



## Notes:

This Manual sets out the process and documents used for enforcing the *Nunavut Elections Act*. It was prepared by Elections Nunavut to help participants in the process.

This Manual may be adapted for use with the *Plebiscites Act*.

Any views expressed in this Manual are not law and are not intended to replace the official text of the relevant legislation.

Please direct any questions or comments about this Manual to

### **Elections Nunavut**



41 Sivulliq Ave.  
Box 39, Rankin Inlet, NU  
Canada, X0C 0G0



800.267.4394 or 645.4610



800.269.1125 or 645.4657



info@elections.nu.ca



www.elections.nu.ca

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<b>Table of Contents .....</b>	<b>3</b>
<b>1. Summary of Enforcement Procedure .....</b>	<b>1</b>
Summary of Process .....	1
Chronology Deadlines for Enforcement .....	2
List of Documents Related to Enforcement of the Nunavut Elections Act.....	3
CEO Documents .....	3
RCMP Documents.....	3
Integrity Commissioner Documents .....	3
<b>2. Media Relations.....</b>	<b>5</b>
Introduction .....	5
Responsibility.....	5
Questions During an Investigation .....	5
Investigation Concluded .....	6
Information that May be Disclosed.....	6
Information that May Not be Disclosed .....	7
Cases Before the Court .....	7
<b>3. Making A Complaint.....</b>	<b>9</b>
Who .....	9
Election Offence.....	9
90 Day Deadline .....	9
How .....	9
Tell the RCMP .....	10
Relevant Sections of the Nunavut Elections Act.....	10
<b>4. RCMP – Beginning an Investigation.....</b>	<b>23</b>
Starting an Investigation .....	23
Acknowledgement of Complaint .....	23
Notice to Integrity Commissioner .....	23
Notices during the Course of Investigations .....	23
Manner of Giving Notices.....	24
Relevant Sections of the Nunavut Elections Act.....	25

<b>5. RCMP – Conducting an Investigation .....</b>	<b>35</b>
Conducting an Investigation.....	35
Relevant Sections of the Nunavut Elections Act.....	36
<b>6. RCMP Report on Results of Complaint / Investigation .....</b>	<b>55</b>
Notice of Results .....	55
Relevant Sections of Nunavut Elections Act.....	55
<b>7. RCMP Summary Ticket Procedure .....</b>	<b>69</b>
<b>8. Compliance Agreements – Integrity Commissioner.....</b>	<b>71</b>
Offer of Agreement.....	71
Notice to Offender .....	71
Nature / Contents of Agreement .....	72
Deadline.....	72
Negotiating the Agreement.....	72
Notice of Signed Agreement.....	73
Monitoring Compliance .....	73
Notice of Compliance / Non-compliance .....	73
Publication of Information.....	73
Compliance Agreement Process.....	74
Relevant Sections of the Nunavut Elections Act.....	75
Compliance Agreement Tracking Document – IC .....	94
Status Report on Enforcement – EN .....	95
<b>9. Prosecution – PPS .....</b>	<b>109</b>
Initiating a Prosecution .....	109
Limitation Period .....	109
Stay of Prosecution .....	109
Discontinue Proceedings.....	109
Trial .....	110
Relevant sections of the Nunavut Elections Act .....	111
<b>10. Enforcement Protocol .....</b>	<b>113</b>
<b>11. List of Election Offences .....</b>	<b>123</b>



# 1. Summary of Enforcement Procedure

## Summary of Process

1. Complaint made by member of public OR by CEO
2. CEO provides RCMP and IC with any required information
3. RCMP investigates complaint
4. RCMP advises alleged offender of investigation
5. RCMP advises IC and CEO of any reasonable grounds for offence
6. RCMP notifies complainant and alleged offender of results
7. In the case of an offence under s. 180(1)<sup>1</sup> or (2)<sup>2</sup> of the NEA, the RCMP may issue a ticket under Part 8.3 of the *Summary Conviction Procedures Regulations*.
8. Offender may request a compliance agreement from IC
9. IC considers whether to offer compliance agreement to Offender
10. IC may offer a compliance agreement to Offender
11. Public Prosecution Service of Canada starts a prosecution, if any
12. Negotiation of compliance agreement by IC and Offender, if agreement offered or requested
13. Prosecution on hold if compliance agreement signed
14. Monitoring of compliance by IC
15. IC gives private and public notices of compliance / default
16. Prosecution stayed if compliance
17. Prosecution resumed if offender defaults

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1 s. 180(1) Failure of financial agent to prepare a financial return.

2 s. 180(2) Failure of candidate to send a financial return.

## Chronology Deadlines for Enforcement

Time	Who	Action
Day 1	Suspect	Alleged offence committed
Day 2	Complainant	Complaint made to RCMP
Day 5	RCMP	Acknowledgement of receipt of complaint to complainant, copy to CEO and IC
Day 10	CEO	Sends documents to RCMP investigating detachment
Day 30	RCMP	Gives notice of investigation to persons under investigation (s. 229(1) NEA), copy to CEO and IC
Day 89	RCMP	Gives notice to IC (S. 227(3)) if RCMP has reasonable and probable grounds for believing an offence has been committed. CEO also informed under s. 11 Enforcement Protocol.
Day 89	RCMP	Investigation completed
Day 90	RCMP	Notice of results to person investigated, copy to CEO and IC
Day 90	RCMP	Lays all charges and sends copy of summons to CEO and IC (including possible issuance of ticket for offence under s. 180(1) or (2))
Day 91	IC	Finally decides whether to offer compliance agreement, and sends out offer letter on compliance agreement if appropriate
Day 110	Accused	Deadline for accused to respond to offer letter on compliance agreement
Day 141	Accused	Deadline for accused to comply with compliance agreement
Day 151	IC	Informs RCMP, PPSC, and CEO whether accused complied or not. Public notice prepared and published on website / sent to newspaper(s)
Day 165	RCMP	Lays any new charges and sends copy of summons to CEO and IC

### Notes:

*There is a one year limitation period for prosecutions.*

*In the interests of avoiding delay and exceeding the limitation period, this chronology is designed to be completed within 165 days.*

## List of Documents Related to Enforcement of the *Nunavut Elections Act*

### CEO Documents

1. CEO Complaint Form
2. CEO Complaint Form – Financial Returns
3. Late and Outstanding Returns Candidates / Agents
4. Certification of various forms
5. Certification of Compliance for Candidates and Financial Agents
6. Request for investigation under s. 225(3)
7. Summary of events regarding returns for use of RCMP and IC
8. Status Report on Enforcement of Complaints / Offences
9. CEO Letter Regarding Compliance

### RCMP Documents

1. Acknowledgement of complaint
2. Notice to Integrity Commissioner under s. 227(3)
3. Notice of investigation under s. 227(2)
4. Notice of results of investigation under s. 229
5. Interview Statement
6. Official Caution – Suspect
7. Written Statement
8. Charge / Summons
9. Summary Conviction

### Integrity Commissioner Documents

1. Notice to offender under s. 231(3)
2. Advice of right to counsel under s. 231(5)
3. Model Compliance Agreement
4. Notice of compliance under s. 232(1)
5. Compliance Agreement Tracking Document
6. Public notice of Compliance Agreements under s. 231(10)
7. Notice of Compliance / Non-Compliance under s. 232(1) & (2)
8. Public Notice of Compliance / Non-Compliance under s. 232(3)

#### **Two CDs can be found at the back of this Manual:**

The 1st contains all of the forms listed above in Word format, appropriate to the agency that will use them.

The 2nd contains the *Nunavut Elections Act*.







## 2. Media Relations

### Introduction

This section provides general information, direction and guidance to the RCMP, the Integrity Commissioner and the Chief Electoral Officer when asked to respond to media questions about:

- cases under investigation
- compliance agreements being negotiated
- court applications
- prosecutions instituted before the court

### Responsibility

The Chief Electoral Officer is responsible for responding to general media inquiries about enforcement. This is for convenience of the media, since the CEO is not responsible for enforcement. Therefore the RCMP and IC should keep the CEO up-to-date on events.

RCMP members who receive media questions should refer them to the Chief Electoral Officer at telephone number 800.267.4394.

### Questions During an Investigation

During an investigation and before charges are laid, the media may seek to confirm such facts as:

- Has a complaint been made by someone?
- Has a complaint been made against someone?
- Is the RCMP conducting an investigation on a specific candidate or individual?
- Is a compliance agreement under negotiation?
- Is a court application under consideration?
- Are charges expected to be laid?

The proper response is:

***“As a matter of policy, Elections Nunavut neither denies nor confirms the existence of a complaint or an investigation.”***

Even when the matter is already in the public domain, the Chief Electoral Officer does not discuss such matters publicly. There are exceptions, e.g. Candidate A is not under investigation.

The CEO should be careful:

- to comply with the principle of the presumption of innocence and the need to protect the reputation of individuals
- to ensure compliance with the provisions of the *Access to Information and Protection of Privacy Act* governing the disclosure of personal information
- to maintain political neutrality so as not to affect the election results
- to ensure that investigations will not be jeopardised by
  - ♦ the possible destruction of evidence that would affect the effectiveness of election enforcement
  - ♦ public confidence in the election system and the administration of justice
- to avoid premature publicity which could jeopardise the negotiation or conclusion of a compliance agreement.

**Be consistent:** It is not consistent to deny the existence of a complaint or an investigation at one time and to decline to comment later. This is as revealing as a confirmation.

## Investigation Concluded

The CEO will be informed when

- a compliance agreement is offered
- a compliance agreement is signed
- an investigation is concluded
- an information is laid or a summary conviction ticket is issued.

The Chief Electoral Officer may answer media inquiries about these cases.

## Information that May be Disclosed

The following information may be publicly disclosed:

- the accused's name and the constituency in which the offence has been committed
- the substance of the charge
- the current standing of the case
- a summary of the compliance agreement.

## Information that May Not be Disclosed

Elections Nunavut and RCMP should not make any statement likely to prejudice a fair trial or create the appearance of bias. This includes observations about the guilt or the innocence of an accused and the following points listed below:

- the evidence that has been or is expected to be presented
- the character or reputation of any accused person, including any criminal record
- the failure of an accused person to testify or cooperate with the RCMP's investigation
- the existence of any plea negotiations or the possibility of a plea of guilty or other disposition, whether or not to a lesser or similar charge
- the correctness of the judge's ruling on the case
- the character, reputation or credibility of any witness
- the merit, strength or weakness of the prosecution or defence case.

## Cases Before the Court

In principle, no public discussion of the merits of a prosecution should occur, except in open court and on the record. Cases before the courts are subject to the *sub judice* rule. Therefore, when questioned on a case still before the courts, the standard answer should be as follows:

***“The case is still pending before the courts and it is normal policy not to comment on such matters.”***

Where the court case is ended, it would be proper to state, as a matter of court record, the conclusions of the case, without further comment.

That rule has two purposes: first, to protect the courts, which must receive and dispose of cases impartially and be free from the influence or effect of public utterances and comment; second, to protect the parties before the courts who cannot defend themselves against public comments, but who are protected in the courts by the rules of evidence and procedure.

Elections Nunavut and RCMP also should not, before a finding of guilt or an acquittal, make any statement or comment on the following matters:

- the outcome of charges against other persons arising out of the commission of the same offence
- Election Nunavut's position on the sentence
- the prosecution's address to the court, before or after delivery.





## 3. Making A Complaint

### Who

- Anyone may make a complaint about a violation of the elections law. (Form included)
- Non-voters and non-residents are allowed to make complaints.
- It is essential to the integrity of the election process that legitimate complaints be investigated, regardless of the source.

### Election Offence

- The complaint must be about someone committing an offence under the *Nunavut Elections Act* (or the *Plebiscites Act*).
- Municipal election offences are not covered by this Manual.
- A list of election offences is included at the end of this Manual.
- Typical complaints are:
  - ♦ improper campaign signage, e.g. no sponsorship ID
  - ♦ voting irregularities, e.g. ineligible voter
  - ♦ failure to file financial report (complaint would be made by CEO)
  - ♦ stolen campaign signs
- In the case of failure to file financial returns, the CEO will send the Integrity Commissioner a memo on the level of seriousness of the failure. (Form included)

### 90 Day Deadline

- Complaints must be made within 90 days.
- This means 90 days after the complainant acquired knowledge of the offence.

### How

- Verbal complaints are allowed.
- Written complaints are better and should be encouraged in all cases.
- A Form for making a written complaint is included (see page 10).

## Tell the RCMP

- Complaints are made to the RCMP.
- Only the RCMP can investigate a complaint.
- DO NOT complain to Elections Nunavut.
- A complaint can be made to any local RCMP office.
- RCMP headquarters in Iqaluit will manage the investigation of all complaints:

Officer in Charge



“V” Division Criminal Operations

P.O. Bag 500

Iqaluit, NU

X0A 0H0



867.975.4438



867.975.4434



firstname.lastname@rcmp-grc.gc.ca

## Relevant Sections of the *Nunavut Elections Act*

### *Complaints*

#### *Making a complaint*

**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.

#### *Deadline for complaints*

(2) Any complaint to the police must be made no later than 90 days after the complainant acquired knowledge of the event upon which the complaint is based.

#### *Request by Chief Electoral Officer*

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



## NUNAVUT ELECTIONS ACT

# Complaint Form

### Deliver to RCMP

**Notes:**

- Please use this form to file a complaint.
- Send or Deliver it to the RCMP. (Do not send it to Elections Nunavut)
- You may file a complaint on behalf of someone else, but a written authorization from that person is required in order to investigate the complaint.
- Receipt of your complaint will be acknowledged.
- If further information is required, the RCMP will contact you.

### 1. Your Information

Your Name: \_\_\_\_\_  
Please Print Name in Full

P.O. Box #: \_\_\_\_\_ House Number: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ Territory / Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Daytime Telephone: (    ) \_\_\_\_\_ Evening Telephone: (    ) \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

### 2. Complaint Summary

Please give a brief summary of your complaint. Please give details if possible about the events and when you became aware of these events. Please attach any relevant documentation you may have. Further details may be requested from you at a later date.

Who Are You Complaining About?

Name: \_\_\_\_\_

Address: \_\_\_\_\_

When Did It Happen? \_\_\_\_\_

Did You See It?            Yes \_\_\_\_            No \_\_\_\_

Where Did It Happen? \_\_\_\_\_

What Happened? \_\_\_\_\_

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Relevant section(s) of the *Nunavut Elections Act* if known: \_\_\_\_\_











## LOI ÉLECTORALE DU NUNAVUT

### Formulaire de Plainte

#### à remettre à la GRC

**Notes:**

- Veuillez utiliser ce formulaire pour déposer une plainte.
- Envoyez-le ou amenez-le à la GRC. (Ne l'envoyez pas à Élection Nunavut)
- Vous pouvez déposer une plainte au nom de quelqu'un d'autre, mais une autorisation écrite de cette personne est exigée afin de pouvoir enquêter sur la plainte.
- Un accusé de réception de votre plainte vous sera remis.
- Si des informations supplémentaires sont nécessaires, la GRC vous contactera.

### 1. Vos Informations

Votre Nom: \_\_\_\_\_  
Veuillez Imprimer votre Nom complet

Boîte postale #: \_\_\_\_\_ Maison No: \_\_\_\_\_

Adresse de la Rue: \_\_\_\_\_

Ville \_\_\_\_\_ Territoire/ Province: \_\_\_\_\_ Code Postal: \_\_\_\_\_

Téléphone jour: ( ) \_\_\_\_\_ Téléphone soir: ( ) \_\_\_\_\_

Courriel: \_\_\_\_\_

### 2. Résumé de la Plainte

Veillez donner un bref résumé de votre plainte. Autant que possible, veuillez donner des détails sur les événements et à partir de quand vous avez eu conscience de ces événements. Veuillez attacher toute la documentation utile que vous puissiez avoir. De plus amples détails peuvent vous être demandés ultérieurement.

Sur Qui déposez-vous plainte?

Nom: \_\_\_\_\_

Adresse: \_\_\_\_\_

Quand cela s'est-il passé? \_\_\_\_\_

L'avez-vous vu? Oui \_\_\_\_ Non \_\_\_\_

Où cela s'est-il passé? \_\_\_\_\_

Que s'est-il passé? \_\_\_\_\_

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Articles de la *Loi électorale du Nunavut en rapport*, si connus: \_\_\_\_\_





## NUNAVUT VUTIQTULIRINIRMUT MALIGARYUAQ

### Qinudjutinut Titirarvikhaq

#### **PALIIHIMATKUNNUT Tuniyauyukhaq**

Titirarniit:

- Una titirarvigilugu qinudjutiqaruvit.
- Aullaqtillugu Tuniyaqurtuluguluunniit PALIIHIMATKUNNUT. (Aullaqtingillugu Nunavut Vutiqtuliriyinut)
- Kivgaqturlugu kinalikiaq qinudjutigipkailugu, talva kihimi titiraqhimayumik angirutahimayumik talvanngat inungmit piyariaqaqtuq qimilruuqhinikhakut qinudjunmik.
- Qinudjutivit pihimania ilitturipkautiginiaqtaa.
- Immaqaak tuhaffaarumaguvit, PALIIHIMATKUT hivayarniaqqaatit.

#### **1. Hamna Naunaipkutariyat**

Atiit Ilvit: \_\_\_\_\_  
Atiit Tamatkiumayuq Titirattiarlugu

Titiqqat Turaarvia #: \_\_\_\_\_ Iglup Naahautaa: \_\_\_\_\_

Iglup Turaarvia: \_\_\_\_\_

Nunallaani: \_\_\_\_\_ Aviktuqhimayumi/Nunagiyaani: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Ublungani Hivayaut: ( ) \_\_\_\_\_ Unnungmi Hivayaut: ( ) \_\_\_\_\_

Qaritauyakkuurniq: \_\_\_\_\_

#### **2. Qinudjutip Naittumik Titirauhia**

Naittumik titirarlugu qinudjutigiyat. Piyuminaqqat titirattiarlugit hulidjutaannik uvvalu qangali ilitturihimaliriviuk tahamna hulidjutauyuq. Atalugit titiqqat naunaipkutauyukhat pihimaguffiuk. Naunaipkutavaluit piyumaffaaqtauniarungnaqhivut qakugunnguqqat.

Kinali Qinudjutigiyat?

Atia: \_\_\_\_\_

Turaarvinga: \_\_\_\_\_

Qanga Tahamna Pihimadjutauva? \_\_\_\_\_

Takuhimaviuk? Hii \_\_\_\_ Imannaq \_\_\_\_

Nanili Pihimadjutauva? \_\_\_\_\_

Qanuq Pihimava? \_\_\_\_\_

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Naniitulli ilanganni(t) haffumani *Nunavut Vutiqtuliriyuni Maligaryuangani* ilihimayaukpat: \_\_\_\_\_











I have the following supporting material available, which I shall send to you:

1. Phone call log of calls to Candidates and Financial Agents requesting compliance with the *Act*.
2. Copies of correspondence with the offending persons.

I should also add that one candidate did request an extension of the time for filing. For reasons that appeared to me to be valid, I granted an extension pursuant to s. 180 of the *Act* to \_\_\_\_\_ of the constituency of \_\_\_\_\_ on [date] for an extension until [date]. Those persons have / have not complied with the extension.

As a separate document I am enclosing contact information for the candidates and financial agents named above.

Please let me know if you require any further information to proceed with your investigation and enforcement responsibilities.

Thank you in advance for your support in assuring Nunavumuit of compliance by candidates and their financial agents with this important electoral obligation.

---

**Chief Electoral Officer**

*cc Integrity Commissioner*



## NUNAVUT ELECTIONS ACT CEO Request for Investigation

**TO:** RCMP:  
Officer in Charge  
"V" Division Criminal Operations  
P.O. Bag 500  
Iqaluit, NU X0A 0H0  
Tel: 867.975.4438 Fax: 867.975.4434  
Email: [firstname.lastname@rcmp-grc.gc.ca](mailto:firstname.lastname@rcmp-grc.gc.ca)

**Date:**

Pursuant to s. 225(3) of the *Nunavut Elections Act*, I am respectfully requesting the RCMP to investigate a situation that Elections Nunavut believes may constitute an offence under the *Nunavut Elections Act*.

**Summary**

Relevant section(s) of the *Nunavut Elections Act*: \_\_\_\_\_

Persons to be Investigated:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Summary of Situation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List of Relevant Documents (copies attached):

- 1.
- 2.
- 3.

We appreciate the assistance of the RCMP in making the appropriate enquiries to determine whether or not an offence has been committed. If we can provide any further information, please do not hesitate to contact me.

\_\_\_\_\_  
**Chief Electoral Officer**

*Attachments*



## 4. RCMP – Beginning an Investigation

### Starting an Investigation

- An investigation is started after a complaint is received by the RCMP.
- The RCMP is responsible for investigating all complaints under the *Act*
- The RCMP may refuse to investigate a complaint if
  - ✦ the acts complained of are not an offence; or
  - ✦ the complaint appears to be unfounded

### Acknowledgement of Complaint

- The RCMP acknowledges receipt of a complaint.
- A copy of this form is sent to the CEO and the IC.

### Notice to Integrity Commissioner

- The RCMP must inform the Integrity Commissioner when they have reasonable grounds to believe an offence has been committed.

### Notices during the Course of Investigations

- The RCMP must notify the alleged offender of an investigation, unless it would compromise the investigation
- A copy of this form is sent to the CEO and the IC

## Manner of Giving Notices

- All notices to Elections Nunavut are sent by email or fax to:  
Chief Electoral Officer  
Elections Nunavut
  - ✉ 41 Sivulliq Ave. Box 39  
Rankin Inlet, NU X0C 0G0
  - ☎ 800.267.4394 or 645.4610
  - 📠 800.269.1125 or 645.4657
  - 💻 dfredlund@elections.nu.ca
- All notices to RCMP are sent by email or fax to:  
Officer in Charge  
“V” Division Criminal Operations
  - ✉ P.O. Bag 500  
Iqaluit, NU X0A 0H0
  - ☎ 867.975.4438
  - 📠 867.975.4434
  - 💻 firstname.lastname@rcmp-grc.gc.ca
- All notices to the Integrity Commissioner are sent by email or fax to:  
Integrity Commissioner of Nunavut
  - ✉ c/o Clerk of the Legislative Assembly  
Box 1200  
Iqaluit, NU X0A 0H0
  - ☎ 888.398.2785
  - 📠 867.975.5190
  - 💻 commissioner@integritycom.nu.ca
- All notices to the Public Prosecution Service of Canada are sent by email or fax to:  
Chief Federal Prosecutor  
Public Prosecution Service of Canada
  - ✉ Nunavut Regional Office  
P.O. Box 1030 Iqaluit NU  
X0A 0H0
  - ☎ 867.975.4600
  - 📠 867.975.4606
- All notices to the alleged offender must be served personally or sent by registered mail to their last known address.

## Relevant Sections of the *Nunavut Elections Act*

### *Investigations*

**227.** (1) *The police shall take all reasonable measures in the investigation of a complaint.*

(2) **Repealed**

#### *Advising the Integrity Commissioner*

(3) *The police shall advise the Integrity Commissioner of any case where, during the course of an investigation, the police have reasonable and probable grounds for believing that an offence under this Act has been committed.*

#### *Request for information*

(4) *The police and the Chief Electoral Officer shall, on request, supply whatever information in their possession relevant to the offence may be required by the Integrity Commissioner to determine whether a compliance agreement is appropriate in a case where there are reasonable and probable grounds for believing that an offence under this Act has been committed.*

#### *Notice of investigation*

**229.** (1) *The police shall, before the end of an investigation, notify any person who is the subject of the investigation that he or she is being investigated, the allegations being made against the person and the nature of the offence being investigated, unless the police believe that doing so would compromise or impede the investigation.*

#### *Notice of results of investigation*

(2) *If no prosecution is to be initiated, the police shall notify the complainant and any person who is the subject of the investigation of the results of the investigation.*

#### *Service of notice*

(3) *A notice under subsection (1) or (2) must be served personally on the person or sent by registered mail to the last known address of the person.*



**SAMPLE ONLY**  
NEED OFFICIAL RCMP LETTERHEAD

NUNAVUT ELECTIONS ACT  
**Acknowledgement of Complaint**

[date]

Dear: [insert name of complainant]

Re: Complaint under the *Nunavut Elections Act*

We received your complaint alleging the commission of an offence under the *Nunavut Elections Act*:

[Insert the name of the alleged offender, a description of alleged offence and section number of the Act]

The RCMP will be investigating this complaint.

OR

The RCMP will not be investigating this complaint because the acts complained of are not an offence under the *Nunavut Elections Act* / the complaint appears to be unfounded.

We may contact you again to discuss the complaint or to gather testimony or evidence in relation to it.

If, after investigation, there are reasonable grounds to support the allegation, the case will be referred to the Public Prosecution Service of Canada for prosecution. You will be notified if prosecution of the alleged offence and a trial is necessary.

Yours sincerely,

RCMP Officer

cc Chief Electoral Officer & Integrity Commissioner





**SAMPLE ONLY**  
NEED OFFICIAL RCMP LETTERHEAD

LOI ÉLECTORALE DU NUNAVUT  
Accusé de Réception de la Plainte

[date]

Cher/chère: [insérer le nom du demandeur]

Re: Plainte selon la *Loi électorale du Nunavut*

Nous avons reçu votre plainte alléguant la perpétration d'une infraction à la *Loi électorale du Nunavut*.

[Insérer le nom du contrevenant présumé, une description de l'infraction alléguée et l'article de la Loi]

La GRC va enquêter sur la plainte.

OU

La GRC ne va pas enquêter sur cette plainte, parce que les faits allégués ne constituent pas une infraction selon la *Loi électorale du Nunavut*/ la plainte ne paraît pas fondée.

Nous vous contacterons pour discuter de la plainte ou pour récolter un témoignage ou une preuve en lien avec la plainte.

Si, après enquête, les motifs de la plainte apparaissent fondés, le cas sera soumis au Service des Poursuites Publiques du Canada pour l'accusation. Vous serez avisé si la poursuite de l'infraction alléguée et un jugement sont nécessaires.

Sincèrement vôtre,

Officier de la GRC

cc Directrice générale des élections & Commissaire à l'Intégrité





**SAMPLE ONLY**  
NEED OFFICIAL RCMP LETTERHEAD

NUNAVUT VUTIQTULIRINIRMIUT MALIGARYUAQ  
Ilitturidjut Qinudjutauyumit

[ubluq]

Haluu: [qinudjutiquaq tup atia ililugu]

Haffuminnga: Qinudjutauyuq haffumani *Nunavut Vutiqtulirinirmut Maligaryuangani*

Qinudjutigiyat pihimaliqtavut piyaarinahugiyarnit ihuinaarnirmut haffumap ataani *Nunavut Vutiqtulirinirmut Maligaryuangani*:

[Ihuinaaqturiyauhimayup atia ililugu, titirarlugu ihuinaaqtuuturiyauhimayup uvvalu ilangani naahautaa haffumani Maligaryuarmi]

PALIIHIMATKUT takuuriniaqtaat hamna qinudjutigiyauiniq.

UVVALUUNNIIT

PALIIHIMATKUT qimilruuqhiyungnanngitaat hamna qinudjutauyuq ilaa ukuat maligaryuat qinudjutauyut ihuinaarutaunnginmata haffumani *Nunavut Vutiqtulirinirmut Maligaryuangani* / una qinudjutauyuq nalvaarvigiyauhimanngittutut inmat.

Hivayarviginiarungnaqhiyaffi huli qinudjut uqautigilugu uvvaluunniit uqautigiyauyukhanik katitirilutik uvvaluunniit piyaariyauhimayut haffumani mikhaagut.

Immaqaak, qimilruuqhitaarumik, piyaariyaunahugiyauyup piqpiaqqat ilitturihimalirumikku, una ihumagiyauyup turaaqtauniaqtuq Inungnut Apiqhuyinut Ikayuqtianut Kanatami ilaa uuktuqtauyukhaq apiqhuivingmi. Ilitturipkaqtauniaqqutit apiqhuutigiyauuniarumi hamna piyaarinahugiyauyup uvvalu uuktuutauniarumi apiqhuinikhakut.

Uvanga,

PALIIHIMATKUNNI Havakti

*titiqqap aadjikkutaa: Atanilluaq Vutiqtuliriyuni & Kanngunaqtuliriyi Kamisina*



**SAMPLE ONLY**  
NEED OFFICIAL RCMP LETTERHEAD

NUNAVUT ELECTIONS ACT  
Notice to Integrity Commissioner

[date]

Dear: Integrity Commissioner

Re: Offence under the *Nunavut Elections Act*

We received a complaint alleging the commission of an offence under the *Nunavut Elections Act*:

[Insert the name of the alleged offender, a description of alleged offence and section number of the Act]

The RCMP is investigating / has investigated this complaint. We have reasonable grounds for believing that an offence under this *Act* has been committed.

The case will be referred to the Public Prosecution Service of Canada for prosecution.

[If applicable, state instead: A ticket under part 8.3 of the Summary Conviction Procedures Regulations has been issued.]

Yours sincerely,

RCMP Officer

cc Chief Electoral Officer



**SAMPLE ONLY**  
NEED OFFICIAL RCMP LETTERHEAD

NUNAVUT ELECTIONS ACT  
(s. 229(1))  
Notice of Investigation

[date]

Dear: [insert name of alleged offender]

**URGENT - Respond Immediately**

Re: Alleged Offence under the *Nunavut Elections Act*

We received a complaint alleging that you committed the following offence under the *Nunavut Elections Act*:

[Insert description of alleged conduct, the name of the alleged offence and section number of the Act]

The RCMP is investigating this allegation. You have the right to consult counsel and the right to make a reply to these allegations.

Please contact me immediately if you wish to discuss the allegation or provide me with testimony or evidence in relation to it.

If, after investigation, there are reasonable grounds to support the allegation, the case will be referred to the Public Prosecution Service of Canada for prosecution. [If applicable, add: Alternatively, a ticket under part 8.3 of the Summary Conviction Procedures Regulations may be issued.] You will be notified if prosecution of the alleged offence and a trial is necessary.

The penalty for an offence under the *Nunavut Elections Act* includes:

- a fine of up to \$5,000;
- imprisonment for up to one year; or
- both a fine and imprisonment.

Yours sincerely,

RCMP Officer

cc Chief Electoral Officer & Integrity Commissioner





**SAMPLE ONLY**  
NEED OFFICIAL RCMP LETTERHEAD

LOI ÉLECTORALE DU NUNAVUT  
(art. 229(1))

Avis de la tenue d'une enquête

[date]

Cher/chère: [insérer le nom du contrevenant présumé]

**URGENT - Répondre Immédiatement**

Re: Infraction alléguée selon la *Loi électorale du Nunavut*

Nous avons reçu une plainte alléguant que vous avez commis l'infraction suivante selon la *Loi électorale du Nunavut*:

[Insérer la description de la conduite alléguée, le nom de l'infraction alléguée et le no de l'article de la Loi]

La GRC est en train d'enquêter sur la plainte. Vous avez le droit de demander conseil et de répondre à ces allégations.

Veuillez me contacter immédiatement si vous désirez discuter de l'allégation ou me procurer un témoignage ou une preuve en lien avec la plainte.

Si, après enquête, les motifs de la plainte apparaissent fondés, le cas sera soumis au Service des Poursuites Publiques du Canada pour l'accusation. Vous serez avisé si la poursuite de l'infraction alléguée et un jugement sont nécessaires.

La pénalité pour une infraction à la *Loi électorale du Nunavut* comprend:

- une amende jusqu'à un montant de 5,000\$;
- un emprisonnement jusqu'à un an; ou
- à la fois une amende et un emprisonnement.

Sincèrement vôtre,

Officier de la GRC

cc Directrice générale des élections & Commissaire à l'Intégrité



# SAMPLE ONLY

NEED OFFICIAL RCMP LETTERHEAD

NUNAVUT VUTIQTULIRINIRMUT MALIGARYUAQ  
(s. 229(1))

## Naunaiqhipkainiq Qimilruuqhinirmut

[*ubluq*]

Haluu: [*ihuinaaqhuriyahimayup atia ililugu*]

### **IRINIGIYAUUQ – Kiuyaunariqtukhaq**

Haffuminnga: Ihuinaaqhuriyaunahugiyuq haffumani *Nunavut Vutiqtulirinirmut Maligaryuangani*

Unnirugvigiyahimayugut *Nunavut Vutiqtulirinirmut Maligaryuangani*:

[*Ihuinaarutigiyauunahugiyauyuq ililugu, atia ihuinaarutigiyauunahugiyauyuq uvvalu ilanganiittuq naahautaa Maligaryuap*]

PALIIHIMATKUT haffuminnga qimilruuqhiyut ihuinaaqtauhiymanahugiyauyumik. Pivikhaqaqtutit uqaudjiyikharnit uqaqatiqariaqaqtutit uvvalu pivikhaqaqtutit kiunikhakkut hapkuninnga ihuinaaqtaunahugiyauyunit.

Hivayarnariqtakhariyarma uqautigiyumagungni ihuinaaqtaunahugiyauyunik uvvaluunniit tunihilutit uvamnut uqaatauhimayumik uvvaluunniit ilihimayauliqtunik haffumap mikhaanut.

Immaqaak, qimilruuqhitaarumik, naunaiqhimattiaqqat ihuinaaqtaunahugiyauyunik, una ihumagiyauyuq turaaqtitauiaqtuq Inungnut Apiqhuiyinuq Ikayuqtianut Kanatami ilaa uukuqtayukhaq apiqhuivingmi. Ilitturipkaqtauniaqputit apiqhuutigiyauuniarumi hamna piyaarinahugiyauyuq uvvalu uukuutauniarumi apiqhuinikhakkut.

Ihuinaarnirup akilirvikhariyaat haffumani *Nunavut Vutiqtulirinirmut Maligaryuangani* ilaqaqtut haffuminnga:

- akiliqhilitik qaningani \$5,000;
- itiqtaupkaqtauluni imaaqaak atauhirmik ukiumi; uvvaluunniit
- ukuaglu akiliqhilituni itiqtaulunilu.

Uvanga,

PALIIHIMATKUNNI Havakti

titiqqap aadjikkutaa: Atanilluaq Vutiqtuliriyuni & Kanngunaqtuliriyi Kamisina



## 5. RCMP – Conducting an Investigation

### Conducting an Investigation

- The RCMP must take all reasonable steps to investigate a complaint.
- RCMP headquarters in Iqaluit will coordinate all investigations in Nunavut.
- The RCMP officer conducting the investigation should contact Elections Nunavut and ask for information relevant to the investigation.
- The CEO can provide useful information to the RCMP to assist in the investigation. E.g. how to interpret the residency rules, copies of documents, etc. (Forms included)
- Search and seizure powers by search warrant are available under the *Act*
- There are sample scripts for conducting interviews.
- Official cautions should be given to alleged offenders.

## Relevant Sections of the *Nunavut Elections Act*

### *Investigations*

**227.** (1) *The police shall take all reasonable measures in the investigation of a complaint.*

(2) **Repealed**

#### *Advising the Integrity Commissioner*

(3) *The police shall advise the Integrity Commissioner of any case where, during the course of an investigation, the police have reasonable and probable grounds for believing that an offence under this Act has been committed.*

#### *Request for information*

(4) *The police and the Chief Electoral Officer shall, on request, supply whatever information in their possession relevant to the offence may be required by the Integrity Commissioner to determine whether a compliance agreement is appropriate in a case where there are reasonable and probable grounds for believing that an offence under this Act has been committed.*

#### *Warrant*

**228.** (1) *A judge may, on ex parte application, issue a warrant authorizing a police officer or other person named in the warrant to enter and search premises for any evidence relevant to an investigation under this Act where the judge is satisfied by information on oath that there are reasonable grounds to believe there is relevant evidence on the premises.*

#### *Power to enter*

(2) *A peace officer or person named in a warrant issued under subsection (1) may, subject to the terms and conditions in the warrant, enter and search any premises authorized under the warrant in order to carry out such inquiries as are reasonably necessary for the investigation.*

#### *Use of force*

(3) *A person, other than a police officer, executing a warrant issued under subsection (1) shall not use force unless the person is, or is accompanied by, a peace officer and the use of force has been specifically authorized in the warrant.*

#### *Production of records*

(4) *A person executing a warrant may require any individual found in any premises entered pursuant to the warrant to produce for inspection or copying any record that appears to contain any matter relevant to the investigation.*

#### *Obstruction*

(5) *No person shall obstruct a police officer or other person conducting an investigation.*



**Interview Statement**  
Form #: NEA/RCMP-3

**Language:**

Advise person to be interviewed that it is their right to be served in the official language of their choice.

Answer. \_\_\_\_ Inuktitut, \_\_\_\_ Inuinnaqtun, \_\_\_\_ English, \_\_\_\_ French

If you do not speak the language chosen, stop the interview and contact \_\_\_\_\_ to make the necessary arrangements to have another Officer assigned to the interview.

**Officer Identification:**

My name is \_\_\_\_\_, I am an Officer of the RCMP. The RCMP is responsible for enforcing the *Nunavut Elections Act*.

I am showing you my Photo ID Card # \_\_\_\_\_

I wish to thank you for taking the time to meet with me and I appreciate the inconvenience this may have caused. Do you have any questions?

NO \_\_\_\_ YES \_\_\_\_.

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**Reason for Interview:**

A complaint was made to the RCMP that an elections offence occurred under the *Nunavut Elections Act*:

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*(Describe the offence and relevant section(s))*

The RCMP is responsible for investigating complaints about an alleged elections offence. The RCMP must take the steps necessary to determine the facts. I have been instructed to conduct this interview. I have reason to believe that you may be able to shed light on some points. Do you understand the purpose of this interview?

NO \_\_\_\_ YES \_\_\_\_.

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I am seeking your cooperation. I also wish to provide you with this opportunity to tell us what you know about these matters. There are specific questions that I need to ask. At the moment, we don't have enough information. We have to decide whether or not the matter should be pursued further. It is my responsibility to ensure that your rights are properly protected. The interview will last about \_\_\_\_\_ hours. May I continue?

NO \_\_\_\_\_ YES \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_

**NB: Use Official Caution in the case of a Suspect**

**Interview Statement for Witness / Non-Suspect**

Person Interviewed \_\_\_\_\_  
Address \_\_\_\_\_  
Daytime Telephone \_\_\_\_\_  
Date of Birth \_\_\_\_\_ Place of Birth \_\_\_\_\_  
Place of Interview \_\_\_\_\_

\_\_\_\_\_ Date of Interview \_\_\_\_\_  
Time Started \_\_\_\_\_ Time Ended \_\_\_\_\_  
Name and address of all persons present: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

*If the interview is interrupted, record the reason why and how long* \_\_\_\_\_  
\_\_\_\_\_

Interview Notes:

\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

If you wish, you will be provided with a copy of your statement.

Copy provided: NO \_\_\_\_\_ YES \_\_\_\_\_

## Official Caution - Suspect

### Possibility of Legal Proceedings

1. You are considered a suspect and may be charged with an offence under s. \_\_\_\_ of the *Nunavut Elections Act*
2. This offence is

\_\_\_\_\_  
\_\_\_\_\_  
(Describe the offence and relevant section)

3. Here is a copy of s. \_\_\_\_\_ *Nunavut Elections Act*.
4. Do you understand the nature of the offence and that you are a suspect?

NO \_\_\_\_ YES \_\_\_\_.

### Advising Suspect of Legal Rights

You have the right to remain silent. You are not obliged to say anything unless you wish to do so, but whatever you say may be used in evidence in a court proceeding. Do you understand this?

NO \_\_\_\_ YES \_\_\_\_.

You have the right to retain and instruct counsel without delay. This means that you may call your lawyer or you may get temporary advice from duty counsel if available. You may also have the right to apply for legal assistance without charge through the Nunavut Legal Aid Plan. Do you understand this?

NO \_\_\_\_ YES \_\_\_\_.

Do you want to call a lawyer?

NO \_\_\_\_ YES \_\_\_\_.

#### IF YES:

Was lawyer consulted in presence of officer? \_\_\_\_\_

Person consulted, if name voluntarily released: \_\_\_\_\_

Time consulted: \_\_\_\_\_

**IF NO:**

**Waiver of Rights to Speak with a Lawyer**

- ✓ I understand that I have the right to consult with a lawyer without delay before giving any statement.
- ✓ I understand that I have the right to have a lawyer present when I make a statement.
- ✓ I also understand that I have been given a reasonable opportunity to contact a lawyer and that you must hold off the interview until I have had that reasonable opportunity.
- ✓ I DO NOT wish to consult with a lawyer.

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(Signature)

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(Name and signature of Witness)

**Production of Documents**

We want to look at the following documents: *(describe each one with sufficient detail to be retrievable)*

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

You may voluntarily allow us to see these documents but you are not obliged to give us access or produce them. Do you consent to give us access and produce them?

NO \_\_\_\_ YES \_\_\_\_.

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*(IN CASE OF REFUSAL)*

I am advising you that we may ask the court for permission to get these documents.

Do you understand this?

NO \_\_\_\_ YES \_\_\_\_.

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**Suspect Statement**

Do you wish to make a statement? NO \_\_\_\_ YES \_\_\_\_.

Written Statement Attached: NO \_\_\_\_ YES \_\_\_\_.

## Written Statement

The following is my statement. It is made of my own free will.

*Note: This statement should be attached to the Interview Form.*

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Date: \_\_\_\_\_

Time: \_\_\_\_\_

**Note:**

At the end of the statement, record the following, immediately below the last paragraph.

*I hereby acknowledge that I have read or have had read to me my statement and agree with its content.*

Signature \_\_\_\_\_

Witness to signature \_\_\_\_\_

Other persons present: \_\_\_\_\_

Do you want a copy of this statement? NO \_\_\_\_ YES \_\_\_\_.

Copy provided: NO \_\_\_\_ YES \_\_\_\_.









## Avertissement Officiel - Suspect

### Possibilité de Mesures légales

1. Vous êtes considéré comme suspect et vous pouvez être accusé d'une infraction selon l'art. \_\_\_\_ de la *Loi électorale du Nunavut*
2. Cette infraction est la suivante:

\_\_\_\_\_  
*(Décrire le délit et l'art./les art. concerné(s))*

3. Voici une copie de l'art./les art. \_\_\_\_\_ de la *Loi électorale du Nunavut*.
4. Comprenez-vous la nature du délit et le fait que vous soyez soupçonné?

NON \_\_\_\_ OUI \_\_\_\_.

### Avis au Suspect de ses Droits légaux

Vous avez le droit de rester silencieux. Vous n'êtes pas obligé de dire quoi que ce soit à moins que vous le désiriez, mais ce que vous dites peut être utilisé comme preuve lors du processus de cour. Comprenez-vous cela?

NON \_\_\_\_ OUI \_\_\_\_.

Vous avez le droit de garder et de constituer un avocat sans délai. Cela signifie que vous pouvez appeler votre avocat ou que vous pouvez temporairement demander conseil à un conseiller de service si disponible. Vous pouvez aussi avoir le droit de demander une assistance légale sans frais selon le Plan d'Aide légale du Nunavut. Comprenez-vous cela?

NON \_\_\_\_ OUI \_\_\_\_.

Voulez-vous appeler un avocat?

NON \_\_\_\_ OUI \_\_\_\_.

#### **SI OUI:**

L'avocat a-t-il été consulté en présence de l'officier? \_\_\_\_\_

Personne consultée, si le nom a été donné volontairement: \_\_\_\_\_

Temps consulté: \_\_\_\_\_

**SI NON:**

**Renonciation du Droit de parler avec un Avocat**

- ✓ Je comprends que j'ai le droit de consulter un avocat sans délai avant de faire une déclaration.
- ✓ Je comprends que j'ai le droit d'avoir la présence d'un avocat lorsque je fais une déclaration.
- ✓ Je comprends aussi que l'on m'a donné une occasion raisonnable pour contacter un avocat et que vous devez patienter pour l'interview jusqu'à ce que j'obtienne cette occasion raisonnable.
- ✓ JE NE SOUHAITE PAS consulter un avocat.

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(Signature)

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(Nom et signature du Témoin)

**Production de Documents**

Nous désirons consulter les documents suivants: *(décrivez chaque document avec suffisamment de détails pour pouvoir être recherché)*

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

Vous pouvez volontairement nous permettre de regarder ces documents, mais vous n'êtes pas obligé de nous en donner l'accès ou de les produire. Consentez-vous?

NON \_\_\_\_ OUI \_\_\_\_.

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*(EN CAS DE REFUS)*

Je vous avise que nous pouvons demander au tribunal la permission d'obtenir ces documents. Comprenez-vous cela?

NON \_\_\_\_ OUI \_\_\_\_.

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**Déclaration du Suspect**

Désirez-vous faire une déclaration?      NON \_\_\_\_ OUI \_\_\_\_.

Déclaration écrite attachée:                      NON \_\_\_\_ OUI \_\_\_\_.



## Ilitariyaunikkut Qayangnarniq - Ihuinaaqturiyaunig

### Apiqhuutauniarungnaqhiyuq

1. Maligatigut ihuinaaqturiyauyutit uvvalu piyuriyaunialiqtit ihuinaarnimut haffumap ataani s. \_\_\_\_ haffumani *Nunavut Vutiqtulirinimut Maligaryuangani*
2. Hamna ihuinaarniyuq

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(Titirarlugu ihuinaarut uvvalu kitullikiaq ilanginniitukhaq(t))

3. Uvva titiqqap aadjikkutaa haffumap s. \_\_\_\_\_ *Nunavut Vutiqtulirinimut Maligaryuangani.*
4. Kangiqhihimaviuk qanurinninga haffumap ihuinaarutip uvvalu ilvit ihuinaaqturiyauyutit?

IMANNAQ \_\_\_\_ HII \_\_\_\_.

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### Ihuinaaqturiyauyuq Uqaudjiiyuninga Maligalirinikkut Pivikhaqarnianit

Ilvit nipiqariaqanngittutit. Uqarumanngitkuvik uqanngitkaluarlutit kihiani uqaqyauyuguvit, talva kihimi tahamna nibliutigiyat atuqtauniarungnaqhiyuq naunaipkutigilugu apiqhuiliqqata. Hamna kangiqhihimaviuk?

IMANNAQ \_\_\_\_ HII \_\_\_\_.

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Pivikhaqaqtutit piyumalugulu maligaliriyimik ikayuqtiqarumablutit. Ilaa taimaatut maligaliriyat uqarvigiinnariaqaqtat uvvaluunniit nakillikiaq uqaudjiqarumaguvit. Talvaluttauq immaqak pivikhaqaqtutit tukhiqturumaguvit maligalirinimut ikayuqtauyumaguvit akiittumik ukunatigut Nunavut Maligalirinimut Ikayuutaita Parnaiyautainnin. Hamna kangiqhihimaviuk?

IMANNAQ \_\_\_\_ HII \_\_\_\_.

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Hivayarvigiyumaqaqqit maligaliriyimin?

IMANNAQ \_\_\_\_ HII \_\_\_\_.

### IMMAQAAK HIINGUKPAT:

Maligaliriyi hivayaqtauva hivuraani paliihimatkut? \_\_\_\_\_

Kinali hivayaqtauyuq, atia naunaqtauungnaqqat: \_\_\_\_\_

Ubluqhiut humunngaqtumi hivayaqtauva: \_\_\_\_\_

**IMMAQAAK IMANNAAQHIMAKPAT:**

**Takiunniiqhimaniat Uqaqtiqariaqariami Maligaliriyumik**

- ✓ Kangiqhihimayunga pivikhaqaqtunga uqarvigiyariaqaqtunga maligaliriyumik qilaminnuaq ahinut uqaqtinnanga.
- ✓ Kangiqhihimayunga pivikhaqaqtunga maligaliriyumik piqatiqarunnaqtunga uqaliruma.
- ✓ Kangiqhihimayungattaq tuniyauhimayunga uqarviqarlunga maligaliriyikhamik talvalu ahinut uqaqtukhaunngittutit ilaa uvanga pivikhaqattiaqhimaliqtaaruma.
- ✓ Maligaliriyumik UQAQATIQARUMANNGITTUNGA.

(Atiliurvik)

(Atia atiliurvialu uumap Apiqhuqtauyup)

**Titiqqat Titiraqhimaniit**

Takuuriumayaqqut hapkuat titiqqat: *(atuni naunaiyattiarlugu titiqqakut piyuminaqtumik pinahualiqqat)*

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

Takupkaqtinniarunnaqhivaqhi uvaptingnut hapkuat titiqqat talva kihimi piyungnanngitaqqut aadjikkuhiurunngitaqqulluunniit. Angiqqih i uvaptingnut piyuminarnirmut hananirmullu hapkuninnga?

IMANNAQ \_\_\_\_ HII \_\_\_\_.

*(IMMAQAAK QINNGIYAUHIMAKPAT)*

Uqautiyagit apiqhuyitkunni apiqhinarunnaqhivugut piyumaruptigu hapkuat titiqqat.

Hamna kangiqhihimaviuk?

IMANNAQ \_\_\_\_ HII \_\_\_\_.

**Ihuinaariyaunahugiyup Uqauhia**

Uqauhikhamik niblirumavit? IMANNAQ \_\_\_\_ HII \_\_\_\_.

Titiraqhimayuq Uqauhia Atahimayuq: IMANNAQ \_\_\_\_ HII \_\_\_\_.

## Titiraqhimayuq Uqauhia

Hamma uqauhitka. Uvamnik pitquyauhimanngittunga uqauhiriyara.  
*Naunairlugu: Hamna uqauhiq atayukhaq Uqaqtitaunirmut Titiraanut.*

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Ublua: \_\_\_\_\_ Ubluqhiut humunngaqtumi: \_\_\_\_\_

Kinguani uqauhiup, hamna nipiliurlugu, qilaminuaq kingulliup uqauhiata titiraqhimaniani.  
*Kangihittivunga taiguaqhimablugu taiguaqtipkaqhuguluunniit uvamnut uqauhimnit  
angiqhimaliqhugulu.*

Atiliurvia \_\_\_\_\_

Tautuktup Atiliurvia \_\_\_\_\_

Ahiit kitulli talvaniiqatauyut: \_\_\_\_\_

Haffumap uqauhiup aadjikkutaanik piyumaviuk? IMANNAQ \_\_\_\_ HII \_\_\_\_.

Titiiqqap aadjikkutanik tunihihimayuq: IMANNAQ \_\_\_\_ HII \_\_\_\_.



## Certification of Election Matters

(Candidate's Financial Return)

I, DUSTIN FREDLUND, Chief Electoral Officer for Nunavut, do hereby certify that:

[name of candidate], a Candidate in the general election / by-election held on [date], did not send a financial return in accordance with s.180 of the *Nunavut Elections Act*.

The declaration was submitted to Elections Nunavut on [date].

The Candidate did not send the declaration before the deadline of [date], which was the deadline required by s. 180(2) of the *Nunavut Elections Act*.

*[Add the following if appropriate]*

The Candidate signed and certified a financial return that was incomplete or false in a material respect in that the financial return failed to declare a contribution / expense received from / paid to \_\_\_\_\_ in the amount of \$ \_\_\_\_.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ in the Hamlet of Rankin Inlet.

\_\_\_\_\_  
Dustin Fredlund  
Chief Electoral Officer  
Elections Nunavut

Witnessed by:

\_\_\_\_\_  
[name]



## Certification of Election Matters

(Financial Agent's Financial Return)

I, DUSTIN FREDLUND, Chief Electoral Officer for Nunavut, do hereby certify that:

[name of financial agent], the Financial Agent for [name of candidate] a Candidate in the general election / by-election held on [date], did not prepare and sign a financial return in accordance with s.180 of the *Nunavut Elections Act*.

The declaration was submitted to Elections Nunavut on [date].

The Financial Agent did not prepare and sign the declaration before the deadline of [date], which was the deadline required by s. 180(1) of the *Nunavut Elections Act*.

*[Add the following if appropriate]*

The Financial Agent signed and certified a financial return that was incomplete or false in a material respect in that the financial return failed to declare a contribution / expense received from / paid to \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ in the Hamlet of Rankin Inlet.

\_\_\_\_\_  
Dustin Fredlund  
Chief Electoral Officer  
Elections Nunavut

Witnessed by:

\_\_\_\_\_  
[name]





## Certification of Election Matters

(Documents)

I, DUSTIN FREDLUND, Chief Electoral Officer for Nunavut, do hereby certify that:

The attached document is a true copy of the financial return respecting election contributions and election expenses filed for [name of candidate], a Candidate in the election held on [date].

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ in the Hamlet of Rankin Inlet.

\_\_\_\_\_  
Dustin Fredlund  
Chief Electoral Officer  
Elections Nunavut

Witnessed by:

\_\_\_\_\_  
[name]





## 6. RCMP Report on Results of Complaint / Investigation

### Notice of Results

- If no prosecution is to be initiated, the RCMP must notify (form included)
  - ♦ The complainant;
  - ♦ The alleged offender (any person who was the subject of the investigation); and
  - ♦ send copies to the CEO and IC.
- If a prosecution is to be initiated, the information or ticket is intended to be sufficient notice to the accused.

### Relevant Sections of *Nunavut Elections Act*

#### *Notice of investigation*

**229.** (1) *The police shall, before the end of an investigation, notify any person who is the subject of the investigation that he or she is being investigated, the allegations being made against the person and the nature of the offence being investigated, unless the police believe that doing so would compromise or impede the investigation.*

#### *Notice of results of investigation*

(2) *If no prosecution is to be initiated, the police shall notify the complainant and any person who is the subject of the investigation of the results of the investigation.*

#### *Service of notice*

(3) *A notice under subsection (1) or (2) must be served personally on the person or sent by registered mail to the last known address of the person.*



**SAMPLE ONLY**  
NEED OFFICIAL RCMP LETTERHEAD

**NUNAVUT ELECTIONS ACT**  
**(s. 229(2))**

**Notice of Investigation Results**

[date]

Dear: [insert name of alleged offender]

Re: No Offence under the *Nunavut Elections Act*

We received a complaint alleging that you committed the following offence under the *Nunavut Elections Act*:

[Insert description of alleged conduct, the name of the alleged offence and section number of the Act]

This alleged offence was investigated by the RCMP.

After investigation, we have found that there are no reasonable grounds to support the allegation. Consequently, no further action will be taken and no prosecution will be initiated.

Yours sincerely,

RCMP Officer

cc Complainant, Chief Electoral Officer & Integrity Commissioner





**SAMPLE ONLY**  
NEED OFFICIAL RCMP LETTERHEAD

**LOI ÉLECTORALE DU NUNAVUT  
(Art. 229(2))**

**Résultats de l'avis de la tenue d'une enquête**

[date]

Cher/chère: [insérer le nom du contrevenant présumé]

Re: Aucune infraction selon la *Loi électorale du Nunavut*

Nous avons reçu une plainte alléguant que vous avez commis l'infraction suivante selon la *Loi électorale du Nunavut*.

[Insérer la description de la conduite alléguée, le nom de l'infraction alléguée et le no de l'article de la Loi]

La GRC a enquêté sur ce délit allégué.

Après enquête, nous avons trouvé qu'il n'y a aucun motif fondé pour soutenir l'allégation. Par conséquent, aucune autre action ne sera entreprise et aucune poursuite ne sera initiée.

Sincèrement vôtre,

Officier de la GRC

cc. Demandeur, Directrice générale des élections & Commissaire à l'Intégrité



**SAMPLE ONLY**  
NEED OFFICIAL RCMP LETTERHEAD

**NUNAVUT VUTIQTULIRINIRMUT MALIGARYUAQ  
(s. 229(2))**

**Naunaiyainiq Qimilruuqtauhimayut Qanurinninga**

[*ubluq*]

Haluu: [*ihuinaaqturiyahimayup atia ililugu*]

Haffuminnga: Ihuinaarutaunngittuq haffumani *Nunavut Vutiqtulirinirmut Maligaryuangani*

Qinugiyaudjutingnit ihuinaaqtaunahugiyauinirmit haffuminnga pinahugiyauinirmit titirarvigiyauyugut haffumani *Nunavut Vutiqtulirinirmut Maligaryuangani*:

[*Ihuinaarutigiyauunahugiyauyuq ililugu, atia ihuinaarutigiyauunahugiyauyuq uvvalu ilanganiittuq naahautaa Maligaryuap*]

Hamna ihuinaaqtaunahugiyauyuq qimilruuqhimayaat PALIIHIMATKUNNIT.

Qimilruuqtauhimataaqtumi, nalvaaqhimanngittugut ihuinaaqtauhi manahugiyauinirmit. Talvanngat, haffuminnga piffaalimaittut uvvalu apiqhuutauniangittuq hamna.

Uvanga,

PALIIHIMATKUNNI Havakti

titiqqap aadjikkutaa. Qinuutiqaqtuq, Atanilluaq Vutiqtuliriyuni & Kanngunaqtuliriyi Kamisina

**INFORMATION**  
(Sections 506 and 788 Criminal Code)

Canada:  
Nunavut:  
City / Hamlet of .....

This is the information of ....., of ....., (occupation), hereinafter called the informant.

The informant says that *(if the informant has no personal knowledge state that he / she believes on reasonable grounds and state the offence)*

Sworn before me this ..... day of

..... A.D. [year], at .....

.....  
(Signature of Informant)

.....  
A Justice of the Peace in and for Nunavut.

Note: The date of birth of the accused may be mentioned on the information or indictment.





## INFORMATION

(Articles 506 et 788 du Code Criminel)

Canada:

Nunavut:

Ville / Municipalité de .....

Voici l'information de ....., de ....., (profession), ci-après nommé l'informateur.

L'informateur dit que *(si l'informateur n'a pas de connaissance personnelle, déclare qu'il/elle croit qu'il y a des motifs fondés et déclare le délit)*

Affirmé devant moi en ce ..... jour de

..... A.D. [année], à .....

.....  
(Signature de l'Informateur)

Un juge de Paix au et pour le Nunavut.

Note: La date de naissance de l'inculpé peut être mentionnée dans l'information ou l'acte d'accusation.

**TUHAGAKHAQ**

*(Ilanganni 506 uvanilu 788 Ihuinaarnirmut Atugakhaq)*

Kanata:

Nunavut:

Nunallaani / Hamalatkuat uvani .....

Hamna tuhagakhauyuq haffumani C.D., haffumani ....., (havauhia), talvuuna taiyauvaktuq tuhaqtittivaktuq.

Una tuhaqtittivaktuq uqaqhimayuq (*immaqaak una tuhaqtittiyuq kangiqhihimanngitkumi uqarniaqtuq inmi ukpiruhukkumi ihuinaaqtauyumut uqaqhugulu ihuinaarnaiq*)

Uqattiaqtuq hivuramni uvani ..... ublungani haffumani

..... A.D. [ukiumi], uvani .....

.....  
(Atiliurvia Tuhaqtittiyup)

Una Apiqhuiyinninguaq Nunallaani uvanilu Nunavunmi.

Qauyihimalugu: Inuviata ublunga ihuinaaqtauhimanahugiyayup uqautauniarungnaqhiyuq tuhagakhami uvaniluunniit apiqhuqtauniarutimi.

**SUMMONS**  
(Sections 493, 508 and 512 Criminal Code)

Canada:  
Nunavut:  
City / Hamlet of .....

To ....., of ....., (occupation):

Whereas you have this day been charged before me that (*set out briefly the offence in respect of which the accused is charged*);

This is therefore to command you, in Her Majesty's name:

(a) to attend court on ....., the ..... day of .....A.D. ...., at ..... o'clock in the ..... noon, at ..... or before any justice for the said (territorial division) who is there, and to attend thereafter as required by the court, in order to be dealt with according to law; and

(b) to appear on ....., the ..... day of .....A.D. ...., at ..... o'clock in the ..... noon, at ....., for the purposes of the *Identification of Criminals Act*. (*Ignore, if not filled in*).

You are warned that failure without lawful excuse to attend court in accordance with this summons is an offence under subsection 145(4) of the *Criminal Code*.

Subsection 145(4) of the *Criminal Code* states as follows:

"(4) Every one who is served with a summons and who fails, without lawful excuse, the proof of which lies on him, to appear at a time and place stated therein, if any, for the purposes of the *Identification of Criminals Act* or to attend court in accordance therewith, is guilty of

(a) an indictable offence and is liable to imprisonment for a term not exceeding two years; or

(b) an offence punishable on summary conviction."

Section 510 of the *Criminal Code* states as follows:

"**510.** Where an accused who is required by a summons to appear at a time and place stated therein for the purposes of the *Identification of Criminals Act* does not appear at that time and place, a justice may issue a warrant for the arrest of the accused for the offence with which he is charged."

Dated this ..... day of ..... A.D. ...., at .....

.....

A Justice of the Peace in and for Nunavut or Judge



**APPEL EN JUSTICE**  
(Articles 493, 508 et 512 du Code Criminel)

Canada:  
Nunavut:  
Ville / Municipalité de .....

Pour ....., de ....., (profession):

Considérant que vous avez été, ce jour, accusé devant moi de (*exposez brièvement l'infraction pour laquelle l'inculpé est chargé*);

De ce fait, ceci pour vous commander, au nom de Sa Majesté:

(a) de participer à la cour ....., le ..... jour de .....A.D. ...., à..... heure de l'..... midi, à ..... ou devant n'importe quel juge pour la-dite (division territoriale) qui se trouve là, et pour participer, par la suite, à ce qui est requis par le tribunal, afin d'appliquer la loi; et

(b) de paraître ....., le ..... jour de .....A.D. ...., à ..... heure de l'..... midi, à ....., dans le but de la *Loi sur l'Identification des Criminels*. (*Ignorez, si non enregistré*).

Vous êtes averti que l'omission sans excuse légale de participer au tribunal selon cet appel en justice, constitue une infraction selon le paragraphe de l'article 145(4) du *Code Criminel*.

L'article 145(4) du *Code Criminel* déclare ce qui suit:

"(4) Quiconque reçoit signification d'une sommation et omet, sans excuse légitime, dont la preuve lui incombe, de comparaître aux lieux et date indiqués pour l'application de la *Loi sur l'identification des criminels* ou d'être présent au tribunal en conformité avec cette sommation, est coupable:

- (a) soit d'un acte criminel et passible d'un emprisonnement maximal de deux ans;
- (b) soit d'une infraction punissable sur déclaration de culpabilité par procédure sommaire.

L'article 510 du Code criminel déclare ce qui suit:

"**510.** Lorsqu'un prévenu à qui une sommation enjoint de comparaître aux temps et lieu y indiqués pour l'application de la *Loi sur l'identification des criminels*, ne comparaît pas aux temps et lieu ainsi indiqués, un juge de paix peut décerner un mandat pour l'arrestation du prévenu pour l'infraction dont il est inculpé."

Daté ce ..... jour de l'an de grâce ....., à .....

.....

Un Juge de paix au et pour le Nunavut *ou* un Juge

## PITQUYAUDJUT

(Ilanganiittut 493, 508 uvanilu 512 Ihuinaarnirmut Atugakhaq)

Kanata:

Nunavut:

Nunallaani / Hamalatkuat uvani .....

Uvunga A.B., haffumani ....., (havauhia):

Nanilikiaq uvani ublumi ihuinaaqhuriyayutit uvanga hivuramni (*uqautigikaffuglugu ihuinaarniq uumap ihuinaaqturihimayuyup ihuinaarninganik*);

Hamna talvuuna pitquyahimayug ilingnut, Nangaqtauhimayumi atianigut:

(a) apiqhuingmiittukhauyutit uvani ....., una ..... ubluangani .....A.D. ...., uvani ..... o'clock uvani ..... qitiqqunmi, uvani ..... hivuraaniluunniit kitulikiaq apiqhuiyinnuap uvani uqautayumi (aviktuqhimayup havagviani) kinali talvaniittuq, talvaniiqattaqtukharlu pitquyahimanianni apiqhuiyitkut, ilaa havaariyaunariqtukhaq maligatigut maliglugu; uvvalu

(b) hivuraaniittukhaq uvani ....., una ..... ubluangani .....A.D. ...., uvani ..... o'clock uvani ..... qitiqqunmi, uvani ....., haffuminngagut pinahuarlutik *Ilitturinahuaqhugu Ihuinaarnirmut Atugainnik*. (*Ihumaginngillugu, titiraqtauhimanngitpat*).

Taniqtauhimayutit apiqhuiyitkut hivuraaniinngitkuvit huurli uqattianngitkuvit ihuinaarutauhimayug haffumani uiguata ilangani 145(4) haffumap *Ihuinaarnirmut Atugainni*.

Uiguata ilangani 145(4) haffumap *Ihuinaarnirmut Atugainni* haffuminnga uqauhiqaqtuq:

“(4) Kitullikiaq tamarmik apiqhuingmunngaquyahimayut qainngitpata, uqattiaqhimaittumik, taamna piqpiaqhimayug nanminiriyaa, hivuraaniittukhaq humunngaqqallikiaq nanimilu talvani uqaqhimayumi, pivikhaqaqqat pinahuarlutik *Ilitturinahuaqhugu Ihuinaarnirmut Maligaryuangani* atugainnik uvvaluunniit apiqhuingmiittukhaq malikhugu talvani, ihuinaarniaqtuq haffuminnga

(a) apiqhuqtauyungnaqtumik ihuinaarut uvvalu itiqtauniarungnaqhiyutillu avatquumanngittumik malruk ukiuk; uvvaluunniit

(b) una ihuinaarnirut taniqtauyungnaqtuq ihuinaaqtumut.”

Ilangani 510 haffumani Ihuinaarnirmut Atugainni hapkuninnga uqauhiqaqtuq:

“**510.** Nanilikiaq una ihuinaaqhimayug qaitquyahimayug humunngaqqat ubluqhiut uvanilu qaitquyahimavingmut uqaqhimayumut *Ilittuqharvikhamut Ihuinaarnirmut Maligaryuangani* qaihimanngitpat takukhaunngitpallu, una apiqhuiyip tiguyungnaqtaa ihuinaaqhimayug ilaa ihuinaaqtaminik paqiyahimaniyanik.”

Ubluliuqhimayug uvani ..... ublungani ..... A.D. ...., uvani .....

.....

Apiqhuyitkunni Apiqhuyinnguaq Nunavunmi *uvvaluunniit* Apiqhuyi







## 7. RCMP Summary Ticket Procedure

- A ticket may be issued for an offence under s. 180(1) or (2) of the NEA
  - ♦ Failure of financial agent to prepare a financial return s. 180(1) - 267(3)(c)
  - ♦ Failure of candidate to send a financial return s. 180(2) - 267(4)
- Part 8.3 of the Summary Conviction Procedures Regulations provides for the amount of the ticket (see below).
- These are the only two offences for which a ticket can be issued.
- They are also the most common offences in an election.
- The ticket is issued in the standard form, which should include reference to the applicable information.

### *Summary Conviction Procedures Regulations*

PART	8.3	–	NUNAVUT	ELECTIONS	ACT
Item Number	Provision Contrvened	Fine \$	Surcharge \$	Specified Penalty	General Description of Offence
1.	180(1)	200	30	230	Failure of financial agent to prepare a financial return
2.	180(2)	200	30	230	Failure of candidate to send a financial return

continued on





## 8. Compliance Agreements – Integrity Commissioner

### Offer of Agreement

- The Integrity Commissioner may offer a compliance agreement to an alleged offender.
- This can be done if the IC receives the RCMP notice that there are grounds to believe an offence has been committed.
- An alleged offender may directly request the IC to offer him / her a compliance agreement.
- The IC should consider the following factors when deciding whether to offer a compliance agreement:
  - ♦ the nature and gravity of the act or omission;
  - ♦ the penalty provided for the act or omission;
  - ♦ the public interest;
  - ♦ the interests of justice; and
  - ♦ any other factor that the Integrity Commissioner considers relevant.

### Notice to Offender

- The Integrity Commissioner sends a notice to the alleged offender.
- The Notice includes the following:
  - ♦ that a compliance agreement is being offered and the time limit on the offer;
  - ♦ the proposed terms and conditions of the compliance agreement;
  - ♦ that the person has a right to be represented by legal counsel; and
  - ♦ that a summary of the compliance agreement will be publicly disclosed.
- When an Agreement is offered, the IC should inform / copy
  - ♦ the RCMP
  - ♦ Elections Nunavut

## Nature / Contents of Agreement

- The Agreement is an alternative to prosecution, assuming it is signed and completed.
- The Agreement must include a statement by the person in which he or she accepts responsibility for the act or omission that constitutes the offence
- The Agreement can require the alleged offender to do any of the following:
  - ♦ pay a sum of money, including restitution and damages, to one or more specified recipients, e.g. GN;
  - ♦ make an apology, including both public and private apologies;
  - ♦ seek atonement in accordance with traditional Inuit practice;
  - ♦ perform community service;
  - ♦ do or refrain from doing any action agreed upon.

## Deadline

- An Agreement can be signed before or after the prosecution is begun.
- If no prosecution has begun, the Agreement must be signed before the limitation period expires!
- If the limitation period passes and there is no prosecution, there is no leverage to negotiate an Agreement.

## Negotiating the Agreement

- A model Agreement is provided.
- The acknowledgement and publication of responsibility is NOT negotiable.
- The \$200 penalty is variable/ negotiable.
- In the case of failure to file a proper financial return,
  - ♦ a summary conviction ticket may have been issued by the RCMP
  - ♦ if an Agreement is offered, the offender should be required to file a financial return that is acceptable to the CEO.
- The CEO should be consulted in advance about any condition relating to remedying a breach, so the CEO can confirm compliance, e.g. when an acceptable financial return is filed.
- The practice has been to send two copies of the Agreement to the offender and ask the person to sign both and return one copy. This is a simple “take it or leave it” deal.

## Notice of Signed Agreement

- When an Agreement is signed, the IC should inform
  - ♦ the RCMP;
  - ♦ Elections Nunavut;
  - ♦ the PPS.
- The IC should inform Elections Nunavut of the contents of the Agreement, especially the details of the public apology and any action required by the CEO.

## Monitoring Compliance

- The Form “Compliance Agreement Tracking Document – IC” can be used by the IC.
- To keep track of status of the complaints / enforcement process, EN uses the Form: “Status Report on Enforcement – EN”.
- If applicable, the CEO will inform the IC when the offender has complied with undertakings to Elections Nunavut. Use Form: “CEO Letter Regarding Compliance”.

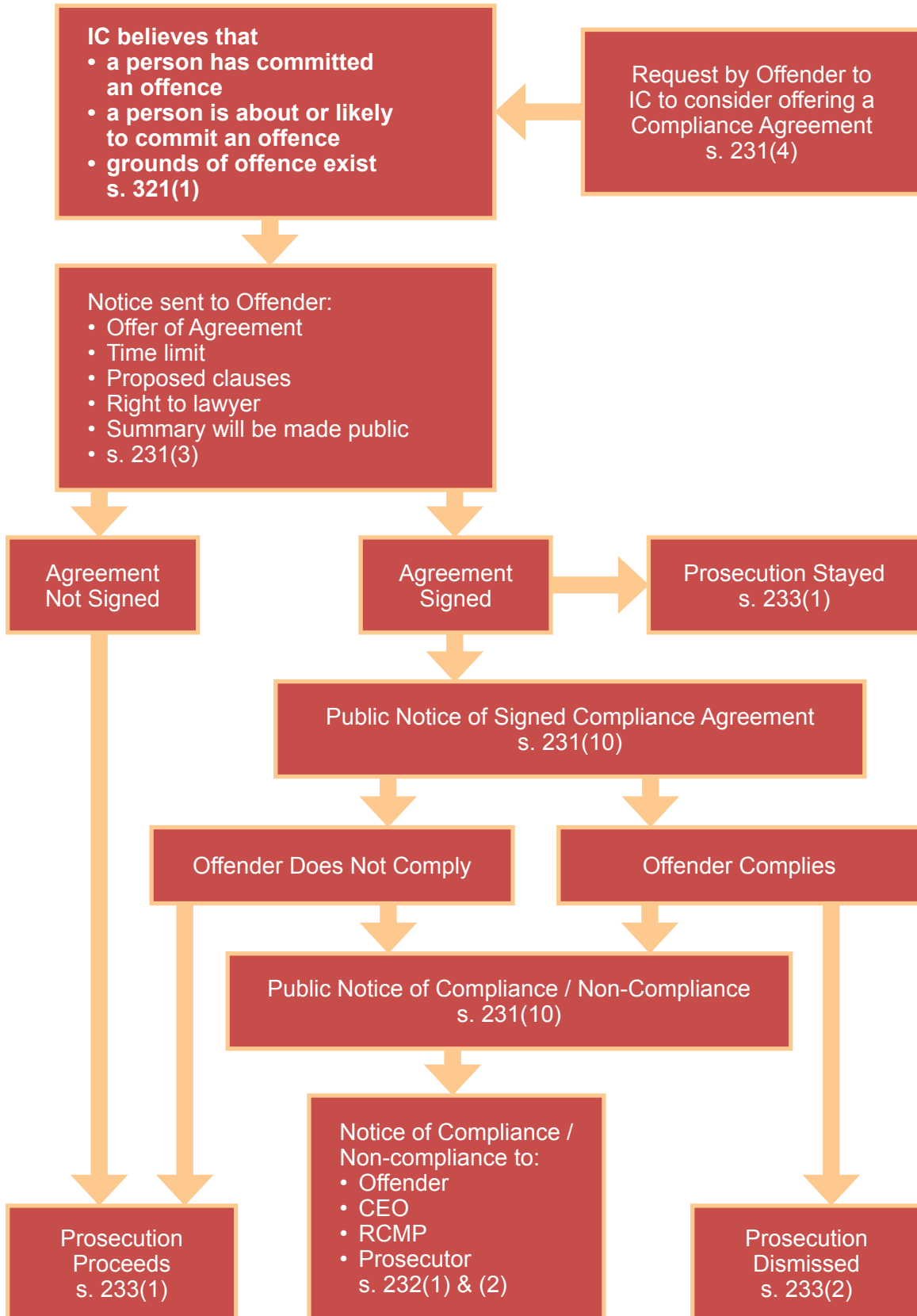
## Notice of Compliance / Non-compliance

- When the deadlines in the compliance agreement pass, the IC will know whether the person complied with it or not.
- The IC should inform the following people whether there was compliance or not
  - ♦ the person who signed it;
  - ♦ RCMP;
  - ♦ PPS; and
  - ♦ Elections Nunavut

## Publication of Information

- The IC must publish information about compliance agreements
  - ♦ the name of any person who signed a compliance agreement;
  - ♦ the act or omission in question;
  - ♦ a summary of the compliance agreement; and
  - ♦ whether or not the the person complied with the compliance agreement.

## Compliance Agreement Process



## Relevant Sections of the *Nunavut Elections Act*

### *Compliance Agreements*

#### *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 one or more of the following:*

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

#### *Without prejudice*

(2) *The process of negotiating a compliance agreement shall be without prejudice to any party's position.*

#### *Compliance agreement*

**231.** (1) *If the Integrity Commissioner believes on reasonable grounds that a person has committed, is about to commit or is likely to commit an act or omission that could constitute an offence under this Act, the Integrity Commissioner may enter into a compliance agreement with that person, after considering the following factors:*

- (a) *the nature and gravity of the act or omission;*
- (b) *the penalty provided for the act or omission;*
- (c) *the public interest;*
- (d) *the interests of justice;*
- (e) *any other factor that the Integrity Commissioner considers relevant.*

#### *Terms and conditions*

(2) *A compliance agreement may contain any terms and conditions that the Integrity Commissioner considers necessary to promote the purposes of this Act or to ensure compliance with this Act, and shall include time limits for the performance of any obligations and a method to monitor compliance with the agreement.*

#### *Written offer*

(3) *The Integrity Commissioner shall send a notice to the person referred to in subsection (1) informing the person of the following:*

- (a) *that a compliance agreement is being offered and the time limit on the offer;*
- (b) *the proposed terms and conditions of the compliance agreement;*
- (c) *that the person has a right to be represented by legal counsel;*
- (d) *that a summary of the compliance agreement will be publicly disclosed.*

#### *Request*

(4) *A person who is alleged to have committed an offence under this Act may request the Integrity Commissioner to consider entering into a compliance agreement.*

*Protection of rights*

(5) *The Integrity Commissioner shall give a person to whom a compliance agreement is being offered a reasonable opportunity to consult with legal counsel.*

*Admission of responsibility*

(6) *A compliance agreement must include a statement by the person in which he or she accepts responsibility for the act or omission that constitutes the offence.*

*Taking effect*

(7) *A compliance agreement takes effect only when it is signed by the person and the Integrity Commissioner.*

*Inadmissible in evidence*

(8) *The fact that a compliance agreement was entered into, and any statement of the person admitting responsibility, is not admissible in evidence against the person in any proceeding.*

*Copy to be provided*

(9) *The Integrity Commissioner shall provide the person with a copy of a compliance agreement without delay after it is signed.*

*Publication*

(10) *The Integrity Commissioner shall publish, in the manner and form that he or she considers appropriate,*

- (a) *the name of any person who signed a compliance agreement;*
- (b) *the act or omission in respect of which the compliance agreement was made;*  
*and*
- (c) *a summary of the compliance agreement.*

*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 the person who signed it;*
- (b) *the act or omission in respect of which the compliance agreement was made;*
- (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.*

*Access to Information and Protection of Privacy Act*

(4) *The requirement to publish information under this section and section 231 applies despite any provisions to the contrary in the Access to Information and Protection of Privacy Act.*

*No further proceedings*

**233.** (1) *When a compliance agreement is entered into, no further proceedings under this Act shall be taken against the person in respect of the act or omission, unless the agreement is not complied with.*

**Offer of Compliance Agreement**

[date]

Mr. [or Ms.]

WITHOUT PREJUDICE

Dear [name]:

Re: Offer of Compliance Agreement under the *Nunavut Elections Act*

The RCMP informs me that you are alleged to have committed one or more offences under the *Nunavut Elections Act*. These are punishable by fine, imprisonment and disqualification from office.

As an alternative to proceeding with prosecution, the *Act* allows for a compliance agreement to be entered into between you and the Integrity Commissioner.

As the Integrity Commissioner of Nunavut, I have decided to offer you a compliance agreement and have enclosed two copies. These copies are already signed by me. Please consider signing this agreement.

If you do sign it, no further proceedings under the *Act* for the alleged breaches may be taken unless you do not comply with this agreement.

If you do not sign it, you may be subject to prosecution or other proceedings under the *Act* for the alleged breaches. The penalty for an offence under the *Nunavut Elections Act* includes:

- a fine of up to \$5,000;
- imprisonment for up to one year; or
- both a fine and imprisonment.

Please Note: You have the right to consult and be represented by counsel before you sign it. Signing it means you also consent to its publication in accordance with the *Act*.

If you find the enclosed agreement acceptable, please date and sign both copies before a witness (clearly identified by name and address). Keep one copy and return one copy to me by registered mail at the address below **no later than [date]**. If I have not received a signed copy by that date, the offer is no longer valid and your file will be returned to the RCMP for prosecution.

The deadline is **[date]**. I look forward to receiving your decision before then.

Sincerely,

Integrity Commissioner

cc CEO, RCMP



### ᐱᕐᑏᕐ ᐱᕐᑏᕐ ᐱᕐᑏᕐ

[ᐱᕐᑏᕐ]

Mr. [ᐱᕐᑏᕐ Ms.]

ᐱᕐᑏᕐ ᐱᕐᑏᕐ ᐱᕐᑏᕐ

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- ᐱᕐᑏᕐ ᐱᕐᑏᕐ ᐱᕐᑏᕐ \$5,000;
- ᐱᕐᑏᕐ ᐱᕐᑏᕐ ᐱᕐᑏᕐ;
- ᐱᕐᑏᕐ ᐱᕐᑏᕐ ᐱᕐᑏᕐ.

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## Offre d'Entente de Règlement

[date]

M. [or Mme]

Cher/Chère [nom]:

SANS PRÉJUDICE

Re: Offre d'Entente de Règlement selon la Loi électorale du Nunavut

La GRC m'informe que vous êtes présumé avoir commis un ou plusieurs délits selon la *Loi électorale du Nunavut*. Ceci est punissable par amende et/ou emprisonnement et exclusion de votre travail.

Comme alternative à la procédure de la poursuite, la Loi permet qu'une entente de règlement soit conclue entre vous et le Commissaire à l'Intégrité.

En tant que Commissaire à l'Intégrité du Nunavut, j'ai décidé de vous offrir une entente de règlement et j'ai inclus deux copies. Ces copies ont déjà été signées par moi. Veuillez considérer la signature de cette entente.

Si vous la signez, aucune autre poursuite selon la Loi pour les infractions alléguées ne peut être entreprise, à moins que vous ne respectiez pas cette entente.

Si vous ne la signez pas, vous pouvez être sujet à une poursuite ou d'autres procédures selon la Loi pour les infractions alléguées. La pénalité pour un délit selon la *Loi électorale du Nunavut* inclut:

- une amende jusqu'à 5,000\$;
- un emprisonnement jusqu'à un an; ou
- à la fois une amende et un emprisonnement.

Veuillez Noter: Vous avez le droit de consulter un conseil et d'être représenté par un conseil avant de signer. Signer cette entente signifie que vous consentez aussi à sa publication, en accord avec la Loi.

Si vous considérez l'entente incluse acceptable, veuillez dater et signer les deux copies devant un témoin (clairement identifié par son nom et adresse). Gardez une copie et retournez-moi l'autre copie à l'adresse ci-dessous **pas plus tard que le jour suivant [date]**. Si je n'ai pas reçu une copie signée à cette date, l'offre n'est plus valide et votre dossier sera retourné à la GRC pour la poursuite.

Voici la date limite **[date]**. J'espère recevoir votre décision avant cette date.

Sincèrement,

Commissaire à l'Intégrité.  
cc DGE, GRC





3. I accept full responsibility for my actions and understand the seriousness of my actions.
4. I publicly apologize to Nunavummiut for my offence and my failure to respect the law. I am sincerely sorry for not complying with the *Nunavut Elections Act*.
5. I undertake to comply with all provisions of the *Nunavut Elections Act* in the future.
6. I also hereby specifically undertake to [modify as necessary]
- (a) Fulfil all the obligations for which I am responsible under the *Act*, including providing the Chief Electoral Officer all the required financial documentation, no later than [date].
  - (b) Ask the Chief Electoral Officer to provide to the Integrity Commissioner, by [date], written confirmation that that I have fulfilled all the obligations for which I am responsible under the *Act*, including providing the Chief Electoral Officer all the required financial documentation, no later than [date].
  - (c) Send to the Integrity Commissioner, by [date], the sum of [\$200] in the form of a certified cheque, Northern Stores draft or Co-op draft payable to the Government of Nunavut.
  - (d) Make a public apology by publishing, at my own expense, a public notice in at least 12 point type in the *Nunatsiaq News* and *Nunavut News North [Kivalliq News]* stating in all Official Languages the following without any qualification, addition or modification:  
  
“I am sincerely sorry for not complying with the *Nunavut Elections Act* and I publicly apologize to Nunavummiut for my failure to respect the law. I understand the seriousness of my actions and I undertake to comply with all provisions of the *Nunavut Elections Act* in the future. [name of person, community of residence & date].”
  - (e) [Other undertakings as appropriate]
7. I understand that I have the right to retain counsel and obtain legal advice in respect of this agreement. I confirm that I have had reasonable opportunity to do so.
8. I understand that my name and details concerning this agreement will be published.

Signed on \_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at  
City / Hamlet of \_\_\_\_\_, Nunavut

Signature: \_\_\_\_\_

Signature of Witness \_\_\_\_\_

Witness Name: \_\_\_\_\_

Witness Address: \_\_\_\_\_

\_\_\_\_\_

Accepted by Integrity Commissioner on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Integrity Commissioner of Nunavut







ᐊᑎᓕᐅᖃᑕᐅᓂᓂᓐ ᐅᑲᓂ \_\_\_\_\_ ᐅᓕᓂᓂᓐ ᐅᑲᓂ \_\_\_\_\_, 20\_\_\_\_, ᐅᑲᓂ ᓄᓇᓕᐸᐅᓂᓂᓐ /  
ᑲᐸᓕᓂᓂᓐ \_\_\_\_\_, ᓄᓇᓂᓂᓐ

ᐊᑎᓕᐅᖃᓂᓂᓐ: \_\_\_\_\_

ᐊᑎᓕᐅᖃᓂᓂᓐ ᑕᐅᓂᓂᓐ \_\_\_\_\_

ᐊᑎᓕᐅᖃᓂᓂᓐ ᑕᐅᓂᓂᓐ ᐊᑎᓕᐅᖃᓂᓂᓐ \_\_\_\_\_

ᐊᑎᓕᐅᖃᓂᓂᓐ ᑕᐅᓂᓂᓐ ᐅᓂᓂᓂᓐ \_\_\_\_\_

ᐊᑎᓕᐅᖃᓂᓂᓐ ᐅᓂᓂᓂᓐ ᐅᓂᓂᓂᓐ ᑕᐅᓂᓂᓐ ᐅᓂᓂᓂᓐ ᐅᓂᓂᓂᓐ \_\_\_\_\_ ᐅᓂᓂᓂᓐ  
\_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_ ᐅᓂᓂᓂᓐ ᐅᓂᓂᓂᓐ ᑕᐅᓂᓂᓐ ᐅᓂᓂᓂᓐ \_\_\_\_\_



3. J'accepte la pleine responsabilité de mes actions et je comprends le gravité de mes actions.
4. Je présente publiquement mes excuses aux Nunavummiut pour mon infraction et mon manque de respect à la Loi. Je suis sincèrement désolé de n'avoir pas observé la *Loi électorale du Nunavut*.
5. J'entreprends d'observer toutes les provisions de la *Loi électorale du Nunavut* à l'avenir.
6. De ce fait, j'entreprends spécifiquement de
- (a) Remplir toutes les obligations pour lesquelles je suis responsable selon la *Loi*, y compris de procurer à la Directrice générale des élections toute la documentation financière requise, pas plus tard que le [date].
  - (b) Demander à la Directrice générale des élections de procurer au Commissaire à l'Intégrité, d'ici au [date], confirmation écrite que je me suis acquitté de toutes les obligations pour lesquelles je suis responsable selon la *Loi*, y compris procurer à la Directrice générale des élections toute la documentation financière requise, pas plus tard que le [date].
  - (c) Envoyer au Commissaire à l'Intégrité., d'ici au [date], la somme de [\$200] sous forme de chèque visé, traite tirée du Northern Stores ou de la Coopérative et payable au Gouvernement du Nunavut.
  - (d) Présenter des excuses publiques en publiant, à mes propres frais, un avis public en caractères d'au moins 12 points au *Nunatsiaq News* et *Nunavut News North [Kivalliq News]*, déclarant dans toutes les langues officielles, ce qui suit sans aucune qualification, addition ou modification:  
  
"Je suis sincèrement désolé pour ne m'être pas conformé à la *Loi électorale du Nunavut* et je présente publiquement mes excuses aux Nunavummiut pour mon manque de respect à la Loi. Je comprends la gravité de mes actions et je m'engage à appliquer toutes les exigences de la *Loi électorale du Nunavut* à l'avenir.[nom de la personne, lieu de résidence & date]."
  - (e) [Autres engagements comme appropriés]
7. Je comprends que j'ai le droit de prendre conseil et d'obtenir un avis légal concernant cet accord. Je confirme avoir raisonnablement l'occasion de le faire.
8. Je comprends que mon nom et les détails concernant cet accord vont être publiés.

Signé le \_\_\_\_ jour de \_\_\_\_\_ 20\_\_\_\_ à  
Ville / Municipalité de \_\_\_\_\_, Nunavut

Signature: \_\_\_\_\_

Signature du témoin \_\_\_\_\_

Nom du témoin \_\_\_\_\_

Adresse du témoin \_\_\_\_\_

\_\_\_\_\_

Commissaire à l'Intégrité en ce \_\_\_\_ jour de \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Commissaire à l'Intégrité du Nunavut



3. Uvanga ihuinaaqtamnik uvangainnaq pihimayara kangiqhihimablugu qanurli ihuinaaqtara akhuraaluk ihuinaaqtuutigiyara.
4. Mamianaaqqunga Nunavunmiunut ihuinaarutimnit uvvalu malittiannginnapku maligakhauyumi. Mamiahuutiqaqpiaqqunga malinngittugu *Nunavut Vutiqtulirinirmut Maligaryuangani*.
5. Malingnahuarniaqqatka tamaita uvaniittut *Nunavut Vutiqtulirinirmut Maligaryuangani* talvanngat.
6. Uvvalu hapkuninnga pinahuarniaqqatka

- (a) Tamaita uvanga kamagiyakhatka haffumaniittumi *Maligaryuarmi*, hapkuallu tunilugit Atanilluanganut Vutiqtuliriyuni tamaita maniktuutit titirait, tikitinnagu una [ubluq].
- (b) Apirilugu Atanilluanga Vutiqtuliriyuni tunihiyukhamik Kanngunaqtuliriyi Kamisinaanut, uvunngaqtinnagu [ubluq], titiraqhimayumik naunaqhihimapkaiyunga tamainnik piyakhariyamnik ilaa uvanga kamagiyamnik haffumani *Maligaryuarmi*, tunilugulu Atanilluanganut Vutiqtuliriyuni tamaita maniliqidjutit titirait, qaangiqtinnagu uvani [ubluq].
- (c) Tuyurlugu Kanngunaqtuliriyi Kamisinaanut, uvunngaqtinnagu [ubluq], akia [\$200] saliuqhimayumik, Nualatigut Niuvirvianni ukunatigulluunniit Kuapatkutigut akia turaangayukhaq Kavamatkuanut Nunavut.
- (d) Titiqqakkuuqtumik mamiahuutiqaarlunga, uvamnik akiliqturlugu, inungnut tuhaqtitakhara 12-nik titirauhiqaqtumik uvani *Nunatsiaq News Pivalliyuni* uvanilu *Nunavut News North Pivalliyuni* [*Kivalliq News Pivalliyuni*] titiraqhimaniqaqtukhaq tamainni Uqauhiit Iltariyauhimayuni hapkuat ayunnginniqanngittut, ilaliutihimannngittut uvvaluunniit ihuaqhaqhimannngittut:

“Uvanga mamiahuutiqaqpiaqqunga malikhimannnginnapku una *Nunavut Vutiqtulirinirmut Maligaryuanga* uvvalu inungnut mamiahuumnut uqaqqunga Nunavunmiunut ilaa ihumagittiannginnapku maligauyumik ittuq. Kangiqhihimavatka ihuinaarutiqaqpianguyumik uvvalu ihuaqhinahurrinniaqqatka tamainni uvaniittunik *Nunavut Vutiqtulirinirmut Maligaryuangani* talvanngat. [inuup atia, nani nunaqariakhaa uvvalu ublunga].”

- (e) [Ahiit kitullikiaq piyauyukhat]

7. Kangiqhihimavunga pivikhaqaqtunga uqaudjiyikhamnik pilunga uvvalu maligalirinirmut uqaudjiyauyungnaqtunga haffumani angirunmi. Naunaqhihimavunga ilaa haffuminnga piyungnautiqaqtunga.

8. Kangiqhihimavunga atira hapkuallu titiraqhimayuniittut angirunmi takupkaqtitaulaaqtut kitunullikiaq titiqaqkut.

Atiliuqhimayuq uvani \_\_\_ ublunga \_\_\_\_\_, 20\_\_\_\_\_, uvani Nunallaani /



Hamalatuat uvani \_\_\_\_\_, Nunavut

Atiliurvia: \_\_\_\_\_

Atiliurvia Naalaktup \_\_\_\_\_

Naalaktup Atia \_\_\_\_\_

Naalaktup Turaarvia \_\_\_\_\_

\_\_\_\_\_

Angiqhimayaa Kanngunaqtuliriyi Kamisina uvani \_\_\_\_ ubluangani \_\_\_\_\_ ,  
20\_\_\_\_

\_\_\_\_\_  
Kanngunaqtuliriyi Kamisina Nunavunmi



## Status Report on Enforcement – EN

Status Report on Enforcement of 20__ Nunavut General Election [date]					
Candidate (C), Financial Agent (FA) or Other Person	Constituency	Nature of Complaint or Alleged Offence	Investigation	Integrity Commissioner Action	Court Action
Example (C)		Ineligible Candidate	RCMP Investigation – No charge	Compliance Agreement Signed & Complied	None
Example (C)		Financial Return filed late	Under RCMP investigation	No action yet	N/A
Example (FA)		Financial Return not prepared & receipt book not returned	RCMP investigation – charge	Compliance Agreement Signed and NOT Complied	Yes
Example (FA)		Financial Return not prepared & receipt book not returned	Under RCMP investigation – no charge	Compliance Agreement Offered but Refused	N/A
Example (O)		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











## CEO Letter Regarding Compliance

[date]

Integrity Commissioner

Dear [name]:

Re: [Name of Person] Compliance Agreement dated [Date]

This letter is to inform you that \_\_\_\_\_, who signed a compliance agreement with you, has complied with the provisions of that agreement respecting

*Filing a complete financial return*

*Returning receipt books*

*Other action as appropriate*

The documents referred to above were received by Elections Nunavut on \_\_\_\_\_, 20\_\_, in accordance with the undertakings in the compliance agreement.

Sincerely,

Chief Electoral Officer











## NUNAVUT VUTIQTULIRINIRMUT MALIGARYUAQ Tuhaqtitaulraaqtutit Naunaiyainiq Tuhaanirmut/ Tuhaanginnirmut

[ubluq]

Mr. [uvvaluunniit Ms.]

Haluu [atia]:

Haffuminnga: Tuhaqtitaulraaqtutit Naunaiyainiq Tuhaanirmut/ Tuhaanginnirmut haffumani Nunavut Vutiqtulirinirmut Maligaryuaq

Naunaiyainiq Tuhaanirmut ubluqmit angiqatigiigutaujuq ilingnut Kanngunarnirmut Kamisinamullu.

Kanngunarnirmut Kamisinaublunga Nunavunmi, quviahuktunnga malikangnit angiqatigiiguti. Hivummut piliriat *maliglugu* Piqujaq hiqumittiniraqtaujunut ihumagijaulaitut.

Malikniit uqalimaamut hatqitauniaqtuq *maliglugu* Piqujaq.

### **UVALUUNIIT**

Kanngunarnirmut Kamisinaublunga Nunavunmi, Mamianaq tuhaqtittariaqarapkit malinnginnavit angiqatigiigummik. Piluaqtumik malinnginnavit....

Angiqatigiigummik malinnginniit hatqitauniaqtuq uqalimaagamut maliglugu Piqujaq.

Piinariaqaqtutit maligaliqiyimik uqaqatiqarngirngmik, utaqqinngillutit.

Apiquhuniq atuqtaulirlutik uvvaluunniit atuqtauvaglutik ihumagiblugu hivulliq pivia ungavainialuunniit. Qaujipkaqtauniaqtutit apiquhuyitiguurgniaqpat qanuiliurngniraqtaunirngnut tuhaajaujariaqaruvillu.

Akiliqhipkainikhakkut ihuinaarutigiyaagut haffumani *Nunavut Vutiqtulirinirmut Maligaryuaq* ilait:

- o akiliqhilutit avatquumangittumik \$5,000;
- o itiqtaupkaqtauluni imaaqaak atauhirmik ukiumi; uvvaluunniit
- o ukuaglu akiliqhiluni itiqtaulunilu.

Uvanga,

Kanngunarnirmut Kamisina

titiqqap aadjikkutaa Atanilluani Havakti, PALIIHIMATKUT, PPS









## NUNAVUT VUTIQTULIRINIRMUT MALIGARYUAQ Tuhaqtitalraaqtuutit Inungnun Naunaiyainiq Tuhaanirmut/Tuhaanginnirmut

Una Naunaiqidjut tuhaqhipkaidjutigivagaa Kanngunaqtuliriyi Kamisinaanit malikhugu s. 232(3) haffumap *Nunavut Vutiqtulirinirmut Maligaryuangani*, S.Nu. 2002, C. 17 (ihuaqhaqtauhimabluni)

### Naittuq Titirauhia

Ahiatigut apiqhurnirup, una inuk ihuinaaqturiyauhimayuq vutiqtulirinirmut angirutimi angirutiqarungnaqatigiyya Kanngunaqtuliriyi Kamisinaa. Immaqaak una inuk angiqhimagumiuk pivikhait qanurinningallu haffumani angirunmi, apiqhuqtauyungnannginniaqtut ihuinaaqtamingnik.

Titirarninga Angirutit Angiqhimaniit  
Vutiryuarniq / Vutiffaarniq haffumani \_\_\_\_\_, 20\_\_\_\_\_

Inuup Atia:	
Kivgaqturvia:	
Kihinnguqtaa / Ihuinaaqtaa:	<input type="checkbox"/> utiqittihimanninnia maniit atuqhimayait <input type="checkbox"/> ....
Naittumik Titirarninga Angirutit Angiqhiania:	<input type="checkbox"/> ilitturipkaihimagayuq inmi ihuinaaqtuutigiyaa <input type="checkbox"/> inmi ihuinaaqturibluni uqaqhimayuq <input type="checkbox"/> ilitariyaa angiqtauyariaqatigiyya <i>Maligaryuaq</i> <input type="checkbox"/> angiqhimayuq inungnut mamiahuutimik tuhaqtittiluni <input type="checkbox"/> angiqhimayuq titirattiaqhimayukhaq uvani --- ubluni <input type="checkbox"/> angiqhimayuq nunamini havagluni akiittumik <input type="checkbox"/> uqattiaqhimayuq ihumagittiarluniuk tuhaattiarluniuglu <i>Maligaryuaq hivuani</i> <input type="checkbox"/> angiqhimayuq akiliqhiluni Kavamatkuanut Nunavut
Naunaiyainiq tuhaanirmut / tuhaanginnirmut Angirutimik	<input type="checkbox"/> Inuk maliktuq angirutimik <input type="checkbox"/> Inuk maliruangimmat angirutimik

Ubluliuqhimayuq Iqalungni, Nunavut, uvani \_\_\_\_\_ ublungani haffumap \_\_\_\_\_, 20\_\_\_\_\_

(*Atiliurvik*)

Kanngunaqtuliriyi Kamisana Nunavunmi





## 9. Prosecution – PPS

### Initiating a Prosecution

- The PPS is responsible for prosecuting all election offences
- The Prosecution Desk Book covers prosecutorial discretion
- No diversion is allowed other than the compliance agreement procedure and court determined alternatives to fine or imprisonment
- PPS will inform the CEO when a decision is made to prosecute or not.
- The RCMP may have issued a summary conviction ticket in the case of an offence under s. 180(1) or (2) of the NEA.

### Limitation Period

- There is a **one year** limitation period to institute a prosecution
- The limitation period can be extended in two cases:
  - ♦ where the offender leaves Nunavut and prevents a prosecution, the limitation period is extended until one year from the day the accused returns;
  - ♦ where a compliance agreement is entered into but offender defaults, the limitation period is extended until 60 days after the notice of default.
- A prosecution against a returning officer for wilful delay, neglect or refusal to return a candidate as elected may not be commenced after six months from the day the hearing of any application to void an election relating to the action is concluded.

### Stay of Prosecution

- When a compliance agreement is signed
  - ♦ If no prosecution started – do not initiate a prosecution
  - ♦ If prosecution started – stay the proceedings

### Discontinue Proceedings

- If the IC advises that a compliance agreement has been complied with, the prosecution must be discontinued
- A judge has the power to dismiss proceedings if
  - ♦ the agreement has been complied with; or
  - ♦ the agreement has been substantially complied with and the judge

considers it unfair to proceed

## Trial

- If the Integrity Commissioner advises that a compliance agreement is NOT complied with, the prosecution may proceed.
- The Chief Electoral Officer may intervene in the prosecution of an offence under the *Act* to assist the court.
- The Chief Electoral Officer may provide evidence in the form of a certificate in place of testimony and original documents.

## Relevant sections of the *Nunavut Elections Act*

### *Proceedings*

#### *Jurisdiction of court*

**234.** *The Nunavut Court of Justice has exclusive jurisdiction to hear all offences under this Act.*

#### *Assistance to court*

**235.** *The Chief Electoral Officer may intervene in the prosecution of an offence under this Act to assist the court.*

#### *Disqualification obtained by perjury*

**236.** *(1) A person who is disqualified under this Act on the testimony of a witness who is later convicted of perjury with respect to the testimony may apply to the judge determining the perjury conviction for an order that the disqualification be lifted.*

#### *Court order*

*(2) The judge, on being satisfied that the disqualification was procured by reason of the perjury, shall order that the disqualification be lifted.*

#### *Denial of privilege*

**237.** *(1) Subject to this section, no person shall be excused on the ground of privilege from answering a question put to them in an action, suit or other proceeding in a court or before any justice, board or other tribunal concerning an election, the conduct of a person at an election or in relation to an election.*

#### *Exception*

*(2) Evidence protected by solicitor client privilege or evidence of the identity of candidate for whom a voter voted in an election is not admissible in evidence.*

#### *Answer*

*(3) An answer given by a person claiming to be excused on the ground of privilege shall not be used or admissible in evidence against that person in any prosecution or civil proceeding against that person after the prosecution or proceeding, other than a prosecution for perjury in the giving of such evidence.*

#### *Certificate evidence and presumptions*

**238.** *(1) In a proceeding under this Act a certificate signed by the Chief Electoral Officer or a returning officer certifying the following matters is, in the absence of evidence to the contrary, proof of the facts stated in the certificate and of the authority of the Chief Electoral Officer or returning officer without further proof of his or her appointment or signature:*

- (a) the due holding of the election;*
- (b) whether any action was or was not taken by an election officer;*
- (c) whether any document was issued, filed or sent in an election;*
- (d) whether a copy is a true copy of a document;*
- (e) whether a person was a candidate, financial agent, campaign manager, election officer or other participant at an election.*

### *Original documents*

(2) *If an original election document, rather than a certified true copy, is required in a proceeding under this Act,*

- (a) *a judge may, at the instance of any of the parties to the proceedings, order the Chief Electoral Officer to ensure that the original election documents are produced on or before the day fixed for the trial; and*
- (b) *the Chief Electoral Officer shall cause the election documents to be deposited with the court in the manner that the judge may order.*

### *Costs*

**239.** (1) *The judge hearing an offence under this Act may order payment by the accused to the prosecutor of the costs and expenses that appear to the judge to have been reasonably incurred in the conduct of the prosecution.*

### *Recognizance*

(2) *A judge shall not make an order under subsection (1) unless the prosecutor, before or on the laying of the information, enters into a recognizance with two sureties, in the sum of \$500 and to the satisfaction of the judge, to conduct the prosecution with effect and to pay the accused's costs if the accused is acquitted.*

### *Costs in private prosecution*

(3) *In the case of an information by a private prosecutor for an offence under this Act, if judgment is given for the accused, the accused is entitled to recover from the prosecutor the costs sustained by the accused by reason of the proceedings, which shall be taxed by the proper officer of the court.*

### *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.*

### *Extension of limitation period*

(2) *Despite subsection (1),*

- (a) *where the withdrawal or absconding of the accused from the jurisdiction prevents a prosecution, action, suit or proceeding referred to in subsection (1), the limitation period is extended until one year from the day the accused returns;*
- (b) *where a compliance agreement is entered into but a notice of default has been sent by the Integrity Commissioner, the limitation period is extended until 60 days after the notice of default; and*
- (c) *a prosecution, suit or proceeding against a returning officer for wilful delay, neglect or refusal to return a candidate as elected may not be commenced after six months from the day the hearing of any application to void an election relating to the action is concluded.*



## 10. Enforcement Protocol

The *Nunavut Elections Act* provides for the creation of an Enforcement Protocol among the CEO, IC, RCMP and PPSC. The purpose of the Protocol is to more clearly set out the various tasks required during the enforcement process under the *Act*.

A copy of the current Protocol is included here.

# **ENFORCEMENT PROTOCOL**

**THIS PROTOCOL**, made in duplicate as of the 1<sup>st</sup> day of October 2008

**BETWEEN**

**THE CHIEF ELECTORAL OFFICER  
(HEREINAFTER REFERRED TO AS “CEO”)**

**AND**

**THE ROYAL CANADIAN MOUNTED POLICE  
(HEREINAFTER REFERRED TO AS “RCMP”)**

**AND**

**THE INTEGRITY COMMISSIONER  
(HEREINAFTER REFERRED TO AS “IC”)**

**AND**

**THE PUBLIC PROSECUTION SERVICE OF CANADA  
(HEREINAFTER REFERRED TO AS “PROSECUTOR”)**

**Collectively referred to as the “Participants”**

## **BACKGROUND**

THE PARTICIPANTS AGREE TO COMPLY WITH THIS PROTOCOL AND THAT THE PROVISIONS OF THIS PROTOCOL WILL GOVERN THE ACTIONS OF THE PARTICIPANTS RESPECTING THE ENFORCEMENT OF THE *NUNAVUT ELECTIONS ACT*.

## NOW THEREFORE THE PARTICIPANTS INTEND AS FOLLOWS:

### DEFINITIONS

1. (1) The following definitions apply in this Protocol:

“Act” means the *Nunavut Elections Act*.

“Chief Electoral Officer” or “CEO” means the Chief Electoral Officer appointed under section 188 of the *Nunavut Elections Act*;

“Information” may include personal information, which means information about an identifiable individual recorded in any form.

“Integrity Commissioner” or “IC” means the Integrity Commissioner as defined in the *Integrity Act*;

“Public Prosecution Service of Canada” or “Prosecutor” means the Nunavut Office of the Public Prosecution Service of Canada responsible for Criminal Prosecutions in Nunavut; and

“Royal Canadian Mounted Police” or “RCMP” means the “V” Division of the Royal Canadian Mounted Police responsible for Law Enforcement in Nunavut.

- (2) Expressions used in this Protocol have the same meaning as in the *Act*.

### PURPOSE AND SCOPE

2. This Protocol replaces any earlier Protocol among any of the Participants. It now includes the Prosecutor and reflects recent amendments to the *Act*.
3. This Protocol is made under section 226 of the *Act*, which requires that a protocol be arranged among the Chief Electoral Officer, the RCMP, the Integrity Commissioner and the Prosecutor respecting the enforcement of the *Act*.
4. This Protocol will commence upon execution by the Participants. A Participant may, at any time, request an amendment to this Protocol if it believes that changes are required and the Participants will negotiate any proposed amendment in good faith for the purpose of improving this Protocol.

### OBJECTIVES OF PROTOCOL

5. This Protocol has the following objectives:
  - (a) To set out matters related to the enforcement of the *Act*;
  - (b) To define the Participants’ responsibilities to each other under the *Act*;
  - (c) To define the procedure for conducting various tasks related to enforcement; and
  - (d) To ensure the timely and efficient communication of information among the Participants.

## COMPLAINTS

6. Subsection 225(1) of the Act states that any person who believes that an offence under the Act has been, is being or may be committed may make a complaint to the RCMP.
7. The RCMP will notify both the CEO and the IC if the RCMP receives a complaint under subsection 225(1) of the Act. The notice will include all the details of the complaint.
8. Subsection 225(3) of the Act states that the CEO may request the RCMP investigate any situation that might constitute an offence under the Act.
9. The RCMP will notify the IC if the CEO makes a request pursuant to subsection 225(3) of the Act.

## INVESTIGATIONS

10. Subsection 227(3) of the Act states that the RCMP shall advise the IC of any case where, during the course of an investigation, the RCMP have reasonable and probable grounds for believing that an offence under the Act has been committed.
11. The RCMP will notify the CEO when they find reasonable and probable grounds for believing that an offence under the Act has been committed.
12. Subsection 227(4) of the Act states that the RCMP and the CEO shall, on request, supply whatever information they have in their possession that is relevant to the offence to the IC, for the IC to determine whether a compliance agreement is appropriate in a case where there are reasonable and probable grounds for believing that an offence under the Act has been committed.
13. If the IC makes a request for information pursuant to subsection 227(4) of the Act, both the RCMP and the CEO shall, without delay, provide whatever information they have in their possession that is relevant to the offence to the IC, for the IC to determine whether a compliance agreement is appropriate in the case.
14. Subsection 229(1) of the Act states that the RCMP shall, before the end of an investigation, notify any person who is the subject of the investigation that he or she is being investigated, the allegations being made against the person and the nature of the offence being investigated, unless the RCMP believe that doing so would compromise or impede the investigation.
15. Subsection 229(2) states that if no prosecution is to be initiated, the RCMP shall notify the complainant and any person who is the subject of the investigation of the results of the investigation.
16. Before notifying the complainant and any person who is the subject of the investigation, the RCMP will contact the IC and the RCMP and the IC will discuss whether a prosecution will be initiated pursuant to the *Summary Conviction Procedures Act* or whether a compliance agreement will be proposed.
17. While the RCMP agrees that it will cooperate and consult with the IC and the CEO as set out in this Protocol, the IC and the CEO also acknowledge that the RCMP is and will continue to be an independent investigative agency.



## COMPLIANCE AGREEMENTS

18. Subsection 231(1) of the *Act* states that if the IC believes on reasonable grounds that a person has committed, is about to commit or is likely to commit an act or omission that could constitute an offence under the *Act*, the IC may enter into a compliance agreement with that person, after considering the following factors:
  - (a) the nature and gravity of the act or omission;
  - (b) the penalty provided for the act or omission;
  - (c) the public interest;
  - (d) the interests of justice; and
  - (e) any other factor that the Integrity Commissioner considers relevant.
19. The IC will notify the RCMP and the CEO when:
  - (a) the IC decides that a compliance agreement will not be proposed;
  - (b) the IC proposes to enter into a compliance agreement;
  - (c) the IC enters into a compliance agreement; and
  - (d) a compliance agreement will not be entered into because negotiations for the agreement are not successful.
20. Subsection 232(3) of the *Act* states that if the IC is of the opinion that a person has not complied with a compliance agreement, that the IC shall send a notice of default to the person and that a copy shall be sent to the RCMP.
21. The IC will also send a copy of the notice of default to the CEO.
22. In addition to the requirements of the *Act*, the Participants will follow the process and chronology set out in Appendix 1 when enforcing of the *Act*.

## PROSECUTIONS

23. If a charge is laid under the *Act*, the Prosecutor will have carriage of the matter before the courts, and will deal with the matter in accordance with the applicable policies set out in the *Federal Prosecution Service Deskbook*, (<http://http://www.ppsc.gc.ca/eng/pub/fpsd-sfpg/index.html>) as amended from time to time. Without limiting the generality of the foregoing, the applicable policies include those on Decision to Prosecute, Plea and Sentence Discussions and Issue Resolution, and Department Consultation.
24. The discretion of the Prosecutor is subject to the provisions of the *Nunavut Elections Act*, and for greater certainty, there is no discretion to divert an alleged offender to a program outside the process of the compliance agreement set out in the *Nunavut Elections Act*.

## MISCELLANEOUS

25. The CEO will be the public spokesperson regarding the general nature of any complaints, investigations or compliance agreements that may be made under the *Act*. If more specific details about these matters sought by the public or the media, those inquiries should be handled by the RCMP, the IC or the Prosecutor, as the case may be, according to their discretion and the circumstances of the case and the constraints of the law.
26. The Participants will perform all their requirements under the *Act* and this Protocol in a timely manner.

27. All notices or other communications to be given to a Participant by another Participant pursuant to this Protocol or the *Act* will be in writing and will be delivered by fax or email to the address of the receiving Participant.

## CONFIDENTIALITY AND USE OF INFORMATION

28. Each Participant intends to:

- (a) use the information provided by the other Participants solely for the purpose of investigations or other purposes pertaining to the enforcement of the *Nunavut Elections Act*;
- (b) treat information received from the other Participant in confidence and take all reasonable measures to preserve its confidentiality and integrity and to safeguard the information against accidental or unauthorized access, use or disclosure;
- (c) mark the information provided with an appropriate security classification;
- (d) in the case of the RCMP, the highest classification would be Protected B, or Secret;
- (e) treat information received from the other Participant in accordance with the security markings on it and to undertake to provide equivalent protection to it while it is in the receiving Participant's possession;
- (f) attach terms, conditions, or caveats to the information supplied, as the supplying Participant deems appropriate;
- (g) abide by all caveats, conditions or terms attached to the information;
- (h) maintain appropriate records concerning the transmission and receipt of information exchanged;
- (i) not disseminate the information to any third party without the prior written consent of the supplying Participant (or agency from which the information originated, as appropriate), except as required by law; and
- (j) limit access to the information to those of its employees whose duties require such access, who are legally bound to keep confidences and who have the appropriate security clearance.

## INFORMATION MANAGEMENT

29. The information disclosed under this Protocol will be administered, maintained, and disposed of in accordance with the laws that apply to record retention and personal information and all applicable policies and guidelines. In the case of the RCMP, this includes *the Privacy Act, the National Archives of Canada Act* and *Government Security Policy*.

30. Each Participant will promptly notify the others of any unauthorized use or disclosure of the information exchanged under this Enforcement Protocol and will furnish the other Participants with details of such unauthorized use or disclosure. In the event of such an occurrence, the Participant responsible for the safeguarding of the information will take all reasonably necessary steps to prevent a re-occurrence.
31. Each Participant will immediately notify the others if either receives a request under the *Privacy Act*, the *Access to Information Act* or other lawful authority, for information provided under this Protocol. Participants will seriously consider any request to protect the information from disclosure to the extent permitted by law.
32. Each Participant will return any information that should not have been provided to it by the other Participant.

### ACCURACY OF INFORMATION

33. Each Participant will:
  - (a) use its best efforts to verify the accuracy and completeness of the information provided to the other Participants; and
  - (b) promptly notify the other Participants if it learns that inaccurate or potentially unreliable information may have been provided or received and take all reasonable remedial steps.

### DEPARTMENTAL REPRESENTATIVES

34. The following officials are designated as the departmental representatives for purposes of this Enforcement Protocol and any notices required under this Enforcement Protocol will be delivered as follows:

CEO: Chief Electoral Officer  
Elections Nunavut  
41 Sivulliq Ave. Box 39  
Rankin Inlet, NU X0C 0G0  
Ph: 800.267.4394 or 645.4610  
Fax: 800.269.1125 or 645.4657  
Email: [dfredlund@elections.nu.ca](mailto:dfredlund@elections.nu.ca)

IC: Integrity Commissioner  
Tel: 888.398.2785 or 519.524.2954  
Fax: 514.524.5107  
Email: [commissioner@integritycom.nu.ca](mailto:commissioner@integritycom.nu.ca)

Prosecutor: Public Prosecution Service of Canada  
Nunavut Regional Office  
P.O. Box 1030 Iqaluit NU  
X0A-0H0  
Tel: 867.975.4600; fax: 867.975.4606  
Email:

RCMP: Officer in Charge  
"V" Division Criminal Operations  
P.O. Bag 500  
Iqaluit, NU  
X0A-0H0  
Tel: 867.975.4438; fax: 867.975.4434  
Email: firstname.lastname@rcmp-grc.gc.ca

35. Changes of information about the designated departmental representative may be made by written notice to the other Participants.
36. Any notice or other communication will be deemed to have been given on the date it was received by the receiving Participant.
37. This Protocol will apply to the Participants' respective successors in office.

#### **LIABILITY**

38. Each Participant will be responsible for any damages caused by the conduct of its employees or agents in carrying out the terms of this Enforcement Protocol.

#### **AMENDMENT OF THIS PROTOCOL**

39. A Participant may, at any time, request an amendment to this protocol if it believes that changes are required.
40. The Participants will negotiate any proposed amendment in good faith for the purpose of improving this Protocol.

IN WITNESS OF THEIR AGREEMENT the Participants have executed this Protocol:

THE CHIEF ELECTORAL OFFICER  
has signed this Protocol this \_\_\_\_ day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
Chief Electoral Officer

THE ROYAL CANADIAN MOUNTED POLICE,  
by its duly authorized official, has signed this Protocol this \_\_\_\_ day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
Officer in Charge

THE INTEGRITY COMMISSIONER  
has signed this protocol this \_\_\_\_ day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
Integrity Commissioner

PUBLIC PROSECUTION SERVICE OF CANADA,  
by its duly authorized official, has signed this protocol this \_\_\_\_ day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
Chief Federal Prosecutor





## 11. List of Election Offences

The following is a list of possible offences under the *Nunavut Elections Act*. It is provided for ease of reference. However, the actual text of the relevant section should be consulted before making reference to an offence in an information or other document.

Item	Section Reference	General Description of the Offence
<b>Voting Offences</b>		
1	242(1)(a)	voting when not qualified
2	242(1)(b)	voting more than once
3	242(1)(c)	appointing more than one proxy voter
4	242(1)(d)	actively seeking to be a proxy voter
5	242(1)(e)	registering as a voter under a false name
6	244(1)(f)	registering as a voter in more than one constituency
7	242(1)(g)	applying for a ballot paper under a false name
8	242(1)(h)	inducing an ineligible person to vote
9	242(3)	making a false statement when registering to vote
10	243(a)	causing a vote to be received that should not have been cast
11	243(b)	causing a properly cast vote to not be received
12	244(1)(a)	employer depriving employee of time off to vote
13	244(1)(b)	employer not paying employee under s. 10
14	244(1)(c)	employer penalizing employee
15	245(a)	forging a ballot paper
16	245(b)	fraudulently altering ballot paper
17	245(c)	supplying ballot paper without authority
18	245(d)	possessing ballot paper without authority
19	245(e)	stuffing a ballot box
20	245(f)	fraudulently taking ballot paper out of polling station
21	245(g)	destroying or interfering with a ballot box or ballot papers
22	245(h)	printing ballot papers without authority
23	245(i)	fraudulently printing extra ballot papers
24	245(j)	constructing, importing, or possessing an illegal ballot box
25	245(k)	supplying an illegal ballot box
26	245(l)	recording serial number of ballot
<b>Influencing Voters</b>		

Item	Section Reference	General Description of the Offence
27	246(1)	Inducing voter to vote or refrain from voting
28	246(2)	Selling, giving, offering or providing liquor while polls open
29	246(3)	Accepting money to vote or refrain from voting
30	246(4)	Indemnifying voter with intent to influence vote
31	246(5)	Providing money, food, drink, etc. at a meeting of voters
32	247(1)(a)	Compelling a person to vote or refrain from voting
33	247(1)(b)	Representing that a ballot is not secret
34	247(2)	Disrupting a public election meeting
35	247.1	Creating a disturbance within 10 m of a poll
<b>Information Offences</b>		
36	248	Failing to protect secrecy of vote
37	249(1)	Using a voters list for non-electoral purpose
38	249(2)	Failing to identify candidate and others on campaign material contrary to s. 186
39	250(1)	Failing to remove campaign material within 10 days after election day
40	250(2)	Removing, mutilating, etc. campaign material
41	251(1)	Inducing a false oath / affirmation
42	251(2)	Taking a false oath / affirmation
43	251(3)	Knowingly publishing false information about a candidate
44	252(1)	Placing campaign material in a polling station
45	252(2)	Wearing political propaganda in a polling station
46	253(1)	Removing, mutilating, etc. official notices
47	254	Refusing a summons of RO
48	254.1(1)	Using a telecommunications device in a polling station
49	254.1(2)	Using a camera or recording device in a polling station
50	255(1)	Broadcasting campaign speech on day before election day and election day
51	256	Publishing false statement or a candidate's withdrawal
<b>Candidate and Financial Agent Offences</b>		
52	257(1)	Knowingly being an illegible candidate
53	257(2)	Being a candidate in more than one constituency
54	258(1)	Knowingly being an illegible financial agent



Item	Section Reference	General Description of the Offence
55	258(2)	Not carrying out duties as a financial agent
56	259	Making improper election promises as a candidate
<b>Election Officer Offences</b>		
57	261(1)	Wilfully not issuing a writ
58	261(2)	Wilfully failing to perform duties of RO
59	262(1)(a)	Registration clerk wilfully registering an illegible voter
60	262(2)(b)	Registration clerk wilfully not registering a voter
61	262(2)	Obstructing a registration clerk
62	263(a)	DRO fraudulently initialling a ballot paper
63	263(b)	DRO marking a ballot paper to identify a voter
64	264	Failing to send election material under s. 164(1)
65	265(2)	Counting votes at improper time
66	265(2)	Incorrectly asserting a fact about disqualification to vote when administering an oath / affirmation
67	266	Wilfully failing to return an elected candidate
<b>Financial Offences</b>		
68	267(1)	Making a contribution of gift to person other than a financial agent
69	267(2)	Incurring pre-election expenses over \$30,000
70	267(3)(a)	Financial agent making a payment contrary to s. 178
71	267(3)(b)	Financial agent reimbursing a candidate contrary to s. 179
72	267(3)(c)	Financial agent failing to prepare an accurate financial return on time
73	267(4)	Candidate failing to file an accurate financial return on time
74	267(5)	Failing to attend court or comply with a court order



## Appendix 1

### General Process for Enforcement of Act

1. Complaint to RCMP by public or request for investigation by CEO
2. CEO provides RCMP and IC with any required information
3. RCMP investigates complaint
4. RCMP notifies person under investigation
5. RCMP advises IC and CEO of results of investigation and any reasonable and probable grounds for offence
6. RCMP notifies alleged offender of results, if no prosecution is to be made
7. IC may offer a compliance agreement or the alleged offender may request a compliance agreement
8. Prosecution, if any, initiated
9. Negotiation of compliance agreement, if agreement offered or requested
10. Prosecution on hold, if compliance agreement signed
11. Monitoring of compliance
12. Private and public notice of compliance / default
13. Prosecution stayed if compliance
14. Prosecution resumed if default

### Chronology Deadlines for Enforcement

Day 1	Offence event
Day 2	In case of CEO complaint, CEO makes written complaint to RCMP Criminal Operations in Iqaluit, copy to IC. Includes a copy of the fact summary and other documents, e.g. failure to file financial return
Day 5	Acknowledgement of receipt by RCMP, copy to IC.
Day 7	CEO faxes package of documents to investigating RCMP detachment.
Day 17	CEO mails documents to RCMP investigating detachment.
Day 30	RCMP gives notice to persons under investigation (s. 229(1) NEA)
Day 89	RCMP gives notice to IC (S. 227(3)) if RCMP has reasonable and probable grounds for believing an offence has been committed. CEO also informed under s. 11 Enforcement Protocol.
Day 89	RCMP investigation completed.
Day 90	RCMP lay all charges and send copy of summons to CEO and IC.
Day 91	RCMP sends notice to persons not charged of results of investigation and that no prosecution will be commenced (s. 229(2)).
Day 91	IC decides whether to offer compliance agreement, and sends out offer letter on compliance agreement if appropriate.
Day 110	Deadline for accused to respond to offer letter on compliance agreement.
Day 141	Deadline for accused to comply with compliance agreement.
Day 151	IC informs other Parties whether accused complied.
Day 165	RCMP lay any new charges and send copy of summons to CEO and IC

