

April 27, 2015

PC Party of Ontario  
Leadership 2015 Rules and Appeals Board  
400-59 Adelaide St. East  
Toronto, ON M5C 1K6

c/o Hartley Lefton

**Re: Application and Complaint re Breach of Section 8.3.1(a)**

To the Members of the Rules and Appeals Board (“**RAB**”):

On behalf of the Patrick Brown Leadership Campaign, please accept this letter as a formal complaint regarding an express and clear violation by the Leadership Election Organizing Committee (“**LEOC**”) of the Ontario PC Party Leadership 2015 Election Rules (the “**Rules**”).

The Party Executive adopted the Rules on September 21 and November 8, 2014, and appointed the LEOC to run the leadership process in compliance with those Rules. LEOC is required to “adhere to”, “comply with their obligations under”, and be “subject to” the Rules, pursuant to item 8 of the Statement of Aims and Principles found at the beginning of the Rules, and Sections 2.1.1 and 2.1.4 of the Rules.

The RAB is similarly mandated to “enforce these Rules” pursuant to Section 2.9.5.

The violation is as follows:

Section 8 of the Rules governs the selection of Voting Locations. As a general rule, it calls for a single voting location in each Riding (Section 8.1.1), but this rule is subject to the following qualifications:

- Multiple ridings *may* be combined into a single voting location, if the ROs request it and LEOC approves (Section 8.2).
- The 12 ridings listed in Schedule B *must* have at least two voting locations (Section 8.3.1(a)).
- The other 95 Ridings *may* have two or more voting locations, in the discretion of LEOC (Section 8.3.1(b)).

Specifically, Section 8.3.1 and Schedule B read as follows:

- 8.3.1 Despite paragraph 8.1.1, there shall be at least two balloting stations in:
- (a) each of the Electoral Districts listed in Schedule B; and
  - (b) any other Electoral District designated by the CEO.

Schedule B  
Electoral Districts Where There Will Be Multiple Balloting Stations

Algoma-Manitoulin  
Haliburton-Kawartha Lakes – Brock  
Lanark-Frontenac-Lennox and Addington  
Kenora-Rainy River  
Nickel Belt  
Nipissing  
Parry Sound – Muskoka  
Renfrew-Nipissing-Pembroke  
Thunder Bay – Atikokan  
Thunder Bay – Superior North  
Timiskaming – Cochrane  
Timmins – James Bay

Despite the mandatory language in Section 8.3.1(a) requiring that two or more voting locations shall be established in each of the 12 prescribed Ridings, LEOC has only established a single voting location in 5 of those 12 Ridings.

The requirement to have multiple voting locations in the 12 prescribed ridings is not optional or discretionary. It is optional and discretionary for the other 95 ridings, but it is mandatory for the 12 listed ridings.

By failing to establish “at least two balloting stations” in each of (i) Nipissing, (ii) Thunder Bay-Atikokan, (iii) Thunder Bay-Superior North, (iv) Timiskaming-Cochrane, and (v) Timmins-James Bay, LEOC has violated the Rules.

I could at this point provide a lengthy explanation of why a second location is required in these five ridings, and how many Party Members are being forced to choose between driving up to 10 hours return to vote or being disenfranchised. But those arguments are frankly the arguments that were made and considered by the Party Executive when they decided to promulgate Rule 8.3.1. The question of whether that Rule was a good one or a necessary one was a matter for debate by the Executive last November. The mandate of LEOC and the RAB is to adhere to and enforce those Rules, not to debate their merit. I therefore will refrain at this point from arguing the merits of the Rule. I simply point out that the Rules exists, that the requirement and the language could not be more unambiguous, and that the list of voting locations most recently circulated by LEOC on April 21, 2015 is in violation of those requirements.

LEOC has informally indicated that they had to break the Rules because they could not find a second voting location. In response, I submit that the Rules do not say that these 5 ridings shall have at least two voting locations only if it is easy to do so. Level of difficulty is not an exception. Furthermore, as we have previously advised LEOC, in some of these ridings, the Riding Presidents (noting that the ROs did not do so) have already taken the initiative to book rooms in public buildings on May 3 and 7. So there are indeed sites available.

On behalf of the Patrick Brown Campaign and various Members of the PC Party in the 5 ridings in question, I hereby request that the RAB enforce the Rules as written and order LEOC to establish a second voting location in each of Nipissing, Thunder Bay-Atikokan, Thunder Bay-Superior North, Timiskaming-Cochrane, and Timmins-James Bay.

Yours truly,

A handwritten signature in cursive script that reads "Mike Richmond".

Mike Richmond