

# NUNATSIAVUT ASSEMBLY

IL 2010-05

## **INUIT COMMUNITY CORPORATIONS CHAIRPERSONS ELECTIONS ACT**

### **An Act Respecting the Election of the Chairpersons of Inuit Community Corporations**

#### **Scheme**

1.	Short Title	2.	Interpretation
3.	Administration	4.	Agents
5.	Election Officials	6.	Duties of Returning Officer
7.	Returning Officer headquarters	8.	Elections for Chairperson
9.	By-elections	10.	Where no Candidate is nominated
11.	Nominations	12.	Qualifications of Candidates
13.	Candidates Disqualified	14.	Nomination Procedure
15.	Declaration of qualification	16.	Deposit
17.	Acclamation	18.	Notice of Candidates
19.	Grant of Election	20.	Withdrawal of nomination
21.	Death of Candidate	22.	Notice of death or withdrawal
23.	Effect of death or withdrawal – election held	24.	Effect of death or withdrawal - acclamation
25.	Adjournment of election	26.	Oath of office
27.	Term of office	28.	Enumeration
29.	Voters' list	30.	Use of list
31.	Voters' qualifications	32.	Right of Voters
33.	Oath or Affirmation of Voters	34.	Advance poll
35.	Voting by proxy	36.	Ballots
37.	Election materials	38.	Directions
39.	Opening and close of poll	40.	Employee time to vote
41.	Polling booths	42.	Who may be present
43.	Maintaining order	44.	Ballot box exhibited
45.	Oath or affirmation of Election Officials	46.	Confirmation of names
47.	Noting of objections and oath or affirmation	48.	Refusal to take oath or affirmation
49.	Delivery of ballots	50.	Incapacitated voter
51.	Proxy voting	52.	Explanation of voting procedure
53.	Voting at a Polling Station	54.	Removal of ballots
55.	Mobile and special polls	56.	Spoiled ballots
57.	Counting of ballots	58.	Rejected ballots
59.	Objections	60.	Account of ballots
61.	Statement of poll	62.	Disposition of materials and delivery of ballot boxes
63.	Declaration of result	64.	Retention of ballot boxes
65.	Tie vote	66.	Report
67.	Recount	68.	Recount requirements
69.	Declaration of result following recount	70.	Election expenses

*Bruce Dant*

*March 10/2010*

71.	Corporation may regulate election financing	72.	Campaign contributions
73.	Records	74.	Corrupt Practices
75.	Offence: inducing to vote	76.	Intimidation
77.	Personating and multiple voting	78.	Illegal voting
79.	Attack on secrecy	80.	Offences against ballots
81.	False statements	82.	Printed documents
83.	Offences by election officials	84.	Other offences by officials
85.	Wrongful application	86.	False statement re Candidate
87.	Inducing person to vote	88.	Removing notices
89.	Hindering employee's vote	90.	Penalty
91.	<i>Repeal of Inuit Community Corporations Elections Act</i>		

## INUIT COMMUNITY CORPORATIONS CHAIRPERSONS ELECTIONS ACT

**Whereas**

Part 11.5 of the Constitution confers on the Nunatsiavut Assembly a general supervisory power with respect to Inuit Community Corporations, including powers to enact laws with respect to Inuit Community Corporation elections.

**NOW THEREFORE BE IT ENACTED** by the Nunatsiavut Assembly as follows:

**Short Title**

1. This Act may be referred to as the *Inuit Community Corporations Chairpersons Elections Act*.

**Interpretation**

2. (1) In this Act, unless the context indicates otherwise:

"Agent" means a natural person authorized in writing by a Candidate to act on his or her behalf and to attend at the time and place where any Act or thing is being done under this Act;

"Beneficiary" means an individual who is enrolled on the Register of Beneficiaries of the Labrador Inuit Lands Claims Agreement;

"by-election" means an election held under subsection 9(1) of this Act;

"Candidate" means a qualified person who is nominated under section 15 of this Act as a Candidate at an election;

"Chairperson" means the Chairperson of a Corporation and includes without limitation the Chair of an Inuit Community Corporation;

"Constitution" means the Labrador Inuit Constitution;

"Corporation" means an Inuit Community Corporation established in terms of chapter 11 of the Constitution;

"Deputy Returning Officer" means an election official appointed by the Returning Officer to conduct elections at a polling station;

"election" means an election under this Act to fill the office of Chairperson;

"election official" means a person appointed under this Act to carry out an official function in relation to an election and includes without limitation a Returning Officer, Deputy Returning Officer and Poll Clerk;

"Executive Committee" means the executive committee of the Corporation;

"Minister" means the First Minister of the Nunatsiavut Government;

"Poll Clerk" means a person appointed to assist a Returning Officer or Deputy Returning Officer in the conduct of a polling booth in an election;

"Returning Officer" means an election official appointed to conduct an election and the administration of an election and where there are two or more polls in a Corporation's urban area the Returning Officer shall;

(a) appoint a Deputy Returning Officers to administer each poll;  
and

(b) supervise all polls within the Corporations' urban area;

"Registrar" means the Registrar of Beneficiaries appointed under the *Beneficiaries Enrollment Act*;

"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;

"urban area" means the urban area established by the Nunatsiavut Assembly under the Constitution for the purpose of a Corporation;

"voter" means a member of the Corporation qualified to vote in an election; and

"voters list" means the list of voters resident in a Corporation's urban area established and maintained by the Returning Officer.

(2) Nothing in this Act shall be interpreted to permit a person who on polling day is not a member of the Corporation ordinarily resident within the Corporation's urban area to be a voter or to be a Candidate.

(3) For the purpose of this Act:

(a) An individual is ordinarily resident in a place if that individual has a principal, or only, home, lodging or habitation in that place;

(b) an individual may only be ordinarily resident in one place at a time; and

(c) an individual continues to be ordinarily 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 it.

(4) Terms that are not defined in this Act but that are defined in the Labrador Inuit Land Claims Agreement and are used in this Act have the meanings assigned to them in the Labrador Inuit Land Claims Agreement.

#### **Administration**

3.(1) The Minister is responsible for the administration of this Act.

(2) The Minister may establish forms for the purpose and administration of this Act.

(3) The Minister may enact regulations for the purpose and administration of this Act.

(4) The Minister shall provide training for Returning Officers before an election.

(5) A Corporation may enact bylaws respecting elections that are consistent with this Act and with regulations enacted by the Minister:

(a) where authorized under this Act to do so; and

(b) if necessary to provide for a matter that has not been provided for under this Act or under a regulation enacted by the Minister.

#### **Agents**

4. (1) Where, in this Act, expressions are used requiring or authorizing an act or thing to be done in the presence of the Agents of the Candidates, the non-attendance of an Agent at the time and place does not invalidate the act or thing.

(2) An act or thing done or omitted to be done by an 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.

**Election officials**

**5(1)** The Executive Committee shall appoint a Returning Officer to administer elections.

(2) The Executive Committee shall, in addition to a Returning Officer referred to in subsection (1), appoint an alternate returning officer to perform the duties of a Returning Officer under this Act in the event that the Returning Officer is unable to act.

(3) Where a Corporation's urban area is not divided into polling divisions, elections shall be conducted by the Returning Officer and by the alternate returning officer who shall act as a Poll Clerk or by the alternate returning officer and a Poll Clerk appointed by the alternate returning officer.

(4) The Executive Committee may establish 2 or more polling divisions in the Corporation's urban area and the election official shall appoint a Deputy Returning Officer and a Poll Clerk for each polling division and shall designate the location of the polling divisions.

(5) If an election official, other than the Returning Officer, is unable to perform his or her duties, an alternate election official shall be appointed by the Returning Officer to perform those duties.

(6) The following persons are ineligible to serve as election officials in connection with an election:

(a) a member of the Executive Committee for the Corporation for which the election is being held;

(b) a person who has been found guilty of an offence related to an election under this Act or an electoral law of any other jurisdiction or authority;

(c) a person who intends to be nominated or is nominated to be a Candidate in the in the election; and

(d) a person who is, voluntarily or for pay, working or intending to work on the campaign of a Candidate in the election.

(7) If an Executive Committee fails or refuses to perform a function under subsections (1), (2) or (4) the Minister shall do so after first issuing a notice to the Executive Committee to perform the function

## **Duties of Returning Officer**

6. (1) The Returning Officer shall:
- (a) direct and supervise the administrative conduct of elections;
  - (b) receive nominations from Candidates;
  - (b) ensure that elections are fair and comply with the requirements of this Act and the Constitution;
  - (c) issue to election officials those instructions that the Returning Officer considers necessary to ensure the impartial administration of elections and the effective execution of this Act; and
  - (f) perform all other duties that are imposed on him or her by or under this Act.
- (2). The Returning 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 Act for the opening and closing of the poll on an ordinary polling day or on a day on which an advance poll is held.

---

## **Returning Officer Headquarters**

- 7.(1) The Returning Officer shall no later than the one week before the call for nominations of each year in which an election is to be held, open and maintain throughout the election a headquarters at some convenient place in the Corporation's urban area and give public notice of the location of the headquarters.
- (2) The Returning Officer must be on duty in the office of the Returning Officer during the hours that polls are open.

- Elections for Chairperson**
8. (1) An election for Chairperson shall take place in 2010 and every 4 years after that.
- (2) An election under subsection (1) shall be held on the second Tuesday in September.

(3) Despite subsection (1), an election shall not take place where a Chairperson has been elected for that Corporation within one year preceding the date when an election for Chairperson would normally be held.

#### **By-elections**

9.(1) If a vacancy occurs in the office of a Chairperson the Executive Committee shall order an election for Chairperson to hold office for the unexpired term of the Chairperson.

(2) A by-election shall be held in the same manner as an election for Chairperson held under this Act, and shall take place within 3 months of the vacancy.

(3) Except as provided in subsection (4), where a by-election is held, the Chairperson holds office for the unexpired term of the Chairperson whom he or she replaces.

(4) In circumstances where subsection 8(3) applies, the Chairperson holds office for the unexpired term of his or her predecessor in office plus four years.

#### **Where no Candidate is nominated**

10. (1) Where, in an election or by-election held under this Act, no Candidate is nominated a further election or by-election shall be called not more than 30 days after the date of the original election or by-election.

(2) At an election under subsection (1) if, once again, no Candidate is nominated, the Minister may, after the date fixed for nomination day, appoint a Chairperson;

(3) A person appointed under subsection (2) must be qualified in terms of the Constitution and this Act to hold the office of Chairperson.

(4) An appointment under subsection (2) is not subject to the *Appointments Act*.

(5) A person appointed under subsection (2) holds office for the same term that he or she would have served had he or she been elected in the election or by-election.

#### **Nominations**

11. (1) The Returning Officer shall designate the place for receiving nominations.

(2) Candidates at an election may be nominated between the hours of 9:00 a.m. and 4:00 p.m. on any day other than a Saturday, Sunday or public holiday, from the twenty-eighth (28<sup>th</sup>) to the twenty-first (21<sup>st</sup>) day immediately before the election.

(3) Notice of the time and place fixed for nominating Candidates shall be posted by the Returning Officer in not fewer than 2 places in the Corporation's urban area for the 10 days before the time fixed for the nomination of Candidates, and published in a newspaper having general circulation in the community during that period.

## **Qualifications of Candidates**

**12. (1)** A person is qualified to be nominated as a Candidate for Chairperson if he or she:

- (a) is a Beneficiary;
- (b) is a member of the Corporation of the full age of 19 years;
- (c) is ordinarily resident in the Corporation's urban area; and
- (d) has been ordinarily resident in the Corporation's urban area since at least the day that is the sixtieth day preceding the date of the election.

## **Candidates disqualified**

**13.(1)** A person is disqualified as a Candidate at an election, and shall not serve as a Chairperson if he or she:

- (a) is an ordinary member of the Nunatsiavut Assembly;
- (b) is a member of the Newfoundland and Labrador House of Assembly or the Parliament of Canada;
- (c) is a judge of any court;
- (d) is an undischarged bankrupt;
- (e) is a person who is declared to be of unsound mind by a court of competent jurisdiction;
- (f) within the 12-month period immediately preceding the date of the election was convicted of a criminal offence and sentenced to

a custodial sentence, including house arrest, of 12 months or more;

(g) owes money to an Inuit Community Government or the Nunatsiavut Government in respect of taxes, dues or fees.

(h) holds an office under the Corporation to which a salary or remuneration payable out of the funds of the community is attached;

(i) is employed by the Corporation;

(j) is the chief administrative officer of an agency or body established by the Corporation and that agency or body has an annual operating budget that must be approved by the Executive Committee; or

(k) at any time within the 52-month period preceding the date of the election was dismissed from office as a Chairperson, as a member of an Executive Committee or an elected office of the Nunatsiavut Government, or had his or her seat as a Chairperson or Executive Committee member vacated under Inuit Law.

(2) Clause 13(1)(i) does not apply to a person who serves a Corporation in a voluntary capacity.

(3) A person referred to in clause 13(1)(h),(i) or (j) other than an employee who serves as an election official may request, and the Executive Committee shall grant to that person, a leave of absence in order for that person to be nominated as a Candidate in an election.

(4) A person to whom a leave of absence is granted under subsection (3) who is elected shall resign from his or her employment with the Corporation before taking his or her oath or affirmation of office.

#### **Nomination procedure**

**14.** (1) A Candidate at an election shall be nominated by persons eligible to be enrolled on the voters roll for the Corporation.

(2) A nomination shall:

(a) be in writing;

(b) state the name and civic address of the Candidate;

(c) be signed by the proposer and seconder, both of whom shall be present together with the Candidate who shall also sign signifying his or her acceptance; and

(d) be in the required form.

**Declaration of qualification** **15.** (1) The Returning Officer shall not receive the nomination paper of a candidate unless there is attached to it a declaration of qualification in the required form.

(2) Despite clause 14(2)(c), if a candidate is unable to attend his or her nomination and as a result is unable to signify his or her acceptance or complete his or her declaration of qualification, the Returning Officer may accept, in the required form, a declaration to that effect from one of the candidate's nominators together with a declaration from the nominator that the candidate possesses the qualifications required by this Act and accepts the nomination.

**Deposit**

**16.** (1) A Candidate, at the time of his or her nomination, shall deposit a sum of \$25 with the Returning Officer and that sum is not refundable. The deposit must be made payable to the Inuit Community Corporation.

**Acclamation**

**17.** If only one person is nominated for the office of Chairperson the Returning Officer shall, without an election being held, declare the Candidate to be elected at the close of nominations.

**Notice of Candidates**

**18.** Where an election is required the Returning Officer shall, within 7 days after the date on which nominations close, give notice of the names of the Candidates, and, if an election is required, the time of the election and the location of polling booths, by publishing a notice in a newspaper circulating in the Corporation's urban area, and by posting the notice in at least 2 public places in the Corporation's urban area.

**Grant of election**

**19.** Where more than one Candidate is nominated for the office of Chairperson, the Returning Officer shall conduct an election in the Corporation's urban area for that office.

**Withdrawal of nomination**

**20.** (1) A person who has been nominated at an election may withdraw his or her nomination by filing with the election official a written withdrawal within 24 hours after the close of nominations.

(2) The name and address of a person who withdraws his or her nomination under subsection (1) shall not appear on the ballot.

(3) A person who has withdrawn his or her nomination under subsection (1) shall forfeit his or her deposit.

(4) Where a Candidate withdraws his or her nomination after the close of the period for withdrawal of nominations under subsection (1) and before the close of the poll:

- (a) the name and address of that Candidate shall be omitted from the ballot; or
- (b) where the ballots have already been printed, the Returning Officer shall give a public notice of the withdrawal in accordance with section 22 and the election shall proceed as if the Candidate who has withdrawn had not been nominated.

**Death of Candidate**

**21.** (1) Where a Candidate dies before the close of the period for withdrawal of nominations under section 20, his or her nomination is void.

(2) Where a Candidate dies after close of the period for withdrawal of nominations under section 20 and before the close of the poll:

- (a) the name and address of the deceased Candidate shall be omitted from the ballot; or
- (b) where the ballots have already been printed, the Returning Officer shall give a public notice of the death in accordance with section 22 and the election shall proceed as if the deceased Candidate had not been nominated.

**Notice of death or withdrawal**

**22.** For purposes of sections 20 and 21, public notice of the death or withdrawal of a Candidate shall be made within 24 hours after the election official is made aware of the death or withdrawal, or as soon as practicable thereafter, and the notice shall be posted in every polling place affected and may be published by advertisement, placard, handbill, broadcast or otherwise as the Returning Officer considers will best effect the purpose intended.

**Effect of death or withdrawal - election held**

**23.** Where a Candidate withdraws or dies before the close of the poll, and two or more Candidates remain:

- (a) an election shall be conducted;
- (b) a vote cast in favour of a Candidate who has died or withdrawn shall be rejected and shall not be counted; and

(c) the Returning Officer shall declare to be elected of those remaining Candidates, the Candidate having the largest number of votes.

#### **Effect of death or withdrawal - acclamation**

**24.** If a Candidate withdraws or dies before the close of the poll and only one Candidate remains, the Returning Officer shall declare the remaining Candidate elected by acclamation.

#### **Adjournment of election**

**25.** (1) Despite any other provision of this Act or of any order under this Act, election proceedings may be adjourned by the Returning Officer where he or she believes that the health or safety of persons is at risk or that the integrity of the election process is at risk.

(2) Election proceedings may be adjourned under subsection (1):

(a) temporarily to another time on the same day or another place on the same day as specified by the election official; or

(b) to a day, time or place to be set by the election official.

(3) If an election is adjourned under clause (2)(b), the election shall occur on a day not later than 7 days after the original date set for the election.

(4) While proceedings are adjourned, the Returning Officer shall make all reasonable efforts to ensure that election materials are secured and that the integrity of the election is not compromised.

(5) A Returning Officer shall give notice to persons affected by an adjournment in a manner that he or she considers to be appropriate.

(6) Election proceedings that recommence after an adjournment shall continue for the time that, when added to the time preceding the adjournment, totals the time during which those election proceedings were to occur regardless of the adjournment.

(7) If voting proceedings are adjourned, the counting of the vote shall not begin until the close of voting for the adjourned election proceeding.

#### **Oath of office**

**26.** (1) A person is not qualified to serve as Chairperson and shall not take or sign the oath or affirmation of office unless he or she is qualified to be elected as Chairperson and has been declared to be elected under this Act.

- (2) A Chairperson shall, within 2 weeks of his or her election and before entering on the duties of his or her office, take and sign an oath or affirmation of office in the required form before the outgoing Chairperson, an election official, or other person authorized to take oaths in the Province of Newfoundland and Labrador.
- (3) The oath or affirmation of office required under subsection 2 shall be an official record of the Corporation to which it relates.
- Term of office**
27. The term of office of a Chairperson begins when he or she has taken the oath of office and ends when his or her successor in office has taken the oath or affirmation of office in accordance with section 26.
- Enumeration**
- 28.(1) The Returning Officer shall prepare and maintain the voters' list for the Corporation unless the Returning Officer proceeds in accordance with subsection 28(2).
- (2) The Returning Officer may, for the purpose of preparing the voter's list, use the Corporation's membership list or a list of Beneficiaries ordinarily resident in the Corporation's urban area prepared by the Registrar.
- (3) The voters list for a Corporation's urban area shall be comprised of a list of all members of the Corporation who are 16 years of age or older:
- (4) A Beneficiary who is eligible to be a voter but who has not been enumerated on the voters list may, at any time before the closing of the polls on election day, apply to the Returning Officer to be enumerated on the voters list by:
- (a) providing proof of his or her age;
  - (b) providing proof that he or she is a member of the Corporation who is ordinarily resident in the Corporation's urban area or that he or she is a beneficiary who is ordinarily resident in the Corporation's urban area; and
  - (c) providing proof of his or her place of residence in the Corporation's urban area; and
  - (d) taking the required oath or affirmation.
- (5) Where the name of a qualified voter does not appear on the list of voters or the name of a person not qualified as a voter does appear on the list, the Returning Officer or Deputy Returning Officer shall, upon

satisfactory proof being provided to him or her, correct that error or omission by inserting or omitting the name.

**Voters' list**

**29.(1)** The voters list to be used at an election, shall be the voters' list prepared under section 28 of this Act.

(2) The Returning Officer shall ensure that the voter's list is completed at least one month before the date of the election for Chairperson.

(3) Despite subsection (1), a person whose name has been omitted from the list of voters and is qualified to vote at an election may vote at the election upon complying with the requirements of subsection 28(4).

**Use of list**

**30. (1)** A voters' list prepared and revised for an election shall, where that election is deferred, constitute the list of voters for the deferred election.

(2) A voters' list prepared and revised for an election and used in that election or used in a deferred election may constitute the list of voters for a by-election.

(3) A Returning Officer shall, on the request of a Candidate and after payment of the prescribed fee, supply to the Candidate a copy of the voter' list prepared and revised for the election.

(4) A Candidate who receives a copy of voters' list under subsection (3) shall, in the required form, certify that the information contained in the list will only be used for election purposes and shall return all copies of the list to the Returning Officer not later than 14 days after the election.

**Voters' qualifications**

**31.** A Beneficiary who is 16 years of age or older is qualified to be a voter and to be enumerated on the voters' list for a Corporation if he or she has been ordinarily resident in the Corporation's urban area for the 30 days immediately before election day.

**Right of voters**

**32. (1)** Every person enumerated on the voters list for a Corporation's urban area is entitled to vote at an election for the Corporation's Chairperson.

(2) A voter may only vote at an election for the Corporation's Chairperson if the voter is ordinarily resident in the Corporation's urban area on polling day.

(3) Where a Corporation's urban area is divided into polling divisions, each voter shall vote in the polling division in which he or she is ordinarily resident on election day.

(4) A voter shall not:

- (a) vote in more than one election for Chairperson on election day;
- (b) vote in an election for an AngajukKâk and for a Chairperson on election day; or
- (c) vote at more than one polling division at an election.

(5) Despite subsection (3), if an election official is assigned to a polling division other than that in which he or she ordinarily lives on election day, the election official may only vote in the polling division to which he or she has been assigned or at an advance poll or by proxy.

#### **Oath or Affirmation of Voters**

33.(1) If required by a Candidate or Candidate's Agent, a voter shall, before voting, take an oath or affirmation in the required form, which shall be administered by the Returning Officer or Deputy Returning Officer.

(2) A voter who refuses to take an oath or affirmation under subsection (1) shall not be permitted to vote.

#### **Advance poll**

34. (1) The Executive Committee may hold an advance poll not earlier than 10 days immediately preceding election day.

(2) The Executive Committee may hold a second advance poll on the Saturday immediately preceding election day.

(3) The Returning Officer shall give notice of the time and place of the advance poll by publishing the time and place of the advance poll at least once in the 7 days before the advance poll in a newspaper circulating in the community, where there is such a newspaper, and by posting a notice in at least 2 public places in the community.

(4) The advance poll shall be conducted in the same manner as is provided for the conduct of other polls in an election, except that upon the ballot box being sealed at the opening of the first day of the advance poll, it shall remain sealed until opened for the counting of ballots after the close of the polls on election day.

(5) A ballot box that is used in the conduct of an advance poll shall not be used on election day.

(6) At an advance poll the Poll Clerk shall record in the poll book the names of the voters who vote at the advance poll and the polling divisions, if any, in which the voters live.

(7) Voters who have reason to believe that they will be unable to vote at a poll in the community on election day and voters who are elderly or who have a disability may vote in an advance poll.

(8) The Returning Officer shall provide a record of those voters who voted in an advance poll, together with the polling divisions, if any, in which they reside to the Deputy Returning Officers for the respective polling divisions on election day.

#### **Voting by proxy**

35. (1) A voter who has reason to believe that he or she will be unable to vote on election day may, by an application to the Returning Officer in the required form, authorize another voter who is a member of the Corporation to vote on his or her behalf in that election.

(2) An application under subsection (1) shall contain declarations in the required form verifying:

(a) that the applicant is qualified to vote in the election in respect of which the application is made.

(b) that the applicant has reason to believe that he or she will be unable to vote at a poll in the Corporation's urban area on election day; and

(c) that the proxy designated in the application is a voter qualified to vote in the same Corporation as the applicant.

(3) An application required under subsection (1) shall only be provided by the Returning Officer to and received by the Returning Officer from the applicant or the person designated by the applicant as his or her proxy.

(4) An application under subsection (1) shall be given to the Returning Officer by the applicant or his or her designated proxy not later than 4:00 p.m. on the day immediately before the day of the election in respect of which it is made.

(5) Where satisfied that the requirements of this section have been complied with, the Returning Officer shall issue a proxy certificate entitling the designated proxy to vote on behalf of the applicant for whom the proxy is designated at the specified polling division in the Corporation's urban area.

(6) No more than one proxy certificate may be issued for any one applicant in respect of an election, except where the proxy dies or becomes unable to cast a vote because of illness or mental incompetence.

(7) A person may not be proxy for more than one voter at any one election.

(8) Applications, declarations, proxy certificates and other documents required under this section shall be in the required form.

**Ballots**

**36.** (1) Where an election for Chairperson has been declared, the Returning Officer shall immediately print or procure a number of sequentially numbered ballots that is not less than the number of voters on the voters list for the Corporation.

(2) There shall be an equal number of ballots printed for an advance poll at that election.

(3) The ballots shall:

(a) be in the required form; and

(b) contain the names and civic addresses of the Candidates as set out in the nomination paper, alphabetically arranged in the order of their surnames or, where there are 2 or more Candidates with the same surname, in the order of their other names.

**Election materials**

**37.** Where an election has been declared the Returning Officer shall prepare for his or her own use and, where there is more than one polling division in the Corporation's urban area, deliver to every Deputy Returning Officer:

(a) the voters list subdivided, where necessary, into lists for each polling station;

(b) a list of the voters who have voted in an advance poll;

(c) one or more ballot boxes;

(d) a sufficient number of ballots and the materials necessary to enable voters to mark them;

(e) a sufficient number of directions for the guidance of voters; and

(f) one or more poll books in the required form.

**Directions**

**38.** A Returning Officer or Deputy Returning Officer shall place a copy of the directions for the guidance of voters, in the required form, in each polling booth of the polling station and shall see that they remain in place until voting has been completed.

**Opening and close of poll**

**39.** (1) A Returning Officer or Deputy Returning Officer shall, on election day, open the polling booth assigned to him or her at 8:00 a.m. and shall keep that booth open until 8:00 p.m. and during that time shall receive the votes of all voters qualified to vote at the polling booth.

(2) Where the start of voting in accordance with subsection (1) is delayed, the Returning Officer shall extend the time for the close of the voting but the extension shall not permit voting for a longer length of time than would have been permitted had voting not been delayed.

(3) Where at the time set for the close of voting under subsection (1), there are voters waiting in the polling station or waiting in line outside the polling station in order to vote, those voters are entitled to vote and the polling booth shall remain open until their votes have been received.

(4) Voters other than those referred to in subsection (3) are not entitled to vote after the time set for the close of voting.

(5) The decision of the Returning Officer or Deputy Returning Officer in charge of the polling booth as to who is or is not entitled to vote under subsection (3) is final and may not be appealed.

**Employee time to vote**

**40.** (1) An employee who is qualified to vote at an election is, while the polls are open on election day, 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) An employer shall not 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 for the purpose of casting his or her vote.

(4) Additional time for voting required under subsection (2) may be granted at the convenience of the employer.

(5) For purposes of this section “employee” means an employee of the Nunatsiavut Government, the Corporation or an Inuit Business and “employer” means the Nunatsiavut Government, the Corporation or an Inuit Business.

**Polling booths**

41. A polling station shall have one or more polling booths in which voters may mark their ballots screened from observation.

**Who may be present**

42. (1) During the conduct of voting no person is entitled or shall be permitted to be present in the polling station other than:

(a) the Returning Officer or Deputy Returning Officer who is conducting the election, a Poll Clerk and other election officials authorized to be present;

(b) the Candidates to be voted for in the polling station and their Agents, authorized in writing, not exceeding one Agent for each Candidate; and

(c) a voter actually engaged in voting.

(2) On election day a Candidate or his or her Agents shall not campaign or distribute or cause to have distributed campaign materials in an area that is less than 30 metres from the entrance to a polling station.

**Maintaining order**

43. (1) The Returning Officer or a Deputy Returning Officer may take such action as he or she deems necessary to maintain order at a polling station and may order the removal of a person from the polling station who is not entitled to be present or who, being entitled, obstructs the voting, and the order may be executed by a peace officer without the order being in writing and without a warrant.

(2) The Returning Officer or a Deputy Returning Officer may have present or summon to his or her aid a security guard, law enforcement officer or peace officer for the purpose of maintaining order or preserving the peace.

**Ballot box exhibited**

44. (1) At an election for Chairperson a separate ballot box shall be used at each polling station.

(2) At the hour fixed for opening the poll the Returning Officer or a Deputy Returning Officer shall:

(a) show the ballot boxes to the Candidates or their Agents, or persons that are present within the polling station, so that they may see that the ballot boxes are empty; and

(b) then immediately seal the ballot boxes, place them in view for the reception of ballots and keep them sealed until voting is concluded.

## Oaths or affirmations of Election Officials

- 45.** (1) A Deputy Returning Officer and Poll Clerk shall, before commencing their duties, take the oath or affirmation in the required form.
- (2) Every other person authorized to attend at a polling station, or at the counting of the votes shall, before commencing his or her duties, take the oath or affirmation in the required form.
- (3) An oath or affirmation required under subsection (1) or (2) shall be administered by the Returning Officer, Deputy Returning Officer, a Justice of the Peace or a Commissioner of Oaths on the day on which the election official commences his or her election duties.
- (4) The returning officer or Deputy Returning Officer may administer an oath or affirmation required by this Act to be taken in the polling station for which he or she was appointed.

## Confirmation of names

- 46.** (1) When a voter presents himself or herself at the polling station for the purpose of voting, he or she shall state his or her name and civic address.
- (2) The Returning Officer or Deputy Returning Officer shall ascertain if the name of the person is:
- (a) entered on the voters' list for the polling station in which he or she presides; or
  - (b) if not on the voters' list, that the person is entitled to take the required oath or affirmation in the required form upon satisfying the requirements of subsection 28(4).
- (3) The Poll Clerk shall enter in the poll book the name of the voter but shall not enter in the poll book or elsewhere the name of or anything to indicate the name of a Candidate for whom the voter votes.

## Noting of objections and oath or affirmation

- 47.** (1) Where a voter is objected to by a Candidate or his or her Agent the Poll Clerk shall enter the objection in the poll book by writing opposite the name of the person whose vote is objected to the words

"objected to" together with the name of the Candidate by or on behalf of whom the objection is made and the Returning Officer or Deputy Returning Officer shall decide whether that person may vote.

(2) Where a voter takes an oath or affirmation required to be taken by subsection 33(1) of this Act the Poll Clerk shall enter opposite the person's name the word "sworn" or "affirmed".

#### **Refusal to take oath or affirmation**

**48.** If a voter is required to take an oath or affirmation and refuses to take it, the Poll Clerk shall enter opposite the name of the person in the poll book the words "refused to be sworn" or "refused to affirm", and a ballot shall not be issued to that person.

#### **Delivery of ballots**

**49.** Where the name of the voter is found on the list of voters for the polling booth or he or she takes the required oath or affirmation where permitted to do so by the Returning Officer or Deputy Returning Officer, and where the appropriate entries respecting him or her have been made in the poll book, the Returning Officer or Deputy Returning Officer shall provide the voter with one ballot for Chairperson.

#### **Incapacitated voter**

**50.** (1) Despite subsection 53(3), a voter who indicates to the Returning Officer or a Deputy Returning Officer that he or she requires assistance to mark his or her ballot may be assisted by a Returning Officer, Deputy Returning Officer or a friend as provided in subsection (2).

(2) A voter may have a friend accompany him or her enter a polling booth in order to assist the voter but before doing so the friend accompanying the voter must take the required oath or affirmation of the friend of a voter.

(3) The Poll Clerk shall make an entry opposite the name of the voter in the poll book that their vote has been marked under this section.

(4) A person other than an Returning Officer or Deputy Returning Officer shall not assist more than one voter, as described in subsection (2), in an election.

(5) Where a polling station or polling booth is not accessible to a voter described in subsection (1), the Returning Officer or Deputy Returning Officer in charge of the polling station shall:

(a) suspend temporarily the voting in the polling booth; and

(b) carry the ballot box, poll book, ballots and other necessary election materials to a place that is accessible to the voter and that is in close proximity to the entrance to the polling station.

(6) The procedure to be followed in taking the vote of a voter under subsection (5) shall, where circumstances permit, be the same as if the voter had entered the polling booth to vote.

**Proxy voting**

**51.** Where a person produces to a Returning Officer or Deputy Returning Officer a proxy certificate issued under section 35, the person may vote on behalf of the voter with respect to whom the certificate is issued.

**Explanation of voting procedure**

**52.** Upon the request of a prospective voter, the Returning Officer or Deputy Returning Officer shall either personally or through his or her Poll Clerk, explain to the prospective voter as concisely as possible, the mode of voting, but shall not influence the voter to vote for a particular Candidate in the election.

**Voting at a Polling Station** **53.** (1) Upon receiving a ballot, a voter shall:

(a) immediately proceed to the assigned polling booth and shall then mark his or her ballot by marking an X on the part of the ballot within the division containing the name or names of the Candidate for whom he or she intends to vote;

(b) after marking the ballot, fold it so as to conceal the names of the Candidates and the mark upon the ballot; and

(c) without delay and without showing or displaying the ballot so as to make known the Candidate for whom he or she voted, deposit the ballot in the appropriate ballot box.

(2) A voter shall immediately leave the polling station after he or she has voted.

(3) While a voter is in the process of marking his or her ballot no person shall be in a position from which he or she can see how that voter marks his or her ballot.

**Removal of ballots**

**54.** (1) A person who has received a ballot shall not remove the ballot from the polling station.

- (2) A person who has received a ballot and leaves the polling station without depositing it in the assigned ballot box forfeits his or her right to vote at the election.
- (3) The Poll Clerk shall make an entry in the poll book in the column for remarks to the effect that the person received a ballot but took it out of the polling station, returned the ballot or declined to vote.
- (4) Where a person has declined to vote, the Poll Clerk shall immediately write the word "declined" upon the ballot and shall return it to the election official or the deputy election official.
- Mobile and special polls**
- 55.** (1) Where a polling booth has been established in a home for the aged, hospital, correctional or other long-term resident institution, the Returning Officer or Deputy Returning Officer and the Poll Clerk, while the poll is still open on polling day and when considered necessary by the Returning Officer or Deputy Returning Officer, shall:
- (a) temporarily suspend the voting in the polling booth; and
- (b) with the approval of the person in charge of the institution, carry the ballot box, poll book, ballots and other necessary election materials from room to room in the institution to receive the votes of those members of the Corporation who are ordinarily resident in the Corporation's urban area in which the election is being held and are otherwise qualified to vote but who are unable to go to the polling booth.
- (2) Despite any other section of this Act, the Returning Officer or Deputy Returning Officer may provide mobile polling booths that may be open and used at different locations and for fewer than 12 hours on election day.
- Spoiled ballots**
- 56.** (1) A voter who has inadvertently spoiled his or her ballot is, upon returning it to the Returning Officer or Deputy Returning Officer, entitled to receive another ballot.
- (2) The Returning Officer or Deputy Returning Officer shall write the word "cancelled" upon the ballot returned to him or her and shall retain it.
- Counting of ballots**
- 57.** (1) Immediately after the close of the poll, the Returning Officer or Deputy Returning Officer shall:
- (a) place all the cancelled, declined and unused ballots in an envelope and seal it; and

(b) count the number of voters whose names appear in the poll book and sign the following certificate, which shall be entered in the poll book on the line immediately below the name of the voter who voted last:

"I certify that the number of voters who voted at the election in this polling booth is (stating the number in words) and that A.B. was the last person who voted at this polling booth."

(2) Immediately after the certificate required by subsection (1) has been signed by him or her, the Returning Officer or Deputy Returning Officer, in the presence and in full view of the Poll Clerk and any Candidates or their Agents who may be present, shall open the ballot box and count the total number of ballots cast and the number of votes for each Candidate, giving full opportunity to those present to examine each ballot.

**Rejected ballots**

**58.** (1) When counting the votes, the Returning Officer, or Deputy Returning Officer, shall reject all ballots:

(a) that have given votes for more Candidates than one Candidate; or

(b) upon which there is writing, a mark, or that have been torn, defaced or otherwise dealt with by the voter in a manner that would permit that voter to be identified.

(2) A ballot shall not be rejected under subsection (1) by reason only that it has been marked with a writing instrument other than a black lead pencil or it has a mark other than an X, as long as the mark does not identify the voter.

**Objections**

**59.** (1) The Returning Officer, or Deputy Returning Officer, shall note in the poll book an objection taken to a ballot or a vote on a ballot by a Candidate or his or her Agent and shall uphold or reject the objection.

(2) An objection shall be numbered and a corresponding number shall be placed on the back of the ballot and initialed by the Returning Officer or the Deputy Returning Officer, and when the objection is upheld the word "rejected" shall be marked on the face of the ballot.

**Account of ballots**

**60.(1)** All ballots except those rejected shall be counted and an account shall be kept of the number of votes received by each Candidate.

(2) All the ballots shall be put into separate envelopes as follows:

(a) all the used ballots that have not been objected to and have been counted;

(b) all the used ballots that have been objected to and have been counted, all rejected ballots and all ballots that are used but unmarked; and

(c) all the cancelled, declined and unused ballots.

(3) Each envelope shall be endorsed so as to indicate its contents and the polling station to which it relates and shall be sealed by the Returning Officer or Deputy Returning Officer.

#### **Statement of poll**

**61.** (1) The Returning Officer or Deputy Returning Officer shall make out a statement in duplicate as to the number of:

(a) ballots received;

(b) ballots cast;

(c) ballots that have been objected to;

(d) used ballots that have not been objected to and have been counted;

(e) ballots that have been rejected;

(f) cancelled ballots, ballots used but not marked, declined ballots, ballots taken from the polling booth and unused ballots; and

(g) votes received by each Candidate.

(2) The statement shall be signed by the Returning Officer, or the Deputy Returning Officer, and the Poll Clerk.

(3) One statement shall be attached to the poll book and the other, in the case of a Deputy Returning Officer, shall be delivered by him or her to the place designated by the Returning Officer.

#### **Disposition of materials and delivery of ballot boxes**

**62.** (1) In an election for Chairperson, the voters' list , the envelopes containing the ballots, and all other materials related to the election, except for the Returning Officer's statement referred to in subsection 61(3) shall then be placed in the ballot box.

(2) The Returning Officer or Deputy Returning Officer shall, after the requirements of subsection (1) have been carried out, immediately seal the ballot box and in the case of a Deputy Returning Officer shall immediately deliver it and the statements referred to in subsection 61(3) to the place designated by the Returning Officer.

(3) Where a Deputy Returning Officer is unable to deliver a ballot box, another election official designated by the Deputy Returning Officer shall immediately deliver the ballot box and the statement to the place designated by the Returning Officer.

(4) The Returning Officer shall remain available on the evening of Election Day until all the ballot boxes and the statements referred to in subsection 61(3) have been returned.

**Declaration of result**

**63.** (1) After the Returning Officer has received the ballot boxes and statements of the number of votes cast at each polling booth, the Returning Officer shall:

(a) without opening the ballot boxes, add up from the statements he or she has received the number of votes received by each Candidate;

(b) not later than noon on the day following the election, if the numbers correspond with the numbers received on election day, publicly declare the results of the election; and

(c) not later than noon on the day following the election put up in some conspicuous place a statement signed by him or her showing the number of votes received by each Candidate.

(2) The Returning Officer may, after he or she has received statements from polling booths and before publicly declaring a Candidate elected, indicate to the public the number of votes received by each Candidate.

**Retention of ballot boxes**

**64.** (1) Unless it is otherwise ordered by a court or unless a recount is demanded, the ballot boxes shall remain sealed as received by the Returning Officer and shall be retained by him or her for a period of 30 days after the election and until the termination of any legal proceeding instituted to test the validity of the election taken within that period of time.

(2) When the time has elapsed under subsection (1), the ballot boxes shall be unsealed by the Returning Officer and the ballots and other associated material shall be destroyed as authorized by the Minister.

**Tie vote**

65. Where, upon the counting of the votes, 2 or more Candidates have an equal number of votes, the Returning Officer shall immediately, in the presence of the persons referred to in section 57(2) and in accordance with the procedures set out in section 57, recount all ballots pertaining to the tie and if following the recount 2 or more Candidates still have an equal number of votes the Returning Officer shall immediately:

- (a) write the names of those Candidates on separate, identical blank sheets of paper;
- (b) fold the sheets of paper in an identical manner so that the names are concealed;
- (c) deposit them in a receptacle and withdraw one sheet; and
- (d) declare the Candidate whose name appears on the sheet withdrawn, to be elected.

**Report**

66. Within 7 days after an election is held under this Act the Returning Officer shall forward a report on the election to the Minister.

**Recount**

67. (1) Where, in an election for Chairperson, the difference between the number of votes received by the first and second place Candidates is 10 votes or fewer, the second place Candidate may request that the election official conduct a recount of the ballots cast in the election.

(2) A request for a recount under subsection (1) shall be filed with the Returning Officer, in writing, not more than 3 days after the date of the election and the Returning Officer shall commence the requested recount not more than 3 days after receiving that request.

(3) The Returning Officer and election officials that he or she may appoint shall conduct a recount held under this section.

(4) After the conclusion of a recount of the ballots, the ballots and other election material shall be returned to and resealed in the appropriate ballot boxes.

(5) The Returning Officer shall notify those Candidates in the election who are affected by the recount of the time and place of the recount.

**Recount requirements**

68. (1) The Returning Officer, and election officials he or she appoints to assist with the recount and each Candidate affected by the recount or his or her Agent, or at least 3 voters, shall be present at the recount.

(2) At the time and place appointed, the Returning Officer shall conduct or oversee a recount of the ballots cast in the election and shall decide upon the validity of questioned ballots.

(3) The decision of the Returning Officer on a recount is final and not subject to appeal or review.

#### **Declaration of result following recount**

**69.** (1) Following a recount under section 67, the Returning Officer shall declare to be elected the Candidate having the largest number of votes.

(2) Except in circumstances referred to in subsection (3), in the event of a tie the election of a Candidate shall be carried out by the Returning Officer in the same manner as provided in section 65 and the declaration by the Returning Officer of the Candidate or Candidates so elected is final and not subject to appeal or review.

(3) Where a tie vote has been decided in the manner described in section 65 and the same tie recurs following a recount under section 67, the person who was declared to be elected under clause 65(1)(d) shall be declared to be elected.

#### **Election expenses**

**70.** The cost of the holding of elections including the cost of a recount under section 67 shall be paid out of the funds of the Corporation.

#### **Corporation may regulate election financing**

**71.** (1) Subject to section 72, a Corporation may enact by-laws establishing limits upon campaign contributions to, and campaign expenditures by, Candidates.

(2) A by-law under subsection (1) shall establish procedures, time frames and forms for the reporting of campaign contributions and campaign expenses by all Candidates.

(3) Where a Corporation has not made a by-law under subsection (1):

(a) a Candidate elected in an election shall, not more than 90 days after the election, file with the Returning Officer a statement in the required form and made under oath or affirmation stating the total amount of the contributions received by him or her and the amount of the contributions donated to his or her campaign by contributors that exceed \$100 and the contributors of those amounts; and

**Campaign contributions**

(b) a Candidate elected in an election who did not receive any one contribution in an amount exceeding \$100 shall, not more than 90 days after the election, file with the election official a statement under oath or affirmation stating the total amount of the contributions received by him or her and that he or she did not receive any one contribution in an amount that exceeded \$100.

**72.(1)** Contributions to Candidates shall be made only by members of the Corporation individually.

(2) Only a Candidate or his or her Agent may solicit, collect or accept contributions.

(3) A contribution to a Candidate that is made by a person in a calendar year, the total value of which does not exceed either \$100 or, where a Corporation has made a bylaw under subsection 71(1), the amount prescribed by regulation, is not a contribution for purposes of this section.

(4) A contribution given to a Candidate in an amount exceeding the amount prescribed in a bylaw under subsection 71(1) or, where there is no regulation, \$100, shall be made only:

(a) by a cheque that has the name of the contributor printed legibly on it and that is signed by the contributor and drawn on an account in the contributor's name;

(b) by a money order that identifies the name of the contributor; or

(c) in the case of a contribution by an individual by the use of a credit card, if that credit card has the name of the individual contributor imprinted or embossed on that card,

and that contribution shall not be accepted unless the contribution is made in accordance with this subsection.

(5) Notwithstanding subsection (4), where money in an amount exceeding the amount prescribed by law under subsection 71(1) or, where there is no regulation, \$100, is anonymously contributed to a Candidate, that money shall not be utilized by the Candidate in the election but shall be paid to the Corporation and used to offset the costs of the election.

(6) For purposes of this section and section 71, a "contribution" means a contribution of money.

**Records**

73. A statement filed under a by-law made under subsection 71(1) or, where there is no by-law, subsection 71(3) shall be considered to be an official record of the Corporation and, upon request, shall be made available for inspection by Inuit.

**Corrupt Practices**

74. A person commits a corrupt practice who, directly or indirectly by himself or herself or by another person on his or her behalf commits an offence under section 75, 76, 80, 82 or 83.

**Offence: inducing to vote**

75.(1) A person is guilty of an offence who:

- (a) gives or promises to give to a person money or other consideration to induce a voter 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:
    - (i) the election of a person to serve as Chairperson, or
    - (ii) the vote of a voter 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 Chairperson or the vote of a voter 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**

76. 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 a voter.

### **Personating and multiple voting**

**77.** 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 Corporation; 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**

**78.** A person is guilty of an offence who, at an election, votes or attempts to vote knowing he or she is disqualified from voting or is not qualified to vote at that election.

### **Attack on secrecy**

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

### **Offences against ballots**

**80.** (1) 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 Act;
- (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 Act, 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 Returning 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 voter 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**

**81.** 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**

**82. (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**

**83.** (1) A Returning Officer, Deputy Returning Officer, Poll Clerk or other election official 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 voters, wilfully and without reasonable excuse:

(a) includes in a list of voters 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**   **84.** (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

**Wrongful application**

85. 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 a voter entitled to vote at an election applies to be included in a list of voters prepared for another Corporation or polling division as a voter entitled to vote at the same election.

**False statement re Candidate**

86. 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**

87. 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**

88. 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**

89. An employer is guilty of an offence who refuses, or by intimidation, undue influence, or in another way, interferes with the granting to a voter in his or her employ, of the consecutive hours for voting provided in this Act. For purposes of this section “employer” has the meaning ascribed to it in subsection 40(5).

**Penalty**

90. A person who is guilty of an offence under this Act 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.

**Repeal of Inuit Community Corporations Elections Act**

91. The *Inuit Community Corporations Elections Act*, IL-2006-03, is repealed.