



# Constitution

What is a constitution?

Vital sections of a constitution

Sample Constituency Association Constitution

**Con.sti.tu.tion** n. (a) the system of fundamental laws and principles of a government, state, society, corporation, etc. (b) a document or set of documents in which these laws and principles are written down.

## CONSTITUTION

### ***The Party Constitution***

You should review the Party Constitution and be sure that your Constituency Constitution is in accordance with the Party Constitution in the relevant sections. The Party is governed by its Constitution and Constituency Associations are bound by the items covered in the Party Constitution. In addition, the Party Constitution provides for the Party Executive to set down additional rules and regulations pertaining to the Constitution, for example, the candidate nomination guidelines, and rules governing the election of officers. These are developed as and when required and forwarded to the Presidents and Secretaries of each Constituency Association.

*You can obtain a copy of the Party's Constitution from your Regional Vice President, from PCHQ or on-line at [www.ontariopc.com](http://www.ontariopc.com) – key documents*

The Constitution is the most important document the Constituency Association has. It guides the Executive as to how the business of the Association is to be carried out. You cannot ignore any procedure that is outlined in the Constitution merely because it is not convenient at the time.

Don't put off problems with the Constituency Association's Constitution until it is too late – review it annually. However, changes should not be made without careful consideration.

### ***Your Constituency Constitution***

At the end of this section, you will find a copy of a sample Constituency Association Constitution which covers the major aspects that should be included in your document.

The Constitution must be followed to the letter so bring it with you to your meetings. Each Association may adopt a Constitution that has been developed by the Association's Executive or special committee and is then presented to its members for a vote. However, where a Constituency Association's Constitution is at variance with the Party Constitution, the latter will prevail. Therefore, an Association's Constitution that is in concert with the Party's Constitution from the beginning will eliminate constitutional conflicts later.

**Introductory Items**

Obviously the Constituency name must be stated and the word “Provincial” must be used in the name of the Association. List the aims and principles of the PC Party as found in the Party’s Constitution, and include the objectives of the Constituency Association.

**Make-up of the Executive**

Consider functional Vice Presidents, i.e. people to be in charge of specific areas such as fundraising, volunteers, communications, policy, and technology/database. Area Directors are also a good idea no matter where your Constituency is located. These positions would include responsibility for knowing what goes on in their area and for recommending and implementing regional initiatives.

The terms of office should be specified and should run from annual meeting to annual meeting.

**Meetings of the Executive and the Association**

The Constitution should include reference to all the different meetings that the Executive and the Association are required to hold. Each should be addressed separately to avoid any confusion about what rules apply to which meetings.

Notice periods and an outline of the purpose of each meeting should be included.

The usual meetings of the Association are:

- Annual meeting for reporting on membership, money and activities, and to elect the Association’s executive;
- Special meeting to deal with a specified subject;
- Delegate selection meetings to choose delegates to the Party’s general or special meeting;
- Candidate nomination conventions

For candidate nomination conventions, more comprehensive rules of order are a must; however, do not put every detail in the Constitution. As each event occurs, there will be additional rules developed to fit the occasion. Why do this? If there is to be a contested nomination, it is important that everyone knows the ground rules up front and early on in the process. It makes for a fair and level playing field for all interested parties who would be entitled to receive the Association’s Constitution. Usually, as an Association approaches a candidate nomination, a committee is struck to develop fully detailed procedures that are fair, equitable and appropriate to the occasion but that are based on the provisions already included in the Constitution.

**Other Considerations**

The Constitution must include details on how it may be amended. Lastly, it is a good idea to specify the fiscal year end. December 31<sup>st</sup> is recommended because it matches with the required filings to Elections Ontario.

## **Sample Constituency Association Constitution (2015)**

# **CONSTITUTION OF THE PROVINCIAL PROGRESSIVE CONSERVATIVE CONSTITUENCY ASSOCIATION OF**

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**Hereafter referred to as 'Constitution'**

### **1. NAME**

The name of this Association shall be the (Constituency name) Provincial Progressive Conservative Association (herein called the 'Constituency Association').

### **2. STATEMENT OF PRINCIPLES**

The following are the aims and principles of the PC Party of Ontario and this Constituency Association;

- (a) We believe in freedom of speech, worship and assembly, in loyalty to Canada and to the Monarch of Canada and in the rule of law;
- (b) We believe that government should serve the people and that progress requires a competitive economy which, accepting its social responsibilities, allows every individual freedom of opportunity and initiative and the peaceful enjoyment of the fruits of his or her own labour;
- (c) We believe in the ethical and accountable execution of the business of government;
- (d) We believe that the interests of Ontario are best served by a strong, united and democratic Canada;
- (e) We believe that economic freedom, entrepreneurial spirit and the right to private property are essential to economic prosperity and political freedom;
- (f) We believe in the values of the family which encourage tolerance and mutual support;
- (g) We believe that social justice entails equality of opportunity, including fair and equal treatment of all Ontarians and the provision of support for those in need; and
- (h) We believe in and accept our responsibilities for the preservation of Ontario's heritage and cultural diversity and the conservation and renewal of our environment for the present and future generations.

### 3. OBJECTS

The objects of the Constituency Association shall be:

- (a) To promote good government for the people of Ontario;
- (b) To promote the principles and policies of the PC Party of Ontario;
- (c) To secure and maintain a thorough organization of the PC Party of Ontario in every polling subdivision of this Constituency;
- (d) To call a convention for the nomination of a PC candidate for each election to the Provincial Legislature and to elect such candidate to the Provincial Legislature;
- (e) To select delegates and alternates to meetings of the PC Party of Ontario;
- (f) To participate in the election of the Leader of the PC Party of Ontario; and
- (g) To adhere to the aims, objectives, principals and regulations embodied in the Constitution of the PC Party of Ontario (hereafter referred to as 'Party Constitution')

### 4. MEMBERSHIP

Membership shall be without regard to race, origin, religion or sex.

There shall be three classes of members, namely:

(a) *Honourary Members*

who shall consist of such persons who may from time to time be elected to membership by the Constituency Association at an Annual General Meeting upon recommendation from the Executive by reason of distinguished service to the Constituency Association. Such members shall only be voting members if qualifying under section (b) below;

(b) *Active (Voting) Members*

who shall consist of such persons who:

- (i) reside within the Constituency or who are elected or appointed to the Executive;
- (ii) have attained the age of fourteen (14) years;
- (iii) uphold the Constitution of the PC Party of Ontario and this Constitution; and
- (iv) shall have paid such reasonable fees, if any, as may from time to time be mandated by the PC Party of Ontario; and

(c) *Associate (Non-Voting) Members*

who shall consist of such persons who are residents of Ontario and who qualify under provisions (ii), (iii) and (iv) above, but do not qualify under provision (i) above. For greater clarity, these members shall not be entitled to vote at any meeting or convention of the Constituency Association or to be a delegate or alternate for the Constituency Association to a special or general meeting of the PC Party of Ontario, unless he or she is elected or appointed to the Executive.

A maximum of three (3) Associate Members may be elected to serve on the Executive of the Constituency Association. If more than three (3) Associate Members are elected or re-elected to serve on the Executive at the same Annual General Meeting of the Constituency Association, only the three (3) such individuals receiving the greatest number of votes shall be deemed elected to the position sought by each, and the remaining individuals shall be deemed to have withdrawn their respective candidacies. Between Annual General Meetings of the Constituency Association, no Associate (Non-Voting) Member may be elected or appointed to the Executive if three (3) Associate (Non-Voting) Members already serve on the Executive.

Memberships shall be valid for one year following the final day of the month in which the membership was purchased.

Multi-year memberships can be purchased for up to a maximum of five (5) years.

## **5. THE EXECUTIVE**

Members of the Executive must be Active (Voting) Members or, subject to the limits set out above, Associate (Non-Voting) Members of the Constituency Association, and shall consist of:

(a) *the Officers:*

- (i) the President;
- (ii) a maximum of five (5) Vice Presidents (*to which title shall be added words indicating function - fundraising, volunteers, communications, policy, technology-database, etc.*);
- (iii) the Secretary;
- (iv) the Chief Financial Officer;
- (v) the Membership Secretary; and

(b) *the Directors:*

- (i) up to twenty-five (25) Directors (*to which title shall be added geographic responsibility*);

all as may, from time to time, be elected by the Active (Voting) Members of the Constituency Association (“Elected Officers”); and

(c) *Ex Officio*:

- (i) the Immediate Past President;
- (ii) the Progressive Conservative Member of Provincial Parliament for the Constituency, or if there is no MPP, the candidate nominated to represent the Party in the next provincial general or by-election or, if a Nomination Convention has not yet been held, the candidate who represented the Party in the last general or by-election;
- (iii) the President of the recognized Constituency Youth Association (if any); and
- (iv) the President of the local Campus Association(s) (if any).

The following provisions shall apply:

- (d) All the Officers and Directors of the Constituency Association shall be elected at the Annual General Meeting of the Constituency Association and shall hold office until the next Annual General Meeting.
- (e) The ex-officio members of the Executive shall have the same voting rights at the meetings of the Executive as if they were Elected Officers.
- (f) Any Active or Associate Member of the Constituency Association shall be qualified to hold office, subject to the limit on the number of Associate Members set out above. Associate Members who are elected or appointed to the Executive shall be deemed to be Active Members while they serve on the Executive.
- (g) In the event of the resignation of an Elected Officer, or if any Elected Officer is absent from three consecutive meetings of the Executive, the office shall automatically be declared vacant. Such declared vacancy may be reversed by a majority vote of the Executive.
- (h) Any vacancy occurring in any office may be filled by appointment by the Executive for the balance of the term of office.
- (i) No Officer (as specified in 5(a) above), shall be eligible to hold the same office for more than three (3) successive terms.

## **6. DUTIES OF THE EXECUTIVE**

### **THE EXECUTIVE**

The management of the business and affairs of the Constituency Association shall be vested in the Executive. They may exercise all such powers and do all such acts and things which, by this Constitution, the Constituency Association is authorized to exercise and do, subject always to any direction, act or thing required or directed by resolution passed at any regularly called and properly constituted general meeting of the Constituency Association.

The Executive shall ensure that all documents required by the Constitution of the PC Party of Ontario to be delivered to the PC Party Executive are delivered on a timely basis and in the form specified.

#### THE PRESIDENT

Subject to the authority of the Executive, the President shall be the Chief Executive Officer of the Constituency Association. He or she shall have general supervision and responsibility for the management of the affairs and business of the Constituency Association. He or she shall preside at all the meetings of the Constituency Association and shall be an ex-officio member of all committees of the Constituency Association. The President shall be responsible for the vigorous promotion by the Constituency Association of the objectives of this constitution.

#### THE VICE PRESIDENTS

The Vice Presidents shall carry out such duties as may be assigned to them by the Executive or the President. A Vice President elected by the members of the Executive present, shall preside at meetings of the Executive and the Constituency Association in the absence or resignation of the President.

#### THE SECRETARY

The Secretary shall keep full and complete minutes of all meetings of the Constituency Association and shall conduct all ordinary correspondence. The Secretary shall be charged with the responsibility of giving notice of all meetings to the Executive and to the members of the Constituency Association in accordance with this constitution.

#### MEMBERSHIP SECRETARY

The Membership Secretary shall maintain a current record of the names and addresses of all Honourary, Active and Associate Members of the Constituency Association.

The Membership Secretary shall report regularly to the PC Party of Ontario any memberships acquired directly by application to the Association as required by the Constitution of the PC Party of Ontario.

#### CHIEF FINANCIAL OFFICER

The Chief Financial Officer shall receive all monies which are the property of the Constituency Association, shall keep an accurate record thereof and shall submit the Constituency Association's accounts for an audit annually or more often if required by the Constituency Association or the Executive. He or she shall ensure that the Constituency Association complies with each and every provision of the Election Finances Act and shall forward a copy of any Constituency Statement of Income and Expenses filed with the Commission on Election Finances to the Chief Financial Officer of the PC Party of Ontario at Party Headquarters.



## OTHER OFFICERS

Other Officers, who may from time to time be appointed by the Executive, shall perform such duties as are assigned to them upon their appointment.

In addition, at every Annual General Meeting of the Constituency Association, at least one (1) Auditor shall be appointed by the Constituency Association for the audit of the accounts of the Association. However, such Auditor shall not be a member of the Executive.

## **7. COMMITTEES**

The Executive is hereby empowered to establish, alter and dissolve such committees, standing or otherwise, as it deems necessary to vigorously promote the objects of this Constitution and to appoint such chairpersons, vice chairpersons and secretaries thereof as the Executive deems appropriate.

## **8. MEETINGS**

The Executive and each standing committee of the Constituency Association shall meet at least four (4) times annually.

A quorum for meetings of the Executive shall be fifty percent of the Elected Officers.

A quorum for committee meetings shall be fifty percent of the members of the committee and must include the chair.

The President or Vice President, and Committee Chairs or others, when presiding at a meeting of the Executive or a Committee, respectively, shall vote only to break a tie vote.

## **9. ANNUAL GENERAL MEETINGS**

The Constituency Association shall hold an Annual General Meeting each calendar year at such time (within four (4) months of the end of the Fiscal Year) and place (within the boundaries of the Constituency, wherever possible), as may be selected by the Executive.

The Annual General Meeting agenda shall include:

- (a) approval of the minutes of the previous Annual General Meeting;
- (b) a report from the President;
- (c) a report from the Chief Financial Officer;
- (d) a report from the Membership Secretary;
- (e) election of Officers and Directors;
- (f) appointment of an Auditor;

and may include:

- (g) amendments to this Constitution.

## **10. SPECIAL GENERAL MEETINGS**

Special General Meetings may be called by the Executive at any time and shall be held at such place (within the boundaries of the Constituency, wherever possible) as may be selected by the Executive.

The Executive shall call a Special General Meeting within twenty-one (21) days of a notice in writing to that effect, given to either the President or the Secretary, and signed by at least twenty-five (25) Active Members of the Constituency Association. If, having received such notice, the Executive fails to call such meeting, a like request may be forwarded to the PC Party of Ontario, whose Executive shall have the right to call such meeting.

## **11. NOTICE OF AN ANNUAL OR SPECIAL GENERAL MEETING**

Notice of any Annual or Special General Meeting of the members of the Constituency Association shall be given to all members of record no earlier than twenty-one (21) and no later than fifteen (15) days in advance of the meeting and shall be given in writing. Additional notice may also be given by means of an advertisement placed one or more newspapers having daily or weekly circulation within the Constituency.

The notice of the meeting shall specify the purpose of the meeting, those eligible to vote at the meeting and such identification as may be required to register. In addition, the time of opening and closing of registration shall be clearly noted.

Any person who is an Active Member of the Constituency Association on the fifteenth (15th) day prior to the Annual or Special General Meeting shall, upon presentation of such identification and under such conditions as may be specified in the notice of the Meeting, be entitled to register to vote at such Meeting. Notwithstanding the foregoing, any Active Member whose membership expired prior to but in the same calendar year as the date of the Annual or Special General Meeting shall be entitled to renew his or her membership at any time prior to the commencement of the Annual or Special General Meeting, and shall be entitled to vote at that meeting, provided that they continue to satisfy the membership requirements set out in Section 4(b) above.

## **12. NOMINATION CONVENTION**

The calling of a nomination convention and the procedures to be carried out in connection with a nomination meeting shall be conducted in accordance with the guidelines, rules and procedures established by the Executive of the PC Party of Ontario or its committees from time to time.

- (a)

### **13. DELEGATE SELECTION MEETINGS**

The calling of a delegate selection meeting and the procedures to be carried out in connection with a delegate selection meeting shall be conducted in accordance with the guidelines, rules and procedures established by the Executive of the PC Party of Ontario or its committees from time to time.

### **14. LEADERSHIP ELECTIONS**

Leadership Elections shall be conducted in accordance with the leadership election process and the Rules and Regulations, as amended from time to time, established by the PC Party of Ontario.

### **15. AMENDMENTS**

Amendments to this Constitution may only be made by two-thirds majority vote of Active Members present at a properly constituted general meeting of the Constituency Association. Amendments may be brought by the Executive or by five (5) Active Members of the Constituency Association.

Copies of proposed amendments must be given to the Secretary at least thirty (30) days in advance of the meeting at which it is proposed to present amendments.

A list of the paragraphs for which amendments are proposed shall be included in the notice for the meeting at which those proposed amendments are to be considered. A copy of the text of all proposed amendments shall be provided to any member upon request to the Secretary.

### **16. ADMINISTRATION**

#### QUORUM

A quorum for the transaction of business at any Annual or Special General Meeting of the Constituency Association shall be twenty-five (25) or 25%, whichever is less, of the Active Members of the Constituency Association.

#### PROCEDURE

Every Annual or Special General Meeting shall be open, public and democratic. Standard Parliamentary procedures shall be followed at all such meetings. In the event of a dispute as to any procedure at any such meeting, Robert's Rules of Order shall govern.

#### FISCAL YEAR

The fiscal year shall end on the thirty-first (31<sup>st</sup>) day of December of each year.

PROVINCIAL CONSTITUTION

The provisions of the Constitution of the PC Party of Ontario (including any Rules and Regulations thereto) shall apply to this Constitution and, in the event of any conflict between this Constitution and the Constitution of the PC Party of Ontario, the Constitution of the PC Party of Ontario shall prevail.

DULY ACCEPTED at a meeting of the Constituency Association held in the municipality of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ as certified by the person chairing such meeting.

Name of Chairperson : \_\_\_\_\_

(please print)

Chairperson: \_\_\_\_\_

(signature)