

**TO: Council**

**FROM: Executive Committee**

**DATE: October 1, 2018**

**SUBJECT: By-Law Article 6: Elected Council Members**

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### **PURPOSE**

To review Article 6 of the by-laws pertaining to eligibility to vote in Council elections in order to address voter eligibility issues.

### **BACKGROUND**

The process for electing members to the COO Council is set out in Article 6 of the by-laws. Elections are typically held in November of each calendar year for one or more districts where the incumbent's term is set to expire. This year, an election will be held in District 2 (District 3 being acclaimed), and for the first time, the election will be conducted electronically.

In preparation for the November 2018 election, two issues were identified with respect to voter eligibility criteria that, in the opinion of the Executive Committee, should be reviewed by Council for possible amendment.

### **Eligibility Criteria to Vote in Council Elections**

Under Article 6.6 of the current by-laws<sup>1</sup>, Members of the College are entitled to vote in Council elections if they:

- Hold a certificate of registration;
- Are not in default of any fees or other amounts owed to the College; and
- Are not in default of returning any required form or information to the College

"Member" is defined in Article 1.1 as a member "of any class of registration" (and, where the situation requires, includes a person under suspension; however, a person under suspension would not be considered a member for election purposes).

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<sup>1</sup> See attached

All members that meet the above criteria are eligible to vote in:

- District 6; and
- The electoral district in which they principally reside, or if they do not reside in Ontario, the district in which they principally practise opticianry.

### **Members that do not reside or practise in Ontario**

Under the by-laws, a Member who is otherwise eligible to vote (i.e. they hold a certificate of registration and are not in default of any fees or information owing to the College) is entitled to vote in District 6. The Member is not entitled to vote in any other district as he/she neither resides nor practises there.

Historically, however, Members who do not reside or practise in Ontario were not entitled to vote in any district, including District 6.

Options:

1. Going forward, include Members who do not reside or practise in Ontario, but who are otherwise eligible to vote (i.e. have paid all fees and provided all required information) on the eligible voter list for District 6.
2. Amend the by-laws to exclude from eligibility Members that neither practise nor reside in Ontario.

### **Students and Interns**

As set out above, under the by-laws, all Members are eligible to vote provided they hold a certificate of registration and are current with respect to all fees and information. “Member” is defined in the by-laws as “a Member, of *any class of registration of the College*”. The by-laws therefore define a Member to include individuals holding certificates of registration as ROs, student opticians and intern opticians.

Historically, however, the College only permitted Registered Opticians to vote in Council elections.

Section 6.6 of the by-laws was last amended by Council in September of 2015. Under the previous language, the by-law specified that only members who were “*registered opticians or Life Members*” were eligible to vote. The by-law was amended to add a requirement that members be in “good standing” in order to vote. It appears that the removal of reference to “registered optician” was inadvertent.

Options:

1. Going forward, include student and intern opticians on the eligible voter list.
2. Amend the by-laws to limit voter eligibility to members holding a certificate of registration as a registered optician.

### **EXECUTIVE COMMITTEE RECOMMENDATIONS**

The Executive Committee recommends:

1. That Council approve an amendment to Article 6.6 of the by-law to exclude from eligibility Members that neither practise nor reside in Ontario? (See [proposed amendment](#), attached)
2. That Council approve an amendment to Article 6.6 of the by-law to limit voter eligibility to members holding a certificate of registration as a registered optician? (See [proposed amendment](#), attached)

#### **ACTION REQUIRED**

Council is asked to make the following decisions:

1. With respect to the proposed by-law amendment to exclude from eligibility members who neither practise nor reside in Ontario, whether to:
  - a. Circulate the proposed by-law amendment for public feedback; or
  - b. Approve the proposed by-law amendment without circulation.
2. With respect to the proposed by-law amendment to limit voter eligibility to members holding a certificate of registration as a registered optician, whether to:
  - a. Circulate the proposed by-law amendment for public feedback; or
  - b. Approve the proposed by-law amendment without circulation.

Proposed By-Law Amendments

Current Language	Proposed Amendments
<p><b>6.6 Eligibility to Vote</b></p> <p>(a) A Member is eligible to vote in an election for Council Members if, on the close of the business day preceding the day on which the election will take place, the Member:</p> <ul style="list-style-type: none"> <li>(i) holds a certificate of registration;</li> <li>(ii) is not in default of any fees or other amounts owed to the College; and</li> <li>(iii) is not in default of returning any required form or information to the College.</li> </ul> <p>(b) Each Member who is eligible to vote shall be eligible to vote in:</p> <ul style="list-style-type: none"> <li>(i) electoral district 6; and</li> <li>(ii) the electoral district in which, on the close of the business day preceding the day on which the election will take place, the Member principally resides or, if the Member does not reside in Ontario, the electoral district in which the Member principally practices opticianry.</li> </ul>	<p><b>6.6 Eligibility to Vote</b></p> <p>(a) A Member is eligible to vote in an election for Council Members if, on the close of the business day preceding the day on which the election will take place, the Member:</p> <ul style="list-style-type: none"> <li>(i) holds a certificate of registration <a href="#">as a registered optician</a>;</li> <li><i>(ii) resides or practises opticianry in Ontario;</i></li> <li>(iii) is not in default of any fees or other amounts owed to the College; and</li> <li>(iv) is not in default of returning any required form or information to the College.</li> </ul> <p>(b) Each Member who is eligible to vote shall be eligible to vote in:</p> <ul style="list-style-type: none"> <li>(i) electoral district 6; and</li> <li>(ii) the electoral district in which, on the close of the business day preceding the day on which the election will take place, the Member principally resides or, if the Member does not reside in Ontario, the electoral district in which the Member principally practises opticianry.</li> </ul>