

NUNATSIAVUT ASSEMBLY

IL 2021-03

AN ACT TO AMEND THE *LABRADOR INUIT CONSTITUTION* TO PROVIDE AUTHORITY TO THE NUNATSIAVUT ASSEMBLY TO MAKE INUIT LAWS RESPECTING THE TIMING OF ELECTIONS FOR PRESIDENT OF NUNATSIAVUT, ORDINARY MEMBERS, AND INUIT COMMUNITY GOVERNMENTS, AND TO MAKE OTHER RELATED AMENDMENTS.

WHEREAS the legitimacy and moral authority of any government or any elected official is rooted in transparent and fair electoral processes;

WHEREAS the *Labrador Inuit Constitution* affirms the requirement that the leaders and representatives of the Labrador Inuit be democratically chosen by the Labrador Inuit in regular elections and must be accountable to the Labrador Inuit through a system of democratic government that ensures accountability, responsiveness and openness;

WHEREAS recent global events have demonstrated the need for the ability to adjust election dates in the event of emergencies which prevent elections from being conducted according to law;

WHEREAS the *Labrador Inuit Constitution* contains provisions setting out terms of office and times for elections for certain elected officials;

WHEREAS the *Labrador Inuit Constitution* is the supreme law of Nunatsiavut which can be amended only in accordance with its terms; and

WHEREAS the Nunatsiavut Assembly has determined it necessary and advisable to make certain amendments to the *Labrador Inuit Constitution* to permit the alteration of election dates in emergency situations, without in any way affecting the principle of fixed election dates or to alter the spirit and intent of the existing systems of elections in Nunatsiavut.

NOW THEREFORE be it enacted by the Nunatsiavut Assembly, with the approval of Labrador Inuit, as required by the *Labrador Inuit Constitution*, as follows:

Short Title

1. This Act may be cited as the *Nunatsiavut Constitution (Amendment) Act, 2021*.

Interpretation

2. In this Act:

Maclure Winters Hall Sept 21/21

- (a) “*Labrador Inuit Constitution*” means the *Labrador Inuit Constitution* enacted as Schedule A to the *Nunatsiavut Constitution Act*; and
- (b) words and phrases used in this Act have the same meaning as they have in the *Nunatsiavut Constitution Act*.

Part 1 - Elections for President of Nunatsiavut

Amendment to s. 3.4.3 of the *Labrador Inuit Constitution*

- 3. ***The Labrador Inuit Constitution* is amended by deleting section 3.4.3. and replacing it with the following:**

Term of office

3.4.3 Subject to sections 3.4.3.1 and 3.4.3.2, the President of Nunatsiavut shall serve a four year term of office.

Addition of s. 3.4.3.1 and s. 3.4.3.2 to the *Labrador Inuit Constitution*

- 4. ***The Labrador Inuit Constitution* is amended by adding the following sections immediately after section 3.4.3:**

Inuit law may set election dates

3.4.3.1 The Nunatsiavut Assembly may make Inuit law which:

- (a) prescribes set dates for elections for President of Nunatsiavut under section 3.4.3 to be held in every fourth year; and

- (b) despite subsection (a) permits a delay of an election for President of Nunatsiavut past the term stated in 3.4.3. but only:

- (i) as a result of an emergency that would affect the lawful conduct of voting; and

- (ii) until such time that the emergency no longer affects the lawful conduct of voting.

Term of President of Nunatsiavut elected after delay in election

3.4.3.2 Where an election has been delayed under 3.4.3.1(b), the term of the President of Nunatsiavut elected in that election shall be for the remainder of the term that would have begun on the originally scheduled election date, prior to the delay.

Part 2 - Elections for Ordinary Members

Amendment to s. 4.4.1 of the *Labrador Inuit Constitution*

5. **The *Labrador Inuit Constitution* is amended by deleting section 4.4.1 and replacing it with the following:**

Normal Duration of Nunatsiavut Assembly

4.4.1 Subject to sections 4.4.2, 4.5.2 and 4.5.4, the Nunatsiavut Assembly is elected for a term of 4 years.

Amendment to s. 4.5.2 of the *Labrador Inuit Constitution*

6. **The *Labrador Inuit Constitution* is amended by deleting section 4.5.2 and replacing it with the following:**

Subsequent Ordinary General Elections

4.5.2 The Nunatsiavut Assembly may make Inuit law which:

(a) prescribes set dates on which ordinary general elections are to be held in every fourth year; and

(b) despite subsection (a) permits a delay of an ordinary general election past the term stated in 4.4.1 but only:

(i) as a result of an emergency that would affect the lawful conduct of voting; and

(ii) until such time that the emergency no longer affects the lawful conduct of voting.

Amendment to s. 4.5.3 of the *Labrador Inuit Constitution*

7. **The *Labrador Inuit Constitution* is amended by deleting section 4.5.3 and replacing it with the following:**

Ordinary Dissolution of Nunatsiavut Assembly prior to ordinary general election

4.5.3 When an ordinary general election for the Nunatsiavut Assembly is to be held in accordance with section 4.5.2, the Nunatsiavut Assembly shall be dissolved by virtue of this section, whether or not it is then sitting, at 12:00 noon on the 28th day immediately preceding the day of polling.

Amendment to s. 4.5.4 of the *Labrador Inuit Constitution*

8. **The *Labrador Inuit Constitution* is amended by deleting section 4.5.4 and replacing it with the following:**

No Dissolution if General Election Deferred

4.5.4 If, after the dissolution of the Nunatsiavut Assembly under section 4.5.3, a general election of the Nunatsiavut Assembly is deferred under section 4.5.2 (b) the Nunatsiavut Assembly:

- (a) is to be taken as having not been dissolved; and
- (b) shall be dissolved by virtue of this section at 12:00 noon on the 28th day immediately preceding the date to which the day of polling has been deferred.

Addition of s. 4.5.5 to the *Labrador Inuit Constitution*

9. **The *Labrador Inuit Constitution* is amended by adding the following section immediately after section 4.5.4:**

Term of Nunatsiavut Assembly Elected After Delay in General Election

4.5.5 Where an election has been delayed under 4.5.2 (b) the duration of the term of that Nunatsiavut Assembly shall be for the remainder of the term that would have begun on the originally scheduled election date, prior to the delay.

Part 3 - Inuit Community Government Elections

Addition of s. 10.4.7.1 to the *Labrador Inuit Constitution*

10. **The *Labrador Inuit Constitution* is amended by adding the following section immediately after section 10.4.7:**

Candidate for AngajukKâk may run for Council

10.4.7.1 An unsuccessful candidate for the office of AngajukKâk shall be eligible to be elected as an Inuit Community Councillor in the election of Councillors which immediately follows the election of AngajukKâk.

Amendment to s. 10.4.11 of the *Labrador Inuit Constitution*

11. **The *Labrador Inuit Constitution* is amended by deleting section 10.4.11 and replacing it with the following:**

When Elections are Held

10.4.11 unless otherwise prescribed by the Nunatsiavut Assembly in Inuit Law:

- (a) elections for Inuit Community Councillors shall take place every 4 years on the last Tuesday in September; and
- (b) elections for AngajukKâk shall take place every 4 years on the second Tuesday in September or such other date which is 2 weeks prior to the date that may be established in Inuit Law the Nunatsiavut Assembly.

Amendment to s. 10.4.12 of the *Labrador Inuit Constitution*

- 12. The *Labrador Inuit Constitution* is amended by deleting section 10.4.12 and replacing it with the following:**

Variation in Dates of Regular Elections

10.4.12 If the Executive Council determines that as a result of an emergency, circumstances exist that prevent an election under section 10.4.11 from being lawfully conducted it may by order defer such an election with respect to one or more community but only:

- (a) for periods not exceeding 1 year in total; or
- (b) for any period continuing after 1 year from the original election date only if the Nunatsiavut Assembly has adopted a resolution made by 2/3 of the Members approving such an extension.

Part 4 – Assent and Commencement

When President of Nunatsiavut may give assent

13. (1) The President of Nunatsiavut must only give assent to this Act if the requirements of sections 1.2.1 and 4.19.4 of the *Labrador Inuit Constitution* requiring a referendum of Inuit are satisfied.
- (2) The Approval of the Bill for this Act on second reading by a majority of at least 60% of the Members of the Nunatsiavut Assembly is taken to be approval of a resolution of the Nunatsiavut Assembly to amend the *Labrador Inuit Constitution* with the same majority for the purpose of section 1.2.1 of the *Labrador Inuit Constitution*.

Coming into Force

14. This Act comes into force on a day to be fixed by Order of the President of Nunatsiavut.