

7 ELECTIONS TO COUNCIL

7.1 Timing of Elections

7.1.1 Election date

A general election shall be held on the second Wednesday of December in 2014 and the second Wednesday of December in every second year thereafter.

7.2 Eligibility

7.2.1 Definitions

The “**eligibility date**” is the day that is four days before the deadline for receipt of nominations set by the Registrar under article 7.4.2.

7.2.2 Eligibility to vote

A member of the College may vote in a general election provided that he or she satisfies all of the following conditions on the eligibility date:

- a. the member holds a general or specialty certificate of registration;
- b. the member practises dentistry or resides in Ontario;
- c. the member is not in default of payment of any fees, fines, or other amounts owed to the College; and
- d. the member is not in default of completing and submitting any form prescribed by the regulations or required by the by-laws.

7.2.3 Electoral district

The electoral district in which a member is eligible to vote is the district in which the designated Register address of the member is located on the eligibility date.

7.2.4 Eligibility to stand for election

A member of the College is eligible to stand for election to Council in an electoral district provided that he or she satisfies all of the following conditions on the deadline for receipt of nominations:

- a. the member holds a general or specialty certificate of registration;

- b. the member practises dentistry in the electoral district in which he or she wishes to stand for election, or the member is not engaged in the practice of dentistry and resides in the electoral district in which he or she wishes to stand for election;
- c. the member is not in default of payment of any fees, fines, or other amounts owed to the College;
- d. the member is not in default of completing and submitting any form prescribed by the regulations or required by the by-laws;
- e. the member is not the subject of any disciplinary or incapacity proceeding in Ontario or any similar proceeding in any other jurisdiction;
- e.1 the member does not have a notation on the College's (public) register that the member has been the subject of a caution or required to complete a specified continuing education or remediation program based on a decision of the Inquiries Complaints and Reports Committee;
- f. the member's certificate of registration is not subject to a term, condition, or limitation, other than one applicable to all members holding that class of certificate;
- g. the member is not and has not been during the previous two years
 - i. a director or other member of the board of directors, governing Council or other governing body of,
 - ii. officer of, or
 - iii. Executive Director, Chief Administrative Officer, or other appointed official of
 - iv. the Canadian Dental Association, Ontario Dental Association, a national or provincial dental specialty association or organization, or other similar national or provincial association or organization;
- h. the member is not and has not been a salaried employee of the College during the previous two years;
- i. the member is not ineligible as a result of article 6.2.4 (Cooling off period, elected Council members);
- j. where the member was found guilty of an offence under the *Criminal Code* (Canada) or any other criminal offence in any other jurisdiction, a period of at least three years has elapsed since the member fully complied with any penalty imposed as a result of that finding, or where no penalty was imposed, a period of at least three years has elapsed since the finding was made;

- k. where the member was the subject of an order of the Discipline or Fitness to Practice Committee or any similar order made in any other jurisdiction in relation to a profession, a period of at least three years has elapsed since the member complied with all aspects of that order; and
- l. where the member was disqualified by Council from serving as a member of Council as a result of a breach of article 11 (Code of Conduct) or article 13 (Conflicts of Interest), a period of at least three years has elapsed since that disqualification.

7.3 Disputed Eligibility

7.3.1 Disputed eligibility to vote

Any dispute with respect to the eligibility of a member of the College to vote in a general election shall be decided by the Elections Committee.

7.3.2 Disputed candidacy

A member of the College standing for election to Council in an electoral district may dispute the eligibility of another candidate standing for election in the same district by filing a written notice with the Registrar.

7.3.3 Registrar to refer

Where the Registrar receives a written notice of disputed candidacy under article 7.3.2, or receives information which, if true, may disqualify or render ineligible a candidate for election to Council, the Registrar shall take one of the following actions:

- a. where the notice or information is received on or before the twenty-second (22nd) day before the election, refer the matter to the Elections Committee to determine the candidate's eligibility to stand for election; or
- b. where the notice or information is received after the twenty-second (22nd) day before the election and the candidate is successful in the election, refer the matter to Council to determine if the newly elected member should be disqualified.

7.3.4 Registrar may postpone dates during dispute

Where the Registrar refers a matter to the Elections Committee to determine the eligibility of a candidate under article 7.3.3, the Registrar may postpone the date of the election, in the impacted electoral district by a maximum of seven (7) days.

7.3.5 Independent legal consultant

In determining a candidate's eligibility in a matter referred to it under article 7.3.3, the Elections Committee may obtain the assistance of an independent legal consultant with respect to any issues of law.

7.3.6 Full disclosure

The Elections Committee shall provide a candidate whose eligibility it is considering with full disclosure of any information it receives with respect to the matter, including any information it receives from an independent legal consultant retained under article 7.3.5.

7.3.7 Submissions from disputed candidate

The Elections Committee shall provide a candidate whose eligibility it is considering with a reasonable opportunity to make written and oral submissions.

7.3.8 Notice of decision

The Elections Committee shall notify the Registrar of its decision concerning the eligibility of a candidate referred to it under article 7.3.3, and the Registrar shall immediately notify the candidate and any member who filed a notice under article 7.3.2 of the decision of the Election Committee.

7.3.9 Decision final

A decision of the Elections Committee under article 7.3.1 or 7.3.8 is final, and an election result is not subject to challenge on the basis that a member of the College was not entitled to vote or a candidate was not permitted to stand for election as result of a decision of the Elections Committee.

7.4 Nominations and Election Procedure

7.4.1 Registrar to supervise nominations and elections

The Registrar shall supervise the nomination of candidates for and the election of members to Council.

7.4.2 Registrar to set nominations deadline

The Registrar shall set a deadline for the receipt of nominations of candidates for election to Council that is at least forty-five (45) days before the date of the election.

7.4.3 Registrar to notify

The Registrar shall notify every member of the College who is eligible to vote of the following information no later than sixty (60) days prior to the date of an election:

- a. the date, time, place, and method of the election;
- b. the procedure for standing for election; and
- c. the deadline for receipt of nominations.

7.4.4 Nomination procedure

A member of the College wishing to stand for election to Council shall submit the following information to be received by the Registrar on or before the deadline for the receipt of nominations set by the Registrar:

- a. a completed nomination using the method and the form approved by Council; and
- b. a completed and signed declaration using the method and the form approved by Council.

7.4.5 Withdrawal of nomination

A member of the College may withdraw his or her nomination as a candidate in an election by notifying the Registrar in writing at least forty (40) days prior to the election date.

7.4.6 Registrar to provide labels, lists

Where an election is to be held in an electoral district, the Registrar shall provide the following items to each member of the College standing for election in that district, immediately after the deadline for receipt of nominations:

- a. two sets of mailing labels containing the designated register address of each member of the College eligible to vote in the electoral district; and
- b. one printed list containing the designated register address and telephone number of each member of the College eligible to vote in the electoral district.

7.4.7 Where no nominated candidates

Where no eligible candidate is nominated in an electoral district, the Registrar shall hold a by-election for that electoral district in accordance with the by-laws.

7.5 Acclamation

7.5.1 Election by acclamation

Where there is only one eligible candidate nominated to stand for election to Council in an electoral district, the Registrar shall declare that candidate to be elected by acclamation.

7.6 Voting Procedure

7.6.1 Electronic voting

Voting for eligible candidates shall be by electronic ballot cast in the manner determined by the Registrar.

7.6.1.1

Access to a ballot listing all of the eligible candidates and voting instructions shall be provided to every member eligible to vote in an electoral district in which an election is to take place on a date to be determined by the Registrar which date shall be not less than fourteen (14) and not more than twenty-one (21) days before the election.

7.6.2 One vote per member

A member of the College shall not cast more than one vote in a general election.

7.6.2.1

Only ballots cast before 2:00 pm Eastern Standard Time on the day of the election shall be tabulated.

7.6.3 Registrar to supervise election

The Registrar shall supervise and administer the election of candidates and, without limiting the generality of the foregoing, shall

- a. adopt a process to provide members who claim not to have received access to a ballot listing all of the eligible candidates and voting instructions to cast a ballot, provided the Registrar receives notice of that claim at least forty-eight (48) hours prior to the deadline to cast ballots;
- b. retain an independent organization to receive the ballots cast and to tabulate the results of each election; and
- c. provide for the notification of all candidates and members of the College of the results of the election.

7.6.4 Registrar to notify candidates

The Registrar shall notify all candidates for election to Council of the date on which members will be sent a ballot listing all of the eligible candidates and giving voting instructions, after setting that date.

7.6.5 Mailing irregularities

A failure to send, on the date set by the Registrar, access to a ballot listing all of the eligible candidates and giving voting instructions in an election does not, in and of itself, invalidate the results of an election.

7.6.6 Mail service interruption

Where there is a service interruption during the period of nomination or election of members to Council, the Registrar may extend the deadline for receipt of nominations, postpone the date of the election, or both, for such period of time as the Registrar considers necessary to compensate for the interruption.

7.6.7 Ballots to be opened, counted

Ballots cast in an election on or before 2:00 pm Eastern Standard Time on the day of an election shall be tabulated by an independent organization appointed by the Registrar.

7.7 Tied Votes

7.7.1 Full equality of votes determined by lot

Where in an election to Council all of the candidates in an electoral district receive an equal number of votes, the Registrar shall break the tie by lot in the presence of at least one member of the Elections Committee.

7.7.2 Partial equality of votes determined by run-off election

Where in an election to Council in an electoral district at least two candidates receive the highest number of votes and at least one candidate receives fewer votes, a run-off election shall be conducted between only those candidates who received the highest number of votes in the manner provided in article 7.7.3.

7.7.3 Run-off election procedure

A run-off election shall be conducted in the same manner as provided in chapter 7.6 (Voting Procedure) with such necessary modifications, including that

- a. chapter 7.3 (Disputed Eligibility) and chapter 7.4 (Nominations and Election Procedure) shall not apply;

- b. the only candidates for election shall be those who obtained the highest number of votes in the election that gave rise to the run-off election;
- c. the Registrar shall determine the date of the run-off election and the deadline for receipt of ballots, bearing in mind the need to complete the run-off election prior to the next regular meeting of Council; and
- d. where the run-off election results in a full or partial equality of votes cast for the candidates, the registrar shall break the tie between those candidates holding the highest number of votes by lot in the presence of at least one member of the Elections Committee.

7.8 Election Results

7.8.1 Successful candidate

The successful candidate in a general election is the eligible candidate who received the highest number of votes or whose name was chosen by the Registrar by lot in accordance with article 7.7.1 or article 7.7.3.

7.8.2 Registrar to notify

As soon as possible following the tabulation of the vote in an election, the Registrar shall

- a. notify each eligible candidate of the results of the election and the number of votes cast for each candidate;
- b. notify each eligible candidate that he or she may require a recount; and
- c. where the registrar broke a tie vote by lot, notify each eligible candidate of the manner in which the tie was broken and who was present when the registrar broke the tie.

7.9 Recounts

7.9.1 Candidate may require recount

An eligible candidate in an election of the members of Council may require a recount of the results of the election by providing a written request to the Registrar no more than five (5) days after being advised of the results of the election.

7.9.2 Registrar to hold recount

The Registrar shall arrange for a re-tabulation of the results of an election no more than five (5) days after receiving a request under article 7.9.1.

7.9.3 Recount procedure

The results of a recount shall be reported to the Elections Committee and once directed by it, the Registrar shall report the results of the recount to the candidates involved in the recounted election, including the number of votes cast determined to have been cast for each candidate.

7.9.4 Destruction of ballots

Unless otherwise directed by the Registrar, the ballots cast in an election and information held by the independent organization appointed by the Registrar to tabulate the votes cast, shall be destroyed

- a. following the first regular meeting of Council after the election provided that no recount has been requested under article 7.9.1 (Candidate may require recount) and the period of time in which to request such a recount has expired, or
- b. following the first regular meeting of Council following a recount conducted under article 7.9.1 (Candidate may require recount).

7.10 By-Elections

7.10.1 By-election procedure

A by-election in an electoral district shall be held in the same manner as a general election in that district, and the provisions of this by-law applicable to a general election shall apply with such necessary modifications, except

- a. all time limits and deadlines specified for the holding of a general election do not apply with respect to the by-election, and
- b. the Registrar shall be responsible for all aspects of the by-election, including setting the date of the by-election and determining all other dates and deadlines required to hold the by-election.