



March 31, 2007

Hon. Peter Kilabuk
Speaker
Legislative Assembly of Nunavut
Box 1200
Iqaluit, NU
X0A 0H0

Dear Mr. Kilabuk:

It is again my pleasure to provide the Assembly with my report on Elections Nunavut activities for the period April 1, 2006 to March 31, 2007. At this time I am also reporting on the administration of the Tunnuiq By-Election held on October 16, 2006.

I look forward to meeting with members of the Management and Services Board to consider this report in detail.

Sincerely yours,

Sandy Kusugak
Chief Electoral Officer

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FOREWORD

For Elections Nunavut, the past year was marked by a by-election in the constituency of Tunnunig, by the activities related to the Electoral Boundaries Commission, by assistance to other agencies, by preparation of amendments and by initial work on the Plebiscite Act.

We look forward this summer to hosting the Conference of Canadian Election Officials for a three-day meeting in Iqaluit. None of my colleagues has visited Nunavut before; all are excited by the prospect.

As we move ever closer to a territorial election, the year 2007-2008 will be characterized by appointment and training of returning officers and further development of our candidate support system. We will introduce the *Plebiscite Act* and continue to work with our partners in and out of government to coordinate electoral procedures to better serve Nunavummiut. Such coordination will rely on good-will and conciliation all round, but the outcome for the people of Nunavut will be substantial.

A handwritten signature in cursive script that reads "S. Kusugak".

Sandy Kusugak
Chief Electoral Officer

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Summary of Amendments to the Nunavut Elections Act

Bill 9, enacted in March 2007 resolved Member issues as well as most of the outstanding recommendations of the First Assembly and continued to modernize electoral administration. The amendment bill is summarized below.

- 1. Declaration of candidacy.** Removes the need for a candidate to be nominated by 15 or more voters and substitutes a simpler process of candidate declaration.
- 2. Electronic Transmission of Documents.** Allows the Chief Electoral Officer to authorize the electronic distribution of applications for proxy certificates, expands the range of information that may be filed electronically with Elections Nunavut and allows Management and Services Board to make regulations respecting electronic documents and digital signatures for the purposes of the *Nunavut Elections Act*.
- 3. Order at the Polls.** Expands an existing section in the *Nunavut Elections Act* to provide that a voter may not loiter nor a person create a disturbance within 10 metres of a polling place and provides deputy returning officers with expanded powers to maintain order in the polling place.
- 4. Appointment of Auditors.** Requires the Chief Electoral Officer to obtain the services of an auditor to audit financial returns of all candidates. The auditor's fees will be paid by Elections Nunavut.
- 5. Charitable organizations.** Expands the definition of "charitable organization" to include a charitable organization under the *Income Tax Act* and a municipal corporation, and also makes it clear that a society must be in good standing to be considered a charitable organization.
- 6. Failure to file financial returns.** Provides for a period of five years during which a candidate or financial agent who had not complied with the provisions in the *Nunavut Elections Act* regarding filing financial returns during a previous election may not stand for election.
- 7. Effect of Convictions Under the Act.** Clarifies that a person who is convicted of an offence under the *Nunavut Elections Act* is ineligible to be elected to, or sit in the Legislative Assembly, or hold any office to which a person may be appointed by the Commissioner, a Minister or official of the Government of Nunavut or the Legislative Assembly, for a period of five years, beginning on the day that the person is convicted.

8. Administrative improvements.

Provides for advance vote to take place on Tuesday, the 6th day before election day in the event Monday is a holiday.

Provides that the names of persons who vote prior to election day are struck from the voters' list as they vote.

Clarifies that a person exercising a proxy vote must vote where the person who authorized the proxy vote is entitled to vote.

Allows the Chief Electoral Officer and lawyer(s) for Elections Nunavut to be present where votes are counted.

Clarifies that invalid ballots are not included in the calculation for a recount.

Provides that no person shall use a contribution made to a candidate for any purpose other than to pay an election expense for that candidate.

Clarifies that an assistant returning officer holds office at the pleasure of the returning officer until the end of the election period.

Clarifies that no assistant returning officer shall act as a deputy returning officer or a poll clerk at a polling station, unless specifically authorized to do so.

Amends the *Income Tax Act* to correct terminology and clarifies who receives a receipt for income tax purposes under the *Nunavut Elections Act*.

Electoral Boundaries Commission

Support. Elections Nunavut produced maps, voter and population data and demographic and descriptive profiles of each Nunavut community as background materials for the Boundaries Commission that was appointed in early 2006. The Chief Electoral Officer, staff and legal counsel participated in the orientation meeting of the NEBC.

Legislation as a Result of the Report. The Report of the Electoral Boundaries Commission was completed and tabled in 2006. Uncertainties in the Report prevented Elections Nunavut from undertaking the technical and legal task, required by section 28 of the *Nunavut Elections Act*, of preparing a draft Bill for introduction in the Legislative Assembly, to implement the Report and amend, where necessary, the constituencies in Nunavut.

Co-ordination of the Electoral Process

Nunavut Legislation

Plebiscite Act. A Legislative Proposal to revise the *Plebiscite Act* was approved by the Management and Services Board. The principal reasons for bringing this initiative forward are to:

- modernize the plebiscite process;
- harmonize the plebiscite process with the election process established in the *Nunavut Elections Act*;
- allow local plebiscites as well as Nunavut-wide plebiscites;

- deal with liquor plebiscites, rather than holding them in accordance with the *Local Authorities Elections Act*;
- provide for e-democracy initiatives in the future;
- adapt the *Plebiscite Act* to Nunavut; and
- use plain language

Public Service Act. At the request of the Department of Human Resources, Elections Nunavut provided advice on the 'political activity' sections of the draft legislation.

Official Languages Act. The Department of Culture, Language, Elders and Youth has consulted Elections Nunavut on wording of the consequential amendments related to the *Nunavut Elections Act* to be incorporated into the proposed language legislation.

Local Authorities Elections Act. Elections Nunavut anticipated being requested to participate in the announced review of the *Local Authorities Elections Act*. As such a request was not forthcoming, the Chief Electoral Officer welcomed an invitation from the Chair of the Standing Committee on Infrastructure, Housing and Economic Development to comment on the content of the tabled Bill. Elections Nunavut made a detailed submission to the Committee.

Liquor Plebiscites. Liquor plebiscites in the communities of Baker Lake and Chesterfield Inlet were conducted under the *Local Authorities Elections Act* in February 2007. Although well-advertised, voter participation was low, 25% in Baker Lake and 37% in Chesterfield Inlet. Proponents in both communities had sought to eliminate locally elected Alcohol Education Committees in their communities. A threshold of at least 60% is required to achieve change in alcohol status at a plebiscite. In Baker Lake 56% of those who turned out voted to for their community to become unrestricted; in Chesterfield Inlet 32% voted for such a change.

Electoral support

NTI. Subsequent to providing administrative assistance and training during the most recent NTI election, Elections Nunavut has proposed changes to the NTI Election Rules and maintains NTI archives as required by our agreement with NTI.

Saskatchewan Métis Election. Elections Nunavut is assisting to a limited degree with the administration of the Saskatchewan Métis Election, scheduled for June 2007. The *Nunavut Elections Act* and many of our forms and other documents are being used as templates for this election.

CERL. Elections Nunavut continues to contribute to the Canadian Election Resource Library, (a virtual library of elections documents) and participate in its development.

Electoral Technology Accord. Elections Nunavut is a signatory to the Electoral Technology Accord – an agreement among electoral jurisdictions to search for commonalities that will allow jurisdictions to potentially share electronic infrastructure. Unfortunately operational demands prevented our participation at meetings.

CCEO. Elections Nunavut chaired the annual meeting of the Conference of Canadian Election Officials in Fredericton but was unable to attend the annual workshop.

Agreements

Enforcement Protocol. Prior to the 2004 election, an enforcement protocol was developed and signed by the RCMP Commander of V Division, the Integrity Commissioner and Elections Nunavut. Elections Nunavut has met with the federal Department of Justice with the aim of adding that Department as a signatory to the protocol and has met with representatives of V Division to improve the enforcement process.

Motor Vehicles Agreement. Elections Nunavut has been working to conclude an agreement with the Motor Vehicles Division of the Department of Economic Development and Transportation that would allow Elections Nunavut to obtain voter data from drivers licenses.

Administrative Enhancements

Document Revision. All election guides, manuals and documents have undergone or are undergoing thorough revision as a result of recent legislative change.

Electronic infrastructure

RENU. The permanent electronic voters list, Register for Elections in Nunavut, is a variant of a system first developed by Elections Alberta, and now used by Elections NWT and Elections Saskatchewan. As more jurisdictions use the system, enhancements are made. Recent improvements are the ability to produce mailing labels for voter information cards and the ability to produce voters registers for each polling station.

2007-2008 Goals

Training. Appointment and training of returning officers and assistant returning officers will be the main focus of time and attention in the coming year.

Filing Software for Financial Returns. A complete review of financial return forms was conducted prior to the Tunnunig by-election. Software to

facilitate completion of the financial returns by candidates and financial agents based on these amended forms will be developed.

Website Development. Over the next year a very robust website will be developed and fully operational.

Regulations. Recent amendments to the *Nunavut Elections Act*, particularly the electronic transmission of documents and use of digital signatures necessitate the development of attending regulations.

CCEO Annual Meeting. The annual meeting of the Conference of Canadian Elections Officials will be held in Iqaluit from July 30 – August 3, 2007. Elections Nunavut will host all Canadian jurisdictions and two international organizations – COGEL (Council on Governmental Ethics Laws) and IACREOT (International Association of Clerks, Recorders, Election Officials and Treasurers).

Plebiscite Act. Elections Nunavut is planning for the introduction of the *Plebiscite Act* during the winter sitting, early 2008.

Agreements. Elections Nunavut will seek an agreement with the Vital Statistics Division of the Department of Health to obtain information that will improve the quality of the voters' lists.

Outstanding Recommendation

Fixed Election Date. The Management and Services Board has requested a detailed options paper from Elections Nunavut to support the development of a position on this issue. Since the last time this issue was brought forward, Canada and Prince Edward Island have joined Ontario, Newfoundland and Labrador, British Columbia and Northwest Territories as jurisdictions with legislated fixed election dates.

Financial Report 2006-2007

Salaries and Wages	\$	286,915.39
<i>Operating Expenses</i>		
Travel & Airfare		38,058.44
Materials & Supplies		14,306.58
Purchased Services		35,783.85
Leases & Contracts		99,511.13
Fees & Payments		7,174.46
Other Expenses		19,950.52
Office Furniture & Equipment		20,472.24
Computer Hardware & Software		27,573.46
Tunnunig By-Election		53,231.39
Liquor Plebiscites Baker Lake and Chesterfield Inlet		<u>14,333.24</u>
Total		\$617,310.70

Tunnuniq By-Election

Preparation

The Tunnuniq by-election was the first by-election to be administered under the *Nunavut Elections Act*, requiring more than 25 new manuals, guides and forms to be written and more than 60 others revised. Legislative change dictated that candidate and financial agent forms had to be completely rewritten. Under revised regulations even the format of the ballot was new.

Prior to the issue of the proclamation, the Chief Electoral Officer appointed Molleen Anaviapik as Returning Officer for Tunnuniq. Molleen in turn appointed Eepa Ootoova as her Assistant. Both performed their duties thoroughly, professionally and conscientiously. After being appointed they worked hard to update the voters' register.

Administration

On August 21, Commissioner Ann Hanson issued a proclamation of election for the constituency of Tunnuniq, ordering a writ of election to be dispatched to the returning officer on September 11 with election day to follow on October 16, 2006.

Upon receipt of the proclamation, the Chief Electoral Officer wrote to the Hamlet Council and the Returning Officer, providing them with a list of persons who were ineligible to become candidates at the by-election because they had failed to file financial returns in the general election in 2004.

The by-election provided an opportunity to use a 'declaration of candidacy' in place of the traditional 'nomination papers', prior to its inclusion in an amendment bill. A declaration of candidacy is a simple administrative process that eliminates the need for candidates to find 15 nominators and instead focuses candidates' attention on finding suitable financial agents and campaign managers. The Chief Electoral Officer oversaw the declaration process in Pond Inlet and used the opportunity to train the Returning Officer and Assistant Returning Officer on the use of permanent electronic voters register.

At the deadline 4 persons had completed and successfully submitted, declarations of candidacy: James Arvaluk, Rhoda Arreak Cunningham, Joseph N. Krimmerjuar and Sam Omik. The CEO and Returning Officer thoroughly reviewed the financial return requirements with each candidate at the time of declaration.

As the writ determined election day to be October 16, the day of the advance vote would have been October 9, Thanksgiving Day. An instruction was issued to the Returning Officer to move the advance vote to October 10.

Voting opportunities were well advertised by flyer, newspaper notice, poster and local radio and cable TV announcements. Information regarding how to vote by special ballot was advertised locally and sent to students at Nunavut Arctic College and Nunavut Sivuniksavut and to all relevant correctional and penal institutions.

As broadband access has become available to all Nunavut communities since the general election in 2004, the by-election provided an opportunity to experiment with electronic communication from the polling place. During a liquor plebiscite in Gjoa Haven voice-over-the-internet and electronic document transmission had been used very successfully. In Pond Inlet, broadband access from the Returning Officer's office was successful, but access from the community hall could not be achieved.

Results

Voting was orderly and unexceptional. Hilarie Makpah, Operations and Administration Assistant with Elections Nunavut attended election day in Tunnunig to provide support to the Returning Officer and to facilitate the use of voice-over-the-internet communication and electronic transmission of documents from the polling place at the community hall. Based on this experience Elections Nunavut will test broadband connections from potential polling places well in advance of the next election day.

Overall voter turnout was 74%. James Arvaluk was declared elected with a majority of 56 votes over his nearest opponent. Complete results will be found on the next page.

All candidates submitted financial returns within the 60-day post-election time limit. (See summaries on page 10.) The Chief Electoral Officer is not aware of any complaints being made to the RCMP.

Financial Report

	Expenditures
Operations and Maintenance	
Travel and transportation	\$ 9,023.41
Newspaper notices	26,559.68
Voting supplies	1,155.40
Fees and payments	16,350.00
Other expenses	<u>142.90</u>
Total	\$53,231.39

Tunnuniq By-election 2006

Election Results

Polling Division	#	Ballots for ARVALUK James	Ballots for CUNNINGHAM (ARREAK) Rhoda	Ballots for KRIMMERDJUAR Joseph N.	Ballots for OMIK Sam	Rejected Ballots	Total Accepted Votes	Official Voters List Number
Pond Inlet: A - Koonark October 16, 2006	1	92	75	25	21	5	213	326
Pond Inlet: Koonoo - Z October 16, 2006	2	101	63	33	27	3	224	322
Pond Inlet Other polls October 2 – 12, 2006	3	13	12	10	5	0	40	
Total		206	150	68	53	8	477	648
Percentage of valid Votes		43%	31%	14%	11%			Voter turnout 74%

Returning Officer – Molleen Anaviapik

Assistant Returning Officer – Eepa Ootoova

Tunnuniq By-election 2006

Summary of Candidates' Financial Returns

Candidate	ARVALUK James Elected	CUNNINGHAM (ARREAK) Rhoda	KRIMMERDJUAR Joseph N.	OMIK Sam
Financial Agent	Saunders Colin	Cunningham Duncan	Milton Ikey	Koonark Isa
Contributions	0	5,544.15	0	0
Election Expenses	0	5,544.15	0	0
Unpaid Expenses	0	0	0	0
Total Election Expenses	0	5,544.15	0	0
Surplus/ (Deficit)	0	0	0	0

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For more information or to obtain copies of this report in any of Nunavut's official languages, contact:

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