

Elections Nunavut - Conflict of Interest Policy

Scope

1. This Policy applies to Elections Nunavut and to the following persons when exercising or performing powers, duties or functions under the *Nunavut Elections Act* or the *Plebiscites Act*:
 - (a) all elections officers;
 - (b) all staff employed by Elections Nunavut; and
 - (c) all contractors working for Elections Nunavut.

2. The Chief Electoral Officer shall inform everyone to whom this Policy applies of its requirements.

Interpretation

3. In this Policy, the following definitions apply:

"Acts" means the *Nunavut Elections Act* and the *Plebiscites Act*;

"child" means a person's natural or adopted child;

"conflict of interest" has the meaning set out in sections 5 and 6;

"election" means an election of a member to the Legislative Assembly;

"election officer" means

- (a) the Chief Electoral Officer,
- (b) the Assistant Chief Electoral Officer,
- (c) any person acting as the Chief Electoral Officer,
- (d) a returning officer,
- (e) an assistant returning officer,
- (f) a supervisory deputy returning officer,
- (g) a deputy returning officer,
- (h) a poll clerk, and
- (i) a registration clerk;

"grandchild" means a person's natural or adopted grandchild;

"interest" includes any personal, professional, legal and financial interest;

"plebiscite" means a plebiscite under the *Plebiscites Act*;

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"related person", in respect of a person, means

- (a) a spouse of the person;
- (b) any former spouse of the person;
- (c) anyone who is living with the person;
- (d) any child or grandchild of the person;
- (e) any child or grandchild of a person referred to in paragraph (a) or (b);
- (f) any parent or grandparent of the person;
- (g) any brother or sister of the person whether by birth or adoption;
- (h) any brother-in-law or sister-in-law of the person whether by birth or adoption;
- (i) any employer of the person;
- (j) any corporation in which the person is officer or director;
- (k) any private corporation in which the person owns or is the beneficial owner of shares;
- (l) any partnership in which the person is a partner; or
- (m) any partnership in which one of the partners is a person referred to in paragraphs (a) to (j).

"spouse" has the same meaning as in the *Family Law Act*, which is a person who

- (a) is married to another person, or
- (b) has lived together in a conjugal relationship outside marriage with another person, if
 - (i) they have so lived for a period of at least two years, or
 - (ii) the relationship is one of some permanence and they are together the natural or adoptive parents of a child.

Duty to Avoid Conflicts of Interest

4. Every person must avoid having or creating a conflict of interest when exercising or performing his or her powers, duties or functions.

Conflicts of Interests

5. A conflict of interest exists when there is a credible risk that the exercise or performance a person's powers, duties or functions, and in particular the person's oath of office and duty of impartiality, would be adversely affected by
 - (a) the person's own interest;
 - (b) the interest of a related person;
 - (c) the person's relationship to a related person.

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6. Subject to sections 7 and 8, a person is deemed to have a conflict of interest whenever the exercise or performance of his or her powers, duties or functions involve the making of a decision in respect of a related person.
7. The deemed conflict of interest rule in subsection 6 does not apply to
 - (a) registration clerks;
 - (b) poll clerks;
 - (c) supervisory deputy returning officers;
 - (d) deputy returning officers.
8. The Chief Electoral Officer may waive the deemed conflict of interest rule in subsection 6 in the case of a person's spouse or former spouse if satisfied that
 - (a) they are living separate and apart;
 - (b) their legal obligations to each other have been legally and finally resolved; and
 - (c) their relationship presents no credible risk of an adverse effect on the exercise or performance a person's powers, duties or functions, and in particular the person's oath of office and duty of impartiality.

Use of Information

9. No person shall knowingly take advantage of, or benefit from, information that is obtained in the course of their duties that is not available to the public.
10. No person shall use information gained during the course of exercising or performing his or her powers, duties or functions to further
 - (a) the person's own interest; or
 - (b) the interest of any related person.
11. Section 9 applies for a period of two years after the person ceases to exercise or perform his or her powers, duties or functions.

Duty of Integrity and Impartiality

12. A person shall act with integrity and impartiality when exercising or performing his or her powers, duties or functions.
13. No person shall
 - (a) assist anyone in their dealings with Elections Nunavut where this would result in preferential treatment;

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- (d) interfere in the dealings of anyone with Elections Nunavut in order to inappropriately influence the outcome; or
 - (e) engage in any outside or political activities that impair or could be seen to impair the ability to exercise or perform his or her powers, duties or functions in an objective or impartial manner.
14. No person shall use, or allow anyone to use, any property of the Legislative Assembly of Nunavut in the care of Elections Nunavut for any unauthorized or improper purpose.
15. No person shall accept any money, fee, gift, hospitality or other benefit that may
- (a) have a real, apparent or potential influence on his or her duty of integrity and impartiality; or
 - (b) place the person under obligation to the donor.
16. Section 15 does not apply to any gift, hospitality or other benefit that
- (a) is infrequent and of minimal value;
 - (b) is within the normal standards of courtesy or protocol;
 - (c) arises out of activities or events related to the official duties of the person; and
 - (d) does not compromise or appear to compromise the integrity of the person or of Elections Nunavut.

Action In Cases of Conflicts of Interest

17. Any person who has, or expects to have, a conflict of interest shall immediately and fully disclose the nature of the conflict to the Chief Electoral Officer.
18. Any person with a conflict of interest shall, in accordance with directions from the Chief Electoral Officer, refrain from exercising or performing his or hers powers, duties or functions in relation to the conflict and ensure that the conflict of interest is resolved in the public interest.
19. The Chief Electoral Officer shall give whatever directions and take whatever measures are necessary to implement section 15, including assigning another person to act in the stead of the person with the conflict for the period of time necessary for the conflict of interest to be avoided.
20. The Chief Electoral Officer shall keep a record of the details of any conflict of interest arising under this Policy.

