

**NUNATSIAVUT ELECTIONS ACT**  
**CIL N-4 (21-09-2018)**  
**ORIGINAL ENACTMENT IL 2009-08**  
**AMENDED IL 2014-03**  
**AMENDED IL 2018-02**

**AN ACT RESPECTING THE ELECTION OF ORDINARY MEMBERS OF THE  
NUNATSIAVUT ASSEMBLY, THE ELECTION OF THE PRESIDENT OF THE  
NUNATSIAVUT GOVERNMENT, CONSTITUTIONAL REFERENDA AND  
PLEBISCITES, ELECTION FINANCING, AND CONTROVERTED ELECTIONS**

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## SECTION 1                      ELECTION ORGANIZATION AND ELECTIONS

### Part 1                      GENERAL

#### Short Title

1.                      This act may be cited as the *Nunatsiavut Elections Act*.

#### Interpretation

2.

- (1)                      In this Act, unless the context otherwise requires:

“Assembly” means the Nunatsiavut Assembly.

“ballot box” is a box used at a polling station in which ballots have been marked for a candidate(s) are deposited and kept for counting at the end of all polling.

“Beneficiary” means an individual enrolled on the Register.

“Canadian constituency” means all Inuit resident in places in Canada other than the Upper Lake Melville, Rigolet, Makkovik, Postville, Hopedale and Nain constituencies as described in clause 24(1)(g).

“candidate” with regards to an election, means a person who is nominated as a candidate at the election.

“Community” means a Labrador Inuit Community as defined in the Labrador Inuit Land Claims Agreement.

“constituency” means a constituency described in subsection 24(1).

“Constitution” means the Labrador Inuit Constitution.

“Deputy Returning Officer” means a person appointed by the Returning Officer who is charged with responsibility for taking the poll at a polling station.

“election” means:

- (a) an ordinary general election for the members of the Assembly,
- (b) a by-election in a constituency for a seat in the Assembly,
- (c) when applied for the purpose of part 2, an election or by-election for President, and

(d) when applied for the purpose of part 3, a plebiscite or referendum.

“Election Clerk” means a person appointed to assist the Returning Officer during an election.

“election form” means a form prescribed by the Nunatsiavut Electoral Officer under subsection 5(10);

“election official” means the Nunatsiavut Electoral Officer, a Returning Officer, Election Clerk, a Deputy Returning Officer, a Poll Clerk, an assistant electoral officer, or any other person appointed by the Nunatsiavut Electoral Officer or a Returning Officer to carry out duties or functions in relation to an election.

“Elector” means a person who is qualified to vote at an election and whose name appears on the Voters Roll.

“Inuit” means Beneficiaries.

“Member” means a member of the Assembly.

“Members Services Committee” means the standing Committee of the Nunatsiavut Assembly established pursuant to section 78 of the *Nunatsiavut Assembly Act*.

“Nunatsiavut Elections Fund” means the fund for the office of the Nunatsiavut Electoral Officer established under subsection 10(3).

“Nunatsiavut Electoral Officer” or “NEO” means the chief Electoral officer for Nunatsiavut appointed under subsection 3(1)).

“person” means a natural person.

“Poll Clerk” means a person appointed by the Deputy Returning Officer to assist the Deputy Returning Officer during the taking of a poll at a polling station.

“prescribed” means prescribed in regulations enacted pursuant to this Act.

“President” means the President of Nunatsiavut in terms of the Constitution.

“Register” means the central register containing the names of the individuals who are Beneficiaries of the Labrador Inuit Land Claims Agreement established under section 3.6.1 of that Agreement and maintained under the *Beneficiaries Enrolment Act*.

“Returning Officer” means a person appointed by the Nunatsiavut Electoral Officer to have the responsibility of supervising and operating an election in a constituency with multiple polls.

“Scrutineer” (agent) means a representative of a candidate who has been appointed in writing by the Candidate or an official agent of the Candidate to monitor election proceedings.

“Speaker” means the Speaker of the Nunatsiavut Assembly provided for under the Nunatsiavut Assembly Act and includes a Member other than the Speaker who performs the duties and exercises the authority of Speaker.

“undischarged bankrupt” means a person who has declared bankruptcy or been declared to be bankrupt and who has not been granted an absolute order of discharge by a court.

“Voters Roll” means the list referred to in subsection 22(4) comprising all Beneficiaries eligible to vote in an election.

“Voters List” means the list referred to in subsection 22(5) setting out the names of all those Electors who are ordinarily resident in a constituency.

- (2) In this Act a period described as “during an election”, “through an election” or “at an election” means the period commencing on the issue of the election Order for the election and ending at the end of the day that the candidate(s) has been elected.
- (3) In this Act an expression of time is understood to be the time in the Atlantic Time Zone.

## **Part 2 ELECTION ORGANIZATION**

### **Appointment of NEO**

#### **3.**

- (1) There shall be a Nunatsiavut Electoral Officer who shall be appointed by resolution of the Assembly.
- (2) The Nunatsiavut Electoral Officer holds office during good behavior and may only be removed from office by resolution of the Assembly.
- (3) The Nunatsiavut Electoral Officer shall report on his or her activities to the Assembly through the Speaker.
- (4) The Nunatsiavut Electoral Officer may be employed on a part-time basis as determined by resolution of the Assembly and shall be paid a salary determined by the Assembly after considering the estimates of the Members Services Committee.
- (5) The *Appointments Act* does not apply to the appointment of the Nunatsiavut Electoral Officer.
- (6) The Nunatsiavut Electoral Officer shall, before taking office, swear the oath set out in the Schedule to this Act.

### **NEO headquarters**

- 4. The Nunatsiavut Electoral Officer shall no later than the first Tuesday in March of each year in which an election is to be held, open and maintain throughout the election a headquarters at some convenient place in Labrador and give public notice of the location of the headquarters.

### **Duties of NEO**

#### **5.**

- (1) The Nunatsiavut Electoral Officer shall
  - (a) direct and supervise the administrative conduct of elections.
  - (b) ensure that elections are fair and comply with the requirements of this Act and the Constitution.

- (c) appoint such election officials as the NEO deems necessary for the conduct of an election and issue to election officials those instructions that the NEO considers necessary to ensure the impartial administration of elections and the effective execution of this Act.
  - (d) have the power, in the NEO's sole discretion, to remove election officials from office.
  - (e) act as Returning Officer for the Canadian constituency and other constituencies where the NEO deems necessary and administer or supervise the administration of all procedures related to the issuance, verification and counting of all mail-in ballots.
  - (f) appoint an assistant electoral officer to assist him or her in the performance of his or her duties.
  - (g) perform all other duties that are imposed on him or her by or under this Act.
- (2) During an election, if the Nunatsiavut Electoral Officer has reasonable grounds to believe that, because of a mistake, miscalculation, emergency or unusual or unforeseen circumstance, a provision is unfair, unreasonable or unworkable, the Nunatsiavut Electoral Officer may extend the time for doing an act, increase the number of election officials or polling stations, or otherwise adapt a provision of this Act so as to better achieve its intent.
- (3) If during an election any question arises about the procedures to be followed which cannot be answered by referring to this Act or the Constitution, the question shall be resolved by the Nunatsiavut Electoral Officer whose decision is final and binding and who may in making the decision refer to election legislation and procedures of any other jurisdiction in Canada or consult with the chief electoral officer of any jurisdiction in Canada.
- (4) Despite subsections (2) and (3) the Nunatsiavut Electoral Officer may not:
- (a) receive a nomination paper after the time set for it to be received under this Act, or
  - (b) permit a vote to be cast before or after the hours set in this part for the opening and closing of the poll on an ordinary polling day or on a day on which an advance poll is held.
- (5) The Nunatsiavut Electoral Officer shall within 4 months of polling day report in writing on the election to the Speaker.
- (6) The report under subsection (5) must provide detailed information with reasons, about any instructions issued under subsection (2) and any decisions made under subsection (3) and may provide recommendations with respect to any of those matters.
- (7) The Speaker shall lay before the Assembly a report made under subsection (5) within 3 days after receiving it or, if the Assembly is not then sitting, within 3 days after the Assembly resumes sitting.
- (8) The Nunatsiavut Electoral Officer may implement education programs using any media or means that the NEO considers appropriate to:
- (a) make the election process better known to the Inuit public, particularly those individuals and groups most likely to experience difficulties in exercising their democratic rights; and
  - (b) provide Electors with information relating to Electoral processes, the right to vote and the requirements to be a candidate at an election.

- (9) The Nunatsiavut Electoral Officer may make regulations for the better administration of parts 1, 2, 3 and 5 of this Act.
- (10) The Nunatsiavut Electoral Officer may establish forms for use under parts 1, 2 and 3 of this Act.

#### **General power to increase staff**

- 6. The Nunatsiavut Electoral Officer may, during an election and before the closing of the poll, appoint or authorize the appointment of additional election officials.

#### **Election Supplies**

7.

- (1) The Nunatsiavut Electoral Officer shall procure all supplies necessary to properly conduct each election.
- (2) The Nunatsiavut Electoral Officer shall, no later than the first Tuesday in April of each year in which an election is to be held, transmit to each Returning Officer a sufficient number of copies of this Act, subordinate legislation and instructions issued under it, printed copies of the Voters Roll and the Voters List for the constituency for which the Returning Officer is appointed, poll books, other books, forms and other supplies for properly administering an election.

#### **Fees and Expenses**

8.

- (1) On the recommendation of the Nunatsiavut Electoral Officer, the President in Council may make a tariff of fees and expenses to be paid to any person, including an election official (other than the NEO), for his or her services and expenses under this Part.
- (2) Despite subsection (1), any oath, affirmation, affidavit or declaration required under this Act shall be administered gratuitously.

#### **Financial Administration of the Office of the Nunatsiavut Electoral Officer**

9.

- (1) The Nunatsiavut Electoral Officer, through the Speaker, shall submit annually to the Members' Services Committee of the Assembly for its approval, estimates of the sums that will be required to be provided by the Assembly for the payment of the salaries, fees, allowances and expenses of the office of the Nunatsiavut Electoral Officer, including all Electoral officers, under this Act during the next fiscal year.
- (2) The Members' Services Committee shall review and may alter the estimates submitted under subsection (1) and, upon completion of the review, the Speaker shall submit the estimates as approved by the Members' Services Committee to the Assembly for the purpose of inclusion in the consolidated financial plan for the Nunatsiavut Government for the next fiscal year for approval by the Assembly.
- (3) The Nunatsiavut Treasurer must establish a fund for the office of the Nunatsiavut Electoral Officer.



- (4) Despite subsection 57(4) of the *Financial Administration Act*, no money may be requisitioned from the Nunatsiavut Elections Fund or paid out of the Nunatsiavut Elections Fund except by the Nunatsiavut Electoral Officer or upon the prior written authorization of the NEO. (IL 2018-02)
- (5) Monies paid in relation to elections must be disbursed from the Nunatsiavut Fund and be charged to the Nunatsiavut Elections Fund, and monies received under this Act, other than monies that are held in trust, shall be paid into the Nunatsiavut Elections Fund.
- (6) The Nunatsiavut Electoral Officer shall include in his or her report under subsection 3(3):
  - (a) a report on election finances under Part 4; and
  - (b) a preliminary financial report with respect to the Nunatsiavut Elections Fund in relation to each election.
- (7) The annual financial report of the Nunatsiavut Elections Fund shall be included in the annual financial report of the Treasurer as a separate item.

**NEO is Returning Officer for Canadian constituency**

**10.**

The Nunatsiavut Electoral Officer is the Returning Officer for the Canadian constituency.

**Returning Officers Appointed**

**11.**

- (1) The Nunatsiavut Electoral Officer may appoint a Returning Officer for each constituency other than the Canadian constituency. If the NEO does not deem it necessary to appoint a Returning Officer in each constituency the NEO may appoint Returning Officers solely for the purpose of accepting nomination papers from candidates for the pending election.
- (2) The Nunatsiavut Electoral Officer shall assign the duties of each Returning Officer and shall fix their remuneration on a scale approved in the consolidated financial plan.
- (3) A Returning Officer is responsible to the Nunatsiavut Electoral Officer for his or her actions.
- (4) Each Returning Officer shall before taking up office attend a training session with the Nunatsiavut Electoral Officer at which time each Returning Officer will swear the prescribed oath.
- (5) The oath of a Returning Officer shall be retained by the Nunatsiavut Electoral Officer.
- (6) A Returning Officer shall immediately notify the Nunatsiavut Electoral Officer if he or she resigns, or is unable or unwilling to act.
- (7) A Returning Officer continues to hold the office of Returning Officer until he or she
  - (a) dies,
  - (b) resigns, or
  - (c) is removed from office under clause 5(1)(d) or section 12.

## **Removal of Returning Officers**

- 12.** Without limiting the power granted under clause 5(1)(d), the Nunatsiavut Electoral Officer shall remove from office a Returning Officer who
- (a) ceases to be ordinarily resident in the constituency for which he or she is appointed,
  - (b) is incapable, because of illness, physical or mental infirmity or other incapacity of satisfactorily performing his or her duties,
  - (c) fails to discharge competently his or her duties, or
  - (d) has, after his or her appointment, favored one candidate over another or conducted himself or herself in a partisan manner in relation to an election, whether or not in the course of the performance of his or her duties.

## **Public notice**

- 13.** The Nunatsiavut Electoral Officer shall publish, by public notice posted in each constituency, no later than the first Thursday in March of each year in which an election is to be held, a list of names and addresses of the Returning Officers for each constituency.

## **Replacement Appointment**

- 14.** If the office of a Returning Officer becomes vacant, the appointment of a Returning Officer under subsection 11(1) shall be made within 30 days from the date on which the Nunatsiavut Electoral Officer has been informed of the vacancy unless an election is then in progress, in which case the duties of Returning Officer shall be carried out by the Election Clerk as provided in section 15.

## **Election Clerk**

- 15.**
- (1) Each Returning Officer may, subject to the approval of the Nunatsiavut Electoral Officer, appoint in writing an Election Clerk for the constituency and, without limiting the power granted to the NEO in clause 5(1)(d), may remove an Election Clerk from office for cause.
  - (2) An Election Clerk appointed under subsection (1) shall, before taking office, swear the prescribed oath.
  - (3) If an Election Clerk dies, becomes disqualified or incapable of acting or refuses to act, or is removed from office the Returning Officer shall, subject to the approval of the Nunatsiavut Electoral Officer, immediately appoint a qualified replacement who shall, before taking up office, swear the prescribed oath under subsection (2).

## **Duties of Election clerk**

- 16.**
- (1) An Election Clerk shall:
    - (a) assist the Returning Officer in the performance of his or her duties.

- (b) act in place of the Returning Officer if the Returning Officer is absent, ill or is unable to perform his or her duties or if the office is vacant.
  - (c) notify the Nunatsiavut Electoral officer, with reasons, immediately upon starting to act in the place of the Returning Officer.
- (2) An Election Clerk acting under clause (1)(b) is responsible for the administration of a pending election and has the powers and responsibilities of a Returning Officer for the constituency.

#### **Who may act as DRO or Poll Clerk**

17.

A Returning Officer or Election Clerk may not act as a Deputy Returning Officer or Poll Clerk at a polling station.

#### **Office and Attendance**

18.

- (1) Every Returning Officer shall:
- (a) no later than the first Tuesday in April of each year in which an election is to be held, open an office within their constituency.
  - (b) maintain the office through the election.
  - (c) give public notice of the location of the office.
- (2) The Returning Officer or the Election Clerk must be on duty in the office of the Returning Officer during the hours that polls are open.

#### **Qualification of election officials**

19.

- (1) A Returning Officer, Election Clerk, Deputy Returning Officer Poll Clerk and all other election officials (except the Nunatsiavut Electoral Officer) must be an individual qualified as an Elector and ordinarily resident in the constituency in which he or she is to act.
- (2) None of the following may be election officials
- (a) members of the Nunatsiavut Executive Council,
  - (b) members of the Parliament of Canada, the Newfoundland and Labrador House of Assembly, the Nunatsiavut Assembly and the Nunatsiavut Government,
  - (c) any judge of any court in Canada,
  - (d) individuals who have been found guilty of corrupt or illegal practices under any election law in Canada including any offence under this Act,
  - (e) individuals who are nominated as or intend to be candidates in the election,

- (f) individuals who are employed by the Nunatsiavut Government, and
- (g) persons who:
  - (i) within 60 days before polling day were in the services of a candidate; or
  - (ii) are employed by a candidate or an agent or other person acting on behalf of, or in the interest of, a candidate in relation to the election.

### **Part 1.3 ELECTORS, VOTERS ROLL AND VOTERS LIST**

#### **Rules of Residence**

**20.** For the purpose of this Act:

- (a) an individual is resident in a place if that individual has a principal, or only, residence, home, lodging or habitation in that place;
- (b) an individual may only be resident in one place at a time; and
- (c) an individual continues to be resident in a place if that individual, for a temporary purpose only, leaves his or her principal or only residence, home, lodging or habitation in that place with the intention of returning to that place.

#### **Qualifications Of Electors**

**21.**

- (1) Every Beneficiary 16 years of age and older on polling day is qualified to vote at an election if he or she is ordinarily resident in Canada immediately preceding polling day and has not been declared by a court to be of unsound mind.
- (2) In order to vote at an election in a polling station in a constituency a Beneficiary must be ordinarily resident in the constituency on polling day in addition to being qualified to vote at the election under subsection (1).
- (3) A Beneficiary may have his or her name placed on the Voters List for the constituency or polling Part where he or she is qualified to vote by complying with subsection (4).
- (4) A Beneficiary may, at any time before casting a vote at a polling station apply to have his or her name placed on the Voters List for that polling station by producing satisfactory proof that he or she is a Beneficiary and satisfactory proof that he or she is ordinarily resident in the Part and by taking the prescribed oath.

#### **Voters Roll and Voters Lists**

**22.**

- (1) The Nunatsiavut Electoral Officer shall establish and maintain
  - (a) a Voters Roll,

- (b) a list of Electors ordinarily resident in each constituency other than the upper Lake Melville constituency, and
  - (c) a list of Electors ordinarily resident in North West River polling Part and a list of Electors ordinarily resident in the Happy Valley-Goose Bay and Mud Lake polling Part.
- (2) The Nunatsiavut Electoral Officer must establish and maintain the Voters Roll and the Voters Lists by using information available from the Register.
- (3) The Registrar of Beneficiaries must, no later than the first Tuesday in March of each year in which an election is to be held deliver to the Nunatsiavut Electoral Officer
- (a) a printed and certified copy of the Register,
  - (b) a printed copy of the Register organized by constituency and in the case of Upper Lake Melville constituency, by polling Part, and
  - (c) an electronic database containing the same information as required in clauses (a) and (b).
- (4) The Voters Roll shall consist of the names of all Beneficiaries eligible to be Electors under subsection 21(1).
- (5) The Voters List for each constituency shall consist of all the names of all those Beneficiaries on the Voters Roll who are ordinarily resident in the constituency.
- (6) The Voters List other than the Voters List for the North West River polling Part, which shall be prepared by the Deputy Returning Officer for the North West River polling Part, shall be prepared by the Returning Officer for the constituency and shall consist of the names of all voters on the Voters List for the constituency who are ordinarily resident in the polling Part.
- (7) Subject to subsections (8) and (10), the Returning Officer shall make arrangements to allow Beneficiaries to inspect the Voters List for the constituency in which they are ordinarily resident for purposes of verifying that they have been enumerated and such arrangements must protect the privacy of voters.
- (8) The Returning Officer for the Canadian constituency shall
- (a) make the Voters List for the Canadian constituency available on the Nunatsiavut web site but the information available on the Nunatsiavut web site must:
    - (i) be limited to the Voter's name; and
    - (ii) be removed forthwith upon completion of the election; and
  - (b) forward to each Elector on the Voters List for the Canadian constituency by ordinary prepaid mail notice of the mailing address in the Canadian constituency at which they are registered to vote.
- (9) The Voters Roll and the Voters List may be created or revised manually or by means of a computer-based system and may be maintained in printed form or stored electronically if the storage device is capable of reproducing any required information in a legible form within reasonable time.
- (10) The NEO may, on being satisfied that adequate and effective measures are in place to protect the privacy of personal information and that the measures will result in cost reductions to the Nunatsiavut

Government, enact subordinate legislation to replace the system for verification of Voters Lists under subsection (7) or the Voters List under subsection (8).

## **Revision of Roll**

### **23.**

- (1) The Nunatsiavut Electoral Officer must, by advertisement published no later than the second Tuesday in April of each year in which an election is to be held, advise Electors that the Voters Roll and the Voters List are available for inspection by Electors at the offices of the Returning Officers for each constituency and in the case of the Canadian constituency on the Nunatsiavut Government web site and that each Elector who is not enumerated on the Voters List for the constituency in which the Elector is ordinarily resident, may apply under subsection 21(4) to be included on the Voters Roll and the appropriate Voters List or to have the roll and relevant list or lists amended.
- (2) If the Returning Officer is satisfied that the name of a Beneficiary entitled to have his or her name inserted in the Voters Roll has been omitted, the Returning Officer shall add that name to the roll.
- (3) If the Returning Officer is satisfied that the name of a Beneficiary who is enrolled on the Voters Roll is not ordinarily resident in the constituency or polling Part for which the Beneficiary has been enrolled as an Elector, the Returning Officer shall make the necessary changes in the Voters Roll and the relevant Voters List.
- (4) If the Returning Officer for the Canadian constituency is satisfied that the address of a Beneficiary who is entitled to vote by mail is incorrect, the Returning Officer shall make the necessary correction to the Voters Roll and to the Voters List for the Canadian Constituency.
- (5) Revisions to the Voters Roll and the Voters List under subsections (2), (3) and (4) may be made by the Returning Officer at any time prior to the closing of the polls.
- (6) A Returning Officer must advise the Nunatsiavut Electoral Officer of all revisions under subsection (2) and (3) as soon as possible.
- (7) Prior to the first advance poll the Nunatsiavut Electoral Officer must supply each Returning Officer with a notice of all revisions to the Voters Roll and to each Voters List for the constituency in which the Returning Officer acts that have been made before the date that is five days prior to the date of the first advance poll.
- (8) Prior to the date of the election the Nunatsiavut Electoral Officer must supply each Returning Officer with the notice of all revisions to the Voters Roll and each Voters List that were made between the time of the list referred to in subsection (7) and the closing of the advance poll.
- (9) The Nunatsiavut Electoral Officer must include in his or her report under subsection 5(5) the details of all amendments to the Voters Roll and the Voters List made during an election and must deliver a copy of the report on those amendments to the Registrar of Beneficiaries.

## **Part 1.4        CONSTITUENCIES AND POLLING PARTS**

### **Constituencies**

### **24.**

- (1) At elections of ordinary members of the Assembly there will be 7 constituencies as follows:

- (a) Nain, consisting of Inuit resident in the region of Nain,
  - (b) Hopedale, consisting of Inuit resident in the region of Hopedale,
  - (c) Makkovik, consisting of Inuit resident in the region of Makkovik,
  - (d) Postville, consisting of Inuit resident in the region of Postville,
  - (e) Rigolet, consisting of Inuit resident in the region of Rigolet,
  - (f) Upper Lake Melville, consisting of Inuit resident in the Communities of Happy Valley-Goose Bay, Northwest River and Mud Lake; and
  - (g) Canada, consisting of Inuit resident in places in Canada other than the constituencies enumerated in subsection (a) through (f).
- (2) One ordinary Member shall be returned for each of the Hopedale, Makkovik, Postville and Rigolet constituencies under the simple plurality system at an election held in or for each constituency.
  - (3) Two ordinary Members shall be returned for each of the Nain, Upper Lake Melville and Canadian constituencies. The candidates who receive the largest and second largest number of votes under the simple plurality system at a general election in or for the constituency shall be declared elected.

#### **Polling Division**

#### **25.**

- (1) A polling division wherever practical should not contain more than 350 Electors.
- (2) Polling division that have more than 350 Electors will be reviewed by the NEO each year in which an election is to be held.
- (3) Following a review under subsection (2) the NEO may establish multiple polling division in a constituency.
- (4) The Returning Officer for a constituency with multiple polls shall:
  - (a) appoint Returning Officers and Poll Clerks to administer the election at each polling station; and
  - (b) post written public notices of the locations of the polling stations no less than one week prior the date set for any advance poll or, if there is no advance poll, the date of the election.
- (5) There shall be no polling division or polling station at an election in the Canadian constituency but Electors in that constituency shall vote by mail in accordance with this part.
- (6) The Nunatsiavut Electoral Officer in consultation with the Returning Officer for Upper Lake Melville may choose to use mail-in ballots for Mud Lake Electors voting in the Upper Lake Melville constituency.

#### **Part 1.5 CALLING AN ELECTION**

#### **Calling an election**

**26.**

- (1) An election is begun by Order of the President.
- (2) An order under subsection (1) must:
  - (a) appoint a day and place for the close of nominations of candidates and fix the polling day in each constituency in which the election is to be held; and
  - (b) conform to the requirements of the Constitution with respect to the date of the election and the period of notice to be given.
  - (c) If a Federal election or a Provincial election will be held on or about the date established by the Constitution for an election, the President may, acting on the advice of the First Minister of Nunatsiavut, order a day for holding of the poll in an ordinary general election for the Assembly which is not more than 1 month earlier nor more than 1 month later, than the first Tuesday in May and the order shall dissolve the Assembly at 12:00 noon on the twenty eighth day prior to the date set for the poll in the order.
  - (d) If the President acts under clause (2)(c) to vary the date on which an election is to be held the order under subsection (1) must state the dates by which all electoral procedures for which time limits are established under this Act are to be completed and the dates stipulated in the order supersede and replace the dates set out in the Act in respect of such elections.
  - (e) Despite anything else in this section:
    - (i) where an election is a general election or a by-election in respect of the Canadian constituency
      - (A) the day of polling to be fixed by the order required under subsection (1) shall be a day not less than 50 clear days from the date of the order nor more than 60 clear days, and
      - (B) the day to be appointed by the order required under sub-section (1) for the close of nominations of candidates shall be the thirty-fifth day before the day of polling; and
    - (ii) where an election is a by-election in a constituency other than the Canadian constituency
      - (A) the day of polling to be fixed by the order required under subsection (1) shall be a day not less than 28 clear days from the date of the order nor more than 45 clear days, and
      - (B) the date to be appointed by the order required under subsection (1) for the close of nominations shall be the fifteenth day before the date of polling.

**General Election Day**

**27.**



- (1) The second general election of the ordinary members of the Assembly shall be held on the first Tuesday in May 2010, and on the first Tuesday in May every fourth calendar year thereafter.
- (2) Where an election is a general election, it shall be held on the same day in each constituency.

## **Part 1.6 CANDIDATES**

### **Qualification of Candidates**

#### **28.**

- (1) Every Beneficiary who is at least 18 years of age on nomination day and who is not disqualified from being elected to or from sitting in the Assembly by this or another law is qualified to be nominated as a candidate at an election.
- (2) In addition to meeting the requirements of subsection (1), candidates in elections or by-elections for the ordinary members of the Assembly must be ordinarily resident in the constituency for which they are nominated.
- (3) A Beneficiary is disqualified from seeking election as an ordinary Member if, on nomination day he or she is:
  - (a) an AngajukKâk or the Chairperson of an Inuit Community Corporation;
  - (b) appointed by or in the service of the Nunatsiavut Government and is paid for that appointment or service;
  - (c) a member of Parliament or the House of Assembly or a Senator;
  - (d) of unsound mind;
  - (e) an undischarged bankrupt;
  - (f) a person who has been convicted of an indictable offence and whose sentence was completed less than 5 years prior to nomination day or who has been convicted of a summary offence and whose sentence is not yet completed; or
  - (g) a person who is in arrears in payment of any taxes payable to the Nunatsiavut Government or an Inuit Community Government.

### **Nominating a Candidate**

#### **29.**

- (1) Five or more Electors qualified to vote in a constituency for which an election is to be held may nominate a candidate for the constituency:
  - (a) by signing a nomination paper in the prescribed form stating the nominee's name, the place where he or she is ordinarily resident, and his or her address for service of process and papers under this Act; and

- (b) by filing the nomination paper with the Returning Officer between the date of the order commencing the election and the close of nominations.
- (2) A Returning Officer shall not refuse to accept a nomination paper for filing by reason of the ineligibility of the candidate nominated, unless the ineligibility appears on the nomination paper.
- (3) A nomination paper that a Returning Officer has refused to accept for filing may be replaced by another nomination paper or may be corrected, except that a new or corrected nomination paper shall be filed with the Returning Officer not later than the time for the close of nominations.

#### **Proof Required**

#### **30.**

- (1) In respect of a nomination paper, the Returning Officer shall require proof by affidavit in the prescribed form that
  - (a) not less than 5 of the persons, naming them, who have signed the nomination paper are qualified Electors in the constituency for which the election is to be held; and
  - (b) the consent of the candidate was signed on the nomination paper in the presence of the person who witnessed the signature.

#### **Conditions to be met**

#### **31.**

- (1) A nomination paper shall be accompanied by
  - (a) the consent in writing of the person nominated in it;
  - (b) an affidavit of the candidate as to his or her qualifications, in the prescribed form;
  - (c) a deposit of \$100 in cash or a certified cheque made payable to the Nunatsiavut Electoral Officer for that amount to be held in trust by the Nunatsiavut Electoral Officer;
  - (d) the name and address of the financial agent appointed under subsection 183(1);
  - (e) the full name and address of the candidate;
  - (f) the address of the place where records of the candidate are maintained and of the place to which communications may be addressed;
  - (g) the names of all persons authorized by the candidate to accept contributions;
  - (h) the name and address of every chartered bank, trust company or other financial institution that is lawfully entitled to accept deposits to be used by or on behalf of the candidate as the depositories for all contributions made to that candidate; and
  - (i) the names of the persons responsible for each depository referred to in paragraph (h).

- (2) The Returning Officer may not accept a deposit until all the other steps necessary to complete the nomination of the candidate have been taken, and upon his or her accepting a deposit the Returning Officer shall give the person by whom it is paid a receipt.
- (3) The receipt of the Returning Officer under subsection (2) is conclusive proof that the candidate has been officially nominated.
- (4) The name of a candidate shall not include a title, degree or other prefix or suffix but may include a nickname.

### **Closing Nominations**

#### **32.**

- (1) At 10:00 a.m. on nomination day the Returning Officer and Election Clerk shall both attend at the place stated in the order initiating the election, and shall remain there until 2:00 p.m. of the same day for the purpose of receiving nominations of candidates who have not already been nominated.
- (2) After 2:00 p.m. on nomination day no further nomination may be received except in accordance with section 33.

### **Extraordinary Procedure to Promote Gender Equality in the Assembly**

#### **33.**

- (1) If, at the close of the time for nominating candidates set out in section 32, there is not at least one female candidate for election in each constituency, the Returning Officer shall immediately notify the President and the Nunatsiavut Electoral Officer in writing and the President shall take reasonable steps to nominate a female candidate for election in each constituency no later than 48 hours following the close of the time for nomination of candidates set out in section 32.
- (2) Sections 28, 29, 30 and 31 apply to a nomination under subsection (1) except that:
  - (a) a nomination under subsection (1) may be made by the President alone, despite the requirement for 5 nominators under subsection 29(1); and
  - (b) the candidate shall not be required to pay a deposit despite clause 31(1)(c).
- (3) If the time for nominating candidates is extended under this section, the President shall, no later than 30 days following the election, submit a written report to the Speaker for tabling in the Assembly on the steps taken under subsection (1), whether the steps were successful and, if not, the reasons why.

### **Procedure following the close of Nominations.**

#### **34.**

- (1) At the close of the time for nominating candidates under section 32 or 33, the Returning Officer shall deliver to each candidate or his or her representative who applies for it, a certified list of the names of candidates who have been nominated.

- (2) The Nunatsiavut Electoral Officer shall, as soon as possible following the close of nominations under section 32 or 33, furnish to each candidate a copy of the Voters List for the constituency and, if applicable, the Voters List for each polling Part in the constituency.
- (3) In addition to the printed copy of the list of Electors provided under subsection (2), the Nunatsiavut Electoral Officer shall, on request, provide a copy of the list in a form capable of being stored and used in a system of electronic data processing or another system for information storage and retrieval.
- (4) A candidate who receives a copy of the Voters List under subsection (2) or (3) shall, in the required form, certify that the information contained in the list will be used exclusively for election purposes and shall return the list and all copies to the NEO at the conclusion of the election.

### **Return of Nominations**

35. The Returning Officer shall, as soon as possible following the close of nominations under section 32 or 33, report on the nomination proceedings held before him or her to the Nunatsiavut Electoral Officer, listing the names of the candidates nominated and the names of any persons rejected for non-compliance with this Part.

### **Withdrawal, Disqualification or Death of Candidate**

#### **36.**

- (1) A candidate who is nominated may, not later than 48 hours before the opening of the poll, withdraw by filing with the Returning Office a declaration in writing to that effect, signed by the candidate and attested by the signature of 2 qualified Electors in the constituency.
- (2) The deposit of a candidate who withdraws in accordance with this section or is disqualified pursuant to subsection 116.B(3) is forfeited and is to be credited to the Nunatsiavut Fund.
- (3) If a candidate withdraws in accordance with this section or if a candidate dies after the close of nominations and before the opening of the polls on polling day and there remain as many candidates as there are Members to be elected in the constituency, the Returning Officer shall make a return in the prescribed form declaring as elected the candidate or candidates remaining, without waiting for the day fixed for holding the poll.
- (4) If a candidate withdraws in accordance with this section or is disqualified pursuant to subsection 116.B(3), or if a candidate dies after the close of the nominations and before the opening of the polls on polling day and subsection (3) does not apply, on polling day each Returning Officer:
  - (a) shall prepare and post in a conspicuous place in his or her polling station a notice of every withdrawal made in accordance with this section, of every candidate disqualified pursuant to subsection 116.B(3) and of every candidate who is deceased; and
  - (b) when delivering a ballot or mail ballot to each Elector shall inform the Elector of the withdrawal, disqualification or death.
- (5) If, despite the measures provided for in subsection (4), a candidate who has withdrawn or a disqualified or deceased candidate is elected, the Nunatsiavut Electoral Officer shall declare the poll void and must:

- (a) by an advertisement in the prescribed form fix a day for the nomination of candidates and a day for the holding of the poll;
  - (b) fix the day for nominations on a date that is no more than 30 days and no less than 15 days after the date of the void poll; and
  - (c) set the polling day for the election of a candidate under this subsection that is no more than 21 days and no less than 10 days after the close of nominations.
- (6) If a poll is cancelled under subsection (5) as a consequence of the withdrawal or disqualification of a candidate, that candidate is disqualified from being a candidate in the subsequent poll.
- (7) If a poll is cancelled under subsection (5) any candidate in the void poll is, subject to subsection (2), entitled to a refund of his or her deposit if he or she is not a candidate in the subsequent poll. (IL 2014-03)

### **Election by Acclamation**

37. If only one candidate is nominated for a constituency that is entitled to elect one Member or only two candidates are nominated for a constituency that is entitled to elect two Members, the Returning Officer shall
- (a) immediately after the close of nominations on nomination day make his or her return to the Nunatsiavut Electoral Officer in the prescribed form declaring the election of the candidate or candidates for the constituency; and
  - (b) within 48 hours send a duplicate or certified copy of the return made under subsection (1) to the person or persons elected.

### **Polls for Contested Seats**

38. Where there is more than 1 candidate at an election in a constituency that is entitled to elect one Member or where there are more than two candidates at an election in a constituency that is entitled to elect two Members, a poll must be held for taking the votes of the Electors.

### **Notice of poll**

39. Within 24 hours following the close of nominations under section 32 or 33 the Nunatsiavut Electoral Officer must publish a notice setting out:
- (a) the names of candidates elected by acclamation;
  - (b) the names of the candidates for election to each seat and the order in which they are to be printed on the ballot;
  - (c) the locations of the polling stations;
  - (d) where polling Parts have been established, the boundaries and locations of the polling divisions; and

- (e) the dates of advance polls.

### **Polling Stations**

#### **40.**

- (1) The polls shall be held in one polling station established for each constituency and, where applicable, each polling division in premises of convenient access, being public buildings if possible, with an outside door for admittance of Electors, and having, if possible, another door through which Electors may leave after voting.
- (2) The Returning Officer shall designate for each polling division a suitable polling station or stations having regard to the convenience of the Electors in the polling division.
- (3) The entrances and facilities of each polling station in a polling division shall, where possible, be accessible to Electors in the polling Part who are physically disabled.
- (4) Where a polling station is not accessible to Electors who are physically disabled, the Returning Officer shall ensure that a convenient alternative is provided to enable those Electors to vote.
- (5) Each polling station shall contain 1 or more voting compartments so arranged that each Elector will be screened from observation and can without interference or interruption mark his or her ballot.
- (6) In each voting compartment there shall be provided for the use of Electors in marking their ballots a table or desk with a hard smooth surface and a suitable black lead pencil.
- (7) The polls shall be opened at 8:00 a.m. and kept open until 8:00 p.m. of the same day.
- (8) During the hours prescribed by subsection (7), each Deputy Returning Officer shall, in the polling station for which he or she has been appointed, receive the votes of the Electors qualified to vote at the polling station.

### **Change in Polling Station**

#### **41.**

- (1) The Returning Officer may with the approval of the Nunatsiavut Electoral Officer on or before polling day if he or she considers it necessary to do so:
  - (a) change the location of a polling station from a previous location; and
  - (b) establish additional polling stations.
- (2) If under clause (1)(b) an additional polling station is established the voters will be divided so that Electors assigned to each polling station will be identified on a separate Voters List.

### **Mail-in Ballots**

#### **42.**

- (1) An Elector who

- (a) is ordinarily resident in the Canadian constituency;
- (b) will not be in the constituency where he or she is ordinarily resident on the date of the advance poll and at the poll on polling day;
- (c) has reason to believe that he or she will have difficulty voting at an advance poll or at the poll on polling day;
- (d) is resident in a home for the aged, a hospital or similar institution for the care and treatment of chronic illness; or
- (e) is detained in a penitentiary or jail in Canada

may vote by mail ballot.

- (2) The Nunatsiavut Electoral Officer is responsible for the administration of all votes cast by mail ballot and is the Returning Officer for the Canadian constituency.
- (3) At an election in the Canadian constituency the Nunatsiavut Electoral Officer shall:
  - (a) forward a mail ballot kit by prepaid mail to each Elector who is ordinarily resident in the Canadian constituency at his or her last known address as established by the Voters List for that constituency; and
  - (b) make a notation against the name of the Elector, as it appears on the Voters List, that a mail ballot has been issued to the Elector.
- (4) At an election an Elector referred to in clauses (1)(b), (c), (d) and (e) must apply to the Nunatsiavut Electoral Officer for a mail ballot.
- (5) An application to vote by mail ballot may be made to the Nunatsiavut Electoral Officer by those methods that are acceptable to the Nunatsiavut Electoral Officer at any time between the date of the order under subsection 26(1) and 12 noon on the 8<sup>th</sup> day prior to polling day.
- (6) An application to vote by mail ballot shall contain
  - (a) the name of the applicant and the address where the applicant is ordinarily resident;
  - (b) proof of the applicant's identity by reference to documents of a class determined by the Nunatsiavut Electoral Officer, which must include the applicant's Beneficiary number;
  - (c) the applicant's current mailing address for purposes of voting by mail; and
  - (d) any other information that the Nunatsiavut Electoral Officer may require.
- (7) A person who knowingly makes a false statement in an application under this section is guilty of an offence.
- (8) The Nunatsiavut Electoral Officer may, where an application for a mail ballot does not contain all the information required by subsection (6), require an applicant to provide the additional information requested before issuing a mail ballot kit to the applicant.

- (9) On receipt of an application under subsection (4) the Nunatsiavut Electoral Officer shall
- (a) ensure that the applicant's name is on the Voters Roll and the Voters List for the polling Part in which he or she would otherwise vote;
  - (b) if the application is in order, issue a mail ballot kit to the applicant; and
  - (c) cross out the name of the applicant as it appears on the Voters Roll and the Voters List, noting in the margin "mail ballot issued".
- (10) Where an application is received from a person whose name does not appear on the Voters Roll or the Voters List for the polling Part in which he or she ordinarily resides, the Nunatsiavut Electoral Officer or his or her designate shall, if satisfied that the person is qualified to vote,
- (a) add the person's name to the Voters Roll and the appropriate Voters List;
  - (b) if the application is in order, issue a mail ballot kit to the applicant; and
  - (c) cross the person's name off both the Voters Roll and the relevant Voters List and note in the margin "mail ballot issued".
- (11) Once an Elector's application to vote by mail ballot has been accepted and a mail ballot kit is issued to the Elector, that Elector may only vote by mail ballot.
- (12) The Nunatsiavut Electoral Officer shall, on request, make available to a candidate or his or her agent the names and addresses of those Electors ordinarily resident in the candidate's constituency who have applied for and been provided with a mail ballot kit.
- (13) Subsection (12) does not apply to candidates in the Canadian constituency.

### **Casting of Votes by Mail**

#### **43.**

- (1) A mail ballot kit shall comprise of:
- (a) a ballot;
  - (b) a ballot envelope;
  - (c) a declaration envelope that must also bear the name of the constituency and the election at which the ballot is cast;
  - (d) a return envelope;
  - (e) instructions on how to vote by mail using the mail ballot kit; and
  - (f) any other information that the Nunatsiavut Electoral Officer has, by regulation, approved for inclusion in the kit.
- (2) For purposes of a mail ballot kit:



- (a) the ballots for use in the Canadian constituency shall comply with the requirements of subsection 48(1); and
  - (b) the ballots for all other constituencies shall provide for the Elector to print the name of the candidate or candidates of his or her choice on the ballot.
- (3) On receipt of the mail ballot kit, the Elector shall:
- (a) in the case of an Elector in the Canadian constituency, mark the ballot with the letter "X" within the space on the ballot containing the names of the candidates of his or her choice; and
  - (b) in the case of all other Electors voting by mail, mark the ballot by printing with a pen or pencil of any colour, in the space provided, the name of the candidate or, where applicable, the candidates of his or her choice.
- (4) After marking the ballot, the Elector shall
- (a) place the marked ballot in the ballot envelope;
  - (b) seal the ballot envelope;
  - (c) place the sealed ballot envelope in the declaration envelope;
  - (d) complete and sign the declaration on the declaration envelope;
  - (e) place the sealed declaration envelope in the return envelope; and
  - (f) seal the return envelope.
- (5) The return envelope, when sealed, shall be forwarded to the Office of the Nunatsiavut Electoral Officer so that it reaches the office not later than 12 noon on polling day.

### **Counting of Mail Ballots**

#### **44.**

- (1) Mail ballots shall be counted by the Nunatsiavut Electoral Officer as soon as practicable after 12:00 noon on polling day in accordance with the procedures set out in this section.
- (2) If the delivery of mail on polling day is delayed past 12:00 noon, counting of mail ballots may be delayed until after the mail has arrived but the delay must not extend beyond 6:00 p.m.
- (3) The Nunatsiavut Electoral Officer must appoint an official to act, together with the assistant electoral officer, as a witness during each stage of the procedure for verifying and counting the mail ballots including, for certainty, the steps referred to in clause 42(3)(b) and subsections (9) and (10).
- (4) Each candidate at an election for the President of Nunatsiavut or at an election in the Canadian constituency is entitled to appoint a Scrutineer to be present during each stage of the procedure for verifying and counting the mail ballots.
- (5) When a return envelope is received in the Office of the Nunatsiavut Electoral Officer it shall be kept unopened in a sealed box designated specifically for returned mail ballots.

- (6) As soon as practicable after 12:00 noon on polling day the declaration envelopes shall be removed from the sealed box designated for returned mail ballots in the presence of the persons referred to in subsection (3) and in subsection (4), if any.
- (7) The Nunatsiavut Electoral Officer shall examine each declaration envelope and determine:
- (a) whether the name on the declaration envelope is the same as that crossed out on the Voters Roll and the Voters List under clause 42(3)(b); and
  - (b) that the declaration has been completed and properly signed in accordance with clause 43(4)(d).
- (8) Where the Nunatsiavut Electoral Officer confirms that the declaration has been properly completed and the Elector has signed the declaration envelope he or she shall:
- (a) open the declaration envelope and remove the sealed, ballot envelope; and
  - (b) place the sealed, ballot envelope in a sealed ballot box for the appropriate constituency, marked with the name of the constituency and the words "Mail Ballot".
- (9) Where the Nunatsiavut Electoral Officer determines that a declaration has not been completed or the Elector has failed to sign the declaration envelope, he or she shall:
- (a) write "rejected" on the envelope and the reason for its rejection; and
  - (b) set aside the envelope unopened.
- (10) When all returned mail ballots have been removed from the box designated for returned mail ballots and processed in accordance with subsections (7), (8) and (9), the Nunatsiavut Electoral Officer, in the presence of the persons referred to in subsection (3) and in subsection (4), if any, shall open the ballot boxes one at a time, open the sealed ballot envelopes in the ballot box, and proceed to count the votes.
- (11) The counting of the votes shall continue without interruption until completed.

#### **Rejected Ballots**

#### **45.**

- (1) A ballot shall be rejected if:
- (a) it is not marked in favour of a candidate;
  - (b) in an election for one representative, it is marked in favour of more than one candidate;
  - (c) in an election for two representatives, it is marked in favour of more than two candidates; or
  - (d) it is marked in a way that identifies the Elector.

- (2) Subject to subsection (1), in making a determination about whether to accept or reject a ballot, the primary considerations shall be whether the anonymity of the ballot is compromised and whether the ballot clearly indicates the Elector's intent.
- (3) After the close of polls on polling day, the Nunatsiavut Electoral Officer shall communicate the results of the voting to the appropriate Returning Officers who shall include them in the vote totals of the candidates for whom they were cast.
- (4) The witnesses referred to in subsection 44(3) shall immediately after the counting of the mail ballots sign a declaration that they have witnessed each stage of the procedure for verifying and counting the mail ballots and stating whether the procedure was correctly carried out, or if not, stating any exceptions.
- (5) The declarations referred to in subsection (4) shall be included in the report of the Nunatsiavut Electoral Officer and a copy must be delivered to a representative referred to in section 44(4) who so requests.

### **Adjournment or Deferral of Poll**

#### **46.**

- (1) Despite any other section of this Part, if because of obstruction or delay due to weather or other sufficient reason, a Returning Officer or a Deputy Returning Officer is prevented or hindered from proceeding with or completing the poll in a polling Part, the Returning Officer may, with the prior approval of the Nunatsiavut Electoral Officer, direct that the taking of that poll be adjourned or deferred until the next day, not being a Sunday or a holiday, and the next succeeding day also, if necessary, in order to take or complete the taking of the poll.
- (2) Where the taking of the poll is adjourned or deferred under subsection (1), the Returning Officer shall, as soon as possible, give notice of the adjournment or deferral.
- (3) Where the taking of a poll is adjourned or deferred under subsection (1), the taking of the poll shall be completed or the poll shall be taken on the day to which the taking has been adjourned or deferred.
- (4) An adjourned or deferred poll shall be conducted in all respects in the same manner as is provided by this Part for the holding of the poll on the ordinary day of polling and is, in all respects and for all purposes, of the same effect as if it had been held on the ordinary day of polling.

### **Ballot Boxes**

#### **47.**

- (1) The Nunatsiavut Electoral Officer must procure for each constituency those ballot boxes that are required in the constituency for the purpose of the election to be held in that constituency.
- (2) Each ballot box shall be constructed of a durable material with a slit or narrow opening in the top and in such a manner that special seals, prescribed by the Nunatsiavut Electoral Officer, can be affixed for the purpose set out in subsection (3).
- (3) Each ballot box must be constructed so that ballots can be put into the ballot box but cannot be taken from the ballot box without breaking the seal referred to in subsection (2) in order to open it.

## **Printing Ballots**

### **48.**

- (1) The ballot of each Elector is a printed paper, called a “ballot”, on which there shall be printed:
  - (a) the names of the candidates for the constituency alphabetically arranged in the order of their surnames or if there are 2 or more candidates with the same surname alphabetically arranged in the order of their other names, exactly as those names are set out in the nomination papers except that the surname of each candidate shall appear first, followed by a comma and the remaining particulars of the candidates’ names; and
  - (b) where a constituency is represented by two members, a printed instruction in English and Inuktitut stipulating that two votes may be cast.
- (2) The Nunatsiavut Electoral Officer shall procure a sufficient number of ballots for each constituency in which an election is to be held.
- (3) Each ballot shall have a counterfoil and a stub, and have a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub.
- (4) The ballots shall be numbered on the back of the stub and of the counterfoil, the same number being printed on the stub as on the counterfoil.
- (5) The ballots shall be bound or stitched in books for the purpose of supplying the polling stations according to the number of Electors in each.
- (6) The ballots shall bear on the back the name and address of the printer.
- (7) The printer shall, upon delivering the ballots to the Nunatsiavut Electoral Officer deliver with them an affidavit in the prescribed form, setting out:
  - (a) the description of the ballots printed by him or her;
  - (b) the number of ballots printed and delivered; and
  - (c) the fact that no other ballots for a constituency have been printed by him or her or supplied by him or her to another person.

## **Polling Supplies**

### **49.**

- (1) The Nunatsiavut Electoral Officer shall furnish to each Returning Officer as soon as it is reasonably possible and in any event prior to the opening of the advance polls:
  - (a) a sufficient number of ballots for at least the number of Electors on the list of Electors to be used at the polling station for which the Returning Officer is responsible;
  - (b) a statement showing the number of ballots supplied together with their serial numbers;
  - (c) the necessary materials for Electors to mark their ballots;

- (d) copies of printed directions for the guidance of Electors in voting;
  - (e) a copy of this Act and a copy of the instructions referred to in clause 5(1)(c);
  - (f) the Voters Roll and the Voters List for use at the polling station for which the Returning Officer is responsible;
  - (g) a ballot box and seals;
  - (h) a poll book;
  - (i) the several forms of oaths to be administered to Electors; and
  - (j) necessary envelopes and other forms and supplies.
- (2) Until the opening of the poll, the Deputy Returning Officer shall:
- (a) keep the supplies referred to in subsection (1) carefully in his or her possession;
  - (b) keep the poll book, list of Electors, forms of oaths, envelopes, ballots and other supplies except those referred to in clause (1)(e) carefully stored in the ballot box; and
  - (c) take every precaution for the safekeeping of the ballot box and its contents and to prevent a person from having unlawful access to them.
- (3) The property in ballot boxes, ballots, poll books and other documents procured for or used at an election is vested in the Nunatsiavut Government.

#### **Part 1.7 PROCEDURE PRIOR TO OPENING OF POLL**

##### **Prior to Opening of Poll**

**50.**

The Deputy Returning Officer shall, on polling day, at or before the opening of the poll:

- (a) ensure that the polling station complies with the requirements of this Act with respect to access;
- (b) set up the voting compartments; and
- (c) post the printed directions to Electors that have been supplied to him or her at conspicuous places near the polling station and in each voting compartment of the polling station.

##### **Right of Scrutineer (agent)**

- 51.** Where the Scrutineers entitled to be present in the polling station during the hours of polling are in attendance at least 15 minutes before the hour fixed for the opening of the poll, they are entitled:

- (a) to have the ballots intended for use at the poll carefully counted in their presence before the opening of the poll; and
- (b) to inspect the ballots and all other papers, forms and documents relating to the poll.

### **Right of Candidate**

- 52.** A candidate may personally undertake the duties that his or her Scrutineer, if appointed, might have undertaken under this or any other section of this Part, or the candidate may assist his or her Scrutineer in the performance of those duties, and may be present at a place at which his or her Scrutineer is authorized to attend.

### **Sealing of Ballot Boxes**

**53.**

- (1) At the time fixed for the opening of the poll, the Deputy Returning Officer shall open the ballot box and ascertain that there are no ballots or other papers or material enclosed in it and shall certify that fact in the poll book.
- (2) The ballot box must then:
  - (a) be sealed in a manner to prevent its being opened without breaking the seal; and
  - (b) be placed on a table in full view of all present.
- (3) The ballot box must be kept on the table until the close of the poll except where the box is moved in accordance with another provision of this Act.

### **Secrecy of poll**

**54.**

- (1) Every election official, candidate, Scrutineer or other person in attendance at a polling station or at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting at the station.
- (2) An election official, candidate, Scrutineer or other person in attendance at a polling station or at the counting of the votes shall not:
  - (a) at the polling station, interfere with, or attempt to interfere with an Elector when marking his or her ballot, influence or attempt to influence an Elector to mark his or her ballot for or against a candidate, or attempt to obtain information as to the candidate for whom an Elector is about to vote or has voted;
  - (b) communicate information as to the manner in which a ballot has been marked in his or her presence in the polling station;
  - (c) directly or indirectly induce or endeavour to induce an Elector to show his or her ballot after he or she has marked it, so as to make known to a person the name of the candidate for whom he or she has cast his or her vote;

- (d) communicate to a person information obtained at a polling station as to the candidate for whom an Elector at that polling station is about to vote or has voted; or
  - (e) at the counting of the votes, attempt to obtain information or communicate information obtained at the counting as to the candidate for whom a vote is cast on a particular ballot.
- (3) An Elector shall not:
- (a) upon entering the polling station and before receiving a ballot, openly declare for whom he or she intends to vote;
  - (b) show his or her ballot, when marked, so as to allow the name of the candidate for whom he or she has voted to be known; or
  - (c) before leaving the polling station openly declare for whom he or she has voted.
- (4) A Deputy Returning Officer shall draw the attention of an Elector who has contravened subsection (3) to the offence that he or she has committed and to the penalty to which he or she has become liable, but the Elector shall nevertheless be allowed to vote in the usual way.

### **Who may Enter Polling Station**

#### **55.**

- (1) No person shall enter a polling station except an Elector whose polling station it is, an election official, a candidate for the constituency in which the polling station is located, a Scrutineer and subject to subsection (2) a member of the news media.
- (2) A Deputy Returning Officer may permit a member of the news media to enter a polling station for the purpose of reporting on the activities taking place there on terms and conditions approved in advance by the Returning Officer.
- (3) No person other than election officials, the candidates for the constituency and their Scrutineers shall remain in a polling station.
- (4) As soon as he or she is admitted to the polling station a Scrutineer shall deliver his or her written appointment to the Deputy Returning Officer.
- (5) A Scrutineer, before being permitted to remain in the polling station shall swear an oath in the form prescribed to keep secret the name of the candidate for whom an Elector has marked his or her ballot in the Scrutineer's presence.
- (6) The oath sworn by a Scrutineer under subsection (5) shall refer to the polling station for which the Scrutineer is appointed and a Scrutineer shall not be present at a polling station for which he or she has not been sworn.
- (7) Only 1 Scrutineer for each candidate may be present at a polling station at a time and the Scrutineer present at the close of the poll may remain there until the votes have been counted.

- (8) Despite any other provision of this Act, a Scrutineer may provide another person who is working on behalf of a candidate with the names of persons who have voted at the polling station to which the Scrutineer has been admitted.
- (9) A person who produces to the Deputy Returning Officer a written authority from a candidate to represent him or her at the election or at a proceeding of the election is presumed to be a Scrutineer of that candidate.

#### **Voting by Election Officials, and Scrutineers**

##### **56.**

- (1) If an election official or Scrutineer is entitled to vote at an election in a constituency, he or she has on swearing the prescribed oath the right to vote at the polling station where he or she is actually engaged during polling day if that polling station is in the constituency in which he or she is entitled to vote, instead of at the polling station where he or she would otherwise have been entitled to vote.
- (2) A candidate whose name appears on the Voters List for a polling station in the constituency is entitled to vote in a polling station other than the one in which his or her name appears on the Voters List.

#### **Procedures at Polling Station Prior to Casting of Ballot**

##### **57.**

- (1) Immediately after the ballot box is sealed in accordance with section 53, the Deputy Returning Officer shall call upon the Electors to vote.
- (2) The Deputy Returning Officer shall arrange for the admittance of Electors into the polling station and shall see that they are not impeded or molested in the station.
- (3) The Deputy Returning Officer may direct that no more than 1 Elector for each voting compartment enter the polling station at one time.
- (4) Each Elector, upon entering the polling station, shall declare his or her name, the place where he or she is ordinarily resident and the other information that may be prescribed.
- (5) The Deputy Returning Officer shall ascertain whether the Elector is qualified to vote at that polling station.
- (6) Where it has been ascertained that the Elector is qualified to vote at the polling station, his or her name, address and other declared information shall be entered in the poll book kept by the Poll Clerk, a consecutive number being prefixed to the Elector's name in the appropriate column of the poll book.
- (7) The Elector shall then be immediately allowed to vote, unless an election official or a Scrutineer of a candidate present at the polling station requests that the Elector first swear an oath.
- (8) When required by an election official, a candidate or the Scrutineer of a candidate to be sworn as a qualified Elector, an Elector shall, before receiving his or her ballot, take an oath in the prescribed form.

#### **Elector Refuses to be Sworn**



- (1) If an Elector refuses to take an oath under subsection 57 (8), erasing lines shall be drawn through his or her name in the poll book and the words "refused to be sworn" shall be written after his or her name.
- (2) An Elector who has refused to take an oath or to produce evidence or information required by this Part shall not be given a ballot and upon leaving the polling station shall not be permitted to return or be permitted to vote unless he or she has left the polling station in order to obtain evidence or information requested of him or her.

#### **Elector Name Change**

#### **59.**

- (1) If the correct name and address of a person demanding a ballot is not on the Voters List for the appropriate polling station but there is contained in the list a name and address that corresponds so closely to the name and address of that person as to suggest that the entry in the list was intended to refer to that person, that person is, upon taking an oath in the prescribed form entitled to receive a ballot and to vote.
- (2) In a case referred to in subsection (1), the name and address as stated in the list of Electors shall be corrected in the list according to the facts and correctly entered in the poll book, and the fact that the oath has been taken shall be entered in the proper column of the poll book and the words "corrected list of Electors" in the remarks column.

#### **Casting of Ballots by Electors**

#### **60.**

- (1) Voting is by secret ballot.
- (2) Each Elector is entitled to receive a ballot on the back of which the Deputy Returning Officer has placed his or her initials so that when the ballot is folded the initials can be seen without unfolding the ballot.
- (3) The Deputy Returning Officer shall place his or her initials on the ballot under subsection (2) immediately before giving it to the Elector.
- (4) A Deputy Returning Officer, upon the request of an Elector, shall instruct the Elector in the method of marking a ballot, and shall:
  - (a) properly fold the Elector's ballot;
  - (b) direct the Elector to return the ballot, when marked, folded as shown;
  - (c) not inquire for whom the Elector intends to vote, except as permitted under this Part when the Elector is unable to vote in the ordinary manner prescribed by this Part on account of inability to read, blindness or other physical incapacity.
- (5) The Elector on receiving the ballot shall immediately proceed into a voting compartment and there mark the ballot:

- (a) in the case of a constituency for which one member is to be returned, by forming the letter “X” with a black lead pencil within the space on the ballot containing the name of the candidate for whom he or she intends to vote; or
  - (b) in the case of a constituency for which two members are to be returned, by forming the letter “X” with a black lead pencil within the space on the ballot containing the name of the candidate or candidates for whom he or she intends to vote.
- (6) The Elector shall then:
- (a) fold the ballot as directed so that the initials on the back of it and the printed serial number on the back of the counterfoil can be seen without unfolding it; and
  - (b) hand the ballot to the Deputy Returning Officer.
- (7) The Deputy Returning Officer shall then without unfolding the ballot handed to him or her, determine by examining his or her initials and the printed serial number on the counterfoil that it is the ballot delivered to the Elector and, if it is, the officer shall immediately, in full view of the Elector and all others present, remove and destroy the counterfoil.
- (8) The Deputy Returning Officer shall then return the ballot to the Elector who shall in full view of all present, deposit the ballot in the ballot box.

#### **Right of Electors to Vote at Polling Station**

##### **61.**

- (1) An Elector whose name appears on the list of Electors for a polling station shall on polling day be permitted to vote at that polling station if he or she is then ordinarily resident in the polling Part for which that polling station has been established and has not voted at an advance poll or been issued a mail ballot kit.
- (2) A person who is qualified to vote in the constituency in which an election is being held and who is on polling day ordinarily resident in a polling Part in the constituency but whose name does not appear on the Voters List for that polling station, may vote at the appropriate polling station established in that constituency if:
  - (a) being a person whose name is not on the Voters Roll, he or she complies with subsection 21(4) and swears the prescribed oath before an election official; or
  - (b) being an Elector, he or she produces evidence that he or she is ordinarily resident in the polling Part and swears the prescribed oath before a responsible official.

#### **Validity of Procedures in the Absence of Scrutineers**

- 62.** Where in this Part an act or thing is to be done in the presence of a Scrutineer, the absence of the Scrutineer does not invalidate the act or thing done if it is otherwise done in accordance with this Part.

## **Elector Needing Aid**

### **63.**

- (1) The Deputy Returning Officer when requested to by an Elector shall permit a friend of the Elector to accompany the Elector into the voting compartment and mark the ballot of the Elector.
- (2) The Deputy Returning Officer when requested for assistance by an Elector shall assist the Elector:
  - (a) by marking the ballot of the Elector in the manner directed by the Elector, in the presence of the Scrutineers of the candidates in the polling station and of no other person, and the Returning Officer shall, if the Elector is unable to do so, then remove the counterfoil as prescribed in subsection 60(6) and place that ballot in the ballot box in the manner prescribed in section 60(8); or
  - (b) by instructing the Elector in the use of a brailed template, prescribed by the Nunatsiavut Electoral Officer, to be affixed over the ballot so that each hole in the brailed template indicates the place where a mark in that hole would result in a vote for the candidate whose name corresponds to that hole, and by reading to the Elector the candidate that corresponds with each hole in the brailed template, so that the Elector may understand the method by which he or she may mark his or her ballot for the candidate or, where applicable, candidates of his or her choice.
- (3) Where a friend of the Elector accompanies the Elector into the voting compartment as provided for in subsection (1) the Election Clerk shall, in addition to the other requirements prescribed by this Part, enter the name of the friend in the remarks column of the poll book opposite the entry relating to the Elector.
- (4) A person at an election shall not act or shall not be allowed to act under subsection (1) as the friend of more than 1 Elector.
- (5) A friend who is permitted to mark the ballot of an Elector under subsection (1) shall first take an oath in the prescribed form that he or she will keep secret the name of the candidate for whom the ballot of the Elector is marked by him or her and that he or she has not already acted as the friend of an Elector for the purpose of marking a ballot at that election.

## **No Delay in Voting**

- 64.** An Elector shall vote without undue delay and shall leave the polling station as soon as his or her ballot has been put in the ballot box.

## **Cancelled Ballot**

### **65.**

- (1) An Elector who has inadvertently dealt with the ballot delivered to him or her in a manner that it cannot conveniently be used shall return it to the Deputy Returning Officer who shall write the word "cancelled" across it and immediately place it in the envelope provided for that purpose.
- (2) The Deputy Returning Officer shall then deliver another ballot to the Elector.

## **Second Elector of Same Name**

**66.**

- (1) Where a person representing that he or she is a particular Elector applies for a ballot after another person has voted as that Elector, the person is entitled to receive a ballot and to vote after taking the oath in the prescribed form and otherwise establishing his or her identity to the satisfaction of the Returning Officer.
- (2) Where an Elector has voted under subsection (1), the Poll Clerk shall enter in the poll book opposite the name of the Elector:
  - (a) a note of his or her having voted as a second Elector issued a ballot under the same name;
  - (b) the fact of the oath of identity having been taken, and the fact of another oath required having been taken; and
  - (c) the objections made on behalf of a candidate, naming the candidate.

## **Electors Present at Close of Poll**

**67.**

- (1) If at the hour of the closing of the poll there are Electors in the polling station who are qualified to vote and have not been able to do so since their arrival at the polling station, the poll shall be kept open a sufficient time to enable them to vote.
- (2) Only those persons actually present inside the polling station at the hour of closing shall vote or be allowed to vote even if the poll is still open when he or she arrives.
- (3) If there are Electors waiting in line to enter the polling station at the hour of the closing of a poll, the Deputy Returning Officer shall appoint a person to establish a list of the names of the Electors in the line at the time of closing and the Electors so listed shall be deemed to be actually present inside the polling station at the hour of closing and are entitled to vote at the polling station.
- (4) The decision of the Deputy Returning Officer as to who is or is not entitled to vote under subsections (2) and (3) is final.

## **Entries by Poll Clerk**

**68.** The Poll Clerk shall:

- (a) make the additions, entries, alterations and erasures in the poll book that the Deputy Returning Officer directs in accordance with this Part;
- (b) enter in the poll book, opposite the name of each Elector, as soon as the Elector's ballot has been deposited in the ballot box, the word "voted";
- (c) enter in the poll book, opposite the name of an Elector to whom a second ballot has been delivered after the defacement of the first, the words "second ballot";

- (d) enter in the poll book opposite the name of an Elector to whom a ballot has been given after another has voted in the same name and who has taken the oath in the prescribed form, the words "second Elector";
- (e) enter in the poll book, the word "sworn" opposite the name of each Elector to whom an oath as to qualifications or otherwise has been administered, indicating the nature of the oath;
- (f) enter in the poll book the words "refused to answer" opposite the name of each Elector who has refused to take an oath when he or she has been lawfully required to answer; and
- (g) enter in the poll book the other entries that the Deputy Returning Officer, in accordance with this Part, directs him or her to make.

## **Part 1.8 ADVANCE POLLS**

### **Provisions Respecting Ordinary Polls Apply to Advance Polls**

#### **69.**

The provisions of this Part relating to ordinary polls, with the necessary changes, apply to advance polls.

### **Order for Advance Poll**

#### **70.**

- (1) The Nunatsiavut Electoral Officer may order that an advance poll be held in an election for the purpose of receiving the votes of persons qualified to vote at the election who have reason to believe that they will have difficulty voting on polling day in the polling Part in which they are ordinarily resident.
- (2) The Nunatsiavut Electoral Officer may fix:
  - (a) the number of advance polls to be held in a constituency; and
  - (b) the places at and the day upon which the advance polls will be held.
- (3) Advance polls shall be fixed from 8a.m. to 8p.m. Should these hours not be possible on a fixed day, the advance poll may be held over two or more days but must allow voting for 12 hours.
- (4) Advance polls may be held on one or more of the ten days immediately preceding the ordinary polling day.

### **Notice of Polling Station**

#### **71.**

- (1) When an advance poll is ordered to be held the Returning Officer, subject to the approval of the Nunatsiavut Electoral Officer, shall designate a suitable polling station or stations for the purpose and shall give notice of the places where, the days on which, and the hours during which the advance poll will be held.

- (2) A notice under subsection (1) shall be published:
- (a) by advertisement in a newspaper or newspapers circulating in the constituency concerned or by other appropriate means; and
  - (b) if the Nunatsiavut Electoral Officer considers it necessary, by those other means that he or she may direct.

### **Supplies for Advance Polls**

72. The Nunatsiavut Electoral Officer shall supply the Returning Officer and Deputy Returning Officer for the constituency and the polling Part where an advance poll is to be held with the list of Electors for that constituency or polling Part together with a ballot box, ballots, poll books, forms of oaths and other documents and supplies required for the purpose of holding the advance poll.

### **Who May Vote**

73. An Elector who would on the ordinary polling day be qualified under this Part to vote in a polling Part in a constituency may vote at an advance poll held in that constituency.

### **Security of Advance Poll**

74.

- (1) After the opening of an advance poll, the ballot box used at the poll shall not be opened until 8:00 p.m. of the ordinary polling day.
- (2) On adjourning an advance poll the Deputy Returning Officer shall, and a candidate or Scrutineer who is present may, place his or her seal on the ballot box in such a manner that it cannot be opened and a ballot cannot be deposited in it without breaking the seal, or the Scrutineer may initial the seal placed on the box by the Deputy Returning Officer.
- (3) The Deputy Returning Officer shall, at all times after the opening of an advance poll, take the necessary precautions to prevent access being had by a person, other than the Election Clerk or Poll Clerk to the ballot box.
- (4) A seal placed on the ballot box shall not be removed between the opening of the advance poll and the time fixed for the Deputy Returning Officer to count the ballots in it, except at the start of voting on each day of the advance poll, and then only that seal shall be removed that is necessary to permit the insertion of ballots in the ballot box.

### **List of those who voted**

75.

- (1) At the close of an advance poll the Returning Officer shall immediately make up and deliver to the Nunatsiavut Electoral Officer a list of the names of all Electors who have voted showing, in each case, the polling Part in which the Elector resides.
- (2) The Deputy Returning Officer shall, at the request of a candidate or his or her Scrutineer, furnish the candidate or Scrutineer with a copy of the list of the names made under subsection (1).

## **Counting advance poll**

76. At the hour fixed for the closing of the poll on the ordinary polling day, the Deputy Returning Officer in charge of an advance poll, shall, in the presence of those candidates and Scrutineers who may be present, open the ballot box, count the votes, and perform all other duties required of a Returning Officer in charge of a polling station on the ordinary polling day.

### **Part 1.9 COUNTING, REPORTING, AND SECURITY OF THE VOTES**

#### **How Votes to be Counted**

77.

- (1) Immediately after the close of the poll and, in the presence and in full view of the Poll Clerk and the candidates or their Scrutineers or another witness where no candidates or Scrutineers are present, the Deputy Returning Officer shall, in the following order:
  - (a) count the number of Electors whose names appear in the poll book as having voted and make an entry of the number on the line immediately below the name of the Elector who voted last, as follows: "The number of Electors who voted at this election in this polling station is (stating the number)", and sign his or her name;
  - (b) Count the cancelled ballots, place them in the special envelope supplied for that purpose and indicate on it the number of the cancelled ballots and seal it;
  - (c) count the unused ballots, place them with all the stubs of all used ballots in the special envelope supplied for that purpose and indicate on it the number of unused ballots;
  - (d) check the number of ballots supplied by the Nunatsiavut Electoral Officer against the number of cancelled ballots, the number of unused ballots and the number of Electors whose names appear in the poll book as having voted, in order to ascertain that all ballots are accounted for;
  - (e) open the ballot box and empty its contents upon a table; and
  - (f) count the number of votes cast for each candidate on one of the tally sheets supplied, giving full opportunity to those present to examine each ballot.
- (2) The Poll Clerk and at least 2 witnesses shall each be supplied with a tally sheet upon which he or she can keep his or her own score as each vote is called out by the Deputy Returning Officer.

#### **Rejection of Ballots and Irregularities in Ballots**

78.

- (1) In counting the votes the Returning Officer shall reject all ballots:
  - (a) that have not been supplied by him or her;
  - (b) that have not been marked for a candidate;

- (c) in an election for one candidate, on which votes have been cast for more than one candidate;
  - (d) in an election for two candidates, on which votes have been cast for more than two candidates; or
  - (e) upon which there is writing or a mark or other means by which the Elector could be identified.
- (2) A ballot may not be rejected under subsection (1) by reason only that
- (a) it has on it writing, a number or mark placed on it by the Deputy Returning Officer;
  - (b) it has been marked with a writing instrument other than black lead pencil or it has a mark other than the letter "X" if the mark does not constitute identification of the Elector; or
  - (c) it is marked out of or partly out of the place where it should be marked and it is clear as to whom the Elector intended to vote for.
- (3) Where, in the course of counting the votes, a ballot is found with the counterfoil still attached to it, the Deputy Returning Officer:
- (a) shall comply with subsection 60(7); and
  - (b) may not reject the ballot merely by reason of his or her failure to remove the counterfoil.
- (4) Nothing in subsection (3) relieves the Deputy Returning Officer from a penalty to which he or she might have become liable by reason of a failure to remove and destroy the counterfoil at the time of the casting of the vote to which it relates.
- (5) Where, in the course of counting the votes, the Deputy Returning Officer discovers that he or she has omitted to affix his or her initials on the back of a ballot the officer shall, in the presence of the Election Clerk and the Scrutineers, affix his or her initials to that ballot and count the ballot as if it had been initialled by him or her in the first place.
- (6) Subsection (5) applies only when the Deputy Returning Officer is satisfied that:
- (a) the ballot is one that has been supplied by him or her; and
  - (b) every ballot supplied to him or her by the Nunatsiavut Electoral Officer has been accounted for, as provided by clause 77(1)(d).
- (7) Nothing in subsection (5) or (6) relieves the Returning Officer from a penalty to which he or she might have been liable by reason of a failure to affix his or her initials on the back of a ballot before handing it to the Elector.



## **Objections**

**79.**

- (1) The Deputy Returning Officer shall:
  - (a) consider every objection made by a candidate, or his or her Scrutineer or witness present, to a ballot found in the ballot box; and
  - (b) decide every question arising out of the objection.
- (2) The decision of the Deputy Returning Officer is final, subject to reversal on a recount or on an application questioning the election or return.

## **Procedure after Vote Counting**

**80.**

- (1) All the ballots not rejected by the Deputy Returning Officer shall be counted and a record kept of the number of votes cast for each candidate and of the number of rejected ballots.
- (2) The ballots marked for each candidate must be put in separate envelopes and the contents of each envelope shall be recorded on the outside.
- (3) The rejected ballots must be put in a special envelope and the number of ballots contained in it written on the outside.
- (4) All the envelopes must be endorsed so as to indicate their contents, and shall be sealed by the Returning Officer.
- (5) The Deputy Returning Officer and the Poll Clerk shall place their signatures on those seals, and the candidates or their Scrutineers or other witnesses present may place their signatures there too.
- (6) The Deputy Returning Officer and the Election Clerk, immediately after the completion of the counting of the votes, shall each take an oath in the prescribed form.

## **Statement of the Poll**

**81.**

- (1) The Deputy Returning Officer shall make the necessary number of copies of the statement of the poll in the prescribed form, of which one copy is to be attached to the poll book, one copy is to be retained by the Returning Officer and one copy, which is the official statement of the poll, is for the Nunatsiavut Electoral Officer and shall be enclosed in a special envelope supplied for the purpose.
- (2) The Deputy Returning Officer shall seal the special envelope and deposit it in the ballot box.
- (3) A Deputy Returning Officer shall, in addition to complying with subsection (2), deliver a copy of the statement of the poll to the Returning Officer for the constituency in which the polling Part is located.

- (4) The Deputy Returning Officer shall deliver one copy of the statement of the poll to each of the Scrutineers, and mail one copy to each candidate in the special envelope provided for the purpose to the candidate's address as stated in the nomination form.

## **Care of Documents**

### **82.**

- (1) The Deputy Returning Officer shall place in the envelope supplied for the purpose, which shall be sealed with the seal provided for the purpose and initialled by the Returning Officer, the Election Clerk and the candidates, Scrutineers or other witnesses:
- (a) the poll book in its own paper envelope supplied for the purpose;
  - (b) the ballots that are
    - (i) unused,
    - (ii) cancelled,
    - (iii) rejected, and
    - (iv) counted for each candidate,with each lot in its paper envelope supplied for the purpose and sealed as required by subsections (3), (4) and (5); and
  - (c) the oaths under subsection 80(6) together with all other oaths taken at the poll, in the proper envelope supplied for the purpose.
- (2) The Deputy Returning Officer shall then place the large envelope described in subsection (1) and containing the material described in that subsection in the ballot box ensuring as he or she does so that the documents referred to in section 83 are not enclosed in that envelope or in either of the envelopes described in subsections (3) and (4).
- (3) The Deputy Returning Officer shall ascertain that there is in the ballot box the official statement of the poll prepared for the Nunatsiavut Electoral Officer placed in its proper envelope as provided for by section 81 but not enclosed in another envelope.
- (4) The Deputy Returning Officer shall place in the ballot box, in the envelope supplied for the purpose:
- (a) the list of Electors used at the poll;
  - (b) the copies of this Act that were supplied by the Nunatsiavut Electoral Officer;
  - (c) all other forms, material and supplies provided for use at the polling station and not specifically referred to in this subsection or in subsections (1) and (3); and
  - (d) all other forms and documents used in the election and not specifically referred to in this subsection.

- (5) After compliance with subsections (1) to (4), the ballot box must be:
- (a) sealed with one of the special seals supplied for the use of the Returning Officer; and
  - (b) transmitted immediately to the Nunatsiavut Electoral Officer.
- (6) The Nunatsiavut Electoral Officer may direct the method by which the ballot boxes are to be transmitted.

### **Communication of Preliminary Count and Preliminary Statement**

#### **83.**

- (1) Each Deputy Returning Officer shall, as soon as possible after the votes have been counted, deliver to the Returning Officer for the constituency in which the polling Part is situated a preliminary statement of the poll.
- (2) Each Returning Officer shall forward to the Nunatsiavut Electoral Officer:
  - (a) if it is possible to do so and the Nunatsiavut Electoral Officer so directs, statements of the count during the counting of the vote; and
  - (b) a preliminary statement of the poll as soon as available after the votes have been counted.
- (3) A person in attendance at a poll or at the counting of the votes shall not publish a result of the counting at the poll until the Returning Officer announces that he or she has communicated the count to the Nunatsiavut Electoral Officer following the conclusion of the count on polling day.
- (4) Nothing in subsection (3) prevents the publication of the results of the count by the Nunatsiavut Electoral Officer or another person designated by the Nunatsiavut Electoral Officer for that purpose.
- (5) The Returning Officer or Deputy Returning Officer shall, with the ballot box, transmit or deliver to the Nunatsiavut Electoral Officer, in the envelope provided for that purpose:
  - (a) a preliminary statement of the poll in the form directed by the Nunatsiavut Electoral Officer; and
  - (b) the polling station account, having first had that account filled in and signed by the officials of his or her polling station who are entitled to fees.

### **Penalty for Default**

#### **84.**

- (1) When a Deputy Returning Officer omits to enclose within the ballot box, and in the proper envelopes provided for that purpose, a document mentioned in sections 81, 82 and 83, all rights to payment for his or her services as Returning Officer are subject to forfeiture under subsection (2), in addition to another penalty to which he or she might be liable.

- (2) A Deputy Returning Officer shall not be paid for the services as a Deputy Returning Officer if it appears to the Nunatsiavut Electoral Officer that an omission mentioned in subsection (1) was made recklessly or deliberately by the Returning Officer.

### **Safe-keeping of Ballot Boxes**

#### **85.**

- (1) The Nunatsiavut Electoral Officer upon the receipt of each ballot box, shall take every precaution for its safe-keeping and for preventing a person other than himself or herself and his or her assistant from having access to it.
- (2) The Nunatsiavut Electoral Officer shall examine the special seal placed on each ballot box by the Returning Officer under subsection 82(5), and if it is not in good order, the NEO shall place on it his or her own special seal.
- (3) The Nunatsiavut Electoral Officer shall record the condition of the special seal required to be placed on every ballot box by the Returning Officer in the appropriate column of his or her record book.

### **Official Announcement of Votes by NEO**

#### **86.**

- (1) On the third day after polling day, unless the delivery of all ballot boxes to the Nunatsiavut Electoral Officer has been prevented by inclement weather and in that case on the day when all ballot boxes have been delivered, the Nunatsiavut Electoral Officer, at the place, date and hour fixed for the official announcement of the polls, and in the presence of his or her assistant and of the candidates or their respective Scrutineers shall open the ballot boxes, and, from the official statements of the poll contained in them, together with the statements of the results of the voting by mail ballot communicated under subsection 45(3), shall verify the number of votes given for each candidate.
- (2) If, at the official announcement of the votes, none of the candidates or his or her Scrutineer is present, the Nunatsiavut Electoral Officer shall find three Electors who shall act as witnesses for the verification of the results by the Nunatsiavut Electoral Officer.
- (3) If a ballot box does not appear to contain an official statement of the poll either loose or in its separate envelope as required by section 81, the Nunatsiavut Electoral Officer may, for the purpose of finding that statement of the poll and until he or she finds that statement, open, in the following order,
- (a) the envelope in the ballot box that appears to contain miscellaneous papers; and
  - (b) the envelope that appears to contain the poll book, and make a copy of the completed statement of the poll as signed in the poll book.
- (4) When the steps authorized by subsection (3) have been taken, all the papers, other than the official statement of poll, if found, shall be placed by the Nunatsiavut Electoral Officer in a special envelope, which shall be sealed and endorsed by him or her.
- (5) This section does not authorize the opening of envelopes that appear to contain only ballots marked for the candidates.

- (6) In the absence of other information, the endorsement on the envelopes containing the ballots marked for the candidates may be adopted as indicating the result of the poll at the polling station to which the envelopes relate.

### **Re-sealing Ballot Boxes**

87. After the Nunatsiavut Electoral Officer has removed the official statement of the poll from each ballot box, or the procedure has been followed as provided by section 86 for a ballot box from which the official statement is missing, the NEO shall seal each box, from which only the official statement is taken, with a special seal supplied to him or her for that purpose.

### **Declaration of Candidate Elected**

88.

- (1) On the verification of the votes by the Nunatsiavut Electoral Officer:
- (a) in a constituency that is entitled to return one member, the candidate who receives the largest number of votes shall be declared elected; and
  - (b) in a constituency that is entitled to return two members, the candidate who receives the largest number of votes and the candidate who receives the next largest number of votes shall each be declared elected.
- (2) The declaration made under subsection (1) shall be in writing in the prescribed form and a copy of it shall be delivered immediately to each candidate or his or her Scrutineer if either of them is present at the official addition of votes or, if a candidate is not present or is not represented at the official addition of the votes, the declaration shall be sent to the candidates immediately.

### **Special Recount**

89.

- (1) Despite subsection 88(1), if on the official verification of the votes, 10 or fewer votes separate:
- (a) the candidate who receives the largest number of votes from the candidate with the next largest number of votes in a constituency that is entitled to return one member; or
  - (b) the candidate who receives the second largest number of votes from the candidate who receives the next largest number of votes in a constituency that is entitled to return two members,

the Nunatsiavut Electoral Officer shall, within 7 days and on notice to all candidates involved, conduct a recount in accordance with section 94.

### **Missing Ballot Box**

90.

- (1) If a ballot box has been destroyed, lost or has not been received by the Nunatsiavut Electoral Officer, he or she shall:

- (a) ascertain the cause of the disappearance of the ballot box; and
  - (b) obtain from the Deputy Returning Officer whose ballot box is missing, or from another person having it, a copy of the statement of the poll given to the candidates or their Scrutineers as required by this Part, the whole of which shall be verified on oath.
- (2) In circumstances described in subsection (1) the Nunatsiavut Electoral Officer shall declare elected the candidate who appears to have the majority of the votes on the information available.
  - (3) If it is determined by the Nunatsiavut Electoral Officer that the result of the election is affected by the destruction or loss of a ballot box, the Nunatsiavut Electoral Officer shall:
    - (a) direct that another poll be held at and for that polling station, at a time appointed by the NEO as soon as possible but within not more than 20 days from the holding of the first poll; and
    - (b) postpone the declaration of the poll until after the holding of the second poll under this section.

### **Procedure on Second Poll**

#### **91.**

- (1) Where a second poll is directed to be held under section 90, the Returning Officer shall by advertisement inform the Electors where the polling station concerned is located by a notice in the prescribed form.
- (2) A second poll directed to be held under section 90:
  - (a) is to be conducted in all respects in the same manner as this Part provides for the holding of the first poll; and
  - (b) is, in all respects and for all purposes of the same effect as if it had been held upon the day first fixed for the taking of the poll.
- (3) The Deputy Returning Officer shall count the votes cast at a second poll held in accordance with this section and make his or her returns to the Nunatsiavut Electoral Officer in the manner and subject to the conditions provided by this Part for the counting of votes and the making of returns on the holding of a first poll.
- (4) Upon adding the votes cast at the second poll with the votes previously counted, if any, the Nunatsiavut Electoral Officer shall declare elected the candidate who has obtained the majority of the votes or the candidates who have obtained the most and second most votes, as the case may be.

### **Report to NEO**

#### **92.**

Every Returning Officer, no later than 7 clear days following the date of the election, shall send to the Nunatsiavut Electoral Officer a report of his or her proceedings, in the form directed by the Nunatsiavut Electoral Officer, containing those observations that the Returning Officer thinks proper.

## **Published Returns**

**93.**

- (1) The Nunatsiavut Electoral Officer shall:
  - (a) on receiving the return of a member elected to serve in the Assembly, enter it in alphabetical order in a book to be kept for that purpose;
  - (b) when he or she is satisfied that a deposit taken in relation to the candidacy of a person should be returned in accordance with Part 4, the Nunatsiavut Electoral Officer shall return it; and
  - (c) immediately after each election, publish a report giving, by constituency:
    - (i) the names of the candidates elected
    - (ii) the number of votes cast for each candidate;
    - (iii) the number of cancelled ballots;
    - (iv) the number of rejected ballots; and
    - (v) the number of names on the list of Electors,together with other information that he or she considers appropriate to include.

## **Recounts**

**94.**

- (1) Where, upon an application of a candidate or Elector made within 10 days after the date on which the Nunatsiavut Electoral Officer has declared a candidate elected, an application is made to the NEO, supported by an affidavit, for a recount on the grounds that a Returning Officer has, in counting the votes,
  - (a) improperly counted a ballot,
  - (b) improperly rejected a ballot, or
  - (c) made an incorrect statement of the number of ballots cast for a candidate,the NEO shall appoint a time no later than 7 days from the date of the application and a place to recount the votes cast at the election.
- (2) An applicant referred to in subsection (1) shall deposit at the time of making the application with the NEO the sum of \$100 as security for costs in connection with the recount.
- (3) The NEO shall give at least 4 days notice in writing of the time and place appointed for the recount to the candidates and to the relevant Returning Officers, Election Clerks, Deputy Returning Officer and Poll Clerk.

- (4) A Returning Officer, Election Clerk Deputy Returning Officer and Poll Clerk who receives a notice under subsection (3) shall attend at the time and place appointed for the recount with any document they may have been directed to bring or that may be relevant to the recount.
- (5) Each candidate is entitled to be represented by not more than 2 Scrutineers at the recount, and may be present in person.
- (6) Except with the sanction of the NEO, no other person shall be present at a recount.
- (7) At the time and place appointed for the recount and in the presence of the persons mentioned in subsections (4), (5) and (6), the NEO shall recount all the ballots returned with respect to the election in issue.
- (8) Upon a recount of the votes or ballots the NEO shall open all the sealed envelopes that contain:
  - (a) the used ballots that have been counted;
  - (b) the rejected ballots;
  - (c) the cancelled ballots; and
  - (d) the unused ballots.
- (9) The NEO shall, as far as practicable, proceed continuously, except on Sunday, with the recount of the votes.
- (10) During any time when the recount is interrupted, the NEO shall keep the ballots and other documents relating to the election closed under his or her own seal and the seals of those of the other persons present who wish to affix their seals.
- (11) The NEO shall take all precautions necessary for the security of those papers and documents.
- (12) In conducting a recount, the NEO shall proceed according to the rules for the counting of the ballots at the close of the poll by a Returning Officer, and shall verify or correct the statement of the poll.
- (13) Upon the completion of the recount, the NEO shall seal up all the ballots in their separate envelopes.
- (14) The NEO shall, immediately upon completing the recount, certify the result to the candidates and the applicant and declare to be elected:
  - (a) the candidate having the greatest number of votes in a constituency entitled to return one member; and
  - (b) the two candidates having the greatest number of votes and next greatest number of votes in a constituency entitled to return two members.
- (15) The certificate and declaration of the NEO under subsection 14 is final and binding and is not subject to appeal or review.
- (16) In case of an equality of votes, the seat is vacant and the provisions of this Act respecting the holding of an election shall apply, with the necessary changes, to the holding of a new election.



- (17) An election held under subsection (16) shall be held not later than 6 months from the day on which the seat becomes vacant.
- (18) Each party to a recount shall bear his or her own costs resulting from the recount.
- (19) A person who has voted at an election may not, in a recount or any other proceeding related to the election or the result of it, be required to state for whom he or she has voted.

### **Limitation of Actions**

#### **95.**

Prosecution for an offence in relation to an election under this Part shall be commenced within 1 year after the act or omission on which it is grounded, unless the prosecution or action is prevented by the withdrawal or absconding of the defendant out of the jurisdiction of the court.

### **Care of Election Documents**

#### **96.**

The Nunatsiavut Electoral Officer has the care and custody of all documents and ballot boxes.

### **Production of Election Documents**

#### **97.**

Election documents and election papers sealed in ballot boxes, or removed in accordance with section 94 or section 98, shall not be inspected or produced except as a result of an order of a judge.

### **Destruction of Election Documents**

#### **98.**

- (1) The Nunatsiavut Electoral Officer shall retain the ballot boxes, sealed, for a period of 1 year after the date of the election in which they were last used and then, unless otherwise directed by an order of a judge, shall destroy all those documents, ballots, and papers contained in the ballot boxes except the poll books, the supplementary list of Electors and all oaths.
- (2) Despite subsection (1), if a ballot box or its contents are required in respect of an election during the 1 year period referred to in subsection (1), the Nunatsiavut Electoral Officer may, in the presence of the Clerk of the Nunatsiavut Assembly, open the required number of ballot boxes, make a record of their contents, place all documents and items not required for the election in a secure place, and supply a copy of the record and information about the safekeeping of the documents and items to the Clerk.
- (3) The election materials retained under subsection (1) may be removed from the container in which they are kept on the expiration of one year or pursuant to subsection (2) and be used by the Nunatsiavut Electoral Officer or made available for the purpose approved by the Nunatsiavut Electoral Officer.
- (4) Despite subsection (1), no document or election paper shall be destroyed if it is required for the purpose of instituting or maintaining a prosecution of an offence in relation to an election under this Part, or for the purpose of an application that has been filed questioning an election or return under this Part.

## **Election Reports are Public Documents**

**99.** The following are, while in the care and custody of the Nunatsiavut Electoral Officer, public records and may be inspected during office hours by any person upon request:

- (a) reports or statements received from election officials, other than election documents and election papers contained in the sealed ballot box;
- (b) copies of instructions issued by the Nunatsiavut Electoral Officer; and
- (c) copies of decisions made by the Nunatsiavut Electoral Officer under this Part.

## **Irregularities**

**100.** An election is not invalid, nor may it be declared invalid, by reason of:

- (a) an irregularity on the part of a Returning Officer or an irregularity in a proceeding preliminary to the poll;
- (b) lack of qualification of an election official;
- (c) lack of qualification in a person signing a nomination paper received by the Returning Officer under this Part;
- (d) a failure to hold a poll at a place appointed for holding a poll;
- (e) non-compliance with the provisions of this Part concerning the taking of the poll, the counting of the votes or a limitation of time;
- (f) failure to open or close a poll on the hour prescribed by this Part; or
- (g) a mistake in the use of prescribed forms,

if it is shown to the satisfaction of a judge having cognizance of the question that the election was conducted in accordance with the principles laid down in this Part and that the irregularity, failure, non-compliance or mistake did not materially affect the result of the election.

## **Part 1.10 PRESERVATION OF ORDER AT ELECTIONS**

### **Deputy Returning Officer to keep order**

**101.**

- (1) A Returning Officer, an Election Clerk, a Deputy Returning Officer and a Poll Clerk shall maintain peace and order at a polling station during an election.
- (2) For the purpose of maintaining peace and order at a polling station during an election, an official referred to in subsection (1) may require the assistance of a peace officer or other person to assist him or her in maintaining peace and order at an election.

## **Propaganda Activities**

### **102.**

- (1) A person shall not take part in a demonstration, parade, motorcade or other outdoor gathering, or supply for that purpose a loud speaker, bunting, flag, banner, placard or other object or material in support of the election of a candidate or political party, during the period when the polls are open on polling day.
- (2) A person shall not post a sign or display a flag, banner, placard or other object in support of the election of a candidate or a political party within 100 meters of the building within which a polling station is located on polling day.
- (3) There shall be at least 100 meters between a candidate's campaign office and a building within which a polling station is located on polling day except where, in the opinion of the Returning Officer, there are no other conveniently located and appropriate premises available for the location of the polling station.

## **Wearing Badges, etc.**

### **103.**

- (1) A person shall not furnish or supply a flag, ribbon, label or similar object to or for a person with intent that it be worn or used by that person within a constituency, during the period when the polls are open on polling day at an election, as a badge to distinguish the wearer as the supporter of a candidate, or of the political or other opinions entertained or supposed to be entertained by that candidate.
- (2) A person shall not use or wear a flag, ribbon, label, or other favour, as a badge described in subsection (1), within a constituency on polling day during the period when the polls are open.
- (3) The Nunatsiavut Electoral Officer may approve identity cards to be worn by candidates, and Scrutineers on polling day and the cards may indicate the political affiliation of the wearer.

## **Part 1.11 MISCELLANEOUS**

### **Employees time to Vote**

### **104.**

- (1) An employee who is qualified to vote at an election is, while the polls are open on polling day at an election, entitled to have 4 consecutive hours for the purpose of casting his or her vote.
- (2) When the hours of employment of a person described in subsection (1) do not allow for 4 consecutive hours, his or her employer shall allow the person the additional time for voting that is necessary to provide the 4 consecutive hours.
- (3) No employer shall make a deduction from the pay of an employee or impose upon or exact from the employee a penalty by reason of absence from his or her work during the 4 consecutive hours that the employee is entitled to under this section to vote.
- (4) Additional time for voting required under subsection (2) may be granted at the convenience of the employer.

## **Respecting Oaths**

- 105.** Where it is required or intimated by a prescribed form that an oath must be taken before a person, that person may administer the oath required, and the Returning Officer may administer the oath except an oath that is required to be sworn to the Nunatsiavut Electoral Officer.

## **Respecting Fees**

- 106.** The Nunatsiavut Electoral Officer, subject to the approved estimates of the Members Services Committee, may fix the remuneration, allowances or expenses to be paid and allowed to election officials and other persons employed at or with respect to elections under this Part.

## **Certification of accounts**

- 107.** A Returning Officer shall certify his or her accounts and the accounts of all Deputy Returning Officers for his or her Electoral district and of all other persons employed by the Returning Officer or by a Deputy Returning Officer in conducting an election under this Part.

## **Notices generally**

- 108.** When an election official is by this Part authorized or required to give a public notice and no special mode of notification is prescribed, the notice may be by advertisement, placard, handbill, or otherwise as the officer considers will best effect the purpose intended.

## **Time falling on Holiday**

- 109.** Where anything is required by this Part to be done on a day or stated number of days before or after a named event and that day falls on a public holiday:
- (a) if the act is required to be done before the event, it shall be done on the day before the holiday; and
  - (b) if the act is required to be done after the event, it shall be done on the day after the holiday.

## **Conveyance of Elector**

- 110.** It is lawful for a candidate or a person on behalf of a candidate to transport an Elector to or from a polling place, and to pay the expenses of so doing.

## **Offence under regulations**

- 111.** A person who contravenes a regulation made under subsection 5(9) is guilty of an offence and liable on summary conviction to a fine, not exceeding \$1,000, that the regulations may prescribe.

## **Campaign advertising**

- 112.**
- (1) A candidate shall not and shall not cause a person or entity to broadcast or advertise, by any means, for the purpose of promoting or opposing the election of a candidate except during the period

immediately following the order that starts an election and the day that precedes the date set for the election.

- (2) Subsection (1) does not apply:
  - (a) to advertising of meetings of Beneficiaries in constituencies; or
  - (b) to announcing locations of a candidate's offices.
- (3) A person who broadcasts or publishes an advertisement contrary to this section is guilty of an offence.

### **Rates for advertising**

#### **113**

- (1) A person or other entity shall not:
  - (a) charge a candidate, or a candidate's agent, a rate for broadcasting time during the period referred to in subsection 112(1) that exceeds the lowest rate charged by him, her or it for an equal amount of equivalent time on the same facilities made available to another person in that period; or
  - (b) charge a candidate or a candidate's agent, a rate for an advertisement in a periodical publication published or distributed in the period referred to in subsection 112(1) that exceeds the lowest rate charged by him, her or it for an equal amount of equivalent advertising space in the same issue of the periodical or in another issue published or disbursed and made public in that period.
- (2) The rates charged a candidate for broadcasting time on a broadcasting undertaking or for an advertisement in a periodical publication during the period referred to in subsection 112(1) shall be the same as the rate charged for an equal amount of equivalent broadcasting time or an equal amount of equivalent advertising space outside that period.
- (3) The rates referred to in subsection (1) shall be the same for all candidates during the period referred to in subsection 112(1).

### **Section 2**

## **ELECTIONS FOR THE PRESIDENT OF THE NUNATSIAVUT GOVERNMENT**

### **Interpretation**

#### **114.**

- (1) In this Part, unless the context otherwise requires:
  - "absolute majority" means fifty percent of the votes cast plus one additional vote;
  - "candidate" means an individual who has been nominated for the position of President;

“debate” means the debate in Inuttut among the candidates held under subsection 122.A(1);

“election” means an election for President; and

“moderator” means the person appointed by the Assembly under subsection 116.A(1) to moderate the debate

- (2) For purposes of this Part a person, including a candidate, shall be deemed to be able to speak Inuttut if the person can convey his or her thoughts, feelings, emotions and opinions and his or her analysis of facts or information by talking in Inuttut.
- (3) For purposes of this Part a person, including a candidate, shall be deemed to be able to understand Inuttut if the person can demonstrate that he or she comprehends or perceives the meaning of another person who speaks Inuttut by responding to that person and exchanging information and views with him or her by talking in Inuttut.
- (4) Except where the context otherwise requires or where otherwise specifically provided in this Part, the provisions of Parts 1 and 4 apply, with the necessary changes, to an election for President. (IL 2014-03)

#### **Date of Second Presidential election**

**115.** The second election for President of Nunatsiavut shall be held on Tuesday May 1, 2012.

#### **Subsequent Presidential elections**

**116.** After the second election for President under section 115, an election shall be held every fourth year on the first Tuesday in May.

#### **Appointment of Moderator for Inuttut debate**

##### **116A.**

- (1) The Assembly shall, no later than the first day of March in each year in which a Presidential election is to be held, appoint a person who speaks and understands Inuttut to moderate the debate.
- (2) The moderator shall be the person nominated by the Speaker who receives the majority of votes of the members of the Assembly.
- (3) The Speaker shall, no later than the last day of January in each year in which a Presidential election is to be held, nominate at least two individuals for the position of moderator by tabling the names of the nominees in the Assembly or, if the Assembly is not then sitting, by forwarding the names in writing to each member of the Assembly.
- (4) The Speaker shall, before nominating a person under subsection 3, seek and obtain the advice of the minister responsible for culture as to whether the person can speak and understand Inuttut.
- (5) The Assembly shall, before appointing a nominee to moderate the debate pursuant to subsection (1), be satisfied that the nominee speaks and understands Inuttut and is qualified to carry out the functions of the moderator.
- (6) A person is not eligible to serve as moderator if he or she

- (a) is an employee of the Nunatsiavut Government; or
  - (b) intends to participate in the presidential election as a candidate, as the agent of a candidate, as a person who nominates a candidate or as a person who represents or acts for or on behalf of a candidate in any other manner or capacity.
- (7) The moderator is answerable to the Assembly through the Speaker for the performance of his or her functions as moderator and must, forthwith upon being appointed moderator, sign an acknowledgement that he or she will not participate in the presidential election as a candidate, as the agent of a candidate, as a person who nominates a candidate or as a person who represents or acts for or on behalf of a candidate in any other manner or capacity.
- (8) The Clerk of the Assembly shall provide the moderator with all reasonable assistance in the performance of his or her functions as moderator and for that purpose:
- (a) may, on behalf of and in the name of the moderator, issue directives and instructions to the Nunatsiavut Government's Director of Information Technology and the Nunatsiavut Government's Director of Communications; and
  - (b) shall budget and provide for all reasonable costs related to the functions of the moderator including an honorarium for the moderator and the reasonable travel expenses of candidates who are required to travel in order to participate in the debate. (IL 2014-03)

#### **Moderator's functions and powers**

##### **116B.**

- (1) The moderator shall, within 7 days of the close of nominations for President, convene and moderate the debate.
- (2) The moderator shall:
  - (a) give the candidates written notice of the date, time and place of the debate; and
  - (b) ensure that the debate is broadcast or recorded and is also available on the Nunatsiavut Government's web site or on the internet for a minimum of 21 days during the period between close of nominations and the day of the election; and
  - (c) ensure that public notice is given of the debate and where and how the debate and the recording of the debate may be heard and viewed.
- (3) The moderator must disqualify a candidate who fails or refuses to participate in the debate or to respond to a question.
- (4) The moderator has the power and the authority to:
  - (a) postpone or delay the debate if in the opinion of the moderator a delay or postponement is warranted;
  - (b) determine the order of proceedings in the debate and maintain order and decorum during the debate;
  - (c) decide whether members of the public may attend the debate;

- (d) issue directives and instructions to the Nunatsiavut Government's Director of Information Technology and the Nunatsiavut Government's Director of Communications for purposes of convening, recording, publishing and advertising the debate, or for purposes of publishing a decision to disqualify a candidate under subsection (3);
  - (e) make arrangements and enter into contracts, for hiring a location and facilities for holding the debate and for its recording, broadcast and publication.
- (5) Where the moderator disqualifies a candidate under subsection (3) the moderator shall forthwith inform the NEO in writing and provide a copy to the candidate.
  - (6) When the NEO receives written notice of disqualification of a candidate from the moderator under subsection (5) the NEO shall forthwith proceed in accordance with section 36 to ensure that the disqualified candidate's name is not included on the ballot or, if included, that voters are informed of the disqualification.
  - (7) A determination made by the moderator under subsection (3) and any decision or action taken by the NEO pursuant to subsection (6) is final and binding and is not open to appeal or review. (IL 2014-03)

### **Presidential election Order**

#### **117.**

- (1) A Presidential election commences when an order of the First Minister enacted on the advice of the other members of the Executive Council is issued setting the date for the election.
- (2) An order under subsection (1) must be issued no earlier than 50 and no later than 45 clear days prior to the election and must set the date for the close of nominations at 12 noon on the thirty-fifth day preceding the election.
- (3) Except as provided in subsection (4), if a vacancy occurs in the office of President, an election shall be held in accordance with this Part, and the successful candidate shall hold office for the unexpired portion of the term of office of his or her predecessor.
- (4) An election shall not be held under subsection (3) if the vacancy in the office of President occurs less than 12 months before the date of the next election scheduled under subsection 116.
- (5) An election for President under subsection (3) shall be held on order of the First Minister acting on the advice of the Executive Council.
- (6) An order under subsection (3) must be issued within 60 days of the vacancy occurring and conform to the requirements of subsection (2).

### **Qualifications for persons as Presidential Candidate**

#### **118. To be eligible to be elected as President of Nunatsiavut a candidate must:**

- (a) be a Beneficiary resident in Canada;
- (b) be the full age of 25 years;
- (c) be able to understand and speak Inuktitut;
- (d) not be imprisoned, on parole, on probation or under any form of judicial supervision;



- (e) not be of unsound mind;
- (f) not be bankrupt; and
- (g) not be in arrears in the payment of any taxes payable to the Nunatsiavut Government or an Inuit Community Government.

### **Nomination of Candidates**

#### **119.**

- (1) The nomination of a candidate for election as President must:
  - (a) be in writing;
  - (b) be signed by three Beneficiaries each of whom must be eligible to vote in an election for President of Nunatsiavut;
  - (c) state that the candidate for the President of Nunatsiavut meets the requirements of section 118;
  - (d) contain the written acceptance of the nomination by the candidate's declaration that he or she meets the requirements of section 118; and
  - (e) be accompanied by any deposit or fee that may be required under Inuit Law.
- (2) Each Beneficiary signing the nomination shall submit an affidavit in the prescribed form attesting to the qualification of the candidate in terms of section 118.
- (3) The nomination must be received by the Nunatsiavut Electoral Officer on or before 12:00 noon on the day set for the close of nominations.

### **Nomination fee**

- 120.** Each candidate shall pay a deposit of \$200.

### **Election by Acclamation**

#### **121.**

- (1) If only 1 candidate is nominated, the Nunatsiavut Electoral Officer must declare that candidate elected.
- (2) Section 33 does not apply in the election of a President.

### **No Candidate Nominated**

- 122.** If no eligible candidate is nominated for President of Nunatsiavut, the Assembly must elect an eligible person to be President.

### **Candidates' Inuttut Debate**

#### **122.A.**

- (1) There shall be an Inuttut language debate among all candidates in an election for President.
- (2) The purpose of the debate is to provide all candidates the opportunity to publicly demonstrate they meet the Constitutional requirement that the President be able to speak and understand Inuttut and to allow voters an opportunity to decide for themselves whether candidates can speak and understand Inuttut.
- (3) Each candidate must participate in the debate and a candidate who fails or refuses to participate in the debate or to respond to questions during the debate shall be disqualified as a candidate.
- (4) The moderator shall convene the debate within 7 days of the close of nominations at a time and place to be determined and announced by the moderator.
- (5) The debate shall be convened in either a place that is accessible to the public or in the premises of a broadcaster who broadcasts the entire debate in real time, as may be arranged by the moderator, and shall be recorded for purposes of publication pursuant to subparagraph 116.B(2)(b).
- (6) Only Inuttut shall be spoken during the debate and there shall be no translation available to the candidates.
- (7) At the debate each candidate shall
  - (a) have an opportunity to make an opening statement;
  - (b) respond to five questions designed to determine whether the candidate speaks and understands Inuttut asked by the moderator;
  - (c) respond to one question asked by each of the other candidates; and
  - (d) shall have an opportunity to make a closing statement.
- (8) In the debate the moderator:
  - (a) must ask different questions of each candidate;
  - (b) may allow each of the other candidates to respond to the question;
  - (c) must put the questions to the candidates orally;
  - (d) may ask follow-up questions of clarification; and
  - (e) must not provide the questions to the candidates in advance.
- (9) A candidate who must travel in order to attend the debate shall have his or her reasonable travel costs paid by the office of the Speaker. (IL 2014-03)

### **Only Inuit May Vote**

- 123.** Only Beneficiaries aged 16 years or older who are resident in Canada, other than those who have been declared by a court to be of unsound mind, may vote in an election for the President.

### **Polling Stations**

**124.**

- (1) Voting in an election for President shall take place at polling stations in the following places:
  - (a) Nain,
  - (b) Hopedale,
  - (c) Postville,
  - (d) Makkovik,
  - (e) Rigolet,
  - (f) North West River and
  - (g) Happy Valley – Goose Bay
- (2) Electors ordinarily resident in Mud Lake may vote in Happy Valley or by mail in ballot.

**Mail Ballots**

**125.**

- (1) Beneficiaries who are eligible to vote in an election for the President who are not ordinarily resident in a community or town referred to in section 124 may vote by mail and a mail ballot kit must be forwarded by the Nunatsiavut Electoral Officer to each of those Beneficiaries at his or her last known address.
- (2) An Elector referred to in subsections 42(b), (c), (d) and (e) may vote by mail ballot in accordance with the procedures set out in Part 1.

**Where Electors may Vote**

**126.**

- (1) An Elector other than an Elector to whom a mail ballot kit has been issued under section 125 may, after first making an oath in the prescribed form, vote at any polling station in an election for President, regardless of his or her place of ordinary residence.
- (2) An Elector who is sent a mail ballot kit may not vote except by mail.

**Absolute Majority Required**

**127.**

- (1) To be elected President the winning candidate requires an absolute majority of all votes cast.
- (2) If no candidate receives an absolute majority of the votes cast in an election for President a second vote shall be held between the 2 candidates who received the most votes in the first poll except in circumstances described in section 128.
- (3) If a second vote is required under subsection (2) the Nunatsiavut Electoral Officer shall, within not more than 30 days from the holding of the first vote, order that the second poll be held at a time appointed by the NEO.
- (4) Where a second poll is held under subsection (3), the NEO shall, by advertisement, inform the Electors of the names of the two candidates, when the election will be held and the location of all polling stations.

- (5) A second poll under subsection (3) is to be conducted in all respects in the same manner as the first poll.

### **Withdrawal of Candidate after First Ballot**

#### **128.**

- (1) If in circumstances described in subsection 127(2) the second place candidate concedes the election to the first place candidate or withdraws his or her name from the second ballot prior to the order referred to in subsection 127(3), the Nunatsiavut Electoral Officer shall declare the candidate who received the most votes in the first ballot to be elected as President.
- (2) A concession or withdrawal under subsection (1) must be in writing and be signed by the second place candidate in the presence of a notary public or commissioner for oaths and must be delivered to the NEO prior to the order referred to in subsection 127(3).
- (3) A declaration of the NEO under subsection (1) is final and binding and is not subject to appeal or review.

### **Counting of Votes**

#### **129.**

- (1) Counting of mail ballots shall proceed in the manner set out in section 44.
- (2) Counting of the ballots cast at the polling stations shall proceed in the manner set out in Part 1.9 of Part 1 but once all ballot boxes are returned to the Nunatsiavut Electoral Officer under subsection 82(5) the NEO shall carry out the official addition of the polls in accordance with section 130 despite anything in Part 1.9 to the contrary.

### **Official Addition of Polls**

#### **130.**

- (1) The official addition of the polls in an election for President shall be carried out on the third day after polling day unless all ballot boxes have not been received, in which case the official addition shall be done as soon as possible after all ballot boxes have been received by the Nunatsiavut Electoral Officer, at the place, date and hour fixed for the official addition of the polls by the NEO by notice to the candidates.
- (2) The official addition of the polls shall be carried out in the presence of the Election Clerk and the candidates or their Scrutineers by the Nunatsiavut Electoral Officer who, after opening the ballot boxes, shall add together the number of votes given for each candidate from the official statements of the polls contained in the ballot boxes and the statements of the results of the voting by mail.
- (3) On the official addition of the votes, the candidate who receives an absolute majority of all votes cast shall be declared elected but if no candidate receives an absolute majority of the votes on the first poll, the Nunatsiavut Electoral Officer shall declare:
- (a) the names of the two candidates who received the most and second most votes, and
  - (b) that a second poll shall be conducted under subsection 127(2) on a date to be established by an order under section 127 (3).

## **Declaration of Votes**

- 131.** A declaration made under section 130 (3) shall be in writing in the prescribed form and a copy of it shall be delivered immediately to each candidate or his or her Scrutineer if either of them is present at the official addition of votes or, if a candidate is not present or is not represented at the official addition of the votes, the declaration shall be mailed to the candidate immediately.

## **Recount of First Vote**

### **132.**

- (1) If no candidate receives a majority of the votes in the first poll there shall be no recount except when:
- (a) there is a tie vote for second place; or
  - (b) the second and third placed candidates are separated by 5 votes or less.
- (2) Where a recount is required under subsection (1) the Nunatsiavut Electoral Officer shall proceed with the recount on the day immediately following the official addition of the votes by following the procedures set out in subsections 94(5) to 94(15) with all necessary changes in points of detail.

## **Second and third place tie vote**

### **133.**

- (1) In case of an equality of votes between the second and third placed candidates on a recount, the second placed candidate shall be determined by the drawing of lots by the Nunatsiavut Electoral Officer in the presence of the tied candidates or their Scrutineers as follows:
- (a) the NEO shall write the names of the tied candidates on separate identical sheets of blank paper;
  - (b) the NEO shall fold the sheets of paper in an identical manner so that the names are concealed and place them in a receptacle;
  - (c) the NEO shall draw one sheet from the receptacle; and
  - (d) the NEO shall declare the candidate whose name appears on the sheet drawn from the receptacle to be the second place candidate.
- (2) The determination of the two candidates for the second poll in an election for President under this section is final and binding and not subject to appeal, review or further recount.

## **Recount on Second Poll**

- 134.** Section 94, including without limitation subsections (16) and (17), applies to a second poll in an election for President.

## **PART 3**

### **REFERENDA AND PLEBISCITES**

#### **Holding of Referenda and Plebiscites**

#### **135**

- (1) Where required by the Constitution the President in Council shall order that a plebiscite or referendum be held to obtain the decision of the Inuit with respect to a Constitutional amendment.
- (2) Where it appears to the President in Council that an expression of opinion of the Inuit is desirable on a matter of concern to the Inuit or to the public, the President in Council may order that a plebiscite or referendum be held to obtain the expression of opinion.
- (3) The provisions of Part 1 relating to the holding of elections apply, with the necessary changes, to a plebiscite or referendum held under subsection (1) or subsection (2) except to the extent that regulations enacted under subsection 137(2) otherwise provide or the President in Council by order otherwise directs.
- (4) An order under subsection (1) or (2) must:
  - (a) set the date of the plebiscite or referendum;
  - (b) state the question to be answered in the plebiscite or referendum;
  - (c) be issued no earlier than 60 and no later than 35 clear days prior to the date set for the plebiscite or referendum;
  - (d) set out any variations to Part 1 that may be ordered under subsection (3) with respect to the plebiscite or referendum; and
  - (e) set out the rules that apply to the financing of the plebiscite and the financing of the campaigns for and against the question in the plebiscite or referendum.

#### **Cancellation of Plebiscite**

- 136.** The President in Council may, at any time before the day on which a plebiscite or referendum is to be held under subsection 135(2), cancel the plebiscite or referendum.

#### **Regulations**

- 137.** The President in Council may make regulations:
- (a) regulating or prohibiting campaigning for or against a question put to the Electors at a plebiscite or referendum, including regulations respecting:
    - (i) contributions that may be made to political organizations, persons or groups of persons; and
    - (ii) expenses that may be incurred by political organizations, persons and groups of persons; and

- (b) generally, which the President in Council considers necessary to facilitate the holding of a plebiscite or referendum.

## **PART 4**

### **CONTROVERTED ELECTIONS**

#### **Interpretation and Application**

#### **138.**

- (1) In this Part, unless the context otherwise requires:

“application” includes a counter application;

“candidate” means a candidate under Part 1 or Part 2;

“court” means the Inuit Court or other court having jurisdiction to hear an application under this Part;

“election” means an election under Part 1 or Part 2;

“election official” means an election official under Part 1 or Part 2;

“judge” means a judge of the court;

“list of Electors” means the “Voters Roll” or a “Voters List” as defined in Part 1;

“office holder” means the President or a member of the Assembly, including an AngajukKâk;

“minister” has the meaning assigned to that term under the *Inuit Community Government Elections Act*; and

“party” includes a respondent and a person who has filed a notice of appearance under section 151.

- (2) This Part applies to all elections, referenda, plebiscites, candidates, electors and election officials under this Act and to all elections under the *Inuit Community Government Elections Act*.

#### **Contested elections**

#### **139.**

- (1) The validity of the election of a candidate may not be contested otherwise than in accordance with this Part.
- (2) The making of an application to contest an election does not affect any right or obligation of a candidate in that election.
- (3) An application may not be made under this part on the grounds for which a recount may be requested under Part 1 or Part 2.

## **Applications**

### **140.**

- (1) An application complaining of:
  - (a) an unqualified candidate;
  - (b) an unlawful return or election of an office holder;
  - (c) no return or a double return; or
  - (d) an unlawful act committed by a candidate returned, by which that candidate is alleged to have become disqualified to hold the office to which the candidate is elected,may be presented to the court by a candidate for the election or by a person who had the right to vote at the election.
- (2) The production of the relevant list of Electors or a certified copy of the relevant list of Electors containing the name of the applicant as set out in the application is conclusive evidence that the applicant could lawfully present the application.
- (3) For purposes of subsection (2) a copy of the relevant list of Electors shall be certified as a true copy of the list of Electors used in the election to which the application relates:
  - (a) in the case of an election for President or for the Assembly, by the Nunatsiavut Electoral Officer; and
  - (b) by the Returning Officer in the case of an election to an Inuit Community Government.
- (4) Where the applicant was a candidate at the election, or if there is no list of Electors or the applicant's name does not appear on the relevant list of Electors, an affidavit by the applicant that he or she was a candidate or an Elector at that election is conclusive evidence that the applicant could lawfully present the application.

## **Order to compel return**

### **141.**

- (1) Where an application is presented under this Part complaining of no return, an order may be made on that application by the court as it considers expedient for compelling a return to be made, or the court may allow that application to be heard in the manner provided in this Act with respect to ordinary election applications.
- (2) Where an election application complains of the conduct of an election official, the election official is considered to be a respondent.

## **Joining of respondents**

- 142.** Two or more candidates may be made respondents to the same application and their cases may for the sake of convenience be heard at the same time, but as regards the security to be given on behalf of the



applicant, and for all other purposes of this Part, the application is considered to be a separate application against each respondent.

### **Form of application**

#### **143.**

- (1) An application need not be in a particular form but it shall complain:
  - (a) of the unlawful return or unlawful election of an office holder;
  - (b) that no return has been made;
  - (c) that a double return has been made;
  - (d) of some matter contained in a special return made; or
  - (e) of some unlawful act by a candidate.
- (2) The application shall be signed by the applicant.

### **Limitation period**

#### **144.**

- (1) An application complaining of an unlawful return or an unlawful election or of a double return must be presented within 30 days after the return has been made by the Nunatsiavut Electoral Officer or the Returning Officer, as the case may be, of the office holder to whose election the application relates.
- (2) Despite subsection (1), where the application questions the return or election upon an allegation of corrupt practices, and specifically alleges a payment of money or other reward to have been made by an office holder or on his or her account or with his or her knowledge since the time of that return in pursuit of or to further those corrupt practices, the application may be presented within one month after the date of that alleged payment.

### **Amendment of application**

145. An application presented within the limitation period may, upon an allegation of a corrupt or illegal practice upon which an application might be presented, and with the leave of the court, be amended by alleging the corrupt or illegal practice before the expiration of the time within which an application based upon that corrupt or illegal practice might have been presented.

### **No return application**

146. Where an application complains of no return, it may be presented after the expiration of 7 days after the day upon which the return should have been made but must be made no later than 30 days after the day on which the return should have been made.

### **Counter application**

147. A candidate, election official or office holder against whom an application has been presented, may, within 10 days from the presentation of the application, present a counter application to the court.

## **Presentation of application**

- 148.** The presentation of an application shall be made by delivering it to the office of the registrar or clerk of the court during office hours.

## **Security for costs**

### **149.**

- (1) At the time of the presentation of the application, security for the payment of all costs, charges, and expenses that may become payable by the applicant shall be given by him or her or on his or her behalf and shall be by 2 approved sureties, or by a deposit of money with the registrar or clerk of the court to the amount of \$500.
- (2) The registrar or clerk of the court shall give a receipt for those deposits, which shall be evidence of the sufficiency of the deposit.

## **Service of application**

- 150.** Notice of the presentation of an application under this Part and of the security, accompanied by a copy of the application, shall, within 10 days or a further time that the court shall allow for the service of the application, be served:
- (a) in the case of an election under Part 1 or Part 2 on the respondent, the Director of Legal Services for the Nunatsiavut Government, the Nunatsiavut Electoral Officer, the Returning Officer of any constituency in question and all the candidates in the relevant election.
  - (b) in the case of an election under the *Inuit Community Government Elections Act.*, on the respondent, the minister, the Returning Officer for the community and all the candidates in the relevant election.

## **Appearance**

- 151.** Any person referred to in section 150 may, within 5 days after being served with the application, file with the court a notice of appearance if he or she wishes to take part in the proceedings.

## **Preliminary objections**

### **152.**

- (1) Within 5 days after the service of the application, or a further time that the court allows, a party may file in the court a preliminary objection or grounds of insufficiency that he or she may have to urge against the application or applicants, or against a further proceeding, and shall in that case at the same time serve a copy of that objection upon the applicant.
- (2) The court shall hear the parties on those objections and grounds and shall decide the matter in a summary manner.
- (3) Within 5 days after the decision upon the preliminary objections, and upon the hearing of them, if disallowed, or on the expiration of the time for presenting the preliminary objections, if none has been presented, the respondent may file a written answer to the application and shall serve a copy of that answer upon the applicant and other parties.

## **Hearing of Application**

### **153.**

- (1) Whether an answer is or is not filed, the application is at issue after the expiration of the time for filing the answer, and the court may afterward, upon the application of any party, fix the time for the hearing of the application.
- (2) Notice of the time and place at which election applications are to be heard shall be given by the applicant not less than 10 days before the day on which the hearing is to take place.
- (3) An application shall be dealt with in a summary way but the court may allow oral evidence to be given at the hearing of the application in specific circumstances.
- (4) The hearing may be adjourned from one place to another where cause is shown, supported by an affidavit, and where special circumstances exist that, in the opinion of the judge make it desirable to do so, but the hearing, where practicable, shall be proceeded with from day to day until concluded.
- (5) The court may at any time dismiss an application if it considers it to be vexatious, frivolous or not made in good faith.

## **Certificate**

### **154.**

- (1) At the conclusion of the hearing the judge shall determine:
  - (a) whether the office holder whose election or return is complained of is qualified or was returned or elected;
  - (b) whether some other person should be returned or elected; or
  - (c) whether the election is void.
- (2) The judge shall immediately certify in writing a determination made under subsection (1) to the Speaker in the case of an election to the Assembly or the minister in the case of an election to an Inuit Community Government.
- (3) The determination of the judge as certified under subsection (2) is final.

## **Report where corrupt practices**

**155.** Where a charge is made in an election application of a corrupt practice having been committed at the election to which the application refers, the judge shall in addition to the certificate and at the same time report in writing to the Speaker or the minister, as the case may be:

- (a) whether a corrupt practice has or has not been proved to have been committed by or with the knowledge or consent of a candidate at the election, and the nature of the corrupt practice;
- (b) the names of all persons who have been proved at the hearing to have been guilty of a corrupt practice; and

- (c) if corrupt practices have extensively prevailed at the election to which the application relates, or there is reason to believe that corrupt practices have extensively prevailed.

### **Invalidation of election**

**156.**

- (1) Where it is found by the judge upon an application under this Part that:
  - (a) an office holder was not eligible to be a candidate in the election at which he or she was elected to the office, the election of that person is null and void; or
  - (b) a corrupt practice has been committed by or with the knowledge or consent of a candidate in the election complained of, the candidate is considered to be personally guilty of the corrupt practice and his or her election, if he or she has been elected, is void.
- (2) In addition to the consequences of a finding of ineligibility or a corrupt practice under subsection (1) the person may not again be a candidate for election as President or AngajukKâk or to the Assembly, an Inuit Community Council or an Inuit Community Corporation held within 5 years of that finding.

### **Special case**

**157.**

- (1) Where, upon the application of a party to an election application, it appears to the judge that the case raised by the application can be conveniently stated as a special case, he or she may direct the case to be so stated, and that special case shall be heard and decided before him or her.
- (2) Upon making his or her decision the judge shall certify to the Speaker or the minister, as the case may be, his or her decision on that special case.

### **Corrupt practice charge**

- 158.** Unless the judge otherwise directs, a charge of a corrupt practice may be investigated and evidence in relation to that charge received before proof has been given of complicity on the part of a candidate in respect of the corrupt practice.

### **Action in Response to Judicial Certificate**

- 159.** The Speaker or the minister, as the case may be, shall at the earliest practical moment after he or she receives the certificate and report of the judge, give the necessary directions and adopt all the proceedings necessary for confirming or altering the return or for the ordering of a new election or for otherwise carrying the determination into effect.

### **Consolidation of applications**

- 160.** Where more than one application is presented relating to the same election or return, all the applications may be dealt with on the application of the respondent in the same manner as actions may be consolidated according to the practice of the court.

## **Application withdrawal**

### **161.**

- (1) An election application:
  - (a) may be withdrawn by leave of the court on application of the applicant, subject to terms which the court may direct; or
  - (b) may, upon the application of the respondent and by leave of the court, be dismissed for want of prosecution after 2 months from the filing of the election application.
- (2) Where there is more than one applicant, no application to withdraw an application may be made except with the consent of all the applicants.
- (3) Where an application is withdrawn, the applicant is liable to pay the costs of the other parties unless the court otherwise orders.

## **Abatement**

### **162.**

- (1) An election application under this Act is considered cancelled upon the death of a sole applicant or of the survivor of individual applicants or upon the death of the respondent.
- (2) The cancellation of an application does not affect the liability of the applicant for the payment of costs previously incurred.

## **Substituted applicants**

### **163.**

- (1) Notwithstanding subsection 162(1), on the cancellation of an application by the death of a sole applicant or the survivor of individual applicants, a person who might have been an applicant in respect of the election to which the application relates may, within 21 days after the cancellation, apply to the court to be substituted as an applicant.
- (2) The court may, where it thinks appropriate, substitute as an applicant an applicant who wishes to be substituted and on whose behalf security to the same amount is deposited as is required in the case of a new application.

## **Taxation of costs**

- 164.** All costs, charges and expenses paid or incurred by a party to an election application shall be taxed and allowed by the judge and may be recovered by execution in accordance with the applicable rules of court.

## **Questions**

**165.**

- (1) A person who has voted at an election shall not, in legal proceedings held to question the election or the result of the election, be required to state for whom he or she has voted.
- (2) A person shall not be excused from answering a question put to him or her in an action, suit or other proceeding before a judge, court or other tribunal with respect to the election or the conduct of a person or in relation to that action, suit or proceeding on the ground of privilege or on the ground that the answer to the question shall tend to incriminate him or her as an offender under this Act.

## **Procedure**

**166.** Where a procedure is not provided for under this Act the procedure upon the hearing of applications provided under the rules of the relevant court for the hearing of applications apply so far as they are applicable.

## **Effect of corrupt practice**

**167.**

- (1) Where a corrupt practice was committed by an agent without the knowledge and consent of the candidate, and the corrupt practice was of such trifling nature or extent that the result of an election cannot have been affected by that practice, either alone or in conjunction with other corrupt practices at the election, that corrupt practice shall not void the election.
- (2) Where the judge upon the hearing of an election application finds:
  - (a) that an act constituting in law a corrupt practice was committed by a candidate or with his or her knowledge and consent, but without corrupt intent, and by an inadvertence that was involuntary and excusable; and
  - (b) that the evidence showed the candidate to have honestly wished and in good faith tried as far as he could to have the election conducted according to law,

the candidate is not subject to the penalties and disabilities that he or she would but for this section incur.

## **Effect of mistakes**

**168.** An election may not be declared to be invalid

- (a) for non-compliance with the provisions of this Act as to the taking of the poll or anything preliminary to the taking of the poll or as to the counting of the votes;
- (b) because of a mistake in the use of the required forms; or
- (c) because of a mistake or irregularity in the proceedings at or in relation to the election,

where it appears to the court, by which the validity of the election or a proceeding in relation to it is to be determined, that the election was conducted in accordance with the principles laid down in this Act,

and it does not appear that the non-compliance, mistake, or irregularity affected the result of the election.

## **PART 5**

### **ELECTION FINANCING**

#### **Interpretation**

#### **169.**

(1) In this Part, unless the context otherwise requires:

- (a) “by-election” means an election other than a general election;
- (b) “campaign period” means the period beginning with the issue of an order for an election and ending 2 months after polling day;
- (c) “candidate” means a person who is nominated as a candidate at an election for a constituency in accordance with Part I or a person nominated as a candidate for the office of President in accordance with part 2;
- (d) “contribution” means goods, services, money or other property paid, contributed or donated to support a political purpose in relation to an election;
- (e) “election” means an election under Part 1 or 2 and, subject to any regulations or orders under Part 3, includes a plebiscite or referendum under part 3;
- (f) “election expenses” means all expenses, except expenses referred to in sub-section 178(2), incurred during a campaign period for the purpose of promoting or opposing, directly or indirectly, the election of a candidate and includes all expenses incurred before a campaign period directly related to the contesting of an election;
- (g) “Inuit Business” means:
  - (i) a sole proprietorship owned by an Inuk; or
  - (ii) an entity that is:
    - (A) a corporation with more than 50 percent of the corporation’s voting shares beneficially owned by Inuit;
    - (B) a co-operative controlled by Inuit;
    - (C) a partnership that is more than 50 percent controlled by Inuit or by an entity described in sub clause (A) or (B);
    - (D) a not-for-profit organization controlled by Inuit; or
    - (E) a joint venture or consortium in which Inuit have, or an entity described in sub clause (A), (B), (C) or (D) has, more than 50 percent ownership and control;

- (h) “outdoor advertising facilities” means facilities, other than radio and television and newspapers, magazines and other periodical publications, of a natural person, corporation or trade union who or that is in the business of providing those facilities on a commercial basis for advertising purposes; and
- (j) “polling day” means the day fixed under Part 1 or Part 2 for holding the poll at an election.

#### **Cost of elections**

- 170.** The costs of holding elections and recounts and the costs of the subsidies under section 191 shall be paid out of the Nunatsiavut Elections Fund.

#### **Powers and Functions of NEO in Relation to election Financing**

**171.**

- (1) The Nunatsiavut Electoral Officer, in addition to his or her other powers and duties under this Act, shall:
  - (a) assist candidates in the preparation of returns required under this Part;
  - (b) examine all financial returns filed with him or her;
  - (c) reimburse candidates for election expenses in accordance with section 191;
  - (d) prescribe forms and the contents of forms for use under this Part and provide for their use;
  - (e) prepare, print and distribute forms for use under this Part;
  - (f) provide those guidelines that he or she considers necessary for the guidance of candidates and their financial agents; and
  - (g) present a report within 3 months of each election to the Speaker on:
    - (i) the matters referred to in this Part, and
    - (ii) the election receipts, expenses and subsidy of each candidate.
- (2) The report referred to in clause (1)(g) must be laid before the Assembly at the first convenient opportunity.
- (3) The Nunatsiavut Electoral Officer may, subject to appropriations by the Assembly, employ legal counsel, auditors and other staff that are necessary to enable the Nunatsiavut Electoral Officer to properly carry out his or her responsibilities under this Part.
- (4) The accounts and financial transactions of the Nunatsiavut Electoral Officer under this Part shall be audited by the Auditor for Nunatsiavut.



### **Duty to provide information**

#### **172.**

- (1) Every candidate must provide to the Nunatsiavut Electoral Officer the information and returns required by this Part.
- (2) The Nunatsiavut Electoral Officer may request in writing that a candidate provide information about his or her election finances and the candidate shall provide the requested information within 30 days after receiving the written request from the NEO.

### **Information under this part is public**

#### **173.**

- (1) All documents filed under this Part with the Nunatsiavut Electoral Officer are public records and may be inspected by Inuit upon request at the offices of the Nunatsiavut Electoral Officer during normal office hours.
- (2) An Inuk may take extracts from the documents referred to in subsection (1) and is entitled to copies of them upon payment for the preparation of the copies at a rate that the Nunatsiavut Electoral Officer may determine.

### **No trust fund**

- 174.** No Member including for greater certainty the President, and no candidate for election as President or to the Assembly may be the Beneficiary of a trust or fund or receive any money or benefit from a trust or fund established by a political party or by any person or entity for the purpose of electing, supporting, remunerating or assisting a member of, or candidate for election to, the Presidency or the Assembly.

### **Contributions to candidates**

#### **175.**

- (1) Contributions to candidates shall be made only by Inuit individually except as otherwise provided under clauses (4)(c), (d) and (e).
- (2) Only a candidate or his or her authorized agent may solicit, collect or accept contributions.
- (3) The total value of all the contributions made by an Inuk to any one candidate in a calendar year must not exceed \$200.
- (4) Despite subsections (1) and (3) the following are not considered as contributions for the purpose of this Part:
  - (a) an amount of not more than \$25 in each case paid as an entrance fee to an activity, benefit, fundraiser or demonstration in support of a candidate;
  - (b) the donation by a natural person of his or her personal services, talents or expertise, or the use of his or her vehicle or other personal property and the product of that donation, where it is given freely and not as part of his or her work in the service of an employer;

- (c) a donation, other than a donation of money, for a candidate made by an Inuk or an Inuit Business, where
    - (i) the donation is made out of the property or undertaking of that Inuit Business,
    - (ii) the total value of all the donations made by that Inuit Business to a single candidate in a calendar year does not exceed \$200, and
    - (iii) the Inuit Business is not reimbursed or rewarded in any way for having made the donation;
  - (d) a donation by a transportation company of transportation services to a candidate for election in the Canadian riding or to a candidate in an election for President where the same donation is offered equally to all candidates; and
  - (e) a donation by an advertising company or a broadcaster of advertising or broadcast services to a candidate where the same donation is offered equally to all candidates.
- (5) An Inuk shall not contribute to a candidate:
- (a) money not actually belonging to him or her; or
  - (b) money that has been given to him or her by another person, group of persons, corporation, trust, fund or other entity for the purpose of making a contribution to a candidate.
- (6) Where an employee of an Inuit Business spends time working for a candidate for which he or she is compensated by his or her employer, the value of that compensation is a contribution of the employer for the purpose of this Part if the employer is not the candidate.
- (7) A contribution described in subsection (6) is subject to the limits established under subsection (3).

#### **All contributions to be accounted for**

**176.** All contributions accepted by or on behalf of a candidate must be accounted for.

#### **Anonymous contributions**

**177.**

- (1) An anonymous contribution greater than \$100 received by a candidate shall not be used or expended, and shall be returned to the contributor if the contributor's identity can be established.
- (2) Where a contributor's identity cannot be established, the contribution shall be paid over to the Nunatsiavut Electoral Officer who shall remit the amount to the Nunatsiavut Fund.

#### **Candidate's Own Funds**

**178.**

- (1) Despite section 175:

- (a) a candidate at an election for the Assembly other than a candidate in the Canadian constituency may spend up to \$1,000 out of his or her own funds for a campaign;
  - (b) a candidate at an election in the Canadian constituency may spend up to \$1,500 out of his or her own funds for a campaign; and
  - (c) a candidate at an election for President may spend up to \$2,000 out of his or her own funds for a campaign at an election for President.
- (2) Money used out of his or her own funds by a candidate referred to in clauses (1) (b) and (c) for his or her own food, lodging and transportation during a journey for election purposes is exempt from the limits established under subsection (1).

### **Requirements for Advertising**

#### **179.**

- (1) No candidate and no person acting for or on behalf of a candidate shall publish or cause to be published a political advertisement in any media or through the use of an outdoor advertising facility unless he or she delivers to the publisher of the advertisement, for inclusion in the advertisement:
- (a) his or her name and address; and
  - (b) the certificate of the candidate approving the advertisement.
- (2) For the purpose of subsections (1) “political advertisement” means a matter promoting or opposing the election of a candidate but does not include news stories, including interviews, commentaries or other works prepared by or for and published by a broadcaster, newspaper, magazine or other periodical publication if the publication of those works is not paid for by or on behalf of a candidate.

### **Receipts**

#### **180.**

- (1) A candidate, his or her agent or a person designated by the candidate in writing, shall issue receipts for every contribution accepted.
- (2) A receipt issued under subsection (1) must include:
- (a) the name and address of the contributor;
  - (b) a statement whether the contribution is one of money or otherwise;
  - (c) a statement whether the contributor is an individual or an Inuit Business;
  - (d) the amount or value of the contribution;
  - (e) the date the contribution is made; and
  - (f) the other information that the Nunatsiavut Electoral Officer may require.

- (3) The candidate, his or her agent or other person issuing a receipt shall retain a signed duplicate of the receipt.

### **Improper contributions**

#### **181.**

- (1) An amount equal to the value of every contribution made contrary to this Part shall:
- (a) where the identity of the contributor is known, be returned to that contributor by the candidate or his or her agent; or
  - (b) where the identity of the contributor is not known, be paid to the Nunatsiavut Electoral Officer by the candidate or his or her agent.
- (2) All amounts received by the Nunatsiavut Electoral Officer under subsection (1) shall be paid into the Nunatsiavut Fund.

### **Solicitation and acceptance of contributions**

#### **182.**

- (1) Contributions shall be solicited only under the direction of the candidate, his or her financial agent or by persons authorized in advance in writing by the candidate.
- (2) A candidate must give notice in writing to the Nunatsiavut Electoral Officer of all persons authorized to solicit and receive contributions on behalf of the candidate.
- (3) A person authorized to solicit contributions by a candidate shall, on request, immediately show the authorization referred to in subsection (1).
- (4) No contribution may be accepted by a candidate unless the candidate receives it personally or through his or her agent or other person on record with the Nunatsiavut Electoral Officer as authorized to accept contributions.

### **Financial Agent**

#### **183.**

- (1) Every candidate shall, no later than the date set for the close of nominations, appoint in writing a financial agent for the purpose of this Part.
- (2) Where a financial agent appointed under subsection (1) ceases to hold office, the candidate shall immediately appoint another financial agent.
- (3) A financial agent:
- (a) must be a natural person;
  - (b) need not have any special qualification;

- (c) is not confined to acting only as financial agent and may act as the official agent of the candidate who appoints him or her with respect to any and all other matters related to an election; and
  - (d) must not act as a Returning Officer, Deputy Returning Officer, an Election Clerk, Poll Clerk or other election official in an election in which the candidate who appointed him or her is a candidate.
- (4) The financial agent, in relation to the affairs of the candidate who or that appointed him or her, shall ensure that:
- (a) proper records are kept of all money received and all expenditures in relation to an election, including all expenditures made by the candidate out of his or her own funds;
  - (b) proper receipts are completed and dealt with in accordance with this Part;
  - (c) the financial statement required by section 186 is filed with the Nunatsiavut Electoral Officer in accordance with this Part; and
  - (d) contributions consisting of goods or services are valued and recorded in accordance with this Part.

### **Recording of Contributions**

#### **184.**

- (1) Where an authorized person accepts, on behalf of a candidate, a contribution in respect of an election the financial agent shall record the contribution as to amount and the name and address of the contributor.
- (2) The financial agent shall file with the Nunatsiavut Electoral Officer, with the statement filed under section 186, a return with respect to contributions received in a campaign period setting out the information required to be recorded under subsection (1).
- (3) The return referred to in subsections (2) is public information and may be reviewed and copied by an Inuk, at his or her own expense, at the office of the Nunatsiavut Electoral Officer.

### **Borrowing**

#### **185.**

- (1) A candidate shall not borrow for purposes of an election except from a chartered bank or some other lending institution carrying on business in the Province that is a member of the Canadian Payments Association.
- (2) A candidate shall not borrow an amount in excess of the limits established for spending from his or her own personal funds under this Part including a reasonable allowance for his or her own food, lodging and transportation during journeys for election purposes.
- (3) All loans referred to in subsection (1) and the amounts and terms of the loans shall be recorded by the financial agent and reported by him or her to the Nunatsiavut Electoral Officer.

## **Filing financial statements**

### **186.**

- (1) The financial agent of a candidate shall, within 60 days after polling day, file with the Nunatsiavut Electoral Officer a financial statement of income and expenses of the candidate for whom he or she acts relating to the election.
- (2) In relation to a by-election, subsection (1) applies only to candidates at the by-election.

## **Authority to incur election expenses**

### **187.**

- (1) Election expenses may be incurred only in accordance with this Part.
- (2) No person other than the financial agent of a candidate shall authorize election expenses for that candidate and no election expenses shall be incurred except by a financial agent or a person designated in writing by a financial agent for that purpose.

## **Candidates' expenses**

### **188.**

- (1) The election expenses incurred by a candidate, including expenses for his or her own food, lodging and transportation during a journey for election purposes, that are paid for out of the candidate's own funds, shall be included in the financial statement referred to in section 186.
- (2) A candidate shall submit to his or her financial agent not later than 45 days after the polling day a detailed statement of all expenses referred to in subsection (1).

## **Invoices**

### **189.**

- (1) Invoices for all election expenses must be retained by the financial agent.
- (2) An invoice in respect of an election expense shall be produced at the request of the Nunatsiavut Electoral Officer.

## **Overall election expense limits**

### **190.**

- (1) Despite any other provision of this Part the overall election expenses of a candidate shall be limited so as not to exceed an amount equal to the product obtained by multiplying \$3,325 by the number of persons on the Voters List for the constituency for which he or she is a candidate or in the case of an election for President the number of persons on the Voters Roll.
- (2) The limit on election expenses for each constituency and Presidential election shall be set by the Nunatsiavut Electoral Officer on the day the order for an election is issued.

- (3) The monetary amount set out in subsection (1) shall be adjusted with effect from January 1 in each year by multiplying the amount by the ratio that the Consumer Price Index for the 12 month period that ended on December 31 immediately before bears to the Consumer Price Index for the 12 month period that ended on the immediately previous December 31.
- (4) For the purpose of this section, the Consumer Price Index for a 12-month period is the result arrived at by
  - (a) aggregating the Consumer Price Index for Canada, as published by Statistics Canada, for each month of that period;
  - (b) dividing the aggregate obtained under paragraph (a) by 12; and
  - (c) rounding the result obtained under paragraph (b) to the nearest 1/1000, or if the result is equidistant from two 1/1000ths, to the higher.

### **Reimbursement of expenses**

#### **191.**

- (1) Subject to subsection (2) a candidate who receives at least 15% of the popular vote or who is elected by acclamation is entitled to be reimbursed by the Nunatsiavut Electoral Officer for 1/4 of his or her actual campaign expenses to a maximum of 1/4 of the expense limit.
- (2) A candidate is not entitled to be reimbursed for expenses under subsection (1) unless his or her financial agent has, within the time limit set in section 186, filed a financial statement of receipts and expenses as required by section 186 together with a declaration in the prescribed form that the requirements of this Part have been complied with.
- (3) In addition to the reimbursement under subsection (1), every candidate who, within the time limit set in this Part, meets his or her reporting and other obligations under this Part shall have his or her deposit returned by the Nunatsiavut Electoral Officer, regardless of the percentage of the vote received by that candidate.
- (4) Payments under subsections (1) and (3) shall be made to the candidate's financial agent.

### **Treatment of deficits**

- 192.** Where a candidate's financial statement shows a deficit and he or she is entitled to be reimbursed for expenses under subsection 191(1) or return of his or her deposit under subsection 191(3), the money payable to his or her financial agent shall be first applied by the financial agent to discharge the debts creating the deficit, and to the extent the money is not sufficient to pay all the debts, the money payable shall be applied to reduce the debts rateably.

### **Treatment of surpluses**

#### **193.**

- (1) Where the sum of all amounts that a candidate is permitted to receive under this Part for the purpose of contesting an election exceeds the sum of all the expenses allowed under this Act for the purpose of contesting an election, the surplus shall be paid to the Nunatsiavut Electoral Officer who shall hold the money in trust on behalf of the candidate and pay it out according to subsection (2) or (3).

- (2) Where a person on whose behalf money is held in trust under subsection (1), becomes a candidate, either in a by-election called before the next general election or in the next general election, the money held in trust for the person shall be paid to him or her for the purpose of contesting the election.
- (3) Where a person on whose behalf money is held in trust under subsection (1), does not become a candidate in an election referred to in subsection (2), the Nunatsiavut Electoral Officer shall remit the money to the Nunatsiavut Fund.

#### **Withdrawal of person's candidacy**

##### **194.**

- (1) Where a person ceases to be a candidate his or her financial agent shall within 45 days of the date when the candidate ceases to contest the election submit the report and declaration required under section 186 and subsection 191(2) and all contributions that have been collected by the candidate and that are still held by or on behalf of him or her at the time he or she ceases to be a candidate shall be paid over to the Nunatsiavut Electoral Officer.
- (2) The money paid over to the Nunatsiavut Electoral Officer under subsection (1) shall be applied by him or her to the legitimate election debts of the person incurred during his or her candidacy and if there is a balance it shall be held in trust by the Nunatsiavut Electoral Officer on behalf of the person and paid out according to subsection 193 (2) or (3).

#### **Forms**

- 195.** All applications, returns, statements, balance sheets, and other documents required to be filed with the Nunatsiavut Electoral Officer shall be filed with the Nunatsiavut Electoral Officer in the form that the Nunatsiavut Electoral Officer establishes.

#### **Offences**

##### **196.**

- (1) A person commits an offence who:
  - (a) knowingly incurs or authorizes election expenses contrary to subsection 187(2) or exceeding the maximum set by section 190 or who wilfully submits a false statement of election expenses;
  - (b) knowingly makes a false statement in an application, financial return, statement, declaration or other document filed under this Part;
  - (c) knowingly gives false information to a financial agent or other person authorized to accept contributions;
  - (d) knowingly makes or issues or participates in, assents to or acquiesces in the making or issuance of a false or deceptive receipt for a contribution or purported contribution;
  - (e) knowingly withholds, conceals or destroys books, papers, documents or other things relevant to the subject matter of an investigation or inquiry under this Part;
  - (f) obstructs a person making an investigation or examination under this Part; or



- (g) wilfully or through neglect fails to file a financial return with the Nunatsiavut Electoral Officer within the time required by section 186.
- (2) A person who commits an offence under subsection (1) or who fails to comply with a provision of this Part for which no penalty is otherwise provided:
  - (a) is guilty of an offence and on summary conviction is liable to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months or to both a fine and imprisonment; and
  - (b) forfeits any entitlement to reimbursement of expenses or return of a deposit that he or she has under section 191.
- (3) A person who commits an offence under subsection (1) or who fails to comply with a provision of this Part may, in addition to any other penalty for which he or she may be liable under this Act, be removed from office by a decision of the Nunatsiavut Assembly which decision shall be made:
  - (a) in the case of a member of the Nunatsiavut Assembly, by following the same procedures as set out in respect of a disqualification under section 4.13.9 of the Constitution; and
  - (b) in the case of the President, in accordance with part 3.5 of the Constitution.

#### **Vicarious responsibility**

197. An act or thing done or omitted to be done by an officer, official or agent of a candidate within the scope of his or her authority to act on behalf of the candidate is an act or thing done or omitted by the candidate.

### **PART 6**

#### **CORRUPT PRACTICES AND ELECTION OFFENCES**

##### **Application of Part**

198. This Part applies to all elections, referenda, plebiscites, candidates, voters and election officials under this Act.

##### **Corrupt Practices**

199. A person commits a corrupt practice for purposes of Part 5 who, directly or indirectly by himself or herself or by another person on his or her behalf commits an offence under section 200, 201, 204, 206 or 208.

##### **Offence: inducing to vote**

##### **200.**

- (1) A person is guilty of an offence who

- (a) gives or promises to give to a person money or other consideration to induce an elector to vote or refrain from voting for a candidate or to refrain from voting in an election;
  - (b) gives or promises to give to a person money or other consideration, in order to induce that person to procure, or endeavour to procure, the election of a person to serve as a member of the Nunatsiavut Assembly or the vote of an elector at an election;
  - (c) upon or in consequence of a gift, loan, offer, promise, procurement or agreement, procures or promises or endeavours to procure, the election of a person to serve as a member of the Nunatsiavut Assembly or the vote of an elector at an election;
  - (d) directly or indirectly accepts or receives or agrees to accept or receive money, a valuable consideration, an office, employment, food or drink as payment for voting or for illegally agreeing to assist a candidate at an election; or
  - (e) in order to induce a person to allow himself or herself to be nominated as a candidate, or to refrain from becoming a candidate or to withdraw, if he or she has become a candidate, gives or procures an office or employment, or agrees to give or procure, or offers or promises to procure, or to endeavour to procure an office or employment for that person.
- (2) Payments made in good faith for the fair costs of printing and advertising and payments made in connection with other lawful and reasonable expenses incurred in connection with an election do not contravene subsection (1).

### **Intimidation**

**201.** A person is guilty of an offence who

- (a) directly or indirectly by himself or herself, or by another person on his or her behalf,
  - (i) makes use of or threatens to make use of force, violence or restraint, or
  - (ii) inflicts, or threatens to inflict by himself or herself, or by another person, an injury, damage, harm or loss

upon or against a person, in order to induce or compel that person to vote or refrain from voting, or on account of that person having voted or having refrained from voting at an election; or

- (b) impedes or prevents the free exercise of the franchise by an elector.

### **Personation and multiple voting**

**202.** A person is guilty of an offence who, at an election,

- (a) applies for a ballot in the name of some other person, whether that name is that of a person living or dead, or of a fictitious person;
- (b) having voted once at that election, applies at the same election, for another ballot;
- (c) votes in more than 1 constituency or in more than one community or on more than one voters roll; or

- (d) aids, abets, counsels, procures or endeavours to procure the commission by a person of an act described in clause (a), (b) or (c).

### **Illegal voting**

- 203.** A person is guilty of an offence who, at an election, votes or attempts to vote knowing he or she is disqualified from voting, not qualified to vote at that election or not qualified to vote on the voters roll applicable to that election.

### **Attack on secrecy**

- 204.** A person is guilty of an offence who represents to an elector, directly or indirectly, that the ballot to be used, or the mode of voting at an election, is not secret.

### **Offences against ballots**

- 205.** A person is guilty of an offence who:

- (a) forges, counterfeits, fraudulently alters, defaces, or fraudulently destroys a ballot or the initials of the deputy returning officer placed on the ballot;
- (b) without authority supplies a ballot to a person;
- (c) not being a person entitled to be in possession of a ballot, has a ballot in his or her possession;
- (d) fraudulently puts or arranges to be put into a ballot box a paper other than a ballot authorized by this Part;
- (e) fraudulently takes a ballot out of the polling station;
- (f) without authority destroys, takes, opens or otherwise interferes with a ballot box or ballots then in use for the purpose of an election;
- (g) being a returning officer fraudulently puts, otherwise than as authorized by this Part, his or her initials on the back of a paper purporting to be or capable of being used as a ballot at an election;
- (h) with fraudulent intent, prints a ballot or what purports to be or is capable of being used as a ballot at an election;
- (i) being authorized by the Nunatsiavut Electoral Officer to print the ballots for an election, prints without authority more ballots than he or she is authorized to print;
- (j) being a returning officer, places upon a ballot, except as authorized by this Act, any writing, number, or mark with intent that the elector to whom the ballot is to be or has been given may be identified by it;
- (k) manufactures, constructs, has in possession, supplies to an election official, or uses for the purpose of an election a ballot box containing or including a compartment, appliance, device or mechanism by which a ballot can be secretly placed or stored in it, or having been deposited in it during polling, can be secretly diverted, misplaced, affected or manipulated; or

- (l) knowingly makes a false statement in an application made under this Act.

### **False statements**

- 206.** A person is guilty of an offence who, before or during an election, for the purpose of affecting the return of a candidate at that election, makes or publishes a false statement in relation to the personal character or conduct of that candidate.

### **Printed documents**

**207.**

- (1) A printed advertisement, handbill, placard or poster having reference to an election is to bear upon its face the name and address of its printer and the person who authorized it on behalf of or as the representative of a candidate.
- (2) A person is guilty of an offence who prints, publishes, distributes or posts up, or arranges to be printed, published, distributed or posted up, a document described in subsection (1), unless it bears upon its face the name and address of its printer and the person who authorized it on behalf of or as the representative of a candidate.

### **Offences by election officials**

**208.**

- (1) A returning officer or election clerk acting at a polling station in administering an oath who mentions as a disqualification a fact or circumstance that to his or her knowledge is not a disqualification according to the provisions of this Act, is guilty of an offence.
- (2) A person is guilty of an offence who, being appointed under this Act to prepare a voters roll or list of electors, wilfully and without reasonable excuse,
- (a) includes in a list of electors prepared by him or her the name of a person whose name he or she has good reason to believe should not be included; or
  - (b) omits to include in the list the name of a person whom he or she has good reason to believe has the right to have his or her name included.

### **Other offences by officials**

**209.**

- (1) An election official who fails or refuses to comply with a provision of this Act is guilty of an offence.
- (2) Subsection (1) does not apply to an election official where:
- (a) he or she was acting in good faith;
  - (b) his or her failure or refusal was reasonable; and
  - (c) he or she did not intend to

- (i) affect the result of the election,
- (ii) permit a person to vote whom he or she believed was not qualified to vote, or
- (iii) prevent a person from voting whom he or she believed was qualified to vote.

### **Wrongful application**

**210.** A person is guilty of an offence who

- (a) applies under this Act to be included in the voters roll or a voters list in the name of some other person, whether that name is that of a person living or dead, or of a fictitious person; or
- (b) having once to his or her knowledge been properly included in a voters list or voters roll under this Act as an elector entitled to vote at an election applies to be included in a list of electors prepared for another constituency, polling Part, community or voters roll as an elector entitled to vote at the same election.

### **False statement re candidate**

**211.** A person is guilty of an offence who, for the purpose of procuring the election of a candidate, knowingly publishes before or during an election, a false statement of the withdrawal of another candidate at the election.

### **Inducing person to vote**

**212.** A person is guilty of an offence who induces or procures another person to vote at an election, knowing that the other person is not qualified to vote or is disqualified from voting at the election.

### **Removing notices**

**213.** A person is guilty of an offence who unlawfully takes down, covers up, mutilates, defaces or alters a printed or written proclamation, notice, or other document, authorized or required by this Act.

### **Hindering employee's Vote**

**214.** An employer is guilty of an offence who refuses, or by intimidation, undue influence, or in another way, interferes with the granting to an elector in his or her employ, of the consecutive hours for voting provided in this Act.

### **Penalty**

**215.** A person who is guilty of an offence under this Part is liable on summary conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both a fine and imprisonment.

## **PART 7**

### **MISCELLANEOUS**

#### **Repeal**

**216.** Parts 1, 2, 3, 4, 6 and 7 of the *Nunatsiavut Elections Act*, IL 2006-01, are repealed.

### **SCHEDULE**

#### **OATH OF OFFICE OF NUNATSIAVUT ELECTORAL OFFICER**

"I, \_\_\_\_\_, swear [in the case of a solemn affirmation, "do solemnly affirm"] that I will well and truly serve the Nunatsiavut Assembly in the office of Nunatsiavut Electoral Officer; that I will, to the best of my ability, abide by and uphold the *Labrador Inuit Constitution*, the *Elections Act* and regulations made under the *Nunatsiavut Elections Act*; and that I will remain impartial, neutral and professional in the conduct of the duties of my office, [in the case of an oath add, "So help me God."]