



# A Guide for Candidates

To elect Members of the  
Nunavut Legislative Assembly



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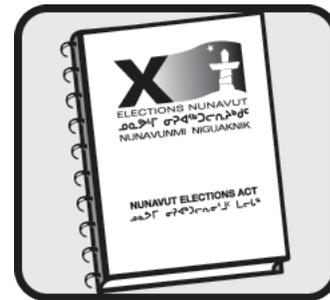
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## Introduction

This Guide is a summary of parts of the *Nunavut Elections Act*—the laws to elect Members of the Legislative Assembly. Candidates must use and follow this Guide, but it does not replace the laws.



The Guide has the following important information:

- Who can and can not be a candidate.
- What candidates must do, and when and how to do it.
- Copies of forms that candidates use.

The Guide has information about general elections and by-elections. Most of the laws are the same for both. The Guide clearly shows where the laws are different for a by-election.

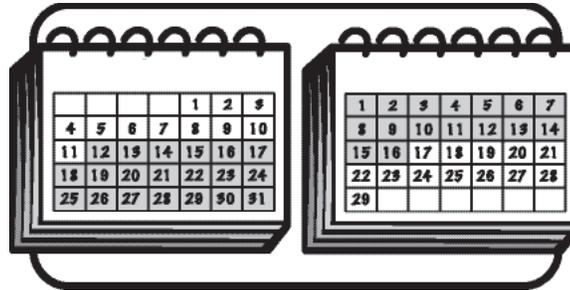
Each candidate **MUST** have a financial agent. Elections Nunavut has other information that candidates may find useful:

- Guide for Financial Agents
- Guide to Manage a Campaign
- Voter information brochures
- Guide to the *Nunavut Elections Act*—a summary
- Constituency maps
- *Nunavut Elections Act*

Contact Elections Nunavut for copies of these documents, in any of Nunavut's official languages.

## The Election Period

The election period starts 35 days before Election Day and ends on Election Day. The post election period is the 60 days right after Election Day.



In a general election, the pre-election period starts 90 days before the writ is issued and ends when the CEO issues the writ.

In a by-election, the pre-election period starts when the date of the election is publicly announced and ends when the CEO issues the writ.

Candidates and financial agents must meet some strict deadlines during the election period and post election period.

### Election Period Calendar

Important days	What happens on that day
<b>35 days before Election Day</b>	Chief Electoral Officer sends the writ to each returning officer (RO). Each 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.
<b>34 days before Election day</b>	Elections Nunavut sends a Voter Information Card to every voter on the voters list.
<b>31 days before Election Day</b>	2 pm deadline (local time) to file a declaration of candidacy.
	5 pm deadline (local time) to withdraw declaration.

## Election Period Calendar

Important days	What happens on that day
29 days before Election Day	Chief Electoral Officer sends election notice to each Returning Officer and candidate.
14 days before Election Day	First day voters can vote at the returning officer's office—from 12 noon to 7 pm local time.
7 days before Election Day	Mobile poll in each community from 9 am to 11:30 am local time. Advance vote from 12 noon to 7 pm.
5 days before Election Day	First day voters can get a proxy certificate from Elections Nunavut. Must meet strict criteria.
4 days before Election Day	Last day voters can vote at the returning officer's office—from 12 noon to 7 pm local time.
Election Day	3 pm deadline (local) to apply for a proxy certificate.
	Special ballots must be received by 5 pm or they don't count.

## Post Election Period Calendar

Important days	What happens on that day
10 days after Election Day	Candidates must remove all campaign materials.
60 days after Election Day	Candidates and financial agents must complete and file the campaign financial return.
	Candidates must destroy all copies of the voters lists that they received, or return them to Elections Nunavut.

## Candidate

A candidate is a person whose declaration of candidacy is accepted according to the rules in the *Nunavut Elections Act*. A candidate is a person who wants to be a Member of the Nunavut Legislative Assembly, to represent the people in their constituency.



### Who can be a candidate

You can be a candidate if:

- You are eligible to vote on Election Day.
- You are not disqualified.

You're eligible to vote if you are:

- Canadian citizen.
- 18 years or older on Election Day.
- Nunavut resident for at least one year on Election Day.
- **By-election:** A resident in the constituency when Elections Nunavut issues the writ. Only constituency residents can vote in a by-election.

You're 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're in a place for people with mental illness. OR
- Broke an election law somewhere in Canada in the last five years, and were convicted.

If you're not eligible to be a candidate and you get elected, the election doesn't count.

A candidate can't sign anything that, if you won, would:

- Make you resign your seat in the Legislative Assembly if someone asked you.  
or
- Be like an undated resignation from the Legislative Assembly.  
or
- Prevent you from acting freely in the Legislative Assembly.

Many employers, such as the Government of Nunavut, have rules or policies about how employees participate in political activities and election campaigns. Check with your employer to see if they have any rules or policies you must follow about being a candidate. For example, you may have to take a leave of absence from your work during the election period.

## Who cannot be a candidate

You cannot be a candidate if, on the day you file your declaration of candidacy you:

- Were a candidate or a financial agent in the last election and didn't file the campaign financial return on time.
- Work for Elections Nunavut.
- Are a Government of Nunavut employee who did not take a leave of absence.
- Are a member of the House of Commons, Senate, or legislature of another territory or province.
- Are a judge, except in a citizenship court.
- Are in jail and still in jail after Election Day.
- Did not follow a compliance agreement from the last election.
- Have been convicted of an election offence anywhere in Canada in the last 5 years.

A member of the Legislative Assembly may leave their seat because they're charged with or convicted of a crime under Nunavut or Canadian laws. This person can be a candidate again only five years after the constituency elects someone else to take their place.

## **Where to be a candidate**

You can be a candidate in only one constituency. And you can be a candidate in any Nunavut constituency, not just the one you live in.

## **Elected by acclamation**

Elected by acclamation means there is only one candidate. With only one candidate, people have no one to vote for. The one candidate becomes the MLA for the constituency.

## **If a candidate changes their mind**

A candidate may change their mind and decide they don't want to be a candidate. To remove their name from the ballot, they write a letter to the RO, sign, and deliver it by 5:00 pm local time, 31 days before Election Day. Two voters from the constituency must take an oath and sign the letter too. The candidate does not get their \$200 deposit back.

If a candidate withdraws by the deadline and there is only one other candidate, the other candidate wins by acclamation. If there is more than one other candidate, the election proceeds as normal. But, the ballot does not include the name of the candidate that withdrew.

If a candidate withdraws after the deadline, their name stays on the ballot—even if they send the RO a signed letter.

## **If a candidate dies**

If a candidate dies after the deadline for declarations of candidacy and before the polls close on Election Day:

- The election is cancelled in that constituency.
- and
- A new election process begins for that constituency.

Elections Nunavut destroys all the old ballots if a new election is called.

## Declaration of Candidacy



The declaration of candidacy is the form a person **MUST** fill out to say you want to become a candidate, and to appoint your financial agent.

To fill out the declaration of candidacy, you need the following information:

- Candidate's full name, mailing and street address, phone, email, and other contact info.
- Financial agent's full name, mailing and street address, phone, email, and other contact info.
- Campaign manager's name and contact info, if you have one.

If Elections Nunavut accepts the declaration of candidacy, you become a candidate. If Elections Nunavut rejects the declaration of candidacy, you are not a candidate.

## Financial agent

A candidate **MUST** have a financial agent. Choose a financial agent before you fill out the declaration of candidacy. The financial agent manages the campaign money, such as all the contributions and expenses. Choose someone who has good financial skills.

The financial agent **must** be a Nunavut resident. They can **not** be a:

- Candidate
- Election officer—someone that works for Elections Nunavut
- A restricted Government of Nunavut employee who did not take a leave of absence.
- A Government of Nunavut employee who did not obtain proper approval as per the *Public Service Act*.
- Business, unless it's an accounting business in Nunavut

Anyone else can be your financial agent, including a relative. Be sure the person checks with their employer to see if they need to follow any rules or policies before they take on the job.

**If the financial agent leaves their job:** A financial agent may choose to leave their job or the candidate may ask them to leave. If the financial agent leaves for any reason, the candidate must appoint a new financial agent right away. You must:

- Fill out the proper form and send it right away to the RO.
- Put in writing the reasons the financial agent left their job, and the date their duties ended.
- Make sure the ‘old’ financial agent leaves behind everything related to campaign finances: bank account information, tax receipts, contributions, receipts for expenses, paid and unpaid bills; and any other campaign info they have.
- Make sure the ‘new’ financial agent gets all the information they need.
- Make sure the ‘new’ financial agent changes the signing authority on the campaign bank account right away.
- Give the ‘new’ financial agent a copy of the form you sent the RO, to show they now have the authority and responsibility.

## Campaign manager

The law does not say that a candidate **MUST** have a campaign manager, but it’s a good idea. You need someone to manage your campaign. Choose a campaign manager early – if possible before you fill out the declaration of candidacy.

The campaign manager organizes campaign materials and activities such as:

- Buttons, brochures, signs, ads for TV, radio, newspaper.
- Candidate website, Facebook, Twitter.
- Door-to-door canvassing and other campaign activities.
- Candidate travel to communities in the constituency, if needed.
- Volunteers to help with the campaign.
- Candidate reps for each polling station on Election Day.

Choose a campaign manager who is good at these things. Make sure the person checks with their employer to see if they need to follow any rules or policies before they take on the job as your campaign manager.

If you don't have a campaign manager, the financial agent may have to take on these duties. They may not have the time or be the best person for this work.

**If the campaign manager leaves their job:** The candidate must tell the RO right away.

- Fill out the proper form. Put in writing the reasons the campaign manager left their job, and the date their duties ended.
- If you decide to appoint a new campaign manager, use the form to do that too.
- Make sure the 'old' campaign manager leaves behind everything related to their job.

If you started your campaign without a campaign manager and later decide you want to appoint one, you can use this form for that too.

## Filing the declaration of candidacy

The *Nunavut Elections Act* clearly defines the process to file the declaration of candidacy.

**Complete and accurate information:** Fill out all parts of the form. The RO cannot accept it if you leave things out. File ahead of the deadline in case you need to make any changes.

**Oath and signatures:** The candidate and financial agent must both sign the declaration and take an oath. A voter signs as a witness. The candidate and financial agent can not be a witness.

If you have a campaign manager, that person also signs and takes an oath.

**Candidate's name:** Write your name on the declaration of candidacy the exact way you want it on the ballot. Elections Nunavut uses exactly the name you write on this form.

Example: if you write your name in Inuktitut syllabics first and English second, or English first and Inuktitut second, that's how it appears on the ballot. If you write your name only in English or only in syllabics, that's how it appears on the ballot.

**When to file:** File any time between the day the CEO issues the writ— 35 days before Election Day— and 2:00 pm local time, 31 days before Election Day. **Do NOT wait until the last minute!**

The declaration form must be complete and properly filled out by that date and time. After a person files the declaration, any person can look at it and take information.

**Where to file:** File with the returning officer for your constituency. If the returning officer lives in a different community, they appoint someone in your community to accept the declarations of candidacy.

**What to include:** File the completed form and pay the \$200 deposit— with a money order, certified cheque, or a draft from the Northern Store or Co-op.

Send a digital photo of the candidate, if you want. Elections Nunavut produces a poster of a ballot with each candidate's picture beside their name. It hangs at the polling station to help voters know who they want to vote for.

If you don't give Elections Nunavut a photo, your name appears on the poster with a blank space beside it.

The digital photo must meet these standards or Elections Nunavut won't use it. Elections Nunavut will not edit the photo.

- Show the candidate's head and shoulders against a plain, light-coloured background.
- Be taken within 12 months of Election Day.
- Sent to Elections Nunavut as a 72 dpi compressed jpeg file.
- Be able to produce a printed photo 12.7 cm square at 300 dpi, and contain at least two million pixels.

The RO or someone they appoint receives the declaration of candidacy, and reviews it. There are three possible outcomes:

- RO accepts the Declaration.
- RO rejects the Declaration.
- RO accepts the Declaration, but gives official notice that they suspect the candidate is not eligible, but only the CEO can decide.

## **If the RO accepts a declaration of candidacy**

The RO accepts the declaration of candidacy if:

- You are clearly an eligible candidate.
- You properly filled out the declaration of candidacy, or have time before the deadline to correct or change it.
- You filed before the deadline.
- You paid the \$200 deposit—with a money order, certified cheque, or a draft from the Northern Store or Co-op, payable to the Government of Nunavut.

When the RO accepts the declaration of candidacy, they give the candidate a certificate to say they are a qualified candidate. As soon as a person becomes a candidate the financial agent becomes responsible under the *Nunavut Elections Act*.

As a candidate, you and the financial agent both receive a package from Elections Nunavut. The candidate's package includes:

- Guide for Candidates, including copies of important forms.
- Guide to the *Nunavut Elections Act*—a summary.
- Use of Voters List form.
- Consent forms and instructions for candidate representatives at the polling station.
- CD with forms to fill out on the computer if you want and other information.
- Sign-off sheet to show you got the package.

Once you get the package, you deal only with Elections Nunavut CEO office in Rankin Inlet for campaign issues and questions, including all financial issues and questions. See contact info at the front of this Guide.

Once you become a candidate, you can expect only certain things from your constituency's RO, such as:

- Official notices
- Copies of the voters list for the constituency
- List of voters who voted in the early polls
- Election report

## **If the RO rejects a declaration of candidacy**

The Returning Officer rejects the declaration of candidacy if you:

- Did not pay the \$200 deposit.
- Filed after the deadline.
- Did not fill out the forms properly and have no time to correct it before the deadline.
- Filed a declaration in more than one constituency. If you did this you can't be a candidate in any constituency.
- Are not eligible to be a candidate because you:
  - Are on Election Nunavut's list of people who are disqualified.
  - Did not file the campaign financial return on time, as a candidate or financial agent, in the last election.
  - Did not follow a compliance agreement within the past five years.
  - Were an MLA convicted of an offence, and had to leave office.
  - Are a member of the House of Commons, Senate, or legislature of a province or another territory.
  - Are a judge of any court, except a citizenship court.
  - Are a staff member or election officer with Elections Nunavut.

## **If the RO accepts a declaration, but sends an official notice**

The RO may suspect a person is not eligible to be a candidate on other grounds, that only the CEO can decide. If this happens the RO accepts the declaration, and sends you an official notice to say why they suspect you are not eligible. The notice also goes to the CEO, who must review the information and decide.

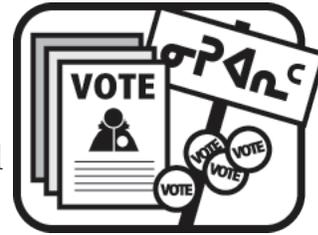
If you think you are still eligible, you must immediately tell the CEO why— in writing—and provide evidence to support your case. The CEO decides within two days of the close of candidacy and sends you a notice about their decision.

If you disagree with the CEO's decision, you can apply to the court, within seven days, to review the decision. A judge hears the case and makes a decision as soon as possible.

The election continues without you as a candidate, unless the court decides that you are eligible and orders a new election.

## The Campaign

As a candidate, your campaign involves different campaign activities and materials, and campaign finances to pay for the activities and materials.



### Campaign budget

A campaign budget can be a very helpful tool. It outlines what you plan to do (materials and activities) and how much money you need. A budget helps you set priorities and not spend more money than the campaign raises through contributions.

To write up a budget, the candidate, financial agent, and campaign manager work together. As you plan the campaign, you identify the things that cost money and how much each thing may cost. For example:

- Do you plan to produce and distribute buttons, signs, brochures, or posters? How many? What size?
- Does your constituency have more than one community? Do you need to travel there? How often? For how long?
- Do you need a campaign office?
- What ads do you plan to put on radio, TV, internet, or in newspapers?
- Do you plan to have a website? Or use Facebook and Twitter?

Talk regularly to the financial agent and campaign manager as you plan and carry out the campaign. You will probably adjust the budget many times during the campaign. You may receive more or less contributions than you expected. Campaign expenses may be more or less than you first calculated.

## Campaign activities and materials

Candidates, campaign managers, and financial agents must follow certain rules for campaign activities and materials.

**Name and contact info:** All your campaign materials, including ads, must have the name of the financial agent or campaign manager, and their phone number or email address.

Example: "Sponsored by (name financial agent or campaign manager) \_\_\_\_\_ for (name candidate) \_\_\_\_\_.  
Phone xxx.xxxx (or email xxx@xxxxx.ca)

Put this at the bottom or in a corner in print no smaller than the smallest text on the campaign material.

**Broadcast time:** Radio and TV that operate in the candidate's community may make free airtime available. Each candidate should have equal access and the same notice for any free airtime.

Every broadcast (radio, TV, cable, internet) must include the financial agent's name and contact info. See example above.

**Where to post campaign signs and other materials:** Check with the hamlet and other authorities and businesses in your community to find out what rules they have, if any, about where you can put up campaign materials.

No campaign materials on any office type property that the Government of Nunavut owns, rents, or leases.

No campaign materials on any power poles.

No campaign materials allowed on the land or building at the polling station. People can NOT wear, use, or show any campaign material at the polling station.

**Campaign gatherings:** Campaign workers may organize a gathering to promote the candidate. You can offer food, non-alcoholic drinks, gifts, and prizes, at a gathering, ONLY if the total value is \$500 or less. For example, you can NOT offer a truck or snowmobile.

Any person, business, or group that is eligible to contribute to the campaign may sponsor all or part of a gathering. And the financial agent may collect contributions during the gathering.

**People/businesses from outside Nunavut:** If a person, business, or group does not live or operate in Nunavut, they may NOT actively campaign for any candidate. And they may not pay for or donate any campaign activity or materials.

**Remove campaign materials:** Each candidate must remove all campaign materials by 10 days after Election Day.

No one can take down, cover up, damage, or change your campaign material, unless they have your authority.

**Slander, libel, insults:** Candidates should not make comments towards or about other candidates that involve lies, slander, libel, and insults. This applies to all media including Facebook, Twitter, and other social media.

**Voters list:** The candidate, financial agent, campaign manager, and all other campaign workers must respect the voters list and use it properly. It is a serious offence to misuse it.

- Use the voters list only for campaign things.
- At the end of the campaign, return all voters lists (electronic or print) to Elections Nunavut, or destroy them.

## Campaign contributions

Campaign contributions can be money, goods, and/or services. The financial agent is responsible for all campaign finances, including all contributions and expenses. The financial agent accepts all contributions, NOT the candidate or campaign manager.

**Who can contribute:** The financial agent can accept campaign contributions only from:

- Individuals that live in Nunavut.
- Companies that do business or work in Nunavut.
- Groups or associations that operate in Nunavut. A group or association must give the financial agent a list with the name and the amount that each person contributed.

**Maximum contribution:** Each person, business, or group can contribute a maximum of \$2500. They may contribute just money, just goods and/or services, or a combination.

If someone contributes transportation services, the maximum can be more than \$2500.

**When/how to contribute:** A person, business, or group can contribute money to the campaign and the campaign can accept money, only under certain conditions:

- Only during the election period.
- Only if the candidate is an official candidate.
- Only if they give the money to the financial agent or someone the financial agent authorizes in writing. The candidate can NOT directly accept any contributions.

**Financial contributions:** Can be 'named' or 'anonymous'. Any contribution over \$100 MUST be named. The financial agent records the name and address of the contributor.

The financial agent writes a tax receipt for the exact amount of each 'named' contribution—to the maximum of \$2500.

The financial agent is the only person who can give out tax receipts.

A person, business, or group can give up to \$100 as an anonymous contribution. If the campaign receives an anonymous contribution worth more than \$100 the financial agent must give it back, if they know where it came from. If they can't return it, the financial agent must send it to the CEO.

**Campaign account:** The financial agent sets up a campaign account and deposits all campaign contributions into the account. The money belongs to the campaign, NOT to the candidate or the financial agent.

**Goods and services—contributions and expenses:** The financial agent uses the market value of any goods and services contributions to measure the contribution. The same amount is an expense.

Example: an airline provides one or more free tickets for the candidate to travel in the constituency during the campaign. The financial agent records the name of the airline and the value of the ticket as a contribution AND as an expense.

Example: A local business donates printing services. The financial agent records the name of the business and the market value of the services as a contribution AND as an expense.

People often do volunteer work for a candidate's campaign. The financial agent does NOT count volunteer labour as a contribution. UNLESS a self-employed person does the kind of work for the campaign that they usually get paid for.

Example: a self-employed graphic designer does a brochure for the campaign as a volunteer. The financial agent records the graphic designer's name and the market value of their volunteer work as a goods and services contribution AND as an expense.

The financial agent does NOT give any tax receipts for any goods and services contributions.

## Campaign expenses

The financial agent pays all campaign expenses with a cheque from the campaign account.

**Maximum total campaign expenses:** The maximum amount a campaign can collect and spend is \$30,000. This includes pre-election and election expenses. With the CEO's approval, total campaign expenses can be more than \$30,000 to pay for:

- Travel to/within the constituency
- Childcare
- Expenses related to a candidate's disability

**Candidate's personal money:** A candidate can spend up to \$30,000 of their own money – the maximum expenses allowed for a campaign.

If you have enough contributions, the financial agent can reimburse the candidate for expenses they pay for, including pre-election expenses.

The candidate gets a tax receipt for the actual amount they spend, up to the \$2500 maximum. This does not include any expenses you get reimbursed for.

**Acceptable expenses:** Examples of acceptable campaign expenses:

- Rent, utilities, supplies for the campaign office.
- Wages to pay someone to run the office, or to hire a campaign manager or financial agent.
- Campaign materials such as signs, posters, or buttons.
- Campaign ads for TV, radio, newspaper, internet.
- Travel and accommodation—only within the constituency.
- Childcare expenses connected with the campaign.
- Expenses related to a candidate’s disability.
- Food and non-alcoholic drinks at a voters’ gathering.
- Food and non-alcoholic drinks for a candidate or their representatives at the polling station on Election Day.
- Gifts or prizes at a gathering of voters to promote the candidate, if the total value of gifts and prizes is \$500 or less.

**Unacceptable campaign expenses:** Some examples:

- Travel outside the constituency, unless the candidate must do that to reach a community inside the constituency.
- Money, food, drink, gifts, prizes, or other valuable hand-outs that you offer at a voters’ gathering to promote the candidate, if the total value is more than \$500. For example, you can’t offer a truck or snowmobile.
- Money, food, drinks, gifts, prizes, or other hand-outs you offer to bribe a voter to vote a certain way, or to not vote. For example, you can offer a glass of juice but not a case of juice, and not wine or beer.
- The \$200 deposit the candidate made to file the declaration of candidacy.

## Campaign Financial Return



The financial return is the official record of campaign contributions and expenses. The financial agent prepares the financial return on the proper form. The candidate sends it to the CEO. The financial agent and the candidate both sign it and take an oath to declare that it is complete and accurate.

If the campaign had ANY contributions or expenses, the financial agent **MUST** complete the **LONG FORM**. The financial agent completes the short form **ONLY** if the campaign had **NO** contributions and **NO** expenses.

The financial agent can complete a paper or electronic version of the financial return. If they fill out the electronic version, they must print and sign it, and send that copy to Elections Nunavut. You can **NOT** send an electronic version.

The CEO has an auditor review each financial return.

### Financial records

During the campaign, the financial agent must keep careful and detailed financial records of contributions and expenses (including **ALL** receipts). The financial agent needs these records to prepare the financial return.

At the end of the campaign, you may need more money to pay election expenses. The financial agent can receive contributions up to the end of the post election period—60 days after Election Day. The financial agent records these with the contributions from the election period. The financial agent can get an extra tax receipt book from the CEO, if needed.

The candidate is personally responsible for any unpaid bills if the campaign does not have enough money to pay them.

If the campaign has money left over after you pay all campaign expenses, you have two choices:

- Give the money to an approved charitable organization. Contact Legal Registries to choose a registered society in good standing. And get a receipt made out to the campaign.

or

- Give the money to the Government of Nunavut. Attach a cheque to the financial return made out to 'Consolidated Revenue Fund Nunavut'.

## Important deadline

The candidate **MUST** send the completed financial return to the CEO before the end of the post election period—60 days after Election Day. Candidates get their \$200 deposit back if they file the financial return on time.

The financial agent or candidate can apply to the CEO to extend the deadline, if needed. You must have a good reason. And you must apply in writing before the end of the post election period—60 days after Election Day. The CEO decides if you get an extension or not, and how long the extension is.

An elected candidate cannot apply for an extension. If a candidate won the election, they can **NOT** sit in the Legislative Assembly until Elections Nunavut receives and reviews their financial return.

If the financial return is late and the candidate has no extension:

- The candidate does **NOT** get back their \$200 deposit.
- Neither the candidate nor the financial agent can be a candidate in a territorial election for the next five years.
- An elected candidate must submit their financial return before they can sit in the Legislative Assembly.

## **Public document**

Every financial return is a public document. At the end of the post election period, the CEO publishes where to find a summary of each financial return in a local newspaper. This includes information about candidates who fail to file their financial return on time.

Elections Nunavut also publishes the complete financial return on their website—the original completed form and the audited form.

## Election Day

On Election Day the polling stations are open at different times in different time zones.

- 10 am to 8 pm Eastern Time
- 9 am to 7 pm Central Time
- 8 am to 6 pm Mountain Time



No one except election officers can use phones, cameras, two-way radios, or other devices at the polling station. No one can show any buttons or other campaign materials at the polling station.

### Candidate reps at the polling station

Each candidate is allowed one representative at a time at each polling station, unless the candidate is there. Either a candidate or their representative can be there, not both.

**Consent form:** Each candidate rep needs a signed consent form.

When the candidate rep first gets to the polling station they give the form to the deputy returning officer, and take the oath.

**Rules during voting:** The candidate or their rep may watch what happens during voting. And they:

- Must always respect and stay out of the way of voters and election officers.
- May take information from the polling record during voting and pass it on.
- **MUST** go outside the polling station to receive calls or to phone or text someone to pass on information.
- May arrive at the polling station 15 minutes before the poll opens, to watch the election officers count and initial the ballots, and to inspect the ballots and other official papers.
- May question a voter's identity, even if the voter's name is on the voters list.

**Counting the ballots:** A candidate or their rep may watch the DRO count the ballots. They must follow these rules:

- Watch and keep count only – the DRO is the only person to handle the ballots.
- Stay to the end. Do NOT send or receive phone calls or text messages until after the DRO sends the results to Elections Nunavut.
- If you disagree when the DRO accepts or rejects a ballot, tell them why you object. The DRO records your objection in the polling record and decides to accept or reject the ballot. You must accept their decision as final.
- Receive a copy of the Statement of the Poll from the DRO, after they count the ballots. The Statement shows the number of votes for each candidate and the number of rejected ballots for that poll.

## Who won the election

The returning officer (RO) receives a Statement of the Poll from each DRO. The RO adds together the votes from all the polls in the constituency and does an election report to certify the number of votes for each candidate. The RO sends the candidate a copy of the election report.

## If two candidates get the same votes

Two candidates may get the same number of votes, or really close to the same number. If the difference is less than 2% of the total votes, the RO must apply to the Nunavut Court of Justice for a recount.

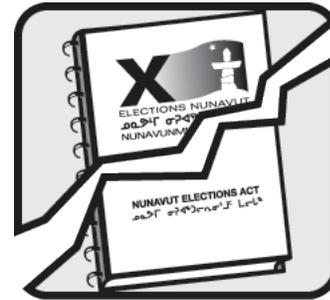
Here are two examples:

<b>Example 1</b>	<b>Example 2</b>
1000 people voted	500 people voted
2% of 1000 is 20 votes	2% of 500 is 10 votes.
The winning candidate must have at least 20 votes more than the candidate who came second. If they don't there is a recount.	The winning candidate must have at least 10 votes more than the candidate who came second. If they don't there is a recount.

## Breaking the Laws

### *Nunavut Elections Act*

The *Nunavut Elections Act* is like any other law. If people break the law they can be charged with a crime and punished.



### Main ways to break the law

There are many ways to break the law. See some examples in the table below. Read the *Nunavut Elections Act* and make sure you follow the law.

Sample crime	Example 1	Example 2
<b>Vote improperly</b>	You vote and you aren't eligible to vote.	You do things you should not do with ballots.
<b>Influence voters improperly</b>	You bribe a voter with money, liquor, a job, food, or other things.	Campaigning at a polling station.
<b>Use information improperly</b>	You use the voters list for something besides the election.	You damage Elections Nunavut notices.
<b>Tell lies or cheat</b>	You're a candidate or financial agent and you aren't eligible.	You're a candidate in more than one constituency.
<b>Use money improperly</b>	Your campaign expenses are more than \$30,000.	A candidate uses campaign money for personal expenses.

## Punishments

If you break the law and you're charged and convicted, you:

- 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 you can NOT:

- Be elected to the Legislative Assembly.
- Sit as a member of the Legislative Assembly.
- 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 you 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 *Nunavut Elections Act*. They must put their complaint in writing and go to the police within 90 days of when they believe someone broke the law. They do NOT go to Elections Nunavut or the CEO.

## Who investigates

The police investigate. They tell you if they're investigating you, unless they think it will hurt their investigation. The police have the same power and responsibility to enforce the *Nunavut Elections Act* as other Nunavut and Canadian laws.

The police work with the CEO and the Integrity Commissioner to solve the problem. The Integrity Commissioner is an officer of the Legislative Assembly who oversees the *Integrity Act*. The purpose of the Act is to help make sure MLAs are honest, reliable, and honourable.

The Commissioner of Nunavut appoints the Integrity Commissioner. The MLA's recommend who the Commissioner should appoint.

## Compliance agreement

A compliance agreement is a contract between the Integrity Commissioner and someone who may have broken 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 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.

When a person signs the compliance agreement, they take responsibility for the crime. They agree to do one or more of these things:

- Pay money to one or more people.
- Apologize to the public and to the people involved.
- Use Inuit Qaujimajatuqangit / IQ (traditional Inuit knowledge) to make the wrong better.
- Do some community service.
- Agree to do or not to do some specific actions.

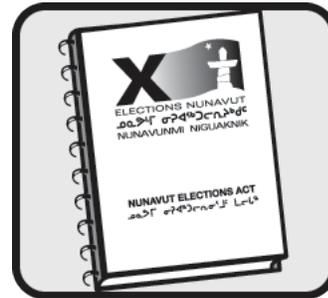
If you don't follow the agreement:

- You can be charged and go to court.
- You can NOT be a candidate for five years.
- You might be convicted and punished.

If you follow the agreement, you aren't charged and you don't have a record.

The Commissioner makes a public report on whether or not a person follows their compliance agreement.

## Glossary of Election Terms



**Acclamation:** A candidate wins by acclamation when they're the only candidate in their constituency. Nobody votes.

**Advance vote:** A way to vote before Election Day. You vote at the polling station, seven days before Election Day, any time from 12 pm to 7 pm local time.

**Affirm:** A formal, legal promise that something is true; a promise to do something; the most serious promise a person can make. If you break this promise it's the same as breaking the law. Similar to declaration, oath, or swear.

**Assistant Returning Officer (ARO):** The returning officer (RO) hires one or more AROs for their constituency. The ARO can accept declarations of candidacy and helps the RO with all other work during the election period.

**Auditor:** The person that the Chief Electoral Officer hires to review each candidate's financial return, to make sure it is complete and accurate.

**Ballot:** The official paper we use to mark our vote. It lists the candidates' names in alphabetical order.

**By-election:** An election in only one constituency. It happens after a general election when a seat in the Legislative Assembly becomes vacant for some reason.

**Campaign:** The advertising, signs, buttons, speeches, and other things a candidate uses to make people want to vote for them.

**Campaign Manager:** The person who coordinates and looks after a candidate's campaign. The candidate appoints the campaign manager.

**Campaign material:** Any ads, signs, buttons, banners, posters, and other things in favour of one candidate, or against other candidates. Ads may be on radio, TV, Internet, and in newspapers.

**Candidate:** An eligible voter who wants to be a Member of the Legislative Assembly (MLA), and who files a declaration of candidacy that Elections Nunavut accepts.

**Candidate's representative:** The person that a candidate appoints to go to a polling station on Election Day to watch over the voting on behalf of the candidate. Each candidate may have only one representative at a time at each polling station. The candidate's representative must bring the correct, signed form and give it to the deputy returning officer (DRO).

**Certification envelope:** This envelope is part of the special ballot package. After a voter marks the special ballot they place it in a secrecy envelope. The secrecy envelope goes into the certification envelope. The voter signs and sends it to Elections Nunavut.

**Chief Electoral Officer (CEO):** The CEO is in charge of Elections Nunavut. The Commissioner of Nunavut appoints this person to oversee the *Nunavut Elections Act*. Elections Nunavut is all the people responsible to organize and carry out territorial elections.

**Civic address:** This address is the voter's lot and house number. It is different from their mailing address. To register with Elections Nunavut, voters need to give their civic address.

**Close of candidacy:** The last day a person can file a declaration of candidacy. It happens at 2 pm local time, 31 days before Election Day.

**Constituency:** A geographic area and the people who live there. The people in each constituency elect a MLA.

**Contribution:** Any money, goods, and/or services a person or business gives to help elect a candidate.

**Counterfoil:** The numbered tab on a ballot. The deputy returning officer (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 intend to do something. If you break this promise it's the same as breaking the law. Declaration is similar to affirm, oath, or swear.

**Declaration of candidacy:** The form a person fills out to say they want to be a candidate—that they want a chance to be elected as a Member of the Legislative Assembly (MLA). They must be eligible and give a \$200 deposit. The financial agent must also sign this document.

**Deputy Returning Officer (DRO):** The election officer in charge of a polling station on Election Day. DROs make sure voters and candidates follow the laws. They give out the ballots and count them.

**Elect:** To choose a person by voting. During a territorial election we elect our MLAs.

**Election:** The election of members to the Nunavut Legislative Assembly. In a territorial election voters mark a secret ballot to choose a candidate to be an MLA.

**Election Day:** The date on the writ for voting in an election. Most voters go to a polling station on Election Day to vote. Elections Nunavut also offers others ways for voters to vote, before Election Day.

**Election expense:** Any money paid or owed during an election period, as part of a candidate's campaign. Includes any goods and services that people contribute, and any costs of the financial agent and campaign manager.

**Election officers:** The people who work for Elections Nunavut and help to run a territorial election. Election officers include returning officers (RO), assistant returning officers (ARO), deputy returning officers (DRO), poll clerks (PC), and registration clerks (RC).

**Election period:** A 35-day period that starts with the writ and ends with Election Day; the official time for the election.

**Election report:** Shows how many votes each candidate got. The returning officer (RO) fills it out when they review the Election Day statements of the poll. The RO can delay the election report for up to two weeks after Election Day, if needed.

**Elections Nunavut:** The office and staff of the CEO. These people organize and run territorial elections.

**Electoral boundaries:** The borders that define each Nunavut constituency. In 2013 there are 22 constituencies.

**Electoral Boundaries Commission:** A group of three people responsible for reviewing electoral boundaries—the borders that define each constituency in Nunavut. The Legislative Assembly appoints the Commission members every 10 years. In their report, the Commission may propose changes to Nunavut's electoral boundaries and constituency names.

**Emergency method:** A way to vote by radio or satellite phone if you're in a remote place on Election Day. You must contact Elections Nunavut to vote this way and you must meet three strict conditions:

- You can't get to a polling station on Election Day; AND

- You can't communicate any other way; AND
- You had no other way to vote before you went to the remote place.

**Final voters list:** This list includes all the voters that were on the list when the election started, plus those who registered during the election period. It comes out after Election Day.

**Financial agent:** The person who handles all the money for a candidate's campaign. The candidate appoints the financial agent; they both sign the declaration of candidacy. The financial agent takes contributions and pays all the expenses. Together with the candidate, the financial agent completes the financial return after the election.

**Financial return:** The official report of a campaign's election contributions and expenses, as required under the *Nunavut Elections Act*. The candidate and financial agent complete the report, sign it, and make a declaration that the information is true.

**General Election:** An election that takes place in all the constituencies.

**Integrity Commissioner:** An independent officer of the Nunavut Legislative Assembly, with certain responsibilities under the *Nunavut Elections Act*. The police work with the Integrity Commissioner and the CEO when they investigate a possible election crime.

**Judicial recount:** A judge of the Nunavut Court recounts all the ballots for a constituency. This happens if two candidates have the same number of votes or almost the same number – within 2% of each other. See the *Nunavut Elections Act* for other ways a recount can happen.

**Legislative Assembly of Nunavut:** The people we elect to form the Government of Nunavut and make laws for Nunavut.

**Members of the Legislative Assembly (MLAs):** The people who get elected during a territorial election; the people who form the Government of Nunavut.

**Mobile poll:** A way to vote if you physically can't get out to vote. The poll comes to you.

**Notice of Election:** Shows the name and contact information for each candidate in a constituency, and their financial agent and campaign manager. The CEO sends out the election notice 30 days before Election Day.

**Nunavut Elections Act:** The laws that Nunavummiut use to organize and run a territorial election.

**Oath:** A formal, legal promise that something is true; a promise to do something. Election officers take an oath to be impartial in their job; elected candidates take an oath as MLAs. Oath is similar to affirm, declaration, or swear.

**Plebiscite:** Eligible voters answer a question on a secret ballot, to vote and give their opinion about an important public issue. A plebiscite may be for all of Nunavut, such as the plebiscite about where the capital should be. Or a plebiscite may be local, such as a liquor plebiscite.

A plebiscite may be binding—leaders must do what the people vote for. Or a plebiscite may be nonbinding—leaders pay attention to what people say, but may or may not do what they vote for.

**Poll Clerk (PC):** An election officer who works at a polling station with the DRO. PCs look after the polling record.

**Polling record:** A list of everyone who voted at the polling station, any changes to the voters list, and notes about everything that happened during voting.

**Polling place:** A building that holds one, two, or more polling stations. Each polling place has an assistant returning officer (ARO) and registration clerk (RC).

Communities such as Iqaluit and Rankin Inlet have more than one constituency. The polling place in those communities has an ARO and RC for each constituency.

**Polling station:** The place voters go to vote.

**Post-election period:** The 60 days right after Election Day. Candidates must send their completed financial return to the CEO before the end of the post-election period.

**Pre-election expense:** A campaign expense that the candidate pays for during the pre-election period.

**Pre-election period:** In a general election, the pre-election period starts 90 days before the writ is issued and ends when the CEO issues the writ.

In a by-election, the pre-election period starts when the date of the election is publicly announced and ends when the CEO issues the writ.

**Proclamation:** The official paper the Commissioner sends to the CEO to say there will be an election. The proclamation tells the CEO things such as when to issue the writ and the date of Election Day.

**Proxy vote:** A voter gets another voter to vote for them. You apply to the RO to get a proxy certificate. You can only vote by proxy if you meet three strict conditions:

- You are on the voters list; AND
- You're suddenly called away from your community; AND
- You can't vote any other way.

**Public Notice of Election:** Elections Nunavut posts the Notice to tell everyone about the upcoming election. It shows these four things:

- Dates for Election Day and early polls.
- Contact information for RO's.
- Deadline to file a Declaration of Candidacy.
- Deadline to object to a name on the voters list.

**Registration Clerk (RC):** An election officer who works under an RO to register voters, either between elections or during an election or by-election.

**Rejected ballot:** A marked ballot that does NOT count for any candidate. When the DRO / ARO count the ballots in the ballot box they reject a ballot for clearly defined reasons. If a person watching the ballot count disagrees with the DRO's / ARO's decision, the election officers must record the objection in the polling record.

**RENU:** An electronic voter registration database for Nunavut; stands for **R**egister for **E**lections in **NU**navut.

**Returning Officer (RO):** The election officer in charge of a constituency. ROs appoint AROs, DROs, PCs, and RCs for each poll. ROs oversee everything about the election in their constituency.

**Secrecy envelope:** This envelope is part of the special ballot package. After a voter marks the special ballot they place it in the secrecy envelope. The secrecy envelope goes into the certification envelope. The voter signs and sends it to Elections Nunavut.

**Special ballot:** A way to vote by mail if you're away at school, on vacation, in hospital, at a treatment centre, or in jail. Other voters can use a special ballot if they need or want to. Voters must apply to Elections Nunavut to get a special ballot. They receive a package, follow the directions, and mail the ballot back in a special envelope.

**Spoiled ballot:** A spoiled ballot is a ballot that the printer did not print properly, OR it is a ballot that a voter makes a mistake on. The DRO gives the voter a new ballot and marks the first one 'spoiled'. The spoiled ballot does not go into the ballot box.

**Statement of the Poll:** The official Elections Nunavut form that shows the number of votes for each candidate for that poll.

**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.

**Vote:** Voters mark a secret ballot in a territorial election. They choose the candidate in their constituency that they want to elect as their MLA.

**Voter:** A person eligible to vote in a territorial election:

- Canadian citizen.
- Nunavut resident for at least one year on Election Day.
- 18 years or older on Election Day.
- Not disqualified from voting.

**Voters list:** The list of voters that Elections Nunavut prepares for each constituency. Elections Nunavut sends a copy to each candidate when the election period starts, and updates it 20 days before Election Day.

**Voter Information Card:** Each voter on the voters list receives this card in the mail about a month before Election Day. The card tells the voter where and when to vote.

**Voting in the returning officer's office (VOR):** A way to vote before Election Day. From 14 days before Election Day to 4 days before Election Day, from 12 noon to 7 pm local time.

**Witness:** A person who signs a document to say that another person's signature is truly their signature. For example, someone other than the candidate and financial agent must witness their signatures on a Declaration of Candidacy.

**Writ:** The official notice to say there is an election. The CEO sends it to each RO. Each RO posts the writ in their office.

The return of the writ is the backside of the writ. It shows who won the election. The RO fills it out and sends it to the CEO after Election Day. If a candidate wins by acclamation the RO fills out the return of the writ right away.

# Candidate's Checklist



## Before the election period begins

- Check with your employer to see if they have rules or policies you need to follow to become a candidate—such as taking a leave of absence from work during the election period.
- Find a financial agent with the skills to do a good job. Make sure they are eligible, that they check with their employer.
- Find a campaign manager with the skills to do a good job. It's a good idea to have a campaign manager, but you don't have to. Make sure they check with their employer.
- Keep receipts for eligible campaign expenses during the pre-election period.
- Start to plan your campaign and discuss a campaign budget with the financial agent and campaign manager.
- Get copies of the *Nunavut Elections Act* and read and understand it. Know what you have to do to follow the laws.
- Ask the RO for a declaration of candidacy form, or get one from the Elections Nunavut website: [www.elections.nu.ca](http://www.elections.nu.ca)
- Get your digital photo ready. Make sure it meets Elections Nunavut standards, or they won't use it.

## The election period - up to Election Day

- Complete the declaration of candidacy. Make sure you fill it out properly and include all the information the form asks for.
- File the declaration of candidacy before the deadline:
  - Pay the \$200 deposit.
  - Give Elections Nunavut your digital photo in the proper form, if you want your photo on the ballot poster.
- Participate in Elections Nunavut teleconference calls, for information about candidates.
- Tell your financial agent to participate in Elections Nunavut weekly teleconference calls, to help them do their job properly. For example they must:
  - Set up a campaign account.
  - Receive contributions for your campaign.
  - Deposit all financial contributions in the campaign account.
  - Pay all campaign expenses from the campaign account.
  - Keep proper records and fill out forms properly.
- Make sure your campaign manager or financial agent have their name on all campaign ads.
- Check with the local government and other community authorities to find out where it's okay to put up signs and posters.
- Review the voters list when you get it from Elections Nunavut.
- Make sure the campaign manager and all other campaign workers use the voters lists ONLY for the election campaign.
- Write to the CEO if you want to suggest changes to the voters list. Identify yourself, say what changes you suggest, and give proof.

- Note the schedule for the mobile poll, once the RO tells you.
- Review the list of people who voted in the early polls, after you get it from the RO.
- Note where the polling stations are in your constituency, once the RO tells you.
- Note the local time for voting on Election Day.
- Find one campaign representative to watch each polling station on Election Day.
- Fill out and sign consent forms to authorize your representatives to be at each polling station on Election Day. Each representative needs their own consent form.
- Ask one campaign representative to stay at each polling station while the Deputy Returning Officer counts the ballots on Election Day.

## **Election Day**

- Vote—if you didn't already vote.
- Make sure you don't have any campaign materials at the polling station – on the land, building, or on people.
- Ask your campaign representatives to bring you the copy of the Statement of the Poll from the DRO as soon as it's ready.
- Review the election report as soon as you get it from the RO.

## After Election Day

- Take down all your campaign materials within 10 days after Election Day.
- Make sure the campaign workers destroy or turn in all voters lists—print and electronic.
- Give any money left over from your campaign to a charitable organization or to the Government of Nunavut.
- If you decide to give the money to a group, choose a registered society in good standing. Contact Legal Registries, Government of Nunavut. Make sure you get a receipt from the group made out to 'Campaign of \_\_\_\_\_'.
- Make sure the financial agent prepares the financial return. You and the financial agent sign. Send it to the CEO before the deadline—60 days after Election Day—and include:
  - All parts of the form filled in properly.
  - Original receipts for every expense, including unpaid expenses.
  - Printed statement of the campaign account, from the bank or other place that holds the account.
  - Approvals you got from the CEO for expenses over \$30,000—for travel, childcare, and expenses related to the candidate's disability.
  - All tax receipts—used, unused, or voided—and the proper form. The used books should have the CEO copy of issued receipts.

If you win the election, you must file the financial return before you can sit in the Legislative Assembly.

- Apply to the CEO to extend the deadline for the financial return, if needed. Apply in writing, before the end of the post election period. The CEO approves the extension ONLY if you have a very good reason. The CEO decides if you get an extension, and for how long.

NOTE: If you are the elected MLA, you can NOT apply for an extension. And you can NOT sit in the Legislative Assembly until Elections Nunavut receives and reviews your financial return.

## Sample Forms

This section of the Guide has copies of the following forms that candidates and financial agents most commonly use and / or need to know about.

**Use of Voters List:** The candidate signs this to promise to respect the voters list, and to use them only for the election campaign. All campaign workers must do this. They promise to return or destroy all voters lists at the end of the election period.

**Appoint a New Financial Agent or Campaign Manager:** The candidate uses this form to tell the RO about a new financial agent or campaign manager.

**Consent Form for Candidate Reps:** The candidate or financial agent sign these forms. Each candidate representative must have their own copy of the form and give it to the DRO when they first get to the polling station.



