

ELECTIONS NUNAVUT

2009 - 2010 Annual Report of the Chief Electoral Officer



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March 31, 2010

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

Dear Mr. Arreak:

I am submitting to you today as required by the *Nunavut Elections Act*, the record of the activities of my office for the past eight months, *Elections Nunavut - 2009 Annual Report of the Chief Electoral Officer*. By-elections held early in 2009, being closely related to the 2008 General Election were described in my report on that election.

I will be pleased to discuss the content of this report at your request.

Sincerely yours,

Sandy Kusugak
Chief Electoral Officer

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Foreword

The Chief Electoral Officer's 2009 Annual Report concerns the period from April 1 to December 31 2009 only. The Akul-liq By-Election, essentially part of the 2008 Nunavut Election was covered in detail in my previous report.

The activities of the 8-month period described here focused on: processing campaign financial returns required by the general election and related by-elections, review and improvement of election processes, change of staff assignments and development of skills, contribution to pan-Canadian endeavours, and work on draft plebiscites legislation.

In addition Elections Nunavut administered two liquor plebiscites on behalf of the Department of Finance, Liquor Management.



Administrative Activities April 1- December 31

Post-Election Period

The reporting period was dominated by processing campaign financial returns and critically reviewing all administrative processes from the 2008 general election.

Campaign Financial Returns

Akulliq By-Election. Throughout the post-election period Elections Nunavut provided assistance to financial agents and candidates from the March 2009 Akulliq By-Election.

2008 General Election Delinquent Returns. A number of candidates and financial agents failed to submit campaign financial returns within 60 days of the 2008 General Election (and related by-elections) constituting an offence under the *Nunavut Elections Act*. In addition to forfeiting the \$200 candidate deposit, these individuals are disqualified from being a candidate at the next election and may face prosecution. As a condition of the compliance agreement offered by the Integrity Commissioner in lieu of prosecution the former candidates and financial agents were required to submit complete financial returns. Monitoring these returns consumed a great deal of staff time.

Administrative Review

Documents: One year after an election the Chief Electoral Officer may examine the contents of the ballot boxes, retaining for archival purposes only signed documents. Such a review shows clearly the procedures that worked well and those that didn't, which guides and forms were well understood and which need to be amended. Elections Nunavut conducted this review in November and December and will be amending processes as a result.

RENU: The Register for Elections Nunavut (RENU) is an electronic voters list, updated by Elections Nunavut as information is provided to us by Returning Officers and other sources. Elections Nunavut updated voter registrations at the October municipal election in Iqaluit, and liquor plebiscites in Pangnirtung and Rankin Inlet.



RENU is an offshoot of a system originated by Elections Alberta. Variations of this system are used by Elections Saskatchewan and Elections NWT. In addition to maintaining addresses and voter data, Alberta and Saskatchewan have increased the functionality of the system to track other administrative functions. Elections Nunavut will benefit from their experience to improve administrative effectiveness.

Elections Nunavut will work with the developers and users of RENU to include in our system the capacity to process electoral worker data and track campaign financial returns to reduce redundant activity.

Human Resources

Staffing

Departure of one term employee and absence due to serious illness of another as well as grave illness in their immediate family strained the resources of our small staff during for this reporting period.

Training

Elections Nunavut employees participated in two training events: a video production course offered by the Kivalliq Inuit Association and a workshop for trainers given by Elections Canada. Staff also attended an Adobe Dreamweaver course, providing them with skills needed to update our website further increasing the capacity of our organization.

Staff who took the video course produced a video about liquor plebiscites as their course project and were later able to create a video to explain the October Rankin Inlet liquor plebiscite to voters. The video was uploaded to the Elections Nunavut website for the pre-vote period. We will make further use of the knowledge gained at this course as we create training videos for election workers in the lead-up to the next general election.

Nunavut Electoral Boundaries Commission

In January 2009 pursuant to the *Nunavut Elections Act*, the Chief Electoral Officer reported to the Speaker that a Boundaries Commission would be required as the voter count in three constituencies: Amittuq, Iqaluit East and Rankin Inlet North varied more than 30% from the average.

The Chief Electoral Officer is required to provide maps, mapping services and data to a Boundaries Commission. In anticipation of the appointment of the Commission in the near future, Elections Nunavut has been updating maps and community and constituency data.



Management and Services Board

At the request of Management and Services Board, Elections Nunavut prepared options papers for full caucus related to status of outstanding recommendations of the Ajautiit Committee (2001) of First Legislative Assembly of Nunavut and a detailed briefing on the draft *Plebiscites Act*.



Electoral Activities April 1- December 31

Municipal Elections

Elections Nunavut provided election officers for the municipal election in Rankin Inlet. This gave Elections Nunavut staff valuable understanding of the requirements of the *Local Authorities Elections Act*.

Liquor Plebiscites

In October, Elections Nunavut administered liquor plebiscites in Pangnirtung and Rankin Inlet on behalf of the Department of Finance.

Pangnirtung: The consumption and importation of alcohol has been prohibited in Pangnirtung since 1990. Recently some Pangnirtung voters seeking to end prohibition in their community submitted a petition to the Minister of Finance. If endorsed by at least 60% 'Yes' votes an elected Alcohol Education Committee empowered to review and approve liquor orders would have been created. The question was not approved.

Result

Eligible voters	633	Voter turnout	536	85%
Yes votes	159	30% of total votes		
No votes	375	70% of total votes		
Rejected ballots	2			

Rankin Inlet: Voters in Rankin Inlet were asked two questions:

1. Are you in favour of removing the legal restrictions on the sale of beer in Rankin Inlet as set out in the Rankin Inlet Liquor Regulations R.R.N.W.T 1990, c.L-44?

2. Are you in favour of the Liquor Licensing Board issuing dining room licenses?

Results

Eligible voters	1353	Voter turnout	418	31%	
Question 1		Question 2			
Yes votes	217	52%	Yes votes	220	53%
No votes	197	48%	No votes	195	47%
Rejected	4		Rejected	2	



Neither result met the 60% threshold required for change.

Despite the best efforts of Liquor Management to clarify the questions by means of posters, brochures, public meetings and a meeting with the Rankin Inlet Hamlet Council, many voters stated that they did not clearly understand the implications of a 'Yes' vote on the question related to the purchase and sale of beer.



Co-ordination with Other Electoral Agencies

Conference of Canadian Election Officials: The CCEO is an association of chief electoral officers and their designates. This association meets as a body once a year and sponsors an annual workshop on a topic agreed upon at the annual meeting. As well the CCEO has struck committees on several topics of immediate or ongoing interest to its members.

2009 was an active year for CCEO as Nova Scotia was the only jurisdiction to have a general election. In the past year the Elections Nunavut participated in the following committees: Geography Committee, Recruitment Committee, Committee on the Independence of the Chief Electoral Officer, E-Voting Committee and the Technology Committee.

Advisory Committee of Electoral Partners: The Chief Electoral Officer represents Nunavut at annual ACEP meetings. The Federation of Canadian Municipalities, Canadian Council of Motor Transport Administrators and Vital Statistics Council of Canada are represented at this meeting in addition to the federal, provincial/territorial CEOs as the agenda relates primarily to the creation and maintenance of voters' lists.

CERL or the Canadian Electronic Resource Library is a repository of electoral documents and a discussion forum to which all electoral offices contribute. The information provided by members is of great assistance to all offices. CERL is maintained by Elections Manitoba with financial contributions from all jurisdictions.

Planned Activities for 2010

Elections Nunavut will provide support for the anticipated Nunavut Electoral Boundaries Commission as it fulfills its mandate.

The *Plebiscites Act* is expected to be introduced in the fall sitting. On enactment Elections Nunavut will develop administrative processes needed to support the Act.



Recommendations to Improve the *Nunavut Elections Act*

Elections Nunavut will await the decision of the Assembly on the Recommendations contained in the CEO's 2008-2009 Election Report, before making further recommendations.

Legislation Under Development

Plebiscites Act

In October 2007, Management and Services Board reviewed a progress report on a new *Plebiscites Act* and authorized Elections Nunavut to continue development. Work on the *Act* was halted during the administration of 2008 general election period and attendant by-elections.

In late August the CEO attended the annual general meeting of the Nunavut Association of Municipalities to consult with the delegates regarding new features of the draft legislation.

In November 2009, Management Services Board reviewed further progress and referred the draft legislation to a meeting of full caucus in early 2010.



Matter for the Speaker's Attention

Lack of Civic Addressing

Previous reports by the Chief Electoral Officer have supported the development of a standardized civic addressing system for Nunavut. This report reiterates that support.

Sectors Impacted by Lack of Civic Addressing

Elections Nunavut: The creation and maintenance of an effective voters list depends in large part on being able to determine the physical location of a voter's residence. It is expected that a Nunavut Electoral Boundaries Commission will be appointed in the near future. If the Commission determines that a growing constituency should be divided standardized addressing will be necessary to assign voters correctly and to clearly describe the constituency in layman's terms.

As well the NEA requires voters to provide identification evidence with their civic address when registering to vote or when changing their address information if the election officer cannot personally confirm the information.

Emergency and other services: For emergency services, being able to locate a building quickly can make the difference between a life being saved or lost. For non-emergency services accurate civic addressing can mean faster more accurate service delivery.

- RCMP
- Fire
- Ambulance
- Home Care
- Qulliq Energy Corporation
- Northwestel
- Insurance agencies
- Municipal services
- Fuel delivery
- delivery companies

Agencies requiring identification with civic address:

- Motor Vehicle licensing
- Elections Canada (for every voter)

Appendix - Complaints to the RCMP

Nunavut Elections Act

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.

At the time of the 2008 Annual Report, it was not possible to give a complete report on the results of the enforcement process, since one investigation and the compliance agreement process were still in progress at the time of that Report. Since that time, the Integrity Commissioner continued to offer, negotiate and monitor compliance agreements with persons who violated the financial reporting rules under the Act. That process is now complete. However, the results of the RCMP investigation into one complaint regarding ineligible voters was still pending as of December 31, 2009.

Enforcement Results Comparison		
Number of Incidents	General Election 2008 & Related By-elections	General Election 2004
Complaints during Election Period	5	2
Late or Non-compliant Financial Information	24	58
Compliance Agreements Offered	23	21
Compliance Agreements Signed	20	11
Compliance Agreements Breached	4	6
Prosecutions	0	17
Convictions	0	1

Notes:

1. Equal numbers of Candidates and Financial Agents Breached Financial Obligations
2. Data as accurate as possible as of December 31, 2009.
3. The numbers of compliance agreements complied with or breached is based on information from the Integrity Commissioner, but Election Nunavut cannot confirm the accuracy of those numbers.

**Status Report on Enforcement of 2008 Nunavut General Election and related By-elections
as of May 18, 2010**

Candidate (C), Financial Agent (FA) or Other Person	Constituency	Nature of Complaint or Alleged Offence	Investigation	Integrity Commissioner Action	Court Action
Josie Okalik Eegeesiak (C)	Iqaluit Centre	Ineligible Candidate	RCMP Investigation – No charge	Compliance Agreement Signed & Complied	N/A
Elisapee Sheutiapik (C)	Iqaluit West	Improper Campaign material	RCMP Investigation - no actionable offence found	No Action	N/A
Victor Tootoo (FA)	Iqaluit West	Improper Campaign material	RCMP Investigation - no actionable offence found	No Action	N/A
Persons not specified in the complaint	Iqaluit West	Ineligible voters	RCMP investigation – No charge	No Action	N/A
Joanna Hauuli Quassa (C)	Amittuq	Financial Return not filed & receipt book not returned	Under RCMP investigation	Compliance Agreement Signed & Complied	N/A
Celestino Uyarak (FA)	Amittuq	Financial Return not filed & receipt book not returned	Under RCMP investigation	Compliance Agreement Signed & Complied	N/A
Sheila Napayok (C)	Arviat	Financial Return not filed & receipt book not returned	Under RCMP investigation	Compliance Agreement Signed & Complied	N/A
Royden Aggark (FA)	Arviat	Financial Return not filed & receipt book not returned	Under RCMP investigation	Compliance Agreement Offered but Refused	No
Elijah Amarook (C)	Baker Lake	Financial Return not filed & receipt book not returned	Under RCMP investigation	Compliance Agreement Signed & Complied	N/A
Uriah Amaruq (FA)	Baker Lake	Financial Return not filed & receipt book not returned	Under RCMP investigation	Compliance Agreement Signed & NOT Complied	None
Johnny Manning (C)	Hudson Bay	Financial Return filed late	Under RCMP investigation	Compliance Agreement Signed & Complied	N/A
Peter Kattuk (FA)	Hudson Bay	Financial Return	Under RCMP investigation	No action	None

Candidates are indicated by (C) and Financial Agents are indicated by (FA) in the left-hand column above. In addition to any requirement of the court or compliance agreement, they are not eligible to be candidates in the next Nunavut general election (*NEA. s.11(2)(g)*) and Candidates are not eligible to have the \$200 candidate's deposit returned to them (*NEA s.185.(1)(a)*).

**Status Report on Enforcement of 2008 Nunavut General Election and related By-elections
as of May 18, 2010**

Candidate (C), Financial Agent (FA) or Other Person	Constituency	Nature of Complaint or Alleged Offence	Investigation	Integrity Commissioner Action	Court Action
		filed late			
Joe Sageatook (C)	Iqaluit Centre	Financial Return not filed & receipt book not returned	Under RCMP investigation	Compliance Agreement Signed and NOT Complied	None
Napatchie McRae (FA)	Iqaluit Centre	Financial Return not filed & receipt book not returned	Under RCMP investigation	Compliance Agreement Signed & Complied	N/A
Kakki Peter (C)	Iqaluit East	Financial Return not filed & receipt book not returned	Under RCMP investigation	Compliance Agreement Signed & Complied	N/A
Jacopoosie Peter (FA)	Iqaluit East	Financial Return not filed & receipt book not returned	Under RCMP investigation	Compliance Agreement Offered but Refused	None
Donald Haviyoyak (C)	Kugluktuk	Financial Return filed late	Under RCMP investigation	Compliance Agreement Signed & Complied	N/A
Joanne Klengenber (FA)	Kugluktuk	Financial Return filed late	Under RCMP investigation	Compliance Agreement Offered ?	
Harry Tootoo (C)	Nanulik	Financial Return not filed & receipt book not returned	Under RCMP investigation	Compliance Agreement Signed & Complied	N/A
Mike Patterk (FA)	Nanulik	Financial Return not filed & receipt book not returned	Under RCMP investigation	Compliance Agreement Offered and Refused	None
Louie Kamookak (C)	Nattilik	Financial Return not filed	Under RCMP investigation	Compliance Agreement Signed & Complied	N/A
Sheila Kamookak (FA)	Nattilik	Financial Return not filed	Under RCMP investigation	No action	N/A
Lavinia Brown (C)	Rankin Inlet South /Whale Cove	Financial Return not filed	Under RCMP investigation	Compliance Agreement Signed & Complied	N/A
Sherry Morey (FA)	Rankin Inlet	Financial Return	Under RCMP investigation	No action	

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**Status Report on Enforcement of 2008 Nunavut General Election and related By-elections
as of May 18, 2010**

Candidate (C), Financial Agent (FA) or Other Person	Constituency	Nature of Complaint or Alleged Offence	Investigation	Integrity Commissioner Action	Court Action
	South /Whale Cove	not filed			
Zeke Ejesiak (C)	South Baffin By-Election	Financial Return not filed & receipt book not returned	Under RCMP investigation	Compliance Agreement Signed but NOT Complied	None
Josie Sharky (FA)	South Baffin By-Election	Financial Return not filed & receipt book not returned	Under RCMP investigation	Compliance Agreement Signed but NOT Complied	None
Adamie Nuna (C)	South Baffin By-Election	Late filing of Declaration of Candidacy	Elections Nunavut determined no offence. No official complaint made to RCMP. No investigation by RCMP.	N/A	N/A
Marius Tungilik (C)	Akulliq By- Election December 2008	Financial Return not filed & receipt book not returned	Under RCMP investigation	Compliance Agreement Signed & Complied	N/A
Marie Kringuk (FA)	Akulliq By- Election December 2008	Financial Return not filed & receipt book not returned	Under RCMP investigation	Compliance Agreement Signed & Complied	N/A
Elisiusi Alakanuark	Akulliq By- Election March 2009	Financial Return not filed & receipt book not returned	?	Compliance Agreement Signed & Complied	N/A
Ovide Alakanuark	Akulliq By- Election March 2009	Financial Return not filed & receipt book not returned	?	Compliance Agreement Signed & Complied	N/A

Candidates are indicated by (C) and Financial Agents are indicated by (FA) in the left-hand column above. In addition to any requirement of the court or compliance agreement, they are not eligible to be candidates in the next Nunavut general election (*NEA. s.11(2)(g)*) and Candidates are not eligible to have the \$200 candidate's deposit returned to them (*NEA s.185.(1)(a)*).



Office of the Chief Electoral Officer

BUDGET REPORT FOR THE PERIOD ended May 27, 2010 Old Year

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Budget year 2009-2010

Summary

	Budget	Spent	Committed	Balance
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Permanent Salaries	375,000.00	368,996.00		6,004.00
Casual Wages	25,000.00	79,361.18	-	(54,361.18)
	400,000.00	448,357.18	-	(48,357.18)
Nunavut Elections				
Travel	80,000.00	54,990.82		25,009.18
Materials & Supplies	50,000.00	23,272.45		26,727.55
Purchased Services	80,000.00	65,810.08		14,189.92
Utilities (Building Related)	-	-		-
Contract Services	150,000.00	166,224.20	-	(16,224.20)
Fees and Payments	40,000.00	5,823.52		34,176.48
Other Expenses	-	25,477.11		(25,477.11)
Tangible Assets	-	2,367.00		(2,367.00)
Computer hardware & Software	-	468.00		(468.00)
	400,000.00	344,433.18	-	55,566.82
Nunavut By-Elections				
Travel	-	9,029.23		(9,029.23)
Materials & Supplies	-	3,093.05		(3,093.05)
Purchased Services	-	8,713.66		(8,713.66)
Contract Services	-	10,000.00		(10,000.00)
Other Expenses	-	287.50		(287.50)
Fees & Payments	-	-		-
Tangible Assets	-	-		-
Computer Hardware & Software	-	-		-
		31,123.44		(30,835.94)
Plebiscites				
Permanent Salaries				
Casual Wages	-	-		-
Travel	-	-		-
Materials & Supplies	-	-		-
Purchased Services	-	-		-
Contract Services	-	-		-
Fees & Payments	-	-		-
Other Expenses	-	-		-
Total	800,000.00	823,913.80	-	7,209.64