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# Regulations Summary: Council Elections

Updated September 28, 2021

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Each year, OAA members have an opportunity to help shape the work of the body responsible for regulating the profession of architecture in Ontario; this work is undertaken to serve and protect the public interest. OAA Council's leadership ensures that the OAA is a vibrant, active, and effective regulatory body, while supporting initiatives that contribute to the ongoing success of the built environment.

This summary is intended to align with and is supplemental to existing requirements for Council elections found in the [Architects Act, Regulations, and OAA Bylaws](#).

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## Council Composition

Council consists of 15 architects and one Licensed Technologist OAA, three to five appointed Lieutenant Governors in Council (LGICs), and one Intern Architect (non-voting).

Sixteen OAA members shall be elected to the Council as follows:

- for the Eastern Ontario electoral district, two members;
- for the Central Ontario electoral district, two members;
- for the Northern Ontario electoral district, one member;
- for the Western Ontario electoral district, two members;
- for the City of Toronto electoral district, four members; and
- for the Province of Ontario electoral district, five members—one of which must be a Licensed Technologist OAA.

The term of office of those elected to the Council commences on the first day of January immediately following the date of their election. The term of office of every member of the Council is three years; no person is eligible to hold office as a member of the Council for more than three terms in succession. The term of office for the Intern Architect is one year with no successive terms permitted.

When an election of members to the Council is not held at the prescribed time, the members of the Council then in office are continued in office until their successors are elected or appointed.

The Council nomination and election process is governed by the *Architects Act*, its Regulations, and OAA Bylaws. Nominees must be a member of the OAA in good standing who is nominated by three members (excluding themselves). Intern Architect nominees must similarly be nominated by three OAA members or Intern Architects. Duties of Councillors and their positions are described in the OAA Bylaws.

A member of the OAA is eligible for election to the Council if the member:

- is a Permanent Resident or Canadian Citizen resident in Ontario;
- has an address of record within the electoral district for which the member is nominated; and
- is a member in good standing in the Association.

An OAA member is in good standing in the Association where:

- the member is not in default of payment of any fee prescribed by the bylaws, or any fee, levy, or costs imposed under the Act or the regulations;
- the member's professional conduct or competence is not the subject of proceedings before the Discipline Committee; and
- the member's licence is not under suspension.

Licensed Technologists OAA are eligible to nominate and vote for the Licensed Technologist OAA representative for the Province of Ontario.

Active Intern Architects are eligible to nominate and vote for the Intern Architect seat.

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## **Electronic Election Process**

The Registrar has the supervision and direction of every election. The Registrar shall decide all matters incidental thereto, including the eligibility of a member of the Association to vote and any dispute that may arise during the course of the election.

### Nomination

The OAA shall provide eligible voters with reminders of a Council election periodically for several months prior to the nomination period, which opens the first Monday in October. The nomination notification shall include a nomination form, the nomination closing time, and sufficient nomination information and instructions to allow eligible voters to participate in the nomination.

The nomination of candidates for election to the Council must,

- be in the nomination form prescribed by the Registrar, which shall be delivered to each member in an electoral district in which an election is to be held on or before the first Monday in October in each election year;
- include indications of support by at least three members (excluding the nominee), each of whom has an address of record within the electoral district for which the nominated member is eligible for election;
- in the case of a candidate nominated for the Province of Ontario electoral district, include an indication of interest supported by three other members (excluding the nominee); and
- be delivered to, or received by, the Registrar on or before the fourth Monday in October in each election year.

No member of the Association may be nominated for election in more than one electoral district.

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The Registrar shall establish a date on which to create the list of eligible voters to receive nomination and voting information for the Council election. To enhance currency and maximal participation, the list should not normally be drawn up more than 14 business days before the nomination period is scheduled to open.

The OAA must provide the nomination and voting information to eligible voters electronically to the email address of record provided by them to the OAA.

Where the number of eligible nominees for election to the Council nominated in an electoral district is the same as the number of members to be elected to the Council from the electoral district, the Registrar shall certify that the candidate or candidates are elected by acclamation.

### Election

Except in electoral districts where candidates have been certified as elected by acclamation, the Registrar shall, on the second Monday of November, deliver to every individual qualified to vote in the election a ballot in the form prescribed by the Registrar together with voting instructions.

The form and content of the ballot and the voting instructions shall be as considered best to ensure and preserve the anonymity of the voters and the secrecy of their votes.

The following information about Council candidates will be included on the ballot: the name, electoral district, candidate statement, and any other information related to candidacy that Council may direct.

Each eligible voter will only be able to vote in the district and/or seat for which they are eligible to cast a vote (as determined by their address of record and status with the Association).

To promote member awareness and knowledge with respect to the election, the OAA may publish information about the election and Council candidates prior to, as part of, or after the nomination period. This information may include, but is not limited to, candidate statements and biographical information. If such information is published, all candidates must be given opportunity to prepare and provide that information to the OAA.

### Electronic Voting Confidentiality and Security

The electronic voting process may consist of one or more electronic platforms, such as online voting. These rules apply to any and all platforms used for an electronic Council election vote.

The OAA shall take steps to ensure that commercially reasonable confidentiality, non-disclosure, and non-use protections, terms, and conditions are in place related to any confidential information and data provided by the OAA to any service provider(s) engaged for electronic voting for Council elections, including information about eligible voters.

The electronic voting platform(s) shall include industry-standard confidentiality and data management protections to ensure eligible voters' choices remain confidential and anonymous, and that the OAA retains control of voting data at all times.

All voting data related to an electronic vote for Council election must be retained securely and confidentially throughout the election dispute period in the *Architects Act* and for as long as necessary thereafter, including as may be required by law, in the event that a petition for questioning the election is duly filed. The election returns are to be destroyed 21 days after the candidates are notified of the results of the election, unless a recount has been requested. The electronic voting process will remain as accessible as reasonably and technically possible to eligible voters throughout the voting period.

The OAA shall require any electronic vote service provider hired to provide the Registrar with results of the Council election and other information and assurances as may be reasonably necessary to confirm compliance with the *Architects Act*, its Regulations, and OAA Bylaws and these rules.

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## **Election Management**

The voting period opens the second Monday in November and closes the fourth Monday in November.

The Registrar, Deputy Registrar, and Administrator Licence shall manage and oversee the nomination and voting process and monitor OAA compliance with these rules.

The following scrutineer recruitment and appointment process shall apply:

1. The Registrar shall, on or before each election day, appoint two members of the Association who shall act as scrutineers of the election.
2. Not later than three days following the election close, the ballots shall be reviewed by the Registrar in the presence of the scrutineers and such staff as the Registrar may authorize.
3. The scrutineers shall, review the votes cast for each candidate and confirm the number of votes cast and the number of spoiled ballots for each electoral district in a record provided by the Registrar.
4. In the case of an equality of votes between two or more candidates in an electoral district, the scrutineers shall determine, by lot, the member or members elected to the Council.
5. Upon completion of the count, the scrutineers shall complete an election return in the form prescribed by the Registrar for each electoral district showing the number of votes cast for each candidate, as well as the number of spoiled ballots and shall file the election returns with the Registrar.
6. Upon receipt of the election returns, the Registrar shall certify the member or members who have received the largest number of votes in each electoral district as having been elected to the Council and shall forthwith notify each candidate and subsequently all members of the Association, of the election results.

Once the Registrar has certified the elected members of Council, notice of the election results will be announced. The announcement of the election results will be made electronically by way of the OAA website and by way of regular electronic notification means. The election results Council memo shall be retained by the Association as the formal record of the election results.

The rules shall be interpreted and applied so as to enhance the integrity, confidentiality, and security of the voting process for Council elections.

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## **Dispute Resolution**

Any **dispute related to the Council nomination process** shall be resolved by referring the matter to the Registrar to address. The Registrar may take such legal and other advice deemed necessary to make a decision as promptly as possible.

The Registrar must prepare a brief written summary of the decision and provide a copy to the party or parties involved in the dispute. There is no appeal from this decision, but a party may have recourse to a judicial review of the decision at that party's expense.

For any **election result dispute**, a candidate may require a recount by delivering to the Registrar a request in writing and a \$500 deposit within 20 days after receiving from the Registrar notice of the results of the election.

The Registrar shall conduct the recount within 30 days after the date of delivery of the request and receipt of the deposit.

The recount shall be presided over by the Registrar who shall,

- set the date for the recount;
- give notice in writing at least 15 days before the date set for the recount to all candidates in the electoral district for which the recount has been requested that a recount is to be held;
- notify the candidates that they are entitled to be present to examine the results and to satisfy themselves that all ballots have been properly marked and counted;
- make the decision to accept or reject a ballot;
- certify the member or members who have received the largest number of votes in each electoral district as having been elected as a member or members of the Council; and
- where two or more candidates receive an equal number of votes, determine, in the presence of the candidates, by lot, the member or members elected to the Council.

If the delivery of ballots during an election is interrupted, the Registrar may extend the time for the holding of the election and may, in addition thereto, extend the time for the doing of any act in connection with the election, for such period as the Registrar considers reasonable in the circumstances.