

**M.O., 2006****Order number 2006-016 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; 2005, c. 32)

Regulation respecting the election by the public of certain members of the board of directors of a public institution

CONSIDERING that, under the first paragraph of section 135 of the Act respecting health services and social services (R.S.Q., c. S-4.2), amended by section 78 of chapter 32 of the Statutes of 2005, any public institution shall, every three years, on such day as the Minister determines, invite the population to elect certain members of the board of directors of the institution;

CONSIDERING that, under the third paragraph of section 135, the mechanisms whereby candidates may address the population before an election, as well as the election procedure to be followed and the standards relating to advertising, financing, the powers and duties of election officers and campaign literature, shall be determined by regulation of the Minister, made after consulting the chief electoral officer;

CONSIDERING that the regulation comes into force on the date of its publication in the *Gazette officielle du Québec*;

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 13 of that Act, the reason justifying the absence of publication of the proposed regulation shall be published with the regulation;

CONSIDERING that the urgency of the situation is due to the fact that, in accordance with sections 135 and 137 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 boards of directors of the public institutions are to take place and 17 October 2006 has been determined as the date when the 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 public of certain members

of the board of directors of a public institution 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;

CONSIDERING that the Chief Electoral Officer has been consulted in relation to the Regulation;

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 a public institution, attached to this Order, be made.

PHILIPPE COUILLARD,  
*Minister of Health and Social Services*

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**Regulation respecting the election by the public 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; 2005, c. 32, s. 78)

**DIVISION I**  
**GENERAL**

*§1. Scope*

**1.** This Regulation applies to the election by the public of certain members of the board of directors of a public institution, 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 designate the polling location or locations no later than 55 days before the election date set by the minister in compliance with section 135 of the Act and shall inform the agency thereof.

However, if circumstances so warrant, the 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 region in which the institution's facilities are located,

post the notice in at least one location accessible to the public in each of the institution's facilities, and inform the agency.

**§3. Returning officer and deputy returning officer**

**3.** The chair and executive director of the agency or the person he or she 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 unable to act, the chair and executive director of the agency or the person designated shall appoint a new officer.

**4.** Where the election for a given institution is held in more than one location, the chair and executive director of the agency or the person designated shall also appoint a deputy returning officer for each such location. The same procedure shall be followed for the election of a board of directors formed to administer several institutions pursuant to section 125 or 128 of the Act.

**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 voters and candidates of the election procedure
- (4) Appoint scrutineers for assistance in the performance of his or her duties
- (5) Implement the mechanisms chosen by the 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 agency 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 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. 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.

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 the Tribunal administratif du 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 less than 50 days before the date of the election by means of at least 2 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 period, 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 giving 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 2 members of the electoral college. 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 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 the number of candidates is less than or equal to the number of seats to be filled, the returning officer shall declare these candidates elected. 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 the nomination papers to the agency within 3 days. Within the same period, the returning officer shall send the originals of these documents and any 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 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.

### §4. *Election not held*

**15.** At the close of nominations, if there is no candidate or no valid candidate, the returning officer shall complete the declaration of election not held provided in Schedule IV and send a copy to the agency 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 executive director of the institution.

### §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 candidates and send it to the executive director of the institution within 3 days.

No later than 20 days before the polling date, the executive director shall publish a notice indicating the polling date, time, and location, as well as the candidate list in at least two media, including at least one newspaper circulated in the region in which the institution's facilities are located. 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 executive director shall also post this notice within the same period in at least one location accessible to the public in each of the institution's facilities, along with a copy of the information sheets provided for in Schedule II and filled out by candidates, as the case may be.

*§6. Procedures enabling candidates to address the public*

**17.** The executive director of the institution shall, as soon as the nomination period has ended, inform the agency which of the procedures provided for in Schedule V enabling the candidates to address the public 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 elector with a visual impairment who so requests in order to enable him or her to vote without assistance. The scrutineer shall inform the elector of the order in which the candidates are listed on the ballot paper.

An elector 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 elector 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 elector 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 elector shall go into the polling booth and mark the ballot paper in the prescribed manner.

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

Once so verified, 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.** 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 elector 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.

All deputy returning officers shall promptly inform the returning officer of the result of the counting of votes and send him or her the original count report within 2 days, 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 candidates who obtained the greatest number of votes on polling day 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 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 agency within 10 days.

Within the same period, 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 enters into effect on the date of its publication in *Gazette officielle du Québec*.

**SCHEDULE I**

(s. 10)

**PUBLIC ELECTION**

## Nomination Paper

Institution(s)	I.D. No.

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

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	Province	Postal code	Nominator's signature*	
Area code Home phone	Area code Work phone Ext.		2 - Nominator's last and first 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 any of the above institutions or at a center operated by any of said institutions, and has his or her principal residence in the health and social service region and, as the case may be, the above local service network territory.			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 election other than for the institution 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 a member of the corporate body if any of the above institutions is so designated by the minister in accordance with Section 139 of the Act respecting health services and social services or considered to be so in accordance with Section 601.1 of said Act
9. 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
10. Not be employed by any other body providing health or social services and receiving funding from an agency or minister
11. Not have signed a service contract with an institution as a midwife
12. Not be employed of a community organism

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 the health and social service board and Ministère de la Santé et des Services sociaux (MSSS) if I am elected a member of the board of directors. Information disclosed to the agency and 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

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#### Section IV – Acceptance by returning officer

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**NOMINATION ACCEPTED**

**NOMINATION REJECTED**

Reason(s) for rejection:

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

\_\_\_\_\_  
Date

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

- |  |   |  |  |
|--|---|--|--|
| <p>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.</p> | <p>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.</p> | <p>3. The following persons will have access to this information:</p> <ul style="list-style-type: none"> <li>• Employees of the institution in question, the agency, and MSSS in the performance of their duties</li> <li>• Any other user meeting the requirements of the abovementioned act</li> </ul> | <p>4. All information on the form is required.</p> |
|--|---|--|--|

**SCHEDULE II**

(s. 11)

**PUBLIC ELECTION**  
Candidate Information Sheet

**PHOTO**

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

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

Municipality of  
residence: \_\_\_\_\_

Municipality of  
workplace: \_\_\_\_\_

Candidate profile (education, occupation, experience):

Reasons for candidacy:

Social, community, volunteer involvement, etc.:

Candidate's consent: I authorize the disclosure of the information herein as part of the election in which I am a candidate.

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

**SCHEDULE III**

(s. 14)

**PUBLIC ELECTION**

## Certificate of Election by Acclamation

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

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

Name

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

The candidates are hereby declared elected.

Number of unfilled positions, if any: \_\_\_\_\_

Signed in \_\_\_\_\_, on \_\_\_\_\_

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

**SCHEDULE IV**

(s. 15)

**PUBLIC ELECTION**

Declaration of Election Not Held

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

I, the undersigned, the returning officer, hereby declare that no election was held for the above institution(s), 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**

Procedures enabling candidates to address the public

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

Pursuant to section 17 of the Regulation respecting the election by the public of certain members of the board of directors of a public institution, the executive director hereby selects the following procedure(s):

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 territory in which the institution's facilities are located

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

**SCHEDULE VI**

(s. 25)

**PUBLIC ELECTION**

Voter Declaration

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

RLSSSS territory (if applicable): \_\_\_\_\_

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

**DECLARATION**

I hereby declare that

- I am 18 years of age or over
- The postal code of my principal residence is \_\_\_\_\_
- My principal residence is located in the above health and social service region and local health and social service network territory, as the case may be
- I do not work for any of the above institutions or at a center operated by any of said institutions

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

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

**SCHEDULE VII**

(s. 27)

**PUBLIC ELECTION**

Ballot paper template

No.	
No.	
	Scrutineer's initials
Date	

Back

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

Front

Note: List candidates' names in alphabetical order.

**SCHEDULE VIII**

(s. 32)

**ELECTION BY THE PUBLIC**

Vote Count Report

Institution: \_\_\_\_\_

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

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

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

Candidates	Number of votes		
1. _____	_____		
2. _____	_____		
3. _____	_____		
4. _____	_____		
5. _____	_____	Valid ballot papers	_____
6. _____	_____	Rejected ballot papers	_____
		Total	_____

Signed in \_\_\_\_\_, on \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name of the returning officer or deputy returning officer

**SCHEDULE IX**

(s. 33)

**PUBLIC ELECTION**

## Compilation of Vote Counts and Draw Results

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

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

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

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

## 1. Compilation of vote counts

Candidates	Number of votes		
1. _____	_____		
2. _____	_____		
3. _____	_____		
4. _____	_____		
5. _____	_____	Valid ballots	_____
6. _____	_____	Rejected ballots	_____
7. _____	_____	Total	_____
8. _____	_____		
9. _____	_____		
10. _____	_____		

## 2. Draw results

The following candidates received the same number of votes:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

A random draw was held on \_\_\_\_\_, in \_\_\_\_\_

The following candidates' names were drawn:

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

Signed in \_\_\_\_\_, on \_\_\_\_\_

\_\_\_\_\_  
Signature

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

**SCHEDULE X**  
(s. 35)

**PUBLIC ELECTION**  
Certificate of Election

To the chair and executive director of \_\_\_\_\_  
Institution

I, the undersigned, the returning officer, declare that the following candidates were elected to the board of directors of the above institution in the election held on \_\_\_\_\_.

Name

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_

Signed in \_\_\_\_\_, on \_\_\_\_\_

\_\_\_\_\_  
Signature

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