

**EXECUTIVE SUMMARY**  
**MUNICIPAL ELECTIONS BILL 49**

June 2017

**PURPOSE:** Harmonize the election rules for municipal councils and DEAs with the election rules for the Legislative Assembly as much as possible.

*Note: There are no changes to territorial elections*

**IMPORTANT CHANGES TO LOCAL ELECTIONS:**

- ✓ All municipal / DEA elections will be governed by the *Nunavut Elections Act*
- ✓ New rules begin October 2018
- ✓ All elections for municipal councils, DEAs and the Legislative Assembly will follow same rules as much as possible
- ✓ The *Local Authorities Elections Act* will be repealed
- ✓ Chief Electoral Officer gives legal advice and oversees the election process
- ✓ Returning Officer (RO) continues to be appointed by municipal council / DEA
- ✓ Other election officials appointed by the RO, except for voter registration clerks who will be appointed by Elections Nunavut
- ✓ Election officers, candidates and voters will use Elections Nunavut brochures, guides, forms, ballot boxes, voting screens and other election materials
- ✓ Elections Nunavut keeps an electronic voter registration database
- ✓ Elections Nunavut produces the voters lists
- ✓ Elections Nunavut prepares and translates ballots and sends them to the RO electronically, ready for printing
- ✓ Change in residency rules for voters and candidates
  - resident in community and resident in Nunavut for at least 12 months (don't need to be resident in the community 12 months)
- ✓ Changes in eligibility rules for candidates for municipal council
  - Municipal employees can get leave to run for election
  - Justices of the Peace can get leave to run for election
- ✓ No change to the disqualification of candidates for municipal council who owe money to the municipality:
  - A person owes taxes to the municipality
  - A person owes the municipality more than \$500, for more than 90 days

- A person has a controlling interest in a business and the business owes the municipality more than \$500
- ✓ No nominations — Candidates file a declaration of candidacy during the first five days of the election period
- ✓ Standard election date for all municipal / DEA elections – 4<sup>th</sup> Monday in October
- ✓ Standard term of office – 4 years for all members of municipal councils / DEAs
- ✓ General elections every 4 years for all municipal councils / DEAs
- ✓ Vacancies for mayor filled by appointing a councillor or holding a by-election
- ✓ Vacancies for councillors / DEAs filled by
  - appointing a runner-up from the previous election
  - public call for applicants and appointing an eligible person
- ✓ No by-elections, except as an option for mayors
- ✓ Voting hours from 9 am to 7 pm on Election Day
- ✓ Eligible voters can register to vote on Election Day if their name isn't on the voters list
- ✓ Mobile poll and advance vote are one week before Election Day
- ✓ Other special voting methods available when requested and appropriate (e.g. large community):
  - voting in the RO's office
  - special ballot
  - proxy voting
  - voting by telecommunications device
- ✓ Joint municipal / DEA elections possible
- ✓ Chief Electoral Officer may authorize the use of vote tabulation machines
- ✓ Administrative recount supervised by CEO if there is a tie vote or 2% difference in votes
- ✓ Candidates may apply for judicial recount by a justice of the peace
- ✓ Tie votes to be decided by a draw of names
- ✓ Elections Nunavut issues official election results, including acclamations
- ✓ Election results posted on Elections Nunavut website

## **SUMMARY OF MAIN CLAUSES OF THE BILL:**

### **1. Clause 1 — Amendments to the *Cities, Towns and Villages Act***

- Replaces all references to the old *Local Authorities Elections Act* with Part VIII.1 of the *Nunavut Elections Act*
- Changes the term of office to 4 years
- Employees may apply for leave to run for office
- First elections and elections to return control from administrator to a council are determined by Minister and Chief Electoral Officer

### **2. Clause 2 — Amendment to the *Conflict of Interests Act***

- Replaces reference to the old *Local Authorities Elections Act* with Part VIII.1 of the *Nunavut Elections Act*

### **3. Clause 3 — Amendments to the *Education Act***

- Replaces all references to the old *Local Authorities Elections Act* with Part VIII.1 of the *Nunavut Elections Act*
- Changes the term of office to 4 years
- Employees may apply for leave to run for office
- First elections and elections to return control from administrator to a DEA are determined by Minister and Chief Electoral Officer

### **4. Clause 4 — Amendments to the *Hamlets Act***

- Replaces all references to the old *Local Authorities Elections Act* with Part VIII.1 of the *Nunavut Elections Act*
- Changes the term of office to 4 years
- Employees may apply for leave to run for office
- First elections and elections to return control from administrator to a council are determined by Minister and Chief Electoral Officer

### **5. Clause 5 — Amendments to the *Justices of the Peace Act***

- JPs may apply for leave to run as a candidate for mayor or councillor

### **6. Clause 6 — Amendments to the *Liquor Act***

- Corrects reference to voters list

### **7. Clause 7 — Repeals the *Local Authorities Elections Act***

**8. Clause 8 — Amendments to the *Nunavut Elections Act***

- Improves the standards for the Chief Electoral Officer to keep and publish important election documents
- Adds a new Part VIII.1 for Municipal Elections. This Part sets out the rules for elections to municipal councils and DEAs

**9. Clause 9 — Amendments to the *Public Service Act***

- Replaces all references to the old *Local Authorities Elections Act* with Part VIII.1 of the *Nunavut Elections Act*
- Creates new definition of "local authority" to cover municipal councils, DEAs and settlement councils

**10. Clause 10 — Amendments to the *Settlements Act***

- Replaces all references to the old *Local Authorities Elections Act* with Part VIII.1 of the *Nunavut Elections Act*
- Changes the term of office to 4 years
- Employees may apply for leave to run for office
- First elections and elections to return control from administrator to a council are determined by Minister and Chief Electoral Officer

**11. Clause 11 — Transitional rules**

- No municipal or DEA elections in 2018
- All terms of office for mayors, councillors and members of DEAs are extended or shortened to end in October 2019

**12. Clause 12 — Commencement**

- New election rules come into force on April 1, 2019
- Transitional rules start on October 1, 2018