

United Conservative Party

Rules and Procedures for the 2017 Leadership

**Approved by the Leadership Election Committee
on September 1, 2017**

1. Introduction

- 1.1. These rules and procedures ("**Rules**") for the 2017 Leadership Election Contest ("**2017 Leadership**") of the United Conservative Party ("**UCP**") have been issued by the UCP's Leadership Election Committee ("**LEC**").
- 1.2. Creation of the UCP and of the LEC was described in the unity Agreement in Principle dated May 18, 2017 ("**AIP**").
- 1.3. The AIP was ratified by the memberships of both of the UCP's legacy parties on July 22, 2017.
- 1.4. The UCP was registered with Elections Alberta on July 27, 2017.
- 1.5. The governing body of the UCP is the United Conservative Association ("**UCA**").
- 1.6. These rules are issued to help fulfill the LEC's mandate to conduct the 2017 Leadership in accordance with the AIP.

2. Election date, eligibility deadlines, voting process and determination of Leader

- 2.1. The leader ("**Leader**") of the UCP will be elected on October 28, 2017.
- 2.2. To be eligible to vote in the 2017 Leadership, a person must be a member in good standing of the UCP as of 5:00 p.m. Mountain Daylight Time ("**MDT**") on September 29, 2017 ("**Cut-off Time**").
- 2.3. Any membership application received after the Cut-off Time will be processed and the member's name will be added to the membership list of the UCP, but any such member will not be eligible to vote in the 2017 Leadership.
- 2.4. The Leader will be elected by the members of the UCP who register to vote as described in these Rules ("**Electors**").
- 2.5. In order to register to vote, members must either enter information to identify themselves and upload their photo identification to an online portal created for that purpose or mail photocopies of their identification together with a registration form to the UCP's office. Members must provide either one piece of photo identification that provides their name and address or one piece of photo identification that provides their name and photo *and* a separate document that provides their name and address. Photo identification must be issued by the Government of Alberta or the Government of Canada.
- 2.6. Leadership contestants and their staff and volunteers may assist members to register to vote. If a leadership contestant or their staff or volunteers obtains a copy of a member's photo identification, such copy must be destroyed immediately after registration. Failure to do so may result in disciplinary action.
- 2.7. To be eligible to vote in the 2017 Leadership, members must have registered to vote by not later than 5:00 p.m. MDT on October 13, 2017.
- 2.8. The UCP will send, or cause to be sent, each Elector voting instructions and a personal identification number ("**PIN**") to be used to cast the Elector's vote.

- 2.9. PINs must remain personal to each Elector. Leadership contestants, their staff and volunteers may not collect, utilize or deal with an Elector's PIN in any fashion. For greater certainty, although leadership contestants, their staff and volunteers may be consulted by an Elector on how the Elector is to utilize her or his PIN, at no time may the leadership contestant, their staff or volunteers ever receive any information or detail specific to an Elector's PIN. Breach of this rule will result in disciplinary action that may include disqualification of a leadership contestant.
- 2.10. Members will vote electronically (online or by telephone) over a three-day period commencing at 9:00 a.m. MDT on October 26, 2017 and concluding at 5:00 p.m. MDT on October 28, 2017.
- 2.11. There will be no UCP-organized in-person voting locations. Leadership contestants and constituency associations will be encouraged to help all Electors to vote regardless of where Electors live.
- 2.12. Voting will be on the basis of one Elector, one vote by an unweighted preferential ballot (single transferable vote).
- 2.13. The voting process will permit, but not require, an Elector to list leadership contestants in the order of the Elector's preference.
- 2.14. If following the tabulation of votes a leadership contestant has received more than 50% of the total number of first preference votes cast, that leadership contestant will be declared the winner and will immediately become the Leader (spoiled ballots are not valid ballots for the purposes of determining votes cast).
- 2.15. If following the tabulation of votes no leadership contestant has received more than 50% of the total number of first-preference votes cast, then
 - 2.15.1. the leadership contestant with the fewest number of first-preference votes cast will be removed from the leadership contest;
 - 2.15.2. for the ballots for which the first preference was the removed leadership contestant, the second-preference votes will be allocated to the remaining leadership contestants;
 - 2.15.3. the votes will then be re-tabulated and if a leadership contestant has received more than 50% of the total number of votes cast, that leadership contestant will be declared the winner and will immediately become the Leader;
 - 2.15.4. if no leadership contestant has received more than 50% of the total number of votes cast, this process will be repeated, removing one leadership contestant at a time, until a winner is declared;
 - 2.15.5. the chair of the LEC will register to vote but will not vote unless there is a tie between two or more of the leadership contestants with the lowest number of votes and a tie-breaking vote is needed to determine which leadership contestant is eliminated, in which case the chair of the LEC will vote; and
 - 2.15.6. the result of each round of counting shall be publicly announced when it is completed.
- 2.16. The results of the vote, organized by the Chief Returning Officer ("**CRO**") and verified by the independent auditor, are final and binding.

3. Party staff

- 3.1. UCP staff members are required to remain neutral throughout the 2017 Leadership and will not support any leadership contestant or involve themselves in any leadership campaign in any way.

4. Independent auditor

- 4.1. The LEC will retain such auditors as are necessary to ensure a fair and equitable conduct of the voting process, including verification of membership.

5. Leadership contestants

- 5.1. No person shall be eligible to be a leadership contestant unless the person:
 - 5.1.1. has been a member of the UCP, or either of its legacy parties, for at least six (6) months prior to filing his or her application, unless waived by the LEC; and
 - 5.1.2. supports the founding principles of the UCP stated in s. 3 of the AIP.
- 5.2. Each Applicant must submit: (i) a fully and frankly completed Leadership Contestant Questionnaire ("**LCQ**"); (ii) the first instalment of the fee to enter the leadership contest ("**Entry Fee**") described in section 6.3 of these Rules; and (iii) the compliance deposit ("**Compliance Deposit**") described in section 6.11 of these Rules (together, the "**Application**") to the chair of the LEC by 5:00 p.m. MDT on September 12, 2017.
- 5.3. No Applications will be accepted if received after 5:00 p.m. MDT on September 12, 2017.
- 5.4. The LCQ may be obtained by contacting LEC member Rich Neumann at rich_@telus.net.
- 5.5. Applicants are encouraged to file their Applications ahead of time in order to allow for verification of the completeness of their Applications and sufficient time for any corrections. An Application may be filed in multiple parts but is the responsibility solely of the Applicant to ensure that all components of the Application are filed on time. The LEC will provide updates as to the completeness of an Applicant's Application upon request by that individual.
- 5.6. Applicants are not required to obtain any endorsements or member signatures as part of the application process.
- 5.7. The LEC will create a Leadership Contestant Nomination Committee ("**LCNC**").
- 5.8. Once an Application has been received by the chair of the LEC, the chair of the LEC shall provide the Application to the LCNC.
- 5.9. Upon receipt of an Application from the chair of the LEC, the LCNC shall review the Application and may on reasonable grounds:
 - 5.9.1. accept the Application and declare the Applicant to be an official leadership contestant;
 - 5.9.2. reject the Application and return the first instalment of the Entry Fee to the Applicant with written reasons for the rejection; or

- 5.9.3. request the Applicant to provide additional information or attend at an interview to further complete the review of the Application.
- 5.10. The decision of the LCNC to accept an Application, reject an Application or request additional information pursuant to section 5.9.3 of these Rules must be made within five business days following receipt of an Application by the chair of the LEC.
- 5.11. If an Applicant fails to provide additional information or attend at an interview as requested by the LCNC, without reasonable excuse, or fails to be cooperative, honest, and forthright then the Application is deemed incomplete and shall be rejected by the LCNC.
- 5.12. If following review by the LCNC of the Applications there is exactly one accepted leadership contestant, that leadership contestant will be declared the Leader.

6. Regulatory and financial matters

- 6.1. An Applicant and a leadership contestant shall comply with all applicable legislation, particularly sections 9.2, 12.2, 17 and 43.02 of the *Election Finances and Contributions Disclosure Act ("EFDA")*.
- 6.2. The Entry Fee is \$75,000. The Entry Fee is payable in two instalments. Both instalments are to be paid by electronic funds transfer, certified cheque, bank draft or money order payable to the "United Conservative Association" from the leadership contestant's campaign account.
- 6.3. The first instalment of the Entry Fee is \$37,500 which must be included with the Applicant's Application. If the Applicant has previously paid a membership list fee ("**Membership List Fee**") pursuant to the UCP's Membership List Agreement ("**Membership List Agreement**"), the Applicant may reduce the first instalment of the Entry Fee by the amount of the Membership List Fee paid. No Applicant will be accepted as a leadership contestant until he or she has paid the first instalment of the Entry Fee.
- 6.4. If an Application to be a leadership contestant is not accepted, the first instalment of the Entry Fee, other than the Membership List Fee (if one has been paid by the Applicant) will be immediately refunded and the second instalment of the Entry Fee will not be charged to such Applicant.
- 6.5. If an Application to be a leadership contestant is accepted, no portion of the Entry Fee will be refundable.
- 6.6. The second instalment of the Entry Fee is \$37,500 which must be received by the UCP not later than 5:00 p.m. MDT on October 5, 2017.
- 6.7. If a leadership contestant fails to pay the second instalment of the Entry Fee in accordance with section 6.6 of these Rules, the leadership contestant shall be disqualified from participating in the leadership contest and shall be deemed to no longer be a leadership contestant.

- 6.8. Only persons who have complied with these Rules, including payment of the full amount of the Entry Fee by the deadlines described in this section, will have their names placed on the leadership contest ballot.
- 6.9. There will be no sharing of contributions received by leadership contestants with the UCP, or of contributions received by the UCP with leadership contestants. For greater certainty, leadership contestants will be entitled to keep all contributions they raise during the course of the 2017 Leadership without being required to transfer any of such contributions to the UCP.
- 6.10. Membership applications, and payments therefor, must be submitted in the manner approved by the LEC to the UCP office for processing. There will be no sharing of membership revenues received by the UCP with leadership contestants.
- 6.11. Leadership contestants must make a refundable Compliance Deposit of \$20,000. The Compliance Deposit must be paid by electronic funds transfer, certified cheque, bank draft or money order payable to "United Conservative Association" from the leadership contestant's campaign account. The Compliance Deposit must be submitted together with the first instalment of the Entry Fee as described in section 5.2 of these Rules.
- 6.12. If disciplinary action against a leadership contestant results in a fine, such fine will be deducted from the amount of the Compliance Deposit. In such instance, the leadership contestant must make an additional payment to the UCP within three business days to restore the amount of the Compliance Deposit to the original amount of \$20,000 stated in section 6.11 of these Rules. Failure by a leadership contestant to restore the full amount of the Compliance Deposit may result in further disciplinary action including disqualification.
- 6.13. The balance of each leadership contestant's Compliance Deposit will be repaid to such leadership contestant at the end of the leadership contest campaign period.
- 6.14. Leadership contestants are required to transfer any funds held at the end of the 2017 Leadership campaign period to the UCP, in accordance with s. 12.2(1)(a) of the *EFCD*, and not return those funds to contributors as stated in s. 12.2(1)(b) of the *EFCD*. Leadership contestants agree to abide by this requirement.
- 6.15. Each leadership contestant will provide to the LEC all of that person's filings made with Elections Alberta pursuant to the *EFCD*.
- 6.16. The LEC shall have authority to audit each leadership contestant's accounts and financial records at any time. Failure of a leadership contestant to comply will constitute a breach of these Rules.

7. Access to membership information

- 7.1. Upon the LCNC declaring an Applicant to be a leadership contestant, within two business days thereafter, the LCNC shall provide such leadership contestant with an authorized membership list, if such list has not previously been provided to the Applicant pursuant to the Membership List Agreement. The leadership contestant shall

undertake to use the membership list only for the purpose of the 2017 Leadership and not to use the membership list for any improper purpose whatsoever, including, without limiting the generality of the foregoing, disclosure of the list to any third party, except those authorized by the leadership contestant to carry out leadership contest campaign activities and subject to the UCP's confidentiality and non-disclosure agreement.

- 7.2. Whenever the LCNC provides a leadership contestant with an updated membership list, it will provide such list to all other leadership contestants at the same time.
- 7.3. Each leadership contestant is responsible for the proper use of the membership list. Any unauthorized use or disclosure of the membership list may result in discipline, including, but not limited to, forfeiture of the Compliance Deposit or disqualification.
- 7.4. If a leadership contestant withdraws, fails to pay the second instalment of the Entry Fee or is disqualified from the 2017 Leadership, the leadership contestant shall immediately return any membership list to the LCNC and certify by statutory declaration that all membership list data, including electronic databases, records or derivative works, have been erased, destroyed or obliterated.
- 7.5. The UCP maintains all copyright in all membership lists provided to any leadership contestant and the leadership contestant shall have a limited license to use the membership list in accordance with this provision for only so long as the person is a leadership contestant.
- 7.6. Within two weeks following the date of the election of the Leader, each leadership contestant shall return the authorized membership list and certify by statutory declaration that all membership list data, including electronic databases, records or derivative works, have been erased, destroyed or obliterated. Further, each leadership contestant shall provide the LCNC with a list of any third parties to whom the membership list or data was disclosed, including name and contact information, and the date of disclosure, and the original confidentiality and non-disclosure agreement duly executed by the third party.
- 7.7. Any communication transmitted by or on behalf of a leadership contestant to a UCP member or member of the public by telephone, text message, facsimile or email must have a timely and effective mechanism to allow the recipient to opt out of receiving further communication. If any person indicates to a leadership contestant or any person acting on behalf of the leadership contestant that they no longer wish to receive any communication from the leadership contestant or leadership contestant's campaign, then the leadership contestant or any person acting on behalf of the leadership contestant shall no longer transmit any communication to that person.

8. Use of UCP intellectual property

- 8.1. No one shall use any UCP wordmark, including logo, name, etc. without the prior written authorization of the LCNC.

- 8.2. No one shall use any mark, including any logo, name, etc., that causes or is likely to cause confusion with any UCP trade-mark, including logo, name, etc.
- 8.3. The use of a mark causes confusion if the use by a person would likely lead to the inference that the goods or services associated with those marks are given, made or produced by the UCP.
- 8.4. No one shall represent, directly or indirectly, that an Applicant or leadership contestant is or will be endorsed by the UCP or LCNC.

9. Right to delegate

- 9.1. Unless expressly stated to the contrary, the LEC may delegate any duty or act to a person who has been authorized by the LEC to perform the duty or act.

10. Chief Returning Officer

- 10.1. The LEC will appoint a CRO.
- 10.2. The CRO will be responsible for:
 - 10.2.1. all matters pertaining to the conduct of the vote;
 - 10.2.2. appointing neutral returning officers and other election officers, as required;
 - 10.2.3. training of all returning officers and other election officers;
 - 10.2.4. certifying a list of eligible voters;
 - 10.2.5. providing ballots;
 - 10.2.6. approving the form of ballot; and
 - 10.2.7. such further and other duties as may be determined by the LEC.

11. Dispute resolution

- 11.1. The LEC understands that disputes may arise between leadership contestants, and complaints may be laid by one leadership contestant against another or by members of the public. For the purpose of addressing such disputes and complaints, the LEC has created, from its members, and in its sole discretion, a Dispute Resolution Committee (“DRC”).
- 11.2. The DRC is exclusively responsible for the determination of any dispute, concern, complaint, question, disagreement, interpretation, alleged breach of the Rules, or controversy of any kind that relates to, arises from, or in any way could impact or be impacted by the 2017 Leadership (the “Issue”), regardless of whether the Issue is raised by a leadership contestant, a leadership contestant’s campaign, one or more Electors, or any other interested party who can demonstrate standing to raise an Issue (a “Complainant”). The LEC or DRC may also directly raise an Issue with any of the leadership contestants or their campaigns.

- 11.3. A Complainant may raise an Issue by delivering a written notification to the DRC. Such notification must include:
 - 11.3.1. the name of the Complainant, along with her, his, or its full contact information;
 - 11.3.2. a concise description of the Issue, including reference to any applicable provision of the Rules, the identity of any person or entity whose conduct or actions are relevant to the Issue, sufficient particulars as to dates, times, and locations (or mediums) that are relevant to the Issue, and the sources of information (where relevant);
 - 11.3.3. any records, as that term is broadly understood, that are relevant to the Issue, along with sufficient details as to the source of such records;
 - 11.3.4. any interest the Complainant has in the Issue or that should otherwise be disclosed (i.e., if the Complainant is in any way affiliated with a leadership contestant's campaign, is a supplier or affiliated with a supplier of goods or services to the UCP, etc.);
 - 11.3.5. any urgency that relates to the Issue or its determination (e.g., is there a risk records related to the Issue may be destroyed or lost); and
 - 11.3.6. any other information that may be helpful to the DRC in assessing the Issue being raised.
- 11.4. Upon receipt or identification of an Issue, the DRC will determine, in its sole discretion, what steps it will require to consider and determine the Issue, including any steps it will require any interested party to fulfill (including the Complainant), what information, evidence, and submissions are required (which may be limited to written submissions), and the format and timelines associated with the completion of those steps.
- 11.5. The DRC will address all Issues in a fair and expeditious manner and will endeavour to reach a decision within one week or sooner from the Issue being received or identified.
- 11.6. Upon determination of the Issue, the DRC will communicate its decision forthwith, in a manner it deems appropriate, in its sole discretion.
- 11.7. Any party directly and adversely affected by a decision of the DRC may appeal that decision to the LEC only if initiated within 72 hours of the decision of the DRC being communicated. For any such appeal, the LEC will determine the process to be applied to that appeal, in its sole discretion.
- 11.8. The LEC will communicate its decision on any appeal forthwith, in a manner it deems appropriate, in its sole discretion. The decision of the LEC on any appeal is final and binding, and there is no appeal of or review from that decision on any ground whatsoever.
- 11.9. For greater certainty, the leadership contestants, on their own behalf and on behalf of their campaigns, attorn to the exclusive jurisdiction of the DRC and the dispute resolution process described in these Rules for resolving Issues and irrevocably confirm and agree that the process is designed to ensure finality. By such confirmation and agreement, each person or entity acknowledges that these Rules do not, under any circumstances, grant access to any court of competent jurisdiction and that seeking a judicial resolution of Issues is not appropriate, efficient, or in the best interests of the

UCP. Rather, the rights of any persons or entities are to be determined and resolved, exclusively, in accordance with the dispute resolution provisions contained in the Rules.

- 11.10. Any leadership contestant who does not accept and comply with the decisions of the DRC or the LEC, as the case may be, may be subject to disciplinary action, including disqualification from the leadership contest.

12. Debates

- 12.1. The LEC has created a debates committee ("**Debates Committee**").
- 12.2. The LEC will approve debate rules. All leadership contestants must comply with the debate rules.
- 12.3. Each leadership contestant must participate in all UCP-organized debates.
- 12.4. Failure of a leadership contestant to participate in a UCP-organized debate may result in a fine, disqualification of such leadership contestant or both.
- 12.5. The LEC may require that leadership contestants not participate in debates or candidate forums that are not organized or approved by the Debates Committee.

13. Code of conduct

- 13.1. All leadership contestants, their campaign staff and volunteers shall govern themselves in accordance with the highest standards of decorum and integrity.
- 13.2. All leadership contestants must be civil to all parties at all times.
- 13.3. All leadership contestants will govern themselves and their campaign teams in such a manner as to further the interests and reputation of the UCP.
- 13.4. The LCNC may disqualify any person from participating on a campaign directly or indirectly, who has brought or is likely to bring the UCP or its legacy parties into disrepute.

14. Communications

- 14.1. Communications with or notices delivered to a leadership contestant's campaign manager, chief financial officer or non-voting representative on the LEC will be deemed to be the same as if such communications or notice had been given directly to the leadership contestant.

15. Address for service

- 15.1. The UCP's address for service is: 4317 23B Street NE, Calgary, AB, T2E 7V9.
- 15.2. The LCQ shall include an address for service for each Applicant and leadership contestant.

16. Neutrality and confidentiality

- 16.1. Members of the LEC, the CRO and all other election officials will sign neutrality and confidentiality agreements in the form prescribed by the LEC.
- 16.2. The LEC will remove and replace anyone who contravenes the neutrality and confidentiality agreement.

17. Amendment

- 17.1. The LEC may amend these Rules or issue further rules or procedures from time to time, as it deems necessary to conduct an open, fair and equitable 2017 Leadership.