

BY-LAW NO. 8 - ELECTIONS

By-law No. 8

A By-law relating to the Conduct of Elections of the Association of Professional Geoscientists of Ontario as approved by the Council on September 7, 2001 and as amended on October 16, 2001.

BE IT ENACTED

as a By-law of the Association of Professional Geoscientists of Ontario (hereinafter called the "Association") as follows:

COUNCIL

1. The Council shall be composed of twenty (20) councillors, as follows:
 - (a) the president;
 - (b) the vice-president;
 - (c) the past president;
 - (d) two (2) members appointed by the Lieutenant Governor in Council;
 - (e) one (1) non-member appointed by the Lieutenant Governor in Council;
 - (f) four (4) non-member appointees appointed in accordance with By-law No. 7;
 - (g) five (5) members each of which is elected from each of the regions ("regional councillors");
 - (h) four (4) members elected from the membership at large (councillors-at-large"); and
 - (i) the chair of the Council of University Departments of Geoscience of Ontario (CUDGO) or a designate who is a member of CUDGO.
2. The mechanism for appointing and electing councillors, if not already established in the Act, is set out in this By-law.

REGIONS

3. The distribution of regions shall be decided according to the rules of proportional representation but with due regard to adequate representation across the province. The following regions are established:
 - (i) Northwestern
 - (ii) Northeastern
 - (iii) Southwestern
 - (iv) Central
 - (v) Southeastern
4. The area of each region is the area shown on the map and listed in Schedule "A" .

OFFICERS

5. The vice-president shall be elected annually by members, and shall be president the following year.
6. A nominee for vice-president shall not have less than one year experience on Council.
7. In the event that the president is incapacitated or resigns, the office of president shall be filled by the vice-president, or failing that by a councillor appointed by Council.
8. In the event that the vice-president is incapacitated or resigns, the office of vice-president shall be filled by a councillor appointed by Council.

COUNCILLORS

9. Regional councillors and councillors-at-large shall each be elected to Council for a term of three (3) years. No regional councillor or councillor-at-large shall serve more than two consecutive terms in the same position.

10. A maximum of three (3) regional councillors and councillors-at-large shall be elected in any one (1) year as shown in Schedule "B".
11. For the sole purpose of the first election following the end of the transition period of Council:
 - (i) two (2) of the five (5) regional councillors shall be elected for a term of one (1) year, two (2) shall be elected for a two (2) year term, and one (1) shall be elected for a three (3) year term.
 - (ii) one (1) of the four (4) councillors-at-large shall be elected for a period of one (1) year and one (1) shall be elected for a two (2) year term, and two (2) shall be elected for a three (3) year term.
12. A person nominated or elected as a regional councillor shall reside in the region at the time of the nomination or by the time of election.
13. When a regional councillor ceases to reside in the region in which he or she was elected, the regional councillor shall resign. Council shall appoint a practising, temporary or limited member who resides in the region to serve the balance of the term. If there had been an election for the position, the person with the next highest vote count shall be appointed.
14. When a councillor-at-large ceases to reside within Ontario, the councillor-at-large shall resign. Council shall appoint a practising, temporary or limited member to serve the balance of the term. If there had been an election for the position, the person who had the next highest vote count in the previous election shall be appointed.
15. A councillor shall not be eligible for re-election unless his or her term has been completed, or the councillor submits his or her resignation in writing to Council.
16. A councillor appointed by the Lieutenant Governor in Council shall not be eligible for election unless the term has been completed, or the councillor submits his or her resignation in writing to the Lieutenant Governor in Council.
17. A person who has held the office of president shall not be eligible for re-election to Council for a period of three (3) years.
18. A councillor who is a member of the Association shall resign from Council if he or she is removed from the register for non-payment of dues or in the case of professional misconduct, incompetence or negligence as determined by the Discipline Committee.

NOMINATIONS

19. The executive director shall notify all practising, temporary or limited members that nominations may be received for the upcoming election not less than one hundred and twenty (120) days before the date established by Council for the close of ballots.
20. Only practising, temporary or limited members who are residents of Ontario shall be eligible to be nominated for election to Council.
21. A nominee shall submit to the executive director the following:
 - (a) written consent of the nominee to serve on Council if elected;
 - (b) curriculum vitae; and
 - (c) nomination form seconded by ten (10) practising, temporary or limited members.
22. A nomination for election shall be received by the executive director or the Nomination Committee not less than ninety (90) days before the date of the closing of the ballots.
23. In the event that there are no nominations received for any region, Council shall nominate a practising, temporary or limited member from such region.

24. The chair of the Nomination Committee shall provide a slate of nominees to Council for approval not less than sixty (60) days before the date of close of ballots.
25. The Nomination Committee, in selecting nominees, shall give due consideration to the composition of Council as required by the Act, Regulations and By-laws and to the geographical distribution and field(s) of practice of the nominees.
26. A nomination shall be withdrawn upon the receipt of notice of withdrawal by the Nomination Committee, by the death of the nominee, or by the nominee ceasing to be a member of the Association. Upon any withdrawal of a nomination:
 - (a) prior to the preparation of ballots, the name of the withdrawn nominee shall be removed from the ballots;
 - (b) after preparation but before making the ballots available for casting, the name of the withdrawn nominee shall be struck from the ballots and a notice provided by publishing the notice of the withdrawal and striking in the official publication of the Association; and
 - (c) after making the ballots available for casting, the ballots shall be counted in accordance with approved procedure, taking into account the withdrawal.

BALLOTS

27. The executive director shall deliver electronically or by mail to each practising, temporary and limited member a ballot with the names of the nominees not less than forty-five (45) days before the date of the close of ballots. The election materials shall be sent to the last known postal or email address of the practising, temporary or limited member. The ballots shall be accompanied by voting instructions, biographic information on each nominee, and a nominee statement in the format approved.

VOTING

28. Only practising, temporary and limited members shall be eligible to vote.
29. Voting may be conducted electronically by procedures approved by Council or ballots may be mailed. To be valid, mailed ballots shall be enclosed in two envelopes, with the name of the voting practising, temporary or limited members shown on the outer envelope and with no identifying marks on the inner envelope. Ballots, either electronic or mailed, shall be received by the Registrar no later than 5:00 p.m. on the closing of ballots date to be set by Council that is no more than fifteen (15) days prior to the date of the annual general meeting. The Registrar shall cause the eligibility of each voter to be verified. In the case of mailed ballots, the valid envelopes will be initialled. The initialled ballot envelopes shall be sealed and delivered to the executive director for counting by the appointed scrutineers. In the case of electronic vote, the tallied results will be printed and delivered to the scrutineers by the Registrar.

BALLOT COUNTING SCRUTINEERS

30. The executive director shall appoint three (3) practising, temporary or limited members to be scrutineers not less than ten (10) days prior to the close of ballots. The scrutineers shall not be councillors or nominees for election to Council. The method for counting ballots shall be approved by Council and kept on file by the Association. The scrutineers shall count the votes.
31. The nominee for vice-president receiving the highest number of votes shall be elected. In the event that there has been only one (1) person nominated, the nominee shall be elected to that office by acclamation.
32. The nominee for regional councillor in a particular region receiving the greatest number of votes in that region shall be elected. In the event that there has been only one (1) person nominated, the nominee shall be elected to that office by acclamation.
33. The nominee(s) receiving the highest number of votes for the available positions as councillor-at-large shall be elected. In the event that only the required number of persons have been nominated for the number of

positions to be elected in a given year as councillors-at-large, such nominees shall be elected to that office acclamation.

34. In the event that a vacancy arises on Council for any reason, the nominee with the next highest number of ballots in the election shall be elected for the completion of the term. If the position was acclaimed, council shall appoint a practising, temporary or limited member of the Association to fill the vacancy until the next annual general meeting.
35. In the case of an equality of votes, the president, or in the absence of the president, the chair of the Nomination Committee shall cast the deciding vote.

COUNTING OF BALLOTS

36. The scrutineers shall count the ballots and submit a report of the results of the election to the executive director. The executive director shall present the results to the Executive Committee. The president shall announce the results of the election at the annual general meeting. The executive director shall retain the ballots for a period of thirty (30) days following the annual general meeting, after which they shall be destroyed.
37. Prior to the annual meeting, the president or executive director shall inform each candidate of the election result including the number of ballots cast for each candidate.

OBJECTION AND RECOUNT

38. An objection to the results shall be submitted to the executive director by any nominee. If an objection is made within forty-eight (48) hours of the notification of the election results, the executive director shall appoint three (3) new scrutineers who shall be practising, temporary or limited members to conduct a recount of the ballots.
39. Prior to the annual general meeting, the scrutineers shall submit a report of the results to the executive director.
40. In the event of a failure to comply with approved election procedures, Council may validate the results of the election.

Schedule “A” – Regions

A.1 Definition of Regions

The regions are established based on the Forward Sortation Areas (FSA) defined by Canada Post on the map for each APGO region and given on the attached list.