



Contact Elections Nunavut

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Introduction

This Guide is a summary of the laws in the *Nunavut Elections Act* that candidates must follow, during an election for members of the Nunavut Legislative Assembly. It is not a legal document.

The Guide has information about who can and can not be a candidate. It shows what candidates must do, and when and how they must do it during the pre-election, election, and post election periods. It includes copies of some forms that candidates use, such as the declaration of candidacy.

The Guide has information about general elections and by-elections. Most of the laws are the same for both. The Guide clearly shows where the laws are different for a by-election.

Each candidate **MUST** have a financial agent. Elections Nunavut has a Guide for Financial Agents, including information about how to do the campaign financial return.

Elections Nunavut has other information that candidates and financial agents may find useful:

- Constituency maps.
- *Nunavut Elections Act*.
- Guide to the *Nunavut Elections Act* - a summary.
- Voter information brochures.
- Guide to Manage a Campaign.

Contact Elections Nunavut for copies of these documents.

Definitions and abbreviations

Affirm: A legal promise. The most serious promise a person can make; if you break this promise it's the same as breaking the law. A person gives their word and affirms that something is true. Similar to swearing, an oath, or a declaration.

Campaign manager: The person the candidate appoints to organize the campaign. The campaign manager signs the declaration of candidacy.

Campaign material: Any ad in favour of or against a candidate. Includes ads on radio, TV, internet, and newspapers; signs, buttons, posters, and banners.

Candidate: A person whose declaration of candidacy is accepted according to the rules in the *Nunavut Elections Act*. A person who wants to be elected as a Member of the Nunavut Legislative Assembly, to represent their constituency.

CEO or Chief Electoral Officer: The CEO is the head of Elections Nunavut. Elections Nunavut is all the people responsible to organize and carry out territorial elections.

Close of candidacy: 2:00 pm local time, 31 days before Election Day.

Constituency: The geographic area within which voters have the right to elect one Member of the Legislative Assembly.

Contribution: Money, services, and goods that people donate to a candidate's campaign. Does not include volunteer labour or any goods that volunteers produce.

Declaration: A formal or legal statement a person makes to say they intend to do something. A person files and signs a declaration of candidacy to say they intend to be a candidate.

Election expense: Any money paid or owed during an election period, to promote or oppose a candidate's election. Includes any goods and services people contribute, and any costs of the financial agent and campaign manager.

Election Notice: The election notice is a list with the name and address of each candidate in a constituency. The Returning Officer sends each candidate an election notice 28 days before Election Day.

Election report: The election report shows how many votes each candidate got. The RO fills it out as soon as they review the statements of the poll from Election Day. If needed the RO can delay the election report for up to two weeks after Election Day.

Final voters list: The final voters list comes out after Election Day. The CEO makes it from the official voters list plus all the voters that registered on Election Day, or for the advance vote or mobile poll.

Financial Agent: The person the candidate appoints to manage the campaign financial and reporting needs under the *Nunavut Elections Act*. The financial agent swears to look after all the money matters for the campaign and signs the declaration of candidacy.

Financial return: The official report of the campaign's election contributions and expenses, as required under the *Nunavut Elections Act*. Includes declarations from the candidate and financial agent.

Oath: A formal, legal promise that something is true; a promise to do something. Election officers take an oath for their job; elected candidates take an oath as MLAs. Similar to swearing, affirming, or a declaration.

Official voters list: The official voters list combines the preliminary voters list and any changes Elections Nunavut accepts, up to 28 days before Election Day. The CEO prepares the official voters list for each constituency no later than 23 days before Election Day.

Pre-election expense: A campaign expense that the candidate pays for during the pre-election period.

Pre-election period: Starts the day the Commissioner publicly announces the day of the next election; ends the day the CEO issues the writ.

Preliminary voters list: The preliminary voters list is the list of voters that the CEO prepares for each constituency and sends out the day they issue the writ.

RO or Returning Officer: The RO is the main election officer for a constituency. Each constituency has an RO and an Assistant Returning Officer or ARO.

Swear: A religious promise. The most serious promise you can make; if you break this promise it's like breaking the law. A person gives their word and swears on the Bible that something is true. Similar to affirming, an oath, or a declaration.

Election Period Calendar

Date	What happens on that day?
35 days before Election Day	CEO issues the writ and completes preliminary voters list.
35 days before Election Day	Elections Nunavut sends a copy of the preliminary voters list to each candidate, for their constituency.
35 days before Election Day	First day to file a declaration of candidacy.
34 days before Election Day	RO sends a Voter Information Card to every voter on the preliminary list.
2:00 pm local time - 31 days before Election Day	Deadline to file declaration of candidacy. Must be complete and properly filled out.
5:00 pm local time - 31 days before Election Day	Deadline for candidates to write a letter to withdraw declaration of candidacy.
30 days before Election Day	Elections Nunavut gives each candidate a copy of the election notice, unless a candidate wins by acclamation.
28 days before Election Day	Deadline to suggest changes to the preliminary voters list.
23 days before Election Day	Elections Nunavut prepares the official voters list for each constituency. They send each candidate a copy for their constituency.
14 days before Election Day	First day voters can vote at the RO's office.

Date	What happens on that day?
7 days before Election Day	Mobile poll: morning. Advance vote: 12 noon to 7:00 pm local time.
5 days before Election Day	First day voter can get a proxy certificate.
4 days before Election Day	Last day voters can vote at the RO's office.
3 days before Election Day	RO sends candidates a list of voters that voted in the advance vote, mobile poll and at the RO's office.
5:00 pm local time - 3 days before Election Day	Deadline for special ballots to reach Elections Nunavut - or they don't count.
1 day before Election Day	No campaign ads or speeches: TV, radio, newspaper, internet.
9:00 am to 7:00 pm Rankin Inlet time - Election Day	Polling station open for voting. No campaign ads or speeches: TV, radio, newspaper, internet.
3:00 pm local time - Election Day	Deadline to apply for a proxy certificate.
As soon as possible after Election Day	RO sends CEO and each candidate a copy of the election report.
10 days after Election Day	Deadline for candidates to remove all campaign materials.
End of post election period - 60 days after Election Day.	Deadline for candidates and financial agents to complete and file the campaign financial return.

1) The Candidate



What is a candidate?

A candidate is a person whose declaration of candidacy is accepted according to the rules in the *Nunavut Elections Act*. A candidate is a person who wants to be a Member of the Nunavut Legislative Assembly, to represent the people in their constituency.

Who can be a candidate?

You can be a candidate if:

- You're eligible to vote on Election Day. AND
- You are not disqualified.

You're eligible to vote if you are:

- A Canadian citizen.
- 18 years or older on Election Day. AND
- A Nunavut resident for at least one year on Election Day.
- **By-election only includes:** A resident in the constituency when the CEO issues the writ.

You're not eligible to vote if:

- You have a court order that says you don't understand your actions - you can't decide things for yourself. OR
- You broke the laws under the Criminal Code and you're in a place for people with mental illness. OR
- You broke an election law somewhere in Canada in the last five years, and were convicted.

The election doesn't count if you get elected and you're not eligible to be a candidate. You can be a candidate in only one constituency.

A candidate can't sign anything that, if you won, would:

- Make you resign your seat in the Legislative Assembly if someone asked you. OR
- Be like an undated resignation from the Legislative Assembly. OR
- Prevent you from acting freely in the Legislative Assembly.

Check with your employer to see if they have any rules or policies you must follow about being a candidate in a territorial election. For example, you may have to take a leave of absence from your work during the election period.

Many employers such as the Government of Nunavut have rules or policies about how employees participate in political activities and election campaigns.

Who can't be a candidate?

You can't be a candidate if, on the day you file your declaration of candidacy you:

- Were a candidate in the last election and didn't file the campaign financial return on time.
- Do not live in Nunavut at the deadline for the declaration of candidacy.
- Work for Elections Nunavut.
- Did not take a leave of absence if you work for the Government of Nunavut.
- Are a member of the House of Commons, Senate, or legislature of another territory or province.
- Are a judge, except in a citizenship court.
- Are in jail and still in jail after Election Day.

A member of the Legislative Assembly may leave their seat because they're charged with or convicted of a crime under Nunavut or Canadian laws. This person can be a candidate again only after the constituency elects someone else to take their place.

What happens if a candidate dies?

If a candidate dies after the deadline for declarations of candidacy and before the polls close on Election Day:

- The election is cancelled in that constituency. AND
- A new election process begins for that constituency.

Elections Nunavut destroys all the old ballots if they call a new election.

What does 'elected by acclamation' mean?

Elected by acclamation means there is only one candidate and they win the election with no voting. This can happen two different ways:

- Only one person files a declaration of candidacy that Elections Nunavut accepted. OR
- A second candidate changed their mind and removed their name before the deadline - 5:00 pm local time 31 days before Election Day.

People have no one to vote for. The one candidate becomes the MLA for the constituency. The Returning Officer sends them a copy of the election return.

What happens if a candidate changes their mind?

A candidate must write to their Returning Officer if they change their mind and decide they don't want to be a candidate. They must write a letter, sign it, and deliver it by 5:00 pm local time, 31 days before Election Day to make it official - and to remove their name from the ballot. Two voters from the constituency must take an oath and sign the letter too. The candidate does not get their \$200 deposit back.

If a candidate withdraws by the deadline and there is only one other candidate, the other candidate wins by acclamation. If there is more than one other candidate, the election proceeds as normal. But the ballot does not include the name of the candidate that withdrew.

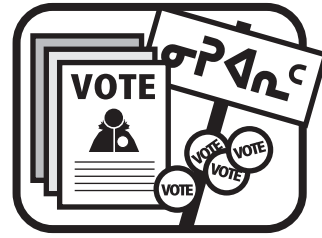
A candidate can withdraw after the deadline but their name stays on the ballot - even if they send the Returning Officer a signed letter. And people still vote, even if there is only one other candidate.

In what order are candidates' names on the ballot?

Candidates' names are in alphabetical order on the ballot. If two candidates have the same first and last name, the Chief Electoral Officer uses their other names to tell them apart.

At each polling station, Elections Nunavut puts up a poster that shows a ballot with the candidates' pictures beside their names. The poster helps voters know who they're voting for.

2) Financial Agent and Campaign Manager



Who is your financial agent?

Each candidate **MUST** appoint a financial agent. Choose a financial agent before you fill out the declaration of candidacy.

The financial agent is responsible for all campaign contributions and expenses. The candidate appoints a financial agent to manage the campaign financial and reporting needs under the *Nunavut Elections Act*. Choose someone who is good at those things.

The financial agent must be a Nunavut resident. The financial agent can not be:

- A candidate.
- An election officer, someone that works for Elections Nunavut.
- A Government of Nunavut employee.
- A business, unless it's an accounting business in Nunavut.

Anyone else can be your financial agent, including a relative. Be sure the person checks with their employer to see if they need to follow any rules or policies before they take on the job as your financial agent.

Who is your campaign manager?

The law does not say that you **must** have a campaign manager, but it's a good idea. You need someone to manage your campaign. Choose a campaign manager before you fill in the declaration of candidacy.

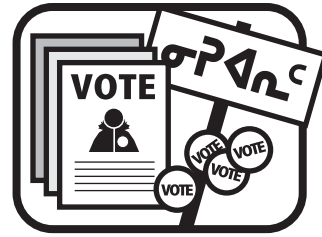
The campaign manager organizes and coordinates things such as:

- Buttons, brochures, and signs.
- Ads for TV, radio, and the newspaper.
- Candidate website.
- Door-to-door canvassing and other campaign activities.
- Candidate travel to communities in the constituency, if needed.
- Volunteers to help with the campaign.
- Candidate representatives to oversee each polling station on Election Day.
- Passing out Elections Nunavut brochures about different ways people can vote.

Choose a campaign manager who is good at these things. Be sure the person checks with their employer to see if they need to follow any rules or policies before they take on the job as your campaign manager.

If you don't have a campaign manager, the financial agent may have to take on these duties. And they may not have the time or be the best person for this work.

3) Declaration of Candidacy



What is a declaration of candidacy?

The declaration of candidacy is the form a person fills out to say they want to become a candidate. If Elections Nunavut accepts the declaration, the person becomes a candidate; if Elections Nunavut rejects the declaration, the person is not a candidate.

To file a declaration of candidacy you need to be eligible to be a candidate. To file the declaration of candidacy you need to:

- Properly fill out the declaration of candidacy form.
- Send your declaration of candidacy to your Returning Officer - any time between the day the CEO issues the writ and 2 pm local time, 31 days before Election Day.
- Pay the \$200 deposit, with a money order or certified cheque, when you file the declaration.

You need the following basic information to fill out the declaration of candidacy form:

- The candidate's full name and contact information.
- The financial agent's full name and contact information.
- Voters to sign and witness the candidate's and financial agent's signatures.
- The campaign manager's name and contact information, if you have one. You don't have to have a campaign manager, but it's a good idea. The financial agent may have to take on these duties if the candidate does not have a campaign manager.

What information about the candidate do you need for the declaration of candidacy?

You need the following information about the candidate for the declaration of candidacy:

- Full name - no titles, degrees, or prefixes. Include a nickname if you want.
- Home address - mailing address and street address.
- Phone numbers at home and at work.
- Fax number and email address.

Write your name on the declaration of candidacy the exact way you want it to be on the ballot. Write it in two different languages if that's how you want it on the ballot. Elections Nunavut uses exactly the name you write on your declaration of candidacy.

For example, if you write your name in Inuktitut syllabics first and English second, or English first and Inuktitut second that's how it will be on the ballot. If you write your name in just English or just Inuktitut syllabics, that's how it will be on the ballot.

The candidate signs the declaration and takes an oath. A voter witness also signs. A candidate can not be a witness.

What information about the financial agent do you need for the declaration of candidacy?

You need the following information about the financial agent for the declaration of candidacy:

- Full name.
- Home address - mailing and street address.
- Phone numbers at home and at work.
- Fax number and email address if they have one.

The financial agent signs and takes an oath to do their job. A voter witness also signs. A financial agent can not be a witness. The financial agent's job starts as soon as they sign the declaration of candidacy.

If the financial agent's contact information changes, right away give the Returning Officer the new contact information.

What happens if the financial agent quits or the candidate asks them to leave?

If your financial agent leaves their job for any reason, you **MUST** get another financial agent right away **AND** tell the Returning Officer in writing. Fill out the form 'Appoint a New Financial Agent' and fax it to the RO. See a sample form in the last section of this Guide.

Make sure the former financial agent gives everything related to their job over to the new financial agent. This includes bank account information, tax receipts, contributions, receipts for expenses, paid and unpaid bills - everything related to the campaign money matters; and any other campaign information they have.

Make sure the new financial agent has a copy of the Guide for Financial Agents. Make sure the new financial agent changes the signing authority on the campaign account. Give them a copy of the form you sent to the RO, to prove they now have the authority and responsibility.

What information about the campaign manager do you need for the declaration of candidacy?

You need the following information about the campaign manager for the declaration of candidacy:

- Full name.
- Home address - mailing and street address.

- Phone numbers at home and at work.
- Fax number and e-mail address if they have one.

The campaign manager signs and takes an oath to do their job. A voter witness also signs. The campaign manager's job starts as soon as they sign the declaration of candidacy.

If the campaign manager's contact information changes, right away give the Returning Officer the new contact information.

What happens if the campaign manager quits or the candidate asks them to leave?

If the campaign manager leaves their job for any reason, you must give the Returning Officer written notice right away that they left. Fill out the form 'Appoint a New Campaign Manager' and fax it to the RO. See a sample form in the last section of this Guide.

You do not have to appoint a new campaign manager. If you decide to NOT have a campaign manager, fill out the first part of the form to tell the RO that the former campaign manager left their job.

If you started your campaign without a campaign manager and later decide you want to appoint one, you can use this form for that too.

What are the rules to file the declaration of candidacy?

When: File any time between the day the CEO issues the writ and 2:00 pm local time 31 days before Election Day. The declaration form must be complete and properly filled out by that date and time. After you file your declaration of candidacy with the Returning Officer, any person can look at it and take information.

Where: File with the Returning Officer for your constituency. If the Returning Officer lives in a different community they may appoint someone in your community to accept the declarations of candidacy. Contact your Returning Officer to find out.

Other rules:

- Pay a \$200 deposit - with a money order, certified cheque, or a draft from the Northern Store or Co-op.
- Send a digital photo of the candidate in the exact form that Elections Nunavut asks - or they won't use it.

What are the standards for the digital photo?

The digital photo must meet these standards:

- Show the candidate's head and shoulders against a light-coloured background.
- Be taken within 12 months of Election Day.
- Send to Elections Nunavut as a 72 dpi compressed jpeg file.
- Be able to produce a printed photo 12.7 cm square at 300 dpi and contain at least two million pixels.

Elections Nunavut will not edit the photo and rejects it if the photo does not meet these standards.

Elections Nunavut uses candidates' photos on a poster of a ballot. The poster has each candidate's picture beside their name. It hangs at the polling station to help voters know who they want to vote for. If you don't give Elections Nunavut a photo, your name appears on the poster with a blank space instead of a photo.

How does Elections Nunavut decide to accept a declaration of candidacy?

The Returning Officer accepts your declaration of candidacy if:

- You are an eligible candidate.
- You filled your declaration of candidacy out properly.
- You filed before the deadline.
- You paid the \$200 deposit.

When the Returning Officer accepts your declaration of candidacy, they give you a certificate to say you are a qualified candidate.

As a candidate you receive a candidate package from Elections Nunavut. It contains:

- Guide for Candidates, including copies of the campaign financial return and other forms.
- Guide for Financial Agents, including copies of forms.
- CD with forms you can fill out on the computer if you want.
- Guide to Manage a Campaign.
- Guide to the *Nunavut Elections Act* - a summary.
- *Nunavut Elections Act*.
- Sections of the *Income Tax Act* (Nunavut) that relate to tax receipts.
- Map of your constituency.
- Preliminary voters list for your constituency. You sign a form to swear that you and your campaign workers will respect the voters lists and use them only for the election campaign, and not misuse it in any way.
- Release form for CBC to use your digital photo.
- Flyers from the Integrity Commissioner.
- Consent forms and instructions for candidate representatives at the poll.
- Sign-off sheet saying you got the package.

How does Elections Nunavut decide to reject a declaration of candidacy?

The Returning Officer rejects your declaration of candidacy if you:

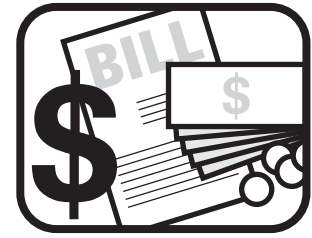
- Are not eligible.
- Filed after the deadline.
- Did not fill out the forms properly.
- Filed a declaration of candidacy in more than one constituency. If you did this you can't be a candidate in any constituency.
- Did not pay the \$200 deposit.
- Are disqualified because you were a candidate in the last election and did not file the campaign financial return on time.

The Returning Officer can ask you to correct, complete, or replace your declaration of candidacy if they reject it because you did not fill it out properly. But you must do this by the deadline - 2:00 pm local time 31 days before Election Day.

The Returning Officer or Chief Electoral Officer (CEO) notify you right away if they decide to reject the declaration of candidacy for other reasons - and they tell you why. You can send information or evidence to support your case. The CEO decides within two days and gives the reasons.

If you disagree with the CEO's decision, you can appeal within two days. A judge hears the appeal within 10 days and makes a decision as soon as possible after the hearing. If you appeal, the CEO cancels the election in your constituency until after the judge makes a decision. Then the CEO issues a writ and the election proceeds as usual.

4) Money Matters



You need money to run an election campaign - to pay for things such as brochures, buttons, signs, ads on TV or radio, and travel to different communities in your constituency.

Money matters includes campaign contributions and campaign expenses. The financial agent accepts all the contributions and pays the expenses - NOT the candidate. All money related to the campaign belongs to the campaign - NOT to the candidate.

What is a campaign budget?

A campaign budget shows the total contributions you expect to receive and how you plan to spend the money. It includes contributions of goods and services.

A budget is very helpful. The candidate, financial agent, and campaign manager use it to understand how much money the campaign needs - to pay for campaign expenses. It helps the campaign team set priorities and to not spend more money than they can raise through contributions.

To write up a budget you need to work with the financial agent and the campaign manager, to plan the campaign. As you plan the campaign you can identify what things cost money and how much they cost. For example:

- Will the campaign distribute buttons? How many?
- Will the campaign put up signs or posters? What size? How many?
- Will the campaign produce one or more brochures? Will they be colour printed or black and white? How many?
- Does the candidate need to travel to other communities? If yes, how often and for how long?

- Will you have a campaign office? Will you pay someone to run the office?
- What ads do you plan to have in the newspaper, and on radio and TV?
- Will the campaign have a website? Who will set it up?

You will probably adjust the budget many times during the campaign. You may receive more or less contributions than you expected. Campaign expenses may be more or less than you first calculated.

Regularly talk to the financial agent and campaign manager as you plan and carry out the campaign.

Who can contribute to a candidate's campaign?

These people can contribute money, goods, or services to a candidate's campaign:

- Individuals that live in Nunavut.
- Companies that do business or work in Nunavut.
- Groups or associations that operate in Nunavut. A group or association must give you a list with the name and the amount each person contributed.

People can contribute money to the campaign and the campaign can accept money contributions **only under these conditions**:

- Only during the election period.
- Only if you are an official candidate.
- Only if they give the money to the financial agent or someone the financial agent authorizes in writing to take contributions. The candidate can not directly accept any contributions.

What is the maximum contribution?

Each person, business, or group can contribute a maximum of \$2500. They may contribute just money, just goods and services, or a combination. If someone contributes transportation services, they can contribute more than the \$2500 maximum.

Financial contributions can be 'named' contributions or 'anonymous' contributions. Any contribution over \$100 **MUST** be a named contribution - the financial agent must record the name and address of the contributor.

The financial agent also records the name and address of people that contribute goods and services. The financial agent uses the market value of goods and services to measure the contribution.

People often do volunteer work for a candidate's campaign. The financial agent does not count volunteer labour as a contribution. But - if a self-employed person does the kind of work for the campaign that they usually get paid for, the financial agent must count that as a contribution.

What about anonymous contributions?

A person, business, or group can give up to \$100 as an anonymous contribution. If the campaign receives an anonymous contribution worth more than \$100, the financial agent has to give it back if they know who it's from. Otherwise the financial agent must give the money to the Chief Electoral Officer and it becomes government money.

The financial agent can collect anonymous contributions from people that attend a meeting, dance, dinner, or other campaign gathering. The financial agent records and reports the contribution as a total amount for that particular gathering.

What are the rules about tax receipts?

The financial agent gives a tax receipt to everyone that gives their name and address when they make a contribution. Any person, business, or group that contributes more than \$100 MUST give their name and address.

The financial agent makes out the tax receipt for the exact amount of the contribution, to the maximum of \$2500. Only people that contribute money get a tax receipt; not people that contribute goods and services.

The financial agent is the only person who can give out tax receipts. They must use the official receipts from the Chief Electoral Officer.

People benefit from the tax receipt - they use it for a deduction on their income tax return. Use information about the benefits of tax receipts to encourage people to make a campaign contribution.

What is the maximum amount a campaign can collect and spend?

You can spend up to \$30,000 for the campaign. Total expenses can be more than \$30,000 only for:

- Travel and living expenses.
- Childcare expenses.
- Expenses related to a candidate's disability, and that the Chief Electoral Officer approves in advance.

The \$30,000 total includes pre-election and election expenses. Pre-election expenses are acceptable campaign expenses the candidate paid for during the pre-election period.

The pre-election period lasts from when the Commissioner publicly announces the date of the next election to when the Chief Electoral

Officer issues the writ. The candidate must save all their receipts for pre-election expenses. The financial agent can reimburse the candidate for any approved pre-election expense, ONLY IF the candidate gives the financial agent acceptable receipts.

How much of their own money can a candidate use for the campaign?

A candidate can use up to \$30,000 of your own money – the maximum expenses allowed for a campaign. This includes pre-election and election expenses. The candidate gets a tax receipt for the actual amount you contribute, up to the \$2500 maximum.

Who looks after the campaign money? Where?

The financial agent or someone they authorize in writing handles all the campaign money. The financial agent sets up a bank account and uses it to deposit campaign contributions and to pay campaign expenses. If your community does not have a bank they set up an account in another place that Elections Nunavut approves, such as the Northern Store or Co-op.

The financial agent sets up the account in the name of the campaign. For example, the name might be '2008 Campaign to Elect _____' or 'Campaign to Elect _____. The account is NOT in the financial agent's name or the candidate's name.

The account is only for campaign contributions and expenses. The financial agent has signing authority. All the money belongs to the campaign, it's not for the candidate's or the financial agent's personal use.

What are the rules to pay campaign expenses?

The financial agent or someone they authorize in writing are the only people who can sign for and pay campaign expenses. The financial agent must keep receipts for EVERYTHING. They must attach an original receipt for each and every expense to the campaign financial return.

Candidates sometimes spend their own money to pay for approved campaign expenses. The financial agent can reimburse you for those expenses - but only after you give them acceptable receipts.

What are examples of acceptable and unacceptable campaign expenses?

The Chief Electoral Officer and the *Nunavut Elections Act* have some control over what campaign expenses are acceptable. If you aren't sure, call the CEO and read the *Nunavut Elections Act* before you spend the money.

Here are some examples of acceptable campaign expenses:

- Rent, utilities, and supplies for the campaign office; wages to pay someone to run the office.
- Campaign materials such as signs, posters, and buttons.
- Campaign ads for TV, radio, newspaper, and the internet.
- Travel and accommodation within your constituency.
- Childcare expenses connected with the campaign.
- Expenses related to a candidate's disability.
- A meal and non-alcoholic drinks at a gathering of voters to promote the candidate.
- A meal and non-alcoholic drinks for a candidate or their representatives at the polling station on Election Day.
- Gifts or prizes at a gathering to promote the candidate, if the total value of gifts and prizes is \$500 or less.

Here are some examples of unacceptable or unlawful expenses:

- Travel outside your constituency, unless you must do that to reach a community inside your constituency.
- Money, food, drink, gifts, prizes, or other valuable hand-outs you offer at a voters' gathering to promote the candidate, if the total value is more than \$500. For example, you can't offer a truck or snowmobile.
- Money, food, drinks, gifts, prizes, or other hand-outs you offer to bribe a voter to vote a certain way, or to not vote. For example, you can offer a glass of juice but not a case of juice, and not a bottle of wine or a case of beer.
- The \$200 deposit you made to file the declaration of candidacy.

What financial records does the financial agent keep?

During the election period the financial agent must keep careful and detailed records of all contributions and expenses. They are responsible to receive all money coming in and to pay all money going out. They must follow the *Nunavut Elections Act* and the sections of the *Income Tax Act* (Nunavut) that relate to tax receipts.

The financial agent uses the financial records to prepare a complete and accurate campaign financial return.

What happens if there's money left over at the end of the campaign?

If the campaign has money left over, you have two choices:

- 1) Give it to a charitable organization. OR
- 2) Give it to the Government of Nunavut.

If you decide to give it to a charitable organization, check with Elections Nunavut and the CEO to get a list of acceptable groups. Only certain groups are eligible to receive this money and the list can change over time. If you give the leftover money to a group you must ask for a receipt made out to 'Campaign of _____'. Neither the candidate nor the financial agent can benefit in any way if you give the money to a charitable organization.

The financial return has a place to show what you decide to do with the surplus. If you give it to a charitable organization you must attach the receipt. If you decide to give it to the government you attach a cheque made out to 'Consolidate Revenue Fund Nunavut' and send it to Elections Nunavut with the financial return.

What happens if there isn't enough money at the end of the campaign to pay all the bills?

If you need more money at the end of the campaign to pay election expenses, your financial agent can receive contributions up to the end of the post election period - 60 days after Election Day.

Your financial agent records these with the contributions from the election period. You can get an extra tax receipt book from the Chief Electoral Officer if you need one.

A candidate is personally responsible for unpaid bills if their campaign doesn't have enough money to pay the bills.

5) Campaign Financial Return



What is the financial return?

The financial return is the official record of campaign contributions and expenses. The financial agent prepares the financial return on the proper form. The financial agent and the candidate both sign it and take an oath to declare it is complete and accurate. The candidate sends it to the CEO via Expresspost or air cargo. Right away fax the Expresspost or air cargo receipt to Elections Nunavut so they know you sent the financial return.

The financial agent **MUST** complete the long form of the financial return if the campaign had **ANY** contributions or expenses. The financial agent completes the short form only if the campaign had **NO** contributions and **NO** expenses. See a copy of each form in the last section of this Guide.

The CEO has an auditor review each financial return. The CEO publishes a summary of each financial return in a newspaper in your constituency. It's a public document.

What documents are part of the financial return?

When you send in the financial return long form you must include:

- Part A: Summary of campaign contributions and expenses, and signed declarations from the financial agent and the candidate.
- Part B: Details of contributions and expenses. Include information about unpaid expenses – why you didn't pay them, if you plan to and when.

- Original receipts for each and every expense, including unpaid expenses.
- Printed statement of the campaign account, from the bank or other place that holds the account.
- Approvals you got from the CEO for expenses over \$30,000 – for travel, childcare, and expenses related to the candidate’s disability.
- All tax receipts: unused or voided receipts, CEO copy of issued receipts. Include ALL tax receipts listed on the Record of Tax Receipts that the financial agent signed when they first got the receipts.

What is the deadline for the campaign financial return?

The candidate must send the financial return to the Chief Electoral Officer before the end of the post election period - 60 days after Election Day. You get your \$200 deposit back if you file the return on time.

If you won the election, you have to send in the financial return before you can sit in the Legislative Assembly.

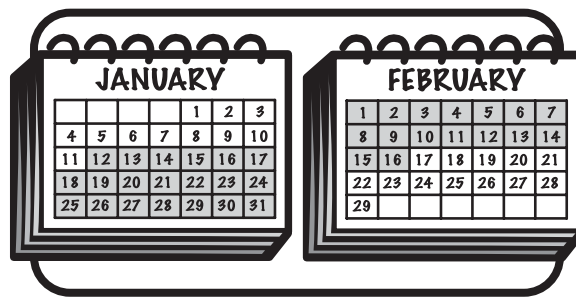
What happens if the campaign financial return isn't done on time?

The financial agent or candidate can apply to the Chief Electoral Officer to extend the deadline for the financial return. You must have a good reason and do this in writing before the end of the post election period - 60 days after Election Day. The CEO decides if you get an extension or not, and if you do how long it is.

If the campaign financial return is late and you don't have an extension:

- You can't sit in the Nunavut Legislative Assembly.
- You don't get your \$200 deposit back.
- You and the financial agent can't be a candidate in the next territorial election.

6) Election period



What are the rules about campaign materials and ads?

All your campaign materials and advertising must show the name of your financial agent or campaign manager and some contact information, such as a phone number or email address. Radio and TV that operate in your community may make free airtime available. Each candidate should have equal access and the same notice for any free airtime.

No one can take down, cover up, damage, or change your campaign material, unless they have your authority.

Check with the hamlet and other authorities and businesses in your community to find out what rules they have, if any, about where you can put up campaign materials. For example: no campaign materials on any office-type property the Government of Nunavut owns, rents, or leases; no campaign materials on any power poles.

You can't put any campaign material on the land or building at the polling station. You can't wear, use, or show any campaign material at the polling station.

You can't broadcast any campaign speech or ad on Election Day or the day before Election Day. Broadcast includes radio, TV, and internet.

You must remove all your campaign material by 10 days after Election Day.

When do candidates get the Election Notice?

Your Returning Officer sends you the Election Notice 28 days before Election Day. The Election Notice gives you the name and address of each candidate in your constituency.

How do candidates learn where the polling stations are?

Your Returning Officer tells you where they have polling stations on Election Day and for the Advance Vote. They also give you a schedule for the mobile poll.

On Election Day all polling stations operate on Rankin Inlet time. They open at 9 am and close at 7 pm. If the communities in your constituency are in a different time zone, figure out the local times that polling stations open and close. For example, polling stations in Iqaluit open at 10 am and close at 8 pm; polling stations in Cambridge Bay open at 8 am and close at 6 pm.

What are the rules about preliminary and official voters lists?

Elections Nunavut gives you a copy of the preliminary voters list for your constituency as soon as you become an official candidate. When you get the list you sign a form and promise to respect the voters lists and use them properly.

The candidate, official agent, campaign manager, and all other people involved in an election campaign must respect the voters lists and use them properly. Everyone must use the voters lists only for things related to the election campaign. NO ONE may use the lists for any other reason.

The candidate, official agent, and campaign manager are responsible to make sure that people follow the rules about voters lists. It is a serious offence to misuse any voters list.

You must return or destroy all hard copies and delete all electronic copies of any and all voters lists at the end of the election period.

What is the difference between the preliminary voters list and the official voters list?

The preliminary list is all the voters registered with Elections Nunavut just before the CEO issues the writ. The official voters list includes any changes to the preliminary list that the CEO accepts, up to 28 days before Election Day. Elections Nunavut wants as complete and accurate a voters list as possible for each constituency.

When you read the preliminary list you might believe something is missing or see something on the list you believe is not correct. You may contact a voter directly to see if they want to take any action.

Or you may suggest changes to the list, in writing, to the Returning Officer. Say who you are, what changes you believe they should make, and give proof why. The deadline to suggest changes is noon local time, 28 days before Election Day.

The Returning Officer looks into your suggested changes. To add a name to the voters list or to change information on the list they must contact the voter and ask them to fill out and sign the proper form.

The Returning Officer may accept or reject your suggested changes. They let you know and tell you the reasons by the end of the day, 27 days before Election Day.

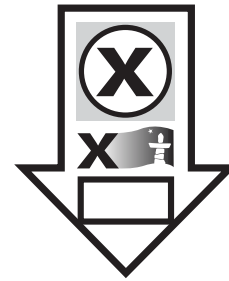
If you don't agree with what the Returning Officer decides, you can appeal in writing to the Chief Electoral Officer. You must appeal no later than 26 days before Election Day. The Chief Electoral Officer decides your appeal by the next day - 25 days before Election Day.

Elections Nunavut revises the preliminary voters list based on approved changes and produces the official voters list. They send you a copy of the official voters list 23 days before Election Day.

What information do candidates get about people that voted before Election Day?

Three days before Election Day the Returning Officer sends you a copy of the polling record for the advance vote, mobile poll, and for people that voted at the Returning Officer's office. It tells you how many people and who voted in those three polls.

7) Election Day



On Election Day each voter should vote quickly and leave the polling station as soon as their ballot goes in the ballot box. No one should hang around. The *Nunavut Elections Act* states that everyone stay at least 10 metres away unless they are voting.

What are the rules about campaign materials on Election Day?

You can not have any campaign materials inside or outside the polling station on Election Day. You can not put any campaign material on the land or building at the polling station. You can not wear, use, or show any campaign material at the polling station.

You can not broadcast any ads or speeches on Election Day OR the day before Elections Day. Broadcast includes newspaper, TV, radio, and internet. If you have a website for the candidate you **MUST** take off anything that promotes the candidate. You can leave things such as where people go to vote.

What are the rules for candidates and their representatives at the polling station?

You're allowed one representative at a time at each polling station, unless you're there yourself. Either a candidate or their representative can be there, not both.

When your representative first gets to the polling station, they must give the Deputy Returning Officer the consent form that you or your financial agent signed. Each representative must have their own form.

You can not use phones, cameras, two-way radios, or other such things at the polling station. Inside the polling station everyone must turn off their cell phone except elections officers.

You or your representative may watch what happens and you:

- Must always respect and stay out of the way of voters and election officers.
- May take information from the polling record during voting and pass it on.
- MUST go outside the polling station to receive calls or to phone someone to pass on information.
- May arrive at the polling station 15 minutes before it opens - to watch the election officers count and initial the ballots; and inspect the ballots and other official papers for the poll.
- May question a voter's identity, even if the voter's name is on the voters list. The voter must show their ID and take an oath or affirmation.

What are the rules for candidates and their representatives when the DRO counts the ballots?

You or your representative can watch and keep count as the Deputy Returning Officer counts the ballots. The DRO is the only person who handles the ballots. Remember, you must always respect and stay out of the way of the election officers.

You or your representative may disagree when the Deputy Returning Officer accepts or rejects a ballot. Tell the DRO why you object. They record your objection in the polling record and decide to accept or reject the ballot. You must accept their decision as final.

The Deputy Returning Officer writes the Statement of the Poll after they count the ballots. They'll give you or your representative a copy. The Statement tells you the number of votes for each candidate and the number of rejected ballots for that poll.

8) Who won the election?



How do candidates and their representatives know who won the election?

The Returning Officer receives a Statement of the Poll from each Deputy Returning Officer. The Returning Officer adds together the votes from all the polls in the constituency and does an election report to certify the number of votes for each candidate.

The Returning Officer sends you get a copy of the election report.

What happens if two candidates get the same number of votes?

Two candidates might get the same number of votes, or really close. If the difference is less than 2% of the total votes, the Returning Officer must apply to the Nunavut Court of Justice for a recount.

Here are 2 examples:

Example 1	Example 2
1000 people voted.	500 people voted.
2% of 1000 is 20 votes.	2% of 500 is 10 votes.
The winning candidate must have at least 20 votes more than the candidate who came second. If they don't, there is a recount.	The winning candidate must have at least 10 votes more than the candidate who came second. If they don't, there is a recount.

How else can a recount happen?

Any voter may apply for a recount to the Nunavut Court of Justice. The *Nunavut Elections Act* has very specific rules a voter must follow to apply for a recount. They have to pay a \$250 deposit when they apply.

If there is a recount, when does it happen?

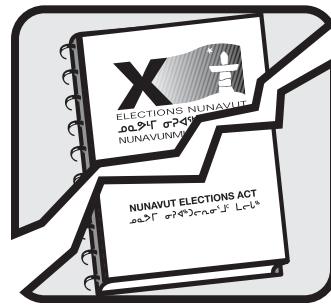
The Nunavut Court of Justice decides a time and a place for the recount. Where possible, the recount happens within 10 days after a voter or the Returning Officer applies. If the recount can't happen within 10 days, it happens as soon as possible with the court's schedule.

What are candidates allowed to do during a recount?

If you're involved with a recount you might want to get a lawyer. You or your representative and your lawyer may be at the recount. If you or your lawyer can't be there, any three voters can represent you.

A recount may cost you money. You can be reimbursed for reasonable expenses if the recount happens because the vote is tied or within 2% of total voters. You have to apply to the Chief Electoral Officer on the official form.

9) Breaking Nunavut Elections Act laws



The *Nunavut Elections Act* is like any other law. If you break the law you can be charged with a crime and punished.

What are the main types of election crime?

There are many ways to break the law for each type of crime. See some examples in the table below. Read the *Nunavut Elections Act* and make sure you follow the law.

Type of crime	Example 1	Example 2
Vote improperly.	You vote and you aren't eligible to vote.	You do things you shouldn't do with ballots.
Influence voters improperly.	You bribe a voter with money, liquor, food, a job, or other things.	You sell or give away liquor on Election Day.
Use information improperly.	You use the voters list for something besides the election.	You damage Elections Nunavut notices.
Tell lies or cheat.	You're a candidate or financial agent and you aren't eligible.	You're a candidate in more than one constituency.
Use money improperly.	Your campaign expenses are more than \$30,000.	A candidate uses campaign money for personal expenses.

If someone is charged and convicted, how are they punished?

If you break the law and you're charged and convicted, you will:

- Pay a fine not more than \$5000. OR
- Go to jail for not more than one year. OR
- Pay a fine and go to jail.

Also, for two full terms of the Legislative Assembly you can't:

- Be elected to the Legislative Assembly.
- Sit as a member of the Legislative Assembly.
- Have a job appointed by the Commissioner, a Minister or official of the Government of Nunavut, or the Legislative Assembly.

A judge can also tell you to do things such as:

- Publish the facts about your crime.
- Pay the people you hurt because of your crime.
- Do some community service.

Who can complain about a possible election crime?

Any person who believes someone broke the law in the *Nunavut Elections Act* can complain. They must go to the police, NOT to Elections Nunavut or the Chief Electoral Officer.

It's the same as making a complaint about someone who breaks any other law - people go to the police if someone breaks into their house, steals their truck, or beats up their friend.

They need to go to the police within 90 days of when they know someone broke the law.

Who investigates a complaint?

The police investigate. They'll tell you if they're investigating you, unless they think it will hurt their investigation.

The police have the same power and responsibility to enforce the *Nunavut Elections Act* as other Nunavut and Canadian laws.

The police work with the Chief Electoral Officer and the Integrity Commissioner to solve the problem.

The Integrity Commissioner is an officer of the Legislative Assembly and oversees the *Integrity Act*. The purpose of this Act is to help make sure Members of the Legislative Assembly are honest, reliable, and honourable.

The Commissioner of Nunavut appoints the Integrity Commissioner. The Members of the Legislative Assembly recommend who the Commissioner should appoint.

What's a compliance agreement?

A compliance agreement is a contract between the Integrity Commissioner and someone who probably broke the law. It's an option before the police charge the person with a crime.

The Integrity Commissioner decides whether or not to negotiate a compliance agreement. They consider these things before they decide to negotiate:

- The kind of crime and how bad it is.
- The punishment for doing the crime.
- The public interest.
- The interests of justice.
- Other factors that might apply.

The Integrity Commissioner and the person both sign the compliance agreement. It is published - it's a public document.

When a person signs the compliance agreement, they take responsibility for their crime. They agree to do one or more of these things:

- Pay money to one or more people.
- Apologize to the public and to the people involved.
- Use traditional Inuit practices to make the wrong better.
- Do some community service.
- Agree to do or not to do some specific actions.

If you don't follow the agreement, you can be charged and go to court. You might be convicted and punished. If you follow the agreement, you aren't charged and you don't have a record.

Candidate's Checklist



Before the election period begins

- Check with your employer to see if they have rules or policies you need to follow to become a candidate - such as taking a leave of absence from work during the election period.
- Find a good financial agent. Make sure they are eligible; make sure they check with their employer.
- Find a good campaign manager. It's a good idea to have a campaign manager, but you don't have to. Make sure they check with their employer.
- Keep receipts for eligible campaign expenses during the pre-election period - from when the Commissioner publicly announces the date of the election to when the CEO issues the writ.
- Start to plan your campaign and discuss a campaign budget with the financial agent and campaign manager.
- Get copies of the *Nunavut Elections Act* - read and understand it. Know what you have to do to follow the laws.
- Ask the RO for a declaration of candidacy form, or get one from the Elections Nunavut website.
www.elections.nu.ca
- Get your digital photo ready. Make sure it meets Elections Nunavut standards, or they won't use it.

The election period up to Election Day

- Complete the declaration of candidacy form. Make sure you include all the information they need and fill it out properly.
- File the declaration of candidacy before the deadline and pay the \$200 deposit.
- Give Elections Nunavut your digital photo in the proper form, if you want your photo on the ballot poster.
- Participate in Elections Nunavut teleconference calls - for information about candidates.
- Make sure your financial agent sets up a campaign account.
- Make sure your financial agent or someone they authorize in writing are the only people who receive contributions for your campaign.
- Make sure your financial agent or someone they authorize in writing are the only people who pay expenses for your campaign.
- Make sure your financial agent gets all the official papers they need such as tax receipt books, campaign financial return forms, etc.
- Make sure your campaign manager or financial agent have their name on all campaign advertising, as the *Nunavut Elections Act* states.
- Check with the local government and other community authorities to find out where it's okay to put up signs and posters.
- Review the preliminary voters list when you get it from Elections Nunavut.

- Make sure the campaign manager and all other campaign workers respect the preliminary and official voters lists. They **MUST** use the voters lists **ONLY FOR** the election campaign.
- Write to the RO if you want to suggest changes to the preliminary voters list. Identify yourself, say what changes you suggest, and give proof.
- Note the schedule for the mobile poll, once the RO tells you.
- Review the polling record for the advance vote and mobile polls, after you get it from the RO.
- Note where the polling stations are in your constituency, once the RO tells you.
- Note the local time for voting on Election Day.
- DO NOT** broadcast any TV, radio, internet, or other campaign ads or information the day before Election Day or on Election Day.
- Find one campaign representative to watch each polling station on Election Day. They should be there 15 minutes before the poll opens.
- Fill out and sign consent forms to authorize your representatives to be at each polling station on Election Day. Each representative needs their own consent form.
- Ask one campaign representative to stay at each polling station while the Deputy Returning Officer counts the ballots on Election Day.

Election Day

- Vote - if you didn't already vote.
- DO NOT broadcast any TV, radio, internet, or other campaign ads or information on Election Day.
- Make sure you don't have any campaign materials at the polling station - on the land, building, or on people.
- Ask your campaign representatives to bring you the copy of the Statement of the Poll from the DRO as soon as it's ready.
- Review the election report as soon as you get it from the RO.

After Election Day

- Take down all your campaign materials by 10 days after Election Day.
- Make sure the campaign workers destroy or turn in all voters lists - hard copies and electronic.
- Give any money left over from your campaign to a charitable organization or to the Government of Nunavut.

If you decide to give the money to an organization, get the list of eligible groups from Elections Nunavut before you decide who to give it to. Get a receipt from the group made out to 'Campaign of _____'.
- Make sure the financial agent prepares the financial return and that you send it to the CEO before the end of the post election period - 60 days after Election Day. When you send it in you must include:

- Part A: Summary of campaign contributions and expenses, and signed declarations from the financial agent and the candidate.
- Part B: Details of contributions and expenses. Includes information about unpaid expenses - why you didn't pay them, if you plan to and when.
- Original receipts for each and every expense, including unpaid expenses.
- Printed statement of the campaign account, from the bank or other place that holds the account.
- Approvals you got from the CEO for expenses over \$30,000 - for travel, childcare, and expenses related to the candidate's disability.
- All tax receipts: unused or voided receipts, CEO copy of issued receipts. Include ALL tax receipts listed on the Record of Tax Receipts that the financial agent signed when they first got the receipts.

If you win the election, you must file the financial return before you can sit in the Legislative Assembly.

- Apply to the CEO to extend the deadline for the financial return, if needed. The CEO approves the extension **ONLY IF** you have a **very good reason**. Apply in writing, before the end of the post election period.

If you do not file the financial return on time **AND** you do not have an approved extention - you and the financial agent **CAN NOT** be a candidate in the next territorial election.

Sample Forms

This section of the Guide has copies of the following forms that candidates and financial agents most commonly use and / or need to know about.

- **Declaration of Candidacy.** A person that wants to be a candidate fills out this form and sends it to Elections Nunavut. The person becomes a candidate if Elections Nunavut accepts their declaration of candidacy.
- **Use of Voters Lists.** The candidate signs this to promise to respect the preliminary and official voters lists, and to only use them for the election campaign. All campaign workers must also do this. They promise to return or destroy all voters lists at the end of the election period.
- **CBC photo release.** The candidate signs this form to give CBC permission to use the photo they sent to Elections Nunavut.
- **Set up a Campaign Account.** The financial agent must complete this form and send it to Elections Nunavut as soon as they set up the campaign account.
- **Consent Form for Candidate Reps.** The candidate or financial agent sign these forms. Each candidate representative must have their own copy of the form and give it to the DRO when they first get to the polling station.
- **Report of Contributions from a Campaign Gathering.** The financial agent or someone they appoint fills out one of these forms for each campaign gathering. The information is important for the financial return.
- **Financial Return Long Form.** The financial agent uses this form to record campaign contributions and expenses. The candidate must send the campaign financial return to Elections Nunavut.

- **How to fill out the Financial Return.** Instructions for financial agents.
- **Financial Return Short Form.** The financial agent uses this form IF and ONLY IF the campaign had NO contributions and NO expenses.
- **Record of Tax Receipts.** The financial agent signs this form; it lists the serial numbers of the tax receipts they get and they promise to account for them.
- **Appoint a New Financial Agent or Campaign Manager.** The candidate uses this form to tell the RO about a new financial agent or campaign manager.