

Plebiscite Authorities Guide

Administer a Nunavut-wide Plebiscite

under the Plebiscites Act



Information for:

- ***Nunavut Legislative Assembly***
- ***Commissioner in Executive Council***
- ***Minister of a GN Department***

Printed by Elections Nunavut

2016

For more info, contact Elections Nunavut



800.267.4394

645.4610 (Rankin Inlet)



800.269.1125

645.4657 (Rankin Inlet)



info@elections.nu.ca



<http://www.elections.nu.ca>



Box 39, Rankin Inlet, NU X0C 0G0



41 Sivulliq Avenue, Rankin Inlet



Elections Nunavut



Elections Nunavut

Contents

Introduction1

Plebiscite Basics2

 Diagram of Basic Process for NU-wide Plebiscite 3

 The Plebiscite Period.....4

 Plebiscite authority..... 6

 Registered groups..... 6

Initiating a plebiscite9

 Responding to a petition—PA responsibilities 9

 Responding to a petition—Elections Nunavut responsibilities..... 10

 Making a decision—plebiscite or not 11

 Deciding YES—PA responsibilities 11

 Elections Nunavut responsibilities to the PA..... 12

 The Writ..... 13

 Withdrawing the writ 14

Plebiscite results15

 Return of the writ 15

 If there is a judicial recount 15

 If a judge certifies a tie 16

 Voiding plebiscite results..... 16

Questions to Facilitate the Plebiscite Process17



PA Checklist18

 If the PA receives a petition..... 18

 Deciding to hold a plebiscite or not..... 18

 If the PA decides to initiate a plebiscite 18

Glossary for *Plebiscites Act*.....20

Introduction

This guide gives basic information to certain plebiscite authorities about how to administer a Nunavut-wide plebiscite under Nunavut's *Plebiscites Act*.

Read the Act to know the exact laws.

This is one of a several Elections Nunavut guides about the *Plebiscites Act*.

- Voters Guide to the *Plebiscites Act*
- Plebiscite Authorities Guide—Administer a Local (non-municipal) Plebiscite
- Plebiscite Authorities Guide—Administer a Nunavut-wide Plebiscite
- Plebiscite Authorities Guide—Administer a Municipal Plebiscite
- Financial Agent Guide—Nunavut-wide Plebiscite
- Registered Group and Authorized Representative Guide—Nunavut-wide Plebiscite
- Public Guide—Produce a Petition for a Local (non-municipal) Plebiscite
- Public Guide—Produce a Petition for a Municipal Plebiscite
- Public Guide—Produce a Petition for a Nunavut-wide Plebiscite

Plebiscite Basics

A plebiscite happens when eligible voters answer a question on a secret ballot, to vote and give their opinion about an important public issue.

Two examples of past Nunavut-wide plebiscites:

- Where do you want to have Nunavut's capital—Iqaluit or Rankin?
- Should each Nunavut constituency elect one female and one male MLA—yes or no?

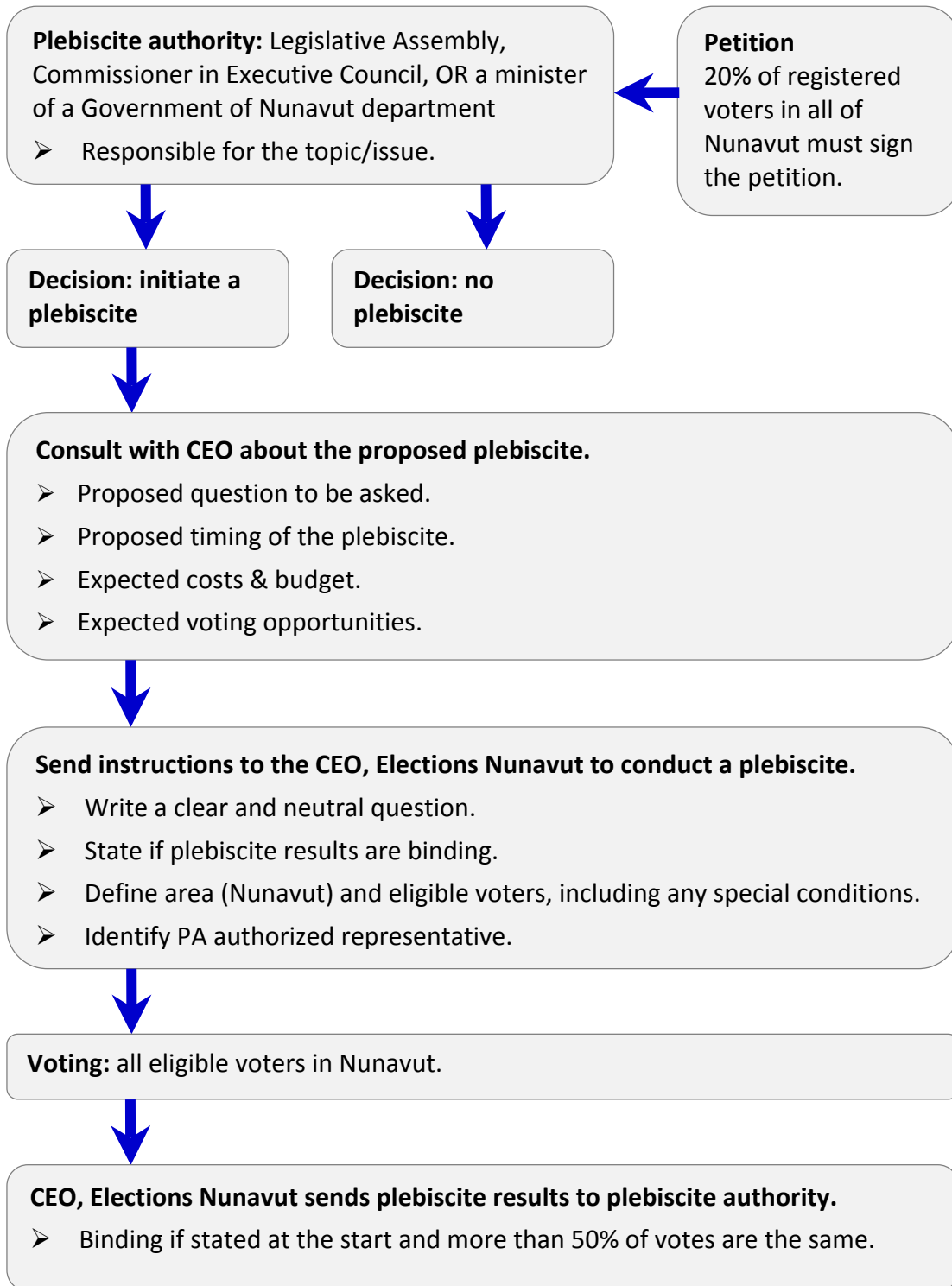
The results of a plebiscite may be binding OR non-binding.

- Binding means that the plebiscite authority must follow the results of the plebiscite.
- Non-binding means that the plebiscite authority may choose to follow the results, or not.

A plebiscite may be Nunavut-wide or local.

- Nunavut-wide: for all eligible voters in Nunavut.
- Local: for all eligible voters in an affected area—such as a hamlet or other defined geographic area.

Diagram of Basic Process for NU-wide Plebiscite



Plebiscite authority

A plebiscite authority is the body or person that may initiate a plebiscite under the *Plebiscites Act*. Each plebiscite authority may initiate a plebiscite only on matters they are responsible for. The Act identifies three plebiscite authorities for a Nunavut-wide plebiscite or some local plebiscites:

- Nunavut Legislative Assembly.
- Commissioner in Executive Council.
- A Minister of a GN Department—may only initiate a plebiscite on a matter for which that Minister is responsible.

The Act identifies two plebiscite authorities for municipalities plebiscites:

- Municipal council—may only initiate a plebiscite in their municipality; and only on a matter within their jurisdiction.
- Education authority—may only initiate a plebiscite on a matter for which they are responsible; may hold the plebiscite only when they hold an election for members of the authority.

Registered groups

Only for a Nunavut-wide plebiscite, a group may register with Elections Nunavut so they can receive contributions and campaign for the plebiscite. The following are eligible to be a registered group:

- A corporation registered under Nunavut laws.
- A society incorporated under the *Societies Act*.
- A co-operative association registered under the *Co-operative Associations Act*.
- A trade union that represents Nunavut workers.
- A partnership of Nunavut individual residents or Nunavut businesses.
- An unincorporated group of people that are all Nunavut residents.

A group is not eligible if they:

- Do not have a true interest in the plebiscite question.
- Are not governed by a written constitution, memorandum of association, membership agreement, or similar document.
- Are bankrupt.
- Or any of their members, have broken a law within the last five years—anywhere in Canada—that relates to an election, plebiscite, or referendum.
- Are not in good standing with Government of Nunavut Legal Registries.

Application form, authorized representative, financial agent

A registered group must apply to Elections Nunavut using the proper form. On the form they must name a financial agent and an authorized representative. See the form at www.elections.nu.ca

The following people are NOT eligible to be a financial agent:

- A person who is not an eligible voter.
- A member of the Legislative Assembly or candidate for election to the Legislative Assembly.
- A corporation, except an accounting business.
- A plebiscite officer.
- A person prohibited under the *Public Service Act*.
- A person who—in the past five years—broke a law anywhere in Canada related to an election, a plebiscite, or a referendum.
- A person who—in the past five years—signed a compliance agreement relating to a plebiscite or election, and did not follow the agreement.

The CEO issues a certificate if they accept the application. The CEO rejects the application if the:

- Application is incomplete or filed after the deadline.
- Application does not include all the needed information.
- Application includes false information.
- Name of the group is misleading, confusing, or deceiving.

Initiating a plebiscite

A plebiscite authority may initiate a plebiscite only on a topic/issue they are responsible for. A plebiscite authority may initiate a plebiscite because they:

- Want to know what people think about an important issue.
- Receive a public petition that asks for a plebiscite.
- Have the power, under other Nunavut laws.

Elections Nunavut conducts the plebiscite when the plebiscite authority (PA) decides to initiate it.

Responding to a petition—PA responsibilities

A petition is a public document that asks a plebiscite authority to initiate a plebiscite. It is a request, not an order. Based on the petition, the authority may decide to initiate the plebiscite or not.

When the PA receives a petition, they must right away:

- Send the petition to the CEO. Elections Nunavut is responsible to check the petition and make sure it is valid. The CEO sends the PA a report within 30 days of receiving the petition.
If the CEO finds the petition is not valid, the PA does not have to take any further action.
If the petition is valid, the PA must decide whether or not to initiate a plebiscite.
- For the affected area, inform the public and municipal council(s) about the petition.
- Allow people to inspect the petition during regular office hours.
- Make sure that no names are added to or removed from the petition after the PA receives it.

The PA may write to the CEO and ask for information about the threshold number of petitioners for the affected area—20% of registered voters.

Responding to a petition—Elections Nunavut responsibilities

The CEO is responsible to make sure the petition is valid.

- ❑ Checks the petition to make sure it contains the information required under the laws.
 - Sets out the question on each page.

The question must be clear and unbiased, and not similar to or the same as a plebiscite question within the past five years.
 - Describes the affected area.
 - Shows the full name, postal and civic address, and signature of each petitioner.
 - Shows the full name and signature of each petitioner's witness.
 - Includes a declaration from each petitioner that they are entitled to be a petitioner.
 - Shows the full name, postal and civic address, phone number, and email address of the petition's authorized representative.
 - Includes the authorized representative's signed statement of consent.
 - Shows the date when each petitioner signed.
- ❑ Checks the number of petitioners. That number must be at least 20% of the number of registered voters on the most recent voters list for the affected area.
- ❑ Checks that each petitioner is an eligible petitioner.
 - A Canadian citizen.
 - At least 18 years old.
 - A Nunavut resident for at least 12 months in a row.
 - A resident in the proposed plebiscite affected area.
- ❑ Makes sure that no names are added to or removed from the petition after the PA receives it.

Within 30 days of when the CEO receives the petition from the PA, they send the PA a written report that states, with reasons, if the petition is valid or not.

Making a decision—plebiscite or not

To help decide if they should hold a plebiscite, the PA may consult with groups and individuals in the affected area to gather opinions.

- Do people support the idea of having a plebiscite on this issue?
- Is the question suitable?
- Can people easily understand the question and respond to it?

Deciding YES—PA responsibilities

- ❑ Complete the written instructions in the proper form. See the form at www.elections.nu.ca
 - State the plebiscite question.

The plebiscite must ask a clear and neutral question—one that people can easily understand and respond to.

If the plebiscite comes from a petition, the PA may add their question to the petition’s question.
 - Define the affected area.
 - Define any special qualifications of eligible voters and the reasons.
 - State whether the plebiscite results are binding or not.
 - Include the full name, postal and civic address, phone number, and email address of the PA’s authorized representative.
 - Sign the written instructions.
 - Speaker signs for the Legislative Assembly.
 - Commissioner signs for the Commissioner in Executive Council.
 - Minister signs for their department.
- ❑ Send written instructions to the CEO to issue a writ.
- ❑ If the CEO says, revise the plebiscite question or other parts of the written instructions to meet criteria under the *Plebiscites Act*.

The CEO must reject the written instructions if the PA does not follow the CEO’s advice to revise the question or other parts of the written instructions, to meet the criteria.

- ❑ Provide information about the plebiscite issue / topic, to people that ask for it.
- ❑ Provide the CEO with the information they need to inform the public about the plebiscite.
 - A neutral explanation of the topic.
 - A neutral explanation of the question.
 - The question.
 - Explanation of whether the results are binding.
 - Any other information the CEO needs to promote public awareness and encourage voters to vote.
- ❑ Pay for the plebiscite.

The CEO reviews all accounts related the plebiscite and sends a copy of to the PA.

The PA covers all plebiscite expenses that Elections Nunavut and the Integrity Commissioner have, that relate to conducting the plebiscite.
- ❑ Follow the plebiscite results if the plebiscite authority stated that the results are binding and at least 50% of the votes are the same.
- ❑ Not hold another plebiscite on the same or similar question in the same area for at least five years.

Elections Nunavut responsibilities to the PA

- ❑ Ask the PA to re-write the plebiscite question if needed. For example, if the question is biased or unclear; or voters cannot easily understand it.
- ❑ When the PA asks, give them information about the threshold number of petitioners—20% of registered voters in Nunavut.
- ❑ Carry out a Nunavut-wide plebiscite according to the laws and rules under the *Plebiscites Act*. For example:
 - Register groups that want to collect money and advertise for either side of the question. Review and publish their financial reports.

- Oversee advertising and promotion for either side of the question.
- Provide all the forms and public information for different groups and individuals involved in the plebiscite process.
- Encourage eligible voters to participate and vote.
- Train and supervise all plebiscite officers needed to run the plebiscite.
- Administer a fair voting process.
- Provide the results as soon as possible.
- Report on the plebiscite process.

The Writ

The CEO issues the writ for the plebiscite in the proper form. It shows:

- Date of issue.
- Date of the plebiscite and the return of the writ.
- Plebiscite question.
- Affected area (all of Nunavut).
- Eligible voters, including any special qualifications.

Eligible voters are people eligible to vote in an election for members of the Nunavut Legislative Assembly:

- Canadian citizen.
- At least 18 years old.
- Nunavut resident for at least 12 months in a row.

The PA may choose or need (under a law) to direct the plebiscite at another group of people—different from or in addition to the usual eligible voters.

- States if the results are binding or not binding.

Withdrawing the writ

After consulting with the PA, the CEO may withdraw the writ if they believe it is impractical to hold the plebiscite because of a disaster or similar event. If the CEO withdraws the writ for this reason, they issue a new writ no later than the 90th day after they publish the withdrawal in the Nunavut Gazette.

At any time before the first day of voting, the PA may instruct the CEO to withdraw the writ, for any reason.

Plebiscite results

The writ states if the plebiscite results are binding or not binding.

If the results are binding, the PA must implement the results—as soon as practical and within their capability. For example:

- To change programs or policies.
- To introduce new programs or policies.
- To take steps to introduce an appropriate law / bylaw or regulations.

Return of the writ

The return of the writ shows the official results of the plebiscite. As soon as possible, the CEO sends the PA a copy of the return of the writ.

Elections Nunavut completes the return of the writ not later than seven days after certifying the vote count in the plebiscite report OR the day they receive the certificate of any recount.

If there is a judicial recount

A judicial recount happens when the difference between the number of votes for the first choice and any other choice is less than 2% of the total number of votes.

If there is a judicial recount, the PA's authorized representative and /or lawyer may attend the recount. At the recount, they may object in the same ways they may object when the plebiscite officers count the votes on plebiscite day.

Before the recount, the judge sends written notice of the time and place for the recount.

After the recount, the judge sends the PA a copy of the certified results of the recount.

If a judge certifies a tie

If a judge certifies a tie in the results, the CEO issues a new writ as soon as practical, unless the plebiscite authority gives written instructions to cancel the plebiscite.

Voiding plebiscite results

The PA is one of four groups that may apply to the court to void a plebiscite—but only for one of the following reasons:

- A person or registered group did not follow the *Plebiscites Act* and their actions affected the plebiscite results.
- Something a plebiscite officer did or did not do affected the plebiscite results.

The other three groups that may apply to void a plebiscite are the CEO, a registered group, or a voter.

If another group applies to void the plebiscite, the CEO sends the PA a copy of the application, within 20 days of when the group files it.

Once the judge decides about an application to void the plebiscite, the court clerk sends the PA the judgment and reasons for it.

Questions to Facilitate the Plebiscite Process

- What is the issue?
- Who is the plebiscite authority?
- What is the geographic area for eligible voters?
- Other than the usual eligible voters, is there a specific group with a particular interest in voting on this issue?
- If there is a petition, who must sign it and how many?
- If a plebiscite authority receives a petition, what helps them decide whether or not to hold a plebiscite?
- What helps the plebiscite authority decide if the plebiscite is binding or not binding?
- What is a clear, neutral question for the plebiscite?
- What helps people participate and vote in a plebiscite?

PA Checklist

Use this checklist to keep track of important actions.

If the PA receives a petition

- Send the petition to Elections Nunavut. The CEO checks the petition to make sure it is valid.
 - If the petition is not valid, the PA does not have to take any further action.
 - If the petition is valid, the PA must decide whether or not to initiate a plebiscite.
- Inform the public about the petition.
- Allow people to inspect the petition during regular office hours.
- Make sure that no names are added to or removed from the petition after the petitioners submit it.
- Ask the CEO for information about the threshold number of petitioners, if needed.

Deciding to hold a plebiscite or not

- Do people support the idea of a plebiscite on this issue? Does the PA want to know what people think? Did the PA receive a valid petition?
- Is the question suitable? Can people easily understand the question and respond to it?

If the PA decides to initiate a plebiscite

- Fill out the proper form and send it to the CEO, Elections Nunavut.
- Provide information about the plebiscite to any people that ask for it.

- Provide the CEO, Elections Nunavut with the information they need to tell people about the plebiscite topic and question.
- Pay for the plebiscite. The PA must cover all plebiscite expenses that Elections Nunavut and the Integrity Commissioner have that relate to conducting the plebiscite.
- Follow the results if the PA and the writ stated that the results are binding and at least 50% of votes are the same.
- Do not hold another plebiscite on the same question for at least five years.

Glossary for *Plebiscites Act*

Word	Meaning
Affected area or plebiscite area	The geographic area where the plebiscite has influence. May be Nunavut-wide, a municipality, or other defined area. The writ identifies the affected area.
Affected voters or eligible voters	The people within the affected area who are eligible to vote in the plebiscite. For most plebiscites this is anyone eligible to vote in an election for MLAs. For some plebiscites, the plebiscite authority may need or want other groups of Nunavummiut to vote. The writ identifies eligible voters, including any special conditions.
Affirm	A formal, legal promise that something is true; a promise to do something; the most serious promise a person can make. If you break this promise it's the same as breaking the law. Similar to declaration, oath, or swear.
ARO	Assistant returning officer, Elections Nunavut. The plebiscite officer responsible to help the RO manage everything about the plebiscite in their community or area.
Auditor	The person that the CEO hires to review each registered group's financial return, to make sure it is complete and accurate.
Authorized representative	Person appointed or designated to represent a group of petitioners, the plebiscite authority, or a registered group.
Ballot	The official paper where voters make a mark in the circle beside their choice to answer the plebiscite question.
Binding	For the <i>Plebiscites Act</i> , when a plebiscite is binding the plebiscite authority must follow the results. The writ states if the plebiscite is binding or not.
Campaign	Any ads or other materials—audio, visual, digital—that promote or oppose one side of the plebiscite question.
CEO	Chief Electoral Officer—the person in charge of Elections Nunavut.

Word	Meaning
Civic address	Lot and house number; different from a mailing address. To register with Elections Nunavut, voters need to give their civic address.
Close of registrations	Only for a Nunavut-wide plebiscite—the deadline to register as a group with Elections Nunavut: 2:00 pm local time, 14 days before plebiscite day.
Compliance agreement	An agreement with a person who allegedly broke the laws. The person agrees to do certain things. In exchange, the Integrity Commissioner agrees to not go ahead with a trial.
Constituency	A geographic area and the people who live there. Elections Nunavut uses constituencies to organize voting for a Nunavut-wide plebiscite.
Contribution	Any money, goods, and/or services a person or business gives to a registered group to campaign for the plebiscite.
Counterfoil	The numbered tab on a ballot. The DRO rips it off just before the ballot goes in the ballot box.
Declaration	A formal or legal statement a person makes to say something is true or they intent to do something. If you break this promise it's the same as breaking the law. Declaration is similar to affirm, oath, or swear.
DRO	Deputy returning officer, Elections Nunavut. The plebiscite officer responsible for each polling station on plebiscite day.
Elections Nunavut	Elections Nunavut is an independent agency. They oversee all elections under the <i>Nunavut Elections Act</i> , all plebiscites under the <i>Plebiscites Act</i> , and liquor plebiscites under the <i>Liquor Act</i> .
Financial agent	Nunavut-wide plebiscite only: The person that a registered group appoints—on their application—to manage their finances; who must complete the financial return and submit it to Elections Nunavut.
Financial return	Nunavut-wide plebiscite only: The official report of a registered group's contributions and expenses for the campaign. The authorized representative and financial agent complete the

Word	Meaning
Plebiscite question	The question(s) or option(s) set out in the writ and on the ballot; eligible voters vote on the question(s).
Plebiscite report	Shows the number of votes for each choice. The RO fills it out when they review all the statements of the poll. The RO can delay the report for up to two weeks after plebiscite day, if needed.
Polling record	A list of everyone who voted at the polling station; any changes to the voters list; notes about everything that happens during voting.
Polling place	A building that holds one, two, or more polling stations. Each polling place has an ARO and RC. Communities such as Iqaluit and Rankin Inlet have more than one constituency. The polling place has an ARO and RC for each constituency.
Polling station	The place voters go to vote; where voters get a ballot from the DRO.
Post plebiscite period	The 60 days rights after plebiscite day. Registered groups must submit their financial return before this ends.
Registered group	Only for a Nunavut-wide plebiscite—a group that registers with Elections Nunavut to raise money to campaign during the plebiscite. The Act outlines who is eligible to be a registered group
RC	Registration clerk, Elections Nunavut. The plebiscite officer responsible to register voters before plebiscite day and during voting on plebiscite day.
Rejected ballot	A marked ballot that does not count for any choice. The DRO or ARO reject a ballot only for clearly defined reasons.
RENU	An electronic voter registration database for Nunavut; stands for Register for Elections in Nunavut. Elections Nunavut uses the database to keep the voters list up to date and accurate.
RO	Returning officer, Elections Nunavut. The plebiscite officer responsible to manage everything about the plebiscite in their community or area.
Special ballot	The voter applies for and receives a special ballot package. The voter marks the ballot and puts it in the secrecy envelope. The

Word	Meaning
	secrecy envelope goes into the certification envelope. The voter signs and sends it to Elections Nunavut.
Spoiled ballot	A ballot that the printer did not print properly. Or a ballot that a voter makes a mistake on when they mark it. The DRO gives the voter a new ballot and marks the first one ‘spoiled’. The spoiled ballot does not go in the ballot box.
Statement of the poll	The official Elections Nunavut form that shows the number of votes for each choice to answer the plebiscite question.
Stub	The numbered part of each ballot that stays with the book of ballots. When the DRO tears each ballot from the book, the stub stays in the book.
Swear	A formal, religious promise that something is true; a promise to do something; the most serious promise you can make. If you break this promise it’s like breaking the law. A person gives their word and swears on the bible that something is true. Swear is similar to affirm, declaration, or oath.
Voting in the RO office	May be allowed for larger communities. A way to vote before plebiscite day—at the RO’s office. Starts 14 days before plebiscite day; ends 4 days before plebiscite day: 12:00 noon to 7:00 pm local time.
Witness	A person who signs a document to say that another person’s signature is truly their signature.
Writ	The official notice to say there is a plebiscite. The CEO sends it to each RO. Each RO posts the writ in their office. The return of the writ is the back side. It shows the plebiscite results. The RO fills it out and sends it to the CEO after plebiscite day.