

Parti Vert New Brunswick Green Party 1

Bylaw No. 1

Adopted by the Founding Convention November 15, 2008 and Amended by the Annual General Meeting of Members on April 15, 2016, on April 21, 2018 and on April 7, 2019.

This by-law governs the standards and operations of the New Brunswick Green Party, hereinafter referred to as The Party.

Definitions:

AGM - Annual General Meeting
MLA – Member of the Legislative Assembly
PC – Provincial Council
PPFA - Political Parties Financing Act
RDA – Registered District Association
PWG - Policy Working Group
SMM - Special Meeting of Members

Article 1 Membership

1.1 Criteria for membership

Membership in The Party is Free but is subject to renewal. Any person who meets the following criteria qualifies for membership in The Party:

- 1.1.1 is at least fourteen (14) years of age;
- 1.1.2 is a resident of New Brunswick
- 1.1.3 applies for membership on her/his own behalf either through electronic communication or a paper membership form.
- 1.1.4 supports the principles of The Party.
- 1.1.5 upholds the Constitution and By-laws of The Party.
- 1.1.6 does not hold a membership in another provincial political party registered in New Brunswick.

1.2 Refusal of Application for Membership or Removal from Membership Roll

A member shall be refused membership, cease to be a member in good standing, or be terminated as a member, depending on the circumstances, based on the following criteria:

- 1.2.1 Should the person engage in actions that are detrimental to The Party, as determined by Provincial Council; or
- 1.2.2 By delivering their resignation by mail or email to the head office of The Party.

- 1.2.3 They ceases to be a resident of New Brunswick, as defined by Elections NB; or
- 1.2.4 On their death.

1.3 Procedures for Termination of Membership

- 1.3.1 A membership may be terminated by a resolution of the Provincial Council or an Annual General Meeting or a Special Meeting of Members.
- 1.3.2 The person whose membership is subject to termination shall be given written notice and explanation of such termination and an opportunity to appeal the termination at a meeting of the body proposing the termination before the termination resolution is put to a vote by the body proposing the termination.
- 1.3.3 A terminated member may re-apply for membership after one year and such application will be considered by the Provincial Council on a case by case basis.

1.4 Application for Membership

- 1.4.1 A person may apply for membership in The Party by submitting a completed membership form to the Head Office of The Party, whether in person, electronically, or by ordinary mail.
- 1.4.2 The Provincial Council may set an annual membership fee, provided consideration is given to those with limited financial means.

1.5 Responsibilities of the Provincial Council to Members of The Party

The Provincial Council shall ensure the following:

- 1.5.1 That an accurate and up-to-date record of members be kept;
- 1.5.2 That members are given proper notice of pending changes in their membership status, their voting rights, or any other business as stipulated by this by-law.

1.6 Rights of Members

- 1.6.1 A member's right to vote on all matters at an Annual General Meeting (AGM) or Special Meeting of Members (SMM) shall commence fourteen (14) days following receipt in Head Office of an application for membership.
- 1.6.2 Any member in good standing shall be eligible to stand for election to the Provincial Council and as an officer of the Registered District Association in the electoral district where they reside. Nominees to the office of Provincial Council president must have held another position on the council for one year.
- 1.6.3 Any member in good standing shall be eligible to stand for nomination as a candidate for election to the Legislative Assembly.
- 1.6.4 Any member in good standing shall be eligible to stand for nomination as Leader of The Party.

Article 2 Provincial Council

2.1 Election of Members to Provincial Council

2.1.1 Consistent with Article 7 of the Constitution, the Provincial Council shall consist of:

- i. President
- ii. Leader
- iii. Anglophone Vice-President
- iv. Francophone Vice-President
- v. Secretary
- vi. Treasurer
- vii. Members-at-large to a maximum of eight (8)
- viii. A youth member of 14 to 25 years of age at the time of election.
- ix. Deputy Leaders, if appointed
- x. Official Representative
- xi. Executive Director, who shall be a non-voting member

2.1.1.1 The President, Vice-Presidents, Secretary and Treasurer constitute the Officers of the Provincial Council.

2.1.2 Nominations to fill positions on the Provincial Council may be made by any member of The Party in good standing at an Annual General Meeting or in writing to the Provincial Council prior to an AGM with the exception of the position of Leader for which special rules apply.

2.1.3 The election of Provincial Council members shall be held at an AGM, except for the positions of Leader for which special provisions apply.

2.1.4 All Provincial Council positions shall be filled for a two (2) year term; except for the following positions: the Leader, Deputy Leader, Official Representative, and Executive Director.

2.1.5 Members of Provincial Council shall be eligible to offer for a second consecutive term of office, for a total of four (4) years, after which they are not eligible to serve until one (1) year has elapsed.

2.1.6 In odd-numbered years the President, Vice President Francophone, Secretary and four (4) members-at-large shall be elected for a two (2) year term.

2.1.7 In even numbered years the Vice President Anglophone, Treasurer, Youth member and four (4) members-at-large shall be elected for a two (2) year term.

2.1.8 A member who has served for three (3) years may offer for election to an Officer position, which is a two (2) year term. Should they be elected to that position, they may serve for a maximum of five (5) consecutive years.

2.2 Removal from Office

- 2.2.1 Failure to attend three consecutive regularly scheduled Provincial Council meetings, with the exception of emergency meetings, shall be cause for automatic removal from the Council.
- 2.2.2 Once removed on these grounds, should a member provide satisfactory explanation of the absence, s/he may be reinstated by a 2/3rd majority vote of the Provincial Council.
- 2.2.3 Should a member be removed under these circumstances, the member shall be ineligible to run for a Provincial Council position in the next election for Council.

2.3 Vacancy of Provincial Council Office

- 2.3.1 The Provincial Council has the authority to fill, by appointment, any vacancy on an interim basis until the next annual general meeting, at which time the position becomes open for election for the remainder of the term of that position. The interim member, if eligible, may offer for election to that position. Serving as an interim member is not considered a term.
- 2.3.2 All Provincial Council members shall be notified of a vacancy within ten (10) days of a position becoming vacant.
- 2.3.3 Notice of any existing vacancy shall be posted on The Party's website and sent to The Party's general electronic mailing list sixty (60) days in advance of the AGM.

2.4 Meetings of Provincial Council

- 2.4.1 The Provincial Council shall meet at least six (6) times per year, with meetings called by the President or a designate.
- 2.4.2 Quorum at Provincial Council meetings shall be a majority of voting members holding office at the time, or a minimum of four (4) voting members whichever is greatest.
- 2.4.3 The Provincial Council may meet by telephone or electronic means provided all members have access to those means and participation can be facilitated effectively.
- 2.4.4 All decisions of the Provincial Council shall require a two-thirds (2/3) majority vote of those present and voting, except as may be specifically stated in other articles in this By-law.
- 2.4.5 Provincial Council shall set a regular meeting time for which no notice is required. Provincial Council members will be provided with 1 week notice for additional meetings of Provincial Council. In the event of an unscheduled emergency meeting, the timing of the meeting will be set after a reasonable effort has been made to contact all members for their availability.

2.5 Committees

- 2.5.1 The Provincial Council shall form or dissolve such committees as the Council deems necessary for the effective operation of The Party, with decisions to form

- and dissolve committees and the appointment of chairpersons and members to those committees, to be recorded in the minutes of meetings of the Provincial Council.
- 2.5.2 An Executive Committee consisting of the Officers, the Leader, and the Executive Director (ex officio) shall be authorized to conduct the business of The Party between meetings of Provincial Council.
- 2.5.2.1 The Executive Committee shall serve as the Human Resources Committee, overseeing the position of Executive Director.
- 2.5.3 The following Standing committees shall be formed, consisting of at least one (1) member of Provincial Council, Leader, Executive Director and other members as deemed appropriate:
- i) Finance
 - ii) Fundraising
 - iii) Growth and development
- 2.5.4 Except for the Executive Committee, members of The Party shall be eligible to serve on all committees struck by Provincial Council.
- 2.5.5 Each committee shall have a chairperson who is responsible for calling meetings, preparing agendas, seeing that minutes are recorded, and submitting records and reports to Provincial Council as required.
- 2.5.6 The minimum size of any committee shall be three (3) members.

Article 3 Policy Working Group

- 3.1 The mandate of the Policy Working Group shall be as follows:
- 3.1.1 To facilitate the development of policies, for purposes of defining the political agenda of the Party, and establishing election platforms;
 - 3.1.2 To maintain an up-to-date policy manual by identifying policy gaps and necessary changes, anticipating future needs, and undertaking policy-related research as necessary;
 - 3.1.3 To ensure that policy development is based on member participation by developing and implementing processes by which members may actively contribute, and ensuring that geographic location, official language, or employment conditions are not a barrier to participation.
 - 3.1.4 To bring policy resolutions to AGMs, or SMMs on policy, for member approval, and to organize and conduct the policy section of members meetings.
- 3.2 The PWG shall be comprised of those members who volunteer to serve on the PWG. There shall be no limit on the number of members who may serve nor a term limit for membership.
- 3.3 The PWG shall have a Chair or Co-Chairs who shall be elected annually by the members present at the AGM. Other officers, should the Chair(s) deem them

necessary, may be elected by PWG members at a duly constituted meeting of the PWG.

- 3.4 The Chair(s) shall ensure that the PWG carries out its mandate effectively, and that the following accountability measures are fulfilled:
 - 3.4.1 Circulate minutes of all PWG meetings and any other report prepared by or for the PWG to all PWG members, and deposit them with the Head Office in a timely manner.
 - 3.4.2 Submit quarterly reports to Provincial Council, the form in which this done to be determined mutually by the Chair(s) and the President of Provincial Council.
- 3.5 Should the position of Chairperson become vacant between AGMs, the Provincial Council shall appoint a replacement to serve until the next AGM.
- 3.6 The Party staff shall provide logistical support for the PWG.
- 3.7 Budgetary allocations for the PWG shall be determined through the annual budgeting process of Provincial Council.

Article 4 Meetings of Members

4.1 Annual General Meeting

- 4.1.1 The Provincial Council shall call the annual general meeting of members (AGM) and establish its location no later than four (4) months following the end of The Party's fiscal year which is December 31.
- 4.1.2 A quorum for an AGM shall be 20 members including at least 50 percent of the Provincial Council.
- 4.1.3 Members shall be given first notice of an AGM no later than ninety (90) days prior to the date of the meeting.
- 4.1.4 Notice may be given by e-mail to those members who have provided such contact information to the Party. Regular mail delivery is required for all other members.
- 4.1.5 The Provincial Council may make provisions for mail-in ballots and / or electronic ballots for elections and voting on amendments and motions.
- 4.1.6 Procedures for amending the Constitution and By-law are provided in Article 10.

4.2 Resolutions at Annual General Meetings

- 4.2.1 Proposed resolutions for consideration at the AGM must be submitted to Provincial Council not later than sixty (60) days prior to the date of the AGM.
- 4.2.2 The exact deadline shall be stated in the initial ninety (90) day notice to members of the date of the AGM.
- 4.2.3 Proposed resolutions may be sponsored by:
 - i) Provincial Council;
 - ii) Policy Working Group;
 - iii) At least five (5) members whose signatures are attached to the resolution when submitted to Provincial Council;
 - iv) An RDA, having been passed at a duly constituted meeting of the RDA.

4.2.4 Resolutions not submitted by the deadline shall not be included in the business of the AGM, but if approved by a majority of the members present (and determined an emergency), may be moved from the floor of the meeting, and shall be considered after all other resolutions have been dispensed with.

4.2.5 Resolutions shall require a sixty (60) percent majority vote to be passed.

4.3 Special Meetings of Members

4.3.1 A Special Meeting of Members (SMM) may be called by:

- i. Provincial Council at a duly constituted meeting;
- ii. The AGM;
- iii. A petition to Provincial Council signed by ten (10) percent of the members of The Party.
- iv. A petition to Provincial Council signed by the Presidents of at least ten (10) RDAs, or at least one-third (1/3) of the RDAs, whichever is greater.

4.3.2 Once a petition for an SMM has been received, and it is determined that it meets the criteria for SMMs set out in section 4.3.1.iii and for petitions set out in 4.3.1.iv, Provincial Council shall set the location and date of the SMM, which must take place within sixty (60) days of receipt of the petition.

4.3.3 Notice of a SMM must be given at least twenty-one (21) days prior to the date of the meeting.

4.3.4 Notice may be given by email to those members who have provided such contact information to The Party. Regular mail delivery is required for all other members.

4.3.5 Any motion presented to an SMM must receive a sixty (60) percent majority vote to pass.

4.3.6 A quorum for an SMM shall be twenty (20) members including at least fifty (50) percent of the Provincial Council.

Article 5 Candidates for Provincial Elections

5 Selection of candidates for provincial elections

5.1.1 The Provincial Council shall issue to all members a call for Applications for Candidate Nominees in all electoral districts, and set the deadlines by which applicants must have submitted their applications to the Head Office.

5.1.2 The Provincial Council shall establish the criteria that applicants must meet, and a committee to screen all applicants according to these criteria. In consultation with the Leader, the committee shall approve or reject applicants. Reasons for rejection shall be communicated to the applicant.

5.1.3 Where there is an active RDA in an electoral district, the RDA shall hold a nomination meeting at which an election is held to choose a candidate for that district. If the nomination is not contested, members shall vote on a motion to acclaim the candidate.

- 5.1.4 Should there be no active RDA in an electoral district, the Provincial Council may appoint a candidate in that district.
- 5.1.5 Should a nominated candidate withdraw or becomes otherwise incapacitated after the nomination period is closed, the Provincial Council may appoint a candidate for that electoral district.

5.2 Endorsement and Removal of Candidates

- 5.2.1 In all cases, successfully nominated or acclaimed candidates must have their nomination confirmed by the Provincial Council and receive the written endorsement of the Leader.
- 5.2.2 The Leader with the approval of a two-thirds (2/3) majority vote of Provincial Council may withhold endorsement of a nominated candidate, or remove a registered nominated candidate, should extenuating circumstances arise or incriminating information or behaviour become known that is determined by the Leader and Provincial Council to be detrimental to the Party.
- 5.2.3 Should the Leader and Provincial Council deem that there are grounds for removal of a candidate, in the case where the candidate was nominated by an RDA, they shall inform the candidate and the RDA executive that the following process has begun:
 - i. The grounds for removal shall be documented in writing, including a description of the due diligence taken by Provincial Council to verify or corroborate the grounds. Where the grounds include information provided by third party individuals, their identity shall be held confidential unless they request to be identified.
 - ii. The grounds shall be presented to the candidate in a face-to-face meeting, at which time they shall have the opportunity to refute or accept the grounds. The candidate shall have the discretion to invite the RDA President or their designate to attend this meeting.
 - iii. Should the candidate accept these as grounds for resignation, they shall be asked to sign a letter of resignation to this effect, which shall constitute their resignation as a candidate.
 - iv. Should the candidate reject these as grounds for resignation, a special meeting of Provincial Council shall be called at which the candidate may present a refutation. The meeting shall be held at a time and place that provides reasonable access by the candidate, while respecting the timeline of the provincial campaign committee for election preparation. Should the candidate request it, the RDA President or designate of the President shall be invited to attend this meeting. In the case where a candidate is not cooperative in setting or attending the meeting, the Provincial Council has the discretion to suspend this meeting provision, in consultation with the RDA Executive.
 - v. Following this meeting, or if the meeting is suspended, the Provincial Council shall make a final determination on grounds for removal.

Should the grounds be upheld, the Leader shall inform Elections New Brunswick of the removal of the candidate.

- vi. A meeting of the RDA shall be called within fourteen (14) days of removal to inform members of the decision and discuss next steps.

- 5.2.4 At all times throughout this process, the privacy rights of the candidate shall be protected. The decision on whether to inform the RDA or the public of the grounds for removal shall rest with the candidate.
- 5.2.5 Notwithstanding provisions in 5.1.3, should a nominated candidate resign or be removed from the candidacy within 60 days of a provincial election, the Provincial Council shall appoint a candidate.

Article 6 Registered District Associations

The Provincial Council shall strive to have an active Registered District Association (RDA) in each electoral district, with each RDA meeting the following requirements:

- 6.1 Two (2) party members resident in an electoral district are required to form an RDA, filling the positions of President and Official Representative.
- 6.2 The Provincial Council shall develop and maintain an RDA Manual which sets out the mandate, rules and procedures for the operation of RDAs. The Manual shall reflect Party policies as adopted by the Provincial Council, and shall be given official status by this Article of the By-law.
- 6.3 All members resident in an electoral district shall receive fourteen (14) days notice of any general meeting of the RDA, including the founding meeting.
- 6.4 Notice may be given by email to those members who have provided such contact information to The Party. Regular mail delivery is required for all other members.
- 6.5 The RDA members may appoint other officers as they see fit.
- 6.6 RDAs shall provide Head Office with i) the minutes of AGMs, and ii) notice of changes of officers, within thirty (30) days of an AGM being held, or of any changes of officers being made.
- 6.7 The RDA shall forward any applications for membership to Head Office within fifteen (15) days of receiving the membership application.
- 6.8 All donations received and funds raised by the RDA must be remitted to the Party's Official Representative within thirty (30) days of having received the monies. A portion of the funds raised will be returned to the RDA in a timely manner as set out in the RDA Manual.
- 6.9 The Provincial Council or AGM or SMM may dissolve an RDA by a 2/3rd majority vote, subject to ratification by the Leader.
- 6.10 Should an officer of an RDA wish to run as candidate in a provincial election, they shall resign as officer prior to submitting their application to Provincial Council to become a nominee. If they are unsuccessful in gaining the nomination, they shall not be eligible to serve as RDA officer until after the election is held.

Article 7 Party Documents

Official Party documents shall be made available to members in the following manner:

- 7.1** The following documents shall be made available to members in both official languages:
- i. Constitution
 - ii. By-laws
 - iii. Charter of Principles
 - iv. Policy Manual
 - v. RDA Manual
 - vi. Final minutes of AGMs and SMMS including any reports attached to minutes
 - vii. Information provided to members in advance of AGMs and SMMS, including agenda, reports, proposed amendments and resolutions.
- 7.2** The following documents shall be provided to members in the language in which they were produced:
- i. All financial statements
 - ii. Provincial Council meeting minutes subject to privacy restrictions
 - iii. Minutes and/or reports of meetings of any duly constituted committees of the Party.

Article 8 Financial Procedures

- 8.1** The Party shall conduct its financial affairs in accordance with the New Brunswick Political Parties Financing Act (PPFA).
- 8.2** The Official Representative shall only authorize borrowing by The Party or any entity thereof upon the prior approval of Provincial Council.

Article 9 The Leader

9.1 Election of the Leader

- 9.1.1 When the position of leader becomes vacant, the Provincial Council shall set the date and location of a leadership convention, issue to all members a call for leadership candidates, and a deadline by which applications must be submitted to Head Office.

- 9.1.2 Potential candidates must have the endorsement of fifteen (15) members. A member may endorse more than one potential candidate.
- 9.1.3 The Leader shall be elected by secret preferential ballot at a SMM constituted as a leadership convention.
- 9.1.4 The Provincial Council may make provision for mail-in ballots and/or electronic ballots which would remain sealed until the leadership convention when they would be counted with ballots cast at the convention.

9.2 Leadership Review

- 9.2.1 At such a meeting, a motion of confidence shall be put before the members. The motion shall be carried with a sixty (60) percent majority vote.
- 9.2.2 Should the motion of confidence fail, the Leader shall resign and a leadership election process shall be initiated.
- 9.2.3 The resigned Leader may offer as a candidate in any subsequent leadership election.

9.3 Resignation or Removal of the Leader

- 9.3.1 The Leader may be removed outside a normal leadership review process should incriminating information about or actions by the Leader become known which the Provincial Council deems detrimental to the Party.
- 9.3.2 In such case, the process shall be as follows:
 - i. A special meeting of the Provincial Council is called, including the Leader, at which the grounds for removal are examined and the Leader is invited to dispute those grounds.
 - ii. The Provincial Council without the participation of the Leader passes a resolution with a unanimous vote to call a SMM to consider a resolution to remove the Leader. Should the vote fail, the matter is concluded. Should it succeed, a SMM is called to hold a leadership review.
 - iii. At the SMM, a motion of non-confidence in the Leader shall be put to the members. The Leader shall be invited to speak to the motion, after which a vote shall be held by secret ballot. The motion shall be carried with a three-quarters (3/4) majority vote.
 - iv. Should the vote succeed, the Leader shall immediately resign or be removed by Provincial Council.
 - v. Should the vote fail, the Leader retains their position.
- 9.3.3 The Leader may resign that position by providing a letter of resignation to Provincial Council. The resignation shall come into effect at a date mutually agreed upon by the Leader and Provincial Council.
- 9.3.4 In the event of the resignation or removal of the Leader, the Caucus shall appoint, or in the event there is no caucus, the Provincial Council shall appoint an Interim Leader who will serve until a leadership convention is held. The Interim Leader may run as a candidate in that leadership contest.

9.4 Appointment of Deputy Leader

- 9.4.1 The Leader may appoint one or two Deputy Leaders, who may or may not be elected MLAs.
- 9.4.2 Deputy leaders shall serve at the discretion of, and carry out duties as determined by, the Leader.
- 9.4.3 Deputy leaders shall hold a non-voting position on Provincial Council.

Article 10 Amendments

- 10.1** Amendments to the Constitution and/or By-law shall be approved by members at an AGM.
- 10.2** Amendments may be proposed by:
 - i. Provincial Council; or
 - ii. A minimum of five (5) members who indicate in writing their support for a proposed amendment at the time the amendment is submitted for consideration;
 - iii. An RDA, having approved the proposed amendment at a duly constituted AGM.
- 10.3** Proposed amendments must be received by Provincial Council a minimum of sixty (60) days prior to the AGM at which they are to be considered.
- 10.4** Provincial Council shall provide all members with the text of proposed amendments at least thirty (30) days prior to the AGM at which they are to be considered.
- 10.5** Amendments shall be adopted by a two-thirds (2/3) majority of the votes cast at an AGM, as well as mail-in or electronic ballots, should these be provided.

Article 11 Dissolution or Merger

A resolution to dissolve The Party or to merge The Party with another New Brunswick political party shall require the following in order to come into effect:

- 11.1** To be initially passed by a 90 per cent majority vote at a SMM called for the specific purpose of considering such resolution; and
- 11.2** To be ratified by a 75 percent majority of votes cast in a mail-in ballot with a ballot return date of no later than 120 days following the SMM at which the resolution to dissolve or merge The Party was passed.
- 11.3** No transfer or sale of The Party's assets may be commenced until the resolution is duly passed and declared by the Provincial Council to be in effect.

Be it resolved that By-law No. 1 as amended at the Annual General Meeting of Members on April 7, 2019 is now in force.