

Elections Nunavut

Report of the Chief Electoral Officer

- Annual Report 2008-2009
- General Election October 27, 2008
- South Baffin By-Election November 3, 2008
- Akulliq By-Election December 15, 2008
- Akulliq By-Election March 2, 2009



Printed by Elections Nunavut © 2009.

For information or to obtain copies of this report in any of Nunavut's official languages, in paper or electronic format contact:

Elections Nunavut
Box 39
43 Sivulliq Ave.
Rankin Inlet, NU
X0C 0G0

☎ 800.267.4394

☎ 800.269.1125

🌐 www.elections.nu.ca

✉ info@elections.nu.ca



June 25, 2009

Hon. James Arreak, Speaker
Legislative Assembly of Nunavut
Box 1200
Iqaluit, NU
X0A 0H0

Dear Mr. Arreak:

It is my honour to submit my report on the October 27, 2008 General Election, November 3 South Baffin By-Election, December 15, 2008 Akulliq By-Election and March 2, 2009 Akulliq By-Election as well as my annual report on the activities of Elections Nunavut from April 1, 2008 to March 31 2009 fulfilling my obligation under *Nunavut Elections Act S.196 and 197.*

I look forward to the review of this report in the Assembly.

Sincerely yours,

Sandy Kusugak
Chief Electoral Officer

43 Sivulliq Ave.
Box 39, Rankin Inlet, NU
Canada X0C 0G0
☎ 867.645.4610
☎ 867.645.4657
☎ 1.800.267.4394



Foreword

The October 27, 2008 General Election was the second administered under the *Nunavut Elections Act*. It was the first in which one potential candidate's declaration of candidacy was rejected and another was the source of a complaint and eventual disqualification because they had not met the *NEA* requirement to reside in Nunavut for twelve consecutive months prior to election day. Elections Nunavut is recommending an amendment to the *NEA* to refine the residency provisions.

It was also the first election where in one constituency no one submitted a declaration of candidacy by the deadline.

And it was the first election in which a judicial recount resulted in a tie between the two candidates with the most votes.

This report provides a complete review of the administration of the 3rd Nunavut General Election and the ensuing by-elections, recommendations for legislative and administrative change and Elections Nunavut's plans for the coming year.

Table of Contents

Definitions and Abbreviations	1
About Elections Nunavut	5
3rd Nunavut General Election	
Getting Ready	6
The Election Period	12
Official Results	21
Summary of Campaign Financial Returns	29
South Baffin By-Election	38
2008 Akulliq By-Election	43
2009 Akulliq By-Election	48
Post-Election Period	53
Matters for the Speaker's Attention	
1. Candidate Eligibility	55
2. Audited Campaign Financial Returns	59
3. Addressing	63
Recommendations of the Chief Electoral Officer for Changes to the <i>Nunavut Elections Act</i>	
1. Residency	64
2. Candidates' Disqualification	67
3. Protection from Ineligible Candidates	68
4. Voters Lists	71
5. Special Ballots	75
6. Transfer Certificates	76
7. Ballot Rejection	76
8. Voiding an Election	77
9. Compliance Agreements	78
10. Enforcement	79
11. Housekeeping Amendments	80
Other Legislative Projects in Progress	81
Annual Report April 1, 2008- March 31, 2009	82

Appendices

Appendix A Voter Turnout

Appendix B Female and Male Candidates – Nunavut General Elections
and By-Elections

Appendix C Adaptations of the Nunavut Elections Act

Appendix D Complaints to the RCMP

Appendix E Appropriateness of the Tariff of Fees

Appendix F Budget Report



Definitions and Abbreviations

Acclamation: A candidate wins by acclamation when 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 12pm to 7 pm, 7 days before Election Day.

Assistant Returning Officer: The RO hires one or more Assistant Returning Officers. The ARO can accept declarations of candidacy and helps the RO with all other work during the election period.

Ballot: The official paper we use to vote. It lists the candidates' names in alphabetical order.

By-Election: An election in only one constituency.

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.

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

Candidate: An eligible voter who wants to be a Member of the Legislative Assembly, and who files a declaration of candidacy that Elections Nunavut accepts.

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

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

Constituency: A constituency is a geographic area and the people who live there. Nunavut has 19 constituencies. The people in each constituency elect a Member of the Legislative Assembly. See the map on the back cover of this report.



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

Declaration of candidacy: The form a person fills out to say they want to be a candidate – they want a chance to be elected as a Member of the Legislative Assembly (MLA). They must be eligible and give a \$200 deposit.

Deputy Returning Officer: The election officer in charge of a polling station. Deputy Returning Officers make sure voters and candidates follow the law. They give out the ballots and count them.

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 shows the name and contact information for each candidate in a constituency, their financial agent and campaign manager.

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

Election period: The 35-day period that starts with the writ and ends with Election Day.

Election report: The election report shows how many votes each candidate got. The RO fills it out as soon as they get the statements of the poll from Election Day.

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 final voters list is made after Election Day. Elections Nunavut makes it from the official voters list plus all the voters added on Election Day or at the early polls.

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



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.

Judicial 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%. See the Nunavut Elections Act for other ways a recount can happen.

Mobile Poll: A way to vote if you physically can't get out of the house. The poll comes to you.

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

Official voters list: The official voters list combines the preliminary list with any changes Elections Nunavut accepts.

Poll Clerk: An election officer who works at the polling station with the Deputy Returning Officer. Poll Clerks look 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.

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 date 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.

Proxy vote: A voter gets another voter to vote for them. 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.



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

Returning Officer: The Election Officer in charge of a constituency. Returning Officers appoint Assistant Returning Officers, Registration Clerks, a Deputy Returning Officer and Poll Clerk for each poll. Returning Officers oversee everything about the election in their constituency.

Special ballot: A way to vote if you're away at school, on vacation, in hospital or treatment centre or jail. You apply to the Chief Electoral Officer to get a special ballot.

Writ: The official notice to say there is an election. The Chief Electoral Officer sends it to each Returning Officer. The RO posts it in their office.

The **return of the writ** is the back side of the writ. It shows who won the election. The RO fills it out and sends it to the CEO after Election Day. If a candidate wins by acclamation the RO fills out the return of the writ right away.



About Elections Nunavut

Elections Nunavut is the term we use for the Office of the Chief Electoral Officer. The CEO is an independent officer of the Legislative Assembly responsible for the administration of general elections and by-elections in Nunavut according to the Nunavut Elections Act. She reports directly to the Legislative Assembly through the Speaker and meets regularly with the Management and Services Board to discuss matters related to the NEA.

The *Nunavut Elections Act* sets out principles for the CEO to follow:

- The electoral system should encourage participation by every voter in Nunavut and help make it easy for every voter to vote if they wish to, taking into consideration the unique circumstances in Nunavut;
- The rules governing elections should minimize barriers for potential candidates;
- Candidates have the responsibility of being role models and leaders for their community;
- There should be public awareness of all aspects of elections;
- Information at every stage of the election process should be in the official languages of Nunavut;
- There should be as much co-operation 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;
- Elections should be run as effectively and efficiently as possible;
- The rules governing elections should incorporate flexibility to address unique circumstances in Nunavut as they arise, be they geographic, demographic, linguistic, or otherwise, in addition to new technologies; and
- The election process should be evaluated frequently, to learn from experience and ensure it is meeting the needs of Nunavummiut.

Elections Nunavut has a small permanent headquarters staff, increased as necessary by cyclical or occasional operational needs.

Returning officers are appointed for a period ending one-year following an election; they may be reappointed. Between elections they may be asked to update voter registrations and addressing information for their constituency, give presentations to interested groups or attend training or evaluation sessions.



Election 2008 - Getting Ready

Preparations for the General Election were underway well before the Commissioner's March 13th proclamation of the October 27, 2008 election date. A new website was under construction and election officer manuals, voter and campaign guides were undergoing revision. In addition Elections Nunavut was developing or renewing agreements with related agencies and confirming policy with others.

When the Election date was announced, we moved quickly to lease office space for Returning Officers and polling stations for Election Day.

In late spring we began our communications drive and in mid-summer conducted the first round of training for Returning Officers.

Website

The first Elections Nunavut Web presence was put together in a short time prior to the 2004 General Election. It was functional, but was not easy to edit and did not meet modern design standards. Its replacement was launched in September 08. The new site provides attempts to anticipate the informational needs of its users. The graphics used on the site coordinate with those used in Elections Nunavut print materials. With training the staff will be able to edit the site and update the language variations. Visitors to the site have remarked very favourably on the ease of use, design and content of the site.

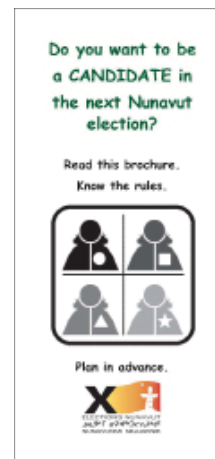
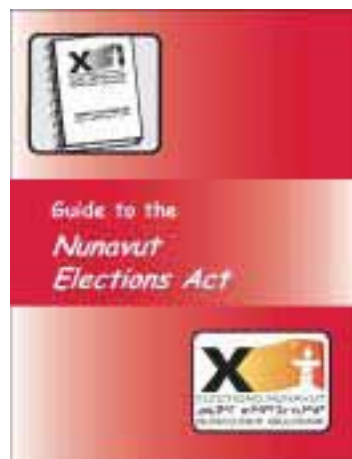
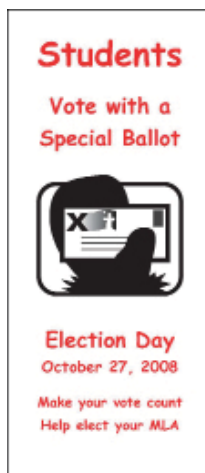
RENU

RENU (Register for Elections Nunavut) is our electronic voters list. Established in a rudimentary way for the 2004 election, RENU underwent several enhancements in preparation for the 2008 election. Significant among these is the ability to produce mailing labels for Voter Information Cards, to print current voters lists for campaigns and election officers and to create pre-populated polling records.



Materials Development

Based on surveys of users, Elections Nunavut completed a rigorous revision in all official languages of every manual, guidebook, forms and flyer. Our office has a strong commitment to the use plain language and consistency in all our materials. As part of our responsibility to develop skills and keep work in Nunavut, Elections Nunavut produces all materials – maps, reports, guides for candidates, flyers and legislation in-house.



Agreements

1. The Enforcement Protocol, originally negotiated by Elections Nunavut with the Integrity Commissioner and the RCMP was revised in September to include the Public Prosecution Service of Canada.
2. An agreement was concluded with the Registrar of Vital Statistics enabling Elections Nunavut to receive death data for the purpose of updating the voters register. Approximately 80 deceased voters were removed from the register due to this agreement.
3. Elections Nunavut devised an agreement with the Registrar of Motor Vehicles to receive address information for the purpose of updating the electronic voters register. By the time the agreement was concluded timelines were too tight to obtain data useful for the 2008 election.



Policy

1. During the previous election questions arose from municipalities, candidates, election officers and voters in areas of policy outside the purview of the NEA. Elections Nunavut asked agencies to provide clarity. Stated policy was included in the Candidates Guide and Guide to Manage a Campaign.
2. Qulliq Energy Corporation articulated policy disallowing the placement of campaign material on power poles for safety reasons.
3. Nunavut Housing Corporation stated that tenants were free to place campaign material on residential property they rented.
4. The Department of Human Resources was advised that some written departmental policy regarding territorial elections was inconsistent with the Nunavut Elections Act.
5. In packages of promotional materials sent to each municipality, Elections Nunavut included a letter suggesting that the municipality consider developing policy on election campaigns. Questions had arisen in the previous election regarding placement of signs on municipal property, candidates' use of municipal facilities and candidates' continued participation on municipal councils. Elections Nunavut had no resulting feedback from municipalities.

Promotion and Communication

Media: The Chief Electoral Officer distributed media kits at a briefing in Iqaluit in early June.

Elections Nunavut bought newspaper ad space to engage potential candidates and financial agents and to notify voters of persons who were ineligible to be a candidate as they had not filed financial returns as required for the 2004 Election.

X
ELECTIONS NUNAVUT
ELECTIONS NUNAVUT
ELECTIONS NUNAVUT

**Do you want to be a CANDIDATE
in the next Nunavut election?**

Read the Rules. Plan in advance.

Who can and cannot be a candidate?

You can be a candidate if you are:

- A Canadian citizen;
- 18 years or older on October 27, 2008, AHD;
- A Nunavut resident since October 25, 2007.

You cannot be a candidate if you have a conflict of interest or a financial agent on the last election and you did not file the campaign financial return on time.

How to become a candidate?

- Get a copy of the Guide for Candidates from Elections Nunavut.
- Check with your employer – but don't have rules or policies on your station. For example Government of Nunavut employees must take a leave of absence.
- Get a copy of the Declaration of Candidates from Elections Nunavut.
- Find a financial agent – you MUST have a financial agent.
- Find a campaign manager.
- Properly fill out the Declaration of Candidates form and give it to your Returning Officer or Nominal Returning Officer with your E200 financial return.

September 22 and 2 pm local time, September 30, 2008.

Contact Elections Nunavut

☎ 867.685.8400 ☎ 800.267.4794 ☎ 867.643.4657 ☎ 800.269.0225
✉ info@elections.nu.ca



Organizations: Packages of promotional materials were sent to all municipalities, Inuit organizations, RCMP, and GN departments. Each package contained a Candidates Guide, Financial Agents Guide, Guide to the NEA, flyers on becoming a voter and various ways to vote and declaration of candidacy forms in all our official languages.

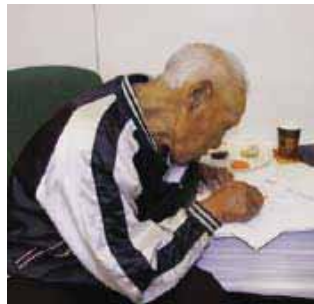
Communities: Returning officers distributed flyers on candidacy and voting at various community locations.

Events: The Chief Electoral Officer participated in a Women and Elections workshop, describing the nuts and bolts of becoming a candidate. The workshop culminated with a mock election.

Open houses were held in Iqaluit and Rankin Inlet. The public was invited to come out to register to vote, update their voter information and learn about candidacy and managing campaigns.



Voter's listening in on different ways to vote and voting dates.

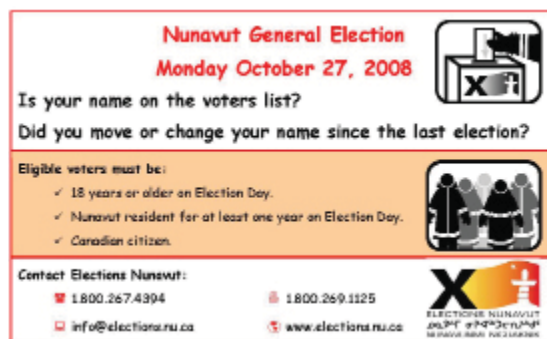


Dominic Kasaluak signing his register to vote form.



Describing the Rankin Inlet Constituency lines.

Mailings: Unaddressed 'Are you registered to vote?' cards were sent to every mailbox in Iqaluit, Nunavut's most mobile population.



Approximately 200 voters phoned to verify or update their contact information in response to this mailing.



Recruiting and Training Returning Officers

A Returning Officer is responsible for running the election in their constituency. They hire and train election workers, accept declarations of candidacy, administer the vote and report the results. They are also responsible for making sure voters in their constituency know how to register to vote and find out about all the ways to vote. Between elections they deliver voter education programs and update the voters list. They must have management skills and be able to follow detailed instructions and work without direct supervision. They need computer skills and they need to be able to communicate in the languages of their constituency. They must be tactful, honest and fair-minded. They must be able to travel for training and available to work full time during an election period. In short is not an easy job.

Returning Officers quit due to moves, full-time employment and changing priorities. When a Returning Officer has not met expectations, their appointment is not renewed.

Elections Nunavut recruited 12 Returning Officers in late spring and early summer 2008 using a combination of traditional advertising methods and word of mouth. In some cases appointments were delayed because potential RO's were unavailable or unwilling to travel for training over the summer period.

All Returning Officers, experienced and novice participated in 3-day training sessions held in the three regional centres. The first of these sessions focused on computer-based skills, while the second related to the details of administering an election.



Here you see the returning officers sitting in training and preparing posters for voting information.



Leases

Immediately after the election date announcement Elections Nunavut worked to secure office space for each of the 19 Returning Officers for the months of September and October 2008 and polling sites for October 27.

In Iqaluit, where central office space is scarce, Elections Nunavut rented a small meeting room at the Nova Inn for 2 months. The site provided secure space for all three Iqaluit Returning Officers with internet access included. Its central location was popular with those who wanted to register to vote or vote in the office of the Returning Officer.

In Rankin Inlet Returning Officers for Rankin Inlet North and Rankin Inlet South/Whale Cove shared office space in the Rockland Building already leased by Elections Nunavut for storage. The proximity to Elections Nunavut was a bonus for all concerned.

Locating suitable office space for other Returning Officers proved more of a challenge and very time-consuming. In some cases available space was not secure; in some cases public access was not easily available for the hours required. In one constituency the RO was unable to find any available office and used her home as her office. Where office searches were lengthy, timely phone installation became an issue.



The Election Period

Election Calendar

Date	Activity
March 13, 2008	Commissioner Ann Hanson proclaims 3rd Nunavut General Election will be held on October 27, 2008.
September 22, 2008	Chief Electoral Officer sends a writ to each Returning Officer.
September 22, 2008	First Day a person can file a declaration of candidacy.
September 23, 2008	Voter Information Card sent to every voter registered.
September 26, 2008	Last day to file a declaration of candidacy. 2 pm deadline.
October 13, 2008	First day of voting in the office of the Returning Officer.
October 20, 2008	Mobile Poll in each community: 9 am to 11:30 am.
October 20, 2008	Advance vote in each community: noon to 7 pm.
October 22, 2008	First day voters can get a proxy certificate.
October 23, 2008	Last day of voting in the office of the Returning Officer.
October 24, 2008	5 pm deadline for receipt of special ballots
October 27, 2008	Election Day. Polling Stations open: 9 am to 7 pm Central, 10 am to 8 pm Eastern, 8 am to 6 pm Mountain
October 27, 2008	3 pm local time - deadline to apply for a proxy certificate.
November 3, 2008	Return of the writ
December 29, 2008	Deadline for sending campaign financial returns.



Returning Officers & Assistant Returning Officers

Constituency	RO / ARO	Name	Address
Akulliq	RO	Sarah Kidlapik	Box 105 Repulse Bay
	ARO	Romeo Kopak	Box 14 Repulse Bay
	ARO	Josephine Sikkuark	Box 76 Kugaaruk
Amittuq	RO	Kevin Qrunut	Box 346 Igloodik
	ARO	Larry Okkumaluk	Box 15 Igloodik
	ARO	Neomie Kaernerik	Box 130 Hall Beach
Arviat	RO	Nancy Kalluak	Box 475 Arviat
	ARO	Rachel Aggark	Box 495 Arviat
Baker Lake	RO	Karen Duval	Box 152 Baker Lake
	ARO	Jenny Mariq	Box 138 Baker Lake
Cambridge Bay	RO	Cindy Analok Villebrun	Box 1169 Cambridge Bay
	ARO	Susie Koaha	Box 1075 Cambridge Bay
Hudson Bay	RO	Caroline Arragutainaq	Box 100 Sanikiluaq
	ARO	Annie Appaqaq Jr.	Box 222 Sanikiluaq
Iqaluit Centre	RO	Diane Neugebauer	Box 2122 Iqaluit
	ARO	Shawna Corely	Box 1300 Iqaluit
Iqaluit East	RO	Alaana Groves	Box 1915 Iqaluit
	ARO	Ruth Beattie	Box 11174 Iqaluit
Iqaluit West	RO	Naomi Atagoyuk	Box 491 Iqaluit
	ARO	Jackie P. Kilabuk	Box 154 Iqaluit
Kugluktuk	RO	Valerie Daniels	Box 466 Kugluktuk
	ARO	Helen K. Tologanak	Box 387 Kugluktuk
Nanulik	RO	Dorothy Ningeocheak	Box 119 Coral Harbour
	ARO	Tonocheyuk Nakoolak	Box 64 Coral Harbour
	ARO	Shawna Sammurtok	General Delivery Chesterfield Inlet
Nattilik	RO	Teddy Carter	Box 40 Gjoa Haven
	ARO	Elizabeth Kamimmalik	Box 87 Gjoa Haven
	ARO	Bob Lyall	Box 12 Taloyoak
Pangnirtung	RO	Kelly Karpik	Box 372 Pangnirtung
	ARO	Rosemary Akulujuk	Box 88 Pangnirtung
Quttiktuq	RO	Anna Qaunaq	Box 15 Arctic Bay
	ARO	Vera Pauloosie	Box 123 Arctic Bay
	ARO	Charlie Noah	Box 36 Grise Fiord
	ARO	Doreen MacDonald	Box 164 Resolute



Constituency	RO / ARO	Name	Address
Rankin Inlet North	RO	Inuujaq Leslie Dean	Box 618 Rankin Inlet
	ARO	Annie Kuksuk	Box 231 Rankin Inlet
Rankin Inlet South/ Whale Cove	RO	Laura Merritt	Box 341 Rankin Inlet
	ARO	Lisa Airut	Box 789 Rankin Inlet
	ARO	Goretti Panika	Box 102 Whale Cove
Tununiq	RO	Molleen Anaviapik	Box 579 Pond Inlet
	ARO	Samantha Koonoo	Box 475 Pond Inlet
Uqqummiut	RO	Daisy Nuqingaq	Box 120 Qikiqtarjuaq
	ARO	Taina Alookie	Box 109 Qikiqtarjuaq
	ARO	Annie Iqalukjuak	Box 36 Clyde River

Communication to Voters

Through the efforts of headquarters staff, returning officers and assistant returning officers Elections Nunavut inundated Nunavummiut with information about voting.

Newspaper ads listed candidates, gave contact information for local election officers, how to get on the voters list and ways to vote.

The GN HelpDesk, Cable TV and local radio provided voting information.

Posters were pinned up and flyers distributed in all constituencies. Updates were sent to available fax numbers. All election information was communicated in all Nunavut's official languages.

Elections Nunavut's toll-free phone and fax numbers are accessible throughout Canada and were widely used. It was common for all phone lines to be lit up at once.

Elections Nunavut's website – www.elections.nu.ca provided Nunavummiut with up-to-date information throughout the election. Users could download forms to update their voter information, or to apply for a special ballot. Public response to the website has been overwhelmingly positive. Individuals from the general public, government and the election community have given unsolicited positive reviews on the look and usability of the site.



Activities

Declaration of Candidacy

Returning Officers and Assistant Returning Officers accepted declarations of candidacy from September 22 to 2pm local time September 26.

The list of persons ineligible to be candidates at this election because they had been candidates or financial agents in the 2004 election and had not filed financial returns as required by the *NEA* was distributed to all RO's and ARO's.

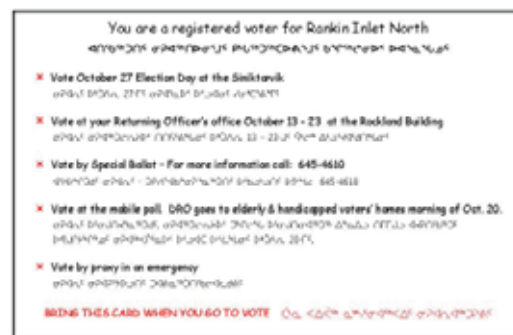
Two situations arose with persons, found to be ineligible because they had not been resident in Nunavut for the 12-month period prior to Election Day, who attempted to become candidates. (See the Table of Contents, Matters for the Speaker's Attention for detailed review.)

In the constituencies of Cambridge Bay and Rankin Inlet North the incumbent was elected by acclamation.

By 2pm on September 26, no person had submitted a declaration of candidacy in the constituency of South Baffin. A new writ was issued with a by-election date of November 3.

Voter Information Cards

Immediately after the writs were issued, Returning Officers sent a VIC to every registered voter.



The cards gave voters all the information they needed for voting in their constituency and advised them to contact Elections Nunavut if the voter's contact information needed correction.

Canada Post returned undeliverable VIC's enabling Elections Nunavut to improve the accuracy of the voters list. Many voters brought their voter information card to the poll, enabling faster service.



Special Balloting

Voters may vote by special ballot if they are away at school, in a boarding home, in hospital, in jail or on vacation. They fill out an application and then are sent a kit by Expresspost or air express. The kit contains a ballot and an Expresspost envelope pre-addressed to Elections Nunavut. The instructions that accompany the kits advise the voter to act quickly. Within an hour of receiving a completed application, the special ballot kit is in the hands of Canada Post or the appropriate airline. We have learned there are three important components to ensure special ballots are returned to Elections Nunavut by the deadline:

1. Applying early
2. Being in a location that has good postal/airline service
3. Voting and mailing the kit back promptly

Where all of these factors are in play, special balloting works very well.

Promotion is the key to voters using this voting option effectively.

In late August the special ballot coordinator sent information to all mining camps operating in Nunavut and correctional centres and prisons that hold Nunavut inmates. Returning Officers used posters and local radio to notify students. In mid-September she provided Nunavut Arctic College campuses and Nunavut Sivuniksavut with electronic flyers and applications. Elections Nunavut tried to send electronic flyers and special ballot applications to post-secondary students attending school in southern Canada through FANS (Financial Assistance for Nunavut Students) as we had in 2004, but were told that FANS did not communicate with students via e-mail. As a result our only recourse was to try to contact parents. In all of the 114 special ballots issued, 64 were received on time, 14 were late and 36 were never returned. Elections Nunavut is recommending an amendment to extend the deadline for return of special ballots from 5pm on the 3rd day before election day to 5pm on election day.



Early Voting

With each election, Voting in the Office of the Returning Officer and Advance Voting become increasingly popular. Approximately 10% of the voters on the official list had been issued a ballot by Election Day.

Constituency	Special Ballots Issued	Mobile Poll, Advance Voting and Voting in the office of the Returning Officer	Total	% of Official Voters List	
Amittuq	Hall Beach	1	Hall Beach	5	4%
	Igloolik	2	Igloolik	35	
Arviat		9		114	12.7%
Baker Lake		13		150	16.7%
Hudson Bay		0		34	8.2%
Iqaluit Centre		7		55	7.5%
Iqaluit East		9		105	11.9%
Iqaluit West		9		98	15%
Kugluktuk		10		32	6.5%
Nanulik	Coral Harbour	12	Chesterfield Inlet	13	15.9%
			Coral Harbour	74	
Nattilik	Gjoa Haven	5	Gjoa Haven	71	12%
	Taloyoak	3	Taloyoak	17	
Pangnirtung		4		66	9.7%
Quttiktuq	Arctic Bay Resolute	1	Arctic Bay	13	4.1%
		1	Grise Fiord	6	
			Resolute	2	
Rankin South / WC	Rankin Inlet	17	Rankin Inlet	50	10.6%
			Whale Cove	22	
Tununiq		4		22	3.9%
Uqqummiut	Qikiqtarjuaq	1	Clyde River	12	2.3%
			Qikiqtarjuaq	5	
OVERALL		108		1001	9.8%



Returning Officer and Assistant Officer Support

Elections Nunavut focused on providing a supportive atmosphere for returning officers and their assistants through out the election process. Recognizing the differences in the demographic make-up of Nunavut constituencies, we tried to provide a wide variety of materials for distribution.

With the help of our RO's and ARO's we developed community fax lists, and databases of constituency and community information.

All returning officers were issued laptop computers, scanner/fax/printers and Qiniq modems. Using headsets and voice-over-the-internet technology RO's used Skype and e-mail to share information with each other and get support from Elections Nunavut throughout the day.

Once a week teleconferences allowed the Chief Electoral Officer to review upcoming activities with election officers.

Campaign Support

Based on the 2004 experience, Elections Nunavut completely updated all print material for candidates, financial agents and campaign managers for this election and developed software for the preparation of campaign financial returns.

Staff contacted candidates, financial agents and campaign managers soon after the deadline for declarations of candidacy, to make them aware of support options including bi-weekly toll-free teleconferences. Participants were not required to give their names or confirm before the call. They could remain silent and just listen to the information being given or participate fully. The topics for the teleconferences were:

- Using the campaign materials
- Who handles the money?
- Opening accounts
- Sponsorship on campaign materials
- Accepting contributions
- Paying expenses
- Issuing official receipts
- Use of voters lists
- Representatives at the polls
- Completing the financial return
- Campaign surpluses and deficits



Elections Nunavut noted increased access to campaigns via e-mail in this election. Thirty-seven financial agents and most candidates had e-mail accounts. Most financial agents who didn't use e-mail provided fax numbers. One campaign could only be contacted by phone.

Campaigns were provided with flyers for voters, which they were encouraged to distribute as they campaigned.

Election Day

Election day began with a morning check-in from the polls – an opportunity to review election day procedures and election night reporting requirements. All polls reported opening on time and in good weather. We received no complaints about undue delays or line-ups at the polls.

Election night reporting. Changes to the *NEA* meant that voting throughout Nunavut began and ended at the same time. Results arrived on a timely basis compared with the 2004 election. It must be noted here that effective communications from polling sites continues to be an issue in many locations.

A small-scale public election night event was set up in Rankin Inlet and was well-attended. CBC radio and television covered election night from both Rankin Inlet and Iqaluit.

Election night was the first major test of Elections Nunavut's website. The site was the first location to post results to the public. Elections Nunavut anticipated high bandwidth loading on the site and the developer managed bandwidth throughout the evening. In total, between 8pm and 12am on election night, the site delivered more than 16,000 individual page views and more than 120,000 files to nearly 400 unique IP addresses across Nunavut and throughout southern and northern Canada.

The results from Uqqummiut on election night showed that there was less than 2% difference in the number of votes accepted for James Arreak 214, and Loasie Audlakiak 206. A judicial recount was required and duly held on in Iqaluit on November 13 with the Returning Officer and Chief Electoral Officer in attendance. The recount confirmed that James Arreak had been re-elected.



Issues

Ballots in Uqqummiut: On election day the Chief Electoral Officer was required to supply sequentially numbered ballots for the constituency of Uqqummiut by fax. See Appendix C.

Confusion with Federal Election: The October federal election provided some level of confusion during the Nunavut general election. One constituency reported that on October 14, two voters cast their ballot in the Office of the Returning Officer, but then explained they thought they were voting federally. Some election officers returned Elections Canada materials to Elections Nunavut by mistake.

The new federal ID requirements resulted in some Nunavut voters believing that it was necessary to show photo ID with address information when they came to vote at the Nunavut General Election.

Elections Nunavut's Role: Some local authorities were under the misconception that returning officers for Nunavut elections had to administer all local elections.

Complaints: See Appendix D.



Official Results

Amittuq

Polling Stations	Candidate Hauli Quassa, Joanna	Candidate Tapardjuk, Louis Elected	Rejected Ballots	Total Votes	Official Voters List	Final Voters List
Hall Beach Election Day	67	115	0	182	416	399
Hall Beach Early Polls	1	4	0	5	-	-
Igloolik A-K Election Day	90	99	12	201	365	396
Igloolik L-Z Election Day	45	155	4	204	280	306
Igloolik Early Polls	10	26	0	36	-	-
Total votes	213	399	16	628	1061	1101

Arviat

Polling Stations	Candidate Kritaqliluk, Peter	Candidate Napayok, Sheila	Candidate Shewchuk, Daniel Elected	Rejected Ballots	Total Votes	Official Voters List	Final Voters List
Arviat A-K Election Day	78	79	130	4	291	584	598
Arviat L-Z Election Day	54	53	128	1	236	388	411
Arviat Early Polls	30	37	52	0	119	-	-
Total votes	162	169	310	5	646	972	1009



Baker Lake

Polling Stations	Candidate Amarook, Elijah	Candidate Aupaluktuq, Moses Elected	Candidate Simailak, David	Rejected Ballots	Total Votes	Official Voters List	Final Voters List
Baker Lake A-K Election Day	47	113	62	1	223	404	416
Baker Lake L-Z Election Day	69	103	92	2	266	561	571
Baker Lake Early Polls	28	50	82	0	160	-	-
Total votes	144	263	236	3	649	965	987

Hudson Bay

Polling Stations	Candidate Fraser, Bill	Candidate Manning, Johnny	Candidate Rumbolt, Allan Elected	Rejected Ballots	Total Votes	Official Voters List	Final Voters List
Sanikiluaq Election Day	62	110	132	0	304	414	423
Sanikiluaq Early Polls	3	11	20	0	34	-	-
Total votes	65	121	152	0	338	414	423



Iqaluit Centre

Polling Stations	Candidate Redfern, Madeleine	Candidate Sageaktook, Joe	Candidate Tootoo, Hunter Elected	Rejected Ballots	Total Votes	Official Voters List	Final Voters List
Iqaluit Centre A-K Election Day	87	23	164	0	274	450	490
Iqaluit Centre L-Z Election Day	59	28	153	0	240	376	451
Iqaluit Centre Early Polls	14	6	39	3	62	-	-
Total votes	160	57	356	3	576	826	941

Iqaluit East

Polling Stations	Candidate Aariak, Eva Elected	Candidate Peter, Kakki	Candidate Williams, Glenn	Rejected Ballots	Total Votes	Official Voters List	Final Voters List
Iqaluit East A-K Election Day	182	18	102	2	304	484	541
Iqaluit East L-Z Election Day	175	17	95	1	288	474	524
Iqaluit East Early Polls	82	4	24	0	110	-	-
Total votes	439	39	221	3	702	958	1065



Iqaluit West

Polling Stations	Candidate Okalik, Paul Elected	Candidate Sheutiapik, Elisapee	Rejected Ballots	Total Votes	Official Voters List	Final Voters List
Iqaluit West A-K Election Day	150	118	2	270	355	419
Iqaluit West L-Z Election Day	141	118	1	260	356	423
Iqaluit West Early Polls	49	60	3	112	-	-
Total votes	340	296	6	642	711	842

Kugluktuk

Polling Stations	Candidate Havioyak, Donald	Candidate Taptuna, Peter Elected	Rejected Ballots	Total Votes	Official Voters List	Final Voters List
Kugluktuk A-K Election Day	121	151	2	274	448	491
Kugluktuk L-Z Election Day	40	90	0	130	203	218
Kugluktuk Early Polls	17	23	0	40	-	-
Total votes	178	264	2	444	651	709



Nanulik

Polling Stations	Candidate Netser, Patterk	Candidate Ningeongan, Johnny Elected	Candidate Tootoo, Harry	Rejected Ballots	Total Votes	Official Voters List	Final Voters List
Chesterfield Inlet Election Day	17	59	51	0	127	179	181
Chesterfield Inlet Early Polls	11	5	7	0	23	-	-
Coral Harbour Election Day	116	116	4	0	236	354	392
Coral Harbour Early Polls	38	34	1	1	74	-	-
Total votes	182	214	63	1	460	533	573

Nattilik

Polling Stations	Candidate Ikkidluak, Paul	Candidate Kamookak, Louie	Candidate Pauloosie, Eruk Elected	Candidate Ugyuk, Jeannie K.	Rejected Ballots	Total Votes	Official Voters List	Final Voters List
Gjoa Haven Election Day	25	136	132	35	0	328	486	542
Gjoa Haven Early Polls	10	29	25	6	0	70	-	-
Taloyoak Election Day	9	25	70	145	3	252	311	376
Taloyoak Early Polls	1	2	2	11	1	17	-	-
Total votes	45	192	229	197	4	667	797	918



Pangnirtung

Polling Stations	Candidate Arreak, Loee	Candidate Komoartok, Adamee Elected	Rejected Ballots	Total Votes	Official Voters List	Final Voters List
Pangnirtung A-K Election Day	66	121	0	187	354	359
Pangnirtung L-Z Election Day	55	89	3	147	267	274
Pangnirtung Early Polls	26	35	0	61	-	-
Total votes	147	245	3	395	621	633

Quttiktuq

Polling Stations	Candidate Barnabas, Levi	Candidate Elliott, Ron Elected	Rejected Ballots	Total Votes	Official Voters List	Final Voters List
Arctic Bay Election Day	128	123	2	253	358	396
Arctic Bay Early Polls	0	0	0	0	-	-
Grise Fiord Election Day	16	24	0	40	78	71
Grise Fiord Early Polls	2	5	0	7	-	-
Resolute Election Day	27	30	0	57	126	112
Resolute Early Polls	1	1	0	2	-	-
Total votes	174	183	2	359	562	579



Rankin Inlet South/Whale Cove

Polling Stations	Candidate Kusugak, Lorne Elected	Candidate Brown, Lavinia	Rejected Ballots	Total Votes	Official Voters List	Final Voters List
Rankin Inlet A-K Election Day	112	70	2	184	337	339
Rankin Inlet L-Z Election Day	125	72	3	200	361	356
Rankin Inlet Early Polls	33	19	0	52	-	-
Whale Cove Election Day	50	29	2	81	145	158
Whale Cove Early Polls	9	13	0	22	-	-
Total votes	329	203	7	539	843	853

Tununiq

Polling Stations	Candidate Arvaluk, James Elected	Candidate Merkosak, Simon	Candidate Peterloosie, Elizirie	Rejected Ballots	Total Votes	Official Voters List	Final Voters List
Pond Inlet A-K Election Day	120	97	39	2	258	373	397
Pond Inlet L-Z Election Day	106	66	25	1	198	297	305
Pond Inlet Early Polls	13	8	4	0	25	-	-
Total votes	239	171	68	3	481	670	702



Uqqummiut

Polling Stations	Candidate Arreak, James Elected	Candidate Audlakiak, Loasie	Candidate Hainnu, Igah	Rejected Ballots	Total Votes	Official Voters List	Final Voters List
Clyde River Election Day	188	32	77	1	298	358	428
Clyde River Early Polls	8	0	4	0	12	-	-
Qikiqtarjuaq Election Day	21	176	29	0	226	279	296
Qikiqtarjuaq Early Polls	1	4	0	0	5	-	-
Total votes	218	212	110	1	541	637	724



Summary of Campaign Financial Returns

Amittuq

Candidate	Financial Agent	Status	Contributions	Expenses	Surplus (Deficit)
Quassa, Joanna	Uyarak, Celistino	Not submitted. Candidate and Financial Agent ineligible to be a candidate. NEA 11(2.1).	-	-	-
Tapardjuk, Louis Elected	Illupalik, John	Submitted in accordance with NEA.	\$790.00	\$720.56	\$69.44 Donated to the Consolidate Revenue Fund Nunavut

Arviat

Candidate	Financial Agent	Status	Contributions	Expenses	Surplus (Deficit)
Kritaqliluk, Peter	Kaayak, Annie	Submitted in accordance with NEA.	\$1,394.90*	\$1,394.90*	0*
Napayok, Sheila	Aggark, Royden	Not submitted. Candidate and Financial Agent ineligible to be a candidate. NEA 11(2.1).	-	-	-
Shewchuk, Daniel Elected	St. John, Ryan	Submitted in accordance with NEA.	\$3,250.00	\$2,865.97	\$384.03 Donated to Arviat Housing Association SOC435

* Not yet audited at time of printing



Baker Lake

Candidate	Financial Agent	Status	Contributions	Expenses	Surplus (Deficit)
Amarook, Elijah	Amaruq, Uriah	Not submitted. Candidate and Financial Agent ineligible to be a candidate. NEA 11(2.1).	-	-	-
Aupaluktuq, Moses Elected	Aupaluktuq, Elizabeth	Submitted in accordance with NEA.	\$5,756.29*	\$5,637.89*	\$118.40*
Simailak, David	Quinangnaq, Elizabeth	Submitted in accordance with NEA.	\$4,850.00*	\$1,157.70*	\$3,692.30* Donated \$2075.05 to the Baker Lake Daycare and \$975.05 to the St. Aidens Anglican Church

Cambridge Bay

Candidate	Financial Agent	Status	Contributions	Expenses	Surplus (Deficit)
Peterson, Keith Elected by Acclamation	Peterson, Bruce	Submitted in accordance with NEA.	0	0	0

* Not yet audited at time of printing



Hudson Bay

Candidate	Financial Agent	Status	Contributions	Expenses	Surplus (Deficit)
Fraser, Bill	McLean, Robert	Submitted in accordance with NEA.	0	0	0
Manning, Johnny	Kattuk, Peter	Submitted after deadline. Candidate and Financial Agent ineligible to be a candidate. NEA 11(2.1).	\$865.00*	\$865.00*	0*
Rumbolt, Allan Elected	Searle, Dwayne	Submitted in accordance with NEA.	\$829.21	\$829.21	0

Iqaluit Centre

Candidate	Financial Agent	Status	Contributions	Expenses	Surplus (Deficit)
Redfern, Madeleine	Padluq, Martha	Submitted in accordance with NEA.	\$6,569.62*	\$6,569.62*	0*
Sageaktok, Joe	McRae, Napatchie	Not submitted. Candidate and Financial Agent ineligible to be a candidate. NEA 11(2.1).	-	-	-
Tootoo, Hunter Elected	Tootoo, Victor	Submitted in accordance with NEA.	\$14,461.38	\$14,386.01	\$75.37 Donated to the Habitat for Humanity #816624142

* Not yet audited at time of printing



Iqaluit East

Candidate	Financial Agent	Status	Contributions	Expenses	Surplus (Deficit)
Aariak, Eva Elected	Rodrigue, Theresa	Submitted in accordance with NEA.	\$6,201.00	\$6,000.92	\$200.08 Donated to the Iqaluit Amateur Hockey Association
Peter, Kakki	Peter, Jacopoosie	Not submitted. Candidate and Financial Agent ineligible to be a candidate. NEA 11(2.1).	–	–	–
Williams, Glen	Bertol, Michele	Submitted in accordance with NEA.	\$10,159.54	\$8,054.97	\$2,104.57 Donated to The Cathedral of Saints Simon and Jude

Iqaluit West

Candidate	Financial Agent	Status	Contributions	Expenses	Surplus (Deficit)
Sheutiapik, Elisapee	Tootoo, Victor	Submitted in accordance with NEA.	\$17,500.00*	\$17,199.02*	\$300.98*
Okalik, Paul Elected	Ciccione, Nadia	Submitted in accordance with NEA.	\$29,947.08	\$26,557.75	\$3389.33 Donated to the Nunavut Literacy Council SOC1442

* Not yet audited at time of printing



Kugluktuk

Candidate	Financial Agent	Status	Contributions	Expenses	Surplus (Deficit)
Havioyak, Donald	Klengenber, Joanne	Submitted after deadline. Candidate and Financial Agent ineligible to be a candidate. NEA 11(2.1).	\$250.00*	\$815.51*	(565.51)*
Taptuna, Peter Elected	Sitatak, Calla	Submitted in accordance with NEA.	\$1,554.62	\$1,554.62	0

Nanulik

Candidate	Financial Agent	Status	Contributions	Expenses	Surplus (Deficit)
Netser, Patterk	Kudluk, Louisa	Submitted in accordance with NEA.	\$3,601.80	\$3,437.30	\$164.50 Donated to the Consolodate Revenue Fund of Nunavut
Ningeongan, Johnny Elected	Jar, Marlene	Submitted in accordance with NEA.	\$800.00	\$556.50	\$243.50 Donated to the Aiviit Hunters & Trappers Organization SOC200
Tootoo, Harry	Patterk, Mike	Not submitted. Candidate and Financial Agent ineligible to be a candidate NEA 11(2.1)	-	-	-

* Not yet audited at time of printing



Nattilik

Candidate	Financial Agent	Status	Contributions	Expenses	Surplus (Deficit)
Ikuallaq, Paul	Cahill, Charlie	Submitted in accordance with NEA.	0	0	0
Kamookak, Louie	Kamookak, Sheila	Submitted after deadline. Candidate and Financial Agent ineligible to be a candidate NEA 11(2.1)	261.28*	261.28*	0*
Pauloosie, Eruk Elected	Porter, Megan	Submitted in accordance with NEA.	\$912.80*	\$842.80*	\$70.00*
Ugyuk, Jeannie Kanayuk	Dickson, Sylvie	Submitted in accordance with NEA.	\$1,814.40*	\$1,814.40*	0*

Pangnirtung

Candidate	Financial Agent	Status	Contributions	Expenses	Surplus (Deficit)
Arreak, Looee	Young, Dorcas	Submitted in accordance with NEA.	\$463.00*	\$463.00*	0
Komoartok, Adamee Elected	Papatsie, Tommy	Submitted in accordance with NEA.	\$250.00	\$250.00	0

* Not yet audited at time of printing



Quttiktuq

Candidate	Financial Agent	Status	Contributions	Expenses	Surplus (Deficit)
Barnabas, Levi	Olayuk, Julia	Submitted in accordance with NEA.	\$3,917.58*	\$2,862.44*	\$955.14*
Elliot, Ron Elected	Qaunaq, Sheena	Submitted in accordance with NEA.	\$3,998.20	\$3,998.20	0

Rankin Inlet North

Candidate	Financial Agent	Status	Contributions	Expenses	Surplus (Deficit)
Curley, Tagak Elected by Acclantion	Junkin, Brock	Submitted in accordance with NEA.	\$4,450.00	\$3,729.42	\$720.58 Donated to the Hamlet of Rankin Inlet School Breakfast Programme

* Not yet audited at time of printing



Rankin Inlet South & Whale Cove

Candidate	Financial Agent	Status	Contributions	Expenses	Surplus (Deficit)
Brown, Lavinia	Morey, Sherry	Submitted after deadline. Candidate and Financial Agent ineligible to be a candidate NEA 11(2.1)	\$2,100.00*	\$5,602.24	(3,502.24)*
Kusugak, Lorne Elected	Rudd, Chris	Submitted in accordance with NEA.	\$6,320.71*	\$6,316.97*	\$3.74*

Tununiq

Candidate	Financial Agent	Status	Contributions	Expenses	Surplus (Deficit)
Arvaluk, James Elected	Simonee, Bryan	Submitted in accordance with NEA.	0	0	0
Merkosak, Simon	Killiktee, Gesoni	Submitted in accordance with NEA.	\$501.65*	\$501.65*	0*
Peterloosie, Elizirie	Akpaleepik, Jokeypa	Submitted in accordance with NEA.	0*	0*	0*

* Not yet audited at time of printing



Uqqummiut

Candidate	Financial Agent	Status	Contributions	Expenses	Surplus (Deficit)
Arreak, James Elected	Jaypoody, Daniel	Submitted in accordance with NEA.	\$1,590.00	\$1,544.45	\$45.55 Donated to the Consolidate Revenue Fund of Nunavut
Audlakiak, Loasie	Kukseak, Monica	Submitted in accordance with NEA.	0	0	0
Hainnu, Igah	Jaypoody, Dora	Submitted in accordance with NEA.	\$2,250.00	\$2,040.50	\$209.50 Donated to the Consolidate Revenue Fund of Nunavut

* Not yet audited at time of printing



2008 South Baffin By-Election

Date	Activity
September 29, 2008	Chief Electoral Officer sends a writ to Returning Officer.
September 29, 2008	First Day to file a declaration of candidacy.
October 3, 2008	Last day to file a declaration of candidacy. 2 pm deadline.
October 20, 2008	First day of voting in the office of the Returning Officer.
October 27, 2008	Mobile Poll: 9 am to 11:30 am.
October 27, 2008	Advance vote: noon to 7 pm.
October 29, 2008	First day voters can get a proxy certificate.
October 30, 2008	Last day of voting in the office of the Returning officer.
October 31, 2008	5pm deadline for receipt of special ballots.
November 3, 2008	Election Day. Polling Stations open: 10am to 8pm Eastern
November 3, 2008	3 pm local time - deadline for voters to apply for a proxy certificate.
November 10, 2008	Return of the writ
January 5, 2009	Deadline for sending campaign financial returns.



2008 South Baffin By-Election Returning Officers & Assistant Returning Officers

Constituency	RO / ARO	Name	Address
South Baffin	RO	Donna Steele	Box 60 Cape Dorset
	ARO	Josie Taukie	Box 107 Cape Dorset
	ARO	Kitty Arlooktoo-Barrieau	Box 72 Kimmirut



South Baffin By-Election

Declarations of candidacy:

The need for a by-election in South Baffin arose when no person submitted a declaration of candidacy by the General Election deadline, September 26, 2008. A new writ was issued and resulted in four candidates vying to represent South Baffin in the Nunavut legislature.

Activities:

Due to the very brief period between writs, Chief Electoral Officer issued an instruction to the returning officer that new voter information cards would not be sent to each registered voter.

The Returning Officer maintained the same office and election officers as that engaged for the General Election. Likewise the RO and ARO's as well as candidates and financial agents were able to benefit from the support network established for the General Election.

For this by-election 193 voters or 18% of the voters on the official list cast their ballots in early polls; 4 voted by special mail-in ballot.

The weather on election day, November 3rd was cooperative. Accurate results arrived in a timely manner on election night and were posted promptly to Elections Nunavut's website.

Three of four campaign financial returns were sent by the January 2, 2009 deadline. The Chief Electoral Officer authorized the return of the candidates' deposits in those three cases.



Official Election Results

South Baffin By-Election

Polling Stations	Candidate Ejesiak, Zeke	Candidate Ikkuadluak, Joannie	Candidate Nuna, Adamie	Candidate Schell, Fred Elected	Rejected Ballots	Total Votes	Official Voters List	Final Voters List
Cape Dorset A-K Election Day	4	7	19	16	1	47	200	211
Cape Dorset L-Z Election Day	15	18	44	51	0	128	470	488
Cape Dorset Early Polls	39	47	51	43	2	182	-	-
Kimmirut Election Day	14	43	4	87	0	148	202	213
Kimmirut Early Polls	0	1	0	6	0	7	-	-
Total votes	72	116	118	203	3	512	872	912



Summary of Campaign Financial Returns

South Baffin By-Election

Candidate	Financial Agent	Status	Contributions	Expenses	Surplus (Deficit)
Ejesiak, Zeke	Kelly, Sandy	Not Submitted. Candidate and Financial Agent ineligible to be a candidate NEA 11(2.1)	-	-	-
Ikkidluak, Joannie	Padluq, Pitsiulala	Submitted in accordance with NEA.	\$1,884.85*	\$1,884.85*	0*
Nuna, Adamie	Merritt, Cary	Submitted in accordance with NEA.	0	0	0
Schell, Fred Elected	Constantineau, Cheryl	Submitted in accordance with NEA.	\$8,717.90*	\$8,717.90*	0*

* Not yet audited at time of printing



2008 Akulliq By-Election

Date	Activity
November 10, 2008	Chief Electoral Officer sends a writ to Returning Officer.
November 10, 2008	First Day to file a declaration of candidacy.
November 14, 2008	Last day to file a declaration of candidacy. 2 pm deadline.
December 1, 2008	First day of voting in the office of the Returning Officer.
December 8, 2008	Mobile Poll: 9 am to 11:30 am.
December 8, 2008	Advance vote: noon to 7 pm.
December 10, 2008	First day voters can get a proxy certificate.
December 11, 2008	Last day of voting in the office of the Returning Officer.
December 12, 2008	5pm deadline for receipt of special ballots.
December 15, 2008	Election Day. Polling Stations open: 8am to 6pm Mountain 9 am to 7 pm Central
November 3, 2008	3 pm local time - deadline to apply for a proxy certificate.
December 22, 2008	Return of the writ
February 13, 2009	Deadline for sending campaign financial returns.



2008 Akulliq By-Election Returning Officers & Assistant Returning Officers

Constituency	RO / ARO	Name	Address
Akulliq	RO	Romeo Kopak	Box 14 Repulse Bay
	ARO	Wendy Kusugak	Box 191 Repulse Bay
	ARO	Josephine Sikkuark	Box 76 Kugaaruk



Akulliq By-Election December 15, 2008

Declarations of candidacy:

This by-election was necessitated by the cancellation of the election in Akulliq. (See - Matters for the Speaker's Attention in the Table of Contents). At the deadline for declarations of candidacy four eligible voters were accepted as candidates.

Activities:

The Returning Officer was instructed not to send Voter Information Cards to each registered voter and conduct an informal revision of the voters list as VIC's had been sent and the formal revision of the voters list had taken place recently. Instead the election officers were advised to increase communications via local outlets.

No voters cast their vote by special ballot. 33 Akullirmiut voted at the mobile poll, advance vote or voting in the office of the returning officer.

Election Day weather was favorable, and the voter turnout reasonable. Results from Kugaaruk came in later than expected and when the numbers were tallied, the Returning Officer informed Elections Nunavut that a recount would be necessary since the difference between the two candidates with the most votes was less than 2% of the total valid votes.

The judicial recount held on January 8, 2009 found John Ningark and Steve Mapsalak to have the same number of votes 157. There would be a second by-election.

Three of four campaigns sent their financial returns by the February 13, 2009 deadline, resulting in the return of the \$200 candidate deposit.



Official Election Results 2008 Akulliq By-Election

Polling Stations	Candidate Malliki, Helena	Candidate Mapsalak, Steve	Candidate Ningark, John	Candidate Tungilik, Marius	Rejected Ballots	Total Votes	Official Voters List	Final Voters List
Kugaaruk Election Day	28	18	100	23	3	172	244	-
Kugaaruk Early Polls	1	0	9	4	3	17	-	-
Repulse Bay Election Day	77	128	46	11	0	262	352	-
Repulse Bay Early Polls	5	9	2	0	0	16	-	-
Total votes	111	155	157	38	6	467	596	-



Summary of Campaign Financial Returns 2008 Akulliq By-Election

Candidate	Financial Agent	Status	Contributions	Expenses	Surplus (Deficit)
Malliki, Helena	Haqpi, Hugh	Submitted in accordance with NEA.	\$620.44	\$618.24	\$2.20
Mapsalak, Steve	Mapsalak, Elizabeth	Submitted in accordance with NEA.	\$2,908.75	\$2,821.61	\$87.14 Donated to the Roman Catholic Episcopal Corporation of Hudson Bay
Ningark, John	Ningark, Walter Ukku	Submitted in accordance with NEA.	\$274.85*	\$24.85*	\$250.00* Donated to the Kudlik Women's Group
Tungilik, Marius	Kringuk, Marie	Not submitted. Candidate and Financial Agent ineligible to be a candidate NEA 11(2.1)	-	-	-

* Not yet audited at time of printing



2009 Akulliq By-Election

Date	Activity
January 26, 2009	Chief Electoral Officer sends a writ to Returning Officer.
January 26, 2009	First Day to file a declaration of candidacy.
January 30, 2009	Last day to file a declaration of candidacy. 2 pm deadline.
February 16, 2009	First day of voting in the office of the Returning Officer.
February 23, 2009	Mobile Poll: 9 am to 11:30 am.
February 23, 2009	Advance vote: noon to 7 pm.
February 25, 2009	First day voters can get a proxy certificate.
February 26, 2009	Last day of voting in the office of the Returning officer.
February 27, 2009	5pm deadline for receipt of special ballots.
March 2, 2009	Election Day. Polling Stations open: 8am to 6pm Mountain 9 am to 7 pm Central
March 2, 2009	3 pm local time - deadline for voters to apply for a proxy certificate.
March 9, 2009	Return of the writ
May 1, 2009	Deadline for sending campaign financial returns.



Returning Officers & Assistant Returning Officers 2009 Akulliq By-Election

Constituency	RO / ARO	Name	Address
Akulliq	RO	Romeo Kopak	Box 14 Repulse Bay
	ARO	Wendy Kusugak	Box 191 Repulse Bay
	ARO	Larry Nalungiaq	Box 214 Kugaaruk



Akulliq By-Election March 2, 2009

Declarations of candidacy:

On January 26 the Returning Officer and Assistant Returning Officers opened their offices once again to receive declarations of candidacy. By 2pm January 30, four candidates had declared.

Activities:

Again the CEO issued an instruction for no VIC's to be sent and for no formal revision to take place.

There was no further formal training for the Returning Officer or his Assistant in Repulse Bay as they had received substantial on-the-job training in the previous months. The Assistant Returning Officer in Kugaaruk received one-on-one training over the phone and by Skype and e-mail.

Candidates and financial agents were contacted by phone and encouraged to call Elections Nunavut's toll-free number for support.

4 voters used the special ballot option. 30 participated in early voting opportunities.

There was a good voter turnout, 77% overall at this by-election. The weather was not an obstacle on election day.

On election night March 2, 2009 the long saga was over for the people of Akulliq. John Ningark emerged as the clear winner obtaining 193 votes.

Three of four campaigns sent their financial returns in by the May 1 deadline, ensuring the return of their deposit money. A summary of all financial returns has been placed in all Nunavut newspapers.



Official Election Results

2009 Akulliq By-Election

Polling Stations	Candidate Alakanuark, Ovide	Candidate Malliki, Helena	Candidate Mapsalak, Steve	Candidate Ningark, John Elected	Rejected Ballots	Total Votes	Official Voters List	Final Voters List
Kugaaruk Election Day	61	9	21	139	0	230	297	330
Kugaaruk Early Polls	3	0	2	3	0	8	-	-
Repulse Bay Election Day	18	52	148	47	0	265	375	392
Repulse Bay Early Polls	1	5	8	4	0	18	-	-
Total votes	83	66	179	193	0	521	672	722



Summary of Campaign Financial Returns

2009 Akulliq By-Election

Candidate	Financial Agent	Status	Contributions	Expenses	Surplus (Deficit)
Alakannuark, Ovide	Alakanuark, Elisiusie	Not submitted. Candidate and Financial Agent ineligible to be a candidate NEA 11(2.1)	-	-	-
Malliki, Helena	Bruce, May-Lain	Submitted in accordance with NEA.	0	0	0
Mapsalak, Steve	Mapsalak, Elizabeth	Submitted in accordance with NEA.	0	0	0
Ningark, John Elected	Ningark, Walter Ukku	Submitted in accordance with NEA.	\$250.00	0	\$250.00 Donated to the Kudlik Women's Group



Post-Election Period

Follow-up work since the general election and ensuing by-elections has focused on four areas.

1. Campaign financial returns:

Campaign financial returns must be sent within 60 days of election day. A successful candidate may be sworn in, but may not sit in the Legislature until a complete financial return has been received. The financial agent handles all the money in a campaign and is responsible for preparing the financial return. The candidate is responsible for submitting the return and certifies that it is accurate.

In order to be accepted, the return must show all contributions and expenditures and how a surplus or deficit was dealt with. All expenditure receipts must accompany the return as well as a receipt from the organization that accepted the surplus (if any). Unused income tax receipts and copies of used tax receipts must be included along with a statement from the financial institution that held the campaign account.

All campaign financial returns were checked, scanned for the website, then sent to the auditors, as soon as they were received.

For the 2008 General Election, 34 of 43 or 79% of the campaign financial returns were sent to Elections Nunavut on time. As previously noted three out of four (75%) of the returns for each of the by-elections was sent in before the deadline

For further information on campaign financial returns see the Table of Contents - Matters for the Speaker's Attention.

2. Addressing Iqaluit:

In May the Returning Officer for Iqaluit East updated our address database for Iqaluit.

3. Final voters list

Elections Nunavut has recently completed removing duplicate entries and making corrections to the voters list.



4. Review and revision

Since recounts and by-elections extended the election process by more than six months a face-to-face review of administrative procedures with election officers is not practical. Elections Nunavut will instead base administrative change on the RO's election report comments and a thorough review all materials by a committee of RO's and ARO's.

Elections Nunavut, with other user groups is currently exploring ways that RENU can provide support for election officers and streamline transmission of payment information.

Issue with campaign financial return software have been resolved, but we have continued to test it using real data to ensure it assists rather than frustrates future financial agents.

The Enforcement Protocol has now been in place for two elections. Elections Nunavut is developing a user guide to ensure the process runs smoothly even when the individual participants are new to the undertaking.



Matters for the Speaker's Attention

1. Candidate Eligibility

The *Nunavut Elections Act* requires that, in order to be eligible to be a candidate for membership in the Legislative Assembly, a person must be resident in Nunavut for a period of 12 months before election day. This provision has existed for many years. It was inherited from the NWT when Nunavut was created and was continued by the Legislative Assembly in 2002 when the new *Act* was enacted. In effect the requirement was to be resident continuously since October 27, 2007, as required by s.11(1) of the *Nunavut Elections Act*.

During the election in 2008, this qualification was an issue in two constituencies: Akulliq and Iqaluit Centre. However, in each case the issue arose differently. A detailed explanation of the events in each case will be given below, but in summary, in the case of Akulliq, the lack of residency was suspected before the candidate filed his Declaration of Candidacy and was therefore dealt with under the process specifically created under section 75.1 of the *Nunavut Elections Act*. While in the case of Iqaluit Centre, the ineligibility was suspected after the candidate filed her Declaration and thus was subject to a different process.

a) Jack Anawak

The first instance of candidate ineligibility arose with the proposed candidacy of Mr. Jack Anawak. Mr. Anawak attempted to file his Declaration of Candidacy in the Office of the Returning Officer for the Constituency of Akulliq on September 26, 2008. The Returning Officer, Sarah Kidlapik, on September 26, 2008, sent the CEO a Notice of Suspected Ineligibility of Candidate. The grounds of her suspicion were that Mr. Anawak's declaration of candidacy should be rejected because he was not a resident of Nunavut for a consecutive period of 12 months preceding election day, October 27, 2008.

The CEO was required to make a decision on his eligibility for candidacy pursuant to section 75.1 of the *Nunavut Elections Act*. Mr. Anawak was informed that he could present evidence to support his eligibility and did submit documents for that purpose. However, the CEO reviewed the evidence and decided that the balance of evidence Mr. Anawak provided was not sufficient to establish that he was a resident in Nunavut continuously since October 27, 2007. That conclusion was made with regret, given his history of public service.



An appeal from such a decision is allowed under the *Nunavut Elections Act*. Mr. Anawak obtained the advice of counsel and filed an appeal. An originating notice was filed in the Nunavut Court of Justice on September 30, 2008 by Jack Anawak under subsection 75.1(5) of the *Nunavut Elections Act* appealing the decision of the Chief Electoral Officer made on September 26, 2008 regarding his ineligibility to be a candidate in the election in the Constituency of Akulliq.

The appeal was taken on several grounds. The first argument was that Mr. Anawak was eligible because he had met the residency qualification, in other words that the CEO's decision was wrong in fact and was an incorrect application of the residence provisions of the *Act*. The second argument was that the 12 month residency requirement itself was unconstitutional because it violated the *Canadian Charter of Rights and Freedoms*.

These two lines of arguments were the subject of two separate hearings in the Nunavut Court of Justice. The first dealt with the application of the *Act* to the facts of Mr. Anawak's case and the second dealt with the constitutional arguments.

The first hearing took place in Iqaluit on October 3, 2008. Arguments were orally presented by counsel for Mr. Anawak and counsel for the CEO. The court heard counsel and delivered its judgement on October 7, 2008. The judgement disposed of a number of preliminary points, the only one worth noting here is that the Court allowed late filing of the appeal. With respect to the substantive argument, however, the Court considered the meaning of domicile, ordinary residence, temporary absence and the intention of the Legislative Assembly when enacting the *Act*. The Court also considered the facts of Mr. Anawak's life. He had some property in Nunavut but actually lived and filed income taxes in Ontario for several years prior to the election. At paragraph 88 of the judgment, the Court stated that it was difficult to interpret the Mr. Anawak's four-year stay in Ottawa as a temporary absence and concluded that he had established a new permanent residence in Ottawa. Therefore, as provided in s. 4(5) of the *Act*, he had lost his resident status in Nunavut.

The *Act* provides that Chief Electoral Officer must cancel the election in the constituency if an appeal is made under subsection 75.1(5). The CEO therefore issued a Notice of Cancellation on October 7, 2008, after learning that the late filing of the appeal was accepted by the Court.



The second hearing took place on October 14, 2008. Counsel for the appellant argued that the residency requirements of the *Act* violated sections 3 (democratic rights), 15 (equality rights) and 35 (aboriginal rights) of the Charter and further that these violations were not saved by s. 1 of the Charter. Counsel for the CEO argued that the law was constitutionally valid. Counsel for the GN And the LA participated in this hearing and supported the validity of the law. Judgment of the Court was released on November 6, 2008.

The Court held that requiring a 12-month residency requirement was a violation of the right for anyone to be a candidate in a territorial election guaranteed under s. 3 of the Charter. The Court accepted that the requirement was enacted to achieve effective representation for a small population, subject to a high of transient workers, and to ensure the integrity of the legislative process. The Court concluded that the violation of section 3 was justified.

The Court disposed of the other arguments and concluded that there was no discrimination, and thus no violation of section 15, and that there was no breach of Mr. Anawak's aboriginal and treaty rights under section 35.

b) Josie Okalik Eegeesiak

The second case raised the same issue of residence, but in a different situation. Ms. Josie Okalik Eegeesiak wanted to be a candidate in Iqaluit Centre. She wrote to the CEO and asked if she was eligible, but did not provide any facts. Ms. Eegeesiak was told that she had to comply with the relevant provisions of the *NEA*, including the 12-month residency requirement. Ms. Eegeesiak then filed her Declaration of Candidacy, in which she declared that she had been resident in Nunavut for the requisite 12-month period. The Returning Officer had no evidence to the contrary and did not suspect that there could be a problem.

After the close of candidacy a complaint was filed alleging that Ms. Eegeesiak was not eligible because she had been living in Ottawa during the 12-month period and had not moved back to Nunavut in time to qualify. Running as a candidate while knowing that you are ineligible is an offence under s. 257(1) of the *Act*. All complaints are made to the RCMP, and they investigated this complaint. The results of the RCMP Investigation showed that Josie Okalik Eegeesiak had moved back to Nunavut in December 2007. On the basis of the facts disclosed during the RCMP investigation, Josie Okalik Eegeesiak was therefore ineligible to be a candidate in this election because she had not been resident in Nunavut continuously since October 27, 2007.



This situation presented a problem for the election in that constituency. The election could continue with her as an ineligible candidate and, depending on the results of the election, the election could be challenged and voided after it was over. Alternatively, the CEO could use the power under section 191 of the *Nunavut Elections Act*, which authorizes the CEO to issue an order requiring a person to cease an activity, where it appears to the Chief Electoral Officer that the activity is in contravention of the *Act*.

On October 17, a temporary Cease and Desist Order was issued against Ms. Eegeesiak. The Order prohibited her from campaigning as a candidate or holding herself out to the voters as an eligible candidate and told her to instruct her financial agent not to collect any further contributions or incur any further elections expenses.

The temporary Order was made without a hearing under subsection 191(2) of the *Act* because the Chief Electoral Officer believed there were urgent circumstances that justify making this order without first holding a hearing and the length of time needed to hold a hearing would be prejudicial to the effectiveness of this Order and because the RCMP already conducted an investigation during which they interviewed her in person. Ms. Eegeesiak was given an opportunity to the temporary Order before it was made permanent. She was provided with a copy of the RCMP report and a reasonable opportunity to respond, but declined to provide evidence or argument a hearing scheduled for October 22, 2008 at 10:00 am. Consequently the Cease and Desist Order was made final and an order. To deal with other aspects of this very unusual situation, a Direction was made under s. 190 of the *Act* to deem Ms. Eegeesiak and her financial agent to no longer be considered as candidate and agent. In addition, the Direction provided that ballots prepared under subsection 86(3) of the *Act* would no longer include Josie Okalik Eegeesiak as an eligible candidate and that any ballots cast for her would be rejected as having been marked in favour of a person who is not a candidate under paragraph 131(5)(d) of the *Act*.

Conclusion

In conclusion, the Anawak case demonstrates that the process under s. 191.1 of the *Act* can prevent a person who is clearly ineligible from becoming a candidate. But the costs and delays are considerable.

The Eegeesiak case demonstrates that a person who is not clearly ineligible or who deliberately or inadvertently becomes a candidate when ineligible can be removed from the ballot, albeit with considerable difficulty.



Finally, the Nunavut Court of Justice has upheld Election Nunavut’s interpretation of the residency requirement, namely that residency means a person must actually live in Nunavut. A person is not a resident merely because they have a connection to Nunavut, through property ownership, birth or previous residence. Moreover, it is now clear that the law is constitutionally valid.

These two cases have presented situations where several provisions of the Act must be evaluated. Are the rules for residency clear enough? Does the process under s. 191.1 need amendment? Is there a better way to deal with candidates who are ineligible? A discussion of this issue is set out in the section of Recommendations (see Table of Contents).

2. Audited Campaign Financial Returns

The *NEA* was amended since the 2004 election to require all campaign financial returns to be audited (s. 181.1). MacKay Landau Chartered Accountants were contracted to perform this function.

When a financial return was received by Elections Nunavut it was subject to only a cursory review, confirmation of the date the return had been sent and completion of the Checklist that is part of the Financial Return package. The return was then scanned and uploaded to Elections Nunavut website before being couriered to the auditors. For further information see Campaign Support in the Table of Contents.

Elections Nunavut		Checklist Campaign Financial Return		
The financial agent and candidate must check off and initial each item. Attach the checklist to the financial return when you send it to the CEO.				
Item	FA sign-off outside	CA sign-off outside	BN sign-off inside	
<input type="checkbox"/> Part A: Summary of campaign contributions and expenses.				
<input type="checkbox"/> Signed declarations from the FA and CA.				
<input type="checkbox"/> Part B: Details of contributions and expenses.				
<input type="checkbox"/> Receipts for every expense, including out-of-pocket expenses.				
<input type="checkbox"/> Printed bank statement from campaign account.				
<input type="checkbox"/> CEO approval for expenses over \$1000.				
<input type="checkbox"/> All tax receipts.				

Attach checklist to campaign financial return.

The following issues were identified by MacKay Landau in their management letter to the Chief Electoral Officer. Elections Nunavut’s response follows.

Tax Receipts issued for goods and services donated

MacKay Landau: Several campaigns issued tax receipts for goods and services that were donated to the campaign despite *NEA* s.170. (2) *a financial agent may issue a tax receipt from the receipt book provided by the Chief Electoral Officer for a contribution of money accepted.*



Elections Nunavut response: *Guide for Financial Agents* page 20 “Only people that contributed money get a tax receipt. DO NOT give a tax receipt to someone that contributed goods and services.”

Tax receipts not issued for candidates' personal money used and not reimbursed

MacKay Landau: The auditors have noted that the majority of candidates who were not reimbursed for personal monies spent were not issued a tax receipt for that amount. *s.169(3) A tax receipt not exceeding \$2,500 may be issued to the candidate in respect of an amount of personal funds used during the election period.* The auditors point out that candidates and their financial agents should be made aware of this benefit.

Elections Nunavut response: We feel both candidates and financial agents should be aware of the benefit since the *Guide for Candidates* given to every candidate states on page 24 “The candidate gets a tax receipt for the actual amount he or she contributes, up to the \$2500 maximum.” Also, “Issuing tax receipts” was a topic covered on a teleconference for financial agents run by Elections Nunavut during the election period.

Cash contributions were not deposited into campaign accounts

MacKay Landau: During the audit of election campaign returns it was noted that several financial agents did not deposit cash contributions into the campaign account. The *Nunavut Elections Act* clearly states *s.170(4) A financial agent shall deposit all money collected on behalf of a candidate in a bank account.*

Elections Nunavut response: The *Guide for Financial Agents* page 14 says “You use the account to deposit all campaign contributions and to pay all campaign expenses. Do not use the account for anything except the campaign.”

Surplus paid out to candidate before candidate made donation to charity

MacKay Landau: Auditors noted several instances in which campaign surpluses were given to the candidate, who then made a donation to charity. They explain that it is important for the receipt to be acquired in the name of the campaign to ensure that no tax benefit is received by the candidate or financial agent.



Elections Nunavut response: The *Guide for Financial Agents* warns (page 22) “ If you give the leftover money to a group you must ask for a receipt made out to “Campaign of _____.”

The candidate and financial agent can not benefit in any way if you give the money to a charitable organization.”

Donations to charity

MacKay Landau: “most of the surpluses that were not paid to the CRF were donated to not-for-profit organizations and not charitable organizations, such payouts went to daycares, sports teams etc. which were approved by Elections Nunavut. We recommend that this point be clarified.”

Elections Nunavut Response: The *Nunavut Elections Act* s.2 defines charitable organization as:

- (a) a society as defined in the *Societies Act*, in good standing;
- (b) a charitable organization within the meaning of the *Income Tax Act (Canada)*; or
- (c) a municipal corporation.

NEA s. 176 (1) the financial agent shall, before the end of the post election period, give any contribution that were not expended on his or her candidate’s campaign to:

- (a) a charitable organization of the candidate’s choice; and
- (b) the Consolidated Revenue Fund

Although in one case a surplus was given to a charitable organization whose federal registration had lapsed, the organization quickly re-registered with CRA. All other donations from surpluses were to societies in good standing registered with Justice under the *Societies Act*.

Campaign account issues

MacKay Landau: “The names of several of the campaign accounts were not clearly distinguishable as campaign accounts.” and “a copy of the account statement is to be forwarded so that all campaign contributions and withdrawals can be accounted for. This was by far the most often forgotten piece of documentation that was to be submitted with the Campaign Financial Return. Much time was spent trying to contact various Co-operatives and Northern stores in order to get these statements in the months following the elections. Financial agents should be encouraged to get a copy of the account statement from the establishment when they close the campaign account.”

Elections Nunavut response: In future elections it will be clear that it is the financial agent’s responsibility and not the auditor’s to provide these statements.



Deduction of invalid expenditures and missing proof of expenditures

MacKay Landau: “Many invoices and receipts for campaign expenses were not initially submitted with the Campaign Financial Return. This is an important requirement, as candidates must prove that public contributions were used appropriately.” And, “All candidates and financial agents should be familiar with expenses that are deductible and those that are not. The *Guide for Financial Agents* is an excellent tool for determining whether or not an expense is deductible.”

Elections Nunavut response: Agreed.

Computer software glitches

MacKay Landau: “It was noted that the computer software that was distributed by Elections Nunavut had some minor glitches. Financial agents, especially those from larger campaigns, noted that once a certain number of lines were used, the software no longer added columns, and the totals did not carry forward to the summary. Since the computerized return is useful for larger campaigns, it is advisable that work be done on the software program to resolve this issue.”

Elections Nunavut response: Although the software had been tested in our office before distribution, we had not used data that produced the problem noted. When the glitch was brought to our attention following the election, our developers made changes to the software. As time allows we will test the software further using data from this election.

General organization and pre-assessment of financial campaigns

MacKay Landau: “During the audit of the Campaign Financial Returns, our office received many packages of information that was not complete. Issues ranged from schedules not being signed off, totals not being carried forward to the summary page correctly, missing proof of expenses, missing account statements and missing tax receipt books. The omission of any of the items adds significant time to the audit if the return has to be revised and the missing information sent separately. Financial agents are encouraged to ensure that all information is collected and organized prior to remitting the Campaign Financial Return to Elections Nunavut. Although pre-assessment of the returns was done by Elections Nunavut on some of the returns, a mechanism needs to be developed so that Elections Nunavut does a preliminary assessment of all returns prior to accepting the return as submitted. Any short-comings should be addressed with the candidate/financial agent prior to the Campaign Financial Return being formally accepted as filed.”



Elections Nunavut response: 1. For both the '04 and '08 elections we have noted that most campaign financial returns are sent very close to the deadline, leaving little time for correction. 2. As this was our first experience with the audit provisions, Elections Nunavut gave only a perfunctory review of the returns before sending them on to MacKay Landau. In addition to the report on each return we were interested in an auditor's perspective on how well our Campaign Financial Return documents and the Guide for Candidates and Guide for Financial Agents supported the work required. 3. We will meet with the auditors to develop a suitable pre-assessment system.

3. Addressing

Civic addressing

As the population in Nunavut grows and new constituencies are created in larger centres, the physical location of each residence becomes important for correctly assigning a voter to a constituency. It is therefore important to Elections Nunavut that a confirmed and consistent system of assigning permanent house numbers or street addresses be established.

Civic addressing is also important to other agencies and businesses. The RCMP, ambulance and fire services, QEC, Northwestel and freighting companies are cases in point.

As Nunavut's population increases and our communities become more spread out the importance of addressing will likewise increase.

Service Nunavut

Several provinces have adopted a process for the public to provide corrected or updated contact information to various government departments and agencies. Typically a resident will either on-line or using a form, select the agencies they wish to send their new or revised information to. Adopting this practice would provide a real convenience to residents and departments/agencies alike and eliminate the wasted time and money that occurs when any addressed mail is sent to an incorrect location.



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

The Chief Electoral Officer proposes the following amendments to the *Nunavut Elections Act*:

1. Residency

The provisions in the *Act* on residency were subjected to challenge in the Nunavut Court of Justice during the last general election. While the Court did uphold the legality of the residency rules and while those provisions did perform their function in requiring a voter and candidate to be actually resident in Nunavut, the references to a person's intention caused significant argument over the interpretation of the residency rules. To avoid similar arguments in the future, improvements should be made to the rules for residency in section 4 of the *Act*.

The first proposed change is to remove references to the intent of the person in relation to the person's place of residence. Practically, it is very difficult to establish a person's intention because it is a subjective thing that is not easily demonstrated to a returning officer or proven if challenged. In addition, intention is not particularly relevant to where a person actually lives. The section should be amended in subsections 4(2) and (4) by removing references to the voter's intent and by deleting subsections (5) and (6). The place of a person's dwelling, in which he or she actually lives, should be the primary rule for determining the person's place of residence.

The rules on temporary absence from Nunavut should also be improved. It is proposed that a temporary absence from Nunavut be generally limited to a period of absence no greater than 10 months, except for students who may be absent for whatever period they are continuously attending school.

The place where a person's family resides should be removed as a criterion for determining residence. A person resides where they actually live and whether they live with their family or not should not change that fact. Clearly, if a person does not live with his or her family but instead lives in another place, they have a place of residence different from their family. It is therefore recommended that references to the place of a person's family be removed from the residency rules.



One other change is proposed in relation to changes in the place of a voter's residence after the date of the writ. Currently, in subsection 4(12), a voter who changes his or her place of residence after the date of the writ must apply for a transfer certificate in order to vote in the new place of residence. The requirement for a transfer certificate should be removed to allow voters to freely move between constituencies after the writ is issued.

Proposed New Wording:

Determining Residence

Residence rules

4. (1) *For the purposes of this Act, the place of residence of a person shall be determined by reference to all the facts of the case and by the provisions of this section, as far as they are applicable.*

Place of home or dwelling

(2) *The residence of a person is the place of the person's home or dwelling in which he or she actually resides.*

Temporary absence

(3) *A person does not lose residence in the place of the person's home or dwelling by leaving it for a temporary purpose not exceeding 10 months, including*

- (a) the pursuit of education at an educational institution outside Nunavut;*
- or*
- (b) temporary employment at a place outside Nunavut.*

Exception for student

(4) *Despite subsection (3), a student may be absent from his or her home or dwelling for a period exceeding 10 months and not lose residence there if the student is in full-time, continuous attendance at an educational institution.*

Selection of residence

(5) *A person who left the person's place of residence for a temporary purpose may select one of the following places of residence for the purposes of voting at an election:*

- (a) the place of the person's home or dwelling; or*
- (b) the place where the person is temporarily residing.*



Homeless persons

(6) *The residence of a person who has no home or dwelling is any place offering food or lodging where the person usually sleeps or takes meals.*

Single residence

(7) *A person is deemed to have a residence in only one place and, if a person maintains a home or dwelling in more than one place, the person must select one home or dwelling for the purpose of this Act.*

Residence of former members and others

(8) *A candidate who was a member of the Legislative Assembly when it was dissolved, and any person living with the candidate who is a spouse or dependent of the candidate, shall select one of the following places of residence for the purposes of voting at an election:*

- (a) the person's actual place of residence;*
- (b) any place, in the constituency in which the candidate seeks election, that the candidate selects as a place of residence for the purposes of the election; or*
- (c) any place in or near Iqaluit where the candidate lived for the purposes of carrying out his or her duties as a member.*

Prisoners

(9) *Despite subsection (3), a person who is confined to a penal or correctional institution shall select one of the following places of residence for the purposes of voting at an election:*

- (a) the person's place of residence before being confined; or*
- (b) the place where the person's family resides.*

Deemed residence

(10) *A place of residence selected by a person under this section shall be deemed to be the place in which the person resides for the purposes of this Act.*

Change of residence during general election

(11) *For the purposes of a general election, a person who changes his or her place of residence from one constituency to another after the issue of the writ may vote in the constituency to which he or she moved by registering to vote in that new place in accordance with section 65.*



Exception for by-election

(13) No person is entitled to vote or be a candidate at a by-election unless he or she continues to be resident until election day for the by-election in the same constituency in which he or she was resident on the day the writ was issued.

Seasonal residence

(14) No person shall be deemed to be resident on the day the writ was issued in a home or dwelling that is

- (a) generally occupied by him or her during six months of the year or less, and
- (b) generally remains unoccupied by him or her for the balance of the year, unless, at a general election, the person has no residence in any other place.

2. Candidates' Disqualifications

The list of disqualifications for candidates in subsection 11(2) requires a housekeeping change. In paragraph 11(2)(f), there is a reference to not being resident in Nunavut. Since residence in Nunavut is already a requirement for being a voter and because being qualified as a voter is a requirement for being a candidate, this paragraph is redundant. Removing it will not change the qualifications for being a candidate, but will remove an additional and potentially confusing redundancy.

To ensure compliance with the *Act*, an additional disqualification should be added to the list of disqualifications for being a candidate. Currently, any person who does not comply with a compliance agreement is entitled to run as a candidate. This potential loophole should be fixed by adding that a person who does not comply with a signed compliance agreement is disqualified from being a candidate for a period of five years. This would supplement the current disqualification for conviction of an offence in subsection 11(2.1).

Proposed New Wording:

Ineligible candidates – non-compliance

(2.2) A person is not eligible to be a candidate if, on the day the person files his or her declaration of candidacy,

- (a) the person signed a compliance agreement in respect of a previous election;
- (b) the person did not comply with the compliance agreement; and
- (c) the period of time between the date of non-compliance, as determined by the Integrity Commissioner, and election day is five years or less.



3. Protection from Ineligible Candidates

The 2008 general election required Elections Nunavut to deal with two cases of persons who wished to be candidates despite being ineligible. In the first case, the person was identified before his declaration of candidacy was filed. In the second case, the person's ineligibility was only identified afterwards. In the first case, the person never got on the ballot and in the second case, the person's name had to be removed from the ballot. Because the procedures in these two cases were different, the Elections Nunavut has considered whether the two procedures should be changed to deal with ineligible candidates.

It should be noted at the beginning, that these procedures did succeed in their purpose. Although there were costs involved, both ineligible candidates were prevented from running for office. Therefore the questions to be asked are:

1. Should Elections Nunavut screen and "police" all potential candidates?
2. Can improvements be made to section 75.1?
3. Should a change be made to the different procedure when an ineligible person is caught only after the declaration of candidacy is filed?

In jurisdictions where party politics operate, the political party performs the function of ensuring that the candidates it endorses are eligible. The political vetting process means that most jurisdictions do not have any special process to deal with ineligible candidates, except in municipal elections where political parties are not common. For example, the Ontario Municipal Elections Act, 1996, provides that the Clerk shall reject a nomination, if not satisfied that a person is qualified to be nominated or that the nomination complies with this Act. The only procedure for dealing with an ineligible candidate common to all jurisdictions, including Nunavut, is the procedure for contesting or voiding an election.

Should Elections Nunavut screen each person who wants to become a candidate? Currently, in addition to the obvious role that candidates play in commenting on the qualifications of their opponents during the election process, Elections Nunavut does have a limited screening function. The *Nunavut Elections Act* provides that the returning officer has some authority to reject a declaration of candidacy but must refer difficult cases to the Chief Electoral Officer. The Chief Electoral Officer makes a decision after considering any submissions from the potential candidate. The candidate then has the right to appeal the decision to the Nunavut Court of Justice. The election is cancelled if an appeal is taken.



Elections Nunavut does not investigate the eligibility of each potential candidate. For the most part, Elections Nunavut assumes that Nunavummiut will conduct themselves in good faith and is under the statutory obligation to minimize barriers to candidacy. The system also requires the sworn declaration of the potential candidate. A false declaration is a criminal offence punishable by up to 14 years in prison. Running as an ineligible candidate is also an offence under the *Act*. Intentional violation of the rules should be rare. Unintentional violation or careless disregard of the requirements is more likely. Unfortunately, these cases will be hard for Elections Nunavut to investigate. This is especially true in regards to residence. Only by personal interviews and complex evidentiary investigation is it possible to determine whether a person is correctly claiming residence in Nunavut. For example, a person living with his or her parents would have no documentary evidence of residence at that place and Elections Nunavut would require an interview with the parents to determine the facts. In another example, persons boarding or staying with another person would not be able to produce any documentation to prove place of residence. There is also the risk of discrimination against female spouses living in housing corporation accommodation that is rented under their spouse's name or employees living in accommodation owned by their employer.

For Elections Nunavut to police all potential candidates to determine their eligibility would require enormous resources of time, money and personnel. It would also add a week to the election period to check the accuracy of declarations. The task is simply too time consuming and complex to be practical.

Should changes be made to the process in section 75.1? It is recommended that the section be amended to make three changes. The first is to change the procedure from an appeal to judicial review. The Court would review the decision and not hear fresh evidence. The second change is to extend the times to file the application with the Court and for the Court to consider the application. The Nunavut Court of Justice commented on the shortness of time provided by the current *Act*. Therefore it is recommended that the time be extended. The third change is to give the judge hearing the case the power to order the election cancelled if the application is justified. The cancellation should not be automatic on the filing of an application to the Court. The recent case provided an example of how an unsuccessful application caused a long delay to the election of a Member of the Legislative Assembly and the loss of that Member's chance to participate in the selection of the Government Leader and the Executive Council. The current automatic cancellation could also be abused by an ineligible candidate who could delay the election sufficiently to become eligible.



If a person is not caught before the declaration is filed, the person will be investigated by the RCMP for the offence and is subject to prosecution. The Chief Electoral Officer will order the person to cease campaigning if the RCMP investigation provides evidence of ineligibility. There is no appeal from the order.

Section 191 was used for the first time to deal with a person who filed a declaration of candidacy without being eligible to be a candidate or to vote. The procedure set out in the *Act* allows the Chief Electoral Officer to issue an order for a person to stop activity that appears to be in contravention of the *Act*. A hearing process is provided to ensure fairness. The provision worked to stop the person from campaigning and being on the ballot. No recommendations for change are being made to section 191.

Proposed New Wording:

Decision of Chief Electoral Officer

75.1 (4) *The Chief Electoral Officer shall, after considering any submissions on behalf of the prospective candidate and no later than 2 days after the close of candidacy, make a decision on whether the person is ineligible and his or her candidacy is to be rejected.*

(5) *The Chief Electoral Officer shall prepare the ballots on the basis of his or her decision under subsection (4).*

Review of Chief Electoral Officer's decision

(6) *Despite section 216, the person whose candidacy was rejected may, by originating notice within 7 days after being notified of the decision, apply to the court for a review of the decision under subsection (4).*

Hearing

(7) *A judge shall decide any application for review under subsection (6) as soon as possible.*

Practice and procedure

(8) *Subject to this Act, the Rules of the Nunavut Court of Justice and the practice and procedure of the court apply to the application with such modifications as the circumstances require.*

Cancellation of election

(9) *The judge may order that the Chief Electoral Officer conduct a new election in that constituency if the judge determines that the grounds for review are valid.*



New election

(10) If the judge orders the Chief Electoral Officer to conduct a new election, the Chief Electoral Officer shall

- (a) by order cancel the election and fix a new election day;*
- (b) issue a writ for a new election; and*
- (c) conduct the new election in the usual manner.*

Provisions applicable to cancelled election

(11) The provisions of this Act applicable to an election continue to apply in respect of a cancelled election with such modifications as the circumstances require.

4. Voters Lists

The provisions of the *Act* relating to voters lists should be updated to reflect the current practice of continuously registering voters. In former days, enumerators would collect names of voters for the preliminary voters list and the *Act* provided a fixed time during an election for corrections to the list. Current practice is to continuously update the accuracy of the voters list, both before and during the election period. As a result, it no longer makes sense to have a closed period for revisions.

It is therefore recommended that the provisions of the *Act* dealing with the revision period and the statement of revisions be removed and a process for continuous revision be added. Candidates would still be provided with an up to date voters list for use at the poll. These changes will affect sections 57 - 64, 65 and 67. Section 65, which allows voter registration only on election day, should be changed to include any day allowed for voting, not just election day.

Proposed New Wording:

Changes to Preliminary Voters List

Objections to voters list

57. A returning officer shall, immediately upon issue of the writ, give public notice of

- (a) the name of the returning officer;*
- (b) the place where voters can visit the returning officer;*
- (c) the manner of making objections to the preliminary voters list; and*
- (d) the dates, times and place for the determination of objections to the list.*



Duty of returning officer

58. (1) A returning officer shall, during the election period, continuously revise the preliminary voters list for the constituency by

- (a) recording voters who were omitted from the list;
- (b) correcting voter information in the list; and
- (c) striking the names of persons who should not be on the list.

Additions to voters list

(2) A returning officer shall add a voter to the voters list, or correct the information on the preliminary voters list, where

- (a) a proper registration card for the voter is received by the returning officer; or
- (b) the voter applies in person to the returning officer, provides identification and establishes that he or she should be included on the list.

Striking from the list

(3) A returning officer shall strike a voter from the voters list where

- (a) the person desires his or her name to be struck from the list;
- (b) it is established to the satisfaction of the returning officer that the voter is not eligible to vote or has died; or
- (c) it is established to the satisfaction of the returning officer that the name of the person appears more than once on the list.

Change in residence in a general election

(4) In the case of a general election, where a person changes his or her place of residence from one constituency to another constituency after the issue of the writ, and is otherwise qualified as a voter, that person may register as a voter for the new place of residence in accordance with section 65 and is entitled to have his or her name included in the voters list for the appropriate constituency and to vote there.

Objection to Preliminary Voters List

Objection to preliminary voters list

59. (1) Any individual may object to the inclusion of a person on a preliminary voters list because that person does not have the right to vote in that constituency.

Deadline

(2) An objection must be made in writing to the Chief Electoral Officer no later than noon on the 28th day before election day.



Objection

- (3) *An individual who wishes to make an objection to a preliminary voters list shall*
- (a) *establish his or her identity and give his or her postal address and phone number; and*
 - (b) *state the name of the person being objected to and the reasons for the objection.*

Burden of proof

(4) *Any individual objecting to the inclusion of a person on a preliminary voters list has the burden of proving that the name of the person should be struck from the list.*

Notice to person

60. (1) *Where an apparently valid objection to the inclusion or exclusion of the name of a person on a voters list has been made on the basis of the person's eligibility to vote, the Chief Electoral Officer shall, by the most expeditious means available and no later than the 28th day before election day, take all reasonable steps to notify that person of the objection, the reasons for the objection and the evidence necessary to override the objection.*

Determination of objections

- (2) *The Chief Electoral Officer shall, no later than the 25th day before election day,*
- (a) *consider any objection and any response made to the objection;*
 - (b) *make whatever investigation the Chief Electoral Officer considers necessary;*
 - (c) *determine whether to strike the name of the person from the list; and*
 - (d) *give written notice of the determination to the person making the objection and the person who was subject to the objection.*

Revision of list

(3) *The returning officer shall revise the preliminary list of voters in accordance with the decision of the Chief Electoral Officer.*

General power

61. *The Chief Electoral Officer may revise the preliminary voters list in any case where the Chief Electoral Officer is satisfied that it is necessary to remove duplicate names or correct inaccurate information.*



62. Repealed.

Sending Voters List to Candidates

Distribution of voters list

63. (1) *No later than the 20th day before election day, the Chief Electoral Officer shall send a copy of the most accurate voters list for each constituency to each returning officer, who in turn shall send a copy to each candidate in the constituency.*

Form of voters list

(3) *The voters list sent under this section shall be in the approved written or electronic form.*

64. Repealed.

Registration at Place of Voting

Right to register to vote

65. (1) *Any voter who is not on a voters list may register to vote if the voter*

- (a) attends a central polling place, a polling station or other place for voting;*
- (b) completes an application in the prescribed or approved form;*
- (c) establishes his or her identity and place of residence which entitles him or her to vote there; and*
- (d) signs a declaration in the prescribed or approved form of the voter's right to vote.*

Registering voters

(2) *The returning officer or an election official designated by the returning officer is responsible for registering voters who are not on the voters list and who are qualified to vote.*

Duty of deputy returning officers

(3) *Where a voter asks to be registered in accordance with this section, the deputy returning officer, or other election officer designated for this purpose, shall*

- (a) enter the voter in the polling record, if he or she is not on the list but is entitled to vote at the polling station;*
- (b) issue an application to vote, in the prescribed form, to the voter;*
- (c) ensure that the number of the application to vote is recorded opposite the name of the voter when the voter casts the ballot; and*
- (d) send the attached copies of the application in accordance with the distribution requirements of the form.*



Final Voters List

Preparation of final voters list

66. (1) *The Chief Electoral Officer shall, as soon as possible after election day, prepare a final voters list for each constituency by adding the information on voters who registered in accordance with section 65.*

Certified number of registered voters

(2) *After each election, the Chief Electoral Officer shall, on the basis of the final voters list, certify the number of registered voters for the constituency and notify the returning officer.*

Distribution to members

(3) *After the election, the Chief Electoral Officer shall send a copy of the final voters list for each constituency to the member elected for the constituency.*

Administrative Matters

Public Access

67. (1) *Subject to subsection (2), a returning officer shall keep available in the returning officer's office a copy of the voters list and shall permit any person to inspect it during office hours during the election period.*

Protection of voter information

(2) *The Chief Electoral Officer may issue directions that the address of voters or other information about voters on a voters list be removed or obscured to protect their privacy or security.*

5. Special Ballots

Voters who are away from their place of residence can vote by special ballot. However, the current *Act* requires that the special ballot be received by Elections Nunavut by 5:00 pm on the Friday before election day. It is recommended that the deadline be moved to 5:00 pm on election day in order to allow more time for voters to submit their special ballot. This will give a greater opportunity for Nunavummiut to vote.



Proposed New Wording:

Deadline

101. (3) *A voter is solely responsible for ensuring that the voter's special ballot is received by the returning officer, or the Chief Electoral Officer if the voter is not in the community where the office of the returning officer is located, as the case may be, prior to 5 p.m. on election day.*

6. Transfer Certificates

In keeping with the desire to simplify voter registration and to accommodate voters who move constituencies during the election period, it is recommended that the requirement for a transfer certificate be deleted. A voter who moves after the writ is issued would simply register to vote in his or her new constituency.

Proposed New Wording:

Changes in residence

58. (4) *Where in a general election a person during the period between the day the writ is issued and end of the revision period changes his or her place of residence from one constituency to another constituency, and is otherwise qualified as a voter, that person may register as a voter for the new place of residence in accordance with section 65 and is entitled to have his or her name included in the voters list for the appropriate constituency and to vote there.*

7. Ballot Rejection

Recent experience in judicial recounts has indicated that ballots are accepted even if they have writing that might identify a voter. In order to protect the secrecy of the vote and to protect against potential undue influence on voters, it is recommended that a ballot should be rejected if there is any writing or drawing on a ballot, except for special ballot. In addition, it is recommended that two methods of marking a ballot should be allowed, namely only an "X" or a checkmark.

The Act also provides that a ballot that was inadvertently not initialled by a deputy returning officer may be fixed by the deputy returning officer. However, the *Act* should also provide that the lack of an initial does not invalidate an otherwise valid ballot. This amendment would be made to subsection 131(6).



Proposed New Wording:

Marking a ballot

112. (2) *The proper way to mark a ballot is to make a cross or checkmark in the circular space on the ballot adjacent to the candidate's name, using the pencil provided or any other pen or pencil.*

Rejection of ballots

131. (5) *When counting the ballots, the deputy returning officer shall reject any ballot that was*

- (a) not supplied by the Chief Electoral Officer;*
- (b) not marked in favour of a candidate;*
- (c) not marked with only a cross or checkmark;*
- (d) marked in favour of a person who is not a candidate;*
- (e) marked for more than one candidate;*
- (f) marked in a place other than the circular space provided; or*
- (g) marked in a way that might identify the voter.*

Minor problems

131. (6) *No ballot shall be rejected pursuant to subsection (1) for the sole reason that the deputy returning officer*

- (a) placed a note, number or mark on the ballot;*
- (b) did not remove the counterfoil when the voter voted; or*
- (c) did not initial the ballot.*

8. Voiding an Election

The difficulty in Iqaluit Centre in respect of the ineligibility of a candidate caused Elections Nunavut to consider the process for voiding an election. A potential weakness in the wording of subsection 154(2) was identified. The provision does not reflect the specific wording of the judge's determination under section 160.

In addition, the current wording of subsection 154(2) and section 160 provide that guilt of an election offence is a ground for voiding an election. However, the procedure should not require a conviction. It should be open to a voter to prove in the application to void an election that a person did not comply with the *Act*. Otherwise, an application to void an election would be subject to the prosecution process, which might not be commenced for other reasons or might be delayed or stayed.



Proposed New Wording:

Grounds of application

154. (2) *The application may be made on the grounds set out in paragraphs 160(1)(a) to d).*

Declaration that election of candidate void

160. (1) *The judge may declare that an election is void where the judge determines that*

- (a) the elected person has not complied with this Act;*
- (b) another person has not complied with this Act and that non-compliance affected the result of the election;*
- (c) the elected person has become disqualified; or*
- (d) an act or omission of an election officer affected the result of the election.*

9. Compliance Agreements

A review of the procedure for compliance agreements with the Integrity Commissioner has indicated a number of improvements that could be made to the process.

It should be clear that the agreement may provide for any of the possibilities set out in subsection 230(1). It would be useful to publish any offer of a compliance agreement in the newspaper. It can also be posted administratively on the website of Elections Nunavut. Finally, it is recommended that amendments be made to the *Act* to provide for publishing this information and providing copies of the notice of compliance or non-compliance to Elections Nunavut.

Proposed New Wording:

Nature of agreement

230. (1) *A compliance agreement is an agreement whereby a person who is alleged to have committed an offence agrees, in exchange for the stay of any prosecution in respect of the offence, to any or all of the following:*

- (a) pay a sum of money, including restitution and damages, to one or more specified recipients;*
- (b) make an apology, including both public and private apologies;*
- (c) seek atonement in accordance with traditional Inuit practice;*
- (d) perform community service;*
- (e) do or refrain from doing any action agreed upon.*

231. (10) *The Integrity Commissioner shall publish, in the manner and form that he or she considers appropriate, a notice that sets out*



- (a) the name of any person who has been offered a compliance agreement; and
- (b) the act or omission in question.

Notice of compliance

232. (1) *If the Integrity Commissioner is of the opinion that the compliance agreement has been complied with, the Integrity Commissioner shall send a notice to that effect to*

- (a) *the person who signed it;*
- (b) *the Chief Electoral Officer;*
- (c) *the police; and*
- (d) *the prosecutor.*

Notice of non-compliance

(2) *If the Integrity Commissioner is of the opinion that a person has not complied with a compliance agreement, the Integrity Commissioner shall send a notice to that effect and that proceedings may be instituted or resumed in respect of the original act or omission to*

- (a) *the person who signed it;*
- (b) *the Chief Electoral Officer;*
- (c) *the police; and*
- (d) *the prosecutor.*

Publication of compliance or non-compliance

(3) *After determining whether a person did or did not comply with a compliance agreement, the Integrity Commissioner shall publish, in the manner and form that he or she considers appropriate, a notice that sets out*

- (a) *the name of any person who signed a compliance agreement;*
- (b) *the act or omission in question;*
- (c) *a summary of the compliance agreement; and*
- (d) *whether or not, in the opinion of the Integrity Commissioner, the person has complied with the compliance agreement.*

10. Enforcement

Additional changes to the enforcement process are also recommended. The ticketing procedure under the *Summary Convictions Procedure Act* should be available for simple offences under the *Nunavut Elections Act*. This would simplify the prosecution process, which currently requires the setting of a date for a trial. Ticketing would allow an offender the option of entering a guilty plea and paying a fine, thus avoiding the expense and delay of a trial. An amendment would be required to the *Summary Convictions*



Procedure Regulations to allow ticketing for election offences specified in that regulation.

A further amendment is recommended to the enforcement process. The current 180 day limitation period should be extended to one year to allow more time for the RCMP to investigate potential offences and for the negotiation of compliance agreements.

Finally, it is recommended that a review of offences under the *Act* be conducted to determine whether some offence may be subject to strict liability. Being a strict liability offence removes the requirement for prosecutor to prove that the alleged offender knowingly committed the offence. Instead it would only be necessary to prove that the person actually committed it, without proving the person's state of mind. For example, in the offence of running as a candidate without being qualified, it would only be necessary to prove that the person was indeed not qualified. An alleged offender would still be able to use the defence of due diligence, if he or she took reasonable steps to avoid committing the offensive act.

Proposed New Wording:

Limitation period

240. (1) *A prosecution for an offence under this Act, and an action, writ or proceeding for a penalty under this Act,*

- (a) may not be commenced after one year from the day on which the offence was committed or the action, suit or proceeding might first have been brought or taken, whichever is later; and*
- (b) shall, when commenced, be proceeded with and carried on without wilful delay.*

11. Housekeeping Amendments

There are a number of minor amendments necessary to clean up minor issues with the *Act* and one related *Act*.

A few minor typographical errors in the *Act* should be corrected in the following provisions: 76(1), 131(2)(c) and 231(5)(a).

The Public Service Act (s. 34(11)) allows an employee of the Government of Nunavut to be used as an acting election official when there is no suitable person in the constituency. However, in a constituency with more than one community, a suitable person may not



be available in the community where the election official is needed. It is recommended that the provision be changed to allow an employee of the Government to be used if no suitable person is available in the community.

Proposed New Wording:

Acting election official

34. (11) *An employee may be appointed to serve as an acting election official under the Nunavut Elections Act where no other suitable person is available for that position in the community.*

Other Legislative Projects in Progress

A New Plebiscite Act

As reported in the Chief Electoral Officer's Annual Report for 2007, a new *Plebiscite Act* is currently being drafted to

- modernize the plebiscite process;
- harmonize the plebiscite process with the election process established in the *Nunavut Elections Act*;
- allow local plebiscites as well as Nunavut-wide ones;
- deal with liquor plebiscites, rather than holding them in accordance with the *Local Authorities Elections Act*, as is the current practice;
- provide for e-democracy initiatives in the future;
- adapt the *Act* to Nunavut; and
- use plain language.

This initiative also flows from Recommendation #4 of the Standing Committee Ajauqtiit Review of the Report of the Chief Electoral Officer of Nunavut: Election of the First Legislative Assembly of Nunavut – 1999: A New Beginning.

It is expected that the Bill for this new *Act* will be ready for consultation and enactment later in 2009.



Annual Report April 1, 2008 - March 31, 2009

Report on need for Electoral Boundaries Commission

In January the Chief Electoral Officer reported as per *NEA s.15 (3)* to the Hon. James Arreak that an electoral boundaries commission would be required since the number of voters in the constituencies of Amittuq, Iqaluit East and Rankin Inlet North all vary more than 30% from the average.

Inter-agency participation

In an election year, involvement in inter-jurisdictional and inter-organizational projects is necessarily limited. Elections Nunavut did however participate in the following activities:

CERL – Canadian Elections Resource Library

CERL is a virtual library administered by Elections Manitoba on behalf of all Canadian jurisdictions. In the past year Elections Nunavut submitted 200 documents to the library. The office continued to contribute to discussions and respond to requests for information posted on CERL.

Advisory Committee of Electoral Partners

At a November meeting of Chief Electoral Officers hosted by Elections Canada, the CEO's agreed to pursue a closer collaboration in the development of shared positions on e-voting, recruitment and training, and civic engagement.

Conference of Canadian Election Officials Winter Workshop

This year's February workshop held in Winnipeg focused on campaign finance and enforcement issues.

Projects Planned for 2009-2010

1. Co-ordination of electoral process with other bodies

Elections Nunavut will meet with interested organizations to assess commonalities and interest in collaboration.

2. Administration of Liquor Plebiscites

Elections Nunavut will administer liquor plebiscites planned for both Rankin Inlet and Pangnirtung in October.



3. *Plebiscites Act*

The Chief Electoral Officer will conduct focus groups and survey affected groups for feedback on provisions of the proposed Plebiscites Act. The introduction of the Plebiscites Act is planned for late 2009.

4. *Civics Program*

Elections Nunavut will work with the Department of Education Social Studies Coordinators to plan elections modules for inclusion in the school curriculum.

5. *Training DVD*

Elections Nunavut will start to develop a DVD for effective training of poll workers.

APPENDICES

Appendix A - Voter Turnout

Nunavut General Election 2008

Constituency	Votes Cast	Official Voters List	%	Final Voters List	%
Amittuq	702	1061	66.2	1,101	63.8
Arviat	646	972	66.5	1,009	64
Baker Lake	642	965	66.5	987	65
Cambridge Bay	n/a				
Hudson Bay	338	414	81.6	423	79.9
Iqaluit Centre	576	804	71.6	941	61.2
Iqaluit East	702	958	73.3	1,065	65.9
Iqaluit West	647	712	90.9	842	76.8
Kugluktuk	444	651	68.2	709	62.6
Nanulik	460	533	86.3	573	80.3
Nattilik	667	797	83.6	918	72.7
Pangnirtung	395	721	54.7	633	62.4
Quttiktuq	359	562	63.8	579	62
Rankin Inlet North	n/a				
Rankin South & Whale Cove	539	843	63.9	859	62.7
Tununiq	481	679	70.8	702	68.5
Uqqummiut	541	637	84.9	724	74.7
OVERALL	8,139	11,309	72	12,065	67.5

South Baffin By-Election 2008

Constituency	Votes Cast	Official Voters List	%	Final Voters List	%
South Baffin	512	872	58.7	912	56.1

Akulliq By-Election 2008

Constituency	Votes Cast	Official Voters List	%	Final Voters List	%
Akulliq	467	596	78.4	722	64.7

Akulliq By-Election 2009

Constituency	Votes Cast	Official Voters List	%	Final Voters List	%
Akulliq	521	672	77.5	722	72.1

Appendix B - Female and Male Candidates Nunavut General Elections and By-Elections

Constituency	Election 1999		By-Elections 2000, 2003		Election 2004		By-Election 2006		Election 2008 October 27		By-Elections 2008		By-Election 2009	
	F	M	F	M	F	M	F	M	F	M	F	M	F	M
By gender														
Akulliq	0	2			0	5					1*	3*	1	3
Amittuq	1	4			0	5			1	1				
Arviat	0	2			0	6			1	2				
Baker Lake	0	3			1	3			0	3				
Cambridge Bay	1	3			0	4			0	1				
Hudson Bay	0	2			0	5			0	3				
Iqaluit Centre	1	3			2	4			1	2				
Iqaluit East	1	1			0	3			1	2				
Iqaluit West	0	3			0	2			1	1				
Kugluktuk	1	3			1	2			0	2				
Nanulik	0	5	0	3	1	3			0	3				
Nattiik	0	6			1	6			1	3				
Pangnirtung	1	4			0	2			1	1				
Quttiktuq	3	3	3	5	1	5			0	2				
Rankin Inlet North	0	3			0	1			0	1				
Rankin South /Whale Cove	2	1			1	4			1	1				
South Baffin	0	3			1	2					0	4		
Tununiq	0	5			0	4	1	3	0	3				
Uqqummiut	0	3			0	7			1	2				
Total	11	59	3	8	9	73	1	3	9	30	1	7	1	3
Number elected	1	18	1	1	2	17	0	1	1	16	0	1	0	1

* Judicial recount declared a tie. A new writ was issued and by-election held in 2009.

Appendix C - Adaptations of the *Nunavut Elections Act*

The Chief Electoral Officer issues an instruction when it is necessary to adapt a provision of the *Nunavut Elections Act*.*

Provision Adapted	Description
Section 86	<p>Action: On Election Day the Chief Electoral Officer provided 25 consecutively numbered emergency ballots and specific instructions by fax for both Clyde River and Qikiqtarjuaq polling stations in the constituency of Uqqummiut.</p> <p>Reason: The Returning Officer phoned toward the end of Election Day concerned that the number of voters likely to vote would be larger than the number of ballots available. This situation arose because an inadequate registration was conducted in this constituency resulting in a very high number of voters registering on Election Day. Polling stations in Uqqummiut received a number of ballots equal to 10% more than the number of voters on the preliminary voters list (NEA s.85 (c)). Without this action some voters might have been denied their right to vote.</p>
Section 176	<p>Action: The Chief Electoral Officer instructed the financial agent for a candidate whose name had been removed from the ballot to return the sole contribution that had been made.</p> <p>Reason: There was no longer a campaign for the contribution to be applied to.</p>
Section 56	<p>Action: At the South Baffin by-election the Chief Electoral Officer instructed the Returning Officer not to prepare and send voter information cards to every registered voter in their constituency.</p> <p>Reason: The writ for South Baffin By-election was issued only seven days after the original writ. Voter information cards had been sent immediately after the issue of the writ for the general election.</p>

Section 56

Action: At the December 15, 2008 and March 2, 2009 Akulliq By-elections the Chief Electoral Officer instructed the Returning Officer not to prepare and send voter information cards to every registered voter in their constituency.

Reason: The writs for the Akulliq By-Elections were issued in close proximity to the original writ for the General Election and to each other. Voters had many opportunities to register or change their voter information.

Sections 57-62

Action: At the December 15, 2008 and March 2, 2009 Akulliq By-elections the Chief Electoral Officer instructed the Returning Officer not to hold formal revision proceedings.

Reason: The writs for the Akulliq By-Elections were issued in close proximity to the original writ for the General Election and to each other. Voters had many opportunities to register or change their voter information.

** NEA s.190 (1) The Chief Electoral Officer may adapt any provisions of this Act to achieve the purposes of this Act where it appears to the Chief Electoral Officer during an election period that, because of any mistake, emergency, disaster or unusual or unforeseen circumstance, the Act does not accord with the urgent needs of the situation.*

Appendix D - Complaints to the RCMP

s. 225. (1) Any person who believes that an offence under this Act has been, is being or may be committed may make a complaint to the police.

s. 225. (3) The Chief Electoral Officer may request the police to investigate any situation that might constitute an offence under this Act.

1. Complaint - Candidate Offense

The father of a candidate made a complaint that another candidate was ineligible. After investigation by the RCMP, the person was confirmed to be ineligible, but no charges were laid. Elections Nunavut prevented the person from participating in the election.

2. Complaint - Advertising Offense

A voter made a complaint that a candidate and her financial agent had conducted improper advertising. The RCMP investigated and did not lay a charge.

3. Complaint - Voting Offense

A candidate and her campaign manager complained that some voters may have been ineligible. The RCMP investigated and did not lay a charge.

4. Informal Complaint - Late filing of declaration of candidacy

A voter complained to Elections Nunavut that a declaration of Candidacy was accepted after the deadline by the returning officer. Elections Nunavut found the Declaration was filed on time. No complaint was made to the RCMP.

5. Complaint - Financial Offenses involving Candidates and Financial Agents

The *Nunavut Elections Act* requires candidates and their financial agents to report on money received and spent for the election campaign. On the Declarations of Candidacy, all financial agents sign their names, agreeing that they are aware of and accept the responsibilities of a financial agent.

At this general election and the related by-elections there were 55 candidates and 55 financial agents. The majority of these - young and old, from communities large and communities small - returned their official receipts and filed their declarations and financial return before the end of the post election period.

Before the deadline for submission of the financial returns, Elections Nunavut attempted to contact all of the people who had outstanding returns. But after the various deadlines, 13 candidates and their 13 financial agents had not yet filed. As well six of these had not returned the official tax receipts for which they were responsible.

As required by the *Act*, the CEO reported these matters to the RCMP.

Using his discretion under the *Act*, the Integrity Commissioner has offered 18 persons the opportunity to sign compliance agreements. This group includes the one person who was found to be an illegible candidate. As of the date of this report, nine candidates have signed compliance agreements. However, it is too early to determine any other outcomes from the enforcement process.

There is no further result to report at this time.

Enforcement Results Comparison

Number of Incidents	2008 General Election & Related By-Elections	2004 General Election
Complaints during Election Period	5	2
Late or Non- complaint Financial Information	26	58
Compliance Agreements Offered	19	21
Compliance Agreements Signed	9	11
Compliance Agreements Breached	n/a	6
Prosecutions	n/a	17
Convictions	n/a	1

Notes:

1. Equal numbers of Candidates and Financial Agents Breached Financial Obligations
2. It is still too early to determine the final outcomes of all complaints in the 2008 elections.

Appendix E - Appropriateness of the Tariff of Fees

The tariff of fees for election workers continues to be suitable.

Election officers at the 2008 General Election and recent By-Elections were paid as per the table below.

Position	Payment
Returning Officer	\$10,000 if there is an election in their constituency \$5,000 if a candidate is elected by acclamation
Assistant Returning Officer	\$5,000 if there is an election in their constituency \$2,500 if a candidate is elected by acclamation
Registration Clerk	\$19.52 equal to GN casual pay range 3 for 12 hours worked if a registration clerk works on election day they are assumed to have worked 12 hours. Four of these hours are paid at overtime rate. Nunavut Northern allowance applies.
Supervisory Deputy Returning Officer	\$29.44 equal to GN casual pay range 12 for 12 hours on election day. Four of these hours are paid at overtime rate. Nunavut Northern allowance applies.
Deputy Returning Officer	\$25.02 equal to GN casual pay range 10 for 12 hours on election day. Four of these hours are paid at overtime rate. Nunavut Northern allowance applies.
Poll Clerk	\$19.52 equal to GN casual pay range 3 for 12 hours at the advance vote or on election day. Four of these hours are paid at overtime rate. Nunavut Northern allowance applies.

Appendix F - Budget Report



ᓄᓇᓂᓪᓗ ᓕᓕᓕᓕᓂᓪᓗᓂᓗ
Nunavut Maligaliurvia
Legislative Assembly of Nunavut
Assemblée législative du Nunavut

Office of the Chief Electoral Officer

BUDGET REPORT FOR THE PERIOD ended June 18, 2009

ᓂᓄᓂᓪᓗᓂᓗ ᓂᓄᓂᓪᓗᓂᓗ ᓂᓄᓂᓪᓗᓂᓗ

Amended

Budget year 2008-2009

Summary

	Budget	Spent	Committed	Balance
	ᓂᓄᓂᓪᓗᓂᓗ	ᓂᓄᓂᓪᓗᓂᓗ	ᓂᓄᓂᓪᓗᓂᓗ	ᓂᓄᓂᓪᓗᓂᓗ
Permanant Salaries	365,000.00	398,241.39		(33,241.39)
Casual Wages	50,000.00	195,848.36		(145,848.36)
	415,000.00	594,089.75		(179,089.75)
Nunavut Elections				
Travel	165,000.00	107,317.37		57,682.63
Materials & Supplies	165,000.00	133,961.80		31,038.20
Purchased Services	250,000.00	316,699.10		(66,699.10)
Utilities (Building Related)	-	-		-
Contract Services	345,000.00	546,543.53		(201,543.53)
Fees and Payments	365,000.00	9,177.65		355,822.35
Other Expenses	-	50,286.37		(50,286.37)
Tangible Assets	10,000.00	-		10,000.00
Computer hardware & Software	-	20,936.92		(20,936.92)
	1,300,000.00	1,184,922.74		115,077.26
Nunavut By-Elections				
Casual Wages		24,132.50		(24,132.50)
Travel		-		-
Materials & Supplies		1,130.00		(1,130.00)
Purchased Services		1,562.85		(1,562.85)
Contract Services		27,600.00		(27,600.00)
Fees & Payments		-		-
Tangible Assets		-		-
Computer Hardware & Software		-		-
		54,425.35		(54,425.35)
Plebiscites				
Travel	-	-		-
Materials & Supplies	-	-		-
Purchased Services	-	749.02		(749.02)
Contract Services	-	599.00		(599.00)
Fees & Payments	-	-		-
		1,348.02		(1,348.02)
Total	1,715,000.00	1,834,785.86	-	(119,785.86)

