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 Elections Nunavut

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Introduction

This guide is a summary of parts of the *Nunavut Elections Act*—the laws to elect Members of the Municipal Council. This includes the Mayor and councillors of a municipal corporation.

The Guide has the following important information:

- ✓ Who can and cannot be a candidate.
- ✓ What candidates must do, and when and how to do it.

Elections Nunavut has other information that candidates may find useful:

- ✓ Voter information brochures
- ✓ Guide to the *Nunavut Elections Act*—a summary
- ✓ Municipality maps
- ✓ *Nunavut Elections Act*

Contact Elections Nunavut for copies of these documents, in any of Nunavut’s official languages www.elections.nu.ca.

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.

Election Period Calendar

Important days - What happens on that day

Day 35

- First day a person can file a declaration of candidacy.
- First day a person can apply for a special (mail-in) ballot.

Day 31

- 2 pm deadline (local time) to file a declaration of candidacy.
- 5 pm deadline (local time) to withdraw declaration.

Day 28

- Chief Electoral Officer sends election notice to each Returning Officer and candidate.

Day 14

- If approved by the Chief Electoral Officer, the first day voters can vote at the returning officer’s office—from 12 noon to 7 pm local time.

Day 7

- Mobile poll in each community from 9 am to 11:30 am local time. Advance vote from 12 noon to 7 pm.

Day 4

- Last day voters can vote at the returning officer's office—from 12 noon to 7 pm local time.

Election Day

- Special ballots must be received by 5 pm or they don't count.

Post Election Period Calendar

Important days - What happens on that day

Day 10

- Last day for Candidates to remove all campaign materials. 60 days after Election Day 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 Mayor or Council member, to represent the people in their municipality.

A person can only be a candidate for Mayor or Councillor, and not for both.

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.
- ✓ Resident of the community.

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 Municipal Council if someone asked you, or
- Resignation from the Municipal Council because of an undated document, or
- Prevent you from acting freely in the Municipal Council.

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.

Who cannot be a candidate

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

- ✓ Work for Elections Nunavut;
- ✓ Are a member of the House of Commons, Senate, or legislature of another territory or province;
- ✓ Are a judge, except in a citizenship court;
- ✓ Did not comply with Financial Reporting from an MLA election within 5 years;
- ✓ Did not follow a compliance agreement from the last election (including MLA elections);
- ✓ Have been convicted of an election offence anywhere in Canada in the last 5 years;
- ✓ Have NOT paid all municipal taxes before December 31 in the year they were billed;
- ✓ Are personally in debt to the municipal corporation for \$500 or more for more than 90 days, or have controlling interest in a company that is in debt to the municipal corporation for \$500 or more for more than 90 days;
- ✓ Are disqualified for psychiatric reasons;
- ✓ Are confined to a penal or correctional institution;
- ✓ Are an assessor or auditor of the municipal corporation or a surety for an officer or employee of the municipal corporation.

Where to be a candidate

You can be a candidate in only the municipality where you live.

Elected by acclamation

Elected by acclamation means there is not more than 8 candidates for council or not more than 1 candidate for mayor.

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 municipality must take an oath and sign the letter too.

If a candidate withdraws by the deadline and there is 8 or less candidates, the other candidates win by acclamation. If there are more than 8 candidates, 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 municipality, and
- A new election process begins for that municipality.

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

Declaration of Candidacy

In past elections, individuals were required to complete a nomination form to become a candidate. The rules have changed and individuals now must only complete a declaration of candidacy.

The declaration of candidacy is the form a person fills out to say you want to become a candidate.

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.

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.

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 must sign the declaration and take an oath.
- Candidate's name:
 - Write your name on the declaration of candidacy the exact way you want it on the ballot.
 - Elections Nunavut strongly supports the use and protection of Inuktitut. You are encouraged to have one of your names written in the Inuktitut spoken in your community: Inuktitut syllabics in all communities except Kugluktuk and Cambridge Bay (S.1(2) *Inuit Language Protection Act*). The election officers cannot assist you in writing your name in any language.

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.

When to file

File any time between the 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 (RO) or their delegate for your municipality.

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.

When the RO accepts the declaration of candidacy, they give the candidate a certificate to say they are a qualified candidate.

As a candidate, you will 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.
- Sign-off sheet to show you got the package.
- Contact information at Elections Nunavut to assist you with any questions you may have.

If the RO refuses a declaration of candidacy

The Returning Officer refuses a declaration of candidacy if:

- The declaration of candidacy is not properly completed or is filed late,
- The person has declared themselves as a candidate in more than one municipality, or
- The person is ineligible to be a candidate.

If the Returning Officer rejects the declaration of candidacy because it is not properly completed, the prospective candidate can correct, complete or replace the declaration before the close of candidacy.

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.

Appeal

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.

Privacy and Security

We recognize that your trust and confidence in us depends a great deal on how we treat your personal information. Although public bodies like Elections Nunavut have the authority to require individuals to provide their personal information, we also have a legal and ethical obligation to responsibly manage that information.

We are committed to appropriately protecting personal information that we are entrusted with.

To find out more information on Elections Nunavut's privacy policies, contact the Chief Privacy Officer at privacy@elections.nu.ca or visit Elections Nunavut's website elections.nu.ca/privacy.

Candidate Use of Voters List Policy: The candidate signs this to promise to respect the voters list, and to use it only for the election campaign. The candidate must ensure anyone who is working on their campaign workers must also respect this policy. The candidate promises to return or destroy all voters lists at the end of the election period.

Public document

Every declaration is a public document.

The following are public documents and may be inspected at the Office of the Chief Electoral Officer by any person on request during business hours:

- all reports or statements respecting an election, other than documents received from election officers;
- all instructions issued by the Chief Electoral Officer under the *Nunavut Elections Act*;
- all decisions or rulings by the Chief Electoral Officer on points arising under the *Nunavut Elections Act*, and
- all correspondence with election officers or others in relation to any election.

Request for access to documents

Any person may request the Chief Electoral Officer provide access to any documents kept by the Chief Electoral Officer pursuant to the *Nunavut Elections Act* that are not public records.

Election Day

On Election Day, the polling stations are open from 9 am to 7 pm local time.

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

Candidate Representative 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 and Elections Nunavut headquarters (where the mail-in ballots are counted). The RO adds together the votes from all the polls in the municipality 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.

Tie Vote: If candidates get the same number of 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 conduct an administrative recount.

Administrative Recount

If the administrative recount results in one candidate receiving a higher number of votes, that candidate is declared elected. If the administrative recount results in a tie, then there are two options the Returning Officer can take:

1. With the approval of the candidates who have the same number of votes, the Returning Officer will choose the winner by draw. The candidates involved in the draw will sign a document indicating that their agreement.
2. If the candidates do not agree to have the winner chosen by draw, the Returning Officer will apply to a Justice of the Peace to conduct a recount.

Justice of the Peace Recount

If the candidates do not agree to have the winner chose by draw, the Justice of the Peace will conduct a recount. If the Justice of the Peace recount results in one candidate receiving a higher number of votes, that candidate is declared elected. If the Justice of the Peace recount results in a tie, the Justice of the Peace will choose the winner by draw.

Breaking the Laws

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

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 |
|------------------------------------|---|--|
| Vote improperly | You vote, and you aren't eligible to vote. | You do things you should not do with ballots. |
| Influence voters improperly | You bribe a voter with money, liquor, a job, food, or other things. | Campaigning at a polling station. |
| Use information improperly | You use the voters list for something besides the election. | You damage Elections Nunavut notices. |
| Tell lies or cheat | You're a candidate and you aren't eligible. | You're a candidate in more than one community. |

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 Municipal Council.
- Be elected for DEA or for MLA.
- Have a job appointed by the Commissioner, a Minister or official of the Government of Nunavut, or the Municipal Council.

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 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.

A citizen complaint form can be found on Election Nunavut's website.

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.

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 Qaujimagatuqangit / 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.

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.
- ✓ 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

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.
- ✓ Participate in Elections Nunavut teleconference calls, for information about candidates.
- ✓ Check with the local government and other community authorities to find out where it's okay to put up signs and posters.
- ✓ 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.
- ✓ Note where the polling stations are in your municipality, 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.

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.