

M.O., 2015**Order number 2015 017 of the Minister of Health and Social Services dated 5 October 2015**

An Act respecting health services and social services (chapter 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

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING the first paragraph of section 135 of the Act respecting health services and social services (chapter S-4.2), which provides that every 4 years, on the day that the Minister determines, every public institution must invite the public to elect certain members of the board of directors of the institution;

CONSIDERING the third paragraph of section 135 of the Act, which provides that 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, are determined by a by-law 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 section 11 of the Regulations Act (chapter R-18.1), which provides that no proposed regulation may be made or submitted for approval before the expiry of 45 days from its publication in the *Gazette officielle du Québec*, or before the expiry of the period indicated in the notice accompanying it or in the Act under which the proposed regulation may be made or approved, where the notice or the Act provides for a longer period;

CONSIDERING section 12 of that Act, which provides that a proposed regulation may be made without having been published, if the authority making or approving it is of the opinion that the urgency of the situation requires it;

CONSIDERING section 13 of that Act, which provides that the reason justifying the absence of such publication is to be published with the regulation;

CONSIDERING that the Minister is of the opinion that the urgency of the situation is due to the fact that, in accordance with the first paragraph of section 135 of the Act respecting health services and social services, every four years, on the day of the month of October or

November that the Minister determines, every institution must invite the public to elect certain members of the boards of directors of public institutions and that that date expires on 30 November 2015;

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 steps within certain time limits spanning a period of 50 days before elections are held;

CONSIDERING that the Minister is of the opinion that those reasons justify that the Regulation be made without the prior 45-day publication;

CONSIDERING that the chief electoral officer was consulted regarding the Regulation;

CONSIDERING that it is expedient to make the Regulation;

ORDERS AS FOLLOWS:

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, is hereby made.

GAÉTAN BARRETTE,
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 (chapter S-4.2, s. 135)

**CHAPTER I
GENERAL**

**DIVISION I
SCOPE**

1. This Regulation applies to the procedure for 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 (chapter S-4.2), which must be determined pursuant to the third paragraph of section 135 of the Act.

DIVISION II ELECTION DATE

2. The election referred to in this Regulation is held on the date determined by the Minister in accordance with the first paragraph of section 135 of the Act.

The elected members take office as and when they are elected.

DIVISION III POLLING LOCATIONS

3. Not later than 55 days before the election date, the president and executive director of the institution determines the polling locations and informs the Minister thereof.

However, if circumstances so warrant, the president and executive director of the institution may designate another polling location before the beginning of the polling period. The president and executive director must then inform the Minister.

DIVISION IV RETURNING OFFICER AND DEPUTY RETURNING OFFICERS

4. Not later than 50 days before the election date, the Minister appoints a returning officer. If the returning officer is unable to act, the Minister appoints a new officer.

The returning officer appoints a deputy returning officer for each polling location. The president and executive director and the assistant executive director of the institution may not act as officer or deputy officer.

The officer and deputy officers may not run as candidates or countersign a nomination paper and are not entitled to vote in the election.

In this Regulation, «officer» means the returning officer and «deputy officer» means a deputy returning officer.

5. The officer is responsible for carrying out the election procedure and ensuring compliance with the rules set out in this Regulation. The duties of the officer are to

(1) receive the candidate nomination papers and accept or refuse the candidates;

(2) send the list of candidates to the president and executive director of the institution;

(3) inform the voters and candidates of the election procedure where more than 2 persons have submitted a valid nomination;

(4) appoint all scrutineers necessary for assistance in the performance of the officer's duties;

(5) implement the mechanisms chosen by the president and executive director of the institution enabling candidates to address the public;

(6) supervise the conduct of the election;

(7) check voter eligibility;

(8) be present for the counting of the votes;

(9) cancel irregular ballot papers in accordance with section 28;

(10) report the result of the election procedure to the Minister and the president and executive director of the institution; and

(11) complete the certificates of election by acclamation, declarations of election not held, vote count report and certificates of election referred to in sections 13, 14, 29 and 33 and send them to the Minister and the president and executive director of the institution.

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

(1) receive the candidate nomination papers and send them to the officer;

(2) inform the voters and candidates of the election procedure where more than 2 persons have submitted a valid nomination;

(3) appoint all scrutineers necessary for assistance in the performance of the deputy officer's duties;

(4) supervise the conduct of the election;

(5) check voter eligibility;

(6) be present for the counting of the votes;

(7) cancel irregular ballot papers in accordance with section 28; and

(8) complete the vote count report referred to in section 29 and send it along with the ballot papers to the officer.

DIVISION V
PRESIDENT AND EXECUTIVE DIRECTOR
OF THE INSTITUTION

7. The president and executive director of the institution provides the officer and deputy officers with the technical and administrative support required for the performance of their duties.

The president and executive director keeps the original of the documents completed in accordance with Schedules I to X under seal 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 decision of the Tribunal administratif du Québec is rendered and has become final.

CHAPTER II
ELECTION PROCEDURE

DIVISION I
NOTICE OF ELECTION

8. Not later than 50 days before the election date, the president and executive director of the institution gives notice of the election by mail or regular advertising inserts. The notice of election must mention the restrictions set out in sections 131, 135 and 150 of the Act and describe the nomination procedure provided for in sections 9 and 10 of this Regulation.

The notice of election must be posted, within the same period, in a location accessible to the public in each of the institution's facilities and published on the website of the institution.

The president and executive director must send a copy of the notice of election to the officer and deputy officers not later than 5 days after having forwarded it.

DIVISION II
NOMINATION

9. Candidates are nominated by means of a nomination paper provided in Schedule I.

The original of the nomination paper must be signed by the candidate and countersigned by 2 nominators. The nominators must be members of the electoral college. It must be received by the officer or the deputy officer not later than 30 days before the election date and not later than 5:00 p.m.

10. The candidate must also complete the information sheet provided in Schedule II and submit it to the officer or the deputy officer with the nomination paper.

11. The deputy officer who receives a nomination paper and an information sheet must send them immediately to the officer.

12. Not later than 2 working days after having received a nomination paper, the officer must accept or refuse the nomination and give written notice of acceptance or refusal to the person who filed the paper. The officer completes the corresponding section of the nomination paper.

The officer may not divulge the name of any candidate before the end of the nomination period. The officer may not, in any case, divulge the name of a person whose nomination has been rejected.

DIVISION III
ELECTION

§1. Election not held

13. At the end of the nomination period, if there is no candidate or no valid candidate, the officer completes the declaration of election not held provided in Schedule III and sends a copy to the Minister within 3 working days. Within the same period, the officer sends the original of the declaration along with the nomination papers and information sheets completed by the candidates whose nominations have been refused to the president and executive director of the institution.

Not later than 20 days before the election date, the president and executive director of the institution must, by mail or regular advertising inserts, publish the declaration of election not held. The president and executive director must also post the declaration, within the same period, in a location accessible to the public in each of the institution's facilities and publish it on the website of the institution.

§2. Election by acclamation

14. At the end of the nomination period, if the officer has received only 1 or 2 valid nominations, the officer declares the candidates elected. The officer then completes the certificate of election by acclamation provided in Schedule IV and sends a copy of the certificate, nomination papers and information sheet completed by the candidates whose nominations have been accepted to the Minister within 3 working days. Within the same period, the officer sends the original documents and any original nomination papers and information sheets completed by the candidates whose nominations have been refused to the president and executive director of the institution.

Not later than 20 days before the election date, the president and executive director of the institution must publish the certificate of election by acclamation by mail

or regular advertising inserts. The president and executive director must also post the certificate, within the same period, in a location accessible to the public in each of the institution's facilities and publish it on the website of the institution.

§3. *Election by ballot*

15. At the end of the nomination period, if there are more than 2 valid nominations, the officer draws up the list of candidates and sends it to the president and executive director of the institution within 3 working days.

Not later than 20 days before the election date, the president and executive director must, by mail or regular advertising inserts, give a notice indicating the date, period, polling locations and the list of candidates. The polling period indicated in the notice must extend from at least noon to 8 p.m. The polling notice must also indicate that no advance polling will be held and that proxy voting is prohibited. The notice is accompanied by a copy of the information sheets.

The president and executive director must also, within the same period, post the notice and a copy of the information sheets in a location accessible to the public in each of the institution's facilities and publish them on the website of the institution.

Where information appearing in the published polling notice is modified, the president and executive director of the institution must publish a notice on the website of the institution. The notice must also be posted in each of the institution's facilities.

16. Within 5 days following the end of the nomination period, the president and executive director of the institution sends the number of candidates for the election held for the institution, according to their sex and age group, to the Minister.

The president and executive director of the institution must also inform the Minister of the choice of one or more mechanisms provided in Schedule V enabling the candidates to address the public. The president and executive director also informs the public in the polling notice given in accordance with section 15.

17. The officer must, between the time the polling notice is published and polling day, implement the mechanism or mechanisms chosen in accordance with section 16.

18. The institution pays the cost of implementing the mechanisms provided for in section 17. All other advertising or promotional expenses are paid exclusively by the candidates.

19. On polling day, all candidate advertising is prohibited on the premises where the poll is held, except the posting of copies of the information sheets completed by the candidates. The building in which the election is held and any neighbouring location where advertising may be seen or heard by voters are considered to be the premises where the poll is held.

20. 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 officer or the deputy officer before the polling period begins.

21. The officer or the deputy officer initiates the polling period on the date, at the time, and in one of the locations indicated in the polling notice.

If the polling period cannot begin at the scheduled time or is interrupted due to a superior force, it continues until it lasts at least 8 hours.

22. The officer, a deputy officer, or a scrutineer must provide assistance to any person requesting it to exercise the right to vote.

The scrutineer must provide a template to any voter with a visual impairment who so requests in order to enable the voter to vote without assistance. The scrutineer informs 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 the officer, a deputy officer, scrutineers and candidates or their representatives.

23. Before voting, each voter must complete a declaration provided in Schedule VI and submit it to the scrutineer.

24. The scrutineer gives the voter a ballot paper drawn up in accordance with the model provided in Schedule VII after initialing the ballot paper in the space reserved for that purpose and explains the voting procedure.

Proxy voting is prohibited.

25. The voter goes into the polling booth and marks the ballot paper in the spaces reserved for that purpose.

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

Once so verified, the voter tears off the stub and gives it to the scrutineer, who destroys it. The voter then deposits the ballot paper in the ballot box.

26. After the end of the polling period, the scrutineers count the votes in the presence of the officer or a deputy officer.

27. Any candidates or candidate representatives may be present for the counting of the votes.

28. The officer or the deputy officer cancels 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 than 2 candidates;
- (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; and
- (8) bears a mark by which the voter can be identified.

Despite the foregoing, no ballot paper may be rejected under subparagraph 2 of the first paragraph where the number of ballot papers found in the ballot box corresponds to the number of ballot papers which, according to the sum of the declarations by voters who voted, were placed in it. The scrutineer then initials the back of the ballot paper and adds a note indicating the correction.

The officer or the deputy officer cancels a ballot paper by writing «Void» on it and initialing it. The number of rejected ballot papers is noted in the vote count report provided in Schedule VIII.

29. The officer or a deputy officer completes a vote count report for each polling location.

Deputy officers must immediately inform the officer of the results of the vote count and forward the original vote count report within 2 working days, along with the original voters' declarations and ballot papers.

30. The officer compiles the counts in accordance with Schedule IX and, subject to section 33, declares elected, on polling day, the candidates who obtained the greatest number of votes.

If there is a tie and more than 2 candidates are elected, the officer immediately draws lots from among the candidates who obtained the same number of votes. The officer then completes the corresponding section of Schedule IX.

31. The officer sends, on the day the poll is held, the names of the persons elected, their sex and age group, the number of cases for which there was a drawing of lots and the number of persons who voted to the Minister.

32. The officer must recount the votes at the request of any candidate or representative.

Such request must be justified, made in writing, and received by the officer not later than 5 days after the poll is held.

The officer must recount the votes within 5 days of receipt of such request. The candidates and their representatives may be present for the recounting.

The officer compiles again the counts in accordance with Schedule IX.

33. The officer completes the election certificate provided in Schedule X and sends a copy of the certificate and each elected candidate's nomination papers to the Minister within 10 working days following the polling date.

Within the same period, the officer sends the president and executive director of the institution the originals of those same documents, the nomination papers of unelected candidates, all information sheets completed by the candidates, the voters' declarations, the ballot papers and the documents completed in accordance with Schedules VIII and IX.

Not later than 15 days after the polling date, the president and executive director of the institution must, by mail or regular advertising inserts, publish the election certificate. Within the same period, the president and executive director must also post a copy of the election certificate in a location accessible to the public in each of the institution's facilities and publish it on the website of the institution.

CHAPTER III**FINAL**

34. The Regulation respecting the election by the public of certain members of the board of directors of a public institution (chapter S-4.2, r. 11) is repealed.

35. 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 (chapter S-4.2, r. 12) is repealed.

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

SCHEDULE I
(section 9)

PUBLIC ELECTION
Candidate nomination paper

Name of institution			
Section I – Nomination		Section II – Nominators	
Last name and first name of candidate		1- Last name and first name of nominator	
Sex M <input type="checkbox"/> F <input type="checkbox"/>	Date of birth Y M D	Address	
Address		Telephone	
Municipality	Province	Postal code	Signature of nominator *
Area code Home telephone	Area code	Work telephone Extension	2- Last name and first name of nominator
Email address		Address	
Occupation		Telephone	
Employer		Signature of nominator*	
*By signing below, the nominator attests being of full age, not being employed by the above institution or not practising at a centre operated by the institution, and having his or her principal residence in the health region in which the institution is located.			
Section III – Candidate's consent			
<p>CONDITIONS REQUIRED TO BE A MEMBER OF AN INSTITUTION'S BOARD OF DIRECTORS</p> <ol style="list-style-type: none"> 1. Be a candidate only for the election concerning the institution indicated above; 2. Be a Québec resident; 3. Be of full age (18 or over); 4. Not be under tutorship or curatorship; 5. Not have been convicted 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 a board of directors of an institution or agency in the past three years; 7. Not have been convicted in the past three years of an offence against the Act respecting health services and social services or the regulations; 8. Not be or have been employed by the institution and not practise or have practised in the institution in the three years preceding the election date; 9. Not have a member of the immediate family who is president and executive director, assistant executive director or a senior management officer of the institution. Member of the immediate family means the person's spouse or child, the spouse's child, the person's mother or father, the spouse of the person's mother or father, the spouse of the person's child or the spouse of the child of the person's spouse; 10. Not provide goods or services for valuable consideration to the institution; 11. Not be employed by the Ministère de la Santé et des Services sociaux and not be employed by or receive remuneration from the Régie de l'assurance maladie du Québec; 12. Not be a member of the board of directors of the Régie de l'assurance maladie du Québec; 13. Not be a user lodged in the institution; 14. Not have any direct or indirect relation or interest, in particular of a financial, commercial, professional or philanthropic nature, likely to interfere with the quality of the person's decisions as regards the interests of the institution. <p>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 Minister of Health and Social Services if I am elected a member of the board of directors. Information sent to the Minister is governed by the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).</p> <p>In witness whereof, I have signed in _____ on _____</p> <p style="text-align: center;">_____ Signature of candidate</p>			
Section IV – Acceptance by returning officer			
NOMINATION ACCEPTED <input type="checkbox"/>		NOMINATION REJECTED <input type="checkbox"/>	
Reason(s) for rejection: _____			
_____ Signature of returning officer		_____ Date	
<p>PURSUANT TO SECTIONS 64 AND 65 OF THE ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION</p> <ol style="list-style-type: none"> 1. The information on this form is gathered for the institution concerned and, if the candidate is elected, for the Minister of Health and Social Services. 2. The information sent to the Minister 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 the information: <ul style="list-style-type: none"> • employees of the institution concerned and of the Ministère de la Santé et des Services sociaux in the performance of their duties; • any other user meeting the requirements of the abovementioned Act. 4. All information on the form is required. 			

SCHEDULE II
(section 10)

PUBLIC ELECTION
Candidate information sheet

PHOTO

Institution: _____

Name of candidate: _____

Municipality or locality of
residence: _____

Municipality or locality of
work: _____

Profile of candidate (training, occupation, experience):

Reasons for candidacy:

Social, community, volunteer involvement, etc.:

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

Date

Signature of candidate

Date

Signature of returning officer

SCHEDULE III
(section 13)

PUBLIC ELECTION
Declaration of election not held

Institution: _____

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

No nominations were received ()

No valid nominations were received ()

Signed in _____, on _____

Signature

Name of returning officer

SCHEDULE IV
(section 14)

PUBLIC ELECTION
Certificate of election by acclamation

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

Institution: _____

Name

(1) _____

(2) _____

The candidates have been declared elected.

Number of nominations rejected, if any: _____

Signed in _____, on _____

Signature

Name of returning officer

SCHEDULE V
(section 16)

PUBLIC ELECTION
Mechanisms enabling candidates to address the public

Institution: _____

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 referred to in Part IV.2 of the Act respecting health services and social services, the president and executive director hereby selects the following mechanism(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 region

Number of publication(s): _____ ()

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

Name of president and executive director

SCHEDULE VI
(section 23)

PUBLIC ELECTION
Voter declaration

Institution:

Health region:

DECLARATION

I hereby declare that

- I am 18 years of age or over;
- my principal residence is situated at the following address:

- I am not employed by the above institution or practise at a centre operated by the institution;
- I did not vote in another polling location for the above institution.

Name

Signature

Date

SCRUTINEER: _____

SCHEDULE VII
(section 24)

PUBLIC ELECTION
Ballot paper template

No.		
No.		Names of candidates
	Initials of scrutineer	<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"/>
Back		Front

NOTE: List names of candidates in alphabetical order.

SCHEDULE VIII
(section 29)

PUBLIC ELECTION
Vote count report

Institution: _____

Polling location: _____

Polling date: _____

Polling time: _____

Persons present during vote count and duties:

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

Total of valid votes _____

Number of ballots rejected _____

Reasons for rejecting ballots:

Signed in _____, on _____

Signature

Name of returning officer or deputy returning officer

SCHEDULE IX*(section 30)***PUBLIC ELECTION
Compilation of vote counts and
draw results**

Institution: _____

Polling date: _____

Count

Recount

1. Compilation of vote counts

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

2. Draw results *(to be completed only if there is a tie)*

The following candidates received the same number of votes:

A draw was held on _____,
in _____.

The following name or names were drawn:

Signed in _____, on _____

Signature_____
Name of returning officer

SCHEDULE X
(section 33)

PUBLIC ELECTION
Certificate of election

To the president and executive director of

Institution

I, the undersigned, 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. _____

Signed in _____, on _____

Signature

Name of returning officer