

M.O., 1996**Order number 96-06 of the Minister of Health and Social Services dated September 12, 1996**

An Act respecting health services and social services (R.S.Q., c. S-4.2)

By-law respecting the election procedure for the public meeting held by a public institution

WHEREAS under section 135 of the Act respecting health services and social services (R.S.Q., c. S-4.2), the election procedure to be followed at the public meeting held pursuant to that section shall be determined by by-law of the regional board;

WHEREAS under that same section, such by-law must be submitted to the Minister for approval;

WHEREAS under a duly adopted resolution, the Régie régionale de la santé et des services sociaux de Montréal-Centre has adopted the By-law respecting the election procedure for the public meeting held by a public institution and wish to submit the By-law to the Minister for approval:

WHEREAS it is expedient to approve the By-law attached hereto and entitled "By-law respecting the election procedure for the public meeting held by a public institution";

THEREFORE, the Minister of Health and Social Services decrees:

THAT the By-law attached hereto and entitled "By-law respecting the election procedure for the public meeting held by a public institution" be approved.

JEAN ROCHON,
*Minister of Health
and Social Services*

By-law respecting the election procedure for the public meeting held by a public institution

An Act respecting health services and social services (R.S.Q., c. S-4.2, s. 135)

**DIVISION I
GENERAL****§1. Scope**

1. This Regulation applies to the election, by an electoral college of the population at a public meeting held

pursuant to section 135 of the Act respecting health services and social services (R.S.Q., c. S-4.2), of the board of directors of a public institution.

§2. Returning officer

2. The regional board shall appoint a returning officer no later than 45 days before the date of the election. Where the returning officer is absent or unable to act, the regional board shall appoint a new officer.

3. Where the board of directors of an institution decides that the public meeting referred to in section 135 of the Act will be held in more than one location, the regional board shall also appoint a deputy returning officer for each such location. The regional board shall follow the same procedure in the case of the election of a board of directors formed to administer several institutions.

4. The duties of a returning officer are to

(1) receive candidacies and accept or refuse them, in accordance with the requirements of the Act;

(2) send the list of candidates to the executive director of the institution;

(3) inform the electors and candidates of the election procedure;

(4) appoint scrutineers to assist him in the performance of his duties;

(5) supervise the conduct of the election;

(6) count the votes;

(7) fill out the certificates of election drawn up in accordance with Schedules II and V and send a copy of Schedules I, II, V and VI to the regional board; and

(8) send the originals of Schedules I to VI to the executive director of the institution.

5. The duties of a deputy returning officer, performed under the authority of the returning officer, are to

(1) receive candidacies and forward them to the returning officer;

(2) inform the electors and candidates of the election procedure;

(3) appoint scrutineers to assist him in the performance of his duties;

- (4) supervise the conduct of the election;
- (5) count the votes; and

(6) send the nomination papers and ballot papers to the returning officer.

6. The returning officer and deputy returning officers are not entitled to vote in the election.

§3. *Executive director*

7. The executive director of the institution shall provide the returning officer and deputy returning officers with the technical and administrative support required for the performance of their duties.

He shall keep in sealed envelopes the originals of Schedules I to VI for a period of not less than 180 days from the date on which the votes are counted or re-counted, as the case may be, or, where an election is contested, until such time as the Commission des affaires sociales has rendered its decision.

DIVISION II ELECTION PROCEDURE

§1. *Election notice*

8. The executive director of the institution shall give notice of the election no later than 45 days before the date of the election. He shall do so by means of at least two media, including a newspaper distributed in the region in which the institution's facilities are located.

The election notice shall also be posted, within the same time, in at least one location accessible to the public, including individuals with a physical handicap, within each of the institution's facilities. The notice shall mention the restrictions set out in the Act and shall describe the nomination procedure provided for in sections 9 and 10.

No later than five days after having given notice of the election, the executive director shall send a copy of the notice to the returning officer and, as the case may be, the deputy returning officer.

§2. *Nominations*

9. A nomination is made by means of a nomination paper drawn up in accordance with Schedule I.

A nomination paper shall be signed by the candidate and countersigned by two members of the electoral college of the population. It shall be submitted to the re-

turning officer or the deputy returning officer no later than 25 days before the date of the election, before 5:00 p.m.

10. A candidate who files a nomination paper and the persons who countersign such paper shall at the same time submit to the returning officer or the deputy returning officer a declaration drawn up in accordance with Schedule VI.

A candidate who consents to such nomination may also fill out an information sheet drawn up in accordance with Schedule VII and submit it to the returning officer or the deputy returning officer.

11. Where a deputy returning officer receives a nomination paper, he shall promptly forward it to the returning officer, along with any information sheet submitted.

12. The returning officer shall accept or refuse a nomination paper no later than two days after receiving it and shall give written notice of acceptance or refusal to the person who filed the paper.

§3. *Election by acclamation*

13. At the close of nominations, if the number of candidates is less than or equal to the number of seats to be filled, the returning officer shall declare the candidates elected. He shall then fill out the certificate of election by acclamation drawn up in accordance with Schedule II and shall send a copy of Schedules I and II to the regional board within 10 days. Within the same time, he shall send the originals of Schedules I, II and IV to the executive director of the institution.

No later than 15 days before the date of the election, the executive director shall publish in at least one newspaper distributed in the region in which the institution's facilities are located a notice indicating the names of the persons elected and stating that no election will be held.

The executive director shall, within the same time, post the same notice in at least one location accessible to the public within each of the institution's facilities.

§4. *Election not held*

14. At the close of nominations, if there are not enough candidates for an election to be held, the returning officer shall so inform the regional board within three days. Within the same time, he shall send the originals of Schedules I and VI to the executive director of the institution.

The provisions of this section shall apply if an election is not held at any other stage during the procedure.

§5. Polling notice and list of candidates

15. At the close of nominations, where there are more candidates than seats to be filled, the returning officer shall draw up a list of the candidates and shall send it to the executive director of the institution within three days.

No later than 15 days before the date of the poll, the executive director shall publish, by means of at least two media including at least one newspaper distributed in the region in which the institution's facilities are located, a notice indicating the date, time and place of the poll and a list of the candidates. The polling period indicated in the notice shall last from at least 5:00 p.m. until 9:00 p.m.

The polling notice shall indicate that there will be no advance polling and that proxy voting is prohibited.

Within the same time, the executive director shall post the same notice in at least one location accessible to the public within each of the institution's facilities. A copy of the information sheets filled out by the candidates shall be posted with the notice.

§6. Voting procedure

16. On the day set for polling, all publicity relating to candidates is prohibited in the building where the poll is held. The returning officer or the deputy returning officer shall nonetheless post in a location accessible to the public the information sheets filled out by the candidates.

17. A candidate may observe the conduct of the poll or may, in writing, designate a representative for that purpose. Such designation shall be sent to the returning officer or the deputy returning officer before the polling period is opened.

18. The returning officer or the deputy returning officer shall open the polling period on the day, at the time and in the place indicated in the notice referred to in the second paragraph of section 15.

19. Proxy voting is prohibited.

20. The returning officer, the deputy returning officer or a scrutineer shall provide physical assistance to any person requesting it in the exercise of his right to vote.

21. Before voting, each elector shall fill out a declaration drawn up in accordance with Schedule VI and shall submit it to the scrutineer.

22. The voting shall be carried out by secret ballot.

The scrutineer shall give the elector a ballot paper drawn up in accordance with Schedule IV, after having initialed it in the space reserved for that purpose.

23. The list of candidates drawn up in accordance with Schedule VI shall be posted in each polling booth.

24. The elector shall go to the polling booth and shall mark the ballot paper in the spaces reserved for that purpose.

After folding the ballot paper, the elector shall allow the scrutineer and any candidate or candidate's representative who so desires to check the number of the stub and the initials of the scrutineer on the ballot.

Following that verification, the elector shall tear off the stub and shall give it to the scrutineer, who shall destroy it. The elector shall then deposit the ballot paper in the ballot box.

If the ballot paper is not the one given to the elector by the scrutineer, the latter shall cancel the ballot by writing "Void" on it and by initialing it.

§7. Counting of votes, election proclamation and publication of results

25. The returning officer or the deputy returning officer shall count the votes with the scrutineers.

The candidates or their representatives may be present for the counting of votes.

The deputy returning officer shall send the results of the count to the returning officer.

26. The returning officer shall declare elected the candidates who obtain the greatest number of votes with respect to the number of seats to be filled.

Where there is a tie-vote and more candidates are elected than there are seats to be filled, the returning officer shall draw lots between the candidates who obtained the same number of votes.

27. The returning officer shall fill out a certificate of election drawn up in accordance with Schedule V and shall send a copy to the regional board within 10 days. Within the same time, he shall also send to the regional

board a copy of the nomination paper for each candidate elected.

Within the same time, the returning officer shall also send to the executive director of the institution the originals of the aforementioned documents, of the declarations and of the ballot papers.

The returning officer shall destroy the information sheets filled out by the candidates.

The executive director shall post a copy of the certificate of election in a location accessible to the public within each of the institution's facilities.

§8. Recounting the votes

28. The returning officer shall recount the votes at the request of a candidate or his representative.

Such request shall be made in writing and must be received by the returning officer no later than five days after the poll is held.

The returning officer shall recount the votes within five days following receipt of such request.

The candidates or their representatives may be present for the recount.

DIVISION III **FINAL**

29. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.



Gouvernement du Québec
Ministère de la Santé et des Services sociaux
Cabinet du sous-ministre
Secrétariat



RÉGIES RÉGIONALES
DE LA SANTÉ ET DES
SERVICES SOCIAUX

CANDIDATE NOMINATION PAPER
SCHEDULE 1

Please print in block letters using **BLACK** ink.
Carefully read instructions on back of form.

Name(s) of institution(s)	Identification No.

Section I – Nomination		Section II – Nominator	
Full name of candidate		1- Full name of nominator	
Sex M <input type="checkbox"/> F <input type="checkbox"/>	Date of birth Y M D	Telephone	
S.I.N.		Address	
Address		Name of electoral college	
Municipality	Province	Signature of nominator	
Area code	Telephone (home)	2- Full name of nominator	
Area code	Telephone (work)	Telephone	
Ext.	Occupation	Address	
Employer	Where the candidate is employed or practises his profession within the institution, indicate his position title or professional corporation.	Name of electoral college	
		Signature of nominator	

Section III – Candidate's consent

I, the undersigned, consent to be a candidate for the position of member of the board of directors of _____

Name of institution _____ Name of electoral college or nomination _____

I also authorize the transmission of the information contained on this paper to the regional health and social services board and to the ministère de la Santé et des Services sociaux, if I am elected or appointed a member of the board of directors. The information transmitted to the regional board and the Department is governed by the Act respecting Access to documents held by public bodies and the Protection of personal information.

In witness whereof, I have signed at _____ on _____ 19 ____

Town or City _____

Signature of candidate _____

Section IV – Resolution of the board of directors

At its sitting of _____ 19 ____, the board of directors of _____ adopted the following resolution: that _____ be nominated for or designated a candidate for the position of member of the board of directors of _____

Name of organization _____
Full name of candidate _____
Name of institution _____

Signature of authorized person _____

Section V – For institution use only

1- Transaction Registration - 1 Correction - 2 Cancellation - 3	2- Category H <input type="checkbox"/> C <input type="checkbox"/> V <input type="checkbox"/> P <input type="checkbox"/> C <input type="checkbox"/> L <input type="checkbox"/> C <input type="checkbox"/> S <input type="checkbox"/> C <input type="checkbox"/> R <input type="checkbox"/> C <input type="checkbox"/> R <input type="checkbox"/> T <input type="checkbox"/> C <input type="checkbox"/> C <input type="checkbox"/>	3- Status of member Permanent <input type="checkbox"/> Temporary <input type="checkbox"/> Ex officio <input type="checkbox"/>	4- Terms of office Number _____	5- Start of term of office Y M D	6- Year term of office ends 19 ____
7- Method of election of appointment Vote <input type="checkbox"/> Accla- mation <input type="checkbox"/> 2 Minister <input type="checkbox"/> 3 Board <input type="checkbox"/> 4 Board of directors <input type="checkbox"/> 5 Letters patent <input type="checkbox"/> 6 Nomination <input type="checkbox"/> 7			8- Electoral college 1 President <input type="checkbox"/> 2 Vice-president <input type="checkbox"/> 3 Executive director <input type="checkbox"/> 4 Executive director/Secretary <input type="checkbox"/> 5 Secretary <input type="checkbox"/> 6 Member <input type="checkbox"/> 6		
10- Full name of member replaced Date Y M D		11- Date of departure Y M D		12- Reason for departure Please specify 1 Resignation <input type="checkbox"/> 2 Loss of quality <input type="checkbox"/> 3 End of term of office <input type="checkbox"/> 4 Other <input type="checkbox"/>	
Signature of executive		* LIST OF CODES			

IN ACCORDANCE WITH SECTIONS 64 AND 65 OF THE ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION

Please note that:

1- The information on this form is gathered for the institution concerned and, in the case of candidates who are elected, for the regional health and social services board and the ministère de la Santé et des Services sociaux.

2- The information transmitted to the regional board or the Department is used to make up a file on the members of the boards of directors of the health and social services institutions, used for the purposes of management and control.

3- The following have access to the information:
- the employees of the institution concerned, of the regional board and of the Department, within the scope of their office;
- any other user meeting the requirements of the Act.

4- The information on the form is compulsory.

Section I – Nomination

To be filled out by all candidates for **election**.

Also to be filled out in the case of **appointment** by the board of directors.

Section II – Nominator

To be filled out **only** in the case of election.

Section III – Candidate's consent

To be filled out and signed by every person elected or appointed.

Section IV – Resolution of the board of directors

To be filled out

— where the board of directors of the institution must appoint a member; or

— where the regional board must appoint a member and requests the opinion of the institution.

Section V – For institution use only

1. Transaction: Indicate one number only.
2. Category: Indicate one category only.
3. Status of member:
 - Permanent — By election or appointment.
 - Temporary — By letters patent.
 - Ex officio* — Executive director.
4. Terms of office: Indicate number of terms accumulated, including the one just beginning.
5. Start of term of office: Indicate date of election or appointment.
6. Year term of office ends: Same year for all members, including members elected during the term.
7. Method of election or appointment:
 - Vote — Election procedure with balloting.
 - By acclamation — Election procedure without balloting.
 - Appointment — Appointment procedure provided for in by-law and coopted members.
 - Board — Appointed by regional board.
 - Board of directors — Appointed by board of directors.
 - Letters patent — On issue of letters patent.
8. Electoral college: Indicate code corresponding to electoral college or to member's mode of appointment.
9. Member's position: To be filled out and time of election, appointment or update.
10. Full name of member replaced: **Must** be filled out for updating purposes at the time a member is replaced.
11. Date of departure: Indicate the date on which the replaced member left.
12. Reason for departure: Please specify where reason is "OTHER".



RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX

Schedule II

CERTIFICATE OF ELECTION
BY ACCLAMATION

I, the undersigned, the Returning Officer, hereby declare that I received and accepted the candidacies of the following persons for the positions that must be filled within the board of directors of :

Names(s) of institution(s)

following election by : Name of electoral college

Name	Address	Telephone
1.		
2.		
3.		
4.		
5.		

The above candidates are declared elected.

In witness whereof, I have signed this certificate on _____ Day _____ Month

19 _____ at _____ at _____
Year Time Place

Signature: _____

Address : _____

Telephone: _____

A COPY MUST BE SENT TO THE REGIONAL BOARD



RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX

Schedule III

Model for ballot paper

N°

N°

Initials of scrutineer

Name(s) of institution(s) :

Date

Back

Names of candidates

	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>

Front

N.B. Candidates must be listed in alphabetical order.



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SERVICES SOCIAUX

Schedule IV

**ALPHABETICAL LIST OF
CANDIDATES**
To be posted in polling
booth

Electoral College : _____

Name :

Date

Signature of Returning Officer



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DE LA SANTÉ ET DES
SERVICES SOCIAUX**

Schedule V

Certificate of election

Electoral college : _____

To the executive director of : _____
Name (s) of institution (s)

**I, the undersigned, _____ acting as Returning Officer,
hereby declare that :**

THE FOLLOWING CANDIDATES HAVE BEEN ELECTED :

1. _____
2. _____
3. _____
4. _____
5. _____

1. Signature

Returning Officer

Signature _____ **Date** _____

Address _____ **Telephone** _____

See back ...

2. Voting period

The voting period lasted _____
Number of hours

Times : Opening _____

Closing _____

Date _____ Place _____

Municipality _____

3. Counting of votes


Name of candidates	Number of votes
--------------------	-----------------

- | | | |
|-----|-------|-------|
| 1. | _____ | _____ |
| 2. | _____ | _____ |
| 3. | _____ | _____ |
| 4. | _____ | _____ |
| 5. | _____ | _____ |
| 6. | _____ | _____ |
| 7. | _____ | _____ |
| 8. | _____ | _____ |
| 9. | _____ | _____ |
| 10. | _____ | _____ |

Valid ballots _____

Rejected ballots _____

TOTAL : _____

Initials of Returning Officer	
-------------------------------------	---------------------------------------------------------------------------------------

A COPY MUST BE SENT TO THE REGIONAL BOARD WITHIN 10 DAYS.



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SERVICES SOCIAUX**

Schedule VI

Name (s) of institution (s)

DECLARATION

I hereby declare that I am not an employee of :

- the ministère de la Santé et des Services sociaux;
- a regional board;
- a health or social services institution;
- an organization that delivers services related to the fields of health or social services;
- of the Régie de l'assurance-maladie du Québec. I further declare that I do not receive any remuneration from the latter.

Signature of the elector

Date and place

Information about the elector

Name : _____

Address : _____

Telephone : _____



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DE LA SANTÉ ET DES
SERVICES SOCIAUX

Schedule VII

**INFORMATION
CONCERNING CANDIDATE**

Institution : _____

Electoral college : _____

Name of candidate : _____

Municipality in which candidate resides : _____ **Municipality in which candidate works :** _____

Profile of candidate : (education, occupation, experience)

Reasons for candidacy :

Involvement in social or community organizations, volunteer work, etc :

Candidate's consent : _____

I hereby authorize distribution of the above information for the purposes of the election in respect of which I have filed my candidacy.

Date

Signature of candidate

Date

Signature of Returning Officer

