



By-Law 1: Election of Members of Council

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

1. Definitions

For the purposes of this By-law:

- (1) “Candidate” means a candidate for election to Council.
- (2) “College Member” means a medical practitioner who holds an active Licence to Practice Medicine issued pursuant to the *Medical Act, 2011*.
- (3) “Council” means the Council of the College described in s. 9(1) of the *Medical Act, 2011*.

2. Notice of Council Election

- (1) Notice of the election of members to Council shall be provided to College Members by electronic mail at least 35 days prior to the date fixed for the election.
- (2) The notice of the election of members to Council shall include:
 - (a) notice of the date fixed for the election;
 - (b) 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;
 - (c) the number of Council members to be elected in each medical electoral division;
and
 - (d) a copy of this By-Law.

3. Nomination

- (1) To qualify for nomination, a Candidate must meet the following criteria:
 - (a) hold an active Licence to Practice Medicine issued by the College, pursuant to the *Medical Act, 2011*;
 - (b) live in or carry on practice in the medical electoral division of the College where the Candidate is seeking nomination;
 - (c) not be subject to any pending disciplinary proceedings before the College or another medical regulatory authority;
 - (d) not have had their licence revoked or suspended in the six years preceding the date of the election;
 - (e) is not, and has not been within one year before the date of the election, a director or officer of the Newfoundland and Labrador Medical Association or the Canadian Medical Protective Association; and
 - (f) not hold a position which would cause the Candidate, if elected as a Council member, to have a conflict of interest by virtue of having competing fiduciary obligations to both the College and another organization.
- (2) A Candidate must be nominated by two 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.
- (3) 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.
- (4) A Candidate may only be nominated to represent one medical electoral division.
- (5) To be accepted as duly nominating a qualified Candidate, a nomination must be:
 - (a) completed on the prescribed nomination form;
 - (b) received by the Registrar by the date fixed for receipt of nominations;
 - (c) signed by the two nominating College Members;

- (d) accepted and completed in writing by the Candidate; and
 - (e) accompanied by a completed Candidate Biography form.
- (6) Where at the close of receipt of nominations, the number of Candidates nominated is less than the number of Council Members to be elected, the Council shall, as soon as practical and upon the recommendation of the College's Governance Committee, nominate from amongst the eligible College Members, enough consenting Candidates so that the total nominations equal the required number of Council Members to be elected.
- (7) Only such members of the College as are duly nominated shall be eligible for election as members of the Council.
- (8) If the total number of Candidates nominated for election in a medical electoral division is equal to the required number of Council Members to be elected for that division, those Candidates shall be deemed elected by acclamation, without the necessity of balloting.

4. Ballots

- (1) The Registrar shall send by electronic mail, at least 15 days prior to the date fixed for the election, to each College Member entitled to vote:
- (a) a list of the Candidates nominated for each medical electoral division and the number of elected members to be elected for each division;
 - (b) instructions on how to access the electronic voting system;
 - (c) a notice of the date fixed for the election; and
 - (d) a copy of the Candidate Biography form for each Candidate.

5. Voting

- (1) One electronic ballot shall be accepted from each College Member 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

- (1) The Registrar, or in the absence of the Registrar, the Deputy Registrar, and at least one member of the Council who is not a Candidate in the election shall act as scrutineers in reviewing the report of the electronic voting system and reporting the results of the election.

7. Election Results

- (1) Within seven business days following the date fixed for the election, the person appointed by Council in 6(1), in the view of the scrutineers present, shall review the report of the electronic voting system to:
 - (a) record the number of electronic ballots received in total;
 - (b) record the number of votes for each Candidate;
 - (c) record the number of spoiled or void electronic ballots; and
 - (d) ensure the report maintains the secrecy of each electronic ballot.
- (2) The person appointed by Council for the purpose of reporting the results of the election shall certify in writing the voting results of the election for each Candidate, the total number of electronic ballots received, the total number of any electronic ballots counted as spoiled or void, the total number of electronic ballots counted as valid, and the identification of the Candidates who were elected for each division (the "Election Record").
- (3) The Registrar shall, within three business days of the certifying of the Election Record, 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.
- (4) The results of the election to be posted on the College's website shall include the total number of electronic ballots received, the total number of any electronic ballots counted as void or spoiled, the total number of electronic ballots counted as valid, and the identification of the Candidates who were elected for each division. The numerical vote count for, and relative vote placing of, each Candidate shall not be posted, but shall be recorded in the Election Record.
- (5) The electronic ballots 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 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.
- (6) 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.

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