



Eligibility for incumbents to Contest the NCVM Elections

Dear Colleagues:

This is to let you know that the NCVM Elections Committee has sought and received legal advice on two issues of concern, not clearly spelled out in the NCVM Terms of Reference. One, deals with the eligibility of incumbents who have served two terms and who may wish to seek another, and; two, focuses attention on membership of former/retired VM public servants (i.e. bearing in mind that Membership in the NCVM is open to Visible Minority Public Servants, Is it not also open to former/retired Visible Minority Public Servants?).

The need to clarify these issues was necessitated by the numerous questions posed to Committee members on these matters.

Rather than giving a layman's explanation, devoid of a legal interpretation, we engaged the services of Florence Chumpuka, a legal counsel at Justice Canada, for advice on both counts.

Florence's interpretations/advice, which the Elections Committee fully accepts, are as follows:

1. You asked, if the President resigns and the 1st VP takes over, whether or not when he/she fulfilling the role of the 1st VP (and technically was not voted in as President) would have legally served two terms?

In answer to your questions. No, the 1st VP would not have served the 2 terms for this position. He/she is in an interim role only. The 2 year term applies to an elected president. In this case, if the president resigns that vacancy, the vacancy needs to be filled via an election. If the interim VP is interested he/she can put in his nomination for that position like anyone else.

2. Your second questions on membership. Is it not also open to former/retired Visible Minority Public Servants? This is a policy question. Its up to the membership to decide the question. There is certainly no harm in former/retired members participating. However, you must decide the scope of their participation. You may also wish to consider a certain category of membership i.e. members at large, affiliates, associates or alumni.

Acting on this advice, the Elections Committee feels compelled to clear the air on the eligibility of the incumbent President to seek another term. The ruling is that the incumbent is eligible/free to seek another term.

Regards
Dennis Waithe
Chair, NCVM Elections Committee.