

GPC MEMBER'S CO-LEADERSHIP COMMITTEE

MEMBERS' DISCUSSION PAPER

CO-LEADERSHIP WITHIN THE GREEN PARTY OF CANADA IN 2020



Introduction

We, the undersigned, make up the Members Co-Leadership Committee. We formed the group with a motivation to understand the benefits and pitfalls of co-Leadership models and to investigate the barriers and path to making the co-leadership model available to Leadership contestants of the Green Party of Canada.

We have reached the conclusion that there are no impediments to the Green Party of Canada adopting a co-leadership model immediately, potentially up to having three co-leaders. We wrote this discussion paper to share this conclusion with a broader

audience, to solicit other opinions, to encourage an informed debate on the subject, and to help guide our Committee's subsequent activities.

"I don't think our Constitution or Bylaws prevent our Leader from choosing another member that they would call Co-Leader." - *Member of Federal Council*

We are not yet advocating for co-leadership in the GPC, as we have not done a sufficient amount of research to reach that conclusion. However, assessing the barriers to co-leadership is an important element of our work and we feel that our conclusions could potentially be relevant to the current Leadership race.

In the spirit of having an active discussion about our present and future, we present our conclusions below.

[1] Co-leaders are a Green phenomenon consistent with the Global Green Charter

Co-leadership is consistent with Global Green Charter Principles of promoting diversity and collaboration and is already used by successful Green Parties all over the world. Sharing power encourages an open, democratic and collaborative organization.

[2] The GPC Constitution largely doesn't limit, or even specify, the responsibilities and functions of the Leader or Deputy Leaders

The GPC Constitution says nothing about the Leader beyond giving them a voting seat on Federal Council and requiring them to meet Elections Canada process requirements (Article 7.1.2).

The GPC By-Laws do provide some additional specificity on the Leader's powers, identifying the Leader as a member of the executive (By-Law 2.6.1) and also to select their Deputy Leaders and Cabinet:

By-Law 6 - Cabinet

6.1 The Leader shall appoint members to Cabinet or Shadow Cabinet, as the case may be, from among members of the Caucus or other members of the Party.

6.2 The Leader may replace members of the Cabinet or Shadow Cabinet as she or he sees fit.

6.3 The Leader may appoint two Deputy Leaders.

The Deputy Leaders' roles aren't defined at all, giving the Party a very wide latitude to define their roles. We therefore feel that the two Deputy Leaders can act as co-leaders. In our opinion, this does not appear to directly contravene the Constitution or By-Laws.

All of the Leader's other traditionally held responsibilities are based on norms and not formally enumerated to the 'de jure' Leader defined in Green Party documents:

- GPC Spokesperson/contact person for media
- GPC Representative for important events
- Policy influence through electoral mandate

This Constitutional structure gives Leaders and Deputy Leaders very few restrictions, allowing them to choose how they want to use or share their power and/or responsibilities.

Fun Fact: If Leaders were to strictly follow the Constitutional definition of their roles, and nothing more, then the only Leader-specific responsibility would be to pick a (shadow) cabinet. Deputy Leaders would do nothing at all.

[3] GPC co-Leaders could meet the requirements of the current rule system, with one contestant running to be GPC's sole 'de jure' leader, but committing to appoint 'de jure' Deputy Leader(s) who will be given responsibilities to act as 'de facto' co-Leaders

Definition: de jure

In [law](#) and [government](#), **de jure** (*/deɪ ˈdʒʊəri, di-/ day JOOR-ee, dee -;* [Latin](#): *de iure* [*deː ˈjuːrɛ*], "by law") describes practices that are legally recognised, regardless whether the practice exists in reality. ([Source](#))

Definition: de facto

In [law](#) and [government](#), **de facto** (*/deɪ ˈfæktʊv, di-/ day FAK-toh, dee -;*^[1] [Latin](#): *de facto* [*deː ˈfaktoː*], "in fact") describes practices that exist in reality, even though they are not officially recognized by laws

The constitution requires a Leader to be elected, or removed, under specific processes, but it doesn't forbid one or both of the two possible Deputy Leaders sharing responsibilities with the Leader. It also doesn't require the term "Leader" to be used exclusively to refer to the de jure leader. To the contrary, the Principle of Participatory Democracy means the Green Party of Canada hopes to have many leaders, at all levels.

Under the current system, a contestant could run to become the Party's 'de jure' Leader, essentially being a sole Leader for all official purposes of the internal and Federal elections, but while running with a strict campaign promise to appoint a named Deputy Leader(s) who would become their co-leader(s) immediately after the election. The co-leaders could propose a specific co-leadership model to members and make a discussion about the benefits and drawbacks of co-leadership an active part of their campaign.

[4] A 'de jure' leader designation is a necessity under any model of co-leadership or constitutional language

Because any co-leadership model will need to meet Election Canada laws and regulations, the first GPC co-leaders will likely need to appoint one of the co-leaders as the 'de jure' leader for EC requirements.

This is the solution that Quebec solidaire used to comply with electoral law in Quebec and it means that it will likely be normal for co-leaders to have unequal *official* status for quite some time.

Similarly, within the GPC, the first pair of co-leaders will likely not be specifically acknowledged by the Constitution, **but they could propose specific, minimal language to correct that during their term.** Indeed, that language could be a part of their campaign, to help voters assess their idea for co-leadership in detail. Since the policy adoption process is currently planned for early next year, the new co-leaders would have time to propose amendments to the Constitution or bylaws in order to quickly regularize the situation.

It is important to acknowledge that the current Constitution either entirely avoids or only very partially defines almost all of Leadership Roles' responsibilities (e.g. Leader, President,

Deputy Leaders, Treasurer/Fund Representative, Secretary, etc.), meaning that it would be inappropriate, if not impossible, to develop comprehensive Constitutional language for co-leaders' roles, without doing the same Constitutional update for other roles.

[5] The use of a 'de jure' leader designation makes co-leadership compliant to all Elections Canada requirements

In response to a request made to Elections Canada, on whether the 'de jure' model would be compliant with Elections Law and regulations, the Members' Co-Leadership Committee received the following response:

From: Financement politique - Political Financing

<Financementpolitique-PoliticalFinancing@elections.ca>

Date: July 14, 2020 at 8:41:46 AM EDT

To: [Member of Co-Leadership Committee]

Subject: FW: Reply to client

Dear [Member of Co-Leadership Committee],

This is in reply to a previous enquiry regarding the "leader of a political party".

The Canada Elections Act (the Act) does not prescribe how a federal political party should be formed or how its legal, internal and financial structures should be established. **As such, it is possible for a party to have co-leaders to oversee internal or public affairs.** However, the Act does require that the "party leader", i.e. one person, be responsible to fulfill specific reporting obligations, as outlined in Parts 17 and 18 of the Act.

As such, the party would have to provide the name of one of the co-leaders to Elections Canada. This person would be required to fulfill specific reporting obligations, and their name would appear on our website as the leader of the party.

We remain available if you have additional questions or concerns.

[6] Conclusion: A Leadership Contestant, or Leader, could propose having a co-leader(s)¹ during or after the current Leadership election

The Members' Co-leadership Committee considered two scenarios under which this could happen:

Two or three existing contestants combine their campaigns and run as co-leaders

This is the simplest model, as all contestants have already gone through the vetting and approval process. The contestants would announce that they are joining forces to become the Green Party of Canada's first co-leader contestants and explain to members how it would work and why it is a compelling choice to vote for. They would have to identify which contestant is running as the 'de jure' leader, as that contestant would have to be elected under the current voting system and would therefore have more 'de jure' power in the current system, retaining the vote on Federal Council and the sole ability to select the cabinet.

However, there are many mechanisms by which they could share power in practice. Federal Council could give their permission for the co-leader(s) to participate in discussion while the 'de jure' leader could become a proxy for the co-leader(s)' voting preferences, effectively allowing co-leaders to vote under previously agreed rules.

The current lack of definition of all roles means that all other responsibilities could be flexibly divided, or duplicated, allowing the co-leaders to independently do press tours, fundraising, caucus interactions and any other responsibilities.

An existing contestant announces they will lead with a co-leader(s) not currently running

In this case, the newly proposed co-leader(s) suffers from not having gone through the vetting process. However, as a proposed 'de jure' Deputy Leader (i.e. they are officially appointed as a GPC Deputy Leader, despite taking on the functions of a 'co-leader'), they would eventually be subject to Deputy Leader vetting once appointed.

¹ The Constitution allows any number of co-leaders. All ten current candidates could decide to co-lead together without violating any restrictions in the Constitution.

In this scenario, the campaign's credibility will likely rest on the reputation of the proposed co-leader, as they will get very little visibility through the Leadership races' official processes (e.g. Leadership contestant's debates). However, there is nothing preventing any individual from becoming a GPC co-leader, by being appointed as a 'de jure' Deputy Leader, but then being given the function and title of a co-leader, as outlined above.

We look forward to any and all comments on this document and can be contacted at the email address provided with this document.

Signed,

Members' Co-Leadership Committee

Every reference to the Leader in the Green Party of Canada Constitution and By-Laws

Constitution of the Green Party of Canada

Article 7 Official Standing And Definitions

- 7.1 The following persons have official standing within the Party under this Constitution and the Bylaws:
 - 7.1.2 Leader: the Member filed Leader pursuant to the Canada Elections Act.

Article 9 Federal Council

- 9.1 Composition of Federal Council The Federal Council shall be composed of:
 - 9.1.2 The Leader.

By-Laws of the Green Party of Canada

Bylaw 2 Federal Council

- 2.1 Selection of members to Federal Council:
 - 2.1.3 The Leader:
 - 2.1.3.1 One hundred (100) Members of the Party in good standing shall be required to nominate for the position of Leader.
 - 2.1.3.2 All Members of the Party in good standing shall be eligible to vote for the position of the Leader.
 - 2.1.4 Election to Federal Council and Term of Office:
 - 2.1.4.1 The vote, for any office of Federal Council, shall require None-of-the-Above (NOTA) to be a contestant, shall be by preferential ballot, and a majority vote shall elect.
 - 2.1.4.1.1 Where the election calls for Party Members to be elected to two or more seats in the same position, voting shall be exercised using a multi-seat proportional representation form of the single transferable

vote (PR-STV) and subsequent election to those seats shall be simultaneous.

2.1.4.1.2 Where the election calls for Party Members to be elected to one position only, such as the case of Leader, voting shall be exercised using a form of the single transferable vote (STV) requiring a majority of votes cast for election.

2.1.4.2 All Federal Council members shall be elected to serve a two-year term or until their successors are elected, except the Leader who shall serve a term pursuant to Bylaw 2.1.4.5.

2.1.4.3 In odd numbered years the representatives of Newfoundland and Labrador, New Brunswick, Quebec, Manitoba, Alberta, the representative from the Territories, the President and the Vice President French shall be elected.

2.1.4.4 In even numbered years the representatives of Nova Scotia, Prince Edward Island, Ontario, Saskatchewan, British Columbia, the Vice President English and the Fund Representative shall be elected.

2.1.4.5 Within six months of a Federal General Election, unless the leader becomes prime minister, a Leadership Review, where all Members in good standing may vote, shall be held. The date of the Leadership Review vote will be set by Federal Council and may coincide with a General Meeting. The Leader's term shall end if Members in good standing do not pass a resolution endorsing the Leader by at least 60%.

2.1.5 Removal From Office and Removal of Units:

2.1.5.1 Any federal Councillor except the leader may be removed from office for cause, by a 3/4 vote of Federal Council at a meeting called for that purpose.

2.1.5.2 The Leader may be removed from office by motion at a general meeting, following a non-confidence vote supported by 3/4 of Federal Council at a meeting called for that purpose.

2.1.7 Where the Leader's term ends or the position of Leader otherwise becomes vacant:

2.1.7.1 Federal Council shall forthwith appoint an interim Leader until a Leadership Contest is held and a new Leader is elected.

2.1.7.2 A Leadership Contest must be started within six months of the appointment of an interim Leader and concluded within 24 months of said appointment.

2.6 Executive Council:

2.6.1 The Executive Council shall consist of the President, the Leader, the Vice President English, the Vice President French, and the Fund Representative as voting members and the Executive Director as a non-voting member.

Bylaw 6 Cabinet

6.1 The Leader shall appoint members to Cabinet or Shadow Cabinet, as the case may be, from among members of the Caucus or other members of the Party.

6.2 The Leader may replace members of the Cabinet or Shadow Cabinet as she or he sees fit.

6.3 **The Leader may appoint two Deputy Leaders.**

6.4 The Shadow Cabinet shall be responsible for the following:

6.4.1 creating the election platform in keeping with membership-approved policies;

6.4.2 ensuring the members of the Party have the ability to influence the policies and platform of the party;

6.4.3 establishing written procedures for a grassroots policy development process and publishing these procedures on the public website of the Party;

6.4.4 maintaining an up to date compilation of the Party policies on the website of the Party.