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PART VII.1

ELECTION TO THE PARALEGAL STANDING COMMITTEE OF PERSONS LICENSED TO PROVIDE LEGAL SERVICES

GENERAL

Definitions

136.1. In this Part,

“Committee” means the Paralegal Standing Committee;

“Elections Officer” means the person who is assigned by the Chief Executive Officer the responsibility of administering and enforcing the provisions of this Part;

“election of paralegal members” means an election to the Committee of five persons licensed to provide legal services in Ontario;

“elector” means a person who is entitled under this Part to vote in an election of paralegal members;

“holiday” means,

- (a) any Saturday or Sunday;
- (b) Family Day;
- (c) Good Friday; and
- (d) Easter Monday.

Interpretation: reference to a day

136.2. (1) In this Part, except where otherwise stated, a reference to a day, month or time shall be a reference to a day, month or time in an election year.

Interpretation: commencement, *etc.* of event

(2) In this Part, except where a contrary intention appears, if the day on which an event is to take place, commence or end falls on a holiday, the event shall take place, commence or end on the next day that is not a holiday.

ELECTION DAY

Election day

136.3. There shall be an election of paralegal members in 2010 and in every fourth year thereafter on the last day in March that is not a holiday.

ELECTION OFFICERS

Treasurer to preside over election

136.4. (1) An election of paralegal members shall be presided over by the Treasurer.

Appointment of assistant

(2) The Treasurer may appoint a licensee to assist her or him in exercising the powers and performing the duties of the Treasurer under this Part.

Appointment of licensee to act in absence of Treasurer

(3) The Treasurer shall appoint a licensee to exercise the powers and perform the duties of the Treasurer under this Part whenever the Treasurer is unable to act.

Appointment of person licensed to provide legal services in Ontario

(4) If under subsection (2) or (3) the Treasurer wishes to appoint a person licensed to provide legal services in Ontario, the Treasurer shall appoint a licensee who is not a candidate in the election of paralegal members.

Elections Officer to conduct election

136.5. (1) An election of paralegal members shall be conducted by the Elections Officer.

Elections Officer to establish procedures, etc.

- (2) The Elections Officer shall,
- (a) by November 30 of the year immediately preceding an election year,
 - (i) establish all procedures, requirements and specifications required to be established with respect to the nomination of candidates for the election, and
 - (ii) establish the procedures by which a poll in an election of paralegal

members will be conducted; and

- (b) by December 31 of the year immediately preceding the election year, publish all procedures, requirements and specifications established in respect of the election.

CANDIDATES

Who may be candidate

136.6. Every person who is licensed to provide legal services in Ontario may be a candidate in an election of paralegal members if,

- (a) the person is nominated as a candidate in accordance with section 136.7; and
- (b) at the time of signing a nomination form containing her or his nomination as a candidate,
 - (i) the person's business address, or, where the person has no business address, home address, as indicated on the records of the Society, is within Ontario, and
 - (ii) the person's licence to provide legal services in Ontario is not suspended.

Nomination and consent

136.7. (1) Every candidate in an election of paralegal members must,

- (a) be nominated by at least five persons licensed to provide legal services in Ontario whose licences are not suspended at the time of signing the nomination form; and
- (b) consent to the nomination.

Nomination form

(2) The nomination of a person as a candidate in an election of paralegal members and the person's consent to the nomination shall be contained in a nomination form provided by the Society.

Signatures

(3) The nomination form must be signed by the person being nominated as a candidate and the five persons licensed to provide legal services in Ontario who are nominating the person as a candidate.

Close of nominations

(4) The nomination form must be received in the office of the Elections Officer at Osgoode Hall by the date and time specified by the Elections Officer.

Acceptance and rejection of nominations: examination of nomination form

136.8. (1) As soon as practicable after receiving a nomination form, the Elections Officer shall examine the form and,

- (a) if he or she is satisfied that the requirements specified in sections 136.6 and 136.7 have been complied with, he or she shall accept the nomination; or
- (b) if he or she is not satisfied that the requirements specified in sections 136.6 and 136.7 have been complied with, he or she shall reject the nomination.

Results of examination of nomination form

(2) The Elections Officer shall communicate the results of her or his examination of a nomination form to the person whose nomination is contained therein.

Nomination form: optional accompanying material

136.9. (1) A person being nominated as a candidate in an election of paralegal members may submit the following items along with her or his nomination form:

1. A photograph of the person that meets all specifications established by the Elections Officer.
2. A statement of not more than 120 words, including headings, titles and other similar parts of the statement, containing biographical information about the person that meets all other specifications established by the Elections Officer.
3. An election statement of not more than 700 words, including headings, titles and other similar parts of the statement, that meets all other specifications established by the Elections Officer.

Deadline for receipt of accompanying material

(2) The items mentioned in subsection (1) must be received in the office of the Elections Officer at Osgoode Hall before the time for the close of nominations mentioned in subsection 136.7 (4).

Withdrawal of candidates

136.10. A candidate may withdraw from an election of paralegal members by giving the

Elections Officer written notice of her or his withdrawal within seven days after the time for the close of nominations mentioned in subsection 136.7 (4).

ELIGIBILITY FOR ELECTION

Who may not be elected

- 136.11. No candidate shall be elected to the Committee if, at the time of her or his election,
- (a) the candidate's business address, or, where the person has no business address, home address, as indicated on the records of the Society, is outside Ontario;
 - (b) the candidate is no longer licensed to provide legal services in Ontario or the candidate's licence is suspended;
 - (c) the candidate is not eighteen or more years of age;
 - (d) the candidate is an undischarged bankrupt; or
 - (e) the candidate does not consent to her or his election.

ACCLAMATION

Election by acclamation

136.12. (1) If after the acceptance of all valid nominations after the time mentioned for the close of nominations in subsection 136.7 (4) the number of candidates eligible to be elected to the Committee is not more than five, the Elections Officer shall declare the candidates to have been elected to the Committee.

Taking office

(2) The candidates who are elected to the Committee under subsection (1) shall take office on the day on which the Committee has its first regular meeting after the candidates are declared to have been elected to the Committee.

POLL

Poll

136.13. (1) If after the acceptance of all valid nominations after the time mentioned for the close of nominations in subsection 136.7 (4), the number of candidates eligible to be

elected to the Committee is more than five, a poll shall be conducted to elect five candidates to the Committee.

Procedures for conducting poll

(2) The procedures for conducting a poll may provide for the use of electronic means for voting and for tabulating results.

Anonymity of elector and secrecy of votes

(3) The procedures for conducting a poll shall be such that the anonymity of an elector and secrecy of the elector's votes are preserved.

QUALIFICATION OF ELECTORS

Qualification of electors

136.14. (1) A person who is licensed to provide legal services and whose licence is not suspended on the fourth Friday in February is entitled to vote in an election of paralegal members.

Electors' list

(2) On or shortly after the first Monday after the date mentioned in subsection (1), the Elections Officer shall prepare a list of all persons who are entitled to vote in an election of paralegal members.

PROCEDURES BEFORE POLL

Candidate information: preparation

136.15. (1) For the purposes of and prior to conducting the poll mentioned in section 136.13, the Elections Officer shall publish in electronic medium information about the candidates in the election of paralegal members, including the names of the candidates and, if available, the photograph, biography and, subject to subsection (3), election statement of each candidate.

All election statements included

(2) Subject to subsection (3), the Elections Officer shall publish all election statements that he or she received under section 136.9.

Certain election statements not be included unless approved

(3) The Elections Officer shall not publish any election statement that in her or his opinion may be libelous, may be in breach of the rules of professional conduct or is in bad taste unless the election statement has been approved in accordance with section 136.16.

Appointment of persons to approve election statements

136.16. (1) If necessary, the Treasurer shall appoint two or more lay benchers to approve election statements.

Referral of election statements

(2) The Elections Officer shall refer to the lay benchers appointed under subsection (1) all election statements that in her or his opinion may be libelous, may be in breach of the rules of professional conduct or are in bad taste.

Consideration of election statements

(3) The lay benchers appointed under subsection (1) shall consider all election statements that are referred to them and, in respect of each election statement, shall,

- (a) approve the election statement; or
- (b) if the lay benchers are of the opinion that the election statement may be libelous, may be in breach of the rules of professional conduct or is in bad taste,
 - (i) return the election statement to the candidate who submitted it,
 - (ii) provide the candidate with a written explanation of the objections to the election statement, and
 - (iii) specify the time by which the candidate may submit to the Elections Officer a redrafted election statement.

Consideration of redrafted election statements

(4) The lay benchers appointed under subsection (1) shall consider all redrafted election statements that are submitted to the Elections Officer in accordance with subsection (3), and, in respect of each redrafted election statement, shall,

- (a) approve the redrafted election statement; or
- (b) if the lay benchers are of the opinion that the redrafted election statement may be libelous, may be in breach of the rules of professional conduct or is in bad taste,
 - (i) return the redrafted election statement to the candidate who submitted it,

- (ii) provide the candidate with a written explanation of the objections to the redrafted election statement, and
- (iii) advise the candidate that no election statement shall be published under her or his name.

Decision final

- (5) A decision made under subsection (4) is final.

Election information: publication

136.17. As soon as practicable after the Elections Officer has prepared the electors' list and prepared for publication information about the candidates in the election of paralegal members, the Elections Officer shall,

- (a) cause to be published in the *Ontario Reports* and on the Society's website a notice with respect to the election of paralegal members that includes details on when and how an elector may access available information about the candidates in the election of paralegal members and when and how an elector may vote in the election of paralegal members; and
- (b) email the notice mentioned in clause (a) to every elector, to her or his business email address, or where the elector has no business email address, home email address, as indicated on the records of the Society.

POLL: VOTING

Voting for candidates

136.18. In a poll conducted in an election of paralegal members, an elector,

- (a) may vote for up to five candidates; and
- (b) shall cast her or his votes in accordance with the procedures established by the Elections Officer.

COUNTING THE VOTES

Elections Officer to cause counting of votes

136.19. (1) The Elections Officer shall cause the votes for each candidate to be counted in accordance with this section.

Disqualified votes

(2) If an elector votes for more than five candidates, none of the elector's votes for those candidates shall be counted.

DECLARATION OF RESULTS

Declaration of results

136.20. (1) After the deadline for casting votes on election day has passed, immediately after the count of votes has been completed, the Elections Officer shall declare to have been elected to the Committee the five candidates eligible to be elected to the Committee who have the five largest numbers of votes.

Same numbers of votes

(2) If two or more candidates have the same numbers of votes, but the number of persons remaining to be elected to the Committee is fewer than the number of candidates having the same numbers of votes, the Elections Officer shall, in the presence of the Treasurer, randomly select, from the candidates having the same numbers of votes, the necessary number of candidates to be elected to the Committee.

Publication of results

(3) The Elections Officer shall publish the election results on the Society's website, and those results shall include the names of the candidates and the number of votes cast for each candidate.

RECOUNT

Request for recount

136.21. (1) If fewer than 15 votes separate an elected candidate from another candidate, the Elections Officer shall, on the written request of the other candidate, promptly cause the votes cast for all candidates to be recounted, in accordance with section 136.19, and provide the results of the recount to all candidates.

Time for making request

(2) No request for a recount shall be made after fifteen days after the declaration of results under section 136.20.

Results of recount

(3) Where from the recount it appears to the Elections Officer that a wrong candidate was declared elected, the Elections Officer shall correct the election results, declare the correct candidate as elected and publish the corrected election results on the Society's website.

TAKING OFFICE

Taking office

136.22. (1) The candidates who are elected to the Committee as a result of a poll shall take office on the day on which the Committee has its first regular meeting following the election day.

Term of office

(2) Subject to any by-law that provides for the removal of members from the Committee, the candidates who take office under subsection (1) shall remain in office until their successors take office.

RETENTION OF ELECTION RESULTS

How long to be retained

136.23. The Elections Officer shall retain the results from the election of paralegal members until the next election of paralegal members.

VACANCIES DURING TERM OF OFFICE

Filling vacancy: election of candidate from previous election of paralegal members

136.24. (1) If a member of the Committee who was elected to the Committee in an election of paralegal members or was deemed to have been elected to the Committee under this section resigns from office, is removed from office or for any other reason is unable to continue in office, the candidate in the most recent election of paralegal members who meets the following criteria shall be deemed to have been elected to the Committee to fill the resulting vacancy in office:

1. The candidate was not elected to the Committee in the most recent election of paralegal members.
2. From among the candidates not elected to the Committee in the most recent election of paralegal members, the candidate had the largest number of votes.
3. On the date of the deemed election, the candidate's business address, or, where

the person has no business address, home address, as indicated on the records of the Society, is within Ontario.

4. On the date of the deemed election, the candidate is licensed to provide legal services in Ontario and her or his licence is not suspended.
5. On the date of the deemed election, the candidate is eighteen or more years of age.
6. On the date of the deemed election, the candidate is not bankrupt.
7. The candidate consents to the election.

Interpretation: paragraph 1 of subsection (1)

- (2) A candidate does not meet the criterion set out in paragraph 1 of subsection (1) if,
 - (a) in the most recent election of paralegal members, the candidate was ineligible to be elected to the Committee only because he or she did not consent to the election; or
 - (b) the candidate was previously not deemed to have been elected to the Committee under subsection (1) only because he or she did not consent to the election.

Interpretation: paragraph 2 of subsection (1)

(3) A candidate who does not meet the criterion set out in paragraph 1 of subsection (1) shall not be included among the candidates considered under paragraph 2 of subsection (1).

Same numbers of votes: paragraph 2 of subsection (1)

(4) For the purposes of paragraph 2 of subsection (1), if two or more candidates have the same largest number of votes, the Elections Officer shall, in the presence of the Treasurer, randomly select one candidate from among the candidates having the same largest number of votes and that one candidate shall be the candidate with the largest number of votes.

Taking office and term of office

(5) A candidate who is deemed to have been elected to the Committee under subsection (1) shall take office immediately thereafter and, subject to any by-law that provides for the removal of members from the Committee, shall remain in office until her or his successor takes office.