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June 30, 2016

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 final report to the Assembly, the 2015-2016 Annual Report and report on the administration of the 2016 By-Election in Netsilik.

It has been my pleasure to serve for the past fourteen and a half years as Nunavut's first Chief Electoral Officer.

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

Sandy Kusugak
Chief Electoral Officer



Activities 2015-2016

Legislation

Nunavut Elections Act and Plebiscites Act Amendments

On November 5, legislation was assented to that amended both the *NEA* and the *Plebiscites Act*.

Both Acts were amended to require the Chief Electoral Officer to publish newspaper notices advising the public on how to obtain a copy of submitted financial returns. Previously the CEO was required to publish a summary of all financial returns in local newspapers.

The *Plebiscites Act* was amended to allow for additional voting methods to be provided in some municipalities at a local plebiscite.

Plebiscites Act

65 (3) *After consultation with the plebiscite authority, the Chief Electoral Officer may make any of the additional voting methods available under section (2) available to voters in any plebiscite if all the voters of at least one constituency reside in the plebiscite area.*

Local Authorities Elections Act

Elections Nunavut continued consultations on changes to the administration of elections currently held under the *Local Authorities Elections Act*. Preparation of the draft legislation is near completion. Introduction is planned for fall 2016.

Iqaluit Beer and Wine Store Plebiscite April 20, 2015

On receiving instructions from the Minister of Finance in early 2015, Elections Nunavut prepared to conduct the first plebiscite to be held under the *Plebiscites Act*. The instructions stated that the result of the plebiscite would be non binding on the Government and that any Iqaluit resident normally qualified to vote in an election for MLA would be eligible to vote in the plebiscite. Despite an extensive awareness campaign involving conventional and social media and brochures explaining the question and detailing voting opportunities delivered to each post office box voter turnout was low 39%. To the question, “Are you in favour of a beer and wine store opening in the City of Iqaluit?”, 1126 or 77% voted “Yes”, while 326 or 22.3% voted “No”. The “Yes” votes met the 50% plus 1 threshold and the results were conveyed to the Minister.



Local Option Liquor Plebiscite

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.

December 14, 2015 Gjoa Haven

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

- (a) who may consume, possess, purchase or transport liquor in the community;
- (b) who may import liquor into the community;
- (c) the amount of liquor that a person may possess, purchase, transport or import in the community;
- (d) who may apply for a wine permit in the community and the amount of wine that a person may apply to make; and
- (e) who may brew beer for personal or family consumption in the community and the amount of beer that a person may brew

Of the 450 voters who cast a ballot, 218 or 48% said “Yes” while 232 or 51% said “No”. 0 ballots were rejected. 728 residents of Gjoa Haven were eligible to vote.

Administrative Activities

Assistant Chief Electoral Officer

On August 15, Dustin Fredlund took up his duties as Elections Nunavut’s first Assistant Chief Electoral Officer.

Staff Training and Professional Development

Geographical Information Systems

Tat Ma, who serves as Elections Nunavut’s GIS consultant conducted two workshops over a period of three weeks with the staff to increase their skill level with GIS.

Adobe Applications

Yoyomac of Edmonton was contracted to provide a four day workshop in InDesign and Photoshop tailored to the specific needs of Elections Nunavut.



Information Technology

Tony Rose, the IT consultant for Elections Nunavut worked with the staff to upgrade their skills related to the website.

Website Redevelopment

Katittut was the successful proponent for the redevelopment of EN's website. The platform on which the site had previously been built had become out-dated, necessitating redevelopment. With the new platform staff will more quickly and easily be able to post documents and updates. The site will be able to accommodate the growing responsibilities of Elections Nunavut. As well, the site will be scalable, making it appropriate for use on tablets and smartphones.

Preparation for 2016 Plebiscites on the Sale of Municipal Lands

Details of the administration of the land sale plebiscites can be found in the report 2016 Report of the Chief Electoral Officer on the Municipal Land Sale Referenda/Plebiscites.

Documents

Elections Nunavut prepared a Voters Guide to Local Plebiscites, a Guide to Administer a Local Plebiscite and a Media Guide to aid the plebiscite process.

Electronic Infrastructure

A mini-website linked to Elections Nunavut's main site was created to provide historical information as well as background material and voter information related to the plebiscite on the sale of municipal lands.

RENU

Elections Nunavut's electronic election management system was upgraded to support local plebiscites. This upgrade will also support the work of municipal returning officers in the future.

Coordination with Other Electoral Agencies

Elections Canada

Elections Nunavut provided support to Elections Canada during the fall 2015 Federal Election. The Assistant Chief Electoral Officer worked from the Federal Iqaluit Returning Office for the six weeks leading up to Election Day providing much needed local knowledge. In addition EN staff acted as training officers and deputy returning officers.

Canadian Election Visitors Programs

The Chief Electoral Officer participated in the visitors programs at both the Alberta Provincial Election (May 2015) and the Federal Election (October 2015). Visitors Programs are often held by the larger jurisdictions providing an opportunity to showcase innovations and receive feedback on administrative practises.



COGEL

In December the Chief Electoral Officer attended the annual conference of the Council on Governmental Ethics Laws held in Boston. COGEL is an international body whose members include election officials, privacy and ethics officers.

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.

Conference of Canadian Election Officials

The annual conference of Canadian election officials was held in Charlottetown from July 18-21. All Canadian provincial and territorial election offices participate in this annual event providing reports on the year's activities and participating in panels.

Nunatsiavut

A consultant working on behalf of the Nunatsiavut government asked for permission to have elections personnel from Nunatsiavut visit the EN office to observe our administrative practises.

CSEOT

A committee of the Conference of Canadian Election Officials was created to develop a professional development program for senior provincial and territorial election staff. This committee has now set up a not-for-profit Canadian Society for Election Official Training. CSEOT will provide 4 workshops over the coming year. The first, Introduction to Electoral Administration is planned for July 2016, to be followed by Executive Leadership in Elections and Election Finance. Although the CEO participated on the committee, Keith Archer, CEO for Elections British Columbia and his staff have done the better part of the work to establish the program.



Planned Activities 2016-2017

For the coming year efforts will be focused largely on preparation for the October 30, 2017 Nunavut General Election.





2016 By-Election Netsilik

The resignation of the Member for Netsilik in late 2015 resulted in the Chief Electoral Officer issuing a writ of by-election on January 4, 2016 naming February 8 election day. The constituency of Netsilik is comprised of the communities of Taloyoak and Kugaaruk.

To be eligible to vote in a by-election and otherwise qualified voter must be resident in the affected constituency by the date the writ is issued.

Declarations of candidacy were accepted from Tars Angutingunirk, John Ningark, Emiliano Qirngnuq, Joseph Quqqiaq and Wesley Totalik Sr.

Returning Officer & Assistant Returning Officer

2016 Netsilik By-Election

Constituency	RO / ARO	Name	Address
Netsilik	RO	Robert Lyall	Box 12 Taloyoak
	ARO	Vicky Qagutaq	Box 43 Kugaaruk



By-Election February 8, 2016 - Calendar

Date	Activity
January 4	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 5	Elections Nunavut sends a voter Information Card to every voter on the voters list.
January 8	2 pm deadline (local time) to file a declaration of candidacy. 5 pm deadline (local time) to withdraw declaration.
January 10	Chief Electoral Officer sends election notice to the Returning Officer and each candidate.
January 25	First day voters can vote at the returning officer's office - from 12 noon to 7 pm local time.
February 1	Mobile poll in each community from 9 am to 11:30 am local time. Advance vote from 12 noon to 7 pm.
February 3	First day voters can get a proxy certificate from Elections Nunavut. Must meet strict criteria.
February 4	Last day voters can vote at the returning officer's office - from 12 noon to 7 pm local time.
February 7	No campaigning of any kind on TV, radio, newspaper, or Internet - including Twitter, Facebook, and other social media.
February 8	Election Day
	No campaigning of any kind on TV, radio, newspaper, or Internet including Twitter, Facebook, and other social media.
February 15	Return of the writ



Netsilik By-election 2016

Official Election Results

Polling Stations	Candidate Angutin- gunirk, Tars	Candidate Ningark, John	Candidate Qirngnuq, Emiliano Elected	Candidate Quqqiaq, Joseph	Candidate Totalik Sr., Wesley	Rejected Ballots	Total Votes	Election Day Voters List
Taloyoak	15	33	36	50	54	4	192	404
Early Polls	4	3	2	1	4	0	14	-
Kugaaruk	90	29	92	6	6	3	226	347
Early Polls	7	0	7	0	0	0	14	-
Total votes	116	65	137	57	64	7	446	

Summary of Campaign Financial Returns

Candidate	Financial Agent	Status	Contributions	Expenses	Surplus (Deficit)
Angutingunirk, Tars	Krejunark, Joyce	Filed on time	-	-	-
Ningark, John	Ningark, Walter	Filed on time	1198.70	1148.70	50.00
Qirngnuq, Emiliano	Immigark, Barnaby	Filed on time	-	-	-
Quqqiaq, Joseph	Dilts, John	Filed on time	-	-	-
Totalik Sr., Wesley	Aleekee, Elizabeth	Filed on time	1026.60	726.60	300.00

* Not yet audited at time of printing





Other Matters of Concern - 2016

Enforcement Issues

One of the recurring enforcement issues is the failure of candidates and their financial agents to file financial returns after the election is over. The financial returns are sworn statements of the moneys collected and spent by candidates during the election. Elections Nunavut has an interest in ensuring that these financial returns are filed on time in accordance with the *Nunavut Elections Act*. Despite successive reminders from Elections Nunavut, inevitably many candidates and their financial agents fail to file on time as required by the Act. This is a strict liability offence — no need to prove intention to be late — and the grounds for charging very simple.

Once the statutory deadline has passed, the Chief Electoral Officer sends an official complaint with supporting documents (including the history of official reminders sent to the alleged offenders) to the RCMP identifying the offenders, the nature of their offence and the relevant section of the *Nunavut Elections Act*.

While the discretion to charge a person (lay an information) is solely within the purview of the RCMP, Elections Nunavut has some concerns about the investigation and enforcement process. Elections Nunavut spends a great deal of time and effort on enforcement issues, mostly in monitoring and quality assurance activities.

While Elections Nunavut provides manuals, forms, advice and guidance to encourage a uniform approach to enforcement, the practical reality of individual RCMP officer discretion means that there is no consistency in enforcement — a person in one community will be charged, while in another community someone else in the same position will not be charged.

The results of the 2013 general election confirm that the results of the enforcement process are inconsistent. In the past, many RCMP officers investigating the offence have acted on the assumption that their function is to encourage the alleged offender to file his or her financial return, rather than charging the person if an offence has occurred. However, if no charge is laid, alleged offenders are not encouraged to comply with election law in the future and there is no incentive for them to sign a compliance agreement as an alternative to prosecution.

After filing 20 complaints with the RCMP, there was only one trial of a candidate for the offence of not filing his financial return on time. That candidate had declined to enter into a compliance agreement offered by the Integrity Commissioner. The trial was held in Rankin Inlet in April 2016. The court found the candidate not guilty, despite the clear failure of the candidate to file his financial return on time after repeated written warnings from Elections Nunavut.



The only effective remedy apparent to Elections Nunavut at this time is to simplify the enforcement process even further and allow tickets to be issued, under the *Summary Conviction Procedures Act*, against offenders who breach simple laws requiring financial accountability. This idea is explained further in the recommendations portion of this Report.

Enforcement Results Comparison

Number of Incidents	2013 General Election & Related By-election	2008 General Election & Related By-elections	2004 General Election
Complaints during Election Period	0	5	2
Late or Non-compliant Financial Information (1)	20	26	58
Compliance Agreements Offered	7	23	21
Compliance Agreements Signed	3	20	11
Compliance Agreements Breached	0	16	6
Prosecutions	1	0	17
Convictions	0	0	1

Note:

1. An equal numbers of Candidates and Financial Agents breached their financial obligations.



Other Legislative Projects in Progress

Elections Nunavut is preparing a Bill to harmonize elections procedures and administration for municipalities and district education authorities under the *Nunavut Elections Act*. A new part will be added to the Act, which will replace the current election process in the *Local Authorities Election Act*.

Work has been proceeding on this project between Elections Nunavut and the Department of Community and Government Services and the Department of Education. Elections Nunavut has consulted with the Nunavut Association of Municipalities and the Nunavut Association of Municipal Administrators, as well as regional focus groups, on the proposed new rules for municipal elections.

The Bill is expected to be ready for introduction later in 2016.





Recommended Amendments to the *Nunavut Elections Act*

1. Add References to *Plebiscites Act* in s. 205(2)(h)

There is one provision in the *NEA* that currently refers to non-compliance with election law as a source of disqualification to be an election officer.

It is recommended that this provision be amended to also refer to offences and non-compliance under the *Plebiscites Act* in addition to elections.

Require Mayors and Councillors To Take Leave Before Becoming a Candidate

Elections Nunavut received a request from the Department of Community and Government Services that the *Nunavut Elections Act* be amended to require elected members of a municipal council (mayors and councillors) to take a leave of absence before running as a candidate in a Territorial election.

A candidate who holds elected office in a municipality should not be able to use his or her office as a platform upon which to campaign as a candidate for the Legislative Assembly. The powers of elected municipal office could provide such a candidate with an unfair advantage over other candidates. The recommendation is that a mayor or councillor who wishes to be a candidate in a Territorial election should take a leave of absence from his or her municipal duties before submitting their declaration of candidacy.

2. Amend s. 18 of the *Cities, Towns and Villages Act* and the *Hamlets Act*

Proposed New Wording:

Council member seeking election to Legislative Assembly

18. (1) A council member who wishes to be a candidate for election to the Legislative Assembly shall take a leave of absence without pay from his or her duties as a council member.

Period of leave

(2) The leave of absence under this section is in effect for a period

(a) beginning on the day the council member signs his or her declaration of candidacy; and

(b) ending on the earlier of the day on which the results of the election are declared or the day he or she has ceased to be a candidate.



Nature of leave

(3) During a leave of absence under this section, the council member shall not

- (a) receive payment for his or her service as a council member;
- (b) perform any duties or exercise any powers as a council member; or
- (c) use the premises, supplies, equipment or services belonging to or in the possession of the municipal corporation for the purposes of any political activity, unless the premises are residential premises occupied by the council member.

Ceasing as council member

(4) A council member who is elected as a member of the Legislative Assembly ceases to be a council member of council and his or her office on council becomes vacant.

3. Amend s. 11(2)(f) of the Nunavut Elections Act

Proposed New Wording:

Disqualification

(2) A person who is otherwise qualified is not entitled to be a candidate if, on the day the person files his or her declaration of candidacy, the person

- (a) is a member of the House of Commons or the Senate or a member of the legislature of any province or of another territory;
- (b) is a judge of any court, other than a citizenship court;
- (c) is a member of the staff of the Office of the Chief Electoral Officer;
- (d) is an election officer;
- (e) is employed in the public service and is not on leave under section 33 of the Public Service Act;
- (f) is a member of a municipal council who is not on leave under section 18 of the Cities, Towns and Villages Act and the Hamlets Act, as the case may be;
- (g) is confined to a penal or correctional institution.



Office of the Chief Electoral Officer

BUDGET REPORT FOR THE PERIOD ENDED MARCH 2016

Budget year 2015-16

Summary

	Budget	Spent	Committed	Balance
Permanent Salaries (100)	725,000.00	640,147.00	-	84,853.00
Casual Wages (110)	25,000.00	96,945.00	-	(71,945.00)
	750,000.00	737,092.00	-	12,908.00

Elections-General - 0170000

Travel & Transportation (310)	115,000.00	89,316.00	-	25,684.00
Materials & Supplies (320)	50,000.00	28,969.00	-	21,031.00
Purchased Services (330)	80,000.00	78,799.00	-	1,201.00
Service Contracts (350)	270,000.00	365,623.00	-	(95,623.00)
Fees and Payments (360)	40,000.00	2,093.00	-	37,907.00
Other Expenses (370)	-	400.00	-	(400.00)
Tangible Assets (380)	-	-	-	-
Computer Hardware & Software (390)	-	9,827.00	-	(9,827.00)
TOTAL	555,000.00	575,027.00	-	(20,027.00)

Pre-Election Expenses-01700001

Permanent Salaries (100)	-	-	-	-
Casual Wages (110)	-	-	-	-
Travel & Transportation (310)	-	-	-	-
Materials & Supplies (320)	-	2,195.00	-	(2,195.00)
Purchased Services (330)	-	-	-	-
Service Contracts (350)	-	-	-	-
Fees and Payments (360)	-	-	-	-
Other Expenses (370)	-	-	-	-
Tangible Assets (380)	-	-	-	-
Computer Hardware & Software (390)	-	-	-	-
TOTAL	-	2,195.00	-	(2,195.00)

Summary

	Budget	Spent	Committed	Balance
Election Event Expenses-0170002				
Permanent Salaries (100)	-	-	-	-
Casual Wages (110)	-	-	-	-
Travel & Transportation (310)	-	-	-	-
Materials & Supplies (320)	-	-	-	-
Purchased Services (330)	-	-	-	-
Service Contracts (350)	-	-	-	-
Fees and Payments (360)	-	-	-	-
Other Expenses (370)	-	-	-	-
Tangible Assets (380)	-	-	-	-
Computer Hardware & Software (390)	-	-	-	-
TOTAL	-	-	-	-
Post Election Expenses - 0170003				
Permanent Salaries (100)	-	-	-	-
Casual Wages (110)	-	-	-	-
Travel & Transportation (310)	-	-	-	-
Materials & Supplies (320)	-	-	-	-
Purchased Services (330)	-	-	-	-
Service Contracts (350)	-	63,550.00	-	(63,550.00)
Fees and Payments (360)	-	-	-	-
Other Expenses (370)	-	-	-	-
Tangible Assets (380)	-	-	-	-
Computer Hardware & Software (390)	-	-	-	-
TOTAL	-	63,550.00	-	(63,550.00)
Election Legislation Dev. 0170006				
Permanent Salaries (100)	-	3,200.00	-	(3,200.00)
Casual Wages (110)	-	-	-	-
Travel & Transportation (310)	-	1,470.00	-	(1,470.00)
Materials & Supplies (320)	-	-	-	-
Purchased Services (330)	-	500.00	-	(500.00)
Service Contracts (350)	-	57,108.00	-	(57,108.00)
Fees and Payments (360)	-	-	-	-
Other Expenses (370)	-	-	-	-
Tangible Assets (380)	-	-	-	-
Computer Hardware & Software (390)	-	-	-	-
TOTAL	-	62,278.00	-	(62,278.00)

Summary

	Budget	Spent	Committed	Balance
By Election Uqqummiut - 0170011				
Permanent Salaries (100)	-	-	-	-
Casual Wages (110)	-	-	-	-
Travel & Transportation (310)	-	-	-	-
Materials & Supplies (320)	-	-	-	-
Purchased Services (330)	-	6,413.00	-	(6,413.00)
Service Contracts (350)	-	3,634.00	-	(3,634.00)
Fees and Payments (360)	-	-	-	-
Other Expenses (370)	-	-	-	-
Tangible Assets (380)	-	-	-	-
Computer Hardware & Software (390)	-	-	-	-
TOTAL	-	10,047.00	-	(10,047.00)
By-Election Netsilik - 0171001				
Permanent Salaries (100)	-	-	-	-
Casual Wages (110)	-	-	-	-
Travel & Transportation (310)	-	284.00	-	(284.00)
Materials & Supplies (320)	-	-	-	-
Purchased Services (330)	-	22,413.00	-	(22,413.00)
Service Contracts (350)	-	18,825.00	-	(18,825.00)
Fees and Payments (360)	-	-	-	-
Other Expenses (370)	-	-	-	-
Tangible Assets (380)	-	-	-	-
Computer Hardware & Software (390)	-	-	-	-
TOTAL	-	41,522.00	-	(41,522.00)
Plebiscites - 0172000				
Permanent Salaries (100)	-	-	-	-
Casual Wages (110)	-	-	-	-
Travel & Transportation (310)	-	-	-	-
Materials & Supplies (320)	-	-	-	-
Purchased Services (330)	-	66.00	-	(66.00)
Service Contracts (350)	-	550.00	-	(550.00)
Fees and Payments (360)	-	-	-	-
Other Expenses (370)	-	-	-	-
Tangible Assets (380)	-	-	-	-
Computer Hardware & Software (390)	-	-	-	-
TOTAL	-	616.00	-	(616.00)

Summary

	Budget	Spent	Committed	Balance
Liquor Plebiscites - 0172001				
Permanent Salaries (100)	-		-	-
Casual Wages (110)	-	1,330.00		(1,330.00)
				-
Travel & Transportation (310)	-	622.00		(622.00)
Materials & Supplies (320)	-			-
Purchased Services (330)	-	767.00		(767.00)
Service Contracts (350)	-	2,350.00		(2,350.00)
Fees and Payments (360)	-			-
Other Expenses (370)	-			-
Tangible Assets (380)	-		-	-
Computer Hardware & Software (390)				
Chargeback to Dept. of Finance (Liquor Enforcement)		(5,069.00)		
TOTAL	-	-	-	(5,069.00)
Beer & Wine Store Plebiscite - 0172003				
Permanent Salaries (100)	-		-	-
Casual Wages (110)	-	9,158.00		(9,158.00)
				-
Travel & Transportation (310)	-			-
Materials & Supplies (320)	-	2,335.00		(2,335.00)
Purchased Services (330)	-	4,097.00		(4,097.00)
Service Contracts (350)	-	10,132.00		(10,132.00)
Fees and Payments (360)	-			-
Other Expenses (370)	-	1,500.00		(1,500.00)
Tangible Assets (380)	-		-	-
Computer Hardware & Software (390)				
Chargeback to Dept. of Finance (Liquor Enforcement)		(27,222.00)		
TOTAL	-	-	-	(27,222.00)
Liq. Pleb. - Gjoa Haven - 0172004				
Permanent Salaries (100)	-		-	-
Casual Wages (110)	-			-
				-
Travel & Transportation (310)	-			-
Materials & Supplies (320)	-			-
Purchased Services (330)	-	1,503.00		(1,503.00)
Service Contracts (350)	-	1,750.00		(1,750.00)
Fees and Payments (360)	-			-
Other Expenses (370)	-			-
Tangible Assets (380)	-		-	-
Computer Hardware & Software (390)				
Chargeback to Dept. of Finance (Liquor Enforcement)		(3,253.00)		
TOTAL	-	-	-	(3,253.00)

Summary

	Budget	Spent	Committed	Balance
Plebiscite Legislation Dev. 0172005				
Permanent Salaries (100)	-	-	-	-
Casual Wages (110)	-	-	-	-
Travel & Transportation (310)	-	-	-	-
Materials & Supplies (320)	-	-	-	-
Purchased Services (330)	-	-	-	-
Service Contracts (350)	-	1,444.00	-	(1,444.00)
Fees and Payments (360)	-	-	-	-
Other Expenses (370)	-	-	-	-
Tangible Assets (380)	-	-	-	-
Computer Hardware & Software (390)	-	-	-	-
TOTAL	-	1,444.00	-	(1,444.00)
Total Budget	1,305,000.00	1,493,771.00	-	(188,771.00)
Municipal Land Pleb (See tab)	995,000.00	0.00	-	-
GRAND TOTAL BUDGET	2,300,000.00	1,493,771.00	-	806,229.00

