

By-laws Applicable to 2024 AJC General Elections

The following AJC By-laws will apply to the 2024 AJC General Elections. They include those by-laws related to elections that have been approved by AJC Members pursuant to subsection 152(2) of the [Canada Not-for-profit Corporations Act](#) (CNCA). Reference may be necessary to the full set of AJC By-laws in certain circumstances.

1. Definitions

The following definitions apply in this By-law unless the context otherwise requires.

“Act” shall refer to the *Canada Not-for-Profit Corporations Act*.

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“Governing Council” refers to the Board of Directors of the Association.

“Council Member” means a member of the Governing Council.

“Executive” means the officers of the Association.

...

“Member in Good Standing” shall mean a member who meets the eligibility requirements, whose membership has not been suspended or revoked in accordance with the provisions contained in the By-law and whose dues are not in arrears for a period exceeding three (3) months.

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“Region” means a region named under clause 9.1 or added under clause 9.2.

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“Regular Member” has the meaning set out in clause 5.3.

...

5.3 Regular Members

Any member of a bargaining unit for which the Association is, or becomes the bargaining agent for, or for which the Association seeks bargaining agent status, shall be eligible for Regular Membership in the Association, provided such member is Crown Counsel, has not been seconded outside the Law Practitioner Group for a period of more than 3 months, and is not occupying a position that is excluded from representation.

(Amendments approved by the Governing Council on November 7, 2014)

Notwithstanding the paragraph above, a Regular Member who is laid off shall have the right to retain their regular membership for such period as the person retains any statutory or negotiated right or preference to retain or obtain further active employment within a bargaining unit of the Association. Dues shall be waived for such period.

5.4 Rights of Regular Members

Every Regular Member in Good Standing is entitled:

- a) to participate fully at member meetings;
- b) to be informed, by the Association, of material matters that may affect the rights, status or employment of a member;
- c) to nominate and vote for Governing Council Members in accordance with the terms set out in this document;
- d) to seek and hold elective office in the Association;
- e) to seek the services of the Association with respect to specific matters of concern which are within the powers of the Association;
- f) to share in the distribution of the Association's assets upon dissolution according to the formula outlined in article 19.5, and
- g) to access financial statements.

Regular Members not in Good Standing shall not be eligible to hold Association office at any level except as otherwise provided herein, to vote in any and all Association elections, to ratify tentative agreements or to participate in Association training.

(Amendment approved by the Governing Council on April 19, 2018 and approved at the April 24, 2018 AGM by Resolution AGM-24-04-2018-03.)

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9.1 Regions

The Governing Council shall be composed of representatives in the regions determined in accordance with this article. The regions include all Crown Counsel located within their geographical boundaries and are:

- a) the National Capital Region;
- b) the Ontario Region, which is composed of all of Ontario other than the National Capital Region;
- c) the British Columbia Region;
- d) the Quebec Region, which is composed of all of Quebec other than the National Capital Region;
- e) the Atlantic Region, which includes all of Nova Scotia, New Brunswick, Newfoundland and Labrador, and Prince Edward Island;
- f) the Edmonton Region, which includes all of the City of Edmonton and the adjoining municipalities;
- g) the Calgary Region, which includes all of the City of Calgary and the adjoining municipalities;
- h) the Manitoba Region;
- i) the Saskatchewan Region;
- j) the Yukon Region;
- k) the Northwest Territories Region; and
- l) the Nunavut Region.

...

9.6 Governing Council Members Must Be from Region

To be eligible for election as a Governing Council Member for a region, a Crown Counsel must:

- a) be a Regular Member in Good Standing of the Association,
- b) be at least eighteen (18) years of age,
- c) be located within the region, and
- d) not be declared incapable by a court in Canada or in another Country, not be a person with the status of a bankrupt.

A Governing Council Member ceases to hold office if he:

- a) is transferred, deployed or assigned for a duration greater than six months to a region other than the one from which they were elected;



- b) ceases to be a Regular Member in Good Standing of the Association except in the case where such Governing Council Member holds the office of President and has the permission of the Governing Council to complete their current term as President;
- c) resigns from office by delivering a written resignation to the Association;
- d) dies;
- e) is declared incapable by a court in Canada or in another Country;
- f) makes an assignment for the benefit of creditors, becomes bankrupt or insolvent, or takes the benefit of any legislation that may be in force for bankrupt or insolvent debtors; or
- g) is on an extended leave of absence with the Employer for a period in excess of six months during which they are prevented from fulfilling their duties as a Governing Council Member.

(Amendment approved by the Governing Council on November 20, 2014; further amended and approved by the Governing Council on April 19, 2018, November 18, 2021, and February 16, 2023; Resolutions AGM-24-04-2018-03 and AGM-24-04-2018-04 were approved at the April 24, 2018 AGM.) [GCG-16-02-2023-2] [GCG-18-11-2021-1F]

9.7 Term of Governing Council Members

Governing Council Members hold office for a term of two years or until the termination of the meeting at which a successor is elected. A Governing Council Member may be re-elected.

(Amendments approved by the Governing Council on November 18, 2021.) [GCG-16-02-2023-2] [GCG-18-11-2021-1F]

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10.3 Term of Office

The term of office of each officer shall be two years or until their successor is elected or appointed and, more particularly, commences upon adjournment of the meeting of the Governing Council at which the officer's election or appointment occurred and terminates on the adjournment of the meeting of the Governing Council in which the next election or appointment to that office occurs, except that by motion of the newly elected Governing Council, the past officers may continue to exercise certain of their functions under the supervision of the newly elected officers, for a period not exceeding 30 days so as to permit the transition of the affairs of the Association to proceed more effectively.

(Amendments approved by the Governing Council on November 18, 2021.) [GCG-18-11-2021-1F]

...

17.1 Enactment

Subject to the limitations set out in clauses 5.10 and the *Act*, the Governing Council may, by a two-thirds majority of votes cast, enact, amend or repeal by-laws, policies or rules to regulate the affairs of the Association, including:

- a) suspension and termination of members of the Association or Governing Council Members;
- b) election of Governing Council Members including, for the National Capital Region, the basis on which Governing Council Members shall be elected;

[GCG-16-02-2023-2]

...

20. Elections and By-Elections

20.1 Designation of Elections Officer

The Association Executive shall appoint the Elections Officer. The Elections Officer shall satisfy the Executive of their impartiality towards all candidates nominated in the elections.

[GCG-16-02-2023-2]

20.2 Voting Eligibility in Elections and By-Elections

Each Regular Members in Good Standing shall be eligible to vote. Unless otherwise specified, those candidates receiving the greatest number of votes shall be elected.

20.3 Timing of Elections and By-Elections

The election of the members of the Governing Council shall be held every second year on a date or dates, not later than March 31, to be determined by the Executive, commencing with the first Association election in March 2012. The Executive shall notify members of an election three (3) weeks before the first day of the election.

(Amendments approved by the Governing Council on November 18, 2021 and February 16, 2023) [GCG-16-02-2023-2] [GCG-18-11-2021-1F]

20.4 Nominations

Upon being nominated by any two Regular Members in Good Standing (the nominating members), any Regular Member in Good Standing is eligible to stand for election to the Governing Council (the nominee). The nominee must be employed in the region in which the nominee shall stand for election. The nominee must signify their consent to stand for election by signing the Nomination Form, as per By-Law 20.6.

(Amendments approved by the Governing Council on November 18, 2021 and February 16, 2023) [GCG-16-02-2023-2] [GCG-18-11-2021-1F]

20.5 Timing of Nominations

All signed nominations for the Governing Council shall be submitted to the Elections Officer no later than two weeks before the first day of the election. Nominees may submit a biographical summary, not to exceed 150 words, to the Elections Officer who shall distribute it to voters.

(Amendments approved by the Governing Council on November 18, 2021 and February 16, 2023) [GCG-16-02-2023-2] [GCG-18-11-2021-1F]

20.6 Nomination Form

I, the undersigned nominee described above, hereby confirm my willingness to stand for election to the Governing Council of the Association and I further confirm that I am a Regular Member in Good Standing of the Association of Justice Counsel.

(Amendments approved by the Governing Council on February 16, 2023) [GCG-16-02-2023-2]

20.7 Notice of Nomination

Nominations received by the Elections Officer prior to the closing day of the nomination process shall be sent to all Regular Members in Good Standing, by e-mail or otherwise. Nominees may submit a, biographical summary, not to exceed 150 words, to the Elections Officer who shall, as time allows, distribute such summaries to Regular Members in Good Standing

(Amendments approved by the Governing Council on November 18, 2021 and February 16, 2023) [GCG-16-02-2023-2]

20.8 Acclamation

In the event that the number of candidates does not exceed the number of elective positions available per region, those candidates shall be acclaimed as elected to the Governing Council.

20.9 Conduct of Elections and By-Elections

20.9.1 Ballots

Elections shall be conducted by way of ballot. Ballots may be administered online, in person or by other electronic means, as determined by Executive from time to time.

(Amendments approved by the Governing Council on February 16, 2023) [GCG-16-02-2023-2]

20.9.2 Electronic Means other than Online Voting

If the ballot is administered by electronic means other than through online voting, the following shall apply:

The Elections Officer shall forward to each Regular Member in Good Standing, a ballot at least seven days before the first day of the election, in which shall appear the names of all accepted nominees per region, along with biographies, where possible. Valid ballots shall be returned by to the Elections Officer by electronic means, during the election period, but no later than 6pm (EDT time) on the last day of the election. To ensure that no Regular Member submits more than the number of ballots per region, the returned ballot must state, if available, the membership number of the member voting. Any ballots received after the date and time mentioned herein will be treated as spoiled ballots.

(Amendments approved by the Governing Council on February 16, 2023) [GCG-16-02-2023-2]

20.9.3 Online Voting

If the ballot is administered through online voting, the following shall apply:

The Elections Officer shall forward to each Regular Member in Good Standing an electronic message confirming the manner in which online voting may be exercised. The names of all accepted nominees per region, along with biographies, where possible, will be accessible. The Elections Officer shall also ensure that online technical support is made available for the purposes of assisting members in the exercise of their vote. For the purposes of ensuring ballot accuracy, two bilingual non-nominee members of the Association may be appointed by the Governing Council for the purposes of viewing one initial pilot test and thereafter, verify and validating the content of the actual nomination forms, online ballots and related instructions prior to launching an election.

(Amendments approved by the Governing Council on February 16, 2023) [GCG-16-02-2023-2]

20.9.4 Counting of Ballots

Ballots shall be counted by the Elections Officer. The Elections Officer shall have power to finally decide any issue regarding the validity of a ballot cast.

(Amendments approved by the Governing Council on February 16, 2023) [GCG-16-02-2023-2]

20.10 Confidentiality

The Elections Officer shall keep all information concerning a member's vote, including who has voted for whom that member voted strictly confidential.

(Amendments approved by the Governing Council on November 18, 2021 and February 16, 2023) [GCG-16-02-2023-2]

20.11 Vacancies

Vacancies on the Governing Council are to be filled by a vote of Regular Members in Good Standing.

(Old sections 20 and 21 inclusively were reorganized and subsequently renumbered under a new section 20 as approved by Governing Council on September 21, 2017.)

[GCG-16-02-2023-2]

21. Election of Executive

The following is the procedure for the election of the officers, who shall form the Executive of the Association, under clause 10.1 of the By-laws:

21.1 Timing of Elections

The election of the members of the Executive Committee is pursuant to section 10 of the By-laws.

21.2 Designation of an Elections Officer

The Association Executive shall appoint the Elections Officer.

(Amendments approved by the Governing Council on February 16, 2023) [GCG-16-02-2023-2]

21.3 Nominations

The Elections Officer shall issue a request for nominations, which nominations must be signed by any two Governing Council Members (nominating members) in order to be eligible to stand for election to the Executive Committee. In turn, the candidate must state

their consent to stand. A candidate may only accept to be nominated to the office during the Executive election process.

All signed nominations shall be submitted to the Elections Officer no later than two weeks before the first day of the Executive election. Nominees may submit a biographical summary to Council Members.

(Amendments approved by the Governing Council on November 18, 2021 and February 16, 2023) [GCG-16-02-2023-2] [GCG-18-11-2021-1F]

21.4 Conduct of Elections

Each candidate is entitled to address the Governing Council prior to the elections for no more than five minutes each.

Elections shall be conducted by way of secret ballot through telephonic, electronic or other communications means unless otherwise agreed to by Governing Council Members. On the ballot, Governing Council Members have to rank candidates by order of preference (first choice, second choice, etc.) The counting begins with every voting Governing Council Member's first choice. If a candidate receives a majority (more than 50%) of the first-choice votes, such candidate is declared the winner. If no candidate receives more than 50% of the first-choice votes, a process of eliminating candidates and transferring votes begins.

1. The candidate who received the fewest number of first-choice votes is eliminated from the race.
2. Governing Council Members who selected the eliminated candidate as their first choice will have their first vote transferred to their second choice.
3. If this transfer results in a candidate having more than 50% of the vote, is declared the winner. If no one has more than 50%, the process will be repeated until someone has more than 50% of the votes cast.

In the event of a tie, the candidate who received the most votes on the first round shall be declared elected. If the first round was also a tie, the candidate with the most votes on the second or subsequent rounds as needed would be declared elected. If this process still does not resolve the tie, the winner will be chosen using a coin toss by the Elections Officer.

(Amendments approved by the Governing Council on November 18, 2021 and February 16, 2023) [GCG-16-02-2023-2]

21.5 Confidentiality

The Elections Officer shall keep all information concerning a member's vote, including who has voted and for whom that member voted strictly confidential.

(Amendments approved by the Governing Council on February 16, 2023) [GCG-16-02-2023-2]

21.6 Acclamation

If there is only one candidate who is offering for an elected position, the candidate shall be acclaimed as elected to the Executive Committee by the Elections Officer.

(Amendments approved by the Governing Council on February 16, 2023) [GCG-16-02-2023-2]

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23. No Invalidity by Reason of Unqualified Voter

No resolution, by-law or action of the Governing Council or of the Association or any action taken under or pursuant to such resolution or by-law shall be invalid or void by reason only of the accident that a person who voted was not entitled to vote on the resolution, by-law or action. Similarly, no resolution, by-law or action of the Governing Council or the Regular Membership in relation to the confirmation of an appointment, acclamation or election (including by-election) to the Governing Council shall be invalid or void by reason of an irregularity in the nomination or election process that has not been brought to the Election Officer's attention within the notice of objection period, as applicable.

(Amendment approved by the Governing Council April 19, 2018 and at the April 24, 2018 AGM by Resolution AGM-24-04-2018-04. Further amended by the Governing Council on February 16, 2023) [GCG-16-02-2023-2]