

THE  
CONSTITUTION  
OF THE

CANADIAN ACTION PARTY  PARTI ACTION CANADIENNE

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August 30, 2000

## **PREAMBLE**

The Canadian Action Party is, above all, a pro-Canadian party dedicated to the principle that Canada can best serve its citizens and the world by re-claiming and maintaining its political and economic sovereignty as an independent country. It is opposed to the ascendancy of "corporate rule" and those aspects of unrestricted global investment that promote colonization of the world's smaller powers and in Canada's case its absorption by the United States of America.

In this context the Canadian Action Party is committed to the view that human dignity is the underlying principle of a democratic society and that the purpose of political organization is to guarantee equal opportunity in order to give full expression to that dignity.

In accordance with this philosophy, the Canadian Action Party subscribes to the fundamental rights and freedoms of all persons and equality under the law and commits itself to the protection of these essential values and their constant adaptation to the needs of a modern society.

The Canadian Action Party recognizes that human dignity, and a democratic system requires that all citizens have access to full information regarding the policies and leadership of the state; and that such information should not be unreasonably denied. Citizens should be provided full opportunity to participate in open and public assessment of public policies and their impact as they deem desirable to promote the political, economic, social, cultural and general well-being of Canadians.

To realize this objective, the Canadian Action Party will strive to provide a flexible and democratic structure under which all Canadians can obtain such information, participate in open assessment and make their views known through open communication and political actions both electoral and non-electoral.

The Canadian Action Party recognizes the responsibility of the state to provide certain essential services for its citizens. To assist in this regard the Canadian Action Party will reform the banking system and use the Bank of Canada creatively in order to provide the fiscal flexibility essential to this end.

This Constitution sets forth the systems and procedures by which the Canadian Action Party will work to implement these ideas on behalf of its members and all Canadians.

### **1. NAME AND PURPOSE**

- a) The name of the party shall be the Canadian Action Party hereafter referred to as CAP.
- b) The Canadian Action Party shall build a coalition of concerned Canadians in the several provinces and territories of Canada who share the principles set out in the preamble above and who believe they can best be realized through a strong and independent Canada:
  - i. coordinate initiatives to create a strong Canadian Action Party;
  - ii. advocate and support genuine democratic principles and policies;

- iii. provide assistance and leadership to federal Canadian Action Party Constituency organizations;
- iv. promote the election of candidates of the Canadian Action Party to the parliament of Canada to re-establish the connection between citizens and their government.

## **2. DEFINITIONS**

- a) "Party" means the Canadian Action Party/Parti action canadienne.
- b) "National Executive" means those officers and committee chairs elected at a national convention or in accordance with this Constitution.
- c) "Candidate" means a member chosen by a Constituency Association, or by the National Executive subject to the rules of this Constitution, and the endorsement of the Leader, to represent CAP in a federal election or by-election.
- d) "Constituency Association" means the collective of all members who are ordinarily resident in one of the federal Constituencies of Canada where such members have applied for and been granted recognition as a CAP Constituency Association by the National Executive.
- e) "National Convention" includes general and special meetings of members for any purpose provided for under the provisions of this Constitution.
- f) "Delegate" means a member chosen by a Constituency Association or Campus Club to represent said Constituency Association or Campus Club at a National Convention.
- g) "Leader" means the Leader of CAP.
- h) "Campus Club" means an organization at a post-secondary institution as recognized by the National Executive of the Canadian Action Party.
- i) Unless the context otherwise requires, words and phrases used in the Constitution have the same meaning as defined in the Canada Elections Act, as amended from time to time.
- j) The Constitution governs the affairs of the Party and, in the event of any conflict between the Constitution and any constitutional document of any Constituency Association, the Constitution shall prevail.

## **3. MEMBERSHIP**

- a) Membership in CAP is open to all Canadian citizens or landed immigrants, who are ordinarily resident in Canada, sixteen (16) years of age or older and who support the Principles of CAP and agree to abide by this Constitution.

- b) Eligible persons who apply for membership in CAP shall become members, hereinafter referred to as "members", upon payment of the applicable fee and entry on the membership list
- c) Membership in CAP shall be terminated without refund in the following cases:
  - i. failure by the member to pay the applicable fee;
  - ii. resignation by the member submitted in writing;
  - iii. for just cause, including conduct judged improper, unbecoming, or likely to adversely affect the interests or reputation of CAP, as determined by the National Executive along with the Leader, after consultation with the Constituency Association Executive, if one exists.
  - iv. When it is proposed to terminate a membership under subsection (iii) above that person shall be given not less than seven (7) days notice in writing. He or she will then have an additional seven (7) days in which to launch an appeal. If any appeal is requested it shall be heard by not fewer than three (3) members of the National Executive who were not involved in initiating the termination. The panel will hear the person whose membership is being terminated together with such witnesses and the taking of such evidence as shall be presented by that person as well as hearing witnesses and reviewing evidence as to why the membership should be terminated. The decision of the panel will be final and not subject to appeal.
- d) Membership in CAP shall be for a term of one (1) year and may be renewed annually upon payment of the applicable fee.
- e) A member whose dues are in arrears by not more than sixty (60) days shall, upon payment of the applicable fee, be considered reinstated as a member in good standing retroactive to the expiry date of the membership.
- f) Members of the National Executive, Officers of Constituency Associations and candidates must be members. If a membership is terminated subject to this article, this condition is no longer being met and the position shall be deemed vacant.

#### **4. CONSTITUENCY ASSOCIATIONS**

- a) Members shall be organized according to their residence in the federal Constituencies of Canada. Members temporarily residing outside Canada shall be assigned to the federal district in which they vote for federal elections.
- b) Any Constituency Association Constitution established in accordance with article 15(e) shall be the Constitution of all Constituency Associations.

- c) Interim Constituency Associations may be established by five (5) or more CAP Members. Their purpose will be to recruit additional members and otherwise promote CAP interests until such time as there are sufficient members to form a recognized Constituency Association.
- d) Where there are at least twenty-five (25) members resident in a Constituency they may apply to obtain CAP recognition as a Constituency Association by making application to National Executive for recognition, including a copy of the minutes of the founding meeting, and a list of the Officers and Directors of the Interim Constituency Association.
- e) A Constituency Association, either interim or fully recognized, shall elect an Executive Board comprised of a President, Vice-President, Secretary and Treasurer and, at the discretion of the Association, may include the Chairs of the Finance, Publicity and Organization Committees.
- f) The affairs of each Constituency Association shall be under the control of its Members, acting through the Constituency Executive Board, which shall be responsible to ensure that the affairs are conducted in a manner consistent with the Constitution of the CAP and not prejudicial to the interests or well-being of any other Constituency Association, or of the CAP.
- g) If for historical or other valid reason, a member may choose to be a member of a Constituency Association other than the Constituency Association for the riding in which he or she resides. Provided, however, that at no time shall the non-resident members of a Constituency Association exceed twenty (20) percent of the total membership.
- h) Membership lists are to be used for CAP purposes only. No other use is permitted unless authorized in writing by National Executive.
- i) The Association shall hold an Annual General Meeting and at least one (1) General Meeting each calendar year.
- j) National Executive may call a meeting of the Constituency Association if it believes that it is necessary to do so, with notice of the meeting consistent with this Constitution.
- k) The rules of organization for riding Associations shall apply similarly, where pertinent, to Campus Clubs.

## **5. CANDIDATE RECRUITMENT, SELECTION, AND DEVELOPMENT**

- a) Each Constituency Association shall have the exclusive right to select their official candidate at a general meeting of the members of the Constituency Association. The Leader may appoint candidates where there is no recognized Constituency Association.
- b) National Executive, on approval of two-thirds (2/3) of its full membership has the right to nullify the selection of any candidate where such nullification is, in its absolute discretion, in the best interests of CAP. Where National Executive proposes to nullify the selection of a candidate, the Secretary shall notify the candidate and the Constituency Association in writing within seven (7) days of the decision, which notification shall contain a statement of the reason for the proposed nullification.

The candidate and no more than three (3) authorized representatives of the Constituency Association shall have the right to be heard by National Executive or its representative forthwith, before a final and binding decision on nullification is rendered. Where National Executive nullifies the selection of a candidate the Constituency Association shall select a new candidate.

- c) The Leader shall not withhold, under the provision of the Canada Elections Act, the endorsement of a candidate selected by a Constituency Association except in compliance with this Article.
- d) National Executive shall oversee the development and implementation of such rules and procedures to ensure fair and effective candidate recruitment, selection, training, and the organization and implementation of effective campaigns.

## **6. THE LEADER**

- a) There shall be a Leader of CAP who shall, subject to this Constitution, be responsible for the overall direction of the party, including the appointment of an Election Readiness Committee prior to each federal general election.
  - i. The Leader is responsible for the organization and administration of the Parliamentary Caucus.
  - ii. The Leader, together with Caucus, will endeavour to promote and implement the Principles and Policies of CAP.
  - iii. The Leader shall set the strategic direction for the party, in consultation with National Executive and Caucus.
  - iv. The Leader will carry out these duties in accordance with this Constitution.

## **7. THE INTERIM LEADER**

- a) Upon the death or incapacity of the Leader, and until the completion of the leadership election process, the Caucus and National Executive shall jointly elect an Interim Leader who shall be recognized as the Leader.
- b) If there is no Caucus, the National Executive shall select the interim Leader.

## **8. LEADERSHIP REVIEW**

- a) At each National Convention the delegates shall be asked by secret ballot: "Do you wish to have a leadership election?"
- b) At any time when the Canadian Action Party is the governing party in Canada and the leader of the Canadian Action Party is prime minister of Canada twenty (20) or more CAP members of

parliament may demand a secret ballot of all CAP members of parliament asking the question: "Do you wish to have a leadership election?"

## **10. LEADERSHIP ELECTION**

- a) In the event that more than fifty (50) percent of the votes cast in the Leadership Review under 8(a) or more than sixty (60) percent of the votes cast under 8(b) are in the affirmative, or upon the death of the Leader or public announcement of the Leader's intention to resign, National Executive shall, within six (6) months, call for a leadership election.
- b) The date of voting in a leadership election shall occur at the earliest possible convenient date but not earlier than three (3) months and not later than six (6) months after the date on which National Executive called for such leadership election.
- c) In the event that National Executive has called a leadership election, such election shall respect the principle that each eligible member of CAP shall have the right to one vote in the election of the Leader.
- d) Only those members who have been members for at least sixty (60) days immediately prior to the effective date of voting in a leadership election are eligible to vote.
- e) National Executive shall make rules and regulations for the leadership election, and shall appoint:
  - i. five (5) members to act as the Leadership Election Organization Committee, and
  - ii. a Chief Election Officer.
- f) Each candidate for Leader must be nominated and seconded in writing by members and, in addition, each nomination must be endorsed in writing by a minimum of fifty (50) members who are eligible to participate in the Leadership Vote. Such members shall come from no fewer than five (5) provinces and territories.
- g) The election of Leader shall be conducted by secret ballot.
- h) The National Executive shall determine reasonable spending limits for a leadership contest and shall require that any donation of two hundred (200) dollars or more shall be publicly disclosed.

## **10. LEADERSHIP SELECTION PROCESS**

- a) There shall be two alternate methods of voting and the National Executive shall have full authority to decide which one is the more appropriate to the circumstances existing at the time.

## **Alternative A**

A ballot listing the names of all candidates shall be sent to all members of CAP together with two envelopes – a plain white envelope in which the marked ballot will be put and an outer envelope identifying the member.

The ballot will be preferential with the member marking his or her first choice as 1, second choice as 2, etc. The completed ballot will be placed in the plain unmarked envelope and mailed in the second authentication envelope to the Auditor for the Canadian Action Party.

The Auditor will check the outer envelope against CAP's membership roll, remove and discard it, and put the inner envelope in a drum or other safe container until counting day.

The Auditor will, at the appointed time, open the envelopes and tally the votes by preference. If no one obtains a clear majority at the outset the candidate obtaining the least votes will be eliminated and the next preference added until one candidate has obtained fifty (50) percent plus one, or more, at which time he or she will be declared the winner.

On request, scrutineers for the candidates may join the Chief Election Officer to observe the counting of the ballots.

## **Alternative B**

This alternative would be the same as **Alternative A** except that it would be combined with a National Convention.

Any member unable to attend the convention would vote by mail. Any member wishing to attend the convention would present their ballot at the convention and mark their first preference only. New ballots would be provided for each additional round of voting as required.

The mail-in votes would be counted at the convention and the result of each round announced together with the votes cast at the convention. Balloting would continue until a winner was declared.

National Executive shall make provision for a refundable Leadership Nomination Fee of not less than \$10,000 but not more than \$25,000 that must accompany a candidate's nomination form and to be provided as either a certified cheque or a bond. This Fee shall be returned to all candidates who receive more than five (5) percent of the votes cast on the first ballot.

## **11. NATIONAL CONVENTION**

### **Alternative A**

- a) The National Convention of the CAP shall be a meeting of the persons referred to in this Article. The National Convention shall be the supreme governing body of CAP, subject only to the authority

of the CAP Constitution and the membership as a whole and the National Executive elected at the National Convention shall be responsible for the operation of the party between conventions.

- b) A National Convention shall be held not later than 27 months after the next federal general election and thereafter in every second calendar year, and no later than thirty (30) months from the last National Convention, at a time and place to be determined by National Executive. National Executive may provide that persons referred to in this Article, though not present at the place of the National Convention, may communicate with those present through the use of appropriate telephonic and/or computer technology and shall be deemed present at the place of the National Convention.
- c) At least ninety (90) days written notice of a National Convention shall be sent to all members as recorded at National Office. In the event of interruption of postal service, notice shall be sent by courier or facsimile to the President of each Constituency Association as recorded at National Office.
- d) At the time of notifying the members of a National Convention, National Executive shall appoint committees which may include the following:
  - i. a National Convention Committee;
  - ii. a Nominations Committee;
  - iii. a Credentials Committee;
  - iv. an Awards Committee;
  - v. a National Resolutions Committee.
- e) All delegates entitled to vote at each National Convention must be members.
- f) Members who are not voting delegates and who pay the National Convention registration fee, have the right to attend and speak at the National Convention.
- g) From the membership records maintained at National Office sixty (60) days in advance, of each National Convention, the number of delegates entitled to vote at each National Convention shall consist of the following:
  - i. each recognized Constituency Association or Campus Club shall be entitled to the number of delegates identified on the chart below, provided that they are selected at a meeting of the Association or Campus Club;

Constituency Association Membership	Number of Delegates
Up to 25	2
26-50	4
51-75	6
76-125	8
More than 125	10

- ii. National Executive; and
- iii. Canadian Action Party members of the House of Commons, the Senate, and CAP Privy Councillors.

h) Each National Convention shall elect a National Executive comprised as follows:

- a) the president
- b) four vice-presidents who will be representative of the party and of whom one will be English-speaking and one will be French-speaking
- c) the secretary
- d) the treasurer and the chairs of the following standing committees:
  - i. Policy;
  - ii. Organization;
  - iii. Constitution and Legal Affairs;
  - iv. Communications and Publicity;
  - v. Finance, and
  - vi. Native and Aboriginal Peoples' Affairs.

These individuals will constitute the Executive Committee responsible, in accordance with the provisions of this Constitution, for the affairs of the CAP. Each individual will hold office until re-elected or replaced at the next National Convention except that in the case of death, incapacity or resignation in writing the remaining members of the National Executive shall appoint a new member to hold office for the unexpired term of the person being replaced.

## **Alternative B**

If at the time a national convention is called the total number of recognized Constituency Associations is fewer than fifty (50), all members, upon paying the convention registration fee, shall be entitled to attend, speak, and vote.

## **12. OFFICES**

CAP shall maintain a National Office and/or other offices at locations determined by National Executive.

## **13. CONSTITUTIONAL AMENDMENTS**

- a) National Executive, or any committee or task force established by National Executive or by a National Convention, or a Constituency Association on approval of a majority vote of the members at a duly constituted meeting of the Association called for that purpose, among others, may propose amendments to this Constitution. An amendment so proposed by a Constituency Association, together with a copy of the notice and minutes of the meeting where it was passed shall be presented to the Secretary of CAP.
- b) The Secretary of CAP, or the chair of the constitutional committee, shall create a grassroots Constitutional Amendment Process, which shall include timelines, leading up to each National Convention. Such process will allow for all Constituency Associations to receive all Constitutional Amendments to be debated at the National Convention not less than thirty (30) days prior to the National Convention.
- c) This Constitution may be amended at a National Convention but must receive a two-thirds (2/3) majority of the votes cast.
- d) This constitution may also be amended at any time, with a minimum of fifteen (15) days notice, by direct referendum of CAP members, provided any such amendment must receive a two-thirds majority of the votes cast.

## **14. POLICY**

- a) The policies shall be presented in the Policy Statement, which sets out the long range policy directions of CAP.
- b) A National Resolutions Committee shall create a grassroots Policy Development Process, which shall include timelines, leading up to each National Convention. Such process will allow for all Constituency Associations to receive all Policy Resolutions to be debated at the National Convention not less than thirty (30) days prior to the National Convention.
- c) All Policies placed in the Policy Statement shall be reviewed prior to each National Convention through the Policy Development Process.

- d) The Leader and the Caucus are bound by the Principles and Policies as determined by the members of CAP.
- e) All Policies may be adopted or amended by referenda or at a National Convention.
- f) Between National Convention, Interim Policies of CAP shall be determined by the Caucus in consultation with National Executive or the Leader in consultation with the Caucus and National Executive provided that such Interim Policies shall be consistent with those established in accordance with this Constitution. Final approval of Interim Policies shall occur at the next National Convention.

## **15. ENFORCEMENT AND INTERPRETATION OF THE CONSTITUTION**

- a) The Leader and National Executive shall uphold and enforce the provisions of this Constitution.
- b) Between National Conventions, National Executive shall be the final authority on the interpretation of this Constitution. In interpreting this Constitution, any conflict between or any ambiguity in its terms shall be resolved by giving preference to the provision or interpretation which best reflects the Objectives and Principles set out in the Preamble and Article 1 – "Name and Purpose."
- c) This Constitution governs the affairs of CAP and, in the event of any conflict between this Constitution and any other CAP or Constituency Association document, this Constitution shall prevail. If there is a conflict between this Constitution and any policy passed by a National Convention or by referenda, this Constitution shall prevail and such policy shall be deemed null and void.
- d) All matters not specifically covered in this Constitution are within the purview of National Executive, governing in the capacity of National Executive to act with full authority, subject to subsequent ratification or nullification by the membership.
- e) Notwithstanding clause (d) the National Executive may establish, from time to time, a Constituency Association Constitution which will have the same force and effect as if it were a Schedule to this Constitution.

## **16. NOTICE**

For all matters requiring notice under this Constitution:

- a) Notices may be given in one or more of the following ways with the effective date indicated:
  - i. by regular mail, effective three (3) days after the later of the date of the postmark or, with appropriate documentation, the date of the delivery to the post office;

- ii. by facsimile, appropriate telephonic or computer technology, effective on the date of transmission;
  - iii. by personal delivery, effective on the date of delivery to the recipient;
  - iv. by bulk mail, effective five (5) days after the date of delivery to the post office; and,
  - v. by courier, effective one (1) day after the date of delivery to the courier.
- b) Notices to CAP, or National Executive, or to the Secretary of CAP shall be addressed to the National Office of CAP and marked to the attention of the appropriate person or body.
  - c) Notices to a member shall be sent to the member's address according to the most recent CAP records.
  - d) Notices to Constituency Associations shall be addressed to the Association's President, Secretary or other Executive Officer designated by the Association, in writing, to National Office.
  - e) Any notice required by this Constitution shall be deemed given if reasonable compliance has been achieved and no material prejudice has resulted.

## **17. PROVINCIAL PARTIES**

- a) CAP will not establish Provincial Parties.

## **18. COALITIONS, AMALGAMATIONS OR STRATEGIC ALLIANCES**

- a) As it is the intention of CAP to unite Canadians of all political affiliations for the purpose of keeping Canada independent and electing a government that is responsive to the wishes of Canadians, the Leader may, in consultation with the National Executive, engage in discussions with members or leaders of other parties for the purpose of negotiating coalitions, amalgamations or strategic alliances consistent with the achievement of the principles set out in the Preamble and Article 1 of this Constitution.

Any such agreement achieved under this Article shall be ratified by a majority of CAP members by way of referendum.