

M.O., 1999

Order 1999-010 of the Minister of State for Health and Social Services and Minister of Health and Social Services dated 19 August 1999

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

By-law respecting the election by the population of certain members of the board of directors of a public institution

CONSIDERING the third paragraph of section 135 of the Act respecting health services and social services (R.S.Q., c. S-4.2);

CONSIDERING that under a resolution duly adopted, the Régie régionale de la santé et des services sociaux de Montréal-Centre has made the By-law respecting the election by the population of certain members of the board of directors of a public institution and has submitted it to the Minister for approval;

CONSIDERING that it is expedient to approve the By-law respecting the election by the population of certain members of the board of directors of a public institution, attached hereto.

THEREFORE, the Minister of State for Health and Social Services and Minister of Health and Social Services

ORDERS,

THAT the By-law respecting the election by the population of certain members of the board of directors of a public institution, attached hereto, be approved.

PAULINE MAROIS,
*Minister of State for Health and Social Services
and Minister of Health and Social Services*

By-law respecting the election by the population of certain members of the board of directors of a public institution

An Act respecting health services and social services (R.S.Q., c. S-4.2, s. 135; 1998, c. 39, s. 53)

**DIVISION I
GENERAL**

§1. Scope

1. This By-law applies to the election by the citizens of certain members of the board of directors of a public

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

§2. Place of the poll

2. The institution shall determine no later than 55 days before the date on which the election is to be held the location or locations of the poll and shall inform the regional board thereof.

Notwithstanding the foregoing and if the circumstances warrant it, the institution may, before the beginning of the polling period, determine another location for the poll. It must then publish, by means of at least one media circulated in the region in which the institution's facilities are located, a notice indicating the new location or post that notice in at least one location accessible to the public within each of the institution's facilities and inform the regional board thereof.

§3. Returning officer

3. The regional board shall appoint a returning officer no later than 50 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.

4. Where the election referred to in section 135 of the Act will be held in more than one location for one institution, 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 made up to administer several institutions.

5. The duties of a returning officer are to

(1) receive nomination papers and accept or refuse them;

(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) implement the mechanism chosen by the institution whereby candidates may address the population;

(6) supervise the conduct of the election;

(7) check the voters' eligibility in particular by means of the declaration in section 25;

(8) count the votes;

(9) cancel irregular ballot papers in accordance with section 31 of this By-law;

(10) fill out the certificates of election and send a copy of the documents referred to in sections 14 and 34 to the regional board; and

(11) send the originals of the documents referred to in sections 14 and 34 to the executive director of the institution.

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

(1) receive nomination papers 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) check the voters' eligibility in particular by means of the declaration in section 25;

(6) count the votes;

(7) cancel irregular ballot papers in accordance with section 31 of this By-law; and

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

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

§4. Executive director

8. The executive director of the institution shall provide the returning officer and deputy returning officer 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 recounted, as the case may be, or, where an election is contested, until such time as the Administrative Tribunal of Québec has rendered its decision.

DIVISION II **ELECTION PROCEDURE**

§1. Notice of election

9. The executive director of the institution shall give notice of the election no later than 50 days before the date of the election. He shall do so by means of at least two media, including a newspaper circulated in the region in which the institution's facilities are located.

The notice of election must 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 must mention the restrictions set out in sections 150 and 151 of the Act and shall describe the nomination procedure provided for in sections 10 and 11.

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, where applicable, the deputy returning officer.

§2. Nominations

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

A nomination paper shall be signed on the original by the candidate and countersigned by two members of the electoral college of the population. It shall be submitted to the returning officer or the deputy returning officer no later than 30 days before the date of the election, before 5:00 p.m.

11. 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 the original of the declaration drawn up in accordance with Schedule II.

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

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

13. 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

14. 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 in Schedule IV and shall send a copy of Schedules I and III to the regional board within ten 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 20 days before the date of the election, the executive director shall publish in at least one newspaper circulated 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

15. At the close of nominations, if there is no candidate, 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 II 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

16. 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 20 days before the date of the poll, the executive director shall publish, by means of at least two media including at least one newspaper circulated in the region in which the institution's facilities are located, a notice indicating the date, time and location 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. Mechanisms whereby candidates may address the population

17. The returning officer must, between the end of the nomination period and the day set for polling, implement at least one of the mechanisms provided for in Schedule V whereby candidates may address the population.

The institution must inform the population of the mechanisms that have been chosen.

18. The institution must, no later than before the end of the nomination period, inform the regional board that one or several mechanisms provided for in Schedule V have been chosen in accordance with section 17.

19. The returning officer or the deputy returning officer shall post the information sheets filled out by the candidates in each of the installation's facilities as of the close of nominations to the end of the polling period.

§7. Voting procedure

20. On the day set for polling, all publicity relating to candidates is prohibited on the premises where the poll is held, with the exception of the information sheets posted as prescribed in section 19. The building in which the voters are and any neighbouring place where publicity may be seen or heard by the electors are considered to be the premises where the poll is held.

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

22. The returning officer or the deputy returning officer shall open the polling period on the day, at the time and at the location indicated in the notice referred to in the second paragraph of section 16.

23. Proxy voting is prohibited.

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

At the request of any visually handicapped person, the deputy returning officer shall provide that person with a template to enable him to vote without assistance. The deputy returning officer shall then indicate to him the order in which the candidates appear on the ballot paper.

A deaf or mute elector may be assisted by a person capable of interpreting the sign language of the deaf, for the purposes of communicating with election officers and representatives.

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

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

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

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

29. 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.

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

30. The returning officer or the deputy returning officer shall count the votes in the presence of the scrutineers.

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

31. The returning officer or the deputy returning officer shall cancel every ballot paper which

- (1) has not been provided by the scrutineer;
- (2) does not bear the initials of the scrutineer;
- (3) has not been marked;
- (4) has been marked in favour of more candidates than the required number;
- (5) has been marked in favour of a person who is not a candidate;

(6) has been marked elsewhere than in the spaces reserved for that purpose;

(7) bears fanciful or injurious inscriptions; or

(8) bears a mark by which the elector can be identified.

Notwithstanding the foregoing, no ballot paper contemplated in subparagraph 2 of the first paragraph may be rejected where the number of ballot papers found in the ballot box corresponds to the number of ballot papers which, according to the sum of Schedules II filled out in accordance with section 25, were placed in it.

The scrutineer shall, in full view of the returning officer or the deputy returning officer and the representative of a candidate who so desires, then write his initials on the back side of every ballot paper and a note indicating the correction.

The returning officer or the deputy returning officer shall cancel a ballot paper by writing "Void" on it and initialling it.

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

33. The returning officer shall declare elected the candidates who obtained 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.

34. The returning officer shall fill out a certificate of election drawn up in accordance with Schedule VIII and shall send a copy to the regional board within ten days. Within the same time, he shall also send to the regional board a copy of the nomination paper for each candidate elected. The regional board must, within 30 days, send to the Department the information contained in the nomination papers of the candidates 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.

§9. Recounting of the votes

35. 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 recounting.

36. This By-law comes into force on the date of its publication in the *Gazette officielle du Québec*.



CANDIDATE NOMINATION PAPER
SCHEDULE 1 (S.10)



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	Telephone	
Address		Address	
Municipality	Province	Name of electoral college	
Area code	Telephone (home)	Signature of nominator	
Area code	Telephone (work)	2- Full name of nominator	
Occupation	Employer	Telephone	
Where the candidate is employed or practises his profession within the institution, indicate his position title or professional corporation.		Address	
		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 _____

Town or City _____

Signature of candidate _____

Section IV – Resolution of the board of directors

At its sitting of _____, 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 Cancellation -2 Correction -3	2- Category H <input type="checkbox"/> CYPC <input type="checkbox"/> LCSC <input type="checkbox"/> RC <input type="checkbox"/> RTCC <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
7- Method of election of appointment 1 Acclamation <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 * (see list below)			8- Electoral college		
10- Full name of member replaced			9- Member's position 1 President <input type="checkbox"/> 2 Vice-president <input type="checkbox"/> 3 Executive director <input type="checkbox"/> 4 Executive secretary <input type="checkbox"/> 5 Secretary <input type="checkbox"/> 6 Member <input type="checkbox"/>		
11- Date of departure Y _____ M _____ D _____		12- Reason for departure 1 Death <input type="checkbox"/> 2 Resignation <input type="checkbox"/> 3 Loss of quality <input type="checkbox"/> 4 End of term of office <input type="checkbox"/> 5 Other <input type="checkbox"/>			
Date Y _____ M _____ D _____	Signature of executive _____				

*** LIST OF CODES**

01- Population	08- Medical resident	13- Appointment after consultation with
02- Employees and professionals	09- Cooperation	bodies representing the judicial sector
03- Users' committee	10- Executive director	14- Acting executive director
04- Corporation	11- Letters patent	
05- Foundation	12- Appointment after consultation with bodies representing the education sector	
06- University (teaching)		
07- University (research)		

IN ACCORDANCE WITH SECTIONS 84 AND 85 OF THE ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION

Please note that:

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



**RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX**

SCHEDULE II

Name(s) of institution(s)

DECLARATION

I hereby declare that :

- **I am holder than 18 years;**
- **I have my principal home at :**
Adress : _____
- **I am not an employee of the ministère de la Santé et des Services sociaux ;**
- **I am not an employee a regional board ;**
- **I am not an employee a health or social services institution ;**
- **I am not an employee of an organization that delivers services related to the fields of health or social services and receiving subsidier from regional board or the minister ;**
- **I am not an employee 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

Nom : _____



**RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX**

PICTURE

SCHEDULE III

**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



RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX

SCHEDULE IV

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 :

Name(s) of institution(s)

following election by :

Name of electoral college

	<u>Name</u>	<u>Address</u>	<u>Telephone</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

The above candidates are declared elected.

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

19 _____ à _____ à _____
Years Time Place

Signature : _____

Address : _____

Telephone : _____

A COPY MUST BE SENT TO THE REGIONAL BOARD



**RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX**

SCHEDULE V

**MEANS TO ENABLE CANDIDATES TO
ADDRESS THE PUBLIC**

The institution must choose at least one of the following mechanisms to ensure application of articles 17 and 18 of the regulation :

- 1- Hold one or more public meetings enabling candidates to address the public ;
- 2- Publish information candidates wish to communicate to the public, at least once, in a newspaper distributed in the territory where the institution and its installations are located ;
- 3- Use one or more communication techniques, electronic or other, to enable candidates to communicate information to the public (ex. : radio, television, internet).



**RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX**

SCHEDULE VI

MODEL FOR BALLOT PAPER

N ^o	
N ^o	
	Initials of scrutineer
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"/>
	<input type="checkbox"/>

Front

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



**RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX**

SCHEDULE VII

**Alphabetical list of
candidates
To be posted in polling
booth**

Electoral College : _____

Name :

Date

Signature of Returning Officer



**RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX**

**SCHEDULE VIII
CERTIFICATE OF ELECTION**

Electoral collage : _____

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 _____

VERSO ...

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.	_____	_____	Valid Ballots -----
5.	_____	_____	
6.	_____	_____	Rejected ballots -----
7.	_____	_____	
8.	_____	_____	
9.	_____	_____	TOTAL : -----
10.	_____	_____	

Initials of
Returning
Office

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