# **M.O.**, 2002

#### Order number 2002-009 of the Minister of State for Health and Social Services and Minister of Health and Social Services dated 31 July 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 the public institution contemplated in Part IV.2 of the Act respecting health services and social services

CONSIDERING THAT, under the first paragraph of section 530.63 of the Act respecting health services and social services (R.S.Q., c. S-4.2), amended by section 96 of chapter 24 of the Statutes of 2001, the public institution contemplated in Part IV.2 of that Act shall, every three years, on such day as the Minister determines, invite the population to elect five persons coming from each part of the territory served by the institution;

CONSIDERING THAT, under the second paragraph of section 530.63, the mechanisms whereby candidates may address the population before an election and the election procedure to be followed shall be determined by regulation of the Minister, as well as the standards relating to advertising, financing, the powers and duties of election officers and campaign literature;

CONSIDERING THAT, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published in the *Gazette* officielle du Québec as required under section 8 of that Act where the authority making it is of the opinion that the urgency of the situation requires it;

CONSIDERING THAT, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

CONSIDERING THAT, under sections 13 and 18 of that Act, the reason justifying respectively the absence of publication of the proposed regulation and the coming into force of the regulation on the date of its publication in the *Gazette officielle du Québec* shall be published with the regulation;

CONSIDERING THAT the urgency of the situation is due to the fact that, under the provisions of sections 121 and 126 of the Act to amend the Act respecting health services and social services and other legislative provisions (2001, c. 24), the Minister is responsible for taking the necessary steps to ensure that, as soon as possible after the first boards of directors of the regional boards are formed pursuant to the provisions enacted by section 65 of that Act, the first boards of directors of the public institutions be formed in accordance with the new provisions enacted or amended by that Act;

CONSIDERING THAT, in accordance with sections 122 and 123 of that Act, 21 October 2002 has been determined as the date when the first elections by the population of certain members of the boards of directors of the public institutions are to take place and 16 October 2002 has been determined as the date when the first designations of other members of the boards of directors of those institutions are to be made;

CONSIDERING THAT the urgency of the situation is also due to the fact that the implementation of the Regulation respecting the election by the population of certain members of the board of directors of the public institution contemplated in Part IV.2 of the Act respecting health services and social services requires the application of various preliminary measures within certain time limits extending over a period of close to 60 days before the elections to be held on 21 October 2002;

CONSIDERING THAT the Minister is of the opinion that these reasons justify that the Regulation be made without a 45-day prior publication period and that it come into force on the date of its publication in the *Gazette* officielle du Québec;

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 the public institution contemplated in Part IV.2 of the Act respecting health services and social services, attached to this Order, be made.

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 the public institution contemplated in Part IV.2 of the Act respecting health services and social services

An Act respecting health services and social services (R.S.Q., c. S-4.2, s. 530.63; 2001, c. 24, s. 96)

# DIVISION I

GENERAL

# §1. Scope

**1**. This Regulation applies to the election by the population of certain members of the board of directors of the public institution contemplated in Part IV.2 held pursuant to section 530.63 of the Act respecting health services and social services (R.S.Q., c. S-4.2).

# §2. Polling territory and location

**2.** For the purposes of paragraph 1, section 530.62 of the Act, the territory served by the institution is divided into five sectors or the following sub-regions :

(1) Sub-region 1: Matagami;

(2) Sub-region 2: Lebel-sur-Quévillon, including Comtois, Desmaraisville and Miquelon;

(3) Sub-region 3: Chapais, including the Lac-Opémiska and Lac-Caven sectors;

(4) Sub-region 4: Chibougamau, including:

(a) the following vacationing sectors of Chibougamau: Lac-Caché, Lac-aux-Dorés, Lac-Merrill, Baie-Queylus, Baie-Machin and Lac-Cumming;

(b) the following vacationing sectors of James Bay: Lac-David, Lac-Buckell, Lac-Dulieux and Baie-Demers;

(5) Sub-region 5: Radisson, Valcanton and Villebois.

**3.** The president and 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 for each of the sub-regions contemplated in section 2 and shall inform the Minister of Health and Social Services thereof.

Notwithstanding the foregoing and if circumstances so warrant, the president and 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 sub-region concerned, 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 located in that sub-region and inform the Minister thereof.

§3. Returning officer and deputy returning officers

**4.** The Minister 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 Minister shall appoint a new one.

The returning officer shall then appoint a deputy returning officer for each of the polling locations defined in keeping with section 3.

**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 president and 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 president and 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 Minister and the president and 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. President and executive director

**8.** The president and 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 president and 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 mail inserts or regular flyers in each of the subregions contemplated in section 2.

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 and paragraph 1 of section 530.62 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 president and executive director shall send a copy of the notice to the returning officer and all deputy returning officers.

## §2. Nominations

**10.** In each of the sub-regions contemplated in section 2, 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 of the sub-region concerned. It shall be received by 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 there is only one candidate for a sub-region, the returning officer shall declare this candidate elected for the sub-region. 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 paper to the Minister within 10 days. Within the same time frame, he shall send the originals of these documents and the information sheet, if applicable, to the president and executive director of the institution.

No later than 20 days before the date of the election, the president and executive director shall, via a mail insert or regular flyer distributed in the sub-region concerned, publish a notice indicating the name of the person elected and stating that no election will be held in the sub-region.

The president and 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 located in the sub-region.

#### *§4. Election not held*

**15.** At the close of nominations, if there is no candidate, or no valid candidacy, in a sub-region, the returning officer shall complete the declaration of election not held provided in Schedule IV and send a copy to the Minister 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 president and 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 is more than one candidate for a sub-region, the returning officer shall draw up a list of the candidates for the sub-region and send it to the president and executive director of the institution within three days.

No later than 20 days before the polling date, the president and executive director shall, via a mail insert or regular flyer distributed in the sub-region concerned, publish 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 president and executive director shall post the same notice in at least one location accessible to the public in each of the institution's facilities located in the sub-region concerned. 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 president and executive director of the institution shall, as soon as the nomination period has ended, inform the Minister that at least one of the mechanisms provided for in Schedule V has been chosen to allow the candidates to address the population of the sub-region concerned. 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, subject to section 34, declare elected the candidate who obtained the greatest number of votes in each of the sub-regions concerned.

Where there is a tie-vote and more than one candidate is elected in a given sub-region, the returning officer shall immediately draw lots between these candidates. He shall then complete the section of Schedule IX reserved for this purpose.

Part 2

**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 Minister within 10 days.

Within the same time frame, the returning officer shall send to the president and 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 president and executive director shall post a copy of the election certificate in a location accessible to the public in each of the institution's facilities located in each of the sub-regions concerned.

**36.** Until such time as the president and executive director of the institution has been appointed by the government under paragraph 9 of section 530.62 of the Act and pursuant to second paragraph of section 126 of Chapter 24 of the 2001 statutes, the duties of the president and executive director provided for in sections 3, 5, 8, 9, 14 to 17 and 35 of this Regulation shall be performed by the executive director of the institution.

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

## SCHEDULE I

(s. 10)

#### ELECTION BY THE POPULATION INSTITUTION LOCATED IN NORTHERN QUÉBEC Candidate nomination paper

Institution:					
No. of sub-region conce	rned:				Description:
Section I – Nomination	on				Section II – Nominators
Candidate's surname and given	name			_	1- Nominator's surname and given name
Sex		Y	М	D	Address
M G F G	Date of birth				Phone no.
- Marcos					
Municipality/Community	Province	Postal c	code		Nominator's signature*
Area code Home phone no.	Area code Work pho	ne no.	E	Ext.	2- Nominator's surname and given name
Occupation	1				Address
Employer					Phone no.
Employer					THORE NO.
*In signing, the nominator con section III and that his princi cated above.	firms that he meets cri pal residence is located	teria 3 a in the su	nd 8 to 1b-regio	10 of n indi-	Nominator's signature*
Section III –Candida	te's consent				
					ING A MEMBER OF
	THE INS	,1110	110	NBB	SOARD OF DIRECTORS
<ol> <li>Be a candidate only</li> <li>Be a Québec resider</li> <li>Be of the age of ma</li> </ol>	nt;		ed abo	ve;	
<ol> <li>Be of the age of ma</li> <li>Not be under the ca</li> </ol>			r;		
					ne punishable by three years' imprisonment of more; uties as a member of the board of directors of an institution or
<ol> <li>In the past three ye regional board;</li> </ol>	ars, not have been	suippe	a or c	me u	utes as a member of the board of directors of an institution of
		1 found	l guilt	y of a	n offence under the Act respecting health services and social
<ol> <li>services or the atten</li> <li>Not be an employee</li> </ol>		le la Sa	nté et	des S	ervices sociaux, a regional board, an institution or the Régie de
l'assurance maladie	e du Québec and no	ot receiv	/e rem	nunera	tion from the latter;
<ol><li>Not be an employed ceive subsidies from</li></ol>					rvices related to the field of health and social services and re-
10. Not have entered in					n as a midwife.
I haraby daalara that I	have read this is	form	tion	and m	neet the above-mentioned criteria for being a candidate. I
					ained herein to the Ministère de la Santé et des Services
					ectors. The information transmitted to the Department is
governed by the Act i formation.	respecting Acces	s to do	ocum	ents h	held by public bodies and the Protection of personal in-
ioimation.					
In witness whereof, I h	nave signed at				on
					Candidate's signature
-					
Section IV – Returni	ng officer's acce	ptanc	e		
NOMIN	NATION ACCEPTE	D 🗌			NOMINATION REFUSED
Reasons for refusal:					
Returning	g officer's signature				Date
IN ACCORDANCE WITH SECTIO	NS 64 AND 65 OF THE AG	CT RESPE	CTING A	ACCESS	TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PER-
SONAL INFORMATION					3. The following have access to the informa- 4. The information on the form is comput-
for the institution concerned and case of candidates who are elec-	d, in the Department is cted, for on the member	s used to a	make up oards of	a file direc-	<ul> <li>The monowing have access to the monitorial "         <ul> <li>The monitorial of the form is comput- sory.</li> <li>The employees of the institution con-</li> </ul> </li> </ul>
the Ministère de la Santé et des sociaux.	Services tors of the h institutions, u	ealth and used for th	social se le purpos	rvices	<ul> <li>The employees of the institution con- cerned and of the Department within the scope of their office;</li> </ul>
	management a	and control			Any other user meeting the require- ments of the Act

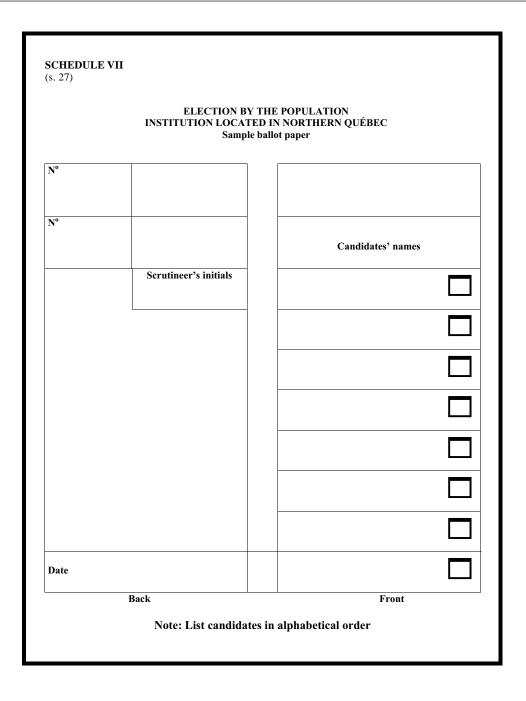
	CTION BY THE POPULATION NN LOCATED IN NORTHERN OUÉBEC
	ormation concerning candidate
РНОТО	
Institution:	
No. of sub-region concerned:	
Candidate's name:	
Municipality or community in whi resides:	
Candidate's profile (education, occ	cupation, experience):
Reasons for candidacy:	
Involvement in social or communi	ity organizations, volunteer work, etc.:
involvement in social of commun	ity of gamzations, voluncer work, etc.
Candidate's consent: I hereby author election for which I have filed my cand	rize distribution of the above the information for the purposes of the didacy.
Date	Candidate's signature
	Returning officer's signature

INSTI	ELECTION BY THE POPULATION TUTION LOCATED IN NORTHERN Certificate of election by acclamation	QUÉBEC
	returning officer, hereby declare that person for the position to be filled by e	
Institution:		
No. of sub-region concerne	ed:	
<u>Name</u>	Address	<u>Phone no.</u>
The above candidate is dec	elared elected.	
Signed at	, on	
Signed at Signature	, on	
	, on	
Signature	, on	
Signature	, on	
Signature	, on	

ELECTION BY THE INSTITUTION LOCATED IN Declaration of elect	NORTHERN QUÉBEC
Institution:	
No. of sub-region concerned:	
I, the undersigned, returning officer, declare that a institution and sub-region for the following reasons:	no election was held for the above-mentioned
No candidate was nominated	( )
No candidacy was valid	( )
Signed at, on,	
Signature	
Returning officer's name	

ELECTION BY THE POPULATION INSTITUTION LOCATED IN NORTHERN QU Mechanisms enabling candidates to address the p	
Institution:	
No. of sub-region concerned:	
The president and executive director must choose one or more of the sub-region indicated above to ensure application of section 17 of election by the population of certain members of the board of dire contemplated in Part IV.2 of the Act respecting health services and s	the Regulation respecting the ectors of the 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	

<b>SCHE</b> (s. 25)	DULE VI	
	ELECTION BY THE POPULATIO INSTITUTION LOCATED IN NORTHER Elector's declaration	- · .
Institut	tion:	
No. of s	sub-region concerned:	
	DECLARATION	
I hereb	y declare:	
-	that I am 18 or over;	
-	that my principal residence is in the sub-region indicated a	bove;
-	that I am not an employee of the Ministère de la Santé et de	es Services sociaux;
-	that I am not an employee of a regional board;	
-	that I am not an employee of a health and social services i into a contract for midwife services with such an institution	
-	that I am not an employee of an organization that deliver health and social services, receiving a subsidy from a reg board or the Department;	
-	that I am not an employee of the Régie de l'assurance n receiving remuneration from the latter.	naladie du Québec, and am not
		Name
		Signature
	UTINEER:	Date



	ECTION BY THE POPULATIC ON LOCATED IN NORTHERN Report on the count	
Institution:		
No. of sub-region concerned:		
Polling location:		
Polling date:		
Polling period:		
Candidate	Number of votes	
1		
2		
3		
4		
5 6		Valid ballot papers Rejected ballot papers Total
Signed at	, on	
Signature		
Returning officer's or Deputy ret	urning officer's name	

INSTITUTION	TION BY THE POPULATION LOCATED IN NORTHERN ( of counts and result of drawing	
Institution:		
No. of sub-region concerned:		
Polling location(s):		
Polling date:		
Polling period:		
1. Compilation of counts		
Candidate	Number of votes	
1		
2		
3		
4		
5		Valid ballot papers Rejected ballot papers
6		Total
2. Results of drawing of lots		
The following candidates received t	he same number of votes:	

Lots were drawn on		, at	 _
The following candidate won the	e draw:		
Signed at			
Signature			
Returning officer's name			

(s. 35)		
INSTI	ELECTION BY THE POPULATION TUTION LOCATED IN NORTHERN QUÉ Certificate of election	EBEC
To the president and executi	ve director of:	
	Name of the institution	
Name	in each of the sub-regions indic <u>Address and phone no.</u>	Sub-region no.
	Address and phone no.	<u>Sub-region no.</u>
2.		
3.		
3		
3 4 5		
3 4 5		