
**GUIDELINES FOR THE PUBLIC VOTE
ON
GUARANTEED EQUAL REPRESENTATION
OF
MEN AND WOMEN
IN THE
NUNAVUT LEGISLATIVE ASSEMBLY**

Prepared by the Chief Plebiscite Officer
of the Northwest Territories

March 7, 1997

**GUIDELINES FOR THE PUBLIC VOTE ON
GUARANTEED EQUAL REPRESENTATION FOR MEN AND WOMEN
IN THE NUNAVUT LEGISLATIVE ASSEMBLY**

Purpose of these Guidelines

The Chief Polling Officer has developed these guidelines to assist polling officers in conducting the Public Vote on guaranteed equal representation for men and women in the Nunavut Legislative Assembly ("public vote"). This has been done at the request of the three signatories to the Nunavut Political Accord, namely, the Government of Canada, the Government of the Northwest Territories and Nunavut Tunngavik Incorporated.

The Government of the Northwest Territories will administer the Public Vote as the agent of the Government of Canada pursuant to a Contribution Agreement between these two governments.

The Public Vote will be held May 26, 1997.

DEFINITIONS

1. In these guidelines,

"chief plebiscite officer" means the Chief Plebiscite Officer appointed under section 8 of the Plebiscite Act R.S.N.W.T. 1988, c.P-8, as am;

"chief polling officer" means the Chief Plebiscite Officer;

"commissioner for oaths" means a Commissioner for Oaths appointed under section 73 of the Evidence Act; R.S.N.W.T. 1988, e.E-8, as am;

"declaration" means a statutory declaration made in accordance with the Evidence Act;

"deputy chief plebiscite officer" means the Deputy Chief Plebiscite Officer appointed under subsection 10(1) of the Plebiscite Act R.S.N.W.T. c.P-8, as am;

"list of voters" means:

- (a) the record of information on voters obtained for the general elections in Nunavut communities held in October 1996 through an enumeration under the Local Authorities Elections Act; R.S.N.W.T. 1988, c.L-2, as am; and
- (b) the record of information on voters in Iqaluit obtained for the 1994 general election through enumeration under the Local Authorities Elections Act; R.S.N.W.T. c.L-2, as am;

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"nunavut" means all that area of the Northwest Territories lying East of the Western Boundary of Nunavut as described in Schedule I of the Nunavut Act; S.C. 1993, c.28;

"public notice" means the giving of a notice to the general public in accordance with these guidelines;

"public vote" means the public vote on guaranteed equal representation of men and women in the Nunavut Legislative Assembly;

"polling officer" means a returning officer, a deputy returning officer, a poll clerk, an interpreter and a person present at a voting station for the administration of oaths, or all of them as the case may be;

"returning officer" means the person appointed as returning officer under these guidelines;

"voter" means a person who is eligible to vote in accordance with these guidelines;

"voters' register" means the record in the appropriate form on which is recorded information about voters obtained at the voting station;

"voting station" means the place where a voter casts his or her vote.

PUBLIC NOTICE

- 2.(1) Where public notice is required under these guidelines, the notice must be given to the general public in at least two of the following ways:
 - (a) by inserting the notice at least once in a newspaper circulating in Nunavut;
 - (b) by mailing or delivering a copy of the notice to each voter;
 - (c) by causing announcements to be made on a radio or television station received in the community or municipality on at least three separate days; or
 - (d) by posting a notice in a conspicuous place in the community or municipality.
- (2) Notice of the voting day, advance poll and of the question to be placed on the ballot must be published and/or posted on April 25, 1997.

DATE OF THE PUBLIC VOTE

3. The date the public vote is to be held is Monday May 26, 1997.

TRANSLATION

4. The Chief Polling Officer shall ensure that, where appropriate, any form required for public use and information, including the ballot for the public vote, is available in English, French, Inuktitut and Inuinnaqtun.

PROVISION OF INFORMATION

- 5.(1) The Chief Polling Officer is responsible for providing information to voters on the conduct of the public vote;
 - (2) An information package will be developed and approved by the Government of Canada, the Government of the Northwest Territories, Nunavut Tunngavik Incorporated and Nunavut Implementation Commission to provide voters with information concerning the subject of the public vote. The Chief Polling Officer is responsible for disseminating the information package.

ELIGIBILITY TO VOTE

6. A person is eligible to vote at the public vote, if that person
 - (a) is a Canadian citizen;
 - (b) has attained the age of 18 years on the day on which the person votes;
 - (c) has been a resident in Nunavut since May 26, 1996; and
 - (d) is a resident in Nunavut on the day on which he or she votes.

RESIDENCE

- 7.(1) For the purposes of these guidelines, the place of residence of a person is the home or dwelling of the person to which, when the person is absent, the person intends to return.
 - (2) A person does not lose his or her residence by leaving his or her home or dwelling for a temporary purpose.
 - (3) If a person leaves Nunavut with the intention of establishing his or her residence elsewhere, the person loses his or her residence in Nunavut.
 - (4) The place where the spouse and children of a person reside shall be deemed to be

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the place of residence of that person, unless that person establishes or continues his or her residence in some other place with the intention of remaining there.

LIST OF VOTERS

- 8.(1) The list of voters must contain the names of all voters in alphabetical order.
- (2) The returning officer shall cause the list of voters to be posted in a conspicuous place in each Nunavut municipality no later than April 18, 1997.

REVISING THE LIST OF VOTERS

- 9.(1) A voter may apply to the returning officer to have the list of voters revised not later than 3:00 p.m. Thursday May 8, 1997 on the grounds that:
 - (a) the name of a person eligible to vote has been omitted or is incorrectly set out; or
 - (b) a person who is not eligible to vote is included on the list of voters.
- (2) The returning officer may revise the list of voters and, if the list is revised, shall notify the persons concerned of the decision made.

RETURNING OFFICER

10. The Chief Polling Officer shall appoint persons as returning officers.

DUTIES OF RETURNING OFFICER

- 11.(1) The returning officer shall perform the duties set out in the public vote procedure established by the Chief Polling Officer or shall ensure that the procedures are carried out.
- (2) In addition to performing the duties specified in these guidelines, a returning officer shall:
 - (a) appoint deputy returning officers, poll clerks, interpreters and other persons the returning officer considers necessary for the proper conduct of the public vote or as may be required;
 - (b) establish voting stations, designate their location and, wherever possible, locate them in buildings that will provide ease of access to any voter confined to a wheelchair or who is disabled or incapacitated;
 - (c) provide for the supply and delivery of ballots, ballot boxes, instructions to

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voters, voters' registers and other necessary material and supplies to all voting stations;

- (d) give the notices required and generally take any action necessary to ensure the proper conduct of the public vote in accordance with these guidelines; and
 - (e) ensure that a Commissioner for Oaths is present or available to attend, if called, at each voting station for the time the voting station is open.
- (3) Where a polling officer is absent, incapacitated or unable to act, the returning officer may appoint another person in his or her place.
- (4) The returning officer may exercise and perform any or all of the powers or duties of a deputy returning officer and poll clerk and, if no deputy returning officer is appointed, the returning officer shall perform the duties of the deputy returning officer.

OATHS

12. All oaths taken in connection with the public vote must be taken before a Commissioner for Oaths.

DUTIES OF DEPUTY RETURNING OFFICER

- 13.(1) A deputy returning officer is responsible for the conduct of the vote at a voting station.
- (2) Where the returning officer is absent, incapacitated or unable to act, a deputy returning officer may exercise and perform any or all of the powers or duties of the returning officer.
 - (3) Where a deputy returning officer is absent, incapacitated or otherwise unable to act, a poll clerk may, subject to the direction of the returning officer, exercise and perform any or all of the powers or duties of the deputy returning officer.

BALLOT

14.(1) The ballot for the public vote shall be provided by the Chief Polling Officer.

(2) The wording to be placed on the ballot is as follows:

Should the first Nunavut Legislative Assembly have equal numbers of men and women MLAs, with one man and one woman elected to represent each electoral district?

Yes

No

PROXY VOTE

15.(1) Where a person

- (a) is eligible to vote at the public vote; and
- (b) has reason to believe that he or she will be unable to vote on May 26, 1997;

the person may obtain an application from the returning officer authorizing another voter in the community or municipality to vote on his or her behalf as a proxy voter.

- (2) A voter who completes an application obtained under subsection (1) shall have his or her proxy voter sign the application to indicate that he or she consents to act as a proxy voter.
- (3) No person may be a proxy voter for more than three voters.
- (4) No person may have more than one proxy vote.

DUTIES OF PROXY VOTER

16. On May 26, 1997 a voter who has been authorized as a proxy voter under these guidelines must

- (a) present the proxy application referred to in these guidelines to the deputy returning officer for the voting station at which the voter who designated him or her is eligible to vote; and
- (b) make a declaration in the appropriate form;

in order to be able to vote at the public poll for and in the place of the voter.

ENTRY OF PROXY VOTE

- 17.(1) The poll clerk shall enter in the voters' register opposite the voter's name, in addition to any other required entry, the fact that the voter voted by proxy together with the name of the proxy voter.
- (2) The deputy returning officer shall transmit the declaration made by the proxy voter under these guidelines to the returning officer.

DISABLED OR INCAPACITATED VOTER

18. When the returning officer is made aware of a disabled or incapacitated voter who
 - (a) is unable to leave his or her residence to vote on May 26, 1997 because of his or her disability or incapacity; or
 - (b) requires assistance, of a type not available at a voting station, in order to vote,

the returning officer shall notify the voter of provisions in these guidelines concerning proxy voting.

MOBILE VOTING STATION

- 19.(1) The Chief Polling Officer may establish mobile voting stations and designate a returning officer to take the voting stations to areas located outside Nunavut municipalities.
- (2) A returning officer may establish a mobile voting station and may designate a deputy returning officer to take the voting station to a location where a person is incapacitated or otherwise unable to vote at another voting station.
- (3) The polling officers shall ensure that all procedures carried out at a mobile voting station conform to these guidelines.

SETTING UP VOTING STATION

- 20.(1) The returning officer shall ensure that each voting station is furnished with one or more voting compartments arranged so that a voter is screened from observation and may mark his or her ballot without interference or interruption.

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- (2) The returning officer shall ensure that there is posted in each voting station a conspicuous notice advising persons of the eligibility criteria for voters at the public vote in the form attached to these guidelines.

TIME FOR VOTE

Advance Poll

- 21.(1) An Advance Poll shall be held on May 15, 1997 and must be kept open from 10:00 a.m. until 7:00 p.m. local time.
- (2) The advance poll shall be conducted in accordance with the public vote procedures for an advance poll.
- (3) The ballots cast at the advance poll shall not be counted until the close of the poll on May 26, 1997.

Ordinary Poll

- 22.(1) On May 26, 1997, voting stations must be kept open from 10:00 a.m. until 7:00 p.m. local time.
- (2) When a voting station closes, the deputy returning officer shall:
 - (a) allow any voter already in the voting station or waiting to vote, to vote; and
 - (b) ensure that no other person who is not present at the voting station at the hour of voting enters the voting station to vote.

ELIGIBILITY TO VOTE AT AN ADVANCE POLL OR ORDINARY POLL

- 23.(1) Subject to this section, a person who presents himself or herself at a voting station for the purpose of voting is entitled to vote at the public vote, if that person is eligible to vote and
 - (a) the name of the person appears on the list of voters; or
 - (b) the person makes a declaration of eligibility in the appropriate form.
- (2) Any voter or deputy returning officer who suspects that a person intending to vote is not eligible to vote may request that the person make a declaration of eligibility in the appropriate form, notwithstanding that the name of the person appears on the list of voters.

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- (3) A person who refuses to make a declaration of eligibility, when requested to do so, shall not be given a ballot and may not vote at the public vote.

ONE VOTE

- 24.(1) Subject to this section, a voter may vote once in the public vote.
- (2) A person shall not be considered to have voted if he or she
- (a) has assisted another person to cast a ballot; or
 - (b) has, on behalf of another voter, voted as a proxy voter.

HOW TO MARK BALLOT

- 25.(1) A voter shall mark his or her ballot by making any mark clearly indicating his or her choice.
- (2) A ballot that is marked with more than one vote is void.

PEOPLE AT VOTING STATION

26. During the time for voting, no person shall be present in a voting station other than
- (a) polling officers;
 - (b) persons in attendance for the purpose of voting; and
 - (c) any other person permitted to attend under these guidelines.

EVIDENCE OF VOTE

- 27.(1) The receipt of a ballot by a voter, within the voting station, is evidence that the voter was there and voted.
- (2) A person receiving a ballot forfeits his or her right to vote at the public vote if that person
- (a) leaves the voting station without delivering the ballot to the deputy returning officer; or
 - (b) refuses to vote.

ASSISTANCE TO VOTE

- 28.(1) Where a voter is able to attend at a voting station but requires assistance in order to vote, the deputy returning officer or person authorized by the deputy returning officer shall provide the assistance that is appropriate to enable the voter to vote.
- (2) A voter who is blind, unable to read or understand the ballot, or otherwise disabled to such an extent that he or she is prevented from voting, may have a person assist him or her in voting.
- (3) Where a voting station is located in a hospital, nursing home, senior citizens home or other place where persons are confined, the deputy returning officer may
 - (a) suspend voting in the room where the voting station is established; and
 - (b) attend on those voters who are unable to vote at the room where the voting station is established and take their ballots.

UNOFFICIAL COUNTING OF VOTES

- 29.(1) The unofficial counting of the ballots will be conducted by the returning officer immediately following the close of the poll, in full view of the polling clerk and any witnesses authorized by the returning officer.
- (2) The returning officer shall immediately following the counting of the ballots transmit to the Chief Polling Officer the results of the count. The unofficial results will be confirmed by an official count in a central location on a day or days to be established by the Chief Polling Officer.
- (3) The results of the unofficial count shall not be released, other than to the Chief Polling Officer, until all polls in Nunavut have been closed.

OFFICIAL COUNTING OF VOTES

- 30.(1) Following the count by the returning officer, the returning officer shall seal the ballot box, ensure their safekeeping and forward the ballot box for official counting purposes, in accordance with the instructions of the Chief Polling Officer,.
- (2) The Government of Canada, Government of the Northwest Territories, Nunavut Tunngavik Incorporated and Nunavut Implementation Commission shall each provide to the Chief Polling Officer the name of a person to be a witness to the official counting of the ballots.

- (3) The Chief Polling Officer shall, immediately following the official counting of the votes, announce and publish the tabulation of the voting results on a community by community basis.

PAYMENT TO POLLING OFFICERS AND ASSOCIATED COSTS

- 31.(1) The Chief Polling Officer shall pay all polling officers and shall pay all reasonable costs incurred by polling officers in performing their duties.
- (2) The fees and expenses for services given and expenses incurred under these guidelines shall be paid out of moneys provided under a Contribution Agreement between the Government of Canada and the Government of the Northwest Territories.

DESTRUCTION OF MATERIALS

- 31.(1) At any time after the declaration made by the Chief Polling Officer under subsection 30(3), the person designated by the Chief Polling Officer shall destroy the ballots and public vote material in the presence of two witnesses.
- (2) After the ballots and public vote material are destroyed, the person authorized to destroy the material shall make a declaration in the appropriate form specifying the date, time and place that the ballots and material have been destroyed and forward the declaration to the Chief Plebiscite Officer.
- (3) The two witnesses present when the ballots and public vote material were destroyed shall sign the declaration referred to in subsection (2).

Minister
Indian Affairs and
Northern Development

Premier
Government of the
Northwest Territories

President
Nunavut Tunngavik
Incorporated

Date

Date

Date