

Elections Nunavut

- 2014-2015 Annual Report of the Chief Electoral Officer
- Uqqummiut By-election February 9, 2015



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June 30, 2015

Hon. George Qulaut
Speaker of the Legislative Assembly of Nunavut
926 Federal Road
Iqaluit, NU X0A 0H0

Dear Mr. Speaker:

I am pleased to provide you with my 2014-2015 Annual Report and report on the administration of the 2015 By-Election in Uqqummiut.

At your convenience I can answer any questions that may arise from the report.

A handwritten signature in black ink that reads 'S. Kusugak'.

Sandy Kusugak
Chief Electoral Officer



Activities 2014-2015

Legislation

Assistant Chief Electoral Officer

On November 6, 2014 the Legislative Assembly of Nunavut enacted Bill 10, amending the *Nunavut Elections Act* to provide for an assistant chief electoral officer.

192.1 (1) The Chief Electoral Officer may appoint an Assistant Chief Electoral Officer, despite the *Public Service Act*.

(2) The Assistant Chief Electoral Officer

- (a) may exercise the powers and shall perform the duties delegated or assigned by the Chief Electoral Officer as directed by the Chief Electoral Officer; and
- (b) shall act in the place of the Chief Electoral Officer if he or she is temporarily unable to act because of illness or for another reason and no acting Chief Electoral Officer is appointed under section 193.

(3) For greater certainty, the Assistant Chief Electoral Officer is a member of the staff of the Office of the Chief Electoral Officer under section 194.

Local Authorities Elections Act

In November 2014 the Chief Electoral Officer presented initial plans for modernization of the *Local Authorities Elections Act* to the annual meetings of both the Nunavut Association of Municipalities and the Nunavut Association of Municipal Administrators. The Legislative Proposal for the LAEA was brought before full caucus in January 2015.

Full consultations will be completed and draft legislation prepared for the 2016 spring sitting of the Legislature.

Liquor Plebiscites

Elections Nunavut conducts liquor plebiscites on behalf of the Department of Finance, Liquor Management Division. These local option liquor plebiscites are administered according to the *Local Authorities Elections Act*, not the *Plebiscites Act*. These plebiscites are initiated by petition of 20 or more voters in a given community. In order to effect a change, at least 60% of the total valid votes cast must be in favour of the question.



October 6, 2014 Taloyoak

Voters in Taloyoak were asked, “Are you in favour of replacing the current system in Taloyoak with a restricted system and establishing a Taloyoak Alcohol Education Committee? The Alcohol Education Committee would have the power to decide

- (a) who may possess, purchase or transport liquor in the community;
- (b) who may import liquor into the community; and
- (c) the amount of liquor that a person may import into the community.”

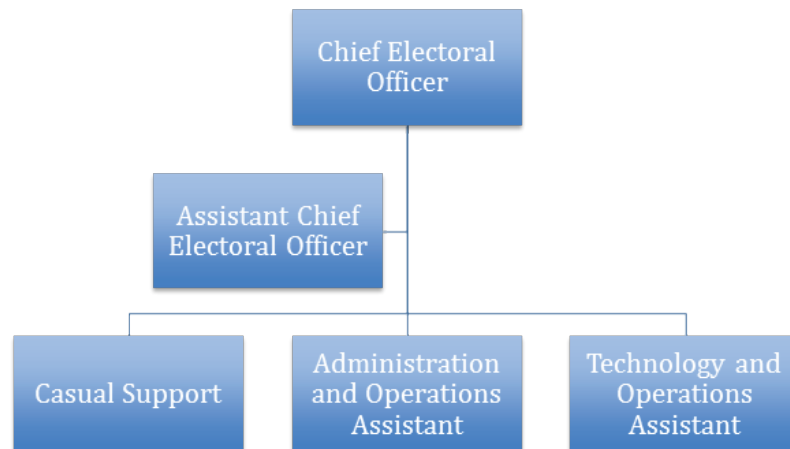
Of the 244 voters who cast a ballot, 104 or 43% said “Yes” while 140 or 57% said “No”. Four hundred residents of Taloyoak were eligible to vote.

Administrative Activities

Assistant Chief Electoral Officer

In late fall, the Legislative Assembly and Elections Nunavut ran a competition for the position of Assistant Chief Electoral Officer. Interview process was conducted in January and resulted in offering Dustin Fredlund the position. After winding up his duties as Kitikmeot Director Economic Development and Transportation Dustin plans to start work at Elections Nunavut on August 15.

With the establishment of the position of Assistant Chief Electoral Officer, the organizational structure at Elections Nunavut has been updated as follows.



Plebiscite on the Sale of Municipal Land

After a 1995 plebiscite held in each (now) Nunavut community rejected the notion of individuals or companies being able to purchase land under municipal control, it was agreed that no further vote on the subject would take place for at least twenty years. In anticipation of a possible 2016 plebiscite, the Government of Nunavut Department of Community Government and Services and Elections Nunavut have begun budgeting and planning for the event.



Plebiscite on Iqaluit Wine and Beer Store

On March 12, 2015 the Chief Electoral Officer received instructions from the Minister of Finance, to hold a plebiscite on April 20 asking Iqaluit voters, “Are you in favour of a beer and wine store opening in the City of Iqaluit?” All persons who are not disqualified from voting and who are 18 years of age, Canadian citizens and resident of Iqaluit on April 20, 2015 will be eligible to vote. The Deputy Minister of Finance is the plebiscite authority for this vote.

Document Development

Elections Nunavut wrote, translated and distributed to municipalities, guides for originating and conducting municipal plebiscites. Municipal plebiscites are votes conducted on behalf of the Hamlet or City or District Education Authority to find out voters’ opinions on matters under the control of those organizations.

Elections Nunavut has continued through the reporting period to develop documents for both internal and public use, to support municipal, local and Nunavut-wide plebiscites.

Electronic Infrastructure

Elections Nunavut has been informed that the platform on which the website is built, will no longer be supported by the current contractor. For this reason and because the site must in future expand to allow for plebiscite and local authorities information the Chief Electoral Officer has conducted a comprehensive review of elections websites, including mobile sites as a precursor to issuing a Request for Proposals for redevelopment of www.elections.nu.ca.

RENU

Elections Nunavut’s electoral management system, known as RENU (Register for Elections in Nunavut) is undergoing a major upgrade to allow for candidate tracking throughout and following the electoral period, to provide an interactive electoral calendar for Returning Officers and Assistant Returning Officers and to allow efficient processing of election day worker information.

Staff Training

As part of Elections Nunavut’s ongoing commitment to skill development, our GIS consultant Tat Ma spent the week of March 9th to 13th in our office improving staff capacity with GIS in areas specific to the needs of an elections office.



Coordination with Other Electoral Agencies

Elections New Brunswick

As Elections Nunavut prepares to modernize the *Local Authorities Elections Act*, the organization has looked to Canadian jurisdictions that administer both provincial and municipal elections for guidance. Since Elections New Brunswick has for a number of years administered elections for school and health boards as well as municipalities and the provincial legislature, the Chief Electoral Officer and Legal Counsel for Nunavut made a two day visit to Fredericton to learn and get advice from senior administrators at Elections New Brunswick.

Elections Canada -

Democracy Week

All Canadian jurisdictions support Elections Canada's annual initiative for high school students to enhance knowledge and understanding of how Canada's democracy works. Elections Nunavut assists in Democracy Week by promoting the project locally and with GN Social Studies Coordinators.

Jurisdiction Visit

Andre Cyr of Elections Canada while in Rankin Inlet on November 5 and 6 to speak to the Nunavut Association of Municipal Administrators regarding plans for the October 2015 federal election visited Elections Nunavut to see the operations of a small jurisdiction.

Federal Returning Officer Training

Elections Canada invited the Chief Electoral Officer to observe its 3-day training session for rural and remote federal Returning Officers held in Edmonton, February 26-28. At this session Elections Canada demonstrated a new activity-based training regime.

ACEP

The Association of Canadian Electoral Partners hosted annually by Elections Canada met in Ottawa on November 26 and 27 to consider matters of common interest.

Canadian Elections Resource Library

Elections Nunavut continues to contribute funds on a pro rata basis to a shared library hosted by Elections Manitoba as well as contribute to the forum on the site.

Canadian Election Visitors Programs

Larger Canadian elections conduct visitors programs during their elections to demonstrate changes in procedures, explain new legislation and garner opinion from the community on various practises. During the reporting period Elections Nunavut attended programs in Quebec, Ontario and New Brunswick.



Conference of Canadian Election Officials

Annual Conference

The annual conference of the CCEO was held from August 10-13 in Winnipeg and included a one-day session on permanent voters lists facilitated by Deloitte.

Hiring and Training Committee

In June Elections British Columbia hosted a meeting of the CCEO Committee on hiring training electoral event staff.

Professional Development Committee

The CCEO has created a three-person committee to study the feasibility of offering courses and seminars to improve the capacity of permanent headquarters staff, from operations to finance to executive positions. October 30 - Professional development committee.





Planned Activities 2015-2016

RENU

Elections Nunavut plans to have all the modifications to the electoral management system in place and fully functional by the end of the next reporting period.

Website

The Request for Proposals to redevelop the website will be issued in the fall of 2015. It is anticipated that the site will be fully functioning by June 2016.

Plebiscite on the Sale of Municipal Lands

Over the next year Elections Nunavut will update registrations, prepare materials, hire and train staff to conduct the plebiscites to be held in each Nunavut municipality regarding the sale of municipal lands.





2015 By-Election Uqqummiut

The Legislative Assembly of Nunavut declared the seat for the Member for Uqqummiut vacant on October 24, 2014 initiating the by-election process. The Chief Electoral Officer then issued a writ on January 5 citing February 9 as Election Day. The constituency of Uqqummiut is comprised of the communities of Clyde River and Qikiqtarjuaq.

The administrative process for a by-election differs from that of a general election in that to be eligible to vote in a by-election an otherwise qualified voter must be resident in the affected constituency by the day the writ is issued.

Declarations of candidacy were accepted from James Arreak, Niore Iqalukjuak and Pauloosie Keyootak. Two other persons, Jason Aliqatuqtuq and Sandy Kautuq were unsuccessful in their bids to become candidates. (See Matters of Concern.)

Returning Officer & Assistant Returning Officer

2015 Uqqummiut By-Election

Constituency	RO / ARO	Name	Address
Uqqummiut	RO	Gary Aipellee	Box 184 Clyde River
	ARO	Clark Kalluk	Box 242 Clyde River
	ARO	Karen Kooneeliusie	Box 141 Qikiqtarjuaq



By-Election February 9, 2015 - Calendar

Date	Activity
January 5	Chief Electoral Officer sends the writ to the returning officer (RO). RO posts it in their office.
	First day a person can file a declaration of candidacy.
	First day a person can apply for a special, mail-in ballot.
January 6	Elections Nunavut sends a voter Information Card to every voter on the voters list.
January 9	2 pm deadline (local time) to file a declaration of candidacy. 5 pm deadline (local time) to withdraw declaration.
January 11	Chief Electoral Officer sends election notice to the Returning Officer and each candidate.
January 26	First day voters can vote at the returning officer's office - from 12 noon to 7 pm local time.
February 2	Mobile poll in each community from 9 am to 11:30 am local time. Advance vote from 12 noon to 7 pm.
February 4	First day voters can get a proxy certificate from Elections Nunavut. Must meet strict criteria.
February 5	Last day voters can vote at the returning officer's office - from 12 noon to 7 pm local time.
February 8	No campaigning of any kind on TV, radio, newspaper, or Internet - including Twitter, Facebook, and other social media.
February 9	Election Day
	No campaigning of any kind on TV, radio, newspaper, or Internet - including Twitter, Facebook, and other social media.
February 16	Return of the writ



Official Election Results

2015 Uqqummiut By-election

Polling Stations	Candidate Arreak, James	Candidate Iqalukjuak, Niore	Candidate Keeyooktak, Pauloosie Elected	Rejected Ballots	Total Votes	Election Day Voters List
Clyde River	93	178	16	0	289	453
Early Polls	3	5	0	0	8	-
Qikiqtarjuaq	8	8	196	0	212	285
Early Polls	1	4	8	0	13	-
Total votes	105	195	220	0	522	738

Summary of Campaign Financial Returns

2015 Uqqummiut By-Election

Candidate	Financial Agent	Status	Contributions	Expenses	Surplus (Deficit)
Keeyooktak, Pauloosie Elected	Kooneeliusie, Louisa	Filed on time	nil	nil	nil
Arreak, James	Jaypoody, Daniel	Filed on time	nil	nil	nil
Iqalukjuak, Niore	Iqalukjuak, Joasie	Filed on time	nil	nil	nil
Kautuq, Sandy	Jaypoody, Mike	Filed on time	nil	nil	nil



Matters of Concern Arising from the Uqqummiut By-election 2015

Ineligible Candidate – Failure to Obtain Leave from the Public Service

Mr. Kautuq filed his Declaration of Candidacy in the Uqqummiut By-Election of 2015, in which he declared that he was eligible to be a candidate. The Returning Officer had no evidence to the contrary and accepted his declaration.

A complaint was filed by another candidate alleging that Mr. Kautuq was not eligible because he had not obtained a leave of absence from his position in the public service. Mr. Kautuq was a teacher. Running as a candidate while knowing that you are ineligible is an offence under s. 257(1) of the Act. All complaints of election violations are made to the RCMP.

This situation presented a problem for the by-election in that constituency. The by-election could not continue with him being an ineligible candidate. Depending on the results of the election, the election would be open to challenge and could be voided after it was over. To address this situation, the CEO could use her power under section 191 of the *Nunavut Elections Act* to issue an order requiring a person to cease an activity, where it appears to the Chief Electoral Officer that the activity is in contravention of the Act.

A preliminary investigation of the facts by Elections Nunavut indicated that Mr. Kautuq had not properly obtained leave. On January 20, 2015, the Chief Electoral Officer had a telephone conversation with Mr. Kautuq, and found there was reasonable evidence that he was ineligible to be a candidate because he had not obtained leave before filing his declaration of candidacy. This was contrary to s. 31(3)(a) of the Public Service Act and s. 11(2)(e) of the *Nunavut Elections Act*. A temporary Cease and Desist Order was therefore issued against Mr. Kautuq. The Order prohibited him from campaigning as a candidate or holding himself out to the voters as an eligible candidate and told him to instruct his financial agent not to collect any further contributions or incur any further elections expenses.

Meanwhile the RCMP were conducting an investigation and a personal interview with him. The results of the RCMP investigation showed that Mr. Kautuq had indeed not obtained leave before filing his Declaration, as required by the *Nunavut Elections Act* and the Public Service Act. On the basis of the facts disclosed during the RCMP investigation, Mr. Kautuq was therefore ineligible to be a candidate in this by-election because he had not obtained leave as required by the Public Service Act.



Mr. Kautuq was given another opportunity by Elections Nunavut to present his side of the case before the temporary Order was made permanent. He was advised of the RCMP report and given a reasonable opportunity to respond. He cooperated with Elections Nunavut during a second telephone hearing held by the Chief Elections Officer on Thursday January 22, 2015, at 10:00 am. He acknowledged that he had not obtained leave before filing his Declaration. Consequently, the Cease and Desist Order was made final.

To deal with other aspects of this difficult situation, a Direction was made under s. 190 of the Act deeming that Mr. Kautuq and his financial agent were no longer to be considered as a candidate and agent. In addition, the Direction provided that ballots prepared under subsection 86(3) of the Act would no longer include Sandy Kautuq as an eligible candidate and that any ballots cast for him would be rejected as having been marked in favour of a person who is not a candidate under paragraph 131(5)(d) of the *Nunavut Elections Act*.

Because it appeared that the violation resulted from a lack of care, rather than a deliberate action, and because Mr. Kautuq fully cooperated with the RCMP and Elections Nunavut, no further enforcement action was considered necessary.

Conclusion

The Kautuq case demonstrates that a person who is deliberately or inadvertently becomes a candidate when ineligible can be removed from the ballot, albeit with considerable difficulty.

This was the situation where the provisions of the Public Service Act and the reference to that Act in the *Nunavut Elections Act* must be evaluated. Are the rules for public servants obtaining leave clear enough? Are potential candidates able to get the advice they need from the public service before becoming a candidate? Is educating public servants about the rules under the Public Service Act the responsibility of the government or should Elections Nunavut provide more specific instructions? Currently, Elections Nunavut provides guides to candidates advising them to consider their employer's rules, but does not go into the detail of those rules, since there are detailed public service directives on the issue.



Financial Matters

Two issues concerning financial matters arose during the by-election in Uqqummiut.

The first related to the requirement under s. 74(1) of the Act to give a deposit of \$200 to the returning officer when a person files his or her declaration of candidacy. Jason Aliqatuqtuq attempted to give his deposit of \$200 to the returning officer by faxing a copy of his cheque from Iqaluit, rather than actually delivering the cheque or having a financial agent deliver it. A returning officer cannot deposit a fax copy of a cheque in the Consolidated Revenue Fund as required by the Act. As a consequence, Mr. Aliqatuqtuq did not comply with the rules for candidacy and thus the returning officer had to refuse his candidacy under s. 75(1)(a) of the Act.

The second issue related to the requirement in s. 170(4) of the Act that a financial agent open an account for the candidate at a bank or approved institution in order to deposit campaign contributions and get bank statements of the transactions. Unfortunately, Clyde River had no bank or approved institution at all. To remedy this situation, the Chief Electoral Officer used the power under s. 190 of the Act to issue a Directive authorizing financial agents in Clyde River in the Uqqummiut By-Election 2015, who had no access to a bank account or equivalent accounts, to take alternative measures. In summary, the Directive allowed financial agents to receive cash or cheques and cash them at the Northern Store and treat them like petty cash. In the absence of bank statements, financial agents had to personally keep track of all expenses and contributions in a detailed written record.

Conclusion

Potential candidates should be aware that there is a risk in waiting until the last minute before filing their declaration of candidacy and that there are certain fundamental aspects of transferring money that cannot be avoided.

The second case shows there is a deeper issue, namely the lack of access to financial services in some parts of Nunavut. While this was not the issue in Mr. Aliqatuqtuq's situation, the lack of adequate financial services in some communities poses a problem to the proper functioning of the electoral process. Elections Nunavut will be looking to see if there are innovative ways to address this problem. While Elections Nunavut may be able to find a work-around for elections purposes, some communities will suffer in other important parts of their lives from not having proper financial services available.



Office of the Chief Electoral Officer

BUDGET REPORT FOR THE PERIOD ENDED MARCH 2015

Budget year 2014-15

Summary

	Budget	Spent	Committed	Balance
Permanent Salaries	510,000.00	482,579.00	-	27,421.00
Casual Wages	25,000.00	91,205.00	-	(66,205.00)
	535,000.00	573,784.00	-	(38,784.00)

Nunavut Elections - 0170000

Travel	80,000.00	78,499.00	-	1,501.00
Materials & Supplies	50,000.00	29,492.00	-	20,508.00
Purchased Services	80,000.00	50,849.00	-	29,151.00
Utilities (Building Related)	-	-	-	-
Contract Services	270,000.00	241,838.00	-	28,162.00
Fees and Payments	40,000.00	9,171.00	-	30,829.00
Other Expenses	-	556.00	-	(556.00)
Tangible Assets	-	-	-	-
Computer hardware & Software	-	946.00	-	(946.00)
	520,000.00	411,351.00	-	108,649.00

Pre-Election expenses-01700001

Permanent Salaries	-	-	-	-
Casual Wages	-	-	-	-
Travel	-	-	-	-
Materials & Supplies	-	2,600.00	-	(2,600.00)
Purchased Services	-	271.00	-	(271.00)
Utilities (Building Related)	-	-	-	-
Contract Services	-	7,095.00	-	(7,095.00)
Fees and Payments	-	-	-	-
Other Expenses	-	-	-	-
Tangible Assets	-	-	-	-
Computer Hardware & Software	-	-	-	-
		9,966.00		(9,966.00)

Summary

	Budget	Spent	Committed	Balance
Election Event Expenses-0170002				
Permanent Salaries	-	-	-	-
Casual Wages	-	-	-	-
Travel	-	-	-	-
Materials & Supplies	-	1,154.00	-	(1,154.00)
Purchased Services	-	1,666.00	-	(1,666.00)
Utilities (Building Related)	-	-	-	-
Contract Services	-	-	-	-
Fees and Payments	-	-	-	-
Other Expenses	-	-	-	-
Tangible Assets	-	-	-	-
Computer Hardware & Software	-	-	-	-
	-	2,820.00	-	(2,820.00)
Post Election Expenses - 0170003				
Permanent Salaries	-	-	-	-
Casual Wages	-	-	-	-
Travel	-	-	-	-
Materials & Supplies	-	-	-	-
Purchased Services	-	27,938.00	-	(27,938.00)
Utilities (Building Related)	-	-	-	-
Contract Services	-	18,956.00	-	(18,956.00)
Fees and Payments	-	-	-	-
Other Expenses	-	-	-	-
Tangible Assets	-	-	-	-
Computer Hardware & Software	-	-	-	-
	-	46,894.00	-	(46,894.00)
Election Legislation Dev. 0170006				
Permanent Salaries	-	-	-	-
Casual Wages	-	-	-	-
Travel	-	-	-	-
Materials & Supplies	-	-	-	-
Purchased Services	-	-	-	-
Utilities (Building Related)	-	-	-	-
Contract Services	-	46,670.00	-	(46,670.00)
Fees and Payments	-	-	-	-
Other Expenses	-	-	-	-
Tangible Assets	-	-	-	-
Computer Hardware & Software	-	-	-	-
	-	46,670.00	-	(46,670.00)

Summary

	Budget	Spent	Committed	Balance
Nunavut By Election (Uqqummiut (0170011))				
Permanent Salaries	-	-	-	-
Casual Wages	-	4,982.00	-	(4,982.00)
Travel	-	2,962.00	-	(2,962.00)
Materials & Supplies	-	1,893.00	-	(1,893.00)
Purchased Services	-	16,813.00	-	(16,813.00)
Utilities (Building Related)	-	-	-	-
Contract Services	-	28,943.00	-	(28,943.00)
Fees and Payments	-	-	-	-
Other Expenses	-	-	-	-
Tangible Assets	-	-	-	-
Computer Hardware & Software	-	-	-	-
	-	55,593.00	-	(55,593.00)
Nunavut By Election - 0171001				
Permanent Salaries	-	-	-	-
Casual Wages	-	-	-	-
Travel	-	-	-	-
Materials & Supplies	-	260.00	-	(260.00)
Purchased Services	-	323.00	-	(323.00)
Utilities (Building Related)	-	-	-	-
Contract Services	-	-	-	-
Fees and Payments	-	-	-	-
Other Expenses	-	-	-	-
Tangible Assets	-	-	-	-
Computer Hardware & Software	-	-	-	-
	-	583.00	-	(583.00)
Plebiscites - 0172000				
Permanent Salaries	-	-	-	-
Casual Wages	-	-	-	-
Travel	-	-	-	-
Materials & Supplies	-	-	-	-
Purchased Services	-	-	-	-
Utilities (Building Related)	-	-	-	-
Contract Services	-	3,912.00	-	(3,912.00)
Fees and Payments	-	-	-	-
Other Expenses	-	-	-	-
Tangible Assets	-	-	-	-
Computer Hardware & Software	-	-	-	-
	-	3,912.00	-	(3,912.00)

Summary

	Budget	Spent	Committed	Balance
Liquor Plebiscites -0172001				
Permanent Salaries	-		-	-
Casual Wages	-	1,309.00		(1,309.00)
				-
Travel	-			-
Materials & Supplies	-	437.00		(437.00)
Purchased Services	-	812.00		(812.00)
Contract Services	-	125.00		(125.00)
Fees & Payments	-			-
Other Expenses	-			-
Chargedback to Nunavut Liquor Enforcement		2,683.00	-	(2,683.00)
Beer & Wine Store Pleb - 0172003				
Permanent Salaries	-		-	-
Casual Wages	-			-
				-
Travel	-	-		-
Materials & Supplies	-			-
Purchased Services	-	14,697.00		(14,697.00)
Contract Services	-	16,431.00		(16,431.00)
Fees & Payments	-			-
Other Expenses	-			-
	-	31,128.00	-	(31,128.00)
Total Budget	1,055,000.00	1,182,701.00	-	127,701.00

