

ONTARIO BAR ASSOCIATION
BOARD OF DIRECTORS AND COUNCIL ELECTION INFORMATION
January 2012

Excerpts from the OBA By-laws:

NOMINATING SUB-COMMITTEE

21. (1) The Nominating Sub-Committee shall consist of the President; the Immediate Past-President; the Past-President (the "Outgoing Past-President") who was succeeded as President by the Immediate Past-President; the 1st Vice-President; the 2nd Vice-President; the Chair of the Young Lawyers Division; if these committees and subcommittees exist, the Chair of the Official Languages Sub-Committee and the Chair of the Equal Opportunity Committee; and eight members that Council appoint. These eight members shall be comprised of one voting member of Council from each of the Electoral Districts. The Outgoing Past-President shall be the Chair of the Nominating Sub-Committee.
- (2) Subject to the provisions of this section, Council shall set the procedures and responsibilities of the Nominating Sub-Committee.
- (3) The Nominating Sub-Committee shall cause notice to be given to all Members advising that the Members may nominate candidates for all Elected Positions and Elected Members of Council for the ensuing year. The notice shall be given by January 31 in each year for vacancies for Elected Positions and by January 31 of the second year of a Double Annual Period for vacancies for Elected Members of Council. To be effective, all nominations must be received at the Branch office not later than March 31 in each year.
- (4) Nominations shall be in writing, signed by at least five Members, and accompanied by the candidate's written consent.
- (5) Nominations for Elected Members of Council shall specify the Electoral District for which the candidate is nominated. In each case, the candidate and at least five of the Members who have signed the nomination shall practice law, be employed, or reside in the Electoral District.
- (6) The Nominating Sub-Committee shall attempt to ensure that, by March 31, there is a sufficient number of candidates nominated to fill each Elected Position.
- (7) The Nominating Sub-Committee shall attempt to ensure that, by March 31, there is a sufficient number of candidates nominated to fill the required number of positions for Elected Members of Council for each Electoral District and may also, in its own right, nominate any additional candidate(s). The candidate's written consent shall accompany each nomination.
- (8) If, by March 31, there is an insufficient number of candidates nominated to fill each Elected Position, then, by the following April 30, the Nominating Sub-Committee shall nominate candidates to fill the Elected Positions. If no one has been nominated to fill an Elected Position, then the Nominating Sub-Committee may nominate one, or more than one, person to fill that vacant position and thus fill the position or cause an election. A candidate's written consent must accompany each nomination.
- (9) If, by March 31, there is an insufficient number of candidates nominated to fill the required number of Elected Members of Council for each Electoral District, then, on or before the meeting (the "Final Council Meeting") of Council to be held in May or June of that year, the Nominating Sub-Committee shall seek out and nominate as many candidates as possible to ensure that the vacancies are filled. The Nominating Sub-Committee may not nominate for more positions than are vacant. A candidate's written consent must accompany each nomination.
- (10) The Nominating Sub-Committee shall prepare a list of nominated candidates for each of the Elected Positions and, if applicable, for the Elected Members of Council and shall deliver this list to the Executive Director on or before April 30 in each year and before the meeting of the Board that immediately precedes the Final Council Meeting. The Executive Director shall forthwith deliver this list to each member of the Board. There shall be no identification or differentiation of candidates nominated by the Nominating Sub-Committee and by Members.
- (11) The Nominating Sub-Committee shall report the list of nominated candidates to the Final Council Meeting.

23. Election of Officers, Some Directors, and Elected Members of Council

- (2) If only the required number of candidates for an Officer, PD Chair Position or for an Elected Member of Council, a voting member of National Council, or a Director-at-Large for an Electoral District are nominated, those candidates shall be acclaimed.
- (3) If more than the required number of candidates for an Elected Position is nominated, there shall be an election for the Elected Position.
- (a) The voting Council members are eligible to vote in an election for an Officer and the PD Position. They shall do so by Mailed Ballot or, if so determined by the Board, by way of a meeting of Council. The Mailed Ballot or meeting, as the case may be, shall be completed or held before July 15 in the year. Each voting member of Council shall have one vote for each Officer and PD Chair Position. Subject to subsections 6(e) & 6(f), the candidate for any contested Officer and PD Chair Position with the highest number of votes shall be elected to that Officer and PD Chair Position.

- (b) The voting Council members of each Electoral District are eligible to vote for the Director-at-Large from their Electoral District. They shall do so by Mailed Ballot. The Mailed Ballot shall be completed before July 15 in the year. In order to be eligible to run for election in an Electoral District as a Director-at-Large, candidates must practice law, be employed, or reside in that Electoral District and must have at least one year's, or one Annual Period's, experience as a member of Council by the time that they will take office if elected.
- (5) (a) Voting members of National Council shall be chosen on an Electoral District basis from those of the newly elected Council members who have indicated that they wish to be voting members of National Council and have agreed that they will participate in CBA as voting members of National Council. If there are more people, than are otherwise allocated to an Electoral District, who wish to be voting members of National Council, then the Board shall choose the voting members from the Electoral District, on an equitable basis, giving priority to the Director-at-Large from the Electoral District. If there are fewer people, then the Board may choose the additional voting members from Council regardless of the Electoral District in which they reside, practice, or are employed.
- (b) If the number of Elected Members of Council is less than or equal to the number of Ontario members of National Council, then the Elected Members of Council shall also be Ontario members of National Council. If the number is greater, then all of the voting members of National Council shall be Ontario members of National Council and Council shall proscribe the procedure to determine the Ontario members of National Council from among the remaining members of Council.