



Report to the Legislative Assembly of
Nunavut by the Chief Electoral Officer

Annual Report for the period
April 1, 2005 – March 31st, 2006

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March 31, 2006

Mr. Speaker
Legislative Assembly of Nunavut
Box 1200
Iqaluit, NU
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Dear Mr. Speaker:

It is my pleasure to provide you with my report for the period April 1, 2005 to March 31, 2006.

I look forward to meeting with members of the Management and Services Board to review this report in detail and to consider my recommendations for change.

Sincerely yours,

A handwritten signature in black ink that reads "S. Kusugak". The signature is written in a cursive, flowing style.

Sandy Kusugak
Chief Electoral Officer



Foreword

If the year post-election can be characterized as a time of consolidation and evaluation, the past year can be seen as one of significant movement toward long term goals.

Our experience with the first election held under the *Nunavut Elections Act* led us to propose a number of amendments that were developed and augmented by meetings with the Management and Services Board. The resulting Bill 10 received assent on December 2, 2005.

Within our territory we engaged in the development and implementation of agreements on administrative support in the conduct of elections and sharing of information. At the inter-jurisdictional level Elections Nunavut has contributed to the development of the Electoral Technology Accord and the Canadian Electronic Resource Library and has provided assistance to Elections Canada.

In order to perform our statutory role in relation to the Electoral Boundaries Commission, we have focused a great deal of time and energy on developing the skills needed in the preparation of maps suited to the needs of the Boundaries Commission.

We thank the staff of the Legislative Assembly for their timely and unwavering support of our office.

A handwritten signature in cursive script that reads "S. Kusugak".

Sandy Kusugak
Chief Electoral Officer

Election Terms

Acclamation: A candidate wins by acclamation if they're the only candidate in their constituency. Nobody votes.

Advance Vote: A way to vote before Election Day. You vote at the polling station from noon to 7p.m., 7 days before Election Day.

Ballot: The official paper used to mark our vote. It lists the candidates' names in alphabetical order.

Candidate: An eligible voter who wants to be a member of the Legislative Assembly and is nominated by 15 other voters.

Campaign: The signs, buttons, ads, speeches and other things a candidate uses to make people want to vote for them.

Campaign manager: The person who coordinates and looks after a candidate's campaign.

Chief Electoral Officer: The person who looks after territorial elections. The Commissioner appoints this person to oversee the *Nunavut Elections Act*.

Constituency: A geographic area and the people who live there. Currently Nunavut has 19 constituencies.

Contribution: Money, goods or services a person or business gives to a candidate's campaign.

Deputy Returning Officer: The Election Officer in charge of a polling station. The Deputy Returning Officer makes sure voters and candidates follow the laws. They give out the ballots and count them.

Election expenses: Money owed or paid out for promoting a candidate. Contributions of goods and services are also expenses.

Election Officer: A person who works for an election. Election Officers include Returning Officers, Deputy Returning Officers and Poll Clerks.

Election period: The official time when election activity happens. It starts with the writ and ends on Election Day. It lasts at least 35 days.

Elections Nunavut: The office and staff of the Chief Electoral Officer. These people organize and run a territorial election.

Emergency method: A way to vote by radio or satellite phone if you're in a remote place and you meet 3 conditions.

Final voters list: The official voters list plus the names of people who register when they vote.

Financial Agent: The person who handles all the money for a candidate's campaign. The financial agent takes donations and pays all the expenses.

Mobile poll: A way to vote if you're shut in your home. The poll comes to you in the morning 7 days before Election Day.

Nomination: The process where 15 voters sign and say that they want an eligible voter to be a candidate in a territorial election.

Nunavut Elections Act: The law Nunavummiut use to organize and run a territorial election.

Official voters list: The preliminary voters list plus revisions. It is ready 23 days before Election Day and is the list is used on Election Day.

Poll Clerk: An Election Officer who works at a polling station with the Deputy Returning Officer. The Poll Clerk looks after the polling record.

Polling record: A list of everyone who voted at the polling station, any changes to the voters list, and everything that happens during voting.

Polling station: The place we go to vote on Election Day and for the advance vote.

Preliminary voters list: The first voters list. It is ready on the day of the writ. It is revised during the election period and then becomes the official voters list.

Proxy vote: You get someone else to vote for you. You apply to the Returning Officer to get a proxy certificate. You can only vote by proxy if: 1) you're suddenly called away from your community; 2) you can't vote on Election day; and 3) you can't vote any other way.

Recount: A judge of the Nunavut Court counts all the ballots for a constituency again. This happens if two candidates have the same number of votes or almost the same number – within 2%. The *Nunavut Elections Act* has other rules how a recount can happen.

RENU: Register for Elections in Nunavut – Electronic voters list.

Return to the Writ: The formal statement that a candidate has been elected.

Returning Officer: The Election Officer in charge of a constituency. The Returning Officer hires a Deputy Returning Officer and a Poll Clerk for each polling station. They oversee everything for voters, Election Officers and candidates in their constituency.

Special ballot: A way to vote if you're away from home during the election period. Voters who are away at school, in the hospital or in jail can use a special ballot. You vote by mail. You apply to your Returning Officer or the Chief Electoral Officer to get a special ballot.

Writ: The formal announcement of the election issued by the Commissioner in the name of the Queen.

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Goals

In October 2000, the Ajaqtiit Committee submitted a report to the First Nunavut Legislative Assembly containing sixty-five recommendations for administrative change to the conduct of elections in Nunavut.

These recommendations are:

#9 That a working group be established, composed of representatives from the Government of Nunavut, NTI, regional Inuit organizations, the Nunavut Association of Municipalities, Elections Canada and other organizations ...to negotiate details of how a central elections office would best meet the needs of different organizations.

#11 That a review be undertaken by the working group of differences in election procedures with a view to making recommendations for harmonizing the procedures where possible and making elections easier for voters in Nunavut to participate in.

These recommendations were reiterated as basic principles in the *Nunavut Elections Act*. s. 1.(2)(f) “*there should be as much cooperation as possible with other jurisdictions and levels of government, and among organizations administering elections within Nunavut, to share information and resources, to learn together, to pool and train staff and to deliver better election services to Nunavummiut;*”

Taking the first steps toward these long-term goals has been a focus of our work for the past year and will be the main focus for the coming year.

Year review 2005-06

Coordination of the electoral process

NEA s. 189.(1) *“In order to fulfill the purposes of this Act, the Chief Electoral shall
(g) coordinate the election process with bodies responsible for other elections elsewhere in Canada;”*

NEA s. 189 (2) *“In order to carry out the duties of office the Chief Electoral Officer may
(h) make such agreements as necessary to perform his or her duties and to improve the Nunavut electoral system;
(i) cooperate with other jurisdictions and levels of government, and with organizations administering elections within Nunavut, to share information and resources, to learn together, to pool and train staff and deliver better election services to Nunavummiut;”*

Agreements

- **Enforcement protocol:** Prior to the 2004 vote Elections Nunavut entered into a protocol for the resolution of complaints under the *NEA*, with the RCMP, and the Integrity Commissioner. Our experience with the first application of the Enforcement Protocol led us to meet with the signatories and Justice Canada to streamline the compliance process and to add the Crown as a signatory to the Protocol.
- **Motor Vehicles:** We have developed an agreement with Economic Development and Transportation – Motor Vehicles Division for the acquisition of information that will assist in maintaining accurate voters lists.
- **Hamlet of Rankin Inlet:** Elections Nunavut maintains a permanent electronic voters list in which it is possible to create lists specific to the eligibility criteria for a given election or plebiscite. As a pilot project, Elections Nunavut and the Hamlet of Rankin Inlet entered in an agreement whereby Elections Nunavut produced the voters list used at the municipal election. The process worked smoothly and has helped us to develop the administrative procedures necessary to offer the same service to other municipalities for the December 2006 municipal elections.

Year review 2005-06

Coordination of the electoral process

Coordination

- **Nunavut Tunngavik Incorporated:** In December, Elections Nunavut signed an agreement with NTI related to the March 2006 election. Under the terms of this agreement Elections Nunavut provided administrative support and some election materials, training for election officials and reviewed the NTI voters lists. As well Elections Nunavut agreed to assist with the administration of the candidate financial return filing process, improvement of the financial reporting process and the procurement of financial return filing software. Elections Nunavut will also provide for the archiving and storage of NTI's election material.
- **Vital Statistics:** In November 2002 the Vital Statistics Act was amended as follows: s. 46(3) *“The Registrar may provide information under this Act to the Chief Electoral Officer for the purpose of compiling and maintaining accurate voters lists under the Nunavut Elections Act and may enter into an agreement with the Chief Electoral Officer for this purpose.”*

We are developing the appropriate agreement to meet the requirements of Vital Statistics.

- **Electoral Technology Accord:** Electoral jurisdictions across Canada continue to work together to share knowledge, services and resources in the field of information technology.
- **National Register Of Electors Advisory Committee:** This group hosted by the Chief Electoral Officer of Canada has met twice in the past year to share information on the development of voters lists.
- **Canadian Election Resource Library:** Elections Nunavut shares information and materials and learns from other officials through an intranet set up in 2004 and supported by all Canadian jurisdictions.
- **Canadian Conference of Election Officials:** A February workshop hosted by Elections Ontario focused on changes in electoral finance.

Year review 2005-06

Nunavut Electoral Boundaries Commission

NEA s. 20 (4) “The Chief Electoral Officer shall provide such maps, mapping services and data as are required by a Boundaries Commission.”

The 3-person Nunavut Electoral Boundaries Commission was appointed by resolution of the Legislative Assembly on March 1, 2006. The presiding member of the Commission is Honourable Justice Beverley Browne. Other members are John Ningark and Bernadette Niviatsiak.

As a foundation for its deliberations regarding the number and boundaries of constituencies, the Commission needs access to accurate demographic data. To that end Elections Nunavut has focused much of its attention for several months on the preparation and production of the community and constituency maps and information.

A number of technical problems relating to constituency boundaries in Iqaluit and Rankin Inlet, discovered during the 2004 election will be brought to the attention of the Boundaries Commission.

Year review 2005-06

Plebiscites:

Gjoa Haven Liquor Plebiscite

The Chief Electoral Officer is also the Chief Plebiscite Officer and has responsibility for administration of local liquor plebiscites in addition to territorial plebiscites.

In the spring of 2005 the Minister responsible for the Liquor Board, having been petitioned by more than 20 eligible voters, gave consent to a plebiscite to determine if the status of liquor prohibition in Gjoa Haven should be maintained or terminated. The vote was held on October 25 and resulted in 431 of 480 eligible voters casting a ballot. There were 117 votes for and 368 votes against the proposed change.

Year review 2005-06

Legislation:

Recent Amendments to the *Nunavut Elections Act*

Bill 10, which made amendments to *Nunavut Elections Act* was enacted in December 2005. This Bill included most of the recommendations made in the last report of the Chief Electoral Officer. Also enacted in Bill 10 were several other amendments raised by individual Members.

One significant amendment was the change in the hours that polling stations will be open. Now the polls will all close at the same time across Nunavut on election night, so that results will be able to be reported to the public in a more timely fashion. All polls in all communities will continue to be open for a full ten hours on election day. Polls will

- open at 8:00am and close at 6:00pm in the Kitikmeot;
- open at 9:00am and close at 7:00pm in the Kivalliq;
- open at 10:00am and close at 8:00pm in Qikiqtaaluk.

The Bill strengthened and clarified a number of provisions in the Act related to the integrity of the electoral process:

- Both candidates and their financial agents will be required to sign off on the accuracy of the financial information submitted to Elections Nunavut. Membership lists of groups making contributions to candidates will be available for inspection by elections officials. Greater consistency will be required in relation to identifying sponsors of campaign materials.
- The names of persons who fail to properly file their returns will be published in the territory's publication of record, the *Nunavut Gazette*.
- Non-residents of Nunavut will not be permitted to serve as a candidate's financial agent.

Further amendments made voting more accessible to Nunavummiut and streamlined a number of administrative and enforcement procedures:

- The provisions related to emergency voting provisions were modified to allow greater voter flexibility in choosing a method of communication.
- Provisions related to advance polls were simplified.
- The maximum limit on campaign contributions was raised to \$2,500.

A number of minor miscellaneous errors in the existing statute were also fixed.

Moving forward 2006-07

Nunavut Electoral Boundaries Commission

NEA s. 20 (4) “The Chief Electoral Officer shall provide such maps, mapping services and data as are required by a Boundaries Commission.”

NEA s. 28. “Upon receiving the report of a Boundaries Commission, the Chief Electoral Officer shall, when necessary, prepare for the Speaker a draft bill that, in accordance with the report of the Boundaries Commission,
(a) specifies the number of constituencies;
(b) divides Nunavut into constituencies;
(c) describes the boundaries of each constituency; and
(d) specifies the name of each constituency.”

NEA s.31. “The Chief Electoral Officer shall, in accordance with any Act respecting the boundaries of constituencies, cause to be prepared and printed
(a) a map of Nunavut showing the names and boundaries of each constituency;
(b) individual maps of each constituency showing its boundaries; and
(c) individual maps of each municipality that lies in more than one constituency.”

In accordance with the legislation Elections Nunavut will provide prepare draft legislation and maps as described above.

Moving forward 2006-07

Election Preparation

Returning officers: In conjunction with the work of the Boundaries Commission we will recruit returning officers to fill vacant appointments.

RENU (Register for Elections in Nunavut): As data entry had been recently completed for the voter information currently in our possession we will proceed to develop user manuals, update returning officer computers and train returning officers to input data.

Forms and manuals: We have completed a review of the forms, guidebooks and manuals and will soon revise them to make them compatible with the requirements of the RENU system and recent amendments to the Nunavut Elections Act and the corresponding regulations.

Moving forward 2006-07

Coordination of the electoral process

NEA s. 189.(1) *"In order to fulfill the purposes of this Act, the Chief Electoral Officer shall*
(g) coordinate the election process with bodies responsible for other elections elsewhere in Canada;"

NEA s. 189 (2) *"In order to carry out the duties of office the Chief Electoral Officer may*
(h) make such agreements as necessary to perform his or her duties and to improve the Nunavut electoral system;
(i) cooperate with other jurisdictions and levels of government, and with organizations administering elections within Nunavut, to share information and resources, to learn together, to pool and train staff and deliver better election services to Nunavummiut;"

Agreements

- **Vital Statistics:** We will complete an agreement with Vital Statistics and develop a procedure for incorporating their data.
- **Municipalities:** Elections Nunavut will offer agreements based on the pilot agreement with the Hamlet of Rankin Inlet, to other municipalities.
- **NTI:** Elections Nunavut and NTI will evaluate the conduct of the recent elections and consider further agreements.

Coordination

- **Plebiscite Act:** Elections Nunavut has submitted a legislative proposal to review the Plebiscite Act. The goal of a new Plebiscite Act is to modernize the legislation and harmonize procedures with the NEA and to provide clarity in the administration of local and territorial plebiscites.
- **Local Authorities Elections Act:** Elections Nunavut will work with Community and Government Services in their review of the Local Authorities Elections Act so the resulting legislation will be in harmony with the *Nunavut Elections Act* as recommended by the Ajautiit Committee, approved by the Assembly and required by the NEA.

Moving forward 2006-07

Legislation:

Matters under consideration

There are still two recommendations from the Chief Electoral Officer's previous Annual Report outstanding. These issues were deferred to this year for further consideration by the Management and Services Board and caucus. These two issues are:

1. Fixed Elections Dates; and
2. Disqualification of Candidates.

New Comments from Members

The Chief Electoral Officer received a number of comments during the consideration of Bill 10 in the Committee of the Whole. The Chief Electoral Officer will investigate these issues and bring them to the attention of the Management and Services board when the deferred series of amendments to the Act are considered. These issues are:

1. Can the opportunity to vote in the office of a returning officer be made available in those communities where no such office exists?
2. Can a candidate's surplus contributions be donated to entities other than registered societies?
3. How can candidates be prevented from interfering with voters at the polling station?

Moving forward 2006-07

Legislation:

Recommendations of the Chief Electoral Officer for changes to the *Nunavut Elections Act*

1. *Nomination of Candidates*

Concern:

The nomination process is unnecessarily complicated and can be simplified. This would avoid unnecessary technical errors in the process of becoming a candidate and would allow the prospective candidate focus his/her effort on recruiting a suitable financial agent and campaign manager and developing his/her campaign.

Background:

Elections Canada is proposing a significant change to the nomination process for federal candidates to the Parliament of Canada. The current process of nominating a candidate would be replaced by the much simpler system of a candidate simply declaring his or her candidacy.

The Royal Commission on Electoral Reform and Party Financing stated that the current nomination process, which goes back almost to Confederation, was a method used in the past to ensure that a candidate had some local support and to prevent frivolous candidates. However, there is little risk of that this abuse of the electoral process will occur.

The 2001 report, *Modernizing the Electoral Process*, recommended that the nomination process should be a purely administrative matter. It should indicate the desire of the person to be a candidate, provide the necessary information and the deposit.

For Nunavut to follow this recommendation would mean removing the need for 15 nominators and 15 witnesses from the nomination process. It would also remove the need for the names and contact information for these 30 people and 15 declarations, one from each person who witnessed a signature on the nomination paper.

Section 3 of the *Canadian Charter of Rights and Freedoms* and the Supreme Court of Canada case of *Figueroa v. Canada* (Attorney General), [2003] 1 S.C.R. 12 make it clear that democracy and democratic rights are served by candidates who do not necessarily have to demonstrate broad electoral support.

Having to obtain the signatures of at least 15 nominators and 15 witnesses is a practical burden on candidates and an opportunity for technical difficulties if one nominator is not qualified as a voter. Since the value of the requirement is nominal at best and probably no longer directly related to the prospect of success, it serves little purpose except to present an administrative burden on a candidate and the returning officer on reviewing the adequacy of the nomination papers.

Moving forward 2006-07

Legislation:

Recommendations of the Chief Electoral Officer for changes to the *Nunavut Elections Act*

1. Nomination of Candidates

Existing Law:

Nomination of Candidates

Number of nominators

70. (1) Any 15 or more voters in a constituency in which an election is to be held may nominate a candidate for that constituency.

Nomination period

(2) Nomination must be made by filing nomination papers at the office of the returning officer any time between the day the writ is issued and 2:00 p.m. in the afternoon on the 31st day before election day.

Recommendations:

1. The current process of 15 voters nominating a candidate, as set out in s. 70 of the *Nunavut Elections Act*, should be replaced by the simpler administrative process of an eligible person declaring himself or herself to be a candidate.
2. All references to the current nomination process in the Act should be replaced with the new declaration process.
3. Amend the Elections Regulations to refer to the new declaration process.

Moving forward 2006-07

Legislation:

Recommendations of the Chief Electoral Officer for changes to the *Nunavut Elections Act*

2. Audit of Financial Returns

Concern:

The financial returns should be checked by an auditor to ensure accuracy and compliance with the Act. Most Canadian jurisdictions require a candidate to appoint an auditor at the time of nomination and require the candidate to submit audited financial returns.

Existing Wording:

There is no existing wording.

Recommendation:

1. All financial returns should be examined by a qualified auditor to ensure they fairly represent the financial situation of the candidate's election contributions and expenses.
2. The auditor would be appointed by the Chief Electoral Officer.
3. The following persons should be eligible to be the auditor:
 - a person who is a member in good standing of a corporation, an association or an institute of professional accountants; or
 - a partnership of which every partner is a member in good standing of a corporation, an association or an institute of professional accountants

Moving forward 2006-07

Legislation:

Recommendations of the Chief Electoral Officer for changes to the *Nunavut Elections Act*

3. Use of Election Contributions

Concern:

There should be a clear provision that election contributions shall only be used to pay for election expenses.

Existing Wording:

There is no existing wording.

Recommendation:

1. Add a prohibition against anyone using the election contributions collected by a candidate from voters for any purpose other than to pay for election expenses and the costs of the financial agent.
2. Make it clear that the costs of hiring a campaign manager are an election expense.
3. Make it clear that the costs of hiring a financial agent are election expenses.

Moving forward 2006-07

Legislation:

Recommendations of the Chief Electoral Officer for changes to the *Nunavut Elections Act*

4. Housekeeping Amendments

Concern:

There are a number of minor errors that should be corrected.

Existing Wording:

Not included.

Recommendations:

1. Amend section 122 to allow the same polling record for the advance poll, mobile poll and the voting in the office of the returning officer.
2. Amend subsection 119(4) to delete the phrase “, but not including the day of the advance vote.”
3. Correct terminology related to return of / to the writ in ss. 149(1), 153, 210.
4. Consider whether an amendment is needed to allow digital signatures to electronically filed documents.
5. Amend subsection 123(3) to allow applications for proxy certificates to be available via the Elections Nunavut website.