

## NUNATSIAVUT ASSEMBLY

IL 2021-04

### AN ACT TO AMEND THE NUNATSIAVUT ASSEMBLY ACT, THE NUNATSIAVUT ELECTIONS ACT AND THE INUIT COMMUNITY GOVERNMENT ELECTIONS ACT WITH RESPECT TO TIMING OF ELECTIONS UNDER THOSE ACTS 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* and Inuit Law 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 the *Labrador Inuit Constitution* authorizes the Nunatsiavut Assembly to make Inuit Laws to set election dates for certain elected officials and to provide for variances in set election dates in the event of emergencies;

**NOW THEREFORE** be it enacted by the Nunatsiavut Assembly as follows:

#### Short Title

1. This *Act* may be cited as the *Election Dates Amendments Act, 2021*.

#### Interpretation

2. In this Act:

“*Labrador Inuit Constitution*” means the *Labrador Inuit Constitution* enacted as Schedule A to the *Nunatsiavut Constitution Act*.

### Part 1 – Amendments to the *Nunatsiavut Assembly Act*

#### Amendment to s. 20 of the *Nunatsiavut Assembly Act*

3. **Section 20 of the *Nunatsiavut Assembly Act* is repealed and replaced with the following:**

#### Normal Duration of Assembly

**20.** Subject to sections 4.4.1, 4.4.2, 4.5.2 and 4.5.5 of the *Labrador Inuit Constitution*, the Nunatsiavut Assembly is elected for a period of 4 years.



Nov 24/2021

## Part 2 – Amendments to the *Nunatsiavut Elections Act*

### Amendment to s. 26 of the *Nunatsiavut Elections Act*

4. **Section 26 of the *Nunatsiavut Elections Act* is repealed and replaced with the following:**

#### **Calling an election**

26. (1) An election, including an ordinary general election under section 27, is begun by order of the President.
- (2) Subject to subsection (6) an order under subsection (1) must 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.
- (3) If in the case of an ordinary general election under section 27, a Federal election or a Provincial election is to be held on or about the same date the President may, after considering the advice of the Nunatsiavut Electoral Officer, set a different polling day in the order required under subsection (1) which is not more than 1 month earlier nor more than 1 month later than the date prescribed under section 27.
- So (4) An order made under subsection (1) shall dissolve the Assembly at 12:00 noon on the 28<sup>th</sup> day prior to the date set for the poll in the order.
- (5) If a general election of the Nunatsiavut Assembly is deferred under section 4.5.2(b) of the *Labrador Inuit Constitution* after the dissolution of the Nunatsiavut Assembly under subsection (4) the order made under subsection (1) is void and the Assembly is to be taken as having not been dissolved.
- (6) If the President acts under subsection (3) to vary the date on which an election is to be held, the order 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 this Act in respect of such elections.
- (7) Despite anything else in this section:
- (a) where an election is a general election or a by-election in respect of the Canadian constituency:
- (i) 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

- (ii) the day to be appointed by the order required under subsection (1) for the close of nominations of candidates shall be the thirty-fifth day before the day of polling; and
- (b) where an election is a by-election in a constituency other than the Canadian constituency:
  - (i) 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
  - (ii) 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.

**Amendment to s. 27 of the *Nunatsiavut Elections Act***

- 5. Section 27 of the *Nunatsiavut Elections Act* is repealed and replaced with the following:**

**General Election Day**

- 27. (1)** Subject to sections 26(3) and 27A a general election of the ordinary members of the Assembly shall be held on the first Tuesday in May 2022, and thereafter on the first Tuesday in May every fourth calendar year.
- (2)** Subject to section 27A(3) where an election is a general election, it shall be held on the same day in each constituency.

**Addition of s. 27A to the *Nunatsiavut Elections Act***

- 6. The *Nunatsiavut Elections Act* is amended by adding the following section immediately after section 27:**

**Changes in election dates**

- 27A (1)** If the Nunatsiavut Electoral Officer reasonably believes that an occurrence of extreme weather, natural disaster, war, civil emergency or public health emergency has occurred in within one or more constituencies of the Nunatsiavut Assembly resulting in circumstances in which an election has or will likely be prevented from being conducted in accordance with this Act on the day prescribed for the election, the Nunatsiavut Electoral Officer may recommend to the President that the election be deferred to a date not later than 6 months after the polling date originally set for that election.

- (2) The President must, upon receiving a recommendation of the Nunatsiavut Elections Officer under subsection (1), make an order deferring the election date to the date recommended by the Nunatsiavut Electoral Officer.
- (3) An order under subsection (1) with respect to a general election may defer the election in one or more constituencies but if deferring the election in more than one constituency would result in a fewer number of ordinary members being returned then is required for a quorum of the Assembly under the *Labrador Inuit Constitution* the election shall be deferred in all constituencies.
- (4) The President may extend an order under subsection (2) deferring an election by a further 6 months if the Nunatsiavut Electoral Officer advises the President that the reasons for the initial deferral have not resolved such that the election can be conducted in accordance with this Act, but only one such extension may be made.
- (5) A subsequent extension of an order deferring an ordinary general election past the extension period set out in subsection (3) shall not be made without a resolution approving such an extension made by 2/3 of the Members of the Nunatsiavut Assembly.
- (6) An order deferring an election under this section shall specify all necessary changes in dates for the nomination of candidates, which shall conform to the times set out in this Act.
- (7) Where an election is deferred under this section after the nomination period for that election has opened, any nominations received prior to the order deferring the election are to be taken as void and any nomination papers and deposits made by persons seeking to be candidates must be returned to the persons without delay.

**Amendment to s. 116 of the *Nunatsiavut Elections Act***

7. **Section 116 of the *Nunatsiavut Elections Act* is repealed and replaced with the following:**

**Subsequent Presidential elections**

**116.** (1) Subject to section 117A, an election for President shall be held on the first Tuesday of May 2024 and thereafter shall be held every fourth year on the first Tuesday of May.

(2) The election for President held on October 6<sup>th</sup>, 2020 is hereby affirmed and is to be taken for all purposes as valid.

**Amendment to s. 116A of the *Nunatsiavut Elections Act***

**8. Section 116A of the *Nunatsiavut Elections Act* is amended by adding the following subsection immediately after paragraph 8(b):**

(9) If the Presidential election is deferred under section 117A after a moderator has been appointed, the moderator's appointment continues until such time that the duties of the moderator with respect to the debate for that election are fulfilled.

**Addition of s. 117A to the *Nunatsiavut Elections Act***

**9. The *Nunatsiavut Elections Act* is amended by adding the following section immediately after section 117:**

**Changes in election dates**

**117A.** (1) If the Nunatsiavut Electoral Officer reasonably believes that an occurrence of extreme weather, natural disaster, war, civil emergency or public health emergency has occurred within one or more of the places listed in section 124(1) resulting in circumstances in which a Presidential election has or will likely be prevented from being conducted in accordance with this Act on the day prescribed for the Presidential election, the Nunatsiavut Elections Officer may recommend to the First Minister that the election be deferred to a date not later than 6 months after the polling date originally set for that election.

(2) The First Minister must, upon receiving a recommendation of the Nunatsiavut Elections Officer under subsection (1), make an order deferring the election date to the date recommended by the Nunatsiavut Elections Officer.

(3) The First Minister may extend an order under subsection (2) deferring a Presidential election by a further 6 months if the Nunatsiavut Elections Officer advises the First Minister that the reasons for the initial deferral have not resolved such that the election can be conducted in accordance with this Act, but only one such extension may be made.

(4) A subsequent extension of an order deferring a presidential election past the extension period set out in subsection (3) shall not be made without a resolution approving such an extension made by 2/3 of the Members of the Nunatsiavut Assembly.

(5) An order deferring an election under this section shall specify all necessary changes in dates for the nomination of candidates, which shall conform to the times set out in this *Act*.

(6) If an election is deferred under this section after the nomination period has started, any nominations received prior to the order deferring the election are to be taken as void and any nomination papers and deposits made must be returned by the Nunatsiavut Elections Officer without delay.

## Part 2 - Amendments to the *Inuit Community Government Elections Act*

### Amendment to s. 10 of the *Inuit Community Government Elections Act*

10. Section 10 of the *Inuit Community Government Elections Act* is repealed and replaced with the following:

#### **Elections for AngajukKâk**

10. (1) A general election for AngajukKâk in all Inuit Communities shall take place in 2022 and every 4 years thereafter.
- (2) Subject to subsection (3) an election under subsection (1) shall be held on the second Tuesday in September.
- (3) If the Executive Council reasonably believes that an occurrence of extreme weather, natural disaster, war, civil emergency or public health emergency has occurred within one or more Inuit Communities resulting in circumstances in which an Election for AngajukKâk has or will likely be prevented from being conducted in accordance with this Act on the day prescribed under subsection (2), the Executive Council may direct the Minister to issue an order deferring the election for AngajukKâk with respect to one or more communities for a period not exceeding one year.
- (4) An extension of a deferral made under subsection (3) past a total period of 1 year requires approval of the Assembly as required under section 10.4.12 of the *Labrador Inuit Constitution*.
- (5) Despite subsection (1), an election shall not take place in a Community where an AngajukKâk has been elected for that Community within one year preceding the date when an election for AngajukKâk would normally be held.
- (6) If a vacancy occurs in the office of an AngajukKâk the Council shall order a by-election for AngajukKâk to hold office for the unexpired term of the AngajukKâk.
- (7) A by-election held under subsection (6) shall be held in the same manner as an election for AngajukKâk held under this Act, and shall take place within 3 months of the vacancy.
- (8) Except as provided in subsection (9), where a by-election is held under subsection (7), the AngajukKâk holds office for the unexpired term of the AngajukKâk whom they replace.
- (9) In circumstances where subsection (5) applies, despite subsection (1), the AngajukKâk holds office for the unexpired term of their predecessor in office plus four years.

**Amendment to s. 11 of the *Inuit Community Government Elections Act***

- 11. Section 11 of the *Inuit Community Government Elections Act* is repealed and replaced with the following:**

**Elections of Inuit Community Councils**

11. (1) A general election of Councils shall take place in 2022 and every 4 years thereafter.
- (2) Subject to subsection (3), a general election of Councils under subsection (1) shall be held on the third Tuesday in October.
- (3) If the Executive Council reasonably believes that an occurrence of extreme weather, natural disaster, war, civil emergency or public health emergency has occurred within one or more Inuit Communities resulting in circumstances in which an election has or will likely be prevented from being conducted in accordance with this Act on the day prescribed under subsection (2), the Executive Council may direct the Minister to issue an order deferring an election of Councils with respect to one or more Inuit Communities for a period not exceeding one year.
- (4) If in the same year both an election for AngajukKâk under section 10(1) and a general election for Councils under subsection (1) of this section have been deferred by the Executive Council the new date for the election under subsection (1) of this section must be 5 weeks after the new date for the election under section 10(1).
- (5) An extension of a deferral made under subsection (3) past a total period of 1 year requires approval of the Assembly as required under section 10.4.12 of the *Labrador Inuit Constitution*.
- (6) Despite subsection (1), a general election shall not take place in a Community where a Council has been elected for that Community within one year preceding the date of the general election.
- (7) If a vacancy occurs in the office of a Councillor the Council shall order a by-election for a Councillor to fill the vacancy.
- (8) A Council may, with the approval of the AngajukKâk and the Minister, defer a by-election to be held under subsection (7) for a period not exceeding one year in total.

**Part 4 – Commencement**

**Coming into Force**

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