

General Bylaws
Bylaw E-07

**A Bylaw to elect a dental assistant to serve on
The Manitoba Dental Association Board**

According to *The Dental Association Act* article 6(3): At least one member of the Board must be a dental assistant.

1. Notice of Election

On or before the third Saturday in November, in each year the secretary shall send a notice in the form attached as Schedule “D” to this Bylaw to each dental assistant whose name appears in the Register of Dental Assistants who is of active status and in good standing on that date, advising that the dental assistant of the Board term of office will expire on January 31st of the following year. Such form shall include a nomination form for a dental assistant to fill the vacancy created by the expiry of the term.

2. Nominations

Every nomination for election to the Board under this Bylaw shall be in writing on the form set out in Schedule “D” and the consent of the person nominated shall be attached thereto or endorsed thereon.

3. Nominations Deadline

Every nomination of a candidate must be received by the secretary on or before the first Saturday in December otherwise it is invalid.

4. Eligibility

Every dental assistant whose name appears on the Register of Dental Assistants and who maintains a current registration of certificate and is in good standing is eligible to be nominated and vote

5. Acclamations

Where there is only one nomination for the position of dental assistant on the Board, the secretary shall on the first business day following the 10th day of December declare that the candidate so nominated elected as a member of the Board

6. Term of Office

The term of office for the elected individual is two years, starting at the annual meeting of the Association following the declaration of the election result

7. Mailing of Voting Papers

On or before the tenth day following the first Saturday in December, the secretary shall mail to every dental assistant in the Register of Dental Assistant and who maintains a current registration certificate and is in good standing on that date

- a) a voting ballot in the form attached as schedule "E"
- b) an envelope addressed to the secretary and clearly marked "voting envelope"

8. Appointment of Election Officials

In the absence of the secretary, the Registrar shall act in that capacity for election purposes only

9. Custody of Voting Papers and Counting of Ballots

The secretary shall safely keep, unopened, all voting envelopes received by him/her on or before noon on the thirty-first day of December from persons entitled to vote, and on the Monday following the first Saturday in January (hereinafter referred to as election day) at 5:00 p.m., in the presence of the scrutineers appointed by the candidates, if any, the secretary shall remove the voting papers from the voting envelopes and count only the unspoiled voting ballots.

10. Right to be Present

Any candidate is entitled to be present at the counting of the votes

11. Absence of Scrutineers

If no scrutineers are present the MDA President or in his/her absence the registrar, shall appoint two scrutineers

12. Procedure on Equality of Votes

If there is an equality of votes for two or more candidates after counting the ballots for a second time, as a result of which the election of one or more of such candidates is undecided the name of each such candidate shall be written upon a separate piece of paper and a scrutineer shall place the papers in a suitable receptacle, and the secretary shall draw at random therefrom, in the presence of the scrutineers, the number of papers equal to the number of dental assistants still to be elected, and the person or persons named upon the paper or papers so drawn shall be declared elected

13. Declaration of Voting Results

On completion of the counting of the votes the secretary shall forthwith declare the result of the election and certify it to the President, who shall announce the result to the President of the Manitoba Dental Assistants Association and at the annual meeting of the Association

14. Saving Provision

Any accidental failure on the part of the secretary to comply with any of the provisions of this Bylaw does not invalidate the election result.

15. Petition against Election

A petition against the election of the dental assistant(s) may be filed with the secretary by any dental assistant who lawfully voted at the election not later than fourteen days after the report of the President has been delivered in accordance with Section 13.

16. Contents of Petition

The petition shall contain a statement of the grounds on which the election is disputed, and no other grounds shall be considered on hearing of the petition.

17. Delivery of Petition

The petitioner shall, within 5 days of the filing of the petition, deliver a copy of it to the dental assistant whose election is disputed.

18. Time and Place of Hearing

On the filing of a petition the Board shall appoint a day, time and place for the hearing; and the secretary shall give notice thereof, in writing, to the petitioner and to the dental assistant whose election is disputed.

19. Committee to Hear Petition

The Board shall appoint a committee of dental assistants eligible to vote to hear the petition.

20. Report of Committee

After the hearing, the committee shall report to the Board, which thereupon shall consider the report and declare whether the dental assistant whose election is disputed was or was not duly elected.

21. Action When Election is Invalid

Where the Board declares that the dental assistant was not duly elected, it shall declare the office vacant and shall fill the same as provided in Section 25.

22. Taking Office

Subject to Section 23 the dental assistant so elected shall take office at the annual meeting following the election and shall hold office until their successor take office.

23. After the Election Petition

A dental assistant against whose election a petition has been filed as provided in Section 16 shall not take office until the Board declares that she/he has been duly elected

24. Absence from Meetings

Where a member of the Board fails to attend 3 successive regular meetings of the Board she/he then ceases to be a member of the Board, unless she/he has been given leave of absence by the Board, or unless her/his failure to attend is excused by resolution of the Board.

25. Vacancy

In the case of the failure in any instance to elect the dental assistant board representative under this Bylaw, or in the case of a vacancy in the first year of a two year term and before the 26th day of November, however caused, the remaining members of the Board shall appoint a member at the next Board meeting to fill the vacancy until the next annual election when an election will be held to fill the vacancy for the remaining year of the term.

DONE and PASSED by the Board of Directors of the Manitoba Dental Association at Winnipeg, in Manitoba this 27th day of October AD 2007.

President

Secretary

This Bylaw will become effective on the 15th day of December, 2007, unless 10 members request, in writing, its ratification at a general meeting of the Association, (Section 43(2) of *The Dental Association Act*).

Secretary