form to the Provincial Director.
- 2.3 The Declaration of Candidacy for the Provincial Executive Form shall require from the declaring candidate:
  - (a) Full legal name;
  - (b) Mailing address;
  - (c) Phone number;
  - (d) Email address;
  - (e) Position being sought; and
  - (f) Confirmation that they have read and understood the duties of the position being sought.
- 2.4 A candidate who has submitted their Declaration of Candidacy for the Provincial Executive Form may submit a candidate biography to the Provincial Director. A candidate biography may include up-to one hundred and fifty (150) words of text and one portrait photo.
- 2.5 Candidate biographies submitted by the prescribed deadline shall be emailed by the Provincial Director or their designate to all registered delegates at least twenty-one (21) days prior to the election.

## By-law 3: Interpretations

*Applies to: All*

*Effective: 2015-Nov-15*

*Amended: Nil*

### Section1: Definitions

For the purpose of the Constitution of the Party, unless the context requires otherwise:

- a. "Ad hoc committee" means those bodies established to fulfill a specific mandate in a defined period of time.
- b. "Bodies of the Party" means those bodies established within the Party, including, but not limited to, constituency associations, the Provincial Council, the Provincial Executive, Provincial Conventions, special sections, equity committees, and regional councils.
- c. "Business day" means a day between and including Monday to Friday that does not include public holidays in the province of Ontario.
- d. "The By-laws" means the by-laws of the Party.
- e. "The Caucus" means the members of the New Democratic Party of Ontario caucus in the Legislature.
- f. "Constituency" means an electoral district.
- g. "Constituency association" means the association endorsed by the Party as the official association of the Party in the electoral district.
- h. "The Constitution" means the constitution of the New Democratic Party of Ontario.
- i. "Convention" means a Provincial Convention.
- j. "Electoral district" means an electoral district as per Ontario election law.
- k. "General meeting" means a duly-called meeting of the membership of a body of the Party.
- l. "The Leader" means the leader of the Party.
- m. "The Legislature" means the Legislative Assembly of Ontario.
- n. "LGBTQ" means "Lesbian, Gay, Bisexual, Trans, Queer" but can include all people of diverse sexual orientations and gender identities.
- o. "Meeting", within a governing document of and by the Party, means a meeting as commonly understood, and does not alter the interpretation of a meeting vis-à-vis a session within Robert's Rules of Order.

- p. "Member" means an individual who has been accepted for membership in the Party whose membership dues are paid and whose membership has not been suspended or terminated.
- q. "The NDP" means the New Democratic Party.
- r. "The Officers" means the officers of the Party.
- s. "The ONDP" and "the Ontario NDP" mean the New Democratic Party of Ontario.
- t. "The ONDY" means the Ontario New Democratic Youth.
- u. "The Party" means the New Democratic Party of Ontario.
- v. "Policy" means a document setting out either a protocol or a principle of the Party.
- w. "Procedure" means a governing or operating method of the Party.
- x. "The Provincial Council" means the Provincial Council of the Party.
- y. "The Provincial Executive" means the Provincial Executive of the Party.
- z. "The Provincial Director" means the Provincial Director of the Party.
- aa. "Regional Caucuses" means those groupings of constituency associations, based on their geographical location, as stated by the Constitution.
- ab. "Riding" means an electoral district.
- ac. "Riding association" means a constituency association.
- ad. "Standing committee" means a body whose mandate is continuous.
- ae. "Statement" means an official comment of the Party outlining its position on a specific issue or event that has occurred or is occurring.
- af. "The Treasurer" means the Treasurer of the Party.
- ag. "The Vice-Presidents" means the Vice-Presidents of the Party.
- ah. "Year" means from January 1 to December 31.
- ai. "Youth" means an individual who is twenty-five (25) years of age or younger.

## **Section2: Gender Identity**

- 2.1 Gender is self-identified and references to gender shall respect and affirm each individual's gender identity.

## **By-law 4: Email Notices**

*Applies to: Constituency Associations, Regional Councils*

*Effective: 2015-Nov-15*

*Amended: Nil*

### **Section 1: General**

- 1.1 Except for a nomination meeting, notice of a general meeting or regional council meeting may be provided by email to those members who are entitled to vote at the meeting and have provided an email address.
- 1.2 Email notices must be sent in such a way that the following return email advising that the notice email was not delivered, known as a bounce message, Non-Delivery Report / Receipt / Notification, or Delivery Status Notification can be received back.

### **Section 2: Email Undeliverable**

- 2.1 If an email is received back advising that the member or delegate entitled to vote at the meeting did not receive the notice email the secretary shall send the meeting notice by postal mail prior to the notice deadline.

## **By-law 5: Scent-free Policy**

*Applies to: All*

*Effective: 2015-Nov-15*

*Amended: Nil*

## **Section1: General**

- 1.1 The Ontario NDP is committed to an inclusive, healthy environment at all meetings of the Party, and as such has instituted this Scent-Free Policy. Scent has many interpretations, but it is understood to mean noticeable smells or odours originating from certain products. Allergic, asthmatic, and other sensitive individuals may find that certain scents, even in the smallest amounts, can create problematic health issues. These health issues may range from mild irritation to a serious medical emergency. Problematic scents may be included in a very large range of products including:
- Shampoo & conditioners; Hair sprays;
  - Deodorants;
  - Fragrances & perfumes; Lotions & creams;
  - Soaps;
  - Colognes & aftershaves;
  - Air fresheners & deodorizers; Cosmetics; and
  - Cleaning products.
- 1.2 Due to the health concerns arising from exposure to scented products, all scented products are prohibited at meetings of the Party. Individuals are asked to refrain from using scented products at such meetings.
- 1.3 Notices of meetings shall advise that the meeting is to be “scent-free”.

### **By-law 6: Eligibility for Reduced Fees**

*Applies to: All*  
*Effective: 2015-Nov-15*  
*Amended: Nil*

## **Section 1: Preamble and Application**

- 1.1 The Party strives to make membership in the Party and participation in events, such as Provincial Conventions, accessible to those for whom standard fees create a financial barrier.
- 1.2 In addition to standard fees, reduced fees shall be offered for membership applications and renewals, and member registration for a Provincial Convention.
- 1.3 Reduced fees may be offered for any other activity of the Party at the discretion of the body that is empowered to set fees.

## **Section 2: Eligibility**

- 2.1 Individuals who are twenty-five (25) years of age or younger or are un(der)employed are eligible for reduced fees.