

Voters Guide

to Nunavut's Plebiscites Act



General Information for Nunavummiut

(NOT about Liquor Plebiscites)

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Introduction

This guide gives some basic information for voters about Nunavut's *Plebiscites Act*.

Read the Act to know the exact laws.

This is one of seven 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 authority

A plebiscite authority is the body or person that can start a plebiscite. The Act names six plebiscite authorities:

- Nunavut Legislative Assembly.
- Commissioner in Executive Council.
- A Minister of a GN Department—only for a matter the Minister is responsible for.
- Municipal council—only in the municipality; and only for a matter within their jurisdiction.
- Education authority—only for a matter they are responsible for; only when they hold an election for authority members.
- Any other person or body that enters into an agreement with Elections Nunavut to conduct a plebiscite.

A plebiscite authority may start up a plebiscite if they:

- Want to know what people think about a certain issue.
- Receive a public petition that asks for one.

If a plebiscite authority decides to have a plebiscite, they send instructions to Elections Nunavut. Elections Nunavut makes the plebiscite happen, according to the laws.

Petition

A petition is a document that asks for a plebiscite about a certain question. It is a way for the public to ask a plebiscite authority to have a plebiscite. At least 20% of eligible voters in the affected area — Nunavut-wide or local — must sign the petition.

The petition goes to the plebiscite authority that is responsible for the topic of the petition. When they receive a petition, the plebiscite authority sends it to Elections Nunavut to see if the petition is valid — if it follows all the rules. If it is valid, the plebiscite authority can decide to hold a plebiscite, or not. The petition is a request, not a demand.

Plebiscite question

The plebiscite question must be clear and neutral; people must understand what it means. The plebiscite authority writes the question or it may come from a petition. If it comes from a petition, the plebiscite authority can include another question if needed. If the question is not clear and neutral, Elections Nunavut asks the plebiscite authority to re-write it.

The plebiscite authority cannot ask the same question twice in five years in the same area.

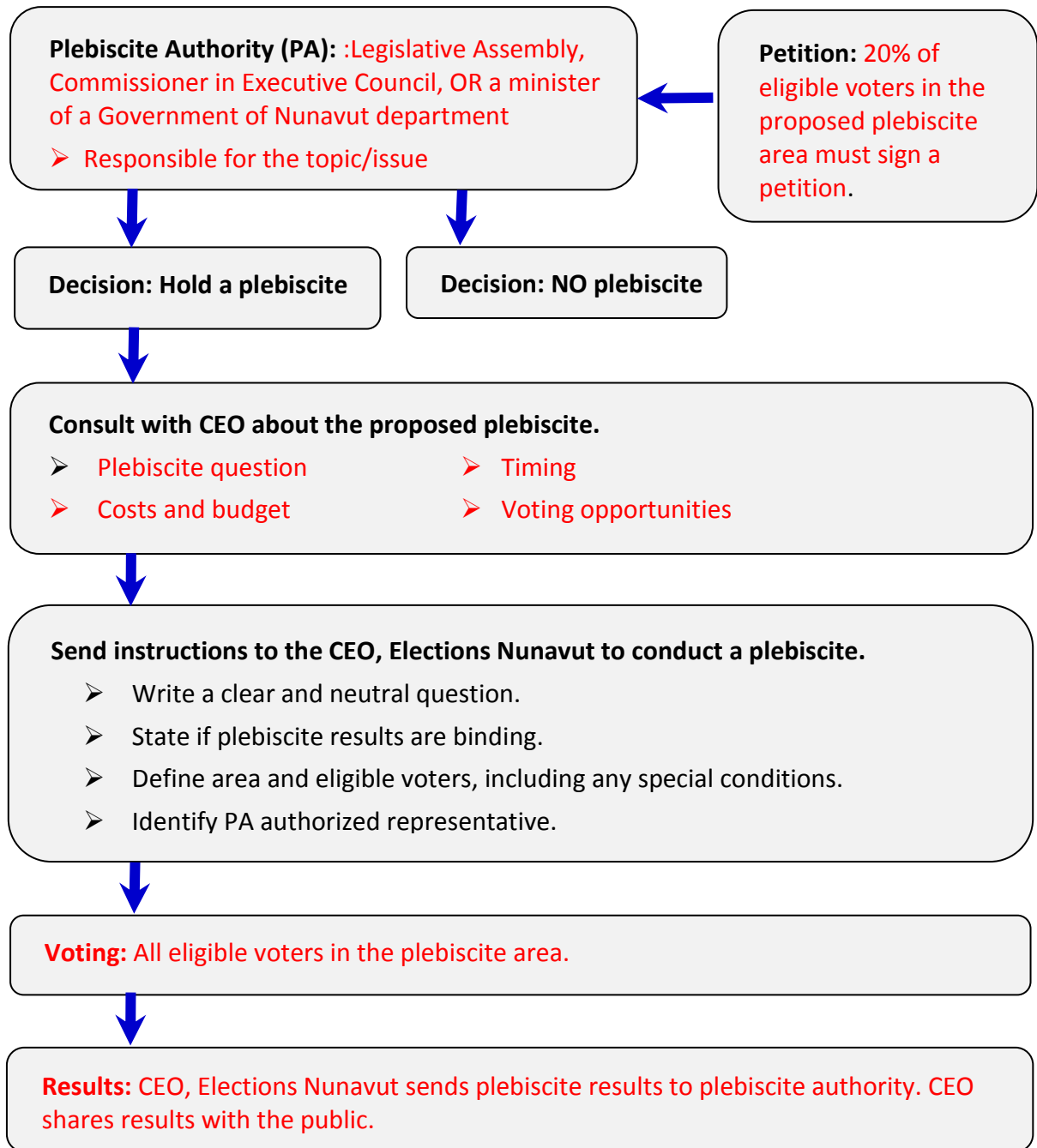
The plebiscite authority must provide information about the plebiscite issue to any people that ask for it. Elections Nunavut is responsible to provide neutral public information about the topic or issue.

Plebiscite results—binding or non-binding

When they start the plebiscite, the plebiscite authority says if the results are binding or non-binding. The results of a plebiscite about a municipal borrowing by-law are always binding.

- Non-binding means that the plebiscite authority may choose to follow the results, or not.
- Binding means that the plebiscite authority must follow 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/by-law or regulations.

Diagram of Basic Process for local Plebiscite



Application form, authorized representative, financial agent

To register, a group must apply to Elections Nunavut. On the form the group must name a financial agent and an authorized representative.

The authorized representative is responsible to:

- Follow the laws to manage the campaign, including any people the registered group uses to watch the voting at the polling stations on plebiscite day.
- Provide public information related to the plebiscite question, if people ask for it.

The financial agent is responsible to:

- Manage the campaign finances.
- Create and send a complete and accurate financial report to Elections Nunavut within the allowed timelines.

The following people are NOT eligible to be a financial agent or authorized representative.

- A person who is not an eligible voter.
- A member of the Legislative Assembly or candidate for election to the Legislative Assembly.
- A corporation. An accounting business may act as financial agent.
- 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 related to a plebiscite or election, and did not follow the agreement.

The registered group gets a certificate if Elections Nunavut accepts the application.

Elections Nunavut rejects the application if:

- The application is incomplete or filed after the deadline.
- The application does not include all the needed information.
- The application includes false information.
- The name of the group is misleading, confusing, or deceiving.
- The group is not eligible.
- The person appointed as authorized representative or financial agent is not eligible.

Rules about who can contribute and how much

Only the following can contribute to a campaign:

- Any Nunavut resident.
- Any company that does business legally in Nunavut.
- Any group that works in Nunavut.

Plebiscite officers or other people that work for Elections Nunavut can NOT contribute.

The Act has rules about how much to contribute.

- A person, business, or group can give up to \$2500 for each plebiscite. An organization has to list the people who give money for their contribution.
- A person, business, or organization must give their name and address, unless they contribute less than \$100. If they contribute less than \$100 they can choose to give their name or not.

Other rules about campaign contributions

The *Plebiscites Act* has other rules about contributions.

- People can contribute only during the plebiscite period — from 35 days before plebiscite day to plebiscite day.
- People contribute only to a registered group. The money belongs to the campaign, not to the authorized representative, financial agent, or any other individual.
- People give money only to the financial agent or someone they authorize. If a person writes a cheque, they make it out to “the campaign to _____”
- The \$200 fee that the registered group pays when they file their application to register is not a campaign contribution or expense.
- A registered group may contribute their own money to the campaign.

Voters—All Plebiscites

People who are eligible to vote in an election for MLAs have the right to vote in a plebiscite.

You are eligible to vote if you are:

- A Canadian citizen.
- 18 years or older on plebiscite day.
- A Nunavut resident for at least a year on plebiscite day.
- For a **local** plebiscite: resident in the **plebiscite area on plebiscite day**.

You are not eligible to vote if you:

- Have a court order that says you don't understand your actions—you can't decide things for yourself. OR
- Broke the laws under the criminal code and you are in a place for people with mental illness. OR
- Broke a law related to an election, plebiscite, or referendum anywhere in Canada in the last five years and were convicted.

Special voter qualifications

A plebiscite authority may want or need to direct the plebiscite to a group of people other than eligible voters named above. For example, if the plebiscite question directly concerns a certain group of people who are not eligible voters.

In this case, the plebiscite authority and the writ set out the qualifications of eligible voters for that plebiscite.

Nunavut resident

Eligible voters vote where they live. Being a Nunavut resident means the voter actually lives in a place—they work and sleep there.

If a voter has two homes in different places, they choose one place for voting. A voter may have a seasonal residence and they can choose to vote there, only if they:

- Live there more than 180 days a year. OR
- Have no other home at the time of the plebiscite.

A voter is still a resident if they leave their home temporarily—for work or school—to live in another Nunavut community or a community outside Nunavut. Temporary means not more than 10 months, except for a full-time student.

A student may choose to vote in a temporary Nunavut residence, rather than their home residence. For example, a student's home community is Kugluktuk. And they go to school full-time in Iqaluit. That means that Iqaluit is their temporary Nunavut residence. So that student can choose to vote in Iqaluit or in Kugluktuk.

Homeless people are a resident in any place that offers food or lodging, where they may sleep or take a meal.

People in jail can choose to vote in the place where they lived before they went to jail or where their family lives.

Voter registration

Voters register with Elections Nunavut to get their name on the voters list. Elections Nunavut holds voter registration activities to keep the list up to date and accurate. Voters can also register when they go to vote if their name isn't on the voters list.

Elections Nunavut uses two forms to register voters:

- Voter registration form: Voters fill out and sign the voter registration form if their name is not on the voters list.
- Form to change or correct voter information: Voters fill out and sign the change and correct form if their name is on the list and the voter information needs to change. For example:
 - A voter moves from one community to another in the same constituency or to a different house in the same community.
 - A voter moves to a community in a different constituency.
 - A voter's name or address is spelled wrong.
 - A voter changes their name.

Voters can call or email Elections Nunavut or go on the website to get a form to fill out on their own. During registration activities and on plebiscite day, the registration clerk fills out the form and the voter signs.

To fill out the forms, voters need to know their house and lot number or civic address, and their mailing address. Voters may need to provide ID to show their civic or mailing address OR to prove their identity if the plebiscite officer does not personally know you.

If you need to show ID you must provide:

- One piece of ID that shows your name, current address, and signature.

Examples:

- Drivers licence
 - Vehicle registration
 - Government of Nunavut general ID card
- Two pieces of ID: one that shows your name and signature and one that shows your name and address.

Examples of ID that shows your name and signature:

- Enrolment card – Nunavut Tunngavik Inc.
- Health insurance card
- Passport
- Citizenship card
- Old age security card
- Social insurance card
- Bank card or credit card
- Library card
- Student card

Examples of ID that shows your name and address:

- Phone or other bill
- Car insurance
- Magazine or other mail with a label

Voter information card

For a Nunavut-wide plebiscite, every voter on the voters list gets a Voter Information Card in the mail, early in the plebiscite period. This card shows:

- Name and address.
- Constituency.
- Where and when to vote on plebiscite day.
- Where and when to vote in the advance vote.
- Other ways to vote if you can't vote on plebiscite day.
- A toll-free number to call for more information.

Voters should check the voter information card to see if the information is correct. Call the returning officer or Elections Nunavut to change the information if needed. Keep the card and take it with you when you go to vote. It makes voting easier and faster.

Voters list

The voters list is a list that Elections Nunavut makes of all registered voters. The voters list shows each voter's name, mailing address, and civic address or house and lot number, or street address.

Elections Nunavut may use the voters list for an election or plebiscite. They use it to keep track of who voted and they keep the information on it very safe. No one uses the voters list for jury duty.

Early in the plebiscite period, Elections Nunavut sends a copy of the voters list to each RO. Voters should check the list to see if their name is on it and the information is correct.

Voting

Voters make a choice when they vote. They mark an X on the ballot in the circle beside the choice they want, to answer the plebiscite question.

Each eligible voter can vote only once. Voting is secret. No one should ask another person how they voted. Voters don't need to tell anyone how they voted.

Some people may be at work during all the hours that the polling station is open. If this happens, the employer:

- Must give eligible voters up to two hours off work to vote.
- Choose the time that eligible voters leave work and come back.
- May not deduct any pay or penalty for the time eligible voters have off work for voting.

Helping a voter

The DRO can help voters if they need it. Voters can also bring a friend or relative to help. The person that helps has to promise four things:

- Mark the ballot where the voter wants.
- Keep the vote secret.
- Not tell the voter how to vote.
- Have not helped any other person to vote.

Using an interpreter

Voters have the right to use any of Nunavut's official languages to vote. Elections Nunavut works hard to appoint plebiscite officers that speak the languages that people use. If a voter needs an interpreter, the DRO must find one.

- No one except plebiscite officers can use phones, cameras, two-way radios, or other recording or communication devices at the polling station.
- Everyone must turn off their cell phone inside the polling station.
- No one can put any campaign material on the land or building at the polling station.
- No one can wear, use, or show any campaign buttons, ball caps, T-shirts, or other materials at the polling station.
- No one can just stand around within 10 metres of the polling station.

Special rules for voters:

- Voters must just vote and leave. They can't stay at the polling station and watch the voting.
- Every voter can vote only once in a plebiscite.
- No one can force a voter to say how they voted. Their vote is secret.

Offences under the *Plebiscites Act*

The *Plebiscites Act* is like any other law. If people break the law, they can be charged with an offence.

Sample offences

	Example 1	Example 2
Vote improperly	Voting when not eligible to vote	Voting more than once.
Influence voters improperly	Bribing a voter with money, liquor, a job, food, or other things	Preventing a voter from voting.
Use information improperly	Using the voters list for something besides the plebiscite	Damaging Elections Nunavut notices.
Tell lies or cheat	Agreeing to be a financial agent or authorized representative when not eligible.	Knowingly giving false information on the campaign financial return.
Use money improperly	Accepting a campaign contribution of more than \$2500.	Using campaign money for personal expenses.

Punishments

If a person breaks the law and is charged and convicted, they may face one of the following punishments.

- Pay a fine not more than \$5000. OR
- Go to jail for not more than one year. OR
- Pay a fine and go to jail.

Also, for five years they can NOT:

- Be elected to the Legislative Assembly or sit as a MLA.
- Act as a financial agent or authorized representative for a registered group for a plebiscite; act as a financial agent for a candidate for a territorial election.
- Have a job appointed by the Commissioner, a Minister or official of the Government of Nunavut, or the Legislative Assembly.

A judge can also tell them to do things such as:

- Publish the facts about your crime.
- Pay the people you hurt because of your crime.
- Do some community service.

Who can complain

Any person can complain, who believes someone broke a law in the *Plebiscites Act*. They must put their complaint in writing and go to the police within 90 days of when they know someone broke the law. They do NOT go to Elections Nunavut or the CEO.

Who investigates

The police investigate. And they tell the person they are investigating, unless they think it hurts the investigation. The police have the same

power and responsibility to enforce the *Plebiscites Act* as other Nunavut and Canadian laws.

Compliance agreement

A compliance agreement is a contract between the Integrity Commissioner and someone who probably broke the law. It's an option any time, before a person gets convicted of a crime.

The Integrity Commissioner decides whether or not to negotiate a compliance agreement. They consider these things before they decide to negotiate:

- The kind of crime and how bad it is.
- The punishment for doing the crime.
- The public interest.
- The interests of justice.
- Other factors they consider relevant.

If they negotiate a compliance agreement, the Integrity Commissioner and the person both sign. The Commissioner publishes a summary of each signed agreement. It's a public document.

Word	Meaning
CEO	Chief Electoral Officer—the person in charge of Elections Nunavut.
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.
Education authority	A District Education Authority or other governing body of a school under the <i>Education Act</i> .
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> .

Word	Meaning
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 report, sign it, and make a declaration that the information is true and complete.
Judicial recount	Elections Nunavut applies to the court for a recount 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.
Local Plebiscite	A plebiscite that happens in one area of Nunavut, usually a municipality.
Non-binding or not binding	A plebiscite is non-binding when the plebiscite authority may choose to follow the results or not. The plebiscite may be a consultation tool. The writ states if the plebiscite is binding or not.
Nunavut-wide plebiscite	A plebiscite where the affected area and voters is all of Nunavut.
Oath	A formal, legal promise that something is true; a promise to do something. Plebiscite officers take an oath to be impartial in their job. Oath is similar to affirm, declaration, or swear.
PC	Poll clerk, Elections Nunavut. The plebiscite officer that works with the DRO at the polling station on plebiscite day.
Petition	For the <i>Plebiscites Act</i> , a public document that asks a plebiscite authority to conduct a plebiscite. It is a request, not a demand. At least 20% of eligible voters in the affected area must sign it.
Plebiscite	A vote by secret ballot conducted under the <i>Plebiscites Act</i> so that a plebiscite authority can find out what Nunavummiut think about a certain issue. Separate from a liquor plebiscite conducted under the <i>Liquor Act</i> .

Word	Meaning
Plebiscite authority	The body or person with authority to initiate a plebiscite. The <i>Plebiscites Act</i> names six plebiscite authorities.
Plebiscite officers	The people that work for Elections Nunavut to run the plebiscite: returning officer (RO), assistant returning officer (ARO), deputy returning officer (DRO), poll clerk (PC), registration clerk (RC). Same as election officers.
Plebiscite period	A 35-day period that starts with the writ and ends with plebiscite day; the official time for the plebiscite.
Plebiscite question	The question(s) and choice(s) set out in the writ and on the ballot that eligible voters can vote on.
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 Nunavut-wide plebiscite: A group that registers with Elections Nunavut to raise money to campaign during the plebiscite. The Act outlines who is eligible and other rules.
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.

Word	Meaning
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 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	If allowed 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.

