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For more information concerning the history of these regulations, please see the [Table of Regulations](#).

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CHAPTER T-3.2

TOURISM MARKET DEVELOPMENT ACT

FIRST ELECTION OF TOURISM MARKETING REGULATIONS

Pursuant to section 18 of the *Tourism Market Development Act* R.S.P.E.I. 1991, Cap. T-3.2, and after consultation with the Tourism Advisory Board, Council made the following regulations:

1. In these regulations Definitions
 - (a) “Board” means the Tourism Advisory Board; Board
 - (b) “tourism operator” means a person engaged in the offering for sale of designated tourism products to the public; tourism operator
 - (c) “voter” means the natural person designated by a tourism operator pursuant to subsections 4(2) and (3) of these regulations. (EC491/91) voter
2. The Board shall be responsible for the establishment of the register of tourism operators for the purpose of electing the first Tourism Marketing Council. (EC491/91) Register
3. Tourism operators engaged in offering designated tourism products to the public pursuant to the Tourism Marketing Council Regulations (EC490/91) shall be eligible to register with the Board. (EC491/91) Eligibility
4. (1) Each registered tourism operator shall have one vote in the first Tourism Marketing Council election. Voting
 - (2) In order to exercise the rights conferred by subsection (1) the proprietors of the tourism operator must Requirements
 - (a) show to the satisfaction of the Board that the tourism operation is established as a business entity in accordance with the laws of the province;
 - (b) designate in writing to the Council the natural person who will exercise the voting rights on behalf of the tourism operator and provide a copy of the signature of the person;
 - (c) designate in writing to the Council the county in which the tourism operator is situated.
- (3) The natural person designated by a tourism operator must Qualifications of voter
 - (a) be 18 years of age; and

(b) not be designated to exercise voting rights on behalf of more than one tourism operation.

Business, eligibility	(4) In determining a business entity pursuant to clause (2)(a), the Council may consider businesses registered under the <i>Partnership Act</i> R.S.P.E.I. 1988, Cap. P-1, the <i>Companies Act</i> R.S.P.E.I. 1988, Cap. C-14, the <i>Revenue Tax Act</i> R.S.P.E.I. 1988, Cap. R-14 and other laws related to commercial activity. (EC491/91)
Advertisement	5. Before or on September 7, 1991, the Board shall advertise in at least two daily newspapers that a registration of tourism operators is being held. Such advertisement should include qualifications for tourism operators and voters, the deadline for registration, where registration applications can be obtained and the address where applications are to be mailed. (EC491/91)
Time for registration	6. For the purposes of conducting the first election, the registration deadline shall be September 30, 1991. (EC491/91)
Posting of register	7. Before or on October 4, 1991, the Board shall cause the register of tourism operators to be posted for viewing in at least one location within each county. (EC491/91)
Appeal	8. Any person wishing to contest a tourism operator or voter present or not present on the register may do so by appealing to the Board on or before October 11, 1991. (EC491/91)
Eligibility	9. To be eligible for election or appointment to the Council, a natural person must be a voter designated by a tourism operator registered in the county for which an election is being held. (EC491/91)
Election	10. (1) The members of the Council shall be elected by the voters by mailed ballot.
Returning officer	(2) The Board shall appoint a returning officer who shall cause to be published in at least two daily or weekly newspapers a notice of the holding of elections for the ten Council member positions described in section 5 of the <i>Tourism Marketing Council Regulations</i> (EC490/91). Such notice shall not be published later than October 19, 1991 and shall advise where nomination forms may be obtained.
Tied vote	(3) The returning officer shall not vote in any election except in the event of a tie.
Nominations	(4) Nominations shall be in writing and shall be on a form prescribed by the Board and shall be signed by at least five registered tourism operators or voters in the county for which an election is being held.

(5) Nominations shall be received by the returning officer or postmarked not later than November 9, 1991. Receipt

(6) Acceptance of a nomination by the nominee shall be evidenced by a notice in writing from the nominee to the returning officer and such notice shall accompany the nomination. Notice of acceptance

(7) If the number of nominations received from a county is less than required to fill the Council positions in a county, Nominations less than positions

(a) the returning officer shall declare elected the voters so nominated; and

(b) the Board shall make an appointment to fill the uncontested Council positions.

(8) If the number of nominations received from a county equals the number of Council positions in a county, the voters so nominated shall be declared elected. Nominations equal positions

(9) If the number of nominations received from a county exceeds the number of Council positions in the county, the returning officer shall conduct an election for such county by mailed ballot. Nominations exceed positions

(10) For the purpose of conducting an election, voters who were designated by registered tourism operators by or on September 30 shall be eligible to nominate and run for Council office, as well as vote in the election upon final approval of the register by the Board prior to October 18, 1991. (EC491/91) Eligibility to vote

11. (1) A voter is entitled to vote for the number of candidates equal to the number of Council positions to be contested in the county in which the tourism operator is located. Voting

(2) No person shall cast more than one ballot in an election. *Idem*

(3) The returning officer shall cause to be mailed to each voter in the county for which an election is being held, a ballot which shall bear the name of each candidate nominated to represent such county. Ballot

(4) The voter shall be deemed to have received a ballot under subsection (3) which is addressed to him at the address appearing on the register of tourism operators two days after the mailing thereof by the returning officer. Failure of any voter to receive such ballot shall not invalidate any election. Notice

(5) Each ballot shall have a counterfoil attached thereto which the voter shall sign when casting the ballot. Counterfoil

Return of ballots	(6) All ballots shall be returned by mail or personally delivered with the counterfoil attached, to the returning officer and shall be postmarked or delivered not later than November 30, 1991.
Scrutineers	(7) Each candidate in an election is entitled to appoint one scrutineer to represent him at the opening and counting of the ballots.
Witnesses	(8) The returning officer may appoint such persons as he considers necessary to witness the counting of ballots.
<i>Idem</i>	(9) The Board may appoint an additional witness to represent the Board.
Validity	(10) The failure of a scrutineer or witness to witness the counting of ballots shall not invalidate the election.
<i>Idem</i>	(11) The returning officer shall compare the voter's signature on the counterfoil of the ballot with the signature appearing in the register.
<i>Idem</i>	(12) Only those ballots of which the counterfoil signature has been validated by the returning officer shall be counted.
Removal of counterfoil	(13) All ballots shall have the counterfoil removed before being counted.
Counting	(14) Ballots shall be opened and counted by the returning officer not later than December 7, 1991, in the presence of the scrutineers and witnesses, and a complete report of the results, bearing the signatures of those present shall be filed with the Board.
Declaration	(15) The candidate or candidates receiving the greatest number of votes shall be declared elected by the returning officer.
Casting vote	(16) In the event of two or more candidates for election receiving an equal number of votes, the returning officer shall determine the successful candidate if necessary.
Date of declaration	(17) The returning officer shall formally declare elected successful candidates in each county no later than December 14, 1991. (EC491/91)
Assumption of office	12. (1) The Council members elected or appointed in accordance with these regulations shall assume office on January 1, 1992.
Officers	(2) At the first meeting of the Council's board of directors following its assumption of office, the board shall elect from its members a chairman, vice-chairman, treasurer and secretary according to guidelines established by the Board. (EC491/91)

13. Upon the first election or appointment of members of the Council, the Council shall determine which of its members shall serve the following terms: Transitional provisions

1. four members to serve from January 1, 1992 to the first meeting of the Council following the annual meeting of the Council in 1993 but in any event not later than April 30, 1993. Two of these members shall be from Queen's County, one from Prince County and one from King's County.
2. three members to serve from January 1, 1992 to the first meeting of the Council following the annual meeting of the Council in 1994 but in any event not later than April 30, 1994. One of these members shall be from Queen's County, one from Prince County and one from King's County.
3. three members to serve from January 1, 1991 to the first meeting of the Council following the annual meeting of the Council in 1995 but in any event not later than April 30, 1995. One of these members shall be from Queen's County, one from Prince County and one from King's County. (EC491/91)