



# Regulations Governing the 2022 BC NDP Leadership Election Campaign

These regulations were duly approved by the BC NDP Provincial Executive on July 14, 2022.  
These regulations were duly ratified by the BC NDP Provincial Council on July 16, 2022.

## Part I - Chief Electoral Officer

### A. Chief Electoral Officer

1. The Provincial Executive of the BC NDP will appoint a Chief Electoral Officer (CEO) who shall administer the 2022 Leadership Election in accordance with the *Regulations Governing the 2022 BC NDP Leadership Election Campaign* (the “Campaign Regulations”) and the *Regulations Governing the Nomination of Candidates for the 2022 BC NDP Leadership Election Campaign* (the “Nomination Regulations”).
2. The Campaign Regulations and the Nomination Regulations shall apply in addition to the leadership contestant campaign finance rules in the *BC Election Act* and the applicable provisions of the BC NDP Constitution.
3. The CEO is the final authority on all decisions, rules, and regulations related to the leadership contest that are not already provided for in the *BC Election Act*, in the BC NDP Constitution, or reserved to the Provincial Executive on the recommendation of the CEO.
4. The CEO shall establish an equity fund to remove personal barriers to participation in the 2022 Leadership race. The CEO shall establish said fund by August 4, 2022.
5. The CEO may seek guidance and advice as required from a reference group of Table Officers who have committed to remain neutral throughout the Leadership Election Campaign.

6. Any reference to “candidate(s)” in these Regulations includes both Approved Leadership Candidates and Proposed Leadership Candidates (as defined in the Nomination Regulations).
7. The CEO shall confirm all deadlines and dates in accordance with the Campaign Regulations and Nomination Regulations. Such information shall be communicated without delay to all candidates and to Provincial Council.
8. Staff support for the CEO will be provided by the BC NDP Provincial Office.
9. Each candidate will designate a single individual to be the candidate’s “Designated Representative” with the CEO. In the absence of such a designation, the Financial Agent for the candidate will be deemed to be their Designated Representative.
10. Each candidate will provide an email address for the purpose of receiving notices from the CEO “Campaign Email Address”. Emails sent by the CEO to the Campaign Email Address will be deemed received by the candidate, their Financial Agent, and their campaign.
11. The CEO or their designate will meet at an early date with the Designated Representative of each candidate to discuss logistical and other details for the leadership election campaign.

## **B. Amending the Regulations**

1. The Campaign Regulations may be amended by the CEO during the Leadership Election Campaign to facilitate a fair and efficient election process and accommodate unexpected issues as they arise.
  - a. Any regulation amendments will be ratified by the Provincial Executive and communicated to candidates via the Campaign Email Address and to Provincial Council.

## **C. Complaints and Violation of the Rules**

1. The CEO or their designate shall be empowered to investigate and adjudicate complaints related to the Leadership Election Campaign.
2. During any investigation, candidates and campaigns shall have the right to provide a response to complaints through their Designated Representative.
3. Violation by a candidate or their campaign of the Campaign Regulations or any BC NDP rules, regulations, policies and any applicable legislation including the *Personal Information Protection Act* and the campaign finance rules in the *BC Election Act* may result in sanctions against the offending leadership candidate.

- a. The CEO is authorized to levy sanctions up to, but not including disqualification, against candidates in consultation with Table Officers.
- b. The CEO may recommend disqualification of candidates to the Provincial Executive.

4. The CEO will notify the candidate of any sanctions up to, but not including disqualification, and provide oral reasons. If the candidate disagrees with the sanctions they may request, in writing, an oral hearing with the Table Officers whose decision on the matter will be considered final.

5. The CEO will notify the candidate before a recommendation of disqualification is made to the Provincial Executive, and provide oral reasons. If the candidate disagrees with the CEO's recommendation they may request, in writing, an oral hearing with the Table Officers.

- a. The oral hearing shall be conducted in accordance with the Provincial Executive's *Procedure for Leadership Election Campaign Appeals*.

6. The final determination of whether or not a candidate will be disqualified rests with the Provincial Executive.

## Part II - Campaign Period and Finances

### **A. Campaign Period**

1. The Leadership Campaign Period shall commence on July 17, 2022, and end at midnight on December 3, (the "Leadership Election Date").

### **B. Campaign Finance Rules**

1. Leadership Contestants and their Financial Agents must familiarize themselves with the campaign finance rules that apply to leadership contestants in the *BC Election Act* and related regulations. Every campaign must be fully compliant with these laws and any guidelines, interpretations or directions issued by Elections BC.

2. The campaign finance rules including in this Part are in addition to the *BC Election Act* and Elections BC requirements. The definitions in the *BC Election Act* apply to this Part unless otherwise specified

- A. "Leadership Contestant" is defined in s.1 of the *BC Election Act* and means an individual seeking the leadership of the BC NDP, whether or not any other individual seeks that leadership, and for the purposes of campaign finance rules, includes an individual who intends to become a Leadership Contestant or who was a Leadership Contestant.

3. Any fines or penalties assessed by Elections BC or the CEO against a Leadership Contestant, their Financial Agent, or their campaign remain the responsibility of the Leadership Contestant, regardless of the manner in which the candidate's campaign comes to an end.

### **C. Expenses and Spending Limits**

1. There will be a total spending limit of \$350,000 per Leadership Contestant. Leadership Contestants must not exceed the spending limit.

2. Leadership Contestant Expenses are defined as per Section 184 of the *BC Election Act*:

*(1) A contestant expense in relation to a leadership contestant is the value of property or services used by or on behalf of the leadership contestant to promote or oppose, directly or indirectly, the selection of a leadership contestant as leader of a registered political party.*

*(2.1) For certainty, a contestant expense includes such an expense incurred by an individual who becomes a leadership contestant before that individual in fact became a contestant.*

*(3) A deficit incurred in holding a fundraising function for or on behalf of a leadership contestant is a contestant expense.*

3. Leadership Contestant Expenses count toward the spending limit set by the BC NDP, with the exception of reasonable "Personal Contestant Expenses" as set out in s.184(4) of the *BC Election Act*:

- a. Payments for care of a child or other family member for whom the candidate is normally directly responsible;
- b. Cost of traveling within British Columbia as well as the cost of related lodging, meals and incidental charges;
- c. Cost of renting a temporary residence if it is necessary for seeking the leadership; and
- d. Expenses incurred as a result of any disability of the contestant, including the cost of any individual required to assist the contestant in performing the functions necessary for seeking the leadership.

4. The following expenses are also excluded from the spending limit set by the BC NDP ("Excluded Expenses") and must be reported by the Financial Agent to Elections BC in the candidate's Leadership Contestant Financing Report:

- a. Candidate registration fees;
- b. Costs of lodging, meals and travel for the candidate to attend official Leadership Events hosted by the BC NDP;
- c. Cost of lodgings, meals and travel for a trusted ally of the candidate to accompany the candidate;

- d. Expenses for legal or accounting services to comply with the *BC Election Act*;
- e. Expenses for professional services provided by a Financial Agent or auditor in that capacity;
- f. Reasonable stewardship expenses incurred after the Leadership Election Date, such as “thank you” mailings sent after the Leadership Election Date;

5. Reasonable expenses associated with candidate personal care (ex: clothing, haircuts, shoes, etc) are also excluded from the spending limit set by the BC NDP (“Personal Care Expenses”).

6. No candidate, approved or otherwise, may incur Leadership Contestant Expenses before the Leadership Campaign Period commences.

7. Expenses incurred by a Leadership Contestant prior to their approval by the Provincial Executive, shall be deemed to be leadership contestant expenses, and included within the spending limit, with the exception of expenses listed above.

8. No later than the 30th day (Thursday, November 3, 2022) prior to the Leadership Election Date, each candidate or their Designated Representative shall provide to the CEO an interim accounting of their leadership contestant expenses and contributions of money, goods and services in the same format as required for such disclosure to Elections BC.

9. No later than the 90th day (Friday, March 3, 2023) after the Leadership Election Date, each candidate or their Designated Representative shall provide to the CEO a final, complete accounting of their leadership contestant expenses, including expenses not subject to the spending limit, and contributions of money, goods and services in the same format as required for such disclosure to Elections BC.

- a. A campaign that has met the Elections BC threshold for an audit shall also provide to the CEO a copy of their auditor’s report.

10. All campaign debts and invoices must be paid in full within 60 days following the Leadership Election date.

#### **D. Fundraising and Contributions to Leadership Candidates**

1. All Leadership Contestant Expenses, including Excluded Expenses, shall be paid for using political contributions with the exception of Personal Contestant Expenses and Personal Care Expenses, which may be paid for by the candidate or by the campaign. For certainty, candidates, approved or otherwise, are responsible for raising all political contributions necessary to cover their campaign expenses in full, including those not subject to the spending limit.

2. Fundraising for a leadership campaign may be undertaken by any candidate, approved or otherwise, as soon as they have appointed a Financial Agent and opened a bank account in accordance with the *BC Election Act*.

3. For certainty, candidate Financial Agents are responsible for reporting all fundraising functions held by the campaign, including pre-event and post-event reports related to Specified Fundraising Functions held pursuant to s.185.02 of the *BC Election Act*, to Elections BC.

4. The source of each political contribution must be recorded and reported:

- a. The Financial Agent shall record the full first and last names, residential addresses, contact information, and donation amounts of all contributors, regardless of amount.
- b. At any time, upon the request of the CEO, the Financial Agent shall provide a full list of campaign contributors, including names, contact information and the value of each contribution received from each contributor to the date of the CEO's request.
- c. The Financial Agent shall provide a final list of campaign contributors, including names, contact information and the value of each contribution received from each contributor to the CEO no later than the 90th day (Friday, March 3, 2023) after the Leadership Election Date.

5. If, after the payment of a candidate's leadership contestant expenses and any other reasonable expenses incidental to the leadership contest, there are funds remaining for the candidate, their Financial Agent must as soon as possible deal with the surplus by transferring the surplus to the BC NDP. Such funds shall be credited to the BC NDP's Strategic Investment Fund.

## **E. Financial Agent**

1. Each candidate must appoint a Financial Agent or declare themselves as their own Financial Agent prior to incurring any expenses, accepting any contributions or opening a campaign account. The CEO must receive a copy of the Financial Agent appointment form filed with Elections BC within 7 days of the appointment. Candidates must appoint a Financial Agent before, or at the same time as, submitting their completed nomination package with the CEO.

2. The candidate's Financial Agent shall be a member in good standing of the BC NDP.

3. The Financial Agent shall be responsible for recording and reporting all contributions and expenses to the CEO, including by ensuring the CEO receives a copy of all the campaign's filings with Elections BC.

4. The Financial Agent shall be responsible for ensuring that all rules set out in this Part are followed.

## Part III - Candidates and Campaign Conduct

### **A. Candidate Rights**

1. Approved Leadership Candidates shall be entitled to the following services from the BC NDP in a fair and equitable manner:

- a. Provision of an electronic list of all BC NDP members in good standing, within two (2) business days of the candidate's approval by the Provincial Executive.
- b. Provision of an electronic list of all BC NDP members in good standing who are eligible to vote in the Leadership Election, to approved candidates, as soon as is practicable after all new memberships are data-entered following the 90th day (Sunday, September 4, 2022) prior to the Leadership Election Date.
- c. Provision of additional membership lists, including a final voting list to approved candidates, on a schedule set by the CEO.
- d. Notification by email, at least 3 business days in advance, of any scheduled meetings for candidates or their representatives called by the CEO.
- e. Notification of the schedule by email to the Campaign Email Address, including the dates and proposed locations, of official Leadership Events no later than the 90th day (Sunday, September 4, 2022) prior to the Leadership Election Date .
- f. Inclusion of the approved candidate's biography, photo and written statement in an email bulletin sent by the BC NDP to its list of email subscribers.
- g. Any other services as determined by the CEO in consultation with the Table Officers.

### **B. Candidate Social Media and Public Statements**

1. Each candidate is responsible for their own web site and other social media accounts or sites which must:

- a. Be registered with the CEO, including by providing URLs.
- b. Contain a written declaration stating that the candidate's views and positions do not necessarily represent those of the BC NDP, the BC NDP Caucus or the BC NDP government, in a visible location.

2. No candidate may speak on behalf of the BC NDP, and must make clear that their public statements, views, and positions are their own.

### **C. Official Leadership Events**

1. At the direction of the CEO, the BC NDP Provincial Office will organize and host at least two official Leadership Events. At least one such event shall be virtual and at least one such event shall be held in-person.

2. The BC NDP shall be responsible for the cost of organizing and hosting the Leadership Events, including costs for venues, equipment and advertising to members.

3. Approved candidates who have met all requirements including submission of registration fees by their deadlines, are entitled to participate in the official Leadership Events hosted by the BC NDP.

4. Rules governing the Leadership Events will be developed by the CEO and provided to each approved candidate.

5. Candidates shall be responsible for costs associated with their accommodation and travel related to participating in the official Leadership Events.

#### **D. Conduct of Leadership Campaign Teams**

1. A candidate is responsible for the conduct of their campaign team.

2. All candidates and their campaign teams are expected to act with integrity and fairness and to uphold the values of democracy and the Elections BC *Campaign Code of Conduct*.

3. A candidate's campaign shall register with the CEO the name and contact information of their membership organizers, who must be members in good standing of the BC NDP and who must have signed an NDA.

4. The BC NDP will accept membership submissions only from the registered organizers, and in accordance with the BC NDP's *Membership Sign-up and Submission Guidelines*.

5. A candidate's campaign shall comply with all of the rules, policies and regulations prescribed by the CEO, the BC NDP, the BC NDP Constitution and Elections BC and the *BC Election Act*.

6. Any serious allegation regarding a substantive breach of the *BC Election Act* shall be referred by the CEO to Elections BC for investigation.

#### Part IV - Third Parties

##### **A. Use of Constituency Association or Committee Funds and Resources**



1. The use of BC NDP provincial constituency association or committees funds by or in support of a leadership candidate's campaign, including for the promotion of a leadership candidate or to assist in paying personal expenses of a leadership candidate, is prohibited.
2. The use of BC NDP provincial constituency association or committee resources, including email, membership, volunteer and donor lists, and tools, including Populus, bulk email programs, or other databases, by or in support of a leadership candidate's campaign is prohibited, with the exceptions of:
  - a. Promoting the opportunity for constituency association members to meet a candidate;
  - b. Organizing and/or promoting an event to which all candidates are invited; or
  - c. To announce a constituency association's or committee's endorsement of a candidate following a vote of eligible members at a duly constituted general membership meeting held for that purpose. For certainty, while an endorsement email may contain contact information for the endorsed candidate, it cannot contain a fundraising request for a leadership contestant.

## Part V - Membership Lists

### **A. Use, Access and Provision of Membership Lists**

1. A candidate's use of BC NDP membership lists shall be in accordance with the 'Membership List Use Agreement.'
  - a. Unauthorized use or distribution of a membership list by a candidate may result in the disqualification of the candidate, as recommended by the CEO to the Provincial Executive.
2. Membership lists may not be provided to or accessed by candidates except as expressly allowed for by the Campaign Regulations.
3. Candidates are responsible for the secure destruction of membership lists they have been issued, by the 90th day after the Leadership Election Date (Friday March 3, 2023), and providing written confirmation thereof to the CEO.

### **B. Membership List Inaccuracies**

1. Candidates or their Designated Representative shall immediately bring any inaccuracies in the membership lists, as well as updated contact information for members, to the attention of the CEO or their designate for correction as appropriate.
  - a. Such information will be subject to verification by the CEO or their designate.

2. A member may, at any time before Voter Instruction Letters are issued, update their own personal information directly with Provincial Office.
  - a. The CEO and their designate(s) are not responsible for outdated information on the membership list if an individual fails to update their information with Provincial Office.
3. Pursuant to Art. II of the *Constitution of the New Democratic Party of Canada*, the BC NDP is responsible for individual memberships in the province of BC. In the event of discrepancies between Provincial and Federal membership lists, the Provincial lists will prevail.

### **C. Challenges to Voter Eligibility**

1. Formal challenges to the eligibility of voters on the membership list shall be submitted in writing only by candidates or their Designated Representative to the CEO or their designate.
  - a. Such challenges must be submitted no later than the 60th day (Tuesday, October 4, 2022) prior to the Leadership Election Date, and shall include supporting information detailing the reason for each challenge.
2. The CEO or their designate shall investigate and adjudicate all formal challenges to the eligibility of voters on the membership list and shall provide updated membership information to all approved candidates as soon as is practicable after challenges are adjudicated.
3. The CEO or their designate's decisions regarding voter eligibility are final.

### **D. Membership List Integrity**

1. The CEO or their designate may conduct routine audits or spot checks of the membership list.
2. BC NDP membership lists will be encoded with a unique identifying security feature prior to release to candidates.

## Part VI - Voting and Counting

### **A. Voter Eligibility**

1. All members of the BC NDP who are in good standing, having joined on or before the 90th day (Sunday, September 4, 2022) prior to the Leadership Election Date shall be eligible to vote.

2. An individual whose membership lapses within the 90 day period (September 4-December 2, 2022) immediately prior to the Leadership Election Date must renew their membership and then shall be eligible to vote as though their membership had been continuous.

## **B. Balloting**

1. If there is only one Approved Leadership Candidate and no Proposed Leadership Candidate(s) pending approval after the final registration deadline, no balloting shall take place and the sole Approved Leadership Candidate shall be declared acclaimed, effective on the Leadership Election Date. In this event, the CEO, at their discretion, may choose to expedite the Leadership Election Date.

- a. In such a case, only dates specified in the Campaign Regulations and the Nomination Regulations that follow the Leadership Election Date shall be affected. Dates specified in the regulations that occur prior to the Leadership Election Date shall not be affected.

2. If, once there are no additional Proposed Leadership Candidates pending approval, and the final registration deadline has passed, there are two or more Approved Leadership Candidates, an election with balloting shall take place.

3. An election shall be conducted using a secret ballot.

- a. A ballot that is marked in such a way that it identifies the voter will be deemed spoiled.

4. An election shall use a preferential (ranked) ballot.

- a. Using preferential voting, voters will rank candidates in order of their preference. For example, the voter will mark their ballot by selecting their first choice as '1', their second choice as '2', and so on.
- b. Voters are not required to rank every candidate. Voters have the option of ranking every candidate or a fewer number of candidates. Voters may choose to rank as few as a single candidate.
- c. Voters can only choose one candidate per rank.

5. The CEO is authorized to conduct secure balloting by mail, telephone or online, or a combination thereof, over a period no longer than 21 days, ending one day prior to the Leadership Election Date (Friday, December 2, 2022).

- a. The CEO shall determine the schedule and methods of voting and communicate such details to all candidates no later than the 90th day (Sunday, September 4, 2022) prior to the Leadership Election Date.

6. Voter instruction letters will be mailed to each eligible voting member one week before the voting period begins, containing detailed voting instructions.

7. There is no proxy voting.

8. Only the eligible voting member may cast their ballot with the exception that an eligible voting member who is unable to mark their ballot because of a physical disability or difficulty with reading and/or writing may receive assistance marking their ballot.

a. No one assisting such a voter may influence or direct their vote.

b. Under no circumstances may a candidate, or an individual acting on behalf of a candidate, assist such a voter with marking their ballot.

9. Using another person's voting credentials is fraudulent and a violation of these rules. Any leadership campaigns found to have engaged in the misuse of voting credentials may be penalized. This may result in the disqualification of the candidate by the Provincial Executive on the recommendation of the CEO.

10. Any unusual voting activity from an IP address or a phone number during online or telephone voting will be investigated.

### **C. Counting**

1. A candidate must obtain a simple majority of all valid ballots cast to be declared elected Leader.

2. If a simple majority is not achieved on the first count, the candidate with the lowest number of votes in the first count is eliminated and the ballots for that candidate are reallocated to the candidate marked as the second choice on each of those ballots, and a new count is produced.

a. Additional rounds of counting shall continue in this manner – dropping the candidate with the lowest number of votes and reallocating their next choices, with a new count produced – until one candidate obtains a simple majority of all valid ballots cast on a round.

3. A ballot shall be declared invalid and rejected if it does not clearly indicate the voting member's preference on the first round of counting, or in a subsequent round of counting.

4. The CEO shall develop a protocol and process for candidate representatives to scrutineer the results, while maintaining the secrecy of all ballots.

### **D. Results**

1. The results of voting shall be publicly announced by the CEO on the Leadership Election Date.