

RULES RELATING TO THE ELECTION OF A LEADER

2020-2021



Approved by the Leadership Election Organizing Committee on October 19, 2020 Ratified by the National Executive on October 20, 2020 Amendment #1 approved by the National Executive on October 23, 2020 Amendment #2 approved by the National Executive on October 27, 2020

1) DECISIONAL SUMMARY OF THE EXECUTIVE

- a) On October 15, 2020, Adrien Pouliot announced that he was resigning from his position as Leader of the Conservative Party of Québec, this resignation taking effect with the election of a new Leader.
- b) The Constitution of the Conservative Party of Québec provides that the National Executive appoints the president and the members of the organizing committee for the election of the leader. The Leadership Election Organizing Committee, subject to the approval of the National Executive, defines the rules and procedures governing the leader selection process, including the date and method of voting, the conditions to be met for be accepted as a candidate for leadership, a final and binding conflict resolution procedure as well as a minimum membership period set for eligibility to vote. As a reminder, the race is subject to the obligations provided for in the Election Act.
- c) In accordance with the Constitution, an Election President has been appointed by the National Executive on October 15, 2020.
- d) The Election President proposed the persons listed in paragraph 3)f) of these Rules to become members of the Leadership Election Organizing Committee and these persons were confirmed in such position by the National Executive on October 18, 2020.

2) DEFINITIONS

The following words and expressions have in these Rules and conditions the meaning given to them below:

- a) Party: means the Conservative Party of Québec;
- **b) Candidate:** means any person duly recognized as a Candidate for the leadership of the Party in accordance with the Election Act and these Rules;
- c) Candidacy Application Form: designates all procedures, documents and information contained in the candidacy application form mentioned in paragraph 6) c) of the Rules;
- **d)** Leadership Election Organizing Committee (LEOC): means the organizing committee of the leadership election constituted in accordance with the Rules;
- **e) Convention**: means the Convention for the election of a Leader which will take place in spring 2020;
- f) Election expenses: means any expense incurred by or for a Candidate since he or she expressed his or her intention to run for Party leadership with the aim of promoting his or her candidacy for Party leadership; section 402 of the Election Act is incorporated herein by reference, with the necessary modifications, to define what constitutes election expenses;
- g) DGEQ: means the Chief Electoral Officer of Québec;
- h) Official Party documents: means the Code of Conduct for Members of the National Executive of Team Adrien Pouliot - Conservative Party of Québec, the Party Constitution, the Regulations on the National Convention and the General Council of Party and the Membership By-Law, as amended from time to time;
- i) Election: means the election to select the next Leader to be held during the Convention;
- j) Electors: means those members eligible to vote in the election following paragraph 5) d) of the Rules;
- k) National Executive: means the National Executive of the Party;

- I) Electoral list: means the Electoral List compiled by the LEOC;
- m) Election Act: means the Election Act of Québec, RSQ, c. E-3.3;
- n) Voting Period: period during which the Electors will vote to select the next Leader of the Party;
- **o) Election period**: means the period between October 21, 2020, which constitutes the beginning of the leadership campaign, and the Election;
- p) Rules: means these Rules;
- **q) Candidate Representative**: means the person designated by a Candidate to act as representative of the Candidate to the Party, its various committees and the LEOC;
- r) Vote: means the vote held to choose the next Leader of the Party during the Convention.

3) Organizing Committee for the Election of the Leader

- a) An organizing committee for the election of the Leader is formed in order to ensure the smooth running and monitoring of the Election and the process to elect the next Leader of the Party, to ensure compliance with the Election Law, the Official Party Documents and the Rules, taking into account that the National Executive wishes that this Election be carried on in a transparent, fair and reasonable manner.
- b) The members of the LEOC are volunteers. However, they may be reimbursed for expenses incurred in the performance of their duties if they are approved in accordance with the approved policies of the Party regarding the reimbursement of expenses and by the President of the LEOC.
- c) The LEOC has the following powers and roles:
 - i) Ensure, in general, the smooth running of the Election Period and the Election, as well as the period preceding the Election Period;
 - ii) Issue, supervise and authorize Party communications relating to the Election;
 - iii) Independently of any other procedure, render any decision and, where applicable, impose the appropriate sanctions against any person exhibiting derogatory behavior, who does not report a derogatory situation brought to his attention or does not take reasonable means to avoid any derogation, including in particular:
 - (1) suspend the right to vote;
 - (2) impose a fine;
 - (3) expulse a Candidate;
 - (4) suspend any member of the election staff;
 - (5) generally take any measure deemed necessary to ensure compliance with these Rules and the proper conduct of the Election during the Election Period as well as the period preceding the Election Period;
 - (6) ensure the necessary coordination with the DGEQ;
 - (7) treat diligently any written complaint sent by e-mail by producing a reasoned decision except if provided otherwise herein;
 - (8) approve the electronic voting devices to be used at the Convention; and
 - (9) supervise the voting and the counting of the ballots.

- **d)** It is the responsibility of the Candidates and their respective teams to take all necessary steps to comply with the requirements of the Election Act, the Official Party Documents and these Rules.
- e) LEOC members have an obligation to remain neutral and impartial in the leadership campaign, and to maintain the confidentiality of their deliberations. In this regard, they must sign the Affidavit provided for in Schedule A of the Rules and strictly comply with all the conditions set out therein.
- **f)** The following persons form the LEOC and the Arbitration Committee:
 - i) Benoît Larocque The latter having been appointed by the National Executive on October 15, 2020 to act as Election President, in accordance with the Constitution;
 - ii) Lisette Benoit, LEOC;
 - iii) Sylvain Dallaire, LEOC;
 - iv) Damien Pellerin, LEOC;
 - v) Jimmy Voyer, LEOC;
 - vi) Stéphane Pagé, President, Arbitration Committee;
 - vii) Mario Belec, Arbitrtion Committee;
 - viii) Anne Deblois, Arbitration Committee; et
 - ix) Any person designated as such by the National Executive to replace, if necessary, the preceding persons.
- g) The Leader advises the DGEQ in writing that Benoît Larocque is the person designated under sections 127.1 and 127.2 of the Election Act.

4) ROLE OF STAFF AND PARTY AND PARTY RESOURCES

- a) Party staff members must remain impartial during the leadership race. Party staff members must not use their position or their access to Party resources to influence the Electors to support or oppose a Candidate. This includes using personal or Party social media accounts to promote or oppose a Candidate.
- b) Party funds and resources may not be used to support or oppose a Candidate, including to:
 - i) Transfer or lend funds or resources to a Candidate; or
 - ii) Share supporter data with a Candidate, including data stored in NationBuilder or any Party database.
- c) Members of the executive of an electoral constituency association, of the National Executive and of all other official Party committees (except the LEOC) may support a Candidate or a campaign to the leadership as an individual member of the Party.
- **d)** A person mentioned in paragraph c) who thinks of or wishes to stand as a Candidate cannot use the Party's resources (in particular the list of members) to prepare his candidacy.
- **e)** Party staff members and the LEOC may sometimes provide support services to a Candidate. It is necessary that the same offer of support be made to all other Candidates in a substantially equivalent manner.
- **f)** The Party may use internal resources to impartially promote the leadership race or official leadership race events.
- g) The Party provides the LEOC with the Party's resources to carry out its mission. The LEOC is free to incur all the expenses that it deems necessary or useful (equipment, rooms, expense accounts) for the purposes of the leadership race, within the limit of the budget set by the National Executive and in accordance with Party expenditure approval policies.
- h) The Party will take all necessary precautions to avoid highlighting specific Candidates or their key campaign personnel at Party events promoted using Party resources.

- i) If the Party wishes to produce a particular promotion featuring the Candidates, each Candidate will have an equal chance of being included in the promotional material.
- **j)** Any Candidate or any person acting on behalf of a Candidate who communicates with a Party staff member or the LEOC must identify himself as a Candidate or representative of a Candidate.

5) ELECTORS

- a) An initial Electoral List, which also includes the names of members whose membership has expired since January 1, 2019, is compiled by the Party and provided to the LEOC on October 25, 2020. The LEOC may subsequently ask the Party, as many times as it deems necessary or useful, to produce an updated Electoral List, a request to which the Party must comply with diligence.
- b) An Interim Electoral List, which also includes the names of members whose membership has expired since January 1, 2019, will be provided to a Candidate who holds an Interim Eligibility Certificate
 - i) as soon as a Candidate receives such a certificate; and
 - ii) on 15 January and 31 January if the Candidate has not withdrawn et has not been expelled.
- c) An Electoral List contains the name, telephone number (if available), email address (if available), address and electoral district of each eligible Elector. The LEOC can also add other information.
- **d)** Only a person whose name appears on the Final Electoral List has the quality of Elector for the purposes of the Election.
- **e)** The members of the LEOC and of the Arbitration Committee cannot be Electors and cannot vote in the Election.
- f) The Final Electoral List contains the names of the Party members in good standing as of March 15, 2021 at 5:00 p.m. Evidence of membership must be available on the Party's website or must have been received by the Party at the location specified by the Party on or before said time and date. A preliminary version of the Final Electoral List is prepared as soon as possible after this date and is diligently sent to all Candidates holding a Final Eligibility Certificate who have not withdrawn and have not been expelled.
- g) A Candidate may contest the eligibility of any person appearing on the preliminary version of the Final Electoral List if he considers that this person is not a member in good standing.
 - i) Any dispute made under this paragraph must be submitted by e-mail and received by the LEOC, along with any other supporting documentation, no later than seventy-two (72) hours after receipt of the preliminary version of the Final Electoral List.
 - ii) Any dispute made under this paragraph must specify the membership number, the name of the member, the date the member was first entered on the membership list and the reasons

for the dispute, including citing in particular the provisions of the relevant Official Documents.

- iii) The burden of proof in the event of a dispute lies with the person initiating the dispute.
- iv) The LEOC investigates the dispute, requests any additional information required and renders a decision.
- v) The Candidate can appeal the decision of the LEOC to the Arbitration Committee within twenty-four (24) hours of the determination of the LEOC. The Candidate must include in the appeal the reasons justifying such appeal and attach any supporting documentation. If no appeal is received by the Arbitration Committee within twenty-four (24) hours, the decision of the LEOC is final.
- vi) The Arbitration Committee may request additional information from the appealing Candidate, from the member in dispute, or from other Candidates or from any other person. However, the Arbitration Committee is not bound to hear appeals other than the appeals made in the initial request of the appealing Candidate. The Arbitration Committee may, at its sole discretion, hold an oral hearing or receive oral arguments from the appealing Candidate.
- vii) If the Arbitration Committee determines that an appeal made under this article is unfounded, the LEOC may levy a fine from the appealing Candidate. The fine must be paid within ten (10) days of its notification to the Candidate, failing which the LEOC may expel the Candidate.
- viii) The Arbitration Committee may, in its sole discretion, refuse to hear further appeals regarding eligibility or regarding LEOC decisions regarding eligibility from a Candidate for whom it has been established that he made an unfounded appeal.
- h) The LEOC provides a Candidate having a Final Eligibility Certificate who has not withdrawn and has not been expelled with a final version of the Electoral List as soon as possible.
- i) An Electoral List may only be used by the Candidate and his or her team during the race to promote / oppose an approved Candidate or to promote / oppose a position taken by an approved Candidate.
- j) All reasonable measures must be taken to maintain the confidentiality of the Electoral List in accordance with the Official Party Documents. The Candidacy Application Form requires all Candidates to affirm that they will comply with the Official Party Documents and, in particular, the Party's privacy policy and the guidelines for use mentioned therein.
- **k)** The Candidates may not use an Electoral List for any purpose whatsoever after the Vote. All copies of the Electoral List must be destroyed or returned to the Party no later than April 20, 2021 or, in the case of a withdrawal or expulsion of a Candidate, within three (3) days of the withdrawal or

expulsion.

- I) The Electoral Lists contain security features to detect abuse or loss. These abuses and losses are traceable for specific Candidates.
- m) An Elector may request that a Candidate not contact him during the election campaign. The request may regard personal, telephone or email contact or all three. The Candidate must comply with this request. Candidates keep an updated list of Electors who no longer wish to be contacted and this list is shared in real time with the Party. If an Elector makes such a request directly to the Party, the Party shall notify the relevant Candidate and the Candidate must comply with this request.

6) CANDIDATES

- a) To be eligible to submit an application to become a Candidate, a person must:
 - i) was a member in good standing of the Party on November 16, 2020 and has remained a member until the last day of voting;
 - ii) be a qualified elector under the Election Act;
 - iii) have no debt to the Party;
 - iv) have no ongoing litigation against the Party.
- **b)** The LEOC may, in its sole and absolute discretion, modify or waive any of the conditions mentioned in paragraph a) (except the condition mentioned in paragraph a) ii) for a particular person without having to do it for anyone else.
- c) The LEOC prepares a Candidate Application Form. The LEOC determines the information and documents to be included in this Candidate Application Form, including in particular a credit report (Equifax or Transunion) and a security certificate (criminal record) and the procedure surrounding its filing. A copy of the Candidate Application Form must be made available on and downloadable from the Party's website. All costs incurred to apply to become a Candidate are borne by the prospective Candidate.
- d) A person who is eligible under paragraph a) and who wishes to apply must:
 - i) Complete the Candidate application process provided for in the Candidate Application Form and provide all the information and documents set forth in the Candidate Application Form to the satisfaction of LEOC, abide by the procedures provided therein and submit it in accordance with such procedures at the latest by December 17, 2020;
 - ii) Accompany the Candidate Application Form with proof of support of the prospective Candidate's candidacy by 75 members in good standing from at least 15 different electoral districts in Québec; this support will be evidenced
 - (1) by the signature of a support document in paper and/or electronic format prescribed by the LEOC or available on the Party's website; (amen. 2020-10-27)
 - (2) by the consultation, by the Official Representative of the Party, on the secure portal of the DGEQ, of the proof of membership of the member who bears a note of support for the Candidate; or
 - (3) by any other evidence provided electronically as the LEOC may determine and prescribe in the Candidate Application Form;

- iii) Demonstrate to the satisfaction of the LEOC that his campaign has raised the sum of at least \$1,500 in contributions to the Party between October 21st, 2020 and December 16, 2020 and of the sum of \$5,000 in total by February 17, 2021.
 - (1) For contributions to the Party raised by the campaign of a Candidate by means of a paper contribution form, proof of these contributions is made by physical transmission by the Candidate to the Election President and receipt by him of the Official Representative and the DGEQ copies of the contribution form with identification evidence when required in Official Documents; no contribution form received by the Election President before October 21st, 2020, after December 16, 2020 at 11:59 p.m. or February 17, 2021, as the case may be, will be counted for the purposes of this article.
 - (2) For contributions to the Party made by an Elector on the DGEQ website, proof of these contributions is made through the consultation by the Official Representative of the Party, on the DGEQ secured web portal, of the evidence of contributions to the Party which bear a note of support for the Candidate. The statement of the Official Representative of the Party with respect to the content of the secured web portal of the DGEQ is final and without appeal.
- **e)** A contribution that does not comply with the Election Act will not be counted for the purposes of this article.
- f) The LEOC is the final judge of the admissibility of a contribution for the purposes of this article.
- **g)** The LEOC confirms to the prospective Candidate that it has received the Candidate Application Form.
- h) The LEOC must communicate to the Party members on December 1, 2020 the name of any prospective Candidate who has advised the LEOC of his intention to apply as a Candidate and who has raised at least \$ 750 in contributions to the Party between October 21st, 2020 and November 25, 2020, together with his (her) picture, his (her) complete contact information and a promotional text of a maximum of 200 words. This information must be provided to the LEOC by e-mail at the latest on November 26, 2020.
- i) The LEOC carries out an in-depth examination of the Candidate's file contained in the Candidate Application Form. The applicant must remain available for a period of seven (7) days following the confirmation sent under paragraph g) to answer any additional questions that may arise during the examination of his application.
- j) If the applicant does not respond in a timely manner, the verification period may be extended at the discretion of the LEOC until he or she has answered all questions; otherwise the application may be refused.

- k) An application to become a Candidate may be refused by the LEOC in the interest of the Party, based on the information received in the Candidate's Candidate Application Form or on information discovered during the verification period of seven (7) days. Applicants will not receive details of the reasons why their application was refused, unless the LEOC decides otherwise.
- I) The LEOC issues an Interim Eligibility Certificate to the applicant if it accepts the application.
- **m)** If, at any time during the race, the LEOC is informed of information which was omitted in the initial application and which could have caused the rejection of the Candidate:
 - i) The LEOC may order a new seven (7) day verification of the Candidate's file; or
 - ii) The LEOC may expel the Candidate immediately.
- **n)** If the LEOC orders a new verification of the file:
 - i) The Candidate will be informed by email that a new seven (7) day audit has been ordered.
 - **ii)** During the new verification period, the applicant may continue to campaign, unless otherwise specified.
 - iii) The applicant must make himself / herself available during the seven (7) days to provide the information requested by the LEOC.
 - **iv)** For reasons of confidentiality and fairness, information relating to the re-audit will be kept confidential to the parties concerned.
 - v) At any time during the new seven (7) day verification period, if the LEOC confirms the validity of the information which was omitted in the initial application and which meets the criteria for disqualifying the applicant, the LEOC may expel the Candidate immediately by informing him or her by email.
- o) Expelled Candidates will not receive details on the reasons for their expulsion and will not be able to appeal the decision. A notice stating that the Candidate is no longer in the race will be posted on the Party's website without details.
- **p)** The LEOC issues a Final Eligibility Certificate to the Candidate as soon as it judges that the Candidate has fulfilled all the required conditions.
- **q)** Any Candidate who receives an Interim Eligibility Certificate and is a member of the National Executive must resign from his position within 48 hours of the issuance of such certificate.

- r) A Candidate may voluntarily withdraw from the race by informing the LEOC in writing by email at the latest 15 days before the Vote. In this case, all costs and expenses that are due on the date of withdrawal remain due. All unpaid expenses of the Candidate remain the responsibility of the Candidate. A Candidate's withdrawal notice will be posted on the Party's website without details.
- s) If no Candidate has received a Final Eligibility Certificate by February 25, 2021, the race ends, and no Leader is elected pursuant to these Rules. If only one Candidate has received a Final Eligibility Certificate by February 25, 2021, he (she) is appointed Leader by acclamation on March 3, 2021.

7) DEBATE AND SPEECHES

- a) The Party organizes at least two official debates as part of the leadership race. Both the French and English languages may be used during the debates.
- b) The organization of the debates is left to the discretion of the LEOC.
- c) The Convention must allow the Candidates who are present to address the members present before or during the voting period.

8. ELECTORAL EXPENSES

a) The Candidates shall, for the purposes of the Election, use the services of a financial representative in accordance with the Election Act.
b) Only the financial representative of the Candidates may incur Election Expenses for the Election in accordance with the Election Act.
c) The Election Expenses authorized for each Candidate may not exceed sixty thousand dollars (\$ 60,000). (amen. 2020-10-23)

d) A copy of all financial reports produced or to be produced to the DGEQ by the financial representative of the Candidates must be sent the same day to the Party's Official Representative as well as to the LEOC.

9) V OTE

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- b) The Vote is held according to a preferential vote system (single transferable vote) and is held in person and/or via another means or different means during a gathering at a location to be determined by the LEOC.
- c) The Vote takes place on 17 April 2021 during the hours determined by the LEOC.
- d) Notwithstanding paragraphs b) and c), if the sanitary conditions or the directives of the Public Health of Québec or of Canada make the holding of the Vote in person during a gathering too restrictive, onerous or logistically complex in the opinion of the LEOC, the LEOC may order that the Vote be held by one or more other specified means such as postal, telephone or computerized vote, which provide reasonable assurance, in the opinion of the LEOC, that the Vote is secret and is only given by an Elector. The final decision on the voting method is announced no later than February 20, 2021 by the LEOC.
- **e)** Each member entitled to vote under the Official Documents, including the Rules, is entitled to one (1) Vote.
- f) The Candidate who receives 50% plus one of the total Votes validly cast is elected Leader.
- g) If no Candidate obtains more than 50% of the Votes in the first round, the Candidate who received the fewest first-choice Votes is eliminated and the Votes cast in his favor are then automatically transferred to the Elector's second-choice Candidate. If a Candidate then obtains more than 50% of the Votes, that Candidate is declared the winner. If no Candidate obtains more than 50% of the Votes in the second round, the Candidate who received the fewest Votes as first and second choice is eliminated and the Votes cast in his favor are automatically transferred to the Elector's third-choice Candidate and this method is applied to further rounds as long as it takes for a Candidate to obtain an absolute majority.
- h) In the event of a tie in one of the voting rounds which needs to be broken, the Candidate having obtained the most Votes of Electors in the greatest number of electoral districts will advance to the next round or, as the case may be, will be elected Leader. If the tie is still not broken,

the LEOC shall determine the two Candidates who shall advance to the second round and, if applicable, the new Leader using a random formula selected by the LEOC.

- i) Except in the case of a Vote held under paragraph d), the results at each stage of the Vote shall be made public.
- j) Each Candidate may request that electoral agents (in a number prescribed by the LEOC) be present at all stages of the counting of Votes.
- **k)** Except in the case of a Vote held under paragraph d), the counting of the Votes and the announcement of results were held at the Convention venue set by the LEOC.

10) ARBITRATION COMMITTEE

a)	An Arbitration Committee consisting of three (3) persons is appointed by the National
	Executive on the recommendation of the LEOC.

- b) The members of the Arbitration Committee must sign the Declaration under oath in Schedule B.
- c) The members of the Arbitration Committee are volunteers. They may, however, be reimbursed for expenses incurred in the performance of their mandate if they are approved in accordance with the Party's expenditure approval policies and by the President of the LEOC.
- **d)** The Candidates and any other person concerned or having a sufficient interest may appeal to the Arbitration Committee against any decision that is made by the LEOC except any decision issued by the LEOC that is not appealable or that is determined at the sole discretion of LEOC pursuant to these Rules.
- e) The appeal must be served on the President of the Arbitration Committee by email within seventy-two (72) hours of communication of the decision of LEOC.
- f) The decisions of the Arbitration Committee are final and without appeal.
- g) The Arbitration Committee is master of its rules of practice and procedure.

11) GENERAL PROVISIONS

- a) The LEOC may, if necessary, propose to the National Executive the adoption of any other rule it deems useful or necessary for the smooth running of the Party leadership campaign.
- **b)** Any rule submitted for adoption to the National Executive by the LEOC is presumed to have been adopted from the moment it is communicated to the Candidates or to the Candidate Representatives.
- c) No Candidate may use the Party's logo in his (her) communications, promotional material or otherwise.
- **d)** In case of a difference or inconsistency between the French version of the Rules and the English version of the Rules, the French version of the Rules shall have priority and shall prevail.

SCHEDULE A

Leadership Election Organization Committee (LEOC)

Conservative Party of Québec leadership race

<u>AFFIDAVIT</u>

I, the undersigned (e), following:	, residing at	, _solemnly declare the
from this day until the very end of t time will I become involved and / o to stand as a candidate for the lead will be involved, directly or indirect	and will maintain the confidentiality of the leadership race of the Conservation or will I help in any way, directly or ind dership of the Conservative Party of Q cly, with a Candidate or who will work con for the leadership of the Conserva	ve Party of Québec, and at no directly, any person who wishes Québec as well as any person who c in any way, directly or indirectly,
importance of this commitment to	eadership Race of the Conservative Pa ensure the integrity of the process th rty of Québec and I will respect it rigo	nat will lead to the election of the
Solemnly declared before me,		
at, on	2020	
AND I HAVE SIGNED:		
[Name] [NAME]		
[Lawyer / Commissioner for Oaths	for Québec]	
[Québec Bar membership number ,	/ Québec Commissioner for Oaths nu	mber]

APPENDIX B

ARBITRATION COMMITTEE

Conservative Party of Québec leadership race

<u>AFFIDAVIT</u>

I, the undersigned,the following:	, residing at	, solemnly declare		
will remain neutral and impartial, and will maintain the confidentiality of the deliberations of the Arbitration Committee, from this day until the very end of the Race for the leadership of the Conservative Party of Québec, and at no time will I involve and / or help in any way, directly or indirectly, any person who wishes to stand as a candidate for the leadership of the Conservative Party of Québec as well as any person who will be involved, directly or indirectly, with a Candidate or who will work in any way, directly or indirectly, to promote the candidacy of a person for the leadership of the Conservative Party of Québec.				
As a member of the Arbitration Committee for the Leadership Race of the Conservative Party of Québec, understand the importance of this commitment to ensure the integrity of the process that will lead to the election of the new Leader of the Conservative Party of Québec and I will respect rigorously.				
Solemnly declared before me,				
at, on	2020			
AND I HAVE SIGNED:				
[Name] [NAME]				
[Lawyer / Commissioner for Oath	s for Québec]			
[Québec Bar membership number / Québec Commissioner for Oaths number]				
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