

COLLEGE OF MEDICAL LABORATORY TECHNOLOGISTS OF ONTARIO (CMLTO) BY-LAW

4.4 ELECTION OF BOARD MEMBERS

4.4.1 ELECTORAL DISTRICTS

The following eight (8) electoral districts are established for the purpose of the election of Registrants to the Board of Directors:

- **Electoral District 1:** South-West Region
- **Electoral District 2:** Central West Region
- **Electoral District 3:** Metropolitan Toronto Region
- **Electoral District 4:** Central East Region
- **Electoral District 5:** East Region
- **Electoral District 6:** North-East Region
- **Electoral District 7:** North-West Region
- **Electoral District 8:** Registrant-at-Large

The geographic territory of electoral districts listed in Schedule 2 of this By-Law shall be interpreted to ensure that all parts of Ontario fall into one of these electoral districts and that there is no overlap of districts.

The Board of Directors may redefine the geographic territory of each electoral district and the number of Board Members to be elected in each electoral district to ensure equitable representation of each district.

4.4.2 NUMBER OF REGISTRANTS TO BE ELECTED IN EACH ELECTORAL DISTRICT

The number of Registrants to be elected in each electoral district is as follows:

One Registrant for the following electoral districts:

- **Electoral District 1:** South-West Region
- **Electoral District 5:** East Region
- **Electoral District 6:** North-East Region
- **Electoral District 7:** North-West Region
- **Electoral District 8:** Registrant-at-Large

Two Registrants for the following electoral districts:

- **Electoral District 2:** Central West Region
- **Electoral District 3:** Metropolitan Toronto Region

- **Electoral District 4:** Central East Region

The number of Board Members to be elected to the Board each year shall correspond to the sum of:

- The number of Board Members whose terms of office have expired or will expire at the end of the current year, and
- The number of Board Members whose seats have become vacant and not been filled.

4.4.3 TIMING OF ELECTIONS

A regular election of members to the Board of Directors shall be held simultaneously in accordance with the following schedule,

- In September 2022, and in every third calendar year thereafter for:

Electoral District 2: Central West Region

Electoral District 3: Metropolitan Toronto Region

Electoral District 4: Central East Region

Electoral District 8: Registrant-at-Large

- In September 2023, and in every third calendar year thereafter for:

Electoral District 2: Central West Region

Electoral District 4: Central East Region

- In September 2024, and in every third calendar year thereafter for:

Electoral District 1: South-West Region

Electoral District 3: Metropolitan Toronto Region

Electoral District 5: East Region

Electoral District 6: North-East Region

Electoral District 7: North-West Region

The nomination or election deadlines may be extended if the Registrar and CEO determines that there are exceptional circumstances to warrant an extension.

4.4.4 REGISTRAR AND CEO'S ELECTORAL DUTIES

The Registrar and CEO shall supervise and administer the nomination of the Registrants and election of the Members to the Board of Directors.

Without limiting the generality of the foregoing, for the purpose of carrying out such duties the Registrar and CEO shall, subject to this By-Law and the guidelines established by the Board of Directors:

Dates and Deadlines

- Set the date and time for each regular Board election in each electoral district subject to the schedule outlined in the Timing of the Regular Elections Section of this By-Law and for appointment of the Academic Board Member subject to the schedule outlined in the Timing of Appointment Section of this By-Law,
- Set the deadline for receipt of the nomination forms at the College,
- Set the deadline for receipt of the ballots at the College, or in case of an online election, the closing date and time of the election period.

Procedures

- Appoint returning officers and scrutineers, if necessary,
- Retain an independent organization to receive the ballots cast and to tabulate the results of each election,
- Establish procedures for the nomination of Registrants and the guidelines to prepare the CMLTO Board Election Package,
- Provide every Registrant, who is eligible to vote in a Board election, with a Voting Package which includes the ballot listing of all eligible candidates in the electoral district along with election biography and personal statement, a ballot, the means to cast a vote and voting instructions,
- Adopt a process to provide any Registrant who claims not to have received access to a Voting Package, with access to all of the eligible candidates and voting instructions to cast a ballot, provided the Registrar and CEO receives notice of that claim at least forty-eight (48) hours prior to the deadline to cast ballots,
- Establish procedures for the opening and counting the ballots (or equivalent if voting is done electronically),
- Establish procedures for the validation of the ballots and confirmation of the election results in a manner that preserves the anonymity of the voters and the secrecy of their votes,
- Establish procedures for the destruction of ballots (or equivalent if voting is done electronically) following an election.

Election Results

- Notify all candidates, Board of Directors, the Registrants of the College, and the public of the results of the Board election and appointment of the Academic Board Member.

Emergency and Interruption of Services

- The Registrar and CEO may declare an emergency if they are of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with the By-Law.
- On declaring an emergency, the Registrar and CEO shall make such arrangements which are advisable for the conduct of the election.
- Such arrangements made by the Registrar and CEO in accordance with the By-Law prevail over the guidelines.
- The emergency continues until the Registrar and CEO declares that it has ended.
- Where there is an interruption of delivery service during an election, the Registrar and CEO shall extend the holding of the election for such period of time as they consider necessary to compensate for the interruption.

Other Electoral Duties

- The Registrar and CEO shall take other required actions they deem necessary and appropriate to ensure that the Board election is conducted in a fair manner.

4.4.5 ELECTION PROCESS

4.4.5.1 ELIGIBILITY TO STAND FOR ELECTION

A Registrant is eligible to stand for election to the Board of Directors as a Professional Board Member provided that the following criteria are met on the closing date of nominations and up to and including the date of the election or the end of the voting process for online elections:

- The Registrant has been nominated in accordance with the By-Law of the College,
- The Registrant has completed, signed and returned the CMLTO Board Election Package,
- The Registrant has completed the CMLTO Board Competencies and Leadership Characteristics Self-Assessment and confirmed, through the CMLTO Board



Election Package, that they meet or partially meet the Board-approved competency-based eligibility criteria set out in the CMLTO Board Competency and Leadership Characteristics Profile, Candidates may attest to undertaking reasonable measures to meet any competencies requiring further development not fully met at the time of nomination. This confirmation and self-assessment will be included in the candidate's election biography.

- The Registrant has successfully completed the CMLTO Board of Directors Candidate Training relating to the CMLTO governance approach and the duties, roles and responsibilities of the Board Members, including participating in an interview with the Registrar and CEO,
- The Registrant's mailing address registered with the College is in the electoral district for which they have been nominated in accordance with this By-Law,
- The Registrant is the holder of a Practising certificate of registration,
- The Registrant's certificate of registration is not subject to a term, condition or limitation other than one prescribed by regulation,
- The Registrant's certificate of registration has not been revoked or suspended at any time in the six (6) years immediately preceding the election for any reason other than non-payment of fees,
- The Registrant is not in default of payment of any fees, providing any form or information, or any obligation to the College under a regulation or the By-Law and has not failed to comply with any program of the College or direction of a Committee of the College,
- The Registrant has not been an officer, director or employee of one of the following in the previous twelve (12) months: professional association of medical laboratory technologists, a union representing medical laboratory technologists, or an association that represents employers of medical laboratory technologists,
- The Registrant is currently not the subject of incompetence, professional misconduct or incapacity proceedings,
- The Registrant has not been found to be incompetent, incapacitated or to have engaged in professional misconduct,

- The Registrant is not and has not been an employee, consultant or vendor of the College in the previous twelve (12) months immediately before the date of the election,
- The Registrant has not been found guilty of an offence under the Criminal Code, RSC 1985,
- The Registrant is not a member of the Board or committee of any other Colleges regulated under the RHPA,
- The Registrant has not been disqualified from serving on the Board or removed from any of the committees of the College in the last five (5) years prior to the date of election to the Board,
- The Registrant does not have an existing or potential conflict of interest to serve on the Board or has agreed to remove any such conflict of interest before taking office. The Registrant shall be disqualified if any such conflict of interest is not removed before taking the office,
- The Registrant has not commenced, joined, or contributed to any legal proceedings, including before a tribunal, against the College, its Board and Board Members, its committees and committee members, or any of its staff members or representative in the last six (6) years immediately before the deadline for the receipt of nominations,
- The Registrant is not a candidate for the Academic Board Member position or a candidate for a Professional Board Member position in another electoral district at the same time, and
- The Registrant is not ineligible as a result of Cooling-off Period in the Cooling-Off Period Section of this By-Law.

A candidate for election to the Board of Directors shall advise the Registrar and CEO immediately in the event that they become ineligible to run for election.

4.4.5.2 NOMINATION PROCESS

The Registrar and CEO shall supervise and administer the nomination of candidates including determining the eligibility of a nominated candidate for election.

4.4.5.2.A CALL FOR NOMINATIONS

At least hundred and twenty (120) days before the deadline for receipt of ballots, the Registrar and CEO shall, in the electoral districts where Board elections are to be

held in that year, invite in writing any Registrant wishing to stand for election to the Board of Directors.

The call for nominations shall include the closing date and time of nominations, details of the nomination process, and the date and time of the election.

Where there is an interruption of delivery service during a period affecting publication of the call for nominations or the receipt of nominations by the College, the Registrar and CEO shall extend the deadline for the receipt of nominations and of ballots for such period as they consider necessary to compensate for the interruption.

4.4.5.2.B NOMINATION OF A CANDIDATE

The nomination of a candidate for election as a Professional Board Member shall be in writing and given to the Registrar and CEO at least ninety (90) days before the ballots are sent to the Registrants.

The candidate shall complete, sign and return the CMLTO Board Election Package to the Registrar and CEO by the closing date of the nominations.

The Registrant may be nominated for election for only one position and in only one electoral district in which they are eligible to vote.

4.4.5.2.C VERIFICATION OF NOMINATIONS

After the closing date of nominations, the Registrar and CEO shall review the nomination of each candidate and verify their eligibility to stand for election.

The Registrar and CEO shall inform all candidates, in writing, on the status of their nominations.

4.4.5.2.D DISPUTED CANDIDACY

Any dispute regarding a Registrant's eligibility to run for Board elections shall be determined by the Registrar and CEO.

Where an issue and/or concern arises with respect to the eligibility of a Registrant to be elected to the Board that is not governed by this By-Law, the Registrar and CEO shall determine the eligibility of the Registrant.

4.4.5.2.E DISQUALIFICATION OF CANDIDATES

A candidate may be disqualified from participation in the Board election if they fail to comply with the Code of Conduct of the College as set out in the Code of Conduct Article of this By-Law at any point during the election process.

Where the Registrar and CEO, knowing all of the facts, would consider the presence of the candidate on the Board of Directors or any of the committees as impairing the public's trust in the College, or affecting the operations of the Board of Directors in serving the public interest, the Registrar and CEO may disqualify a candidate from participation in the Board election.

4.4.5.2.F WITHDRAWAL OF NOMINATIONS

A candidate may withdraw their nomination for election to the Board of Directors by notifying the Registrar and CEO in writing, no later than the closing date of nominations.

A candidate who has given notice of withdrawal is deemed not to be a candidate and cannot be elected.

Upon receiving the written notice of a candidate's withdrawal, the Registrar and CEO shall make reasonable efforts to remove the name of the candidate from the ballot (or equivalent if voting is done electronically).

If the Registrar and CEO is unable to remove the name of the candidate from the ballot in a sufficiently timely manner, they shall make reasonable efforts to notify the Registrants eligible to vote that the candidate has withdrawn from the election.

If a candidate, who was eligible for election on the closing date of nominations, ceases to be eligible for election to the Board on the date of the election, all votes cast for that candidate are void and shall be deemed to be rejected votes.

4.4.5.3 VOTING PROCESS

4.4.5.3.A ELIGIBILITY TO VOTE

A Registrant is eligible to vote in the Board elections if the following criteria are met thirty (30) days prior to the date of the election:

- The Registrant is a holder of current Practising or Non-Practising certificate of registration,
- The Registrant practices or resides in Ontario,
- The Registrant's mailing address registered with the College is in the electoral district for which an election is being held, and
- The Registrant is not in default of payment of any fees, providing any form or information, or any obligation to the College under a regulation or the By-Laws.

A Registrant, who is residing and practising outside of Ontario at the time the Board election is held, is only eligible to vote for an election being held for District 8 - Registrant-at-Large.

Any dispute with respect to the eligibility of a Registrant of the College to vote in a regular election shall be determined by the Registrar and CEO.

4.4.5.3.B BALLOT SYSTEM

Voting for eligible candidates shall be by ballot cast in any system approved by the Board of Directors.

Any ballot system approved by Board of Directors must,

- Allow for the re-count and destruction of the ballots or the equivalent in case of online elections,
- Ensure that electronic communications and voting processes are reliable and secure in case of online elections,
- Ensure secrecy and confidentiality of the individual votes by secret ballot,
- Ensure that the ballots are accessible to the eligible voters,
- Ensure that the integrity of the process is maintained throughout the election, and
- Ensure that the results of the election reflect the votes cast.

4.4.5.3.C BOARD ELECTION VOTING PACKAGE

The Registrar and CEO shall provide every Registrant, who is eligible to vote in the electoral district in which an election is to be held, with a CMLTO Board Election – Voting Package, by electronic or other means.

The CMLTO Board Election – Voting Package shall include:

- A ballot listing of all eligible candidates in the electoral district,
- Election biography and personal statement of each candidate, and CMLTO Board Competencies and Leadership Characteristics Self-Assessment summary of each candidate, in the form and manner and by the date determined by the Registrar and CEO,



- The means to cast a vote, a ballot or in the case of an online election system, access to online voting system,
- Closing date and time of the election period, and
- A voting guide with instructions.

A failure to provide the Registrants with access to a ballot listing of the eligible candidates and voting instructions in an election as scheduled does not, in and of itself, invalidate the results of an election.

4.4.5.3.D CASTING VOTE

The eligible Registrants can vote once, by single-use voting links in the case of an online election.

A Registrant may cast as many votes on a ballot as there are Board vacancies to be filled in the electoral district in which the Registrant is eligible to vote.

A Registrant shall not cast more than one (1) vote for any one eligible candidate.

The votes must be received on the date and at the time specified for the election in order to be counted.

A Registrant who is eligible to vote but, for any reason, has not received access to a Voting Package, may apply to the Registrar and CEO for a new access to a Voting Package, and the Registrar and CEO shall provide the Registrant with a replacement access, provided the notice of that claim has been received at least forty-eight (48) hours prior to the deadline to cast ballots.

4.4.5.3.E TABULATION OF VOTES

Only those ballots cast by the date and at the time specified for the election will be tabulated.

The votes shall be tabulated in accordance with the procedures established by the Registrar and CEO.

Tabulation of votes shall be conducted in a manner that no person knows for whom any Registrant voted.

The Registrar and CEO shall certify the final vote tabulation after confirming that the results of the election reflect the votes cast.

4.4.5.3.F TIE VOTE

Where in an election to the Board of Directors, all of the candidates in an electoral district receive an equal number of votes, the Registrar and CEO shall break the tie by lot and then declare that candidate elected.

4.4.5.3.G RECOUNTS

A candidate may request a recount of the ballots in the electoral district, in which the candidate was nominated, by giving a written request to the Registrar and CEO and depositing the recount fee (\$ 500) within thirty (30) days from the date of the election.

The Registrar and CEO shall hold the recount no more than fifteen (15) days after receiving the written request and recount fee.

The recount shall be conducted in accordance with the procedures for the opening and counting the ballots established by the Registrar and CEO.

If the recount changes the result of the election, the full amount of the recount fee shall be returned to the candidate.

Under the circumstances where an issue arises with respect to the recount of the ballots that is not governed by this By-Law, the Registrar and CEO shall resolve the dispute in a fair and democratic manner.

4.4.5.3.H DESTRUCTION OF BALLOTS

The ballots should be destroyed,

- Within thirty (30) days following the announcement of the election results unless a candidate challenges the election or its results, and
- In accordance with the procedures for the destruction of the ballots established by the Registrar and CEO.

4.4.5.4 DECLARATION OF ELECTION RESULTS

Immediately after the tabulation of the votes in an election, the Registrar and CEO shall notify:

- Each eligible candidate and the Board of Directors of the results of the election, and
- The Registrants of the College, and the public of the results of all elections by publication of those results on the website of the College or in in such other manner decided by the Registrar and CEO.

4.4.5.4.A SUCCESSFUL CANDIDATE

Unless there is a request for a recount, the successful candidate in a regular Board election is the eligible candidate who received the greatest number of votes or whose name was chosen by the Registrar and CEO by lot.

The candidates receiving the greatest number of votes in each electoral district shall be declared elected following the tabulation of the ballots.

4.4.5.4.B ACCLAMATION

If the number of candidates nominated for an electoral district is less than or equal to the number of Registrants to be elected in that electoral district, the Registrar and CEO shall declare the candidates to be elected by acclamation.

4.4.5.4.C NO NOMINATIONS

Where no eligible candidate is nominated in an electoral district in a regular Board election, the Board of Directors may,

- Appoint one or more Registrants, among those who would be eligible for election or appointment if an election or appointment process was held, for the term or terms required, or
- Direct the Registrar and CEO to hold a by-election in that electoral district in accordance with this By-Law.

4.4.5.5 ELECTION DISPUTES

If the Executive Committee or Registrar and CEO is of the opinion that there are reasonable grounds to doubt or dispute the validity of any election, they shall initiate an inquiry and, following the inquiry, shall provide the Board of Directors with a report and recommendation.

The Board of Directors, after considering the recommendation of the Executive Committee or Registrar and CEO, may,

- Declare the election result to be valid, or
- Declare the election result to be invalid, in which case, the Board either,
 - Declares another candidate elected, or
 - Directs the Registrar and CEO to hold another election in the electoral district.

Where an issue arises with respect to a ballot that is not addressed by this By-Law, the Registrar and CEO shall resolve the dispute in a fair and democratic manner.

4.4.5.6 VALIDITY OF ELECTIONS

The Board of Directors shall not declare an election result to be invalid solely on the basis of a minor irregularity regarding the requirements of this By-Law or a procedure set out by the Registrar and CEO.

The failure by the Registrar or CEO or the College to comply with any of the timelines set out in this By-Law shall not be sufficient to change the results of any election or by-election for any electoral district unless the Executive Committee is satisfied that the failure likely resulted in a result which would not have occurred if the timelines had been followed.