

College of Physicians and Surgeons of Newfoundland & Labrador

BY-LAW 1

Election of Members of Council

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The process to be followed in the election of members of council, made pursuant to paragraph 15(1)(c) of the *Medical Act, 2011*.

1. Definitions

For the purposes of this By-law:

- i) "Candidate" means a candidate for election to Council
- ii) "College Member" means a medical practitioner who holds a current licence issued pursuant to the *Medical Act, 2011* (the "Act")
- iii) "Council" means the Council of the College described in s. 9(1) of the Act.

2. Notice of Council Election

Timing and delivery of notice

(1) Notice of the election of members to Council shall be provided to College Members at least 35 days prior to the date fixed for the election. Notice shall be provided to College Members by electronic mail.

Contents of notice

(2) The notice of the election of members to Council shall include:

- (a) notice of the date fixed for the election of members to council;
- (b) notice as to the form of the election: whether it be by paper ballot, electronic voting system or both;

(c) notice of the date fixed for the receipt of nominations, which shall be a date at least 15 days after the date of the notice;

(d) a nomination paper; and

(e) a copy of this By-Law.

3. Nomination

Qualifications

(3) To qualify for nomination, a Candidate must be a College Member who lives in or carries on practice in one of the medical electoral divisions of the College.

(4) A Candidate must be nominated by 2 College Members who live in or carry on practice in the medical electoral division for which the Candidate is being nominated. Each College Member can nominate one Candidate.

Medical Electoral Divisions

(5) The medical electoral divisions of the College include:

(a) the region comprising the City of Mount Pearl and the City of St. John's; and

(b) the remainder of the Province.

(6) A Candidate may only be nominated to represent one medical electoral division.

Nomination Requirements

(7) To be accepted as duly nominating a qualified Candidate, a nomination must be:

(a) completed on the prescribed nomination paper;

(b) received by the Registrar by the date fixed for receipt of nominations;

(c) signed by the 2 nominating College Members;

(d) accepted and completed in writing by the Candidate; and

(e) accompanied by a curriculum vitae or short biographical profile of the Candidate, which document shall not exceed 2 letter-sized pages.

(8) If the number of candidates nominated for a medical electoral division is less than the number of council members who must be elected for that division in the election, the chairperson of the Council shall appoint from amongst those Council members who are not and will not be candidates in the election a nominating committee. The nominating committee shall nominate from amongst the College Members who are qualified to represent that division a sufficient number of consenting candidates so that the total number of candidates for that division will be at least equal to but not greater than twice the number of members to be elected for that division in that election.

(9) Only such members of the College as are duly nominated shall be eligible for election as members of the council.

Acclamation

(10) If the total number of candidates nominated for election in a medical electoral division is no more than the number of council members to be elected for that division in that election, those candidates shall be deemed elected by acclamation, without the necessity of balloting.

4. Election Ballots

Paper Ballot

(1) In the event that paper ballots are used for the election, the Registrar shall, at least 15 days prior to the date fixed for the election, mail to each College Member entitled to vote:

- (a) a ballot listing the Candidates nominated for each medical electoral division and indicating the number of elected members to be elected for each division (the "Ballot Form");
- (b) an envelope into which the Ballot Form is to be inserted and sealed (the "Ballot Envelope");
- (c) an envelope addressed with the College's return address, and having printed thereon a place for the voting member to identify himself or herself (the "Election Return");
- (d) a notice of the date fixed for the election and the place fixed for the counting of votes; and
- (e) a copy of the curriculum vitae or short biographical profile of each Candidate .

Electronic Voting System

(2) The Ballot Form, Ballot Envelope and Election Return outlined in 4(1)(a)-(c) may be replaced by an electronic voting system. In the event that an electronic voting system is used, the Registrar shall send at least 15 days prior to the date fixed for the election by electronic mail to each College Member entitled to vote:

- (a) instructions on how to access the electronic voting system;
- (b) a notice of the date fixed for the election and the place fixed for the counting of votes; and
- (c) a copy of the curriculum vitae or short biographical profile of each Candidate .

5. Voting

Paper Ballot

(1) In the event that paper ballots are used for the election, every voting College Member shall:

- (a) Mark an X on the Ballot Form in the space provided opposite the names of the candidates for whom he or she intends to vote for each medical electoral division;
- (b) Place the Ballot Form in the Ballot Envelope and seal the Ballot Envelope;
- (c) Identify herself or himself, by printing his or her name and College-issued licence number legibly and signing at the place indicated on the Election Return;
- (d) Insert the Ballot Form in the Election Return and seal the Election Return; and
- (e) Return the Election Return to the College, by mail post-marked no later than the date fixed for the election, or otherwise causing the Election Return to be hand delivered to the College's offices during business hours on or before the date fixed for the election. Duly post-marked Election Return envelopes will be accepted if received by the Registrar before the counting of ballots has commenced.

Electronic Voting System

(2) The voting process outlined in 5(1)(a)-(e) may be replaced by an electronic voting system. In the event that an electronic system is used, electronic Ballot

Forms shall be accepted through the electronic voting system until the close of business hours of the College's offices on the date fixed for the election.

6. Scrutineers

The Registrar, or in his or her absence the Deputy Registrar, and at least one member of the Council who is not a candidate in the election shall act as scrutineers of the counting of the ballots, who shall be present throughout the process set out in Section 7 of this By-Law.

7. Counting of Ballots

Paper Ballot

(1) Within seven (7) business days following the date fixed for the election, one or more persons as may be appointed by Council for the purpose of counting ballots, in the view of the scrutineers present, shall:

- (a) Count each Election Return envelope duly received by the Registrar for the election;
- (b) Determine whether the voting member has duly identified herself or himself on the Election Return, consulting with the Registrar or in his or her absence the deputy registrar as necessary for this purpose;
- (c) Count as void any Election Return on which a voting member has not duly identified himself or herself or any Election Return that does not contain a sealed Ballot Envelope;
- (d) Ensure that opened, valid Election Returns are separated from the unopened Ballot Envelopes in such a manner as to ensure the secrecy of the ballot;
- (e) Count and record the votes duly marked on the Ballot Forms for each candidate; and
- (f) Count and record any spoiled Ballot Forms.

Electronic Voting System

(2) In the event that an electronic voting system is used, the person(s) appointed by Council for the purpose of counting ballots, in the view of the scrutineers present, shall review the report from the electronic voting system to:

- (a) record the number of ballots received in total;

- (b) record the number of votes for each candidate;
- (c) record the number of spoiled ballots;
- (d) record the number of void ballots where a College Member has not duly identified himself or herself; and
- (e) ensure the report maintains the secrecy of each ballot.

Certification

(3) The person(s) appointed by Council for the purpose of counting ballots shall certify in writing the voting results of the election for each Candidate, the total number of ballots received, the total number of any ballots counted as void, the total number of ballots counted as valid, the total number of any ballots counted as spoiled, and the identification of the Candidates who were elected for each division (the "Election Record").

8. Voting Results

(1) The Registrar shall, within 3 business days of the completion of the counting of the ballots, inform each College Member of the election results by posting the results on the College's website and circulating the results to all College Members by electronic mail.

(2) The results of the election to be posted on the College's website shall include the total number of Election Returns, the total number of any Election Returns counted as void, the total number of ballots counted as valid, the total number of any ballots counted as spoiled, and the identification of the Candidates who were elected for each division.

(3) The numerical vote count for, and relative vote placing of, each candidate shall not be posted, but shall be recorded in the Election Record.

(4) The Election Returns and Ballot Forms received for an election shall be kept for a period of 30 days following the posting of the election results on the College website and then destroyed, unless the Registrar receives within that 30 day period of a written notice of objection to the election from a College Member, qualified to have voted in the election, stating the reasons for the objection.

(5) Other than the election results to be posted and circulated in accordance with this subsection, the Election Record shall be kept confidential unless the Council rules that it, or part of it, may be disclosed, or as may be otherwise required by law.