



# BYLAWS

Last Amended

July 2016

## Article 1 Membership

**Section 1** Fees for membership in the Party shall be set by the Board of Directors. No fees shall be refunded except by reason of a change in the Statement of Principles.

## Article 2 Duties of Officers

**Section 1** The duties of the President, Vice President/Political Action Officer, Chief Legal Officer and Chief Financial Officer shall be in accordance with the Constitution.

**Section 2** The Chief Financial Officer shall perform such duties as are required by the Constitution and his office under applicable law and shall make an annual financial report to the Board of Directors within ninety days following the end of the fiscal term.

**Section 3** Staff departments will be created at the discretion of the President and with the approval of the Board as they are needed for the proper functioning of the Party. Officers will be appointed by the President with the approval of the Board to control and direct these departments.

## Article 3 Duties of Party Leader & Deputy Party Leader

**Section 1** In addition to the duties specified in the Constitution, the duties of the Party Leader shall be as follows:

- a. To provide leadership for the force of candidates during an election and in the House of Commons.
- b. To engage, with the Vice President/Political Action Officer, in the planning of election tactics and in their supervision.
- c. To be chief official spokesman for the Party in all dealings with the public.

**Section 2** The duties of the Deputy Leader shall be as follows:

- a. To assist the Party Leader in his duties as specified in the Constitution and Bylaws.
- b. To fulfil the duties of the Party Leader in his absence or inability to perform those duties.

## Article 4 Board of Directors

**Section 1** A majority of the Board members who are not Regional Directors shall constitute a quorum at all meetings of the Board of Directors. A majority of those present is required to pass any item of business. The number of affirmative votes required to pass any item of business must also be greater than or equal to 5/11ths of the number of non-Regional Directors.

**Section 2** The Board of Directors shall meet at such times and places as may be determined by action of the Board, by call of the current Board chairman, or by written request to the Board of one-third of the Board members. Unless unanimously waived, a

written notice of the time, place, and nature of all meetings shall be mailed to each Board member not less than fourteen days prior to each meeting.

**Section 3** Any member of the Board of Directors may participate in a meeting of the Board by means of conference telephone or other communications equipment by means of which all persons participating in the meeting can hear each other, and the Director participating in a meeting pursuant to this section shall be deemed to be present in person at that meeting.

**Section 4** The Board of Directors may without meeting together transact business by voting on questions submitted to them by the current Board chairman on behalf of any Board member. Thirty days shall be allowed for the return of the votes to the current Board chairman. If, at the end of this period, the majority of the Board members have not returned their votes, the measure being voted on shall be deemed to have failed; in all other cases, voting shall be as specified in the Constitution and herein. The current Board chairman must preserve all such votes until the next meeting of the Board of Directors, at which time the disposition of such votes shall be ordered.

**Section 6** The Board of Directors shall hold meetings open to Voting Members and Members at intervals of not more than five months.

**Section 7** Should a Board member be appointed President, that person may retain his or her Board seat but only have one vote.

## Article 5 Regional Caucuses

**Section 1** Each Regional Coordinator shall call a Regional General Meeting at least every twelve months, except that a Regional General Meeting shall be called within ninety days of the adjournment of a convention to choose that Region's member on the Board of Directors. Twenty-five percent of the voting members of a Regional caucus may cause a Regional General Meeting to be held by petitioning the Regional Coordinator to call one.

**Section 2** No Region's member on the Board of Directors shall be elected or removed at a Regional General Meeting unless at least three Voting Members of the party resident in that Region are represented at said meeting, and unless the number of such members exceeds ten percent of the Voting Members resident in the region.

**Section 3** Regional General Meetings shall be conducted in accordance with the Constitution, the Bylaws, policy adopted by the Board of Directors, and the 1970 edition of *Robert's Rules of Order Newly Revised*.

## Article 6 Finances and Accounting

**Section 1** The fiscal term of the Party shall be that required by the Canada Elections Act for a registered party.

**Section 2** The financial records and accounts of the Party shall be kept in accordance with generally accepted accounting principles.

**Section 3** Procedures for handling the party's assets shall be set up to ensure sufficient internal and accounting control. In this connection, an annual audit of the books and records shall be arranged by the Board of Directors.

## Article 7 Financial Control

**Section 1.** The Party has the power to contract, without limitation, provided that any and all contracts are authorized by a majority of the Board of Directors (an "authorized contract") and no contract shall be made nor is binding upon the Party without such authorization.

**Section 2.** All monies received shall be deposited to the "Libertarian Party of Canada" account (herein after "the account") forthwith upon receipt.

**Section 3.** Excepting banking charges, monies shall be withdrawn from the account only by cheque or equivalent and will be supported by invoice or voucher describing the nature of the transaction.

**Section 4.** Only the Chief Financial Officer and the President shall have authority to draw cheques upon the account and no cheque in excess of \$5,000 shall be drawn from the account unless signed by both the Chief Financial Officer and the President, but in the event of incapacity or unavailability of either of these, any cheque may be drawn by one of more Directors nominated for that purpose by a majority of the Board of Directors. A copy of this bylaw shall be provided to the bank administering the account.

**Section 5.** Unless a cheque is made pursuant to the terms of an authorized contract, the Chief Financial Officer and the President, or any Director nominated in their stead, shall draw no cheque without the authority in advance of at least three Directors whose names shall be recorded.

**Section 6.** Unless a cheque is drawn pursuant to the terms of an authorized contract, no cheque in excess of \$5,000 shall be drawn without the express authority of a majority of the Board of Directors.

**Section 7.** There shall be no agents of the Party for the purpose of making an authorized contract except for a majority of the Board of Directors or upon an express authorization conferred by a majority of the Board of Directors, and no member shall presume to have nor hold himself out as having any implied agency for the purpose of making any contract.

**Section 8.** Any Member purporting to contract on behalf of the Party without the authorization of the Board of Directors or without the authority of express agency, or otherwise expending Party assets without the express authorization of the Board of Directors, shall personally indemnify and hold harmless the Party as against any and all loss or damages including legal costs of any claims resulting.

**Section 9.** Unless otherwise contracted, no member shall be personally liable to the Party for the Party's obligations pursuant to an authorized contract.

## Article 8 Conventions

**Section 1** Except as provided herein and in the Constitution, procedures at the conventions of the Party shall be in accordance with the rules promulgated and adopted by a majority of the Registered members in attendance at each convention.

**Section 2** The officers of each convention shall be the Officers of the Party.

**Section 3** No Registered Member shall vote in any convention unless duly certified by the Board of Directors or its agent. The Board of Directors or its agent may allow proxies from those who have been Voting Members for at least ninety days, to be cast by Registered Members. No proxy form shall be allowed unless accompanied by the convention registration fee.

**Section 4** Except as otherwise provided herein and in the Constitution, a majority shall rule all voting at any convention.

**Section 5** The Constitution and Bylaws Amendment Coordinator shall appoint such assistance as he requires, with the approval of the President. He shall receive from other Voting Members, and originate in consultation with his staff, proposed amendments to the Constitution and Bylaws. At least thirty days prior to the convening of a convention, he shall mail to all Voting Members of the Party a list of all proposed amendments to the Constitution and Bylaws which he has received or originated by that time. These amendments shall be placed on the agenda of the convention for the consideration of the delegates.

**Section 6** The Statement of Policy Amendment Coordinator shall appoint such assistance as he requires, with the approval of the President. He shall receive from other Voting Members, and originate in consultation with his staff, proposed amendments to the Statement of Policy. At least thirty days prior to the convening of a convention, he shall mail to all Voting Members of the Party a list of all proposed amendments to the Statement of Policy which he has received or originated by that time. These amendments shall be placed on the agenda of the convention for the consideration of the delegates.

**Section 7** The Convention Planning Coordinator shall appoint such assistants as he requires, with the approval of the President. He shall be responsible for providing the required facilities and services for the convention and for drafting a proposed agenda for approval by the delegates at the convention.

## Article 9 Ethics Committee

**Section 1** All complaints submitted to the Ethics Committee must be in writing and signed by the plaintiff.

**Section 2** All complaints to the Ethics Committee should be directed to the chairman of the Ethics Committee who shall send an advice not within five days to the Libertarian Party of Canada Board of Directors; such advice to include a transcript of the complaint and an invitation to respond within two weeks.

**Section 3** The chairman shall also send a copy of the advice to the defendant if any, the plaintiff, and any other party members who have an interest in the matter or have pertinent material to offer.

**Section 4** At the close of the two week response period referred to in section 2, the chairman shall open a hearing on the matter by mail. A majority of the committee may then or later convene the committee.

**Section 5** After two weeks from the opening of the hearing, a majority of the committee may close the hearing.

Responses from the membership shall be accepted until the close of the hearing and shall become part of the record.

**Section 6** The proceedings of the committee shall be open to any member wherever practical and in any case the following shall be advised of any current proceedings:

- a. The defendant if any;
- b. The plaintiff;
- c. The Board of Directors.

**Section 7** No complaint shall be considered more than once. Two complaints will be considered the same if:

- i. In the case of a complaint against an individual, the defendant is the same and the action concerned is the same;
- ii. In the case of a complaint against a document or portion thereof the document or portion thereof is the same and the violation is the same.

**Section 8** Complaints that a member has violated his or her membership oath, or any other complaint to the Ethics Committee, shall be submitted in writing and signed by the member bringing the complaint. A complaint against an Officer or Director of the Party may be made with reference to a violation of the Constitution and/or the Bylaws.

**Section 9** The Constitution and Bylaws, and the Statement of Principles, are immune to complaint except where it is necessary to determine if a particular copy of one of these documents is consonant with that actually adopted in convention.

**Section 10** A complaint may be lodged against a portion of the Statement of Policy only if reference is made to a specific violation of the Statement of Principles.

**Section 11** A complaint may be lodged against any other Party document if reference is made to a violation of the Constitution and Bylaws, the Statement of Principles, or the Statement of Policy.

**Section 12** Upon the close of a hearing, the Ethics Committee shall consider the case and submit their individual decisions to the chairman within fifteen days.

**Section 13** The chairman of the Ethics Committee shall compile and present the decision of the committee to the litigants and the Board of Directors within five days of receiving the decision.

**Section 14** No fees paid by a member shall be refunded upon his or her expulsion.

**Section 15** Application for readmission by an expelled member shall be subject to the approval of both the Board of Directors and the Ethics Committee.

**Section 16** If the Statement of Principles is amended, all Voting Members shall be required to sign the revised Statement within a period not to exceed one year from the date of the amendment or as the membership becomes due, whichever comes first. Any Voting Member who has not signed the revised Statement of Principles may not vote at any Party function. Where a Voting Member refuses to sign the revised Statement of Principles, the Party shall refund to that member a pro-rated portion of his membership fee if the member so wishes.

## **Article 10 Parliamentary Authority**

**Section 1** The latest edition of Robert's Rules of Order shall be the parliamentary authority for all matters of procedure not specifically covered by the Constitution, Bylaws, or rules of the Party.