

M.O., 2006**Order number 2006-014 of the Minister of Health and Social Services dated 27 July 2006**

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

Regulation respecting the election by the public of certain members of the board of directors of the public institution referred to 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), the public institution referred to 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, in accordance with sections 530.63 and 530.64 of the Act respecting health services and social services, 23 October 2006 has been determined as the date when the elections by the population of certain members of the board of directors of the public institution referred to in Part IV.2 of the said Act are to take

place and 17 October 2006 has been determined as the date when the designations of other members of the board of directors of that institution 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 public of certain members of the board of directors of the public institution referred to 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 23 October 2006;

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 Health and Social services

ORDERS:

THAT the Regulation respecting the election by the public of certain members of the board of directors of the public institution referred to in Part IV.2 of the Act respecting health services and social services, attached to this Order, be made.

PHILIPPE COUILLARD,
Minister of Health and Social Services

Regulation respecting the election by the public of certain members of the board of directors of the public institution referred to 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)

DIVISION I
GENERAL

§1. Scope

1. This regulation applies to the election by the citizens of certain members of the board of directors of the public institution referred to in part IV.2 of the Act respecting health services and social services (R.S.Q., c. S-4.2), pursuant to section 530.63 of this Act.

§2. Territory and polling location

2. For the purposes of paragraph 1 of section 530.62 of the Act, the territory served by the institution is divided in the following five parts or subregions:

1° Subregion 1: Matagami

2° Subregion 2: Lebel-sur-Quévillon, including Comtois, Desmaraisville, Miquelon and Lac-Quévillon and Lac-Madeleine resorts sectors.

3° Subregion 3: Chapais, including Lac-Opémiska and Lac-Caven sectors

4° Subregion 4: Chibougamau, including

a) The following Chibougamau resort sectors: Lac-Caché, Lac-aux-Dorés, Lac-Merrill, Baie-Queylus, Baie-Machin, Développement Rustique, and Lac-Cumming

b) The following resort sectors in the Municipality of James Bay: Lac-David, Lac-Buckell, Lac-Dulieux, and Baie-Demers

5° Subregion 5: Radisson, Valcanton, and Villebois

3. The chair and executive director of the institution shall designate the polling location or locations for each subregion referred to in section 2 no later than 55 days before the election date set by the minister in compliance with section 530.63 of the Act and shall inform the Minister of Health and Social Services thereof.

However, if circumstances so warrant, the chair and executive director of the institution may designate another location before the beginning of the polling period. The executive director must then publish a notice indicating the new location in at least one media circulated in the subregion in question, post the notice in at least one location accessible to the public in each of the institution's facilities in this subregion, and inform the minister.

§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 unable to act, the minister shall appoint a new officer.

The returning officer shall then appoint a deputy returning officer for each polling location established in accordance 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 chair and executive director of the institution

3° Inform the voters and candidates of the election procedure

4° Appoint scrutineers for assistance in the performance of his or her duties

5° Implement the procedures chosen by the chair and executive director of the institution enabling candidates to address the public

6° Supervise the conduct of the election

7° Check voter eligibility, particularly by means of the declaration in section 25

8° Count the votes

9° Cancel irregular ballot papers in accordance with section 31

10° Complete the vote count report 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 chair 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 voters and candidates of the election procedure

3° Appoint scrutineers for assistance in the performance of his or her duties

4° Supervise the conduct of the election

5° Check voter eligibility, particularly by means of the declaration in section 25

6° Count the votes

7° Cancel irregular ballot papers in accordance with section 31

8° Send the vote count report 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. Chair and executive director

8. The chair 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.

The executive director shall keep the originals completed in accordance with Schedules I to X in sealed envelopes for a period of at least 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 Tribunal administratif du Québec has rendered its decision.

DIVISION II ELECTION PROCEDURE

§1. Notice of election

9. The chair and executive director of the institution shall give notice of the election no later than 50 days before the date of the election by mail or regular advertising inserts in each of the subregions referred to in section 2.

The notice of election must also be posted, within the same period, in a 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 giving notice of the election, the chair 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 subregions referred to in section 2, candidates shall be nominated 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 2 members of the electoral college of the subregion in question. It shall be submitted to the returning officer or deputy returning officer no later than 30 days before the date of the election, before 5:00 p.m.

11. A candidate who agrees may also complete an information sheet drawn up in accordance with Schedule II and submit it to the returning officer or deputy returning officer.

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

13. The returning officer shall accept or refuse the nomination paper no later than 2 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 corresponding section of the nomination paper.

The returning officer shall not divulge the name of any candidate to anyone whomsoever before the end of the nomination period.

§3. Election by acclamation

14. At the close of nominations, if only a single candidate has been nominated in a subregion, the returning officer shall declare this candidate elected for the subregion. He or she shall then complete the certificate of election by acclamation in accordance with Schedule III and send a copy of this certificate and nomination paper to the minister within 3 days. Within the same period, he or she shall send the original documents and any information sheet to the chair and executive director of the institution.

No later than 20 days before the date of the election, the chair and executive director shall issue a notice indicating the name of the person elected and the fact that there will not be an election in this subregion, by mail or usual inserts in the subregion in question.

The chair and executive director of the establishment must also post this notice within the same period in at least one location accessible to the public in each of the institution's facilities in the subregion in question.

§4. Election not held

15. At the close of nominations, if there is no candidate or no valid candidate in a subregion, the returning officer shall complete the declaration of election not held provided in Schedule IV and send a copy to the minister within 3 days. Within the same period, he or she shall send the original of this declaration along with the invalid nomination papers and information sheets, where applicable, to the chair and executive director of the institution.

§5. Polling notice and list of candidates

16. At the close of nominations, if more than one candidate has been nominated in a subregion, the returning officer shall draw up the candidate list for the subregion and forward it to the chair and executive director of the establishment within 3 days.

No later than 20 days before the date of the election, the chair and executive director shall issue a notice indicating the date, period, and location of the election, as well as the candidate list, by mail or regular advertising inserts in the subregion in question. The polling period indicated in the notice shall run at least from noon to 8:00 p.m.

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

The chair and executive director shall post the notice within the same period in a location accessible to the public in each of the institution's facilities in the subregion concerned. This notice is accompanied by a copy of the information sheets, as the case may be.

§6. Procedures enabling candidates to address the public

17. The chair and executive director of the institution shall, as soon as the nomination period has ended, inform the minister which of the procedures provided for in Schedule V enabling the candidates to address the public in the subregion in question has been chosen. He or she shall also inform the public 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 procedure or procedures chosen in accordance with section 17.

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

20. On polling day, all candidate advertising is prohibited on the premises where the poll is held, with the exception of information sheets posted as prescribed in section 16. The building in which the election is held and any neighboring location where such materials may be seen or heard by voters 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 to do so. Such appointment must be sent to the returning officer or deputy returning officer before the polling period begins.

22. The returning officer or deputy returning officer shall initiate 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.

If the polling period can not begin at the scheduled time or is interrupted due to a superior force, it shall continue for a period of at least 8 hours.

23. Proxy voting is prohibited.

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

The scrutineer shall provide a template to any voter with a visual impairment who so requests in order to enable him or her to vote without assistance. The scrutineer shall inform the voter of the order in which the candidates are listed on the ballot paper.

A voter who is hearing or speech impaired may be accompanied by a sign language interpreter in order to communicate with members of the election staff and candidates or their representatives.

25. Before voting, each voter shall complete a declaration drawn up in accordance with Schedule VI and submit it to the scrutineer.

26. The voting shall be by secret ballot.

27. The scrutineer shall give the voter a ballot paper drawn up in accordance with the model provided in Schedule VII and explain the voting procedure after initialing the ballot paper in the space indicated.

28. The voter shall go into the polling booth and mark the ballot paper in the prescribed manner.

After folding the ballot paper, the voter shall allow the scrutineer and any candidates or candidate representatives who so desire to check the number of the stub and the initials of the scrutineer on the ballot.

Once so verified, the voter shall tear off the stub and shall give it to the scrutineer, who shall destroy it. The voter shall then deposit the ballot paper in the ballot box.

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

29. After the end of the polling period, the returning officer or deputy returning officer shall count the votes in the presence of the scrutineers.

30. Any candidates or candidate representatives who so desire may be present for the counting of the votes.

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

- 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 favor of more candidates than the required number
- 5° Has been marked in favor 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 entries
- 8° Bears a mark by which the voter can be identified

Notwithstanding the foregoing, no ballot paper under 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 deputy returning officer and the representative of any candidate who so desires, then initial the back of every ballot paper and add a note indicating the correction.

The returning officer or deputy returning officer shall reject a ballot paper by writing “Void” on it and initialing it.

32. The vote count report provided for in Schedule VIII shall be completed for each polling location.

Deputy returning officers must immediately inform the returning officer of the results of the vote count and forward the original vote count report within 2 days, along with original voters’ 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 candidates who obtained the greatest number of votes on polling day based in each of the subregions in question.

If there is a tie vote and more than one candidate is elected in a single subregion, the returning officer shall immediately draw lots from among the candidates who obtained the same number of votes. He or she shall then complete the corresponding section of Schedule IX.

34. The returning officer shall recount the votes at the request of any candidate or representative.

Such request must be justified, made in writing, and received by the returning officer no later than 5 days after the poll is held.

The returning officer shall recount the votes within 5 days of 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 for in Schedule X and send a copy of this certificate and each elected candidate’s nomination papers to the minister within 3 days.

Within the same period, the returning officer shall send the chair 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, voters' declarations, ballot papers, and documents completed in accordance with Schedules VIII and IX.

The chair 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 in the subregion concerned.

36. This regulation replaces 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 established by departmental order number 2002-009 on July 31, 2002.

37. This regulation enters into effect on the date of its publication in *Gazette officielle du Québec*.

SCHEDULE I

(s. 10)

PUBLIC ELECTION
 NORD-DU-QUÉBEC INSTITUTION
 Nomination Paper

Institution : _____

Subregion number : _____ Description : _____

Section I – Nomination			Section II – Nominators	
Candidate's last and first name			1 - Nominator's last and first name	
Sex M <input type="checkbox"/> F <input type="checkbox"/>	Date of birth Y M D		Address	
Address			Phone	
Municipality/Locality	Province	Postal code	Nominator's signature*	
Area code Home phone	Area code Work phone Ext.		2 - Nominator's first and last name	
Occupation			Address	
Employer			Phone	
By signing below, the nominator attests that he or she is of the age of majority, does not work for the above institution or at a center operated by said institution, and has his or her residence in the above subregion.			Nominator's signature	

Section III – Candidate's consent

CONDITIONS REQUIRED TO BE A MEMBER OF AN INSTITUTION'S BOARD OF DIRECTORS

1. Not be a candidate in any subregion other than the one indicated above
2. Quebec resident
3. Age of majority (18 or over)
4. Not be under wardship or guardianship
5. Not found guilty in the past five years of a crime punishable by three or more years of incarceration
6. Not have been dismissed as the member of an institution's, regional board's, or health and social service agency's board of directors in the past three years
7. Not have been declared guilty in the past three years of an infraction of the Act respecting health services and social services or the regulations

- 8. Not be employed by Ministère de la Santé et des Services sociaux, an agency, or an institution and not be employed by or receive remuneration from Régie de l'assurance maladie du Québec
- 9. Not be employed by any other body providing health or social services and receiving funding from an agency or minister
- 10. Not have signed a service contract with an institution as a midwife
- 11. Not be employed by a community organization

I hereby acknowledge that I have read this information and declare that I meet the above conditions for candidacy. I also authorize the disclosure of the information on this form to Ministère de la Santé et des Services sociaux if I am elected a member of the board of directors. Information disclosed to MSSS 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 in _____ on _____

Candidate's signature

Section IV – Acceptance by returning officer

NOMINATION ACCEPTED

NOMINATION REJECTED

Reason(s) for rejection :

Returning officer's signature

Date

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

- 1. The information on this form is gathered for the institution concerned and, if the candidate is elected, for the health and social service agency and Ministère de la Santé et des Services sociaux.
- 2. The information transmitted to the agency and MSSS is used to make up records for management and control purposes of members of health and social service institution boards.
- 3. The following persons will have access to this information: employees of the institution in question, the agency, and MSSS in the performance of their duties any other user meeting the requirements of the above-mentioned act
- 4. All information on the form is required.

SCHEDULE II

(s. 11)

PUBLIC ELECTION
NORD-DU-QUÉBEC INSTITUTION
Candidate Information Sheet

PHOTO

Institution: _____

Subregion number: _____

Candidate's name: _____

Municipality or city of
residence: _____Municipality or city of
work: _____

Candidate profile (training, profession, experience):

Reasons for running:

Social, community, volunteer involvement, etc.:

Candidate's consent: I hereby authorize the disclosure of the information on this sheet as part of this election.

Date_____
Candidate's signature_____
Date_____
Returning officer's signature

SCHEDULE III

(s. 14)

PUBLIC ELECTION
NORD-DU-QUÉBEC INSTITUTION
Certificate of Election by Acclamation

I, the undersigned, the returning officer, hereby declare that I have received and accepted the candidacy below for the following board of directors position to be filled by public election:

Institution: _____

Subregion number: _____

Name

The candidate has been declared elected.

Signed in _____, on _____

Signature

Returning officer's name

SCHEDULE IV

(s. 15)

ELECTION BY THE PUBLIC
NORD-DU-QUÉBEC INSTITUTION
Declaration of Election Not Held

Institution: _____

Subregion number: _____

I, the undersigned, the returning officer, declare that no election will be held for the above subregion, for the following reason:

No nominations were received ()

No valid nominations were received ()

Signed in _____, on _____

Signature_____
Returning officer's name

SCHEDULE V

(s. 17)

PUBLIC ELECTION**NORD-DU-QUÉBEC INSTITUTION**

Procedures enabling candidates to address the public

Institution: _____

Subregion number: _____

Pursuant to section 17 of Regulation respecting the election by the public of certain members of the board of directors of a public institution referred to in part IV.2 of the Act respecting health services and social services, the chair and executive director hereby selects the following procedure(s) for the above subregion:

One or more public meetings enabling candidates to address the public

Number of public meetings: _____ ()

Publication, on one or more occasions, of information the candidates wish to provide to the public in a newspaper distributed in the above subregion

Number of publications: _____ ()

Use of one or more means of communication—technical, electronic, or other—enabling candidates to address the public (e.g., radio, TV, Internet)

Specify means: _____ ()

Signed in _____, on _____

Signature_____
Chair and executive director's name

SCHEDULE VI

(s. 25)

PUBLIC ELECTION
NORD-DU-QUÉBEC INSTITUTION
Voter Declaration

Institution: _____

Subregion number: _____

DECLARATION

I hereby declare that

- I am 18 years of age or over
- The postal code of my primary residence is _____
- My primary residence is located in the above subregion
- I do not work for the above institution or at a center operated by said institution

Name_____
Signature_____
Date

SCRUTINEER: _____

SCHEDULE VII

(s. 27)

PUBLIC ELECTION
 NORD-DU-QUÉBEC INSTITUTION
 Ballot paper template

No.			
No.			Candidates
	Scrutineer's initials		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
Date			<input type="checkbox"/>

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Note : List candidates' names in alphabetical order.

SCHEDULE VIII

(s. 32)

ELECTION BY THE PUBLIC
 NORD-DU-QUÉBEC INSTITUTION
 Vote Count Report

Institution: _____

Subregion number: _____

Polling location: _____

Polling date: _____

Polling period: _____

Candidates	Number of votes
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____

Valid ballot papers	_____
Rejected ballot papers	_____
Total	_____

Signed in _____, on _____

 Signature

 Name of the returning officer or deputy returning officer

SCHEDULE IX

(s. 33)

PUBLIC ELECTION

NORD-DU-QUÉBEC INSTITUTION

Compilation of vote counts and draw results

Institution: _____

Subregion number: _____

Polling location(s): _____

Polling date: _____

Polling period: _____

1. Compilation of vote counts

Candidates	Number of votes
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____

Valid ballot papers	_____
Rejected ballot papers	_____
Total	_____

2. Draw results

The following candidates received the same number of votes:

A draw was held on _____, in _____

