



## **CONSTITUTION AND BY-LAWS**

March 6, 2016

GREEK COMMUNITY OF TORONTO

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ΕΛΛΗΝΙΚΗ ΚΟΙΝΟΤΗΤΑ ΤΟΡΟΝΤΟ

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## **GREEK COMMUNITY OF TORONTO**

### **SUPPLEMENTARY LETTERS PATENT – SEPTEMBER 30, 1992**

#### **OBJECTS OF THE CORPORATION**

- (a) To preserve and promote the Greek language, and to uphold it through proper instruction thereof;
- (b) To foster and encourage cultural activities directly related to the advancement of the Greek language, the Greek Orthodox faith, and Greek history or any one of them in combination;
- (c) To receive and maintain funds and to apply all or part thereof and the income there from for charitable purposes of an educational nature, including but not limited to:
  - (i) providing scholarships, fellowships, bursaries, prizes and financial assistance to students;
  - (ii) providing direct financial assistance to educational institutions in Canada that are also registered charities under the Income Tax Act; and
  - (iii) establishment of schools and educational programs for the teaching of the Greek language and important aspects of Greek culture for the benefit of the general public;
- (d) To establish, maintain and operate one or more community centers in the City of Toronto, providing workshops, programs, athletics, drama, art, music, handicrafts, hobbies and recreation for the benefit of the public;
- (e) To promote allegiance to the Greek Orthodox faith in order to better observe, preserve and perpetuate its truest and most authentic form.
- (f) To supply and render services of a charitable nature to poor and needy persons; and
- (g) To give donations to charitable organizations which are also registered charities under the Income Tax Act (Canada), provided that none of the objects of the Corporation may be exercised contrary to the statutes or common law governing charities.

#### **SPECIAL PROVISIONS**

- (a) For the above objects, and as incidental and ancillary thereto, to exercise any of the powers as prescribed by the Corporations Act, or by any other statutes or laws from time to time applicable, except where such power is contrary to the statutes or common law relating to charities, and in particular, without limiting the generality of the foregoing:
  - (i) To accumulate from time to time part of the fund or funds of the corporation and income there from subject to any statutes or laws from time to time applicable;
  - (ii) To invest and re-invest the funds of the corporation in such manner as determined by the Directors, and in making such investments, the Directors shall not be limited to investments authorized by law for Trustees, provided such investments are reasonable, prudent, and sagacious under the circumstances and do not constitute, either directly or indirectly, a conflict of interest;
  - (iii) To solicit and receive donations, bequests, legacies and grants, and to enter into agreements, contracts and undertakings incidental thereto;
  - (iv) To acquire, by purchase, contract, donation, legacy, gift, grant, bequest or otherwise any personal property and to enter into and carry out any agreements, contracts or undertakings incidental thereto, and to sell, dispose of and convey the same or any part thereof, as may be considered advisable;
  - (v) To acquire by purchase, lease, devise, gift, or otherwise, real property and to hold such real property or interest therein necessary for the actual use and occupation of the corporation or for carrying on its charitable undertaking and, when no longer so necessary, to sell, dispose of and convey the same or any part thereof;
  - (vi) To employ and pay such assistants, clerks, agents, representatives, priests, religious instructors and employees, and to procure, equip and maintain such offices and other facilities and to incur such reasonable expenses, as may be necessary, provided that the corporation shall not pay any remuneration to a Director in any capacity whatsoever;
  - (vii) To print, publish, sell and distribute literature; and
  - (viii) To co-operate with other organizations, whether incorporated or not, which have objects similar in whole or in part to the objects of the Corporation;
- (b) The Corporation shall be carried on without the purpose of gain for its members and any profits or other accretions to the corporation shall be used in promoting its objects;
- (c) The Corporation shall be subject to the Charities Accounting Act and the Charitable Gifts Act;

- (d) The directors shall serve as such without remuneration and no director shall directly or indirectly receive any profit from his/her position as such, provided that directors may be paid reasonable expenses incurred by them in the performance of their duties;
- (e) The borrowing power of the Corporation pursuant to any by-law passed and confirmed in accordance with section 59 of the Corporations Act shall be limited to borrowing money for current operating expenses, provided that the borrowing power of the Corporation shall not be so limited if it borrows on the security of real or personal property.
- (f) Upon the dissolution of the Corporation and after the payment of all debts and liabilities, its remaining property shall be distributed or disposed of to charitable organizations which carry on their work solely in Canada; and
- (g) If it is made to appear to the satisfaction of the Minister, upon report of the Public Trustee, that the corporation has failed to comply with any of the provisions of the Charities Accounting Act or the Charitable Gifts Act, the Minister may authorize an inquiry for the purpose of determining whether or not there is sufficient cause for the Lieutenant Governor to make an Order under subsection 317(1) of the Corporations Act to cancel the Letters Patent of the Corporation and declare it to be dissolved.

## **GREEK COMMUNITY OF TORONTO**

### **BY-LAW No. 1**

#### **A BY-LAW RELATING GENERALLY TO THE TRANSACTION OF THE BUSINESS AND AFFAIRS OF THE GREEK COMMUNITY OF TORONTO**

## **SECTION ONE - INTERPRETATION**

### **YEAR OF ESTABLISHMENT**

1.01 The Greek Community of Toronto was established in the year 1909.

### **CHURCHES AND CULTURAL CENTRES**

1.02 (a) The Corporation shall continue as a unified Greek Community and will establish, maintain and operate Greek Orthodox churches, schools and community centers and any necessary annexed thereto within that community. The Corporation will continue to maintain and operate the Churches which now make up that community namely, St. John Greek Orthodox Church, former City of Scarborough, The Annunciation of the Virgin Mary Greek Orthodox Cathedral, City of Toronto, St. Demetrios Greek Orthodox Church, former Borough of East York, and St. Irene's Greek Orthodox Church, City of Toronto.

(b) The Corporation shall maintain and operate the Polymenakion Hellenic Cultural Centre which is located at 30 Thorncliffe Park Drive in the former Borough of East York and the Alexander the Great Youth Centre located at 1385 Warden Avenue in the former City of Scarborough through committees appointed by resolution of The Council provided that a majority of the members of such committee shall be members of The Community.

### **DEFINITIONS**

1.03 In the By-laws of the Corporation, unless the context otherwise requires:

“Act” means the *Corporations Act* (Ontario), or any statute that may be substituted therefore, as from time to time amended.

## **SECTION TWO – AFFAIRS OF THE CORPORATION**

### **HEAD OFFICE**

2.01 The Head Office of the Corporation shall be in the City of Toronto.

## **CORPORATE SEAL**

2.02 The seal, an impression whereof is stamped in the margin hereof, shall be the corporate seal of the Corporation.

## **FINANCIAL YEAR**

2.03 The financial year of the Corporation shall terminate on the 31st day of August in each year or on such other date as the Board may from time to time by resolution determine.

## **EXECUTION OF INSTRUMENTS**

2.04 Contracts, documents or instruments in writing requiring the signature of the Corporation may be signed by the President, or Vice-Presidents, together with the Secretary or the Treasurer, and shall be binding upon the Corporation without any further authorization or formality. The directors are authorized from time to time by resolution to appoint any officer or officers or any person or persons on behalf of the Corporation to sign specific contracts, documents or instruments in writing. The corporate seal of the Corporation may, when required, be affixed to contracts, documents or instruments in writing as aforesaid or by any officer or persons appointed as aforesaid by resolution of the directors.

## **BORROWING**

2.05 Subject to the provisions of this By-law, The Board may from time to time authorize by resolution to:

- (a) borrow money on the credit of the Corporation, or
- (b) charge, mortgage or pledge all or any of the real or personal property of the Corporation including book debts.

## **SALE OR MORTGAGE OF PROPERTY**

2.06 No part of the real or leasehold property of the Corporation shall be sold, transferred, pledged, mortgaged or otherwise disposed of save with the consent of a special general meeting of the members duly called for that purpose and pursuant to a resolution of not less than two thirds (2/3) majority of the members present and entitled to vote at such meeting.

## **AUDITOR**

- 2.07 One or more auditors shall be appointed annually by the members in a general meeting. He/she or they shall be supplied with a list of all books kept by the Corporation and with a copy of the balance sheets and abstracts of the affairs thereof. His/her or their remuneration shall be fixed by the members in a general meeting.

## **AMENDMENT OF BY-LAWS**

- 2.08 No repeal, amendment or re-enactment of any of these by-laws shall be effective unless confirmed at a meeting of the members duly called for that purpose and pursuant to a resolution of not less than two-thirds (2/3) majority of the members present and entitled to vote at such meeting.

## **SECTION THREE - DIRECTORS**

### **NUMBER OF DIRECTORS**

- 3.01 (a) The ordinary and day-to-day administration of the Corporation shall be conducted by Board of fifteen (15) directors. The elected Board shall have the authority to appoint up to an additional three (3) directors with some degree of expertise, who in their totality shall act as the board of directors of the Corporation (and will be referred to herein as the “Board” or the “Board of Directors”) and the said directors shall do all acts and things as are not by the by-laws or any special resolution of the Corporation or by statute expressly directed or required to be done at a general or special meeting of the members. Any increase or decrease in the number of directors shall be approved by special resolution at the Annual General Meeting.

(b) Without restricting the generality of the foregoing, the Board shall:

- (i) manage the risk and liabilities of the Corporation,
- (ii) develop and implement the strategy mission and vision of the Corporation,  
and
- (iii) conduct regular reviews of compensation and auditing reviews of the Corporation

- 3.02 Every director shall be eighteen (18) years or more of age and shall at the time of election be a member of the Corporation.

- 3.03 No member shall be eligible for nomination or election as a director who has not been a member of the Corporation in good standing for one year prior to the date of the election and such member must be of Hellenic Descent or have a spouse of Hellenic descent. All disputes regarding membership shall be resolved by a majority vote of the Board of Directors.

### **ELECTION OF DIRECTORS**

- 3.04 (a) Directors shall be elected for a term of three (3) years by the members by personally cast ballot according to the provisions of the Election By-Law of the Corporation. Retiring directors shall be eligible for re-election to the Board of Directors if they otherwise qualify, subject to a maximum term limit of three (3) consecutive terms, or for an aggregate period of nine (9) consecutive years. Retiring directors shall continue in office until a successor shall have been duly elected or appointed. A retired director who has served for a consecutive period of nine (9) years will once again be eligible to stand for election to the Board following a minimum absence from the Board of three (3) years.

### **CASUAL VACANCIES IN BOARD OF DIRECTORS**

- 3.05 From time to time, in the event of any vacancy however caused or occurred in the Board of Directors, such a vacancy may, so long as there is a quorum of directors then in office be filled by the directors from among the members of the Corporation in good standing if they shall see fit to do so; and any director appointed or elected to fill such vacancy shall hold office for the unexpired term of the director who ceased to be a director and who caused such vacancy.

### **DISQUALIFICATION OF DIRECTORS**

- 3.06 The office of a director of the Corporation shall be vacated:
- (a) If he/she becomes bankrupt or suspends payment or compounds with his creditors or makes an authorized assignment or is declared insolvent.
  - (b) If he/she is found to be mentally incompetent.
  - (c) If he/she shall have absented himself/herself (such absence not being absence with leave or on affairs of the Corporation) from three (3) successive regular meetings of the directors and the directors shall have resolved that his office shall be vacated.
  - (d) If he/she fails to participate in at least one standing committee established by these By-laws or if he/she has absented himself/herself (such absence not being absence with



leave or on affairs of the Corporation) from three (3) consecutive regular meetings of such standing committee or committees of which the director is a member/participant.

(e) If by notice in writing to the Secretary of the Corporation he resigns his office.

(f) If he is removed from office according to Section 3.08 herein.

(g) If he ceases to be a member of the Corporation.

## **RESIGNATION OF DIRECTORS**

3.07 Any director may resign his office as director by filing his written resignation with the Secretary of the Corporation and such resignation shall take effect immediately

## **REMOVAL OF DIRECTORS**

3.08 The members of the Corporation may, by resolution passed by at least two-thirds (2/3) majority of the votes cast at a general or special meeting of which notice specifying the intention to pass such resolution has been given, remove any director before the expiration of his term of office and may, by majority of the votes cast at such meeting, elect any person instead for the remainder of his/her term.

## **REMUNERATION OF DIRECTORS**

3.09 The directors shall serve without remuneration and no director shall directly or indirectly receive any profit from his position as such; provided that a director may be paid for such reasonable expenses incurred by him in the performance of his duties, as are approved by The Board.

## **MEETINGS OF DIRECTORS**

3.10 The directors shall meet regularly at least once a month on a day and at such time and place as they may from time to time determine. Special meetings may be held at any time whenever the President or a majority of The Board shall deem it necessary. The minutes of the meeting of the Board of Directors shall be signed by the President and the Secretary.

## **NOTICE OF DIRECTORS' MEETINGS**

3.11 Directors shall be contacted not less than two (2) days before the meeting is to take place. Notice of any meeting or any irregularity in any meeting or in the notice thereof may be waived by any director. At the first meeting of the directors after election, or in the case of a director elected to fill a vacancy on the Board no notice of such meeting

shall be necessary to the newly elected director or directors, nor to legally constitute the meeting provided a quorum of directors is present.

### **QUORUM OF DIRECTORS**

- 3.12 A majority (50% +1) in number of the directors shall be present in order to form a quorum of any directors' meeting. No business shall be transacted at any meeting unless a requisite quorum shall be present at the commencement of such business.
- 3.13 Matters arising at any meeting of directors shall be decided by a majority of the votes. The Chairman of the meeting shall not have a right to vote except in the case of equality of votes, in which case the chairman of the meeting shall have the right to cast a vote.

### **ORDER OF BUSINESS AT DIRECTORS' MEETINGS**

- 3.14 The order of business at any meeting of the Board of Directors shall, subject to any alteration made by a majority vote of the directors present at any meeting, be as follows:

#### Standing Agenda

- (a) Reading the notice calling the meeting and the proof of service thereof.
- (b) Reading the minutes of the last meeting of directors and confirming same
- (c) Receiving reports
- (d) Unfinished business
- (e) New business

## **SECTION FOUR – PROTECTION OF DIRECTORS, OFFICERS AND OTHERS**

### **INDEMNITY TO DIRECTORS AND OFFICERS**

- 4.01 Every director or officer of the Corporation or other person who has undertaken or who is about to undertake any liability on behalf of the Corporation and their heirs, executors and administrators and estate effects, respectively, shall from time to time and at all times, be indemnified and saved harmless out of the funds of the Corporation from and against:

- (a) All costs, charges and expenses whatsoever which such director, officer or other person sustains or incurs in or' about any action, suit or proceeding which is brought,

commenced or prosecuted against him for or in respect of any act, deed, matter or thing whatsoever made, done or permitted by him in or about the execution of the duties of his office;

(b) All other costs, charges and expenses which he sustains or incurs in or about or in relation to the affairs thereof, except such costs, charges or expenses as are occasioned by his/her own willful neglect or default.

- 4.02 No director or officer for the time being of the Corporation shall be liable for the acts, receipts, neglects or defaults of any other director or officer or employee or for joining in any receipt or act for conformity or for any loss, damage or expense Corporation through the happening to the insufficiency or deficiency of title to any property acquired by the Corporation or for or on behalf of the Corporation or for the insufficiency or deficiency of any security in or upon which any of the monies of or belonging to the Corporation shall be placed out or invested or for any loss or damage arising from the bankruptcy, insolvency or tortuous act of any person, firm or corporation with whom or which any monies, securities or effects shall be lodged or deposited or for which any other loss, damage or misfortune whatever which may happen in the execution of the duties of his respective office or trust or in relation thereto, unless the same shall happen by or through his own wrongful and willful act or through his own wrongful and willful neglect or default. The directors for the time being of the Corporation shall not be under any duty or responsibility in respect of any 18 contract, act or transaction whether or not made, done or entered into in the name or on behalf of the Corporation except such as shall have been submitted to and authorized by the Board of Directors.
- 4.03 The Board of Directors in their discretion may submit any contract, act or transaction for approval, ratification or confirmation at any general meeting of the members or any special meeting of the members called for the purpose of considering the same and any contract, act or transaction that shall have been approved, ratified or confirmed by a resolution passed by a majority of the votes cast at such a meeting (unless any difference or additional requirement is imposed by the Corporations Act or by the Corporation's Letters Patent or any Supplementary Letters Patent or any other by-law) shall be as valid and as binding upon the Corporation and upon all the members as though it had been approved, ratified and confirmed by every member of the Corporation.
- 4.04 The Corporation shall purchase and maintain such insurance for the benefit of any person referred in this section as the board may from time to time determine.

#### **CHAIRMAN AT MEETINGS OF DIRECTORS**

- 4.05 The President of the Corporation or in his absence a Vice-President shall preside as chairman of every meeting of the directors. If at any meeting neither the President nor the Vice-President is present within fifteen (15) minutes after the time appointed for holding the meeting or if each of them shall indicate that he is not willing to act as

chairman the directors may choose any one of the directors by majority vote to be chairman.

## **SECTION FIVE - OFFICERS**

### **OFFICERS**

- 5.01 The Board shall from time to time appoint a President, Secretary, Treasurer, First Vice-President and may appoint one or more vice-presidents (to which title may be added words indicating seniority or function), and such other officers as the board may determine. One person may hold more than one office. The Board may specify the duties of and, in accordance with this by-law and subject to the Act, delegate to such officers powers to manage the business and affairs of the Corporation. Each officer shall be a director of the Corporation. The positions of President, Secretary and First Vice-President shall be appointed by secret ballot.
- 5.02 No officer shall be paid any remuneration.

### **PRESIDENT**

- 5.03 The President shall be the chief executive officer and, subject to the authority of the board, shall have general supervision of the affairs of the Corporation; and shall have such other powers and duties as the board may specify and as are incidental to his/her office. Without restricting the generality of the foregoing, the president shall, when present, preside at all meetings of the directors, and shall sign such contracts, documents or instruments in writing as require his/her signature. A retiring president shall be eligible for re-election he/she otherwise qualifies, subject to a maximum term limit of two (2) consecutive terms, or for an aggregate period of six (6) consecutive years. A retired president who has served for a consecutive period of six (6) years will once again be eligible to stand for election as president following a minimum absence from the office of president of three (3) years.

### **FIRST VICE PRESIDENT**

- 5.04 The First Vice-President shall be vested with all the powers and shall perform all the duties of the President in the absence or inability or refusal to act of the President. The First Vice-President shall sign such contracts, documents or instruments in writing as require his or their signatures and shall have such other powers and duties as may from time to time be assigned to him or them by The Board.

**SECRETARY**

- 5.05 The Secretary shall, when present, act as Secretary of all meetings of directors and members shall have charge of the minute books of the Corporation and the documents and registers referred to in Section 300 of the Corporations Act, R.S.O. 1990 c. C.38 as amended. He shall sign such contracts, documents or instruments in writing as require his signature and shall have such other powers and duties as may from time to time be assigned to him by The Board or as are incidental to his office. He shall issue or cause to be issued notice of all meetings of the Board of Directors or the membership of the Corporation when directed to do so.

**TREASURER**

- 5.06 The Treasurer shall, subject to the provisions of any resolution of the Board of Directors, have the care and custody of all the funds and securities of the Corporation and shall deposit the same in the name of the Corporation in such bank or banks or with such depository or depositories as the Board of Directors may direct. He shall keep accurate books of account and at all reasonable times exhibit his books and accounts to any director. He shall sign such contracts, documents or instruments in writing as require his signature and shall have such other powers and duties as may from time to time be assigned to him by the Board of Directors or as are incidental to his office.

If the office of the President, First Vice-President, Secretary or Treasurer or one or more shall be or become vacated by reason of death, resignation, disqualification or otherwise, the directors may elect at their sole discretion an officer to fill such vacancy from amongst the members of the Board for the unexpired portion of the term of such vacancy.

**SECTION SIX - COMMITTEES**

## COMMITTEES

6.01 (a) Subject to this section, the directors may from time to time constitute such committees as they deem necessary in order to assist with the carrying on the affairs of the Corporation and shall from time to time prescribe the terms of reference of each such committee. The members of each such committee need not be members of the Board of Directors and members of committees need not be Trustees. Any such committee may formulate its own rules of procedure, subject to such regulations or directions as the Board may make from time to time. The Board may remove any member of any such committee, save and except that the chairman of each committee, who must be a member of the Board . A majority of the members of each such committee shall constitute a quorum for the transaction of business, and minutes of each meeting of each committee shall be maintained and a copy given to the Secretary.

(b) The directors shall establish and maintain the following Standing Committees of the Board:

(i) Education Committee

(ii) Churches Committee

(a) The Chair of the Churches Committee and all members of the Church Committee must be of the Greek Orthodox faith.

(b) The Chair of the Church Committee must be a member of the current Board of Directors.

(c) The Church Committee is comprised of the Chair of Church Committee, a representative from each Church (Annunciation of the Virgin Mary Cathedral, St. Demetrios, St. Irene and St. Johns), who may or may not be elected as determined by the current Board of Directors.

(iii) Associations Committee

(iv) Youth Committee

(v) Cultural Committee

(vi) Fundraising Committee

(vii) Finance/Audit Committee

(viii) Community Services Committee

(ix) Public Relations / Communications Committee

[c] Committee Composition

- (i) The Chair of each Committee must be a member of the current Board of Directors.
- (ii) Every reasonable effort shall be made to ensure that members of each respective Committee are current members of the Board of Directors
- (iii) The Chair of each respective Committee may appoint individuals to their Committee as they see fit.

**SECTION SEVEN - MEMBERS**

**MEMBERSHIP**

7.01 There shall be five classes of members of the Corporation:

- (a) Community members
- (b) Regular members
- (c) Honorary members
- (d) Lifetime members
- (e) Philhellene & Corporate

For purposes of this By-law No. 1, the term “Member” shall refer to all classes of members of the Corporation with the exception of class (a) or “Community members”.

7.02 A member in good standing of the Corporation shall be any person, eighteen (18) years of age or over, who is of Hellenic descent or who has a spouse of Hellenic descent, and who abides by the regulations and by-laws of the Corporation and fulfills his or her financial obligations, if applicable.

7.03 Community members shall be those persons who have fulfilled the above qualifications and have submitted a completed information sheet. Community members shall

- (a) not be required to pay any membership fees to the Corporation;
- (b) not have any right to notice of meetings of Members; and

(c) not have the right to vote at any meetings of Members.

- 7.04 Regular members (herein called "members") shall be those persons who have fulfilled the above qualifications and have submitted a completed information sheet together with payment of their membership fees to any office of the Corporation.
- 7.05 Honorary members shall be those persons who are elected as such by the members in recognition of their services to the Greek community at large. Honorary members shall not be entitled to vote at special or general meetings of the members in their capacity as Honorary members.
- 7.06 Lifetime members shall be those persons who have fulfilled the above qualifications and have submitted a completed information sheet together with payment of membership fees totaling a minimum of \$1,000. Lifetime members shall be exempt from the payment of any future membership fees in excess of \$1,000.
- 7.07 Philhellene / Corporate members shall be those individuals or corporations who are supporters of Greek Community and Greek heritage, but who cannot be regular members.

## **MEMBERSHIP FEES**

- 7.08 Annual membership fees shall be such as are set by the Board of Directors.
- 7.09 Members of committees need not be Trustees. Any such committee may formulate its own rules of procedure, subject to such regulations or directions as the Board may make from time to time. The Board may remove any member of any such committee. . Any member who has not paid his membership fees shall not be entitled to vote at any special or general meeting of the members.
- 7.10 The members may at any special or general meeting exempt any member from the payment of his annual fees for that year if he satisfies them he is financially incapable of paying those fees.

## **SUSPENSION AND EXPULSION OF MEMBERS**

- 7.11 Those members of the Corporation who are shown to have acted contrary to the principles, aims and by-laws of the Corporation may be suspended or expelled by an affirmative vote of two -thirds (2/3) majority of the members at a special meeting of the members duly-called for that purpose. No member shall be suspended or expelled without first having been notified in writing of the charge against him and having been given an opportunity of being heard by the members at that meeting. All votes on the question of suspension or expulsion shall be by secret ballot.



## **REGISTER OF MEMBERS**

- 7.12 A register of members indicating their names, addresses and whether they have paid their annual dues shall be kept by the Secretary.

## **TERMINATION AND RESIGNATION OF MEMBERSHIP**

- 7.13 A membership is not transferable and ceases on a member's death or when he/she resigns or otherwise in accordance with these by-laws. Any member may resign at any time from the Corporation upon notice in writing to the Secretary.

## **SECTION EIGHT – MEETINGS OF MEMBERS**

### **ANNUAL MEETING OF MEMBERS**

- 8.01 The annual meeting of members shall be held on a date no later than fifteen months from the date of the last annual meeting at such time and place as the directors shall fix. In addition there shall be at least one more general meeting of the membership each year, convened by the directors at a date fixed by the directors.
- 8.02 At every annual and special meeting of the members of the Corporation there shall be elected, from amongst those persons rightfully present a "Speaker/Chair to preside over and to act as Chairman of the meeting. The Speaker shall conduct the meeting in a proper and orderly fashion following the agenda as proposed by The Board.

### **ORDER OF BUSINESS AT ALL MEMBERS MEETINGS**

- 8.03 The order of business at all annual meetings shall be as follows:
- (a) The President or a person designated by the President shall make the opening remarks.
  - (b) Election of the Speaker/Chair.
  - (c) The reading of notice calling the meeting and proof of service thereof.
  - (d) The taking of a list of members present.
  - (e) Reading of minutes of the preceding meeting of members.

(f) Review by the members of the work of the Board of Directors for the previous year including confirmation of any by-laws or resolutions, which require confirmation and reception of any reports.

(g) Review of the financial statements for the past year and the budget for the coming year.

(h) Appointment of auditors.

(i) The election of the Board of Directors

(j) New business, including such directions to the directors as by resolution the members adopt.

### **SPECIAL MEETINGS OF MEMBERS**

8.04 The Board may if they consider the question of sufficient importance call a special meeting of the members for the purpose of considering that question.

8.05 If ten percent (10%) of the members of the Corporation sign a request in writing for a special meeting to consider a special question, the directors shall call a special meeting of members for that purpose. That request shall be left at the Corporation offices addressed to the Secretary. If the directors do not proceed to convene such a meeting within twenty-one (21) days after such request, the requisitioner may convene such a meeting but any meeting so convened shall be held within sixty (60) days from the date of the receipt of such requisition.

### **PROCEEDINGS OF SPECIAL MEETINGS**

8.06 The order of business at special meetings shall follow so far as it is applicable to the order of business at annual meetings.

### **NOTICE OF MEMBERS' MEETINGS**

8.07 A notice stating the day, hour and place of meeting and the general nature of the business to be transacted shall be served, at least ten (10) days before the date of the meeting by the office of the Secretary; provided always that a meeting of members may be held for any purpose at any date and time without notice if all the members are present in person at the meeting or if all the absent members shall have signified their consent in writing to such meeting being held. Notice of any meeting or any irregularity in any meeting or any notice thereof may be waived by any member of the Corporation.

- 8.08 The accidental omission to give notice of any meeting or the non-receipt of any notice by any member or members of the Corporation shall not invalidate any resolution passed by or any proceedings taken at any meeting of members.
- 8.09 A certificate or affidavit of the President, 1<sup>st</sup> Vice-President, the Secretary or the Treasurer or any other officer of the Corporation in office at the time of the making of the certificate or affidavit as to facts in relation to the mailing or delivery of any notice to any member, director, officer or auditor or publication of any notice shall be conclusive evidence thereof and shall be binding on every member, director, officer or auditor of the Corporation as the case may be.

### **VOTING OF MEMBERS AT MEETINGS**

- 8.10 The presence of one hundred (100) of the members shall be necessary to constitute a quorum at any meeting. No business shall be transacted at any meeting unless the requisite quorum shall be present at the commencement of such business.
- 8.11 No member shall be entitled to vote by proxy at any meeting.
- 8.12 Each member present at the meeting in person and entitled to vote shall have one vote.
- 8.13 Every motion duly submitted shall be decided by a majority of votes given by a show of hands.
- 8.14 At any meeting, a declaration by the chairman that a resolution has been carried or carried unanimously or by a particular majority shall be conclusive evidence of the fact without proof of the number or proportion of votes recorded in favor of or against the motion.

### **ADJOURNMENT OF MEETING**

- 8.15 The chairman may adjourn a meeting by a majority vote of the members present.

### **CONDUCT OF MEETINGS**

- 8.16 The directors may make by-laws, governing the conduct of all meetings of the directors and of the members, subject to the following:
- (a) Any member desiring to propose a motion or amendment or to discuss any matter under consideration shall rise and address the chairman. The right to speak on any subject shall belong to the member who in the opinion of the chairman first rises to address him. No member shall speak more than once upon any motion or amendment

without the consent of the meeting save for the purpose of replying subsequent to sub-clause (d) hereof.

(b) Any motion or amendment not seconded shall not be discussed and lapse.

(c) Each member shall be entitled to speak in succession either for or against any question and if, at the conclusion of one person's remarks, no member rises to speak, the motion or amendment shall be put to the meeting.

(d) The mover of any motion or amendment shall have the right to reply, and after he has replied, no further discussion shall be allowed.

(e) No member when speaking shall be interrupted unless called to order by the chairman when he shall sit down; the chairman may then permit that member to resume speaking.

(f) When the chairman rises during a debate the member then speaking shall sit down so that the chairman may be heard without interruption.

(g) No motion or amendment shall be considered unless the mover thereof is present when the motion or amendment is voted on.

(h) Any member whose right to vote is challenged shall not vote until he satisfies the chairman that he is entitled to vote.

**SECTION NINE – EFFECTIVE DATE**

9.01 This By-law shall come into force when confirmed by the members in accordance with the Act.

PASSED by the Board this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

CONFIRMED by the Board this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Secretary

**BY-LAW NO. 3 - ELECTION BY-LAW**

**A BY-LAW RELATING TO THE CONDUCT OF ELECTIONS OF THE GREEK  
COMMUNITY OF TORONTO**

**PART I:**

**DEFINITIONS**

1.01 In this By-law,

- (a) "Assistant Chairman" means a person elected by the members of the Election Committee to assist the Chairman in the conduct of the election;
- (b) "Associate Chairman" means a person elected by the Election Committee to assist the Chairman in the performance of his duties;
- (c) "Candidate" means a person who is nominated in accordance with this By-Law for election to the Governing Council;
- (d) "Chairman" means a person who is elected in accordance with Section 4.05 of this By-Law;
- (e) "Community" means the Greek Community of Toronto;
- (f) "Constable" means a person appointed by the Chairman to maintain peace and order at an election;
- (g) "Corporation" means the Greek Community of Toronto;
- (h) "Election" means an election of a member or members to serve on the Governing Council;
- (i) "Election assistant" means a person elected by the Election Committee to assist in the conduct of an election;
- (j) "Election clerk" means a person elected by the Election Committee to assist the Assistant Chairman in a voting station;
- (k) "Election Centre" is the head office of the Election Committee and the place where the totaling of the votes is to take place;
- (l) "Electoral division" consists of the members affiliated with one of the churches maintained and operated by the Corporation;

- (m) "Election officer" or "election official" includes any Assistant Chairman, election clerk, election assistant or any other person having any duty to perform pursuant to this By-Law;
- (n) "Election Tribunal" means the body of persons appointed pursuant to Section 6.01 of this By-Law;
- (o) "Election year" means a calendar year in which an election is held in accordance with the provisions of this By-Law;
- (p) "Elector" means a person entitled under this By-Law to vote in an election;
- (q) "General Assembly" means the membership of the Community;
- (r) "Governing Council" means the Board of Directors of the Corporation;
- (s) "Member" means a member of the Community;
- (t) "Nomination day" means the last day for filing nominations;
- (u) "Official List of Electors" means the list of electors for each electoral division revised and certified by the Chairman in accordance with this By-Law;
- (v) "Register of members" means the list of members maintained by the Corporation commencing January 1980;
- (w) "Regular election" means an election required to be held under Section 3.04 of this By-law;
- (x) "Scrutineer" means any person appointed by a candidate to represent him in a voting station. There may be no more than one scrutineer for every voting station for every ten Candidates;
- (y) "Secretary" means the Secretary of the Community; and
- (z) "Voting station" means the place in which the facilities for the conduct of the vote are situate.

**PART II:**

**ADMINISTRATION**

**ELECTION COMMITTEE**

**GENERAL**

2.01 The General Assembly shall appoint as a committee of members an Election Committee composed of eleven (11) persons no later than the first day of June in an election year.

**QUALIFICATIONS**

2.02 No person shall be appointed to the Election Committee, unless he is:

- (a) a Canadian Citizen or landed immigrant;
- (b) at least eighteen years of age; and
- (c) a member in good Standing of the Community.

**DISQUALIFICATIONS**

2.03 The following persons shall not be appointed or act as members of the Election Committee:

- (a) Members of the Governing Council;
- (b) Employees of the Community; and
- (c) Members of the Election Tribunal.

**OFFICERS**

2.04 Within ten (10) days of its appointment, the Election Committee shall convene a meeting and elect from its members the following positions:

- (a) Chairman;
- (b) Associate Chairman;

(c) As many Assistant Chairmen as there are electoral divisions; and

(d) As many election assistants as there are electoral divisions.

The remaining members of the Election Committee shall serve as clerks.

### **TERM OF OFFICE**

2.05 Subject to the provisions of this By-Law and unless otherwise determined by the General Assembly, the Chairman of the Election Committee shall hold office until the first meeting of the General Assembly held immediately following the election.

### **GENERAL POWERS AND DUTIES OF CHAIRMAN**

2.06 The Election Committee, through its Chairman, shall be responsible for the administration of this By-Law and shall exercise and perform all the powers and duties specified in this By Law.

### **SPECIAL POWERS AND DUTIES OF CHAIRMAN**

2.07 Without limiting the generality of Section 2.06 the Chairman shall:

(a) Exercise general direction and supervision over the administrative conduct of elections and enforce on the part of all election officers fairness, impartiality, and compliance with the provisions of this By-Law;

(b) Appoint, in writing and in a prescribed form, all election officers not elected;

(c) Issue to election officers such directions or instructions as from time to time the Election Committee may deem necessary and appropriate so as to ensure effective execution of the provisions of this By-Law; and

(d) Execute and perform all other powers and duties assigned to him by this By- Law in a fair and impartial manner.

### **POWER TO ADAPT BY-LAWS**

2.08 Where during the course of an election it appears to the Election Committee or the Chairman that, by reason of any mistake, miscalculation, emergency or unusual or unforeseen circumstance, any of the provisions of this By-law do not accord with the exigencies of the situation, the Chairman or the Election Committee may, by particular or



general instructions, extend the time for doing any act, increase the number of election officers or voting stations or otherwise adapt any of the provisions of this By-Law to the execution of its intent to such extent as is considered necessary to meet the exigencies of the situation.

- 2.09 The Election Committee or the Chairman shall not exercise the discretion granted pursuant to Section 2.09 in such a manner as to permit a nomination paper to be received after six (6) o'clock in the afternoon on nomination day or to permit a vote to be cast before or after the hours fixed in this By-Law for the opening and closing of the voting station on voting day.
- 2.10 Notwithstanding Section 2.10 where:
- (a) An Assistant Chairman informs the Chairman that by reason of accident or other emergency, it has been necessary to suspend voting at any voting station during any part of the ordinary election day; and
  - (b) The Chairman is satisfied that, if the hours of voting at the voting station are not extended, a substantial number of electors who are qualified to vote at the voting station will be unable to vote thereat, the Chairman may extend the hours of voting at the voting station to allow votes to be cast on voting day after the hour fixed by or pursuant to this By-Law for the voting station, but shall not, so doing, permit votes to be cast at the voting station during an aggregate of more than nine (9) hours.
- 2.11 Any action, decision or direction taken or given in accordance with the provisions of Section 2.09 and 2.11 is not open to question, but the Chairman shall give notice of any such action, decision or direction to any Candidate or Candidates who may be affected by such action.

## **COMMUNICATION WITH SECRETARY**

- 2.12 The Chairman shall communicate with the Secretary for the purposes of this By-Law.

## **DELEGATION**

- 2.13 The Chairman may delegate in writing to any officer on his staff authority to exercise any power and perform any duty, other than those mentioned in Sections 2.09 and 2.11, assigned to him by this By-Law.

## **FORMS**

- 2.14 The Election Committee shall prescribe the forms for use under this By-Law.

## **PERSONS EXCLUDED FROM BEING ELECTION OFFICIALS**

2.15 The following persons shall not be appointed or act as election officials:

- (a) Candidates;
- (b) Employees of the Community;
- (c) Members of the Election Tribunal; and
- (d) Members of the Governing Council.

## **REMOVAL FROM OFFICE**

2.16 The Election Committee may remove from office any election official who, in its opinion:

- (a) Is incapable, by reason of illness or otherwise, of satisfactorily performing his duties under this By-Law;
- (b) Has failed to discharge competently any of his duties under this By-law; or
- (c) Has, at any time after his appointment, been guilty of politically partisan conduct, whether or not in the course of the performance of his duties under this By-Law.

## **VACANCY**

2.17 Where any election official has been removed pursuant to the provisions of Section 2.17 or a vacancy has occurred by reason of resignation or otherwise, the Election Committee shall appoint another person to the place and stead left vacant by the removal or resignation of the election official.

## **APPOINTMENT AND QUALIFICATION OF ASSOCIATE CHAIRMAN**

2.18 The Associate Chairman shall be elected in accordance with Section 2.04 of this By-Law.

## **POWERS AND DUTIES OF ASSOCIATE CHAIRMAN**

2.19 The Associate Chairman shall assist the Chairman in the performance of his duties and be under the direction of the Chairman.

- 2.20 Notwithstanding Section 2.20, in the absence or illness of the Chairman or if the office of Chairman is at any time vacant, the Associate Chairman shall act in his place and, while so doing, shall possess the same powers and perform the same duties as the Chairman.

#### **APPOINTMENT OF ASSISTANT CHAIRMEN**

- 2.21 The Assistant Chairmen shall be elected in accordance with Section 2.04 of this By-Law.
- 2.22 Each Assistant Chairman shall be responsible for the conduct of the vote in his electoral division subject to directions from the Chairman.
- 2.23 The Chairman shall, upon the completion of election in accordance Section 2.04 of with this By-Law, notify the Secretary of the names and positions of each member of the Election Committee.

#### **POWERS AND DUTIES OF ASSISTANT CHAIRMEN**

- 2.24 Each Assistant Chairman shall consult with, direct and supervise the election officers and election clerks in the performance of their duties for the electoral division of his appointment.

#### **ASSISTANT CHAIRMEN'S REFUSAL OR INCAPACITY TO ACT**

- 2.25 If a person appointed as Assistant Chairman dies, refuses to act, is incapacitated, resigns, or is discharged pursuant to Section 2.17 another person shall be appointed by the Election Committee as Assistant Chairman if the circumstances permit it.

#### **ELECTION OFFICERS AND ELECTION CLERKS**

- 2.26 The Election Committee shall appoint an election officer and an election clerk for each voting station established in each electoral division.

#### **ELECTION ASSISTANTS**

- 2.27 The Election Committee may appoint election assistants to assist them in the performance of their duties and provide for such clerical and other assistance as is necessary for such purpose.

## **CONSTABLES**

- 2.28 The Chairman may appoint at least one Constable to maintain-order at each voting station.

## **PART III:**

### **PROCEEDINGS PRELIMINARY TO ELECTIONS**

#### **GENERAL**

#### **TERM OF OFFICE**

- 3.01 Notwithstanding any other general or special by-law the term of office of the Governing Council, the election to which is governed by this By-Law, shall be three (3) years, commencing on the first (1st) day of January immediately following the regular election.
- 3.02 The holders of office hold office until their successors are elected and the newly elected Governing Council is organized.
- 3.03 An election shall be held in accordance with this By-Law for the Community in the year 2003 and in every third year thereafter.

#### **VOTING DAY**

- 3.04 Voting day in a regular election shall be the fourth Sunday in November in each election year.

#### **QUALIFICATION OF ELECTORS**

- 2.05 A person is entitled to vote in the regular election held pursuant to this By-Law if he:
- (a) Is at least eighteen (18) years old, and
  - (b) Has been a member in good standing of the Community for at least three (3) months immediately preceding voting day.

## **ELECTORAL DIVISIONS**

3.06 There shall be at least one (1) electoral division. There may be more than one electoral division if the Governing Council so decides.

## **DIRECTIONS TO THE SECRETARY**

3.07 The Chairman shall, not later than the fifteenth day of July in an election year:

- (a) Direct the Secretary to supply him with a copy of the register of members for each electoral division;
- (b) Prepare a budget itemizing the costs associated with the conduct of the election; and
- (c) Direct the Secretary to prepare for each electoral division a preliminary list of the electors in accordance with the provisions of Sections 3.09 .

## **APPROVAL OF BUDGET AND ALLOCATION OF FUNDS**

3.08 The Governing Council shall approve the budget submitted by the Chairman on behalf of the Election Committee, subject to any modifications, which the Governing Council deems appropriate, and shall allocate the necessary funds for use by the Chairman on or before the first day of September in each election year.

## **PREPARATION OF PRELIMINARY LIST OF ELECTORS**

### **GENERAL**

3.09 The Secretary shall prepare a preliminary list of electors for each electoral division from the latest register of members.

3.10 The preliminary list of electors shall contain only the following lists, organized in alphabetical order:

- (a) A list of the names of persons entitled to vote at the regular election in accordance with the provisions of Section 2.05; and
- (b) A supplementary list of members whose membership will expire before the date on which the election is to take place and who will be eligible to vote only if they renew their memberships.

(1) The preliminary and supplementary list of electors shall be in a prescribed form and shall state:

- (a) the name of each elector;
- (b) the address of each elector;
- (c) the expiry date of his membership; and
- (d) the number of his membership card.

(2) The name of an elector shall not be entered in the preliminary list of electors for more than one electoral division.

### **CERTIFICATION BY SECRETARY**

3.11 The preliminary list of electors prepared by the Secretary under Section 3.10 shall be certified by him to be a true and correct list of all members who are in good standing as of that date and entitled to vote on the voting day.

### **PRELIMINARY LIST OF ELECTORS TO BE FINAL UNLESS OTHERWISE AMENDED**

3.12 Subject to Sections 46, 47 and 48, the preliminary list of electors prepared and certified by the Secretary shall be final and conclusive as to the right of every member named thereon to vote. Any person not named thereon shall not be entitled to vote.

### **PRELIMINARY LIST DELIVERED TO CHAIRMAN**

3.13 The Secretary shall deliver the preliminary and supplementary list of electors to the Chairman on or before the first day of October in each election year.

### **CORRECTION OF LIST IF MANIFEST ERRORS**

3.14 Where it is apparent to the Chairman that the preliminary list of electors or part thereof contains gross or manifest errors, the Chairman shall, prior to the printing or reproduction of the preliminary list required under Section 45, request the Secretary to make the necessary corrections.

### **PRINTING AND POSTING OF PRELIMINARY LIST OF ELECTORS BY THE CHAIRMAN**

3.15 The Chairman shall:

- (a) Cause the preliminary and supplementary lists of electors to be printed or reproduced;
- (b) Cause to be posted a copy of the preliminary list of electors for each electoral division and a copy of Sections 46, 47 and 48 of this By-Law in a conspicuous place in his office and in any other public place that he considers appropriate;
- (c) Cause to be posted in a conspicuous place in each electoral division a copy of the electoral division's preliminary and supplementary lists of electors and a copy of Sections 46, 47 and 48 of this By-Law;
- (d) Cause notice of the posting referred to in clauses (b) and (c) in prescribed form to be published at least once in print media having general circulation in the Greek continuity;
- (e) Cause notice of the posting referred to in clauses (b) and (c) to be communicated by any other means likely to bring it to the attention of the members; and
- (f) Cause a notice to be mailed by ordinary mail to every person whose name appears on the preliminary list of electors showing the electoral division at which he is entitled to vote.

#### **REVISION OF PRELIMINARY LIST OF ELECTORS APPLICATION TO DELETE NAME**

- 3.16 (1) Any member may apply to the Chairman on or before the tenth day of November in an election year to have the name of any person deleted from the preliminary list of electors on the grounds that the person is not qualified as an elector.
- 3.17 (2) Every application pursuant to subsection (1) shall be in writing and in a prescribed form and shall specify the grounds on which the applicant alleges the person is not eligible to be an elector.

#### **APPLICATION TO CORRECT ERROR**

3.18 A person:

- (a) Who is qualified as an elector in accordance with the provisions of Section 34, but whose name does not appear on the preliminary list of electors;
- (b) Whose name is listed in error on the preliminary list of electors; or

(c) Whose name is listed on the preliminary list of electors in the incorrect electoral division;

May apply, on or before the tenth day of November in an election year to the Chairman to correct the error, or omission by filing, in a prescribed form, with the Chairman, the information necessary to correct the error or omission. A member whose name appears on the supplementary list of electors shall be entitled to vote upon renewal of his membership by the Monday immediately preceding the voting day.

### **DELINQUENT MEMBERS**

3.19 (1) A member duly enrolled in the register of members but delinquent. in his financial obligations may renew his membership on or before the Monday immediately preceding the voting day, and the Secretary shall instruct the Chairman to enter his name on the preliminary list of electors.

(2) A member whose name does not appear on the register of members through inadvertence shall, upon production of an official receipt or a membership card or the manual members card kept by the Corporation, be entered in the register of members and Section 47 shall apply with the appropriate changes.

### **CHAIRMAN TO CONSIDER APPLICATIONS FOR THE REVISION OF THE PRELIMINARY LIST OF ELECTORS**

3.20 The Chairman shall, not later than the fifteenth day of November in an election year, consider and dispose of all applications made pursuant to Sections 46 and 47 herein.

### **NOTICE OF PROCEDURE WHERE REVISIONS ARE CONSIDERED**

3.21 An applicant under Section 47 shall be notified by the Chairman of the date, place and time of the hearing.

### **PROCEDURE WHEN APPLICATION IS REFUSED**

3.22 If it appears to the Chairman that an application under Section 47 should be refused, the decision shall be endorsed on the application along with his reasons and the applicant informed of the decision.



### **PROCEDURE WHERE APPLICATION IS FOR DELETION OF NAME**

- 3.23 (1) An application under Section 46 shall be accompanied by written proof, in a manner satisfactory to the Chairman, of service to the person whose name is sought to be deleted from the preliminary list of electors.
- (2) On the day fixed for the hearing the applicant shall attend before the Chairman and present evidence to establish the validity of such application. The Chairman, upon review of the evidence, may delete the name or names in question from the preliminary list of electors.
- (3) Where under this section for any reason the name of a person is deleted from the preliminary list of electors, the Chairman shall forthwith cause to be served personally on or sent by registered mail to that person at the address given in the preliminary list of electors a notice indicating the reason for which that person's name was deleted and advising him of the qualifications of an elector set out in Section 34 herein.

### **DECISION FINAL**

- 3.24 The decision of the Chairman to enter, correct or delete the name of a person as an elector from the preliminary list of electors is final for the purpose of this By-Law.

### **STATEMENT OF CHANGE**

- 3.25 Upon the determination of all applications for revision of the preliminary list of electors filed on or before the last day of filing applications for revision thereof, the Chairman shall compile a statement of inclusions in, additions and changes to and deletions from the preliminary list of electors indicating the full name, address and membership card number of each person who is the subject of the inclusion, addition, change or deletion.

### **OFFICIAL LIST OF ELECTORS**

- 3.26 (1) After compilation of the statement required under Section 54, and after the receipt of the notice given pursuant to Section 48, the Chairman shall prepare the list of electors for each electoral division by making the appropriate changes in the preliminary list of electors in accordance with the statement and shall certify the preliminary list of electors as so revised.
- (2) The list of electors as prepared and certified by the Chairman pursuant to subsection 1 is the Official List of Electors.
- (3) No person is entitled to vote at the regular election unless his name appears on the official List of Electors certified under subsection 1 for the electoral division in which he tenders his vote.

- 3.27 The Chairman shall supply at least one copy of the Official List of Electors to the Secretary and to each Assistant Chairman for use at the regular election.
- 3.28 The Chairman shall provide, on request and upon payment of a prescribed fee, a copy of the preliminary list of electors, the supplementary list of electors and the Official List of Electors for each electoral division to each Candidate. The prescribed fee shall reflect the cost of producing the lists.

## **IRREGULARITIES**

- 3.29 An irregularity in the preparation or revision of the list of electors is not grounds for questioning the validity of an election.

## **PART IV:**

### **CANDIDATES AND NOMINATIONS**

#### **QUALIFICATIONS**

##### **GENERAL**

- 4.01 Any member may be a Candidate in an election provided that:
- (a) He is a Canadian citizen or landed immigrant;
  - (b) He is at least eighteen years of age;
  - (c) He is a member in good standing of the Community;
  - (d) He has been or will have been a member in good standing of the Community for at least one period of twelve (12) consecutive months during the sixty (60) month period preceding the election date; and
  - (e) He does not have a criminal record.

#### **NOMINATIONS**

#### **PROCEDURE**

4.02 (1) A member shall be nominated as a Candidate by filing a nomination paper in the prescribed form with the Chairman which:

(a) shall be signed by two (2) electors whose names appear on the preliminary list of electors;

(b) shall state the name and address of the nominee;

(c) shall state the name and address of each nominator;

(d) shall be signed by the nominee consenting to the nomination; and

(e) shall be accompanied by a deposit in cash or cheque payable to "Greek Community of Toronto" in the amount of \$50.00, which shall be nonrefundable.

(2) Each Candidate shall be nominated by a separate nomination paper, and an elector may sign the nomination papers of more than one Candidate.

#### **CERTIFICATION**

4.03 Where a nomination paper is filed in the office of the Chairman, the paper shall be examined by the Chairman and, if he is satisfied that the requirements of Section 60 are met, he shall so certify in writing.

#### **TIMING**

4.04 (1) The time period for filing nomination papers shall close at 6:00 p.m. on the last Saturday of October in an election year.

(2) All nominations shall be received by the Chairman not later than the time specified in subsection (1).

#### **LIST OF NOMINEES**

4.05 (1) The Chairman shall establish and monitor a list of nominees whose nomination has been certified by him in accordance with Section 61 and the list shall be completed within 48 hours of the close of nominations.

(2) A list of Candidates prepared in accordance with Section 63 shall be posted in the office of the Chairman and other conspicuous places open to inspection by the public and shall be published at least once in print media having general circulation in the Greek community.

- (3) A Candidate may withdraw his nomination, in writing, at any time up to twenty-four (24) hours after the close of nominations and such, withdrawal shall be final.

## **PART V:**

### **PROCEDURES REGARDING VOTING**

#### **VOTING**

##### **BALLOTS**

- 5.01 Voting shall be by secret ballot.
- 5.02 The ballot shall be prepared by the Chairman and printed by bonded printers in the prescribed form.
- 5.03 (1) The Chairman shall provide each voting station with a ballot box of durable material with lock and key, which is so constructed such that the ballots deposited therein cannot be withdrawn without unlocking the box.
- (2) When delivering the ballot papers to the Assistant Chairmen the Chairman shall certify the number of ballots so delivered and upon receiving them the Assistant Chairmen shall make a count of the ballot papers and shall sign a receipt therefore.

##### **TIME FOR VOTING**

- 5.04 Each voting station in each electoral division shall open at 12:00 noon and shall close at 7:00 p.m. on the voting day.
- 5.05 Each member shall be entitled to vote for as many Candidates as there are members on the Governing Council but only once for each Candidate.
- 5.06 Each Assistant Chairman shall, immediately before opening the voting station in his electoral district, show the ballot box to such persons as are present in the voting station 45 so that they may see if it is empty, and he shall then lock the box and place his seal upon it in such a manner as to prevent it being opened without breaking the seal, and he shall keep the box so locked and sealed until the box is required to be opened for the purpose of counting the votes under Section 75 hereafter.
- 5.07 (1) Where a person enters the voting station and requests a ballot paper, the election clerk shall proceed as follows:

(a) The election clerk shall ascertain that the name of such person or a name apparently intended for it is entered in the list of electors for the electoral division and the election clerk shall, on a separate list of electors, delete the name of the said person from such list of electors.

(b) The election clerk shall indicate on his list of electors opposite the person's name the numerical order in which the person was given his ballot paper.

(c) If the election clerk is satisfied that such person is the person designated on the list of electors and is otherwise entitled to vote and if no candidate or scrutineer objects to voting by such person, the election clerk shall put his initials on the back of a ballot paper, so placed that when the ballot is folded they can be seen without opening it and shall deliver the ballot paper to such person.

(d) If voting by such person is objected to by any Candidate or scrutineer, the Assistant Chairman shall enter the objection or cause it to be entered on the list of maintained by the election clerk by writing opposite the name of such person the words "Objected to by (name of Candidate on whose behalf the objection was made) and the Assistant Chairman shall require the person in respect of whom the objection was made to take the prescribed oath.

(e) The Assistant Chairman may, and upon request, shall either personally or through the election clerk explain to the elector as concisely as possible the mode of voting.

(2) Every elector qualified to vote in an electoral division who is inside the voting station at the time fixed for closing the voting station is entitled to vote.

5.08 Upon delivery to him of a ballot paper by an election clerk the person receiving it shall:

(a) Forthwith proceed into the compartment provided for the purpose and shall then and there mark his ballot paper with a cross or other mark with a pen or pencil within the circle or circular space to the right of the name of a Candidate or Candidates for whom he intends to vote;

(b) Then fold the ballot paper so as to conceal the names of the Candidates and the marks upon the face of it and so as to expose the initials of the election clerk;

(c) Then leave the compartment without delay, and without showing the face of the ballot paper to anyone, or so displaying it as to make known how he has marked it;

(d) Then deliver the ballot paper so folded to the election clerk; and

(e) Then forthwith depart from the voting station.

- 5.09 (1) Upon delivery of a ballot paper to him by an elector, the election clerk, without unfolding the ballot paper or in any way disclosing the names of the Candidates or the Marks made by the elector, shall verify his own initials and at once deposit the ballot paper in the ballot box in the presence of all persons entitled to be present and then present in the voting station, at which time the elector shall forthwith leave the voting station.
- (2) A person whose ballot has been placed in the ballot box by the election clerk shall be deemed to have voted.
- 5.10 (1) The Chairman, the Assistant Chairman, the election clerk, the Constable or Constables, any Candidate or, in his absence, his scrutineer, and no others shall be permitted to remain in the voting station during the time the poll is open or to be in the voting station at the counting of the votes.
- (2) No campaign material or literature of any nature whatsoever of any Candidate in the election shall be displayed or distributed within the voting station.

## **COUNTING THE VOTES**

### **TRANSFER TO ELECTION CENTRE**

- 5.11 Immediately after the close of the poll, the Assistant Chairman at each electoral division shall direct the election officers at each voting station to:
- (a) Place all the cancelled, declined and unused ballots in separate sealed envelopes;
- (b) Count the number of electors whose names appear on the list of electors maintained by the election clerk that have voted and make an entry at the end thereof: - "The number of electors who voted at this election in this voting station is (stating the number) and sign his name thereto;
- (c) Collect the ballot box and all other material used for voting and together with a Constable and at least two (2) scrutineers deliver the ballot box and materials to the election centre without delay.

### **TOTALING OF VOTES**

- 5.12 (1) After compliance with Section 74, the Assistant Chairman shall direct an election officer from each voting station to open the ballot box for his voting station and to proceed to count the number of votes for each candidate in the presence and in full view of the persons entitled to be present and giving full opportunity to those present to examine each ballot.

- (2) In counting the votes, the election officer shall reject all ballots:
- (a) that have not been supplied by him;
  - (b) upon which an elector has selected more candidates than the maximum number for which he is permitted to vote; or
  - (c) upon which there is any writing or mark by which the elector can be identified, or that has been so torn, defaced or otherwise dealt with by the elector that he can thereby be identified; but no word, letter or mark written or made or omitted to be written or made by the election clerk on a ballot voids it or warrants its rejection.
- 5.13 (1) A Candidate or a scrutineer may object to a ballot or to the counting-of votes in any ballot in whole or in part on the ground that the ballot or such votes should be rejected under Section 75 and the election officer from the relevant voting station shall decide the objection, subject to review on a recount.
- (2) The election officer shall list all objections under subsection (1) to the counting of ballots or of votes therein and number such objections and shall place the number of the objection on the back of the ballot objected to and initial the number.
- 5.14 The election officer shall count all votes cast-at his voting station that are not rejected and shall keep an account of the number of votes so cast and allowed for each candidate.
- 5.15 Following count of the votes from his voting station, an election officer shall place in separate sealed packets:
- (a) All used ballots that have not been objected to and have been counted;
  - (b) All used ballots that have been objected to but which have been counted;
  - (c) All rejected ballots; and
  - (d) All ballots used but unmarked.
- 5.16 The election officer shall endorse every packet of ballots made up by him under Section 74 or Section 78 so as to indicate its contents and any Candidate or scrutineer present may write his name on the packet.
- 5.17 (1) The election officer shall make out, for each voting station, a statement in duplicate setting out the number of:
- (a) ballots received from the Chairman;

- (b) votes given for each Candidate;
- (c) used ballots that have not been objected to and have been counted;
- (d) ballots that have been objected to but which have been counted;
- (e) rejected ballots;
- (f) cancelled ballots;
- (g) ballots used but unmarked;
- (h) declined ballots; and
- (i) unused ballots.

(2) The duplicate statement shall be attached to the list of electors maintained by the election clerk and the original statement enclosed in a special packet shall be delivered to the Chairman as provided herein.

(3) The statement shall be signed by the Assistant Chairman and the election clerk and such of the Candidates or their scrutineers as are present and desire to sign it.

(4) The Assistant Chairman shall deliver to such of the Candidates or their scrutineers as are present, if requested to do so, a certificate as to the number of ballots counted for each candidate and the number of rejected ballots.

5.18 (1) The Assistant Chairman shall place in the ballot box the list of electors maintained by the election clerks at each voting station, the packets containing the ballots and all other documents or packets that served at the election except the original statement.

(2) The Candidates or their scrutineers are entitled to be present when the ballot box and documents for a voting station are delivered to the Chairman under this section.

(3) An Assistant Chairman, after the close of the poll, shall not under any circumstances take, or allow to be taken, the ballot box to any place except the office of the Chairman, or to such other place as the Chairman has in writing directed.

5.19 (1) The Chairman, after he has received the ballot boxes and other documents referred to in Section 81, shall, without opening any of the ballot boxes, add up from the original statements showing the number of votes for each Candidate at each electoral district the total number of votes for each Candidate.

(2) After adding up the total number of votes cast at an election, the Chairman shall, at the Chairman's office at noon on the Tuesday following the day on which the polling is held, or at such earlier time as results are available, publicly declare to be elected the



Candidate or Candidates having the highest number of votes and he shall also post up in some conspicuous place a statement under his hand showing the number of votes for each Candidate.

- 5.20 Except as provided in this section, the Chairman, upon the receipt of a ballot box and the documents referred to in Section 81, shall take every precaution for their safekeeping in a senior financial institution and for preventing any other person from having access to them, and shall immediately on receipt of the ballot box seal it with his own seal in such a way that it cannot be opened without his seal being broken, and that any other seals affixed to it are not effaced or covered.
- 5.21 (1) If, upon the adding up of the votes, two or more Candidates have an equal number of votes where both or all of such Candidates cannot be declared elected the Chairman shall publicly declare the result and post up in a conspicuous place a statement showing the number of votes for each Candidate.
- (2) In the event subsection (1) applies, the Candidates affected shall attend at the office of the Chairman and shall draw lots in order to determine the successful Candidate.

## **PART VI:**

### **APPEALS**

#### **APPOINTMENT OF ELECTION TRIBUNAL**

- 6.01 The Election Tribunal shall be appointed by the General Assembly, upon the recommendation of the Governing Council, and consist of:
- (a) A barrister and solicitor;
  - (b) The senior priest of the community; and
  - (c) A chartered accountant or similarly qualified professional.

## RECOUNTS

- 6.02 (1) If, within two days after the declaration by the Chairman of the result of an election, upon an application of a Candidate, it is made to appear by affidavit 50 to the Election Tribunal that the votes have been improperly counted or any ballot paper has been improperly rejected or that an incorrect statement of the number of votes cast for any Candidate has been recorded or that the votes have been improperly added up, and if within that time the applicant has served a copy of the application, including his affidavit, upon each Candidate involved in the election which is the subject of the application, and upon the Chairman, and has given security for the costs in connection with the recount or final addition of any Candidate declared elected in the sum of \$500.00, the Election Tribunal shall appoint a date and time and place to recount or make a final addition of the votes cast at the election and shall notify in writing the Chairman who made the declaration at least five days prior to the date set for the recount or final addition.
- (2) Where an application is made under subsection (1), the Election Tribunal may determine which ballot boxes shall be opened for the purpose of the recount.
- (3) At least five days, notice in writing of the time and place appointed shall be given by the Chairman to the Candidates and to the applicant, and the Chairman or a person appointed by the Chairman for that purpose shall attend the recount or final addition with the ballot boxes and all documents relating to the elections.
- (4) The Election Tribunal, the Chairman and such persons as might be appointed by the Election Tribunal are entitled to be present at the recount.
- (5) Where a recount relates to the election of a Candidate, the recount shall be of the votes cast respectively for the Candidate declared elected when one only is to be elected or in other cases for the Candidate who received the lowest number of votes of those declared elected by the Chairman and for the defeated Candidate who received the highest number of votes for the same office unless any other Candidate in writing requires the votes cast for him to be recounted or the votes cast for him to be finally added.
- (6) Notwithstanding subsection (5), the Election Tribunal conducting the recount may order the recount of the votes cast for any other Candidate whose election or right to the office may be affected in any way by the recount conducted under subsection (5).
- (7) Upon the completion of a recount, or final addition, the Election Tribunal shall forthwith notify the Chairman in writing as to the result of the recount or final addition and announce the results to persons present at the recount, at which time all the ballots and statements shall be sealed in separate packets in the manner prescribed by the Election Tribunal.
- (8) If the applicant is totally successful, the security for costs given under subsection (1) shall be refunded.

(9) Any decision of the Election Tribunal is final, binding and not subject to appeal by any person.

## **RETENTION OF RECORDS**

6.03 (1) The Chairman shall retain in his possession for forty-five days. after voting day all the ballots submitted to him following the election and, unless otherwise directed by an order of the Election Tribunal, shall then destroy them in the presence of two witnesses, who shall make a statutory declaration that they witnessed the destruction of them and such declaration shall be filed in the office of the Chairman.

(2) Subject to subsection (1), the Chairman shall retain in his possession all oaths, nominations, qualification documents, statements of the votes cast, and other documents relating to an election until the successors to the persons elected at such election have taken office and may then destroy them.

6.04 No person shall be allowed to inspect the contents of a ballot box in the custody of the Chairman.

6.05 Where an order is made for the production by the Chairman of any document in his possession relating to an election, the production of it by him in such manner as may be directed by the order is evidence that the document relates to the election, and any endorsement appearing on any packet of ballots so produced is evidence that the contents are what they are stated to be by the endorsement.

## **VALIDITY**

6.06 No election shall be declared invalid:

(a) by reason of any irregularity on the part of the Chairman or in any of the proceedings preliminary to the vote;

(b) by reason of a failure to hold a vote at any place appointed for holding a vote;

(c) by reason of non-compliance with the provisions of this By-Law as to the taking of the vote, as to the counting of the votes or as to limitations of time; or

(d) by reason of any mistake in the use of the prescribed forms; if it appears to the court having Jurisdiction that the election was conducted in accordance with the principles of this By-Law and that the irregularity, failure, non-compliance or mistake did not affect the result of the election.

## OFFENCES

- 6.07 (1) No person shall interfere or attempt to interfere with an elector when marking his ballot paper, or obtain or attempt to obtain at the voting station information as to how an elector is about to vote or has voted.
- (2) No person shall communicate any information obtained at a voting station as to how an elector at such voting station is about to vote or has voted.
- (3) No person shall, directly or indirectly, induce or attempt to induce an elector to show his ballot paper after he has marked it so as to make known to any person how he has voted.
- (4) An elector shall not show his ballot paper, when marked, to any person so as to make known how he voted.
- (5) No person who has voted at an election shall, in any legal proceeding to question the election or return, be required to state how or for whom he has voted.
- 6.08 (1) Every person who:
- (a) without authority, supplies a ballot to any person;
  - (b) places in a ballot box a paper other than the ballot that he is authorized by law to place therein;
  - (c) delivers to the election clerk to be placed in the ballot box any other paper than the ballot given to him by the election clerk;
  - (d) takes a ballot out of the voting station;
  - (e) without authority, takes, opens or otherwise interferes with a ballot box or books or packet of ballots or a ballot in use or used for the purpose of an election;
  - (f) being an election clerk, knowingly puts his initials on the back of any paper that is not a ballot, purports to be or is capable of being used as a ballot at any election; or
  - (g) attempts to commit any offence mentioned in the section; is guilty of a corrupt practice and is liable to have his membership revoked.
- (2) Notwithstanding subsection (1), if a candidate commits any of these aforementioned acts he shall be disqualified from sitting on the Governing Council and his membership shall be revoked for a period of at least 10 years.

(3) Every person who,

(a) induces or procures any person to vote knowing that that person has no right to vote; or

(b) before or during an election knowingly publishes a false statement of the withdrawal of a candidate;  
is guilty of a corrupt practice and is liable to have his membership revoked.

## **GENERAL**

6.09 At any time following certification by the Election Committee, and by the Election Tribunal if necessary, the elected members to the Election Committee shall take the oath of office.

6.10 This By-Law is to be known as the Election By-Law and replaces all existing by-laws governing elections of the Community.

## **APPENDIX:**

### **HISTORY & CONSTITUTIONAL AMENDMENTS**

May 21, 1909: Establishment of the Greek Community of Toronto.

July 21, 1965: Incorporation of The Greek Community of Metropolitan Toronto Inc. and adoption of its first corporate Constitution.

September 23, 1985: Issuance of Supplementary Letters Patent amending Constitution and By-Laws to their present content and structure.

June 7, 1992: Amendment of By-Law No.1 regarding Church Councils and Committees. Adoption of By-Law No.2 respecting the Ethnotopicous Sylllogous (Greek Associations)

September 30, 1992: Issuance of Supplementary Letters Patent amending Objects and Special Provisions to their present content.

June 2, 1996: Amendment of By-Law No.2 to its present content.

June 1, 2003: Amendment of By-Law No.1 changing the length of term in office of elected officials from two (2) years to three (3).

October 8, 2003: Issuance of Supplementary Letters Patent amending the name of the organization to "Greek Community of Toronto".

September 30, 2012 :Amendment: By-Law No 2.06: Sale or Mortgage of Property only with 2/3rds membership approval

March 6, 2016: Amendment: Objects of the Corporation as it related to the Greek Orthodox faith.