

**M.O., 2002****Order number 2002-007 of the Minister of State for Health and Social Services and Minister of Health and Social Services dated 17 June 2002**

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

Regulation 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 resolutions duly adopted, the following regional boards have made the Regulation respecting the election by the population of certain members of the board of directors of a public institution and have submitted it to the Minister for approval :

— Régie régionale de la santé et des services sociaux du Bas-Saint-Laurent;

— Régie régionale de la santé et des services sociaux du Saguenay–Lac-Saint-Jean;

— Régie régionale de la santé et des services sociaux de Québec;

— Régie régionale de la santé et des services sociaux de la Mauricie et du Centre-du-Québec;

— Régie régionale de la santé et des services sociaux de l'Estrie;

— Régie régionale de la santé et des services sociaux de Montréal-Centre;

— Régie régionale de la santé et des services sociaux de l'Outaouais;

— Régie régionale de la santé et des services sociaux de l'Abitibi-Témiscamingue;

— Régie régionale de la santé et des services sociaux de la Côte-Nord;

— Régie régionale de la santé et des services sociaux de la Gaspésie–Îles-de-la-Madeleine;

— Régie régionale de la santé et des services sociaux de Chaudière-Appalaches;

— Régie régionale de la santé et des services sociaux de Laval;

— Régie régionale de la santé et des services sociaux de Lanaudière;

— Régie régionale de la santé et des services sociaux des Laurentides;

— Régie régionale de la santé et des services sociaux de la Montérégie;

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

FRANÇOIS LEGAULT,  
*Minister of State for Health and Social Services  
and Minister of Health and Social Services*

### **Regulation 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; 2001, c. 24, s. 25)

#### **DIVISION I GENERAL**

##### **§1. Scope**

**1.** This Regulation applies to the election by the population 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. Polling location**

**2.** The executive director of the institution shall determine, no later than 55 days before the day on which the election is to be held, the polling location or locations and shall inform the regional board thereof.

Notwithstanding the foregoing and if circumstances so warrant, the executive director of the institution may, before the beginning of the polling period, determine another location for the poll. He 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 and post that notice in at least one location accessible to the public in each of the institution's facilities and inform the regional board thereof.

### §3. *Returning officer*

**3.** The president and executive director of the regional board or the person he designates for this purpose shall appoint a returning officer no later than 50 days before the day on which the election is to be held. If the returning officer is absent or unable to act, the president and executive director of the regional board or the person designated shall appoint a new officer.

**4.** Where the election referred to in section 135 of the Act is held in more than one location for a given institution, the president and executive director of the regional board or the person designated shall also appoint a deputy returning officer for each such location. The same procedure shall be followed 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, notably, 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 mechanisms chosen by the executive director of the institution enabling candidates to address the population;
- (6) supervise the conduct of the election;
- (7) check the electors' eligibility in particular by requiring that they complete a declaration in accordance with section 25;
- (8) count the votes;
- (9) cancel irregular ballot papers in accordance with section 31;

(10) complete the report on the count referred to in section 32 and the compilation of counts referred to in section 33;

(11) complete the certificates of election by acclamation, declarations of election not held and certificates of election referred to in sections 14, 15 and 35;

(12) send the documents referred to in sections 14, 15 and 35 to the regional board and the executive director of the institution.

**6.** The duties of a deputy returning officer, performed under the authority of the returning officer, are, notably, 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 electors' eligibility, notably, by requiring that they complete a declaration in accordance with section 25;
  - (6) count the votes;
  - (7) cancel irregular ballot papers in accordance with section 31;
  - (8) send the report on the count referred to in section 32 and the ballot papers to the returning officer.
- 7.** The returning officer and deputy returning officers may not run as candidates or countersign for a candidate and 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 officers with the technical and administrative support required for the performance of their duties.

He shall keep, in sealed envelopes, the originals completed in accordance with Schedules I to X 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 frame, in at least one location accessible to the public in 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 5 days after having given notice of the election, the executive director shall send a copy of the notice to the returning officer and all deputy returning officers.

### §2. *Nominations*

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

The original 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 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 agrees to such nomination may also complete an information sheet drawn up in accordance with Schedule II 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, where applicable.

**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. The returning officer shall complete the section of the nomination paper reserved for this purpose.

### §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 these candi-

dates elected. He shall then complete the certificate of election by acclamation drawn up in accordance with Schedule III and shall send a copy of this certificate and the nomination papers to the regional board within 10 days. Within the same time frame, he shall send the originals of these documents and the information sheets 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 frame, post the same notice in at least one location accessible to the public in each of the institution's facilities.

### §4. *Election not held*

**15.** At the close of nominations, if there is no candidate, or no valid candidacy, the returning officer shall complete the declaration of election not held provided in Schedule IV and send a copy to the regional board within three days. Within the same time frame, he shall send the original of this declaration along with the invalid nomination papers and information sheets, where applicable, to the executive director of the institution.

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

### §5. *Polling notice and list of candidates*

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

No later than 20 days before the polling date, 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 polling date, time and location and the list of candidates. The polling period indicated in the notice shall run at least from noon to 8:00 p.m.

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

Within the same time frame, the executive director shall post the same notice in at least one location accessible to the public in each of the institution's facilities. A copy of the information sheets provided in Schedule II and completed by the candidates, where applicable, shall be posted with the notice.

*§6. Mechanisms enabling candidates to address the population*

**17.** The executive director of the institution shall, as soon as the nomination period has ended, inform the regional board of that at least one of the mechanisms provided for in Schedule V has been chosen to allow the candidates to address the population. He also informs the population in the polling notice published in accordance with section 16.

**18.** The returning officer shall, between the time the polling notice is published and polling day, implement the mechanism or mechanisms chosen in accordance with section 17.

**19.** The institution shall pay for the cost of implementing the mechanisms provided for in section 18. All other advertising or promotional expenses shall be paid exclusively by the candidates.

**20.** On the day of 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 16. The building in which the electors are and any neighbouring place where publicity may be perceived by the electors are considered to be the premises where the poll is held.

*§7. Polling procedure*

**21.** A candidate may observe the conduct of the poll or may, in writing, appoint a representative for that purpose. Such appointment must have been sent to the returning officer or the deputy returning officer before the polling period begins.

**22.** The returning officer or the deputy returning officer shall open the polling period on the date at the time and in 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.

The scrutineer shall provide an elector with a visual impairment who asks for it a template to enable him to vote without assistance. The scrutineer tells him the order in which the candidates are listed on the ballot paper.

An elector who is deaf or mute may be accompanied by a person who is able to interpret the sign language used by deaf-mutes in order to communicate with the members of the election staff and the candidates or their representatives.

**25.** Before voting, each elector shall complete a declaration drawn up in accordance with Schedule VI 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 the model provided in Schedule VII, after having initialled it in the space reserved for that purpose.

**28.** The elector shall go into the polling booth and mark the ballot paper in the spaces reserved for that purpose.

After folding the ballot paper, the elector shall allow the scrutineer and any candidates 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*

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

**30.** The candidates or their representatives who so desire may be present for the counting of the 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;

(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 declarations provided for in Schedule VI and completed 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 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 report on the count provided for in Schedule VIII shall be completed for each polling location.

All deputy returning officers shall inform the returning officer promptly of the result of the counting of votes and send him, within the next two days, the original report on the count, along with the original electors' declarations and ballot papers.

**33.** The returning officer shall compile the counts in accordance with Schedule IX and, in accordance with section 34, declare elected the candidates who obtained the greatest number of votes based on the number of seats to fill.

Where there is a tie-vote and more candidates are elected than there are seats to be filled, the returning officer shall immediately draw lots between the candidates who obtained the same number of votes. He shall then complete the section of Schedule IX reserved for this purpose.

**34.** 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 perform recount the votes within five days following receipt of such request.

The candidates and their representatives may be present for the recounting.

**35.** The returning officer shall complete the election certificate provided in Schedule X and send a copy of this certificate and each elected candidate's nomination papers to the regional board within 10 days.

Within the same time frame, the returning officer shall send the executive director of the institution the originals of these same documents, the nomination papers of unelected candidates, all information sheets completed by the candidates, electors' declarations, ballot papers and documents completed in accordance with Schedules VIII and IX.

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

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

**SCHEDULE I**  
**(section 10)**

**ELECTION BY THE POPULATION**  
**Candidate nomination paper**

Name(s) of institution(s)				Identification no.	
Health and social service region: _____				CLSC territory: _____	
<b>Section I – Nomination</b>			<b>Section II – Nominators</b>		
Candidate's surname and given name				1- Nominator's surname and given name	
Sex M <input type="checkbox"/> F <input type="checkbox"/>	Date of birth Y M D		Address		
Address				Phone no.	
Municipality	Province	Postal code	Nominator's signature*		
Area code	Home phone no.	Area code	Work phone no.	Ext.	2- Nominator's surname and given name
Occupation				Address	
Employer				Phone no.	
*In signing, the nominator confirms that he meets criteria 3 and 9 to 11 of section III and that his principal residence is located in the health and social service region and, where applicable, on the territoire of the CLSC as indicated above.				Nominator's signature*	
<b>Section III – Candidate's consent</b>					
<b>CRITERIA FOR BEING A MEMBER OF AN INSTITUTION'S BOARD OF DIRECTORS</b>					
<ol style="list-style-type: none"> <li>1. Be a candidate only for the election in the institution(s) indicated above;</li> <li>2. Be a Québec resident;</li> <li>3. Be of the age of majority (18 years or more);</li> <li>4. Not be under tutorship or curatorship;</li> <li>5. In the past five years, not have been found guilty of a crime punishable by three years' imprisonment or more;</li> <li>6. In the past three years, not have been forfeited of office as member of the board of directors of an institution or regional board;</li> <li>7. In the past three years, not have been found guilty of an offence under the Act respecting health services and social services or the attendant regulations;</li> <li>8. Not be a member of the corporation, when one of the above-mentioned institutions is a corporation, designated by the Minister under section 139 of the Act respecting health services and social services;</li> <li>9. Not be an employee of the Ministère de la Santé et des Services sociaux, a regional board, an institution or the Régie de l'assurance maladie du Québec and not receive remuneration from the latter;</li> <li>10. Not be an employee of any organization that delivers services related to the field of health and social services and receive subsidies from a regional board or the Minister;</li> <li>11. Not have entered into a service contract with an institution as a midwife.</li> </ol>					
<p>I hereby declare that I have read this information and meet the above-mentioned criteria for being a candidate. I also authorize the transmission of the information contained herein to the regional health and social services board and the Ministère de la Santé et des Services sociaux, if I am elected 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.</p>					
<p>In witness whereof, I have signed at _____ on _____</p>					
<p>_____ Candidate's signature</p>					
<b>Section IV – Returning officer's acceptance</b>					
NOMINATION ACCEPTED <input type="checkbox"/>			NOMINATION REFUSED <input type="checkbox"/>		
Reasons for refusal:					
_____					
_____					
<p>_____ Returning officer's signature</p>				<p>_____ Date</p>	
<small>IN ACCORDANCE WITH SECTIONS 64 AND 65 OF THE ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION</small>					
<small>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.</small>		<small>2. The information transmitted to the regional board and 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.</small>		<small>3. The following have access to the information:</small> <ul style="list-style-type: none"> <li>• The employees of the institution concerned, of the regional board and of the Department within the scope of their office;</li> <li>• Any other user meeting the requirements of the Act.</li> </ul>	
<small>4. The information on the form is compulsory.</small>					

**SCHEDULE II**  
**(section 11)**

**ELECTION BY THE POPULATION**  
**Information concerning candidate**

**PHOTO**

Institution(s): \_\_\_\_\_

Candidate's name: \_\_\_\_\_

Municipality in which candidate  
resides: \_\_\_\_\_

Municipality in which candidate  
works: \_\_\_\_\_

Candidate's profile (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 the information for the purposes of the election for which I have filed my candidacy.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Candidate's signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Returning officer's signature

SCHEDULE III  
(section 14)

ELECTION BY THE POPULATION  
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 to be filled on the board of directors of:

Institution(s) \_\_\_\_\_

	<u>Name</u>	<u>Address</u>	<u>Phone no.</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

The above candidates are declared elected.

Number of positions not filled, where applicable: \_\_\_\_\_

Signed at \_\_\_\_\_, on \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Returning officer's name



**SCHEDULE IV**  
**(section 15)**

**ELECTION BY THE POPULATION**  
**Declaration of election not held**

**Institution(s):** \_\_\_\_\_

**I, the undersigned, returning officer, declare that no election was held for the above-mentioned institution(s) for the following reasons:**

**No candidate was nominated** ( )

**No candidacy was valid** ( )

**Signed at** \_\_\_\_\_, **on** \_\_\_\_\_

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Returning officer's name**

**SCHEDULE V**  
**(section 17)**

**ELECTION BY THE POPULATION**  
**Mechanisms enabling candidates to address the public**

**Institution(s):** \_\_\_\_\_

The executive director must choose one or more of the following mechanisms to ensure application of section 17 of the Regulation respecting the election by the population of certain members of the board of directors of a public institution:

**Hold one or more public meetings enabling candidates to address the public**

**Number of public meetings:** \_\_\_\_\_ ( )

**Publish information candidates wish to communicate to the public, at least once, in a newspaper distributed in the territory where the institution and its facilities are located**

**Number of publications:** \_\_\_\_\_ ( )

**Use one or more communication techniques, electronic or other, to enable candidates to communicate information to the public (e.g. radio, TV, Internet)**

**Specify which:** \_\_\_\_\_ ( )

\_\_\_\_\_

**Signed at** \_\_\_\_\_, **on** \_\_\_\_\_

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Executive director's name**

SCHEDULE VI  
(section 25)ELECTION BY THE POPULATION  
Elector's declaration

Health and social service region: \_\_\_\_\_

CLSC territory (where applicable): \_\_\_\_\_

Institution(s) : \_\_\_\_\_

## DÉCLARATION

I hereby declare:

- that I am 18 or over;
- that my principal residence is in the health and social service region and, where applicable, in the territory of the CLSC indicated above;
- that I am not an employee of the Ministère de la Santé et des Services sociaux;
- that I am not an employee of a regional board;
- that I am not an employee of a health and social services institution, and have not entered into a contract for midwife services with such an institution;
- that I am not an employee of an organization that delivers services related to the field of health and social services, receiving a subsidy from a regional health and social services board or the Department;
- that I am not an employee of the Régie de l'assurance maladie du Québec, and am not receiving remuneration from the latter.

\_\_\_\_\_  
Name\_\_\_\_\_  
Signature\_\_\_\_\_  
Date

SCRUTINEER: \_\_\_\_\_

**SCHEDULE VII  
(section 27)**

**ELECTION BY THE POPULATION  
Sample ballot paper**

N°		
N°		<b>Candidates' names</b>
	<b>Scrutineer's initials</b>	<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
<b>Date</b>		<input type="checkbox"/>

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Front

**Note: List candidates in alphabetical order**

**SCHEDULE VIII**  
(section 32)

**ELECTION BY THE POPULATION**  
Report on the count

Institution(s): \_\_\_\_\_

Polling location: \_\_\_\_\_

Polling date: \_\_\_\_\_

Polling period: \_\_\_\_\_

	Candidate	Number of votes	
1.	_____	_____	
2.	_____	_____	
3.	_____	_____	
4.	_____	_____	
5.	_____	_____	Valid ballot papers _____
6.	_____	_____	Rejected ballot papers _____
7.	_____	_____	Total _____
8.	_____	_____	
9.	_____	_____	
10.	_____	_____	

Signed at \_\_\_\_\_, on \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Returning officer's or Deputy returning officer's name

SCHEDULE IX  
(section 33)

ELECTION BY THE POPULATION  
Compilation of counts and result of drawing of lots

Institution(s): \_\_\_\_\_

Polling location(s): \_\_\_\_\_

Polling date: \_\_\_\_\_

Polling period: \_\_\_\_\_

1. Compilation of counts

	Candidate	Number of votes
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____

Valid ballot papers \_\_\_\_\_  
Rejected ballot papers \_\_\_\_\_  
Total \_\_\_\_\_

**2. Results of drawing of lots**

The following candidates received the same number of votes:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Lots were drawn on \_\_\_\_\_, at \_\_\_\_\_

The following candidate(s) won the draw:

\_\_\_\_\_  
\_\_\_\_\_

Signed at \_\_\_\_\_, on \_\_\_\_\_

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Returning officer's name**

SCHEDULE X  
(section 35)

ELECTION BY THE POPULATION  
Certificate of election

To the executive director of: \_\_\_\_\_  
Name of the institution(s)

I, the undersigned, returning officer, hereby declare that the following candidates were elected to the board of directors of the above-mentioned institution(s) in the election held on \_\_\_\_\_:

	<u>Name</u>	<u>Address</u>	<u>Phone no.</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

Signed at \_\_\_\_\_, on \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Returning officer's name