
Reform Act, 2014

Since its introduction last December, there has been considerable debate and discussion about the *Reform Act*. Many Canadians, including many MPs, have provided their suggestions regarding the bill. Based on these suggestions, an amended version of the bill has been prepared. The short title of the amended bill is *Reform Act, 2014*, to differentiate it from the original bill introduced last December, *Reform Act, 2013*.

Outlined below are the differences between the *Reform Act, 2013* and the *Reform Act, 2014*.

Restoring Local Control over Party Nominations

The *Reform Act, 2013* proposed to amend the *Canada Elections Act* and restore local party control over party nominations. It replaced a party leader with a locally elected nomination officer in each electoral district association (EDA), for the purpose of endorsing a party candidate in an election. It removed the current power of the party leader to de-register an EDA and it explicitly stated that the time, date and rules of a party nomination were to be determined by the EDA.

It has been suggested that giving complete local control over party nominations would not provide recourse external to the EDA in the event of irregularities. Suggestions have been also been made about the need for a mechanism to ensure uniformity across all 338 EDAs.

In respond to these suggestions, the *Reform Act, 2014* differs from the *Reform Act, 2013* in two respects. First, instead of a locally elected nomination officer in each EDA, there would be one nomination officer in each province, and one for the three territories. The nomination officer in each province or the territories would be elected by the chief executive officers (presidents) of the EDAs for the party in that province or the territories. The nomination officer would be elected by secret ballot and would be elected to a term of not more than four years. The nomination officer may seek re-election for one or more terms. The *Reform Act, 2014* also provides a mechanism for the review of the nomination officer. Written notice, signed by at least 20 per cent of the chief executive officers of the EDAs in that province or the territories, would be required to initiate the review. A majority of the chief executive officers of the EDAs for the party in that province or the territories would be required to remove the nomination officer.

Second, the *Reform Act, 2014* would maintain the current power of the party leader to de-register an EDA. This provides a mechanism for recourse external to the EDA in the event of irregularities or non-compliance with party policy.

Strengthening Caucus as a Decision-Making Body

The *Reform Act, 2013* proposed that the expulsion of a caucus member or the review of the caucus chair could be initiated by at least 15 per cent of caucus. It has been suggested that the threshold of 15 per cent to trigger a vote is too low. It has also been suggested that members absent at the vote, would, in effect, vote in favour of the removal of the caucus member or the caucus chair.

In response to these suggestions, the *Reform Act, 2014* increases the threshold to initiate these votes from 15 to 20 per cent. It also defines a majority vote, required to remove the caucus chair or to expel the caucus member, as that of the entire caucus and not just those caucus members present at the vote.

The *Reform Act, 2014* also increases the threshold, from 15 to 20 per cent, to initiate a vote to re-admit a member expelled from caucus. Re-admission is approved by a majority of the members of the caucus present at the vote, rather than a majority of the caucus.

Reinforcing Accountability of Party Leaders to Caucuses

The *Reform Act, 2013* proposed that a review of the party leader could be initiated by at least 15 per cent of the caucus. It has been suggested that the threshold of 15 per cent to trigger a vote is too low. As with the votes to review the caucus chair or expel a caucus member, suggestions have also been made that those members absent at the review vote of the leader, would, in effect, vote in favour of the removal of the leader.

In response to these suggestions, the *Reform Act, 2014* differs from the *Reform Act, 2013* in three respects. First, the *Reform Act, 2014* increases the threshold to initiate a review vote of the party leader from 15 to 20 per cent. Second, the bill mandates that the caucus chair make public the names of those caucus members requesting the vote. Third, the bill defines a majority vote in a review as that of the entire caucus rather than just those caucus members present at the vote. In other words, it would require a majority of all caucus members to remove the leader. Together, these three changes increase the difficulty in initiating a review and removing the leader.

In addition, the bill would put the rules for the review and removal of the party leader in the *Parliament of Canada Act*, rather than the *Canada Elections Act*.