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Foreword

In November of 2002 Deputy Commissioner Lena Metuq signed the *Nunavut Elections Act*, signaling a new stage in Nunavut's development. The new Act incorporated recommendations of the Ajauqtiit Committee brought forward following the 1999 election. Nunavut benefited as well from the experience of federal, provincial and territorial elections offices across Canada and adaptations being made in those jurisdictions as a result of technological advancement.

Between the time our office was ready for occupation in March 2003 and Nunavut's second general election in February 2004, Elections Nunavut was challenged to acquire staff, establish administration procedures, obtain furniture and equipment and election materials as well as develop manuals, forms and public education documents, appoint and train election officials and register voters. In addition we conducted a by-election and four liquor plebiscites.

Currently a full time staff of two, during the run-up to the election Elections Nunavut headquarters employed nine people – creating documents, providing support to election officials and candidates, processing special ballots, packing and shipping materials, entering data for the permanent voters list and answering questions from voters. They worked tirelessly and with great loyalty.

Legislative Assembly staff also gave us and continue to give us strong support. They advise and assist us in purchase and maintenance of computer equipment. They helped us produce photo posters of candidates and have advised us on website development. We relied on them to process payment for election workers quickly when they were already busy with year-end demands.

I would also like to thank our returning officers and their assistants as well as all of the poll staff who do their best to make elections work well and the Nunavummiut who have given us feedback on our election procedures – the feedback that will help us to improve and provide better service.

As procedures and materials are revamped in response to our internal review and to ensure election readiness, we will make preparations for the Nunavut Electoral Boundaries Commission and will move forward on outstanding Committee recommendations.

Sandy Kusugak
Chief Electoral Officer

Election Terms

Acclamation: A candidate wins by acclamation if they're the only candidate in their constituency. Nobody votes.

Advance Vote: A way to vote before Election Day. You vote at the polling station from noon to 7p.m., 7 days before Election Day.

Ballot: The official paper used to mark our vote. It lists the candidates' names in alphabetical order.

Candidate: An eligible voter who wants to be a member of the Legislative Assembly and is nominated by 15 other voters.

Campaign: The signs, buttons, ads, speeches and other things a candidate uses to make people want to vote for them.

Campaign manager: The person who coordinates and looks after a candidate's campaign.

Chief Electoral Officer: The person who looks after territorial elections. The Commissioner appoints this person to oversee the *Nunavut Elections Act*.

Constituency: A geographic area and the people who live there. Currently Nunavut has 19 constituencies.

Contribution: Money, goods or services a person or business gives to a candidate's campaign.

Deputy Returning Officer: The Election Officer in charge of a polling station. The Deputy Returning Officer makes sure voters and candidates follow the laws. They give out the ballots and count them.

Election expenses: Money owed or paid out for promoting a candidate. Contributions of goods and services are also expenses.

Election Officer: A person who works for an election. Election Officers include Returning Officers, Deputy Returning Officers and Poll Clerks.

Election period: The official time when election activity happens. It starts with the writ and ends on Election Day. It lasts 35 days.

Elections Nunavut: The office and staff of the Chief Electoral Officer. These people organize and run a territorial election.

Emergency method: A way to vote by radio or satellite phone if you're in a remote place and you meet 3 conditions.

Final voters list: The official voters list plus the names of people who register when they vote.

Financial Agent: The person who handles all the money for a candidate's campaign. The financial agent takes donations and pays all the expenses.

Mobile poll: A way to vote if you're shut in your home. The poll comes to you in the morning 7 days before Election Day.

Nomination: The process where 15 voters sign and say that they want an eligible voter to be a candidate in a territorial election.

Nunavut Elections Act: The law Nunavummiut use to organize and run a territorial election.

Official voters list: The preliminary voters list plus revisions. It is ready 23 days before Election Day and is the list is used on Election Day.

Poll Clerk: An Election Officer who works at a polling station with the Deputy Returning Officer. The Poll Clerk looks after the polling record.

Polling record: A list of everyone who voted at the polling station, any changes to the voters list, and everything that happens during voting.

Polling station: The place we go to vote on Election Day and for the advance vote.

Preliminary voters list: The first voters list. It is ready on the day of the writ. It is revised during the election period and then becomes the official voters list.

Proxy vote: You get someone else to vote for you. You apply to the Returning Officer to get a proxy certificate. You can only vote by proxy if: 1) you're suddenly called away from your community; 2) you can't vote on Election day; and 3) you can't vote any other way.

Recount: A judge of the Nunavut Court counts all the ballots for a constituency again. This happens if two candidates have the same number of votes or almost the same number – within 2%. The *Nunavut Elections Act* has other rules how a recount can happen.

RENU: Register for Elections in Nunavut – Electronic voters list.

Return to the Writ: The formal statement that a candidate has been elected.

Returning Officer: The Election Officer in charge of a constituency. The Returning Officer hires a Deputy Returning Officer and a Poll Clerk for each polling station. They oversee everything for voters, Election Officers and candidates in their constituency.

Special ballot: A way to vote if you're away from home during the election period. Voters who are away at school, in the hospital or in jail can use a special ballot. You vote by mail. You apply to your Returning Officer or the Chief Electoral Officer to get a special ballot.

Writ: The formal announcement of the election issued by the Commissioner in the name of the Queen.

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Laying the Groundwork

General Election February 16, 2004 – 2nd Nunavut Election

Next Steps

Laying the Groundwork

Elections Nunavut Start-up Activities at a Glance

Date	Event
August 27, 2002	Information Sharing Agreement Elections Canada
November 1, 2002	<i>Nunavut Elections Act</i> assent
February 1, 2003	First staff in place
March 13, 2003	Announcement of election date in Assembly
March 24, 2003	Move into Elections Nunavut offices
July 15, 2003	RENU working draft complete
September 02, 2003	Nanulik By-Election
September 03, 2003	<i>Nunavut Elections Act</i> in effect
September 8, 2003	Appointment of First Returning Officer
September 20, 2003	Nanulik By-Election Recount
September & October 2003	Training Returning Officers on voter registration process
October 4, 2003	Legal counsel contract in place
October & November 2003	Registration of voters
November 10, 2003	Liquor Plebiscites Baker Lake, Kugluktuk, Rankin Inlet and Resolute Bay
November 27, 2003	Regulations in effect
February 2, 2004	Enforcement Protocol signed
January 19, 2004	Website up and running
April 29, 2004	Mapping Agreement with GN

Laying the Groundwork

Getting Started

In January 2002, the first Chief Electoral Officer for Nunavut was appointed, and began work to actualize the 65 recommendations of the Ajauqtiit Committee of the Nunavut Legislative Assembly.

The first task was to develop the *Nunavut Elections Act*. Over a period of ten months, drafts were written, review groups of Nunavummiut were consulted, jurisdictions across Canada were asked for advice and meetings were held with the Management and Services Board. After twenty-four drafts, the *Act* was given assent on November 1st during the Assembly's sitting in Pangnirtung. The *Nunavut Elections Act* incorporated 47 of the Committee's recommendations. Fourteen recommendations were taken as administrative tasks. Four are outstanding and will constitute the basis of Elections Nunavut's work in the years ahead. (See Appendix I)

Principles and policy

Founding principles for Elections Nunavut were established by the *Act* and include:

- Encouraging participation by voters
- Adapting to the unique circumstances in Nunavut
- Minimizing barriers for potential candidates
- Ensuring public awareness of election processes
- Communicating to Nunavummiut in all official languages

Accordingly the Chief Electoral Officer adopted the following policies for electoral administration:

- We will communicate effectively with Nunavummiut
- We will write all materials for use by voters and election officials in 'plain language'
- We will keep the number and complexity of forms to a minimum
- We will give election officials the training and support necessary to do their jobs effectively
- We will build capacity within our staff and develop infrastructure within our organization so that we will maintain a state of election readiness and self-reliance enabling us to respond quickly and professionally to various requirements
- We will review our operational effectiveness frequently

Nunavut Elections Act – Changes

The *Nunavut Elections Act* incorporated many advances in electoral administration. Among the most notable from the perspective of a voter or candidate are the following:

- Boundaries Commission legislation is incorporated in the *NEA*
- Election period is shortened from 45 to 35 days
- Nomination period is reduced from 10 to 5 days
- Permanent electronic voters list is established
- Increased application of technology is permitted

Laying the Groundwork

- Voters who move during an election can get a transfer certificate
- During an election, registered voters will be sent voter information cards
- Voting options are adapted to Nunavut circumstances
- Voters list cannot be used to make jury selection lists
- Candidate expense limits for travel are increased
- Complaint resolution process may involve Integrity Commissioner (See Appendix F)
- CEO will work to coordinate the electoral process with other electoral agencies

Information sharing agreement

In August 2002, the Chief and Deputy Chief Electoral Officers of Canada visited Iqaluit to sign an agreement for sharing electoral information.

Nunavut's first Chief Electoral Officer, Sandy Kusugak with Canada's Chief Electoral Officer, Jean-Pierre Kinsley signing the agreement in Iqaluit, NU



Opening the Office

Two key positions were staffed early in 2003: Hilarie Makpah was hired in the permanent position of Operations and Administration Assistant and Metro Solomon was hired in a term position as Coordinator of Finance and Candidate Support. In March, the Legislature announced that February 16, 2004 would be election day in Nunavut. Also in March while renovations continued, Elections Nunavut moved into its office in Rankin Inlet. For nearly two months we climbed over furniture being assembled, advised telephone installers, held fixtures for electricians, went home to use e-mail and survived without plumbing.



Danny Sateana busy assembling office furniture.



Bobby Makpah and Steve Fitzpatrick working on the electrical system for the office.

Laying the Groundwork

Infrastructure and Support

We purchased equipment suitable to allow us to produce all required reports and manuals, maps and posters, promotional and educational materials in-house. This gives us the flexibility to print materials in the quantity we need, in the languages required, to have a fast turnaround time for shipping and most importantly to build expertise and support our communities. Legislative Assembly staff were invaluable in the choice, acquisition and set-up of our hardware and software.

Capacity Building at Elections Nunavut – skills

Staff were hired for their backgrounds in administration or elections, but none of us came with all of the skills we needed to meet all demands. Accordingly we spent time on course and practice, improving our document development and design skills as well as building up a detailed working knowledge of the legislation that guides our daily activity.

Communications:

Having established our office, it was time to tell the vastly spread out population of Nunavut that we were open for business. As it was too late to get our contact information in the upcoming phone book we chose to advertise on the plastic phone book covers distributed throughout Nunavut. For a small additional fee we were able to insert flyers with all our essential information. We printed - and students folded 20,000 of these flyers.



Students and casual workers folding EN information flyers.



We made presentations at meetings of the Nunavut Association of Municipalities and the Municipal Administrators and at regional mayors meetings. We sent folders of our essential information including CD-ROM and print copies of the *Nunavut Elections Act* to hamlets, the regional and headquarters offices of government departments and the offices of development corporations and Inuit organizations.

Election Materials:

Based on a survey of review committee members a decision was made to buy permanent ballot boxes rather than the cardboard boxes of the past and enough insulated bags to ensure security of the mobile poll in mid-February. We purchased voting screens and sourced ballots that met the requirements of the legislation.

Laying the Groundwork

Our process for developing all of the forms and manuals required to support the legislation has several steps and is necessarily labour intensive and time consuming. From our outline the plain language specialist drafts and formats the document. After editing and review by legal counsel the document is ready for translation, printing and distribution.

As well, all documents have been subject to post-election review and revision. This process has helped us create documents that are both user-friendly and faithful to the *Act* and its regulations.

RENU – A permanent electronic voters list

In July 2003 a contract was signed with Professional Systems of Edmonton to develop a web-based permanent voters list (Elections in Nunavut). This system was originally designed for Elections Alberta, later altered to meet the legislated requirements of Elections Nunavut. We benefited from the revisions made by each of these organizations and saved money in the process.



later named RENU (Register for Elections in Nunavut). This system was originally designed for Elections Alberta, later adapted for Elections NWT and then altered to meet the legislated and administrative requirements of Elections Nunavut. We benefited from the revisions made

Returning Officers, Maureen Kungitok of Kugluktuk and Alice Isnor of Cambridge Bay training at EN Headquarters.

Now that we have a permanent electronic register for territorial elections, Nunavummiut will have to register to vote only once, unless they move or change their name.

Nanulik By-Election and Recount

The resignation of the Member for the Nanulik electoral district in July 2003 resulted in writs being issued on July 19. A by-election was held 45 days later on September 2 as required by the inherited legislation then in force. Of the three candidates nominated at this by-election, Patterk Netser was the successful candidate. As there was less than a 2% difference between Mr. Netser and the next candidate a recount was conducted. On September 20 in Rankin Inlet Judge Browne confirmed Mr. Netser as the MLA for Nanulik constituency. The Chief Electoral Officer used the occasion of the by-election to test and pilot the procedures developed for use at the upcoming general election.



On the occasion of the recount for the Nanulik by-election, Sandy Kusugak was formally sworn in as Chief Electoral Officer under the *NEA*.

Laying the Groundwork

Preparation for the 2004 General Election

Returning Officers

NEA s.200 (1) Each returning officer shall, subject to the direction of the Chief Electoral Officer,

- (a) take whatever reasonable measures are necessary for the proper and timely conduct of an election;*
- (b) ensure that deputy returning officers and poll clerks are properly trained in accordance with the guidelines of the Chief Electoral Officer;*
- (c) determines the hours of the day in a constituency in which two or more time zones are observed, with the approval of the Chief Electoral Officer;*
- (d) take whatever reasonable measures are necessary to ensure that voter participation in the election is facilitated; and*
- (e) perform such other duties as may be assigned to a returning officer by the Chief Electoral Officer or otherwise under this Act.*

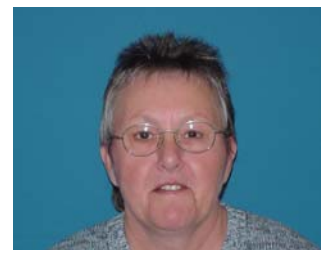
The *Nunavut Elections Act* instructs the Chief Electoral Officer to appoint a returning officer for each constituency. Returning officer appointments are effective until one year after a general election and may be renewed.



Akulliq RO, Sarah Kidlapik



Rankin Inlet North RO, Derek Williams



Cambridge Bay RO, Alice Isnor

After advertisement and consultation, the CEO appointed the first returning officers immediately after the *NEA* came into force in September. Some were very experienced elections officers who needed to learn about the new and modified procedures prescribed by the *Nunavut Elections Act*. Some were experienced administrators and needed basic training on the electoral process. Some were very knowledgeable about their communities but needed to improve their computer skills.



Nanulik RO, Dorothy Ningeocheak



Quttiktuq RO, Anna Qaunaq



Arviat RO, Nancy Kalluak

The first job of the returning officers was supervising the registration of voters and so, soon after their appointment, Elections Nunavut ran training sessions for returning officers in Cambridge Bay, Iqaluit and Rankin Inlet. For the election period each returning officer appointed an assistant

Laying the Groundwork

returning officer. Those returning officers whose constituencies take in more than one community, appointed an assistant for each satellite community.

During the course of the election, the Chief Electoral Officer found it necessary to replace two returning officers with their assistants. The list of returning officers and assistant returning officers can be found in Appendix A.

Registration of Voters

In the past enumerations were held before each territorial election. Enumerators went from door to door to gather the information needed to compile a voters list. The door-to-door process was never popular with voters or enumerators in some communities, nor did it produce very accurate information. The *Nunavut Elections Act* allows us flexibility with the process for registering voters. Returning officers, responsible for developing accurate lists for their constituencies, advised their registration clerks on the most effective method of registering voters in their constituency. Consequently in Iqaluit and Rankin Inlet most registrations took place in the lobbies of stores and work places, while in some smaller communities the information was collected at the door. Our new registration forms require the voter's signature as confirmation of the person's eligibility to vote and of the accuracy of the information.

Those potential voters who are unable to register in person can register by mail or by fax if they supply identification that confirms their eligibility.

Liquor Plebiscites

On the order of the Minister, liquor plebiscites were held in early November in the communities of Baker Lake, Kugluktuk, Rankin Inlet and Resolute Bay. The administration of these plebiscites provided an additional opportunity to register voters and correct voter information.

Opening of Returning Officers' Offices

After training sessions on their duties prescribed by the *Nunavut Elections Act*, returning officers worked to secure suitable office space and to raise public awareness about the important events in the upcoming election calendar.

A returning officer's office must be:

- centrally located
- wheelchair accessible
- secure and;
- have capacity for phone/fax installation

As well the returning officer must have access to basic office furniture. It was a tall order in almost all of our communities to meet all of these very basic standards - for a variety of reasons. One returning officer worked from a dusty garage; some had difficulty obtaining a key. Some landlords did not understand that the returning officer could not share her office with another worker.

Laying the Groundwork

Phone and fax lines were not operational in many returning officers' offices until the opening of nominations, making vital communications very difficult.

Although not under ideal circumstances, by the morning of January 12 returning officers' offices in all constituencies were open and ready to receive nomination papers and provide voters with information.

Concern: Availability of suitable office space. See Appendix G.

Concern: Difficulty of setting up an office during the pre-Christmas and Christmas period. See Appendix G.

Concern: Raising public awareness of an upcoming election during Christmas period. See Appendix G.

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Summary of Election Events

Day	Activity
January 9	Commissioner gave order for 2 nd General Election
January 12	Chief Electoral Officer issued writs to Returning Officers
	Preliminary Voters List completed
	Nominations opened
January 13	Voter Information Cards issued to Iqaluit voters
January 16	Nominations closed at 2p.m.
January 19	Revision to voters list ended
January 24	Official Voters List completed
February 2	Voting in the Office of the Returning Officer began
February 9	Mobile Polls - morning
	Advance Vote - 12-7p.m.
February 11	Proxy certificates became available
February 12	Last day of Voting in the Office of the Returning Officer
February 13	Special ballots were received until 5p.m.
February 16	Election Day 9a.m. - 7p.m.
	Proxy certificates ceased at 3p.m.
February 23	Return to the writs
February 24	Tunnunig judicial recount
April 16	Candidate declarations and financial agent financial statements due

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Election Period

Proclamation and Issue of Writs

Upon dissolution of the Nunavut Legislative Assembly on January 9, the Commissioner by proclamation ordered the issue of the writs on January 12 thereby making February 16 election day. The 35-day election period prescribed by the *Nunavut Elections Act* is 10 days shorter than that prescribed under the previous *Act*.

Nomination of Candidates

Election notices announcing the start of the election period and describing the nomination process were posted in all communities and advertised on local and regional radio and through the newspaper. Nominations were open from January 12 till 2 p.m. local time on January 16. Potential candidates living in communities without a returning officer were able to submit their papers to an assistant returning officer. Eighty-two candidates successfully filed nominations for Nunavut's 19 constituencies. No complaints were received from candidates or potential candidates about the brevity of the nomination period.

Tagak Curley, unopposed in Rankin Inlet North was declared elected by acclamation.

The *Nunavut Elections Act* allows nominated candidates to withdraw until 5 p.m. on the final day of nominations. None did.

The *Act* gives a candidate the option of naming a campaign manager in addition to a financial agent. All candidates however are required to have a financial agent. The financial agent's signature on the nomination form indicates that he understands and is willing to undertake the work of a financial agent.

Candidates for election may submit a digital photo with their nomination. Elections Nunavut inserts these photos on a poster to help voters at the polling stations identify candidates.

Concern: Many candidates waited until the last hour to complete and file their nomination papers. See appendix G.

Concern: Many potential candidates, financial agents and campaign managers were confused about or unaware of their employer's or board or council policy regarding participation in Territorial elections. See appendix G.

Concern: Many candidates did not submit photos at the time of nomination. See Appendix G.

Candidate Support

Upon acceptance of their nomination, each candidate was given a kit with support materials for their campaign. Each kit consisted of a copy of the *Nunavut Elections Act*, a plain language Guide for Candidates and Financial Agents, and copies of brochures for voters in all of Nunavut's official languages. Included in the package were all of the forms necessary for completion of the financial return for the campaign and information regarding their completion. Candidates were given copies of the preliminary voters list in both paper and electronic format, for the constituency they were seeking to represent. After revision campaigns were supplied with the official voters list. Official tax receipt books were supplied on request. Candidates and their agents were encouraged to contact

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Elections Nunavut headquarters for clarification of their responsibilities under the *Act*. The office responded to as many as 40 e-mails and 50 phone calls a day from candidates or members of their campaign team.

Concern: As many as 10 candidates were required to replace their financial agent early in the election period as there had been a lack of understanding of the employer's policy regarding participation in the territorial election. See Appendix G.

Voters lists

Voters were registered for the permanent voters list, beginning in July with the Nanulik by-election. Data entry began in earnest in November and continued through the first week of January. Preliminary voters lists were provided to returning officers on January 12 and to candidates as their nominations were accepted. Corrections and additions were accepted until January 19, data entry done at headquarters and the official lists distributed on January 24. Lists were provided to most candidates electronically. Final voters lists were developed in the months following the election as voter information updated on election day was entered into the database.

Concern: Inadequacy of addressing system in Nunavut communities. See Appendix G.

Communicating with Voters

In order to raise awareness about significant events on the electoral calendar and important changes in electoral procedures, Elections Nunavut deluged the population with information.

Returning officers and their assistants posted notices, made announcements on local radio and distributed flyers describing options for voters.

Headquarters staff sent information to GN employees through the Help Desk, sent e-mail and fax updates to individual voters, ran newspaper ads and did countless radio and TV interviews.

Our website, Elections.nu.ca began operation with the opening of nominations. Visitors to the site could find contact information about their local returning officer, when and where they could vote and who their candidates were. Residents of Iqaluit and Rankin Inlet were able to find their constituency by entering their civic address. Our address info@elections.nu.ca received many hundreds of e-mails during the election. All eight phone lines at headquarters were busy from early morning to early evening from the end of nominations until election day. Returning officers, candidates and voters alike sought clarification and information.

Voter Information Cards were sent to all registered voters in Iqaluit. These cards informed voters of the voting options available to them and confirmed their registration.

Local radio station policies varied greatly in terms of access by candidates. Some did not restrict access at all; some monitored the time allotted to each candidate. The board of the radio station in

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Arviat decided that no candidate would be allowed to be on the air and discussion of electoral matters would be limited to an official candidates' debate organized by the radio society. The CRTC normally issues guidelines for radio stations during federal or provincial/territorial elections but neglected to do so for this election.

Voting in Nunavut

The Nunavut Elections Act adapts voting opportunities to our geographic and cultural environment. During the 2004 election eligible voters had several ways to cast their ballots.

Special Ballot: Voters who are unable to get to a regular poll can apply for a special ballot as soon as nominations open. When the application is received, the voter is sent a ballot and voting kit that ensures the secrecy of their vote. Their ballot must be returned to Elections Nunavut by 5p.m. on the 3rd day before the election. This method of voting is suitable to any voter who will be away from home for the entire election period and is used primarily by students, inmates and voters on vacation.

During the Christmas holidays prior to the 2004 election, returning officers sought to register students and advise them of the special balloting provisions. As well, information was sent to the campuses of Nunavut Arctic College and to Nunavut Sivuniksavut and was disseminated on our behalf to all Nunavut students receiving financial assistance. Correctional and penal officials ensured that inmates were also aware of their option to vote.

Most Canadian jurisdictions send special ballot kits to voters by regular mail and expect voters to pay for the return postage or courier fee. For this election, ballot kits along with a folded return Expresspost envelope were placed inside another Expresspost envelope and expedited as soon as the post office opened each day. Despite this, many special ballots did not reach Elections Nunavut in Rankin Inlet until after election day. 93 votes were successfully cast by special ballot.

Concern: *Capacity to provide special ballot service. See Appendix G.*

Voting in the Office of the Returning Officer: During the 2004 general election any eligible voter was able to cast his ballot during returning office hours from February 2 through 12. This proved to be very popular with voters, and in the constituencies where it was well-promoted, it was widely used. 551 votes were cast in the offices of the returning officers.

Mobile Poll: Voters with limited mobility were very pleased with the provision in the Act that allows them to cast their ballot at a mobile poll. Some such voters had indicated their need for a mobile poll on their voter registration form; others identified themselves to poll officials after listening to local radio announcements. On the morning of February 9, poll staff set off, ballot boxes in hand, traveling by snowmobile or car to conduct the poll at homes and elders' facilities. 204 voters were able to cast their ballots at home.

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Advance Vote: An advance vote was held for each community and each constituency. Whereas in the past voters had to declare that they would be absent in order to take part in an advance vote, the NEA allows any eligible voter to cast his ballot at an advance vote. Voting took place from noon until 7p.m. in all communities with only one problem. At one advance vote facility (a community hall) workers were setting up for an all-candidates debate before voting hours were over. 670 Nunavummiut voted on February 9 at the advance vote.

Concern: *Some landlords do not meet the terms of polling place rental agreements. See Appendix G.*

Voting by Emergency Method: Investigation revealed that the only outpost camps with voters in February 2004 were at Bathurst Inlet and Umingmaktok. Some of the eligible residents of those camps voted in Cambridge Bay at the office of the returning officer; the rest were sent Calling Cards for their satellite phones and a convenient time set by the returning officer to conduct the poll. 16 voters cast their ballots by emergency method.

Proxy Voting: Proxy voting is a procedure with very limited application. Voters must be away from their constituency on an unexpected absence and must have no other opportunity to vote. Proxy applications became available on February 11 and ceased on February 16 at 3p.m. 10 votes were cast by proxy.

Concern: *Some voters were unaware of the limited provisions for proxy voting. See Appendix G.*

Election Day

Polls opened on time - local time – everywhere in Nunavut at 9a.m. on election day and closed at 7p.m. There was some concern early in the morning that blizzards might arise in Iqaluit and Igloodik, but the winds calmed before voting started and there were no complaints about stormy weather preventing voters from getting to the polls anywhere in the territory. Two complaints about voting irregularities were received by the RCMP. (See Appendix E.)

Concern: *The possibility of blizzards hampering voting is very great in mid-winter. See Appendix G.*

Reporting the Results

On election night results are reported by poll workers to returning officers who confirm the numbers and then report to Elections Nunavut. Most Nunavummiut learn who will represent them through radio or TV broadcasts. Others will look to the website for their information. To facilitate media broadcasts and provide a gathering place for residents in the capital a space was leased at a substantial cost, for three days prior to the election. Results were posted as they were received and confirmed on the large boards created for that purpose. All polls were reported and confirmed by midnight local time. See Appendix B for all constituency results.

General Election February 16, 2004 – 2nd Nunavut Election

The overall voter turnout was 10,804 calculated on election night as 93.6% on the basis of the official voters list of 11,380 registered voters. Calculated against the final voters list (13,302 voters) which is adjusted for changes on election day, the turnout is reduced to 81.22%.

Concern: Voters in the Kitikmeot complained that they did not hear the results for their area until the morning of February 17. Reporting of election results for a small number of constituencies happens over a period of many hours. See Appendix G.

Post-Election Period

Returns to the Writ

The return to the writ for Rankin Inlet North was signed on January 16 as Tagak Curley was acclaimed the MLA for that constituency when nominations closed. The NEA allows results to be declared official on election night, after the returning officer has received signed statement of the poll from the poll officials. Returns were signed for seventeen constituencies after returning officers received faxed statements on February 16. The remaining return was signed after confirmation of the election result at the judicial recount for the constituency of Tunnuniq on February 24.

Tunnuniq Judicial Recount

On election night, the returning officer for the constituency of Tunnuniq reported that the difference of votes between the apparent winner Jobie Nutarak and the second place candidate David Qammaniq was less than 2% of the total votes accepted. The returning officer subsequently made application to the court for a recount as required by the *Nunavut Elections Act*.

Judge Kilpatrick's recount of the ballots in Iqaluit on February 24, confirmed Jobie Nutarak as the elected member for Tunnuniq. The returning officer, Chief Electoral Officer and candidates or their representatives were present. The return to the writ for Tunnuniq was signed by the returning officer on that day.

Reviewing Our Work – Improving Our Service

An audit of Elections Nunavut's administration of the first election under the new Nunavut Elections Act was conducted shortly after the election. Headquarters staff was asked to give (anonymously) their ideas regarding processes that had been good and those that needed improvement. In each regional centre we assembled a sample of candidates and/or financial agents, reviewing with them the documents and procedures used during the election. We asked them for an evaluation of the support given to them by Elections Nunavut. We spent two days with pairs of Returning Officers, scrutinizing manuals and forms to determine how they could be made more user-friendly.

General Election February 16, 2004 – 2nd Nunavut Election

Finally, individuals who had previously participated in an Elections Nunavut focus group were reunited to answer our questions from a voter's perspective. We asked, "What worked better in this election than other elections you have participated in?" "What would you change about the electoral processes if you could?" In order to assess the success of our communications with voters we asked focus group members to describe the various voting methods available to voters. Many of their suggestions have already been adopted. Below is a sample of what they said.

Candidates/Financial Agents
"Most questions were answered immediately. For any others there was a maximum 24-hour turnaround."
"Nomination papers were easy to read and easy to complete."
Unsure if official receipts could be issued for services as well as cash. EN should make clearer.
"Campaign posters were removed and defaced during the campaign. Can community constables act as monitors?"
"Plain language materials were very easy to follow."

Returning Officers
"Many Voter Information Cards (Iqaluit) were left on the Post Office floor."
"We need more training. DRO's and Poll Clerks need more training."
"Landlords need to pay more attention to the polling place rental agreements." One community began set up for a candidates' debate while the advance poll was going on.
Phones were not of good quality.
Fax/copy machines were not of good enough quality.
Headquarters needs 2 fax machines with large memories to avoid congestion and long wait times - especially important at close of nominations and when faxing in results.
DROs were confused about some procedures.
Wheelchair access to RO office in Iqaluit was available but not obvious.
Weather was an issue for the mobile poll.
It was very difficult getting access to an office, getting information out to voters and getting phone and fax lines set up during the Christmas season.

Headquarters Staff
"info e-mail address was widely used by voters to have their questions answered."
"The number of phone calls from poll workers about pay brought the office to a near standstill at times. We should work to both manage expectations and ensure prompt payment."
"The permanent ballot boxes and the padded fabric bags for the mobile poll ballot boxes were a big success."
"More PSAs would be a good idea."
"Good teamwork."
"Voters who expected the rules for proxy voting to have remained unchanged were unhappy. We need to increase public awareness in this regard."
"We worked well together to meet deadlines."
"Results should be reported in the Mountain Time Zone"

General Election February 16, 2004 – 2nd Nunavut Election

Focus Group Members
Phone book covers did not reach many communities.
Polling place signs were clear and identifiable.
Elections should not be held in mid-winter.
Some registration clerks gave incorrect information
Overlap of NTI election and territorial election caused some confusion.
Flyers were clear and helpful.
Central polling place is a good idea.
Processes and materials were more appropriate for the conditions in Nunavut than those used in previous elections.
Logo is recognized by everyone.

Candidate Returns

The Chief Electoral Officer has a responsibility to the public under the *Act* for ensuring that financial contributions and expenses are accurately reported and that income tax receipts are properly accounted for.

Candidates and their financial agents are required to file their financial returns within 60 days of election day. If they are concerned that they will not meet the deadline they must ask for an extension. If candidates do not complete their obligations within 60 days, their campaign deposit is not returned to them and they are not eligible to be candidates in the next election. Elections Nunavut provides guides and checklists in all languages and support by telephone to aid candidates and agents in completing their work.

On April 1 all candidates and agents with outstanding files were reminded by phone, fax or e-mail that the deadline was approaching and were encouraged to contact Elections Nunavut if they needed help understanding how to complete the forms. Of the 82 candidates and 82 financial agents who participated in this election the great majority were able to complete their financial reports on time. (See Appendix C for a summary of candidate returns.) However after warning letters in late May, information on the outstanding files was turned over to the affected RCMP detachments as required by the *Act*. (See Appendices E and F for a detailed explanation of the complaint and enforcement process.)

[Concern: How to improve compliance rate. See Appendix G](#)

Next Steps

Working with Partners – Governments in Nunavut

Delivering better election services - coordination

Ref: NEA 189(2)(i) cooperate with other jurisdictions and levels of government, and with organizations administering elections within Nunavut, to share information and resources, to learn together, to pool and train staff and to deliver better election services to Nunavummiut; Ref: NEA 189(2)(h) the CEO may...make such agreements as necessary to perform his or her duties and to improve the Nunavut electoral system. See also Appendix I - #1 and 2

CGS: Elections Nunavut has held informal meetings with officials from the Department of Community Government Services and has offered to participate in and be a referral point for any review of the *Local Authorities Elections Act* that may take place in a non-election year. Elections Nunavut will seek to establish an elections working group as recommended by the Ajaqtiit Committee and reiterated in the Nunavut Elections Act section quoted above.

Delivering better election services – agreements

Ref: NEA 189(2)(h) the CEO may...make such agreements as necessary to perform his or her duties and to improve the Nunavut electoral system. NEA 278. The Vital Statistics Act is amended by adding the following after subsection 46(2): Information for voters lists (3) The Registrar may provide information under this Act to the Chief Electoral Officer for the purpose of compiling and maintaining accurate voters lists under the Nunavut Elections Act and may enter into an agreement with the Chief Electoral Officer for this purpose.

Elections Nunavut will seek to develop agreements with the Registrar of Vital Statistics and with the Department of Motor Vehicles for acquisition of information for the purpose of updating voters lists. Elections Nunavut will pursue a work and information sharing agreement with any municipality that considers such an agreement to be in its best interests.

Public education

Ref: NEA s.1 (2) (d) there should be public awareness of all aspects of elections; s.189 (2) (g) implement either alone or in co-operation with other bodies, public education and information programs intended to make the electoral process better known to the public; see also Appendix I # 4.

Elections Nunavut will work with the Department of Education to develop appropriate curriculum materials for the study of the electoral process and will be available to make presentations to high school and Nunavut Arctic College student groups.

Next Steps

Working with Partners – Non-Government

Ref: NEA s. 189(2)(i) cooperate with other jurisdictions and levels of government, and with organizations administering elections within Nunavut, to share information and resources, to learn together, to pool and train staff and to deliver better election services to Nunavummiut; See also Appendix I # 1 and 2

Elections Nunavut will seek to establish an elections working group as recommended by the Ajaqtiit Committee and reiterated in the Nunavut Elections Act section quoted above. Elections Nunavut has been and will continue to be a point of referral for Nunavut boards and agencies conducting elections.

Working with Partners – Canadian Elections Jurisdictions

Ref: NEA s. 189(1)(g) The Chief Electoral Officer shall... coordinate the election process with bodies responsible for other elections elsewhere in Canada; See also Appendix I # 1 and 2

Elections Canada: While Elections Nunavut did not have a direct role in the June 2004 federal election, the CEO did assist Elections Canada with its Nunavut operation by providing an extract of the electronic voter database, lists of potential poll staff and polling sites and shipping routes. As well we advised Elections Canada on improvements for their maps and provided Inuktitut translations as requested.

In turn we will ask for extracts from the Elections Canada database in order to update our voter information and provide data for the consideration of the Boundaries Commission.

We anticipate working with Elections Canada to develop outreach and training materials.

CCEO (Canadian Council of Elections Officials): My colleagues from Canada and the other provinces and territories have been and continue to be very generous in offering their expertise, documents and internally developed software to Nunavut at no cost. We benefit greatly from the workshops and conferences conducted by this organization and will host the annual conference in the summer of 2007.

CERL Elections Nunavut will continue to participate in CERL (Canadian Electronic Resource Library) to share expertise.

Technology Accord: Elections Nunavut will continue to participate in the development of a pan-Canadian technology accord that will benefit all jurisdictions.

Organizational Development – Capacity Building - Infrastructure

Emergency preparedness: An elections office must be election ready at all times. An electoral event cannot stop for fire, flood or freeze-ups. Elections Nunavut will maintain and continually update both paper and electronic emergency back-up of all election materials in an off-site facility.

Materials: In preparation for the 2004 election, the first administered under the *Nunavut Elections Act*, all public notices, forms and guides and candidate materials were designed by Elections Nunavut, developed in plain language, reviewed by legal counsel and then translated into the languages of Nunavut. As part of the general review of the 2004 election these materials were subject to detailed scrutiny by elections officers and voters. Based on their feedback the material will be revised and reprinted and manuals will be rewritten to provide greater support for election officials.

Next Steps

Technology: 1. The implementation of broadband technology will enable all 19 returning officers to update voters lists and participate in learning activities on a regular basis.
2. We will improve our website enabling candidates and financial agents in future elections to access forms and support through a password protected area.

Organizational Development – Capacity Building - Training, training, training

The development and implementation of training programs for all electoral officers will be a focus of headquarters activity. Elections offices must maintain a state of election readiness; knowledgeable and prepared elections officers are the basis of that readiness.

Returning Officers: All returning officers will need training on RENU (Register for Elections in Nunavut). Some will need to upgrade their computer skills. New appointees will need workshops on the *Nunavut Elections Act*. Those that are reappointed will need to maintain and increase their knowledge of the electoral system. All returning officers will need to learn how to train poll staff.

Assistant Returning Officers: ARO's help the returning officer during an election and must be prepared to assume the responsibilities of the returning officer in an emergency. They need basic knowledge of the elections process in order to perform that function.

Deputy Returning Officers and Poll Clerks: 49 DRO's and 45 Poll Clerks worked at the 2004 election. They work for only one or two days every four years in a stressful job requiring great attention to detail, often 14 hours without a break. They are charged by law with an important responsibility; an error or misjudgment on their part might result in an eligible voter not being able to cast his ballot. Yet, despite this responsibility they receive the least training. Often the returning officers must train them over the phone by reading a manual with them.

We intend to address this situation by creating a variety of training aids including a video, self-directed print materials, classroom presentations and an interactive course to be delivered by teleconference or over the internet.

Headquarters: A 35-day election period in a jurisdiction defined by huge distances and unpredictable weather and served entirely by air poses distinct challenges for conducting elections and increases the need to develop capacity to produce most election materials in-house. This in turn demands a high technological capacity from the headquarters staff. Headquarters staff will continue to upgrade their skills.

Boundaries Commission

A Boundaries Commission is a 3-person agency, appointed by the Commissioner on recommendation by the Legislative Assembly. The function of the Commission is to propose the boundaries and names of Nunavut's constituencies. The Commission does its work based on input from the public and demographic data obtained from a variety of sources.

Elections Nunavut will provide administrative support, statistical information and mapping services for the Boundaries Commission to be established by the Legislative Assembly by March 8, 2006. The Chief Electoral Officer will prepare a draft constituencies bill based on the Commission's report.

Appendices

- A Returning Officers and Assistant Returning Officers
- B 1-19 Constituency Voting Results
- C 1-19 Summary of Candidate Returns
- D Instructions and Directives of the Chief Electoral Officer
- E Complaints to the RCMP
- F Enforcement Protocol Summary
- G Concerns Identified and Proposed Solutions
- H 1-23 Recommendations of the Chief Electoral Officer for Changes to the *Nunavut Elections Act*
- I Status of Recommendations of the Ajauqtiit Committee
- J Recommendations of the Chief Electoral Officer on the Tariff of Fees
- K Expenditure Summary
- L Election 2004 Review Participants

Returning Officers and Assistant Returning Officers - 2004

Constituency	Returning Officer	Assistant Returning Officer	Community
Akulliq	Sarah Kidlapik Repulse Bay	Rebecca Tukudjuk	Repulse Bay
		Jeannie Illuitok	Kugaaruk
Amittuq	Catherine Piugattuk Igloodik	Martha Atagootak	Igloodik
		Neomi Kaernerik	Hall Beach
Arviat	Nancy Kalluak	Andy Illungiyok	Arviat
Baker Lake	Susan Toolooktook	Mercy Kayuryuk	Baker Lake
Cambridge Bay	Alice Isnor	Valerie Daniels	Cambridge Bay
Hudson Bay	Elizabeth Novalinga	Eva Arragutainak	Sanikiluaq
Iqaluit Centre	Malaya Mikijuk	Lena Nashook	Iqaluit
Iqaluit East	Carol Orr	Shannon Partridge	Iqaluit
Iqaluit West	James T. Arreak	Letia Qiatsuk	Iqaluit
Kugluktuk	Maureen Kungitok	Beatrice Nivingalok	Kugluktuk
Nanulik	Dorothy Ningeocheak Coral Harbour	Lizzie Kadlak	Coral Harbour
		Sandra Simik	Chesterfield Inlet
Nattilik	Teddy Carter Gjoa Haven	Simon Okpakok	Gjoa Haven
		Elizabeth Aleekke	Taloyoak
Pangnirtung	Oolootie Koonoo	Naimee Kilabuk-Bourassa	Pangnirtung
Quttiktuq	Anna Qaunaq Arctic Bay	Aglak Pettypiece	Arctic Bay
		Marty Kuluguktuq	Grise Fiord
		Ralph Alexander	Resolute Bay
Rankin Inlet North	Derek Williams	Matt Fredlund	Rankin Inlet
Rankin Inlet South - Whale Cove	Cecelia Ayaruak Rankin Inlet	Mary Ann Hapanak	Rankin Inlet
		Agatha Ekwalak	Whale Cove
South Baffin	Udluriak Samayualie Cape Dorset	Numa Ottokie	Cape Dorset
		Mary Kolola	Kimmirut
Tunnunig	Boazie Innualuk	Winnie Qammanig	Pond Inlet
Uqqummiut	Daisy Nuqingaq Qikiqtarjuaq	Hannah Audlakiak	Qikiqtarjuaq
		Jimmy Aipellee	Clyde River



Constituency Voting Results

Appendix B

AKULLIQ

Elected candidate: **Steve Mapsalak**

Majority: **65 VOTES (13.66%)**

Polling Station	No.	Bohlender George	Kringayak Joani	Mapsalak Steve	Ningark John	Tungilik Roland	Rejected Ballots	Total Votes	Official Voters List	Final Voters List
Repulse Bay	1	4	48	141	33	56	2	284	324	299
Kugaaruk	2	58	19	20	54	40	1	192	198	198
Total		62	67	161	87	96	3	476	522	497
Percentage of Valid Votes		13%	14%	34%	18%	20%			91%	96%

Returning Officer - Sarah Kidlapik

Assistant Returning Officer – Rebecca Tuktudjuk

Assistant Returning Officer – Jeannie Illuitok

AMITTUQ

Elected candidate: **Louis Tapardjuk**

Majority: **101 VOTES (14.45%)**

Polling Station	No.	Alurut Solomon	Hauli Paul	Irqittuq Enoki	Kaunak Levi	Tapardjuk Louis	Rejected Ballots	Total Votes	Official Voters List	Final Voters List
Igloolik	1 & 2	129	45	28	27	225	0	454	538	636
Hall Beach	3	47	45	62	39	52	0	245	303	322
Total		176	90	90	66	277	0	699	841	958
Percentage of Valid Votes		25%	13%	13%	9%	40%			83%	72%

Returning Officer - Catherine Piugattuk

Assistant Returning Officer – Martha Atagootak

Assistant Returning Officer – Neomi Kaernerik

ARVIAT

Elected candidate: **David Alagalak**

Majority: **66 VOTES (8.59%)**

Polling Station	No.	Alagalak David	Alareak Peter	Aulatjut Peter Two	O'Brien Kevin	Saint Jay	Tattuinee Kono	Rejected Ballots	Total Votes	Official Voters List	Final Voters List
Arviat	1	156	123	35	46	6	57	5	428	467	453
Arviat	2	126	93	26	40	8	56	1	340	481	484
Total		282	216	61	86	14	113	6	768	948	937
Percentage of Valid Votes		37%	28%	8%	11%	2%	15%			81%	82%

Returning Officer - Nancy Kalluak

Assistant Returning Officer – Andy Illungiyok

BAKER LAKE

Elected candidate: **David Simailak**

Majority: **143 VOTES (19.51%)**

Polling Station	No.	Aksawnee David	Kudloo Becky	Simailak David	Toolooktook David	Rejected Ballots	Total Votes	Official Voters List	Final Voters List
Baker Lake	1	117	47	226	43	3	436	408	409
Baker Lake	2	92	49	126	30	0	297	405	424
Total		209	96	352	73	3	733	813	833
Percentage of Valid Votes		28.5%	13%	48%	10%			90%	88%

Returning Officer - Susan Toolooktook

Assistant Returning Officer – Mercy Kayuryuk

CAMBRIDGE BAY

Elected candidate: **Keith Peterson**

Majority: **218 VOTES (37.91%)**

Polling Station	No.	Aknavigak Harry A. M.	Kaosoni David	Maksagak Harry	Peterson Keith	Rejected Ballots	Total Votes	Official Voters List	Final Voters List
Cambridge Bay	1	57	56	47	207	0	367	285	351
Cambridge Bay	2	36	29	39	104	0	208	278	367
Total		93	85	86	311	0	575	563	718
Percentage of Valid Votes		16%	15%	15%	54%			102%	80%

Returning Officer - Alice Isnor

Assistant Returning Officer – Valerie Daniels

HUDSON BAY

Elected Candidate: **Peter Kattuk**

Majority: **35 VOTES (11.86%)**

Polling Station	No.	Appaqaq Jr. Moses	Arragutainaq Joe	Kattuk Peter	Nineocheak Kupapik	Tookalook Johnny	Rejected Ballots	Total Votes	Official Voters List	Final Voters List
Sanikiluaq	1	92	19	127	29	30	2	295	307	373
Total		92	19	127	29	30	2	295	307	373
Percentage of Valid Votes		31%	6%	43%	10%	10%			96%	79%

Returning Officer - Elizabeth Novalinga

Assistant Returning Officer – Eva Arragutainaq

IQALUIT CENTRE

Elected candidate: **Hunter Tootoo**

Majority: **96 VOTES (16.3%)**

Polling Station	No.	Alaing-Kango Natsiq	Courtney Mike	MacCormack Kevin	Paniloo Pauloosie	Thomas Mary Ellen	Tootoo Hunter	Rejected Ballots	Total Votes	Official Voters List	Final Voters List
Iqaluit	1	38	83	19	2	16	132	1	291	210	255
Iqaluit	2	27	38	7	3	10	76	0	161	203	213
Iqaluit	3	13	46	3	8	11	55	1	137	166	269
Total		78	167	29	13	37	263	2	589	579	737
Percentage of Valid Votes		13%	28%	5%	2%	6%	45%			102%	80%

Returning Officer - Malaya Mikijuk

Assistant Returning Officer - Lena Nashook

IQALUIT EAST

Elected candidate: **Edward Walter Picco**

Majority: **383 VOTES (47.46%)**

Polling Station	No.	Amagoalik John	Ishulutak Norman	Picco Edward Walter	Rejected Ballots	Total Votes	Official Voters List	Final Voters List
Iqaluit	1	78	19	278	1	376	244	320
Iqaluit	2	81	22	157	0	260	277	362
Iqaluit	3	27	9	134	1	170	197	258
Total		186	50	569	2	807	718	940
Percentage of Valid Votes		23%	6%	70.5%			112%	86%

Returning Officer - Carol Orr

Assistant Returning Officer – Shannon Partridge

IQALUIT WEST

Elected candidate: **Paul Okalik**

Majority: **291 VOTES (54%)**

Polling Station	No.	Okalik Paul	Workman Doug	Rejected Ballots	Total Votes	Official Voters List	Final Voters List
Iqaluit	1	194	62	01	256	157	283
Iqaluit	2	118	28	01	146	218	221
Iqaluit	3	103	34	0	137	158	215
Total		415	124	02	539	533	719
Percentage of Valid Votes		76.99	23.01			101%	75%

Returning Officer - James Arreak

Assistant Returning Officer – Letia Qiatsuk

KUGLUKTUK

Elected candidate: **Joe Allen Evyagotailak**

Majority: **50 VOTES (9.26%)**

Polling Station	No.	Evyagotailak Joe Allen	Havioyak Donald	Kuliktana Millie	Rejected Ballots	Total Votes	Official Voters List	Final Voters List
Kugluktuk	1	115	93	63	5	276	174	341
Kuglluktuk	2	100	72	89	3	264	228	277
Total		215	165	152	8	540	402	618
Percentage of Valid Votes		40%	31%	28%			134%	87%

Returning Officer - Maureen Kungitok

Assistant Returning Officer – Beatrice Nivingalok

NANULIK

Elected candidate: **Patterk Netser**

Majority: **27 VOTES (6.12%)**

Polling Station	No.	Beardsall Emily	Nakoolak Willie	Netser Patterk	Putulik Sr. Bernard	Rejected Ballots	Total Votes	Official Voters List	Final Voters List
Chesterfield Inlet	1	7	2	28	117	0	154	207	207
Coral Harbour	2	102	49	126	10	0	287	345	362
Total		109	51	154	127		441	552	569
Percentage of Valid Votes		25%	12%	35%	29%			80%	77.5%

Returning Officer - Dorothy Ningeocheak
Assistant Returning Officer – Lizzie Kadlak
Assistant Returning Officer – Sandra Simik

NATTILIK

Elected candidate: **Leona Aglukkaq**

Majority: **102 VOTES (14.31%)**

Polling Station	No.	Aglukkaq Leona	Akoak Tom	Anguttitauruq Anthony	Irquit David	Porter Sonny	Qingnaqtuq Simon	Rasch Ruediger H. J.	Rejected Ballots	Total Votes	Official Voters List	Final Voters List
Gjoa Haven	1	220	5	128	26	11	3	28	1	420	430	441
Taloyoak	2	85	0	2	177	0	27	0	2	293	262	267
Total		305	5	130	203	11	30	28	3	713	692	708
Percentage of Valid Votes		43%	0.7	18%	28%	1.5%	4%	4%			103%	100.7%

Returning Officer - Teddy Carter

Assistant Returning Officer – Simon Okpakok

Assistant Returning Officer – Elizabeth Aleekie

PANGNIRTUNG

Elected candidate: **Peter Kilabuk**

Majority: **117 VOTES (23.54%)**

Polling Station	No.	Keenainak Simeonee	Kilabuk Peter	Rejected Ballots	Total Votes	Official Voters List	Final Voters List
Pangnirtung	1	109	178	0	287	279	333
Pangnirtung	2	79	127	04	210	297	338
Total		188	305	04	497	576	671
Percentage of Valid Votes		38%	62%			86%	74%

Returning Officer - Oolootie Koonoo

Assistant Returning Officer – Naimee Kilabuk-Bourassa

QUTTIKTUQ

Elected candidate: **Levi Barnabas**

Majority: **75 VOTES (18.8%)**

Polling Station	No.	Amagoalik Lucas	Attagootak Pauloosie	Audlaluk Larry	Barnabas Levi	Ullikatar Anthony	Williams Rebekah Uqi	Rejected Ballots	Total Votes	Official Voters List	Final Voters List
Arcitc Bay	1	1	11	21	143	21	78	3	278	312	364
Grise Fiord	2	15	8	10	17	7	13	0	70	72	73
Resolute Bay	3	1	2	26	14	0	8	2	51	110	118
Total		17	21	57	174	28	99	5	399	494	555
Percentage of Valid Votes		4%	5%	14%	44%	7%	24%			81%	72%

Returning Officer - Anna Qaunaq

Assistant Returning Officer – Aglak Pettypiece

Assistant Returning Officer – Ralph Alexander

Assistant Returning Officer – Marty Kuluguktuq

RANKIN INLET NORTH

Candidate elected by acclamation: **Tagak Curley**

Polling Station	No.	Curley Tagak	Official Voters List	Final Voters List
Rankin Inlet	1	Acclaimed	576	671

Returning Officer - Derek Williams
Assistant Returning Officer- Matthew Fredlund

RANKIN INLET SOUTH WHALE COVE

Elected candidate: **Lavinia Brown**

Majority: **33 VOTES (6.16%)**

Polling Station	No.	Brown Lavinia	Ell Jerry	Kabloona Percy	Naulalik Ishmael	Voisey Solomon	Rejected Ballots	Total Votes	Official Voters List	Final Voters List
Rankin Inlet	1	111	75	16	21	2	3	228	310	324
Rankin Inlet	2	74	85	15	25	4	3	206	285	330
Whale Cove	3	21	13	53	4	11	0	102	88	98
Total Votes		206	173	84	50	17	6	536	683	752
Percentage of Valid Votes		38%	32%	16%	9%	3%			78%	71%

Returning Officer – Cecelia Ayaruak

Assistant Returning Officer – Mary Ann Hapanak

Assistant Returning Officer – Agatha Ekwalak

SOUTH BAFFIN

Elected candidate: **Olayuk Akesuk**

Majority: **190 VOTES (37.11%)**

Polling Station	No.	Akesuk Olayuk	Lyta Malicktoo	Lyta Martha	Rejected Ballots	Total Votes	Official Voters List	Final Voters List
Cape Dorset	1	237	37	71	2	347	525	622
Kimmirut	2	63	62	39	1	165	177	215
Total		300	99	110	3	512	702	837
Percentage of Valid Votes		58.59	19.34	21.48			73%	61%

Returning Officer - Udluriak Samayualie
Assistant Returning Officer – Numa Ottokie
Assistant Returning Officer – Mary Kolola

TUNNUNIQ

Elected candidate: **Jobie Nutarak**

Majority: **4 VOTES (0.88%)**

Polling Station	No.	Appitaq Enuaraq	Nutarak Jobie	Omik Sam	Qamaniq David	Rejected Ballots	Total Votes	Official Voters List	Final Voters List
Pond Inlet	1&2	88	142	78	138	7	453	496	589
Total		88	142	78	138	7	453	496	589
Percentage of Valid Votes		19%	31%	17%	30%			91%	77%

Returning Officer - Boazie Innualuk

Assistant Returning Officer – Winnifred Qammaniq

UQQUMMIUT

Elected candidate: **James Arreak**

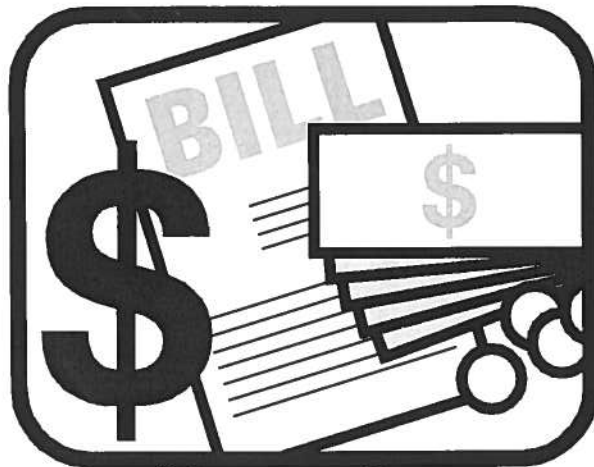
Majority: **46 VOTES (8.38%)**

Polling Station	No.	Arreak James	Audlakiak Stevie	Palluq Hainu Phoebe	Iqalukjuak Peter	Iqaqrialu David	Nuqingaq Samuel	Toomasie Lootie	Rejected Ballots	Total Votes	Official Voters List	Final Voters List
Qikiqtarjuaq	1	1	77	19	4	9	79	43	0	232	294	293
Clyde River	2	147	2	83	5	51	4	23	2	317	89	327
Total		148	79	102	9	60	83	66	2	549	383	620
Percentage of Valid Votes		26%	14%	19%	2%	11%	15%	12%			143%	88.5%

Returning Officer - Daisy Nuqingaq

Assistant Returning Officer – Hannah Audlakiak

Assistant Returning Officer – Jimmy Aipellee



Summary of Financial Returns

Appendix C

Akulliq

Nunavut General Election 2004

Candidate	BOHLENDER George	KRINGAYARK Joani	MAPSALAK Steve	NINGARK John	TUNGILIK Roland
Financial Agent	Kakkianiun Blandina	Milortok Linda	Taparti Vitaline	Ningark Louise	Kringuk Marie
Status			Elected		
Contributions	6,051.22	897.77	2,793.36	1,288.00	1,750.00
Election Expenses	6,051.22	897.77	2,793.36	1,288.00	1,033.55
Unpaid Expenses	0	0	0	0	0
Total Election Expenses	6,051.22	897.77	2793.36	1,288.00	1,033.55
Surplus/ (Deficit)	0	0	0	0	716.45

Amittuq

Nunavut General Election 2004

Candidate	ALLURUT Solomon	HAULLI Paul	IRQITTUQ Enoki	KAUNAK Levi	TAPARDJUK Louis
Financial Agent	Aqatsiaq Rosalie	Nattuk Lou	Ivvalu Lucasi	Kaernerik Asena	Illupalik John
Status	Received 60 + days after election	Received 60 + days after election	Received 60 + days after election	Received 60 + days after election	Elected
Contributions	365.00	0	250.00	20.00	1,025.00
Election Expenses	353.64	0	0	18.56	312.80
Unpaid Expenses	0	0	0	0	0
Total Election Expenses	353.64	0	0	18.56	312.80
Surplus/ (Deficit)	11.36	0	250.00	1.44	712.20

Arviat

Nunavut General Election 2004

Candidate	ALAGALAK David	ALAREAK Peter	AULATJUT Peter Two	O'BRIEN Kevin	SAINT Jay	TATTUINEE Kono
Financial Agent	Alagalak Samuel	Atatsiak Tony	Kigusiutnak Janet	McLean Jane	Nibgoarsi Thomas	Rollin Lynn S.
Status	Elected		Received 60 + days after election	Incomplete		
Contributions	3,107.88	1,931.91	250.00		290.13	1,111.83
Election Expenses	2,976.10	937.63	0		290.13	1,111.83
Unpaid Expenses	0	0	0		0	0
Total Election Expenses	2,976.10	937.63	0		290.13	1,111.83
Surplus/ (Deficit)	131.78	994.28	250.00		0	0

Baker Lake

Nunavut General Election 2004

Candidate	AKSAWNEE David	KUDLOO Becky	SIMAILAK David	TOOLOOKTOOK David
Financial Agent	Tapatai Lena	Kotelewetz Elizabeth	Seeteenak Rober	Quinangnaq Maryt
Status			Elected	
Contributions	2,000.00	1,110.00	8,000.00	250.00
Election Expenses	203.00	277.58	7,962.89	165.70
Unpaid Expenses	0	0	0	0
Total Election Expenses	203.00	277.58	7,962.89	165.70
Surplus/ (Deficit)	1,797.00	832.42	37.11	84.30

Cambridge Bay
2004

Nunavut General Election

Candidate	AKNAVIGAK Harry Ambrose M.	KAOSONI David	MAKSAGAK Harry	PETERSON Keith
Financial Agent	Ohokannoak David	Kuptana Karen	Ekpakohak Richard	Peterson Sean
Status	Received 60 + days after election		Received 60 + days after election	Elected
Contributions	400.00	2,103.32	384.33	10,06353
Election Expenses	400.00	2,103.32	384.33	8,420.15
Unpaid Expenses	1,137.22	0	0	0
Total Election Expenses	1,537.22	2,103.32	384.33	8,420.15
Surplus/ (Deficit)	(1,137.22)	0	0	1,643.38

Hudson Bay 2004

Nunavut General Election

Candidate	APPAQAQ Moses Jr.	ARRAGUTAINAQ Joe	KATTUK Peter	NINGEOCHEAK Kupapik	TOOKALOOK Johnny
Financial Agent	Meeko Lea	Eyaituk Mary	Fleming Marion	Meeko Caroline	Tooktoo Susie
Status	Received 60 + days after election	Received 60 + days after election	Elected	Received 60 + days after election	Incomplete
Contributions	250.00	250.00	964.00	715.00	
Election Expenses	0	0	856.00	715.00	
Unpaid Expenses	0	0	0	0	
Total Election Expenses	0	0	856.00	715.00	
Surplus/(Deficit)	250.00	250.00	108.00	0	

Iqaluit Centre

Nunavut General Election 2004

Candidate	ALAINGA-KANGO Natsiq	COURTNEY Mike	MACCORMACK Kevin	PANILOO Pauloosie	THOMAS Mary Ellen	TOOTOO Hunter
Financial Agent	Alainga Eva K.	Hrynkow David	Joamie Suvinai	Alexander David	Naulaq Rosie	Clark Philip
Status			Received 60 +days after election	Received 60 +days after election		Elected
Contributions	1,256.00	15,938.83	2450.00	250.00	6,789.00	14,925.94
Election Expenses	795.92	15,938.83	6,286.46	1,536.65	6,743.79	14,669.38
Unpaid Expenses	0	0	0	0	0	0
Total Election Expenses	795.92	15,938.83	6,286.46	1,536.65	6,743.79	14,669.38
Surplus/ (Deficit)	460.08	0	(3,836.46)	(1,286.65)	45.21	256.56

Iqaluit East

Nunavut General Election 2004

Candidate	AMAGOALIK John	ISHULUTAK Norman	PICCO Edward Walter
Financial Agent	Brewster Betty	Nauyuk Noah	Birrell Steven Rober
Status	Received 60 + days after election		Elected
Contributions	1,250.00	1,835.00	20,310.00
Election Expenses	729.13	1,785.16	20,185.92
Unpaid Expenses	0	0	0
Total Election Expenses	729.13	1,785.16	20,185.92
Surplus/ (Deficit)	520.87	49.84	124.08

Iqaluit West

Nunavut General Election 2004

Candidate	OKALIK Paul	WORKMAN Doug
Financial Agent	Spring Susan	Mitsima Joshie Teemotee
Status	Elected	
Contributions	17,988.75	11,547.74
Election Expenses	16,884.92	11,547.74
Unpaid Expenses	0	0
Total Election Expenses	16,884.92	11,547.74
Surplus/ (Deficit)	1,103.83	0

Kugluktuk

Nunavut General Election 2004

Candidate	EVYAGOTAILAK Joe Allen	HAVIOYAK Donald	KULIKTANA Millie
Financial Agent	Nivingalok Lucy	Ivarluk Doris Nancy	Sitatak Bessie
Status	Elected		
Contributions	1,650.00	3,150.00	965.21
Election Expenses	900.60	1,811.90	965.21
Unpaid Expenses	0	0	0
Total Election Expenses	900.60	1,811.90	965.21
Surplus/ (Deficit)	750.40	1,388.10	0

Nanulik

Nunavut General Election 2004

Candidate	BEARDSALL Emily	NAKOOLAK Willie	NETSER Patterk	PUTULIK Sr. Bernie
Financial Agent	Paniyuk Sheila	Gibbons Angela	Angootealuk Rhoda	Malliki Nina
Status			Elected	Received 60 + days after election
Contributions	2,203.31	2,067.71	1,155.00	250.00
Election Expenses	2,150.00	2,067.71	1,100.00	0
Unpaid Expenses	0	0	0	0
Total Election Expenses	2,150.00	2,067.71	1,100.00	0
Surplus/ (Deficit)	53.31	0	55.00	250.00

Nattilik

Nunavut General Election 2004

Candidate	AGLUKKAQ LEONA	AKOAK Tom	ANGUTTITAUURUQ Anthony	IRQIUT David	PORTER Sonny	QINGNAQTUQ Simon	RASCH Ruediger H. J.
Financial Agent	Jacobsen John	Tungilik Lena	Kaloon Allen	Ooleekatalik Jimmy	Nahalolik Christine	Kootook Eva	Qirqqut Sarah
Status	Elected			Received 60 + days after election	Not filed	Not filed	Received 60 + days after election
Contributions	10,538.95	0	356.31	530.02			1,719.95
Election Expenses	10,538.95	0	356.31	530.02			1,795.95
Unpaid Expenses	0	0	0	0			0
Total Election Expenses	10,538.95	0	356.31	530.02			1,719.95
Surplus/ (Deficit)	0	0	0	0			0

Pangnirtung

Nunavut General Election 2004

Candidate	KEENAINAK Simeonee	KILABUK Peter
Financial Agent	Nakoolak Solomon	Amie Nashalik
Status		Elected
Contributions	250.00	3,850.00
Election Expenses	191.20	2,835.00
Unpaid Expenses	0	0
Total Election Expenses	191.20	2,835.00
Surplus/ (Deficit)	58.80	1,015.00

Quttiktuq

Nunavut General Election 2004

Candidate	AMAGOALIK Lucas	ATTAGOOTAK Paulosie	AUDLALUK Larry	BARNABAS Levi	ULLIKATAR Anthony	WILLIAMS Rebekah Uqi
Financial Agent	Idlout Lallie	Kalluk David O.	Audluluk Laisa	Qaunaq Salome	Ullikatar Abbigail	Willie Sam
Status		Not filed	Received 60 + days after election	Elected	Received 60 + days after election	Received 60 + days after election
Contributions	250.00		250.00	4,120.10	3,472.94	1,200.00
Election Expenses	0		171.58	4,019.48	3,287.74	1,595.10
Unpaid Expenses	0		0	0	0	0
Total Election Expenses	0		171.58	4,019.48	3,287.74	1,595.10
Surplus/ (Deficit)	250.00		78.42	100.62	185.20	395.10

Rankin Inlet North

Nunavut General Election 2004

Candidate	CURLEY Tagak
Financial Agent	Roach Ron
Status	Acclaimed
Contributions	3,457.50
Election Expenses	2,068.96
Unpaid Expenses	0
Total Election Expenses	2,068.96
Surplus/ (Deficit)	1,388.96

Rankin Inlet South/Whale Cove

Nunavut General Election 2004

Candidate	BROWN Levinia	ELL Jerry	KABLOONA Percy	NAULALIK Ishmael	VOISEY Solomon
Financial Agent	Thordarson Evelyn	Niviatsiak Bernadette	Arualak Debbie	Anawak-Gamble Angela	Enuapik Pat
Status	Elected		Received 60 + days after election	Received 60 + days after election	Received 60 + days after election
Contributions	4,990.00	3,670.94	450.00	250.00	250.00
Election Expenses	4,424.93	3,670.94	544.10	0	0
Unpaid Expenses	0	0	0	0	0
Total Election Expenses	4,424.93	3,670.94	544.10	0	0
Surplus/ (Deficit)	565.07	0	(94.10)	250.00	250.00

South Baffin

Nunavut General Election 2004

Candidate	AKESUK Olayuk	LYTA Malicktoo	LYTA Martha
Financial Agent	Kelly Sandy	Arlooktoo – Barrieau Kitty	Lyta Moonie
Status	Elected	0	
Contributions	2,006.25	0	2,524.77
Election Expenses	2,006.25	0	2524.77
Unpaid Expenses	0	0	0
Total Election Expenses	2,006.25	0	2,524.77
Surplus/ (Deficit)	0	0	0

Tunnuniq

Nunavut General Election 2004

Candidate	ENUARAQ Appitaq	NUTARAK Jobie	OMIK Sam	QAMANIQ David Qajaakuttuk
Financial Agent	Woodford Glenn	Nutarak Dennis	Komangapik Lecy P.	Maktar Natalino
Status	Received 60 + days after election	Elected		Received 60 + days after election
Contributions	250.00	601.55	301.70	350.00
Election Expenses	150.00	601.55	301.70	11.76
Unpaid Expenses	0	0	0	0
Total Election Expenses	150.00	601.55	301.70	11.76
Surplus/ (Deficit)	100.00	0	0	338.24

Uqqummiut

Nunavut General Election 2004

Candidate	ARREAK James	AUDLAKIAK Stevie	PALLUQ-HAINU Phoebe	IQALUKJUAK Peter	IQAQRIALU David	NUQINGAQ Samuel	TOOMASIE Lootie
Financial Agent	Jaypoodie Daniel	Killiktee Mary	Jaypoodie Dora	Atsiqtaq Adamee	Palituq Levi	Aliqatuqtuq Susie	Kuniliusie Morris
Status	Elected	Not filed		Not filed	Received 60 + days after election		
Contributions	2,474.00		2,618.11		250.00	278.79	250.00
Election Expenses	2,474.00		2,618.11		0	278.79	175.00
Unpaid Expenses	0		0		0	0	0
Total Election Expenses	2,474.00		2,618.11		0	278.79	175.00
Surplus/ (Deficit)	0		0		250.00	0	75.00

Instructions and Directives Issued by the Chief Electoral Officer to Adapt the *Nunavut Elections Act*

Instructions:

EN-04-03 to EN-04-10

Pursuant to s.200(2) and (3) upon request from returning officers in constituencies with more than one community, returning officers were instructed to delegate to the assistant returning officers in satellite communities, the authority to post notices and to accept nominations.

EN-04-13

Pursuant to s.56, and in consideration of the fact that voter registration throughout Nunavut had recently been completed, returning officers for Iqaluit Centre, Iqaluit East and Iqaluit West only were instructed to issue Voter Information Cards.

EN-04-19

Pursuant to s.119.(4) the returning officer for the constituency of Hudson Bay was instructed to delay the start of voting in the office of the returning officer until February 9, as the ballots for this purpose had been misdirected by an air cargo company.

EN-04-29

Pursuant to s.120(1) the special ballot coordinator was instructed to allow voters at the Polaris mine site to vote by telephone as they had no other means of casting their ballot.

EN-04-31

Pursuant to s.176(2) candidates were instructed that a receipt from a charitable organization would be accepted as notice of a gift of surplus contributions. Candidates were further instructed that if they wished instead to give their surplus contributions to the Consolidated Revenue Fund, they should forward to Elections Nunavut, a money order made out to the Government of Nunavut.

EN-04-32

Pursuant to s.153 and in view of the return to the writ having gone astray in the mail, the Chief Electoral Officer accepted the faxed writ.

Directives:

CEO-04-01

The CEO directed that in lieu of an inmate of a penal or correctional institution providing identification when registering to vote, an official of the institution would co-sign the form and forward it to Elections Nunavut.

CEO-04-04

The CEO directed use of cell or SAT phones or any other electronic communications devices inside the polling stations be limited to elections officials only.

CEO-04-05

The CEO directed that neither cameras nor any type of audio-visual recording device would be allowed to be used inside the polling stations except by written permission before voting started on any voting day.

***Nunavut Election Act* Complaints to the RCMP**

s. 225. (1) Any person who believes that an offence under this *Act* has been, is being or may be committed may make a complaint to the police.

1. Complaint - Voting Offence

On February 16, three candidates in a constituency alleged that a person who was not qualified to vote, had voted. (s.242(1)(a)). After investigation by the RCMP, no charges were laid.

2. Complaint – Voting Offence

On February 16, a candidate made a complaint that the secrecy of the vote had been denied to a voter (s.248). The RCMP investigated and did not lay a charge.

s. 225. (3) The Chief Electoral Officer may request the police to investigate any situation that might constitute an offence under this *Act*.

3. Complaints – Financial Offences and Offences Involving Candidates and Financial Agents

The *Nunavut Elections Act* requires candidates and their financial agents to report on money received and spent for the election campaign. On the nomination paper, the financial agent signs his name, agreeing that he is aware of and accepts the responsibilities of a financial agent.

At this election there were 82 candidates and 82 financial agents. The majority of these - young and old, from communities large and communities small - returned their official receipts and filed their declarations and financial statements before the end of the post election period.

On April 1 and April 10 Elections Nunavut attempted to contact all of the people who had outstanding returns. But by the April 16th deadline, 29 candidates and their 29 financial agents had not filed. As well twenty-six of these had not returned the official tax receipts for which they were responsible. All of them were sent registered letters on May 10. Three candidates and their agents completed the requirements after receiving these letters.

As required by the *Act*, the CEO reported these matters to the RCMP. Ten more candidates and ten more agents filed their declarations and financial statements after being visited by the RCMP. By mid-September 6 more candidates and their agents had sent in some documents, but still had incomplete files. At that time, 9 other candidate/agent pairs had not responded to any initiatives.

The RCMP has charged a total of 21 persons with breaches of the *Nunavut Elections Act*. There is no further result to report at this time.

Nunavut Elections Act

Brief Summary of the Enforcement Process

- A complaint about an alleged offence may be made by the Chief Electoral Officer (CEO) or any other person to the RCMP.
- There is a 90 day period (from date of knowledge) within which to make the complaint.
- All prosecutions must be commenced within 180 days of the offence.
- The *Act* sets out many detailed offences. There is a general offence provision for contraventions of the *Act* not otherwise covered [s. 268(1)].
- The CEO, Integrity Commissioner (IC) and the RCMP have entered into an Enforcement Protocol for dealing with offences. It sets out roles and responsibilities as contained in the *Act*.
- There is an alternative method for dealing with offenders called a compliance agreement, where prosecution of the offence is stayed in return for such remedies as an apology from the offender, restitution and compliance.
- Elections Nunavut does not investigate or prosecute offences. It does provide relevant information for the investigation to the RCMP.
- The RCMP is responsible for the investigation of all offences and decides whether to lay a charge based on its investigation.
- The RCMP must advise the CEO and the IC when they have RPG (RPG – Reasonable and Probable Grounds) that a person has committed an offence.
- The RCMP must notify persons under investigation during and at the end of the investigation.
- Before notifying the complainant and any person under investigation, the RCMP must contact the IC to discuss whether a prosecution will be initiated pursuant to the *Summary Conviction Procedures Act* and whether a compliance agreement will be proposed, which would result in a prosecution if the agreement is not complied with.
- Crown Counsel (Justice Canada) takes the cases to the Nunavut Court of Justice.
- The IC is responsible for deciding whether to negotiate a compliance agreement with a person who will be or has been charged.
- It is practically impossible for the IC to use this arrangement if the offender is not charged before the limitation period lapses.
- The RCMP and Elections Nunavut supply the IC with relevant information to negotiate compliance agreements.

- The IC notifies the RCMP and the CEO when
 - ✓
 - ✓ the IC decides that a compliance agreement will not be proposed;
 - ✓ the IC proposes to enter into a compliance agreement;
 - ✓ the IC enters into a compliance agreement;
 - ✓ a compliance agreement will not be entered into because negotiations for the agreement are not successful; and
 - ✓ **the offender has or has not complied with the compliance agreement.**

- The CEO is the public spokesperson regarding the general nature of any complaints, investigations or compliance agreements that may be made under the *Act*. If more specific details about these matters are sought by the public or the media, those inquiries should be handled by the Police or the IC.

Concerns - Recommendations - Potential Resolution

Concern: *Availability of suitable office space for returning officers.*

Explanation: Returning officers need to lease office space for a 2-month period for electoral administration and voting. The space must be occupied exclusively by the returning officer, be convenient and accessible to all voters and be suitable for installation of phone/fax lines and for electronic communication. There must be access during lunch, evening and weekend hours. These requirements restrict the number of options available in communities where all office space is limited. In Iqaluit in particular there is very little suitable space available for short-term lease – sometimes none. Additionally in some communities basic office furniture is not readily available for lease.

Potential resolution:

- Returning officers thoroughly assess community facilities current and proposed – well in advance of need
- EN investigate availability of office furnishings including portable
- EN investigate possible use of constituency offices of former MLA's for use by RO

Concern: *Difficulty of setting up an office during the pre-Christmas and Christmas period.*

Concern: *Raising public awareness of an upcoming election during Christmas period.*

Explanation: Returning officers found it difficult to set up their offices in the month of December and the first week of January as attention turned to Christmas. Workers were on holiday; community focus was on concerts and games. Some returning officers were unable to gain access to the leased spaces; many waited weeks for telephone installation.

Potential resolution:

- Schedule election for earlier or later date to avoid conflict with Christmas period
- Make RO offices operational one month prior to the opening of nominations

Concern: *Candidates waiting until the last hour to complete and file their nomination papers.*

Explanation: When potential candidates identify themselves to the local returning officer or to EN headquarters early in the nomination process, there is ample time to advise them of the responsibility they are undertaking and to ensure that they understand the requirements of nomination. When candidates file their nominations in the hours or minutes immediately preceding 2p.m. they run the risk of having their nomination rejected because of errors or omissions. They are also less likely to be prepared for the record-keeping required by the *NEA*.

It appears that many potential candidates file their papers at the last minute in order to take as few days as possible 'leave without pay' as required by their employer's policy.

Last minute filing lead to jammed fax-lines and 2 candidates' names being omitted from the press release issued upon the close of nominations.

Potential resolution:

- Provide information for potential candidates several months before the opening of nominations via toll-free telephone workshops, EN website, local radio broadcasts and packages of information available at local outlets
- RO's e-mail to headquarters, confirmation of nominations accepted

Concern: Many potential candidates, financial agents and campaign managers were confused about or unaware of their employer's or board or council policy regarding participation in territorial elections.

Concern: As many as 10 candidates were required to replace their financial agent early in the election period as there had been a lack of understanding of the employer's policy regarding participation in the territorial election.

Explanation: Explained above.

Potential resolution:

- Obtain copies of policy from major employers – disseminate with other materials for potential candidates
- Work with municipalities to develop policy on participation, use of municipal facilities, placement of campaign signs etc.
- Ask employers to disseminate policies to employees well in advance of nomination period

Concern: *Many candidates did not submit photos at the time of nomination.*

Explanation: It took almost a week and many, many hours of staff time to obtain suitable digital photos from all of candidates who wished their photos to be on a poster in the polling place. Although the nomination paper clearly stated that the digital photo was to be supplied at the time of submission of the papers and that a print-out of the photo was to accompany the nomination, less than half of the candidates complied. In an effort to provide the best service possible to voters, we delayed printing of the posters until we had an acceptable photo from every candidate who wanted to participate. Without a printed version of the photo to compare against, we had no way of ensuring that the photo we printed had been authorized.

Potential resolution:

- Enforce regulation that only photos submitted as required in the nomination paper will be used on the posters

Concern: *Inadequacy of addressing system in Nunavut communities*

Explanation: In communities with more than one constituency (currently Rankin Inlet and Iqaluit) an effective civic addressing system is essential in order to correctly assign voters to a constituency. It is important for such addresses to exist and for the people who live at those addresses to be aware of them. Community mapping should differentiate residences from non-residences.

All of our communities are growing. Each business or organization that provides housing has a different system for numbering their houses. Privately owned homes often have no house number. As the populations of our communities increase this will be increasingly problematic for emergency and service situations.

There should be some coordination between mailing addresses and civic addresses to reduce the amount of returned mail.

Potential Resolution:

- GN might create a 'one-stop contact-information-change shop' – for government functions. Three of Canada's provinces have instituted or are in the process of instituting such a procedure.
- Assist municipalities with developing an effective civic addressing system

Concern: Capacity to provide special ballot service.

Explanation: Elections Nunavut used Canada Post Expresspost system to ship special ballots to voters and included self-addressed return Expresspost envelopes in the special ballot package confident that if voters acted quickly their ballots would get to us before the deadline – 5p.m. on the 3rd day before election day. Well into the process we learned that security procedures demanded that Expresspost must be at Canada Post for 8 hours prior to being shipped. This meant that special ballots heading eastward from Rankin Inlet, prepared on the weekend and taken to the post office at opening time on Monday morning, were not airborne until 2 days later when the contracted airline next traveled east. When this policy was brought to our attention we began to send ballots directly through the airlines.

A number of special ballots did not arrive until past the deadline – possibly due to such delays.

Potential resolution:

- Unless there is a change in Canada Post policy, EN should ship special ballots directly through the airlines
- If EN is unable to assure voters who act quickly, that their special ballots will meet the deadline and be counted – EN should consider eliminating this voting option.

Concern: Some landlords do not meet the terms of polling place rental agreements.

Explanation: Some election workers found polling places locked when they went to set up the polls on voting days. In one community workers were preparing for an all candidates' debate in the community hall while advance voting was still in progress.

Potential resolution:

- RO or ARO will check with the landlord on the evening prior to voting that the facility will be open and ready an hour before voting is to start
- RO or ARO will ensure that landlord is aware that the facility is for use by Elections Nunavut solely on voting days

Concern: Some voters were unaware of the limited provisions for proxy voting

Explanation: Applications to vote by proxy can only be provided by returning officers from the 5th day before election day; the completed application must be received by the RO by 3p.m. on election day. Proxy voting is an option available only in cases where the voter is unable to vote in his/her constituency because of an unexpected absence and has no other opportunity to vote. Some voters seemed surprised by these conditions and complained.

Potential resolution:

- Communicate voting options more thoroughly
- Work with other organizations that hold elections to harmonize procedures to reduce confusion

Concern: The possibility of blizzards hampering voting is very great in mid-winter.

Explanation:

- Weather hampered mobile polls in 2 communities.
- February 16 early morning reports, warned of upcoming blizzard conditions in Iqaluit and Igloolik. The blizzard in Iqaluit did not materialize and the one in Igloolik was not severe

enough to cause the polls to be closed. However the possibility of polls having to close in a mid-winter election is very great.

- The mid-winter cold may be a deterrent for some voters

Potential resolution:

- Schedule general elections for fall or spring

Concern: Voters in the Kitikmeot complained that they did not hear the results for their area until the morning of February 17. Reporting of election results for a small number of constituencies happens over a period of many hours.

Explanation: Broadcast of election results for the 18 constituencies being contested, began immediately after the close of the polls in Qikiqtaaluk. Considering Nunavut's three time zones and 3 constituencies operating in split time zones, the reporting for a very few constituencies happened over a long period. TV broadcast ended at midnight in the Eastern time zone, when results from two Kitikmeot constituencies had not been reported. Residents of those communities were unhappy that they had to wait until the next morning to know results.

Poll workers must 'get it right' before they can send in results – the number of votes they report must balance exactly with the number of ballots they have been assigned. These election officials work at a territorial election only one day in four or five years. Most will have received a half-day training; some will have been trained over the phone. On election day they work an average of 15 hours. Most work without a break all day - eating between voters. Working at an election requires paying close attention to a large number of details. Some DRO's and poll clerks work with us every election; some have been recruited early in the morning on election day when a worker failed to show up; some do it once and say, "Never again!" Given the above conditions it is no surprise that results are often delayed.

Potential resolution:

- Open and close polls at the same time throughout Nunavut (8a.m. – 6p.m. Kitikmeot, 9a.m.- 7p.m. Kivalliq, 10a.m. – 8p.m. Qikiqtaaluk)
- Broadcast election results from EN headquarters in Rankin Inlet
- Develop certification programs and more intense training for election workers

Concern: How to improve compliance rate (candidates and financial agents).

Explanation: There was a high rate of late filing and non-filing of returns at this election despite EN toll-free phone and fax numbers, reminders, a bilingual support and plain language Guide and checklists for candidates and agents.

Potential resolution:

- Disseminate information about the responsibilities of candidates and financial agents well before the opening of nominations through the website, local radio and local venues
- Develop password protected area on website to support candidates and agents
- Run dial-in support teleconferences for financial agents during and after the election
- Make separate package of support information for financial agent. (At this election RO's distributed support materials to the candidates as they submitted their nominations. Candidates were expected to share information with their financial agent.)

Recommendations for Changes to the *Nunavut Elections Act*

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Recommendations of the Chief Electoral Officer for changes to the *Nunavut Elections Act*

1. Electoral Quotient

Problem:

The electoral quotient is used to determine the size of constituencies. However, the formula is based on the final voters list for the last general election, even though there may be more up-to-date information available through continuous voter registration.

Existing Wording:

Electoral quotient

15. (2) *the electoral quotient for Nunavut equals the number of voters on the final voters list for the most recent general election divided by the number of constituencies.*

Recommendation:

Change the reference to the “final voters list for the most recent general election “ to “the most accurate, current voters list for Nunavut”.

Suggested New Wording:

Electoral quotient

15. (2) *The electoral quotient for Nunavut equals the number of voters on the most accurate, current voters list for Nunavut divided by the number of constituencies.*

2. Residence of Former Members

Problem:

Subsection 4(9) provides a special rule for the residency of former members of the Legislative Assembly who are candidates in an election. Paragraph 4(9)(c) allows this person to use the place where the office of the returning officer is located. However, in a community with more than one constituency, the office of the returning officer may be centralized in only one constituency. Thus the candidate may not be able to vote in the constituency where he or she is running.

Existing Wording:

Residence of former members and others

4. (9) *A candidate who was a member of the Legislative Assembly when it was dissolved, and any voter living with the candidate who is a spouse or dependent of the candidate, shall select one of the following places of residence for the purposes of voting at an election:*

- (a) *the person's actual place of residence;*
- (b) *any place of temporary residence in the constituency in which the candidate seeks election;*

- (c) *the place in which the office of the returning officer for the constituency that the candidate seeks to represent is located; or*
- (d) *any place in or near Iqaluit where the candidate lived for the purposes of carrying out his or her duties as a member.*

Recommendation:

Paragraph 4(9)(c) should be changed to allow a candidate to use the constituency where he or she is running as their place of residence. Because of the structure of subsection 4(9), this change would automatically apply to any spouse or dependent living with the candidate. If this is not desired, a more complex amendment would be required to distinguish between the candidate and a spouse or dependent.

Suggested New Wording:

- (c) *a convenient place in the constituency that the candidate seeks to represent; or*

3. Prisoner Voting

Problem:

There is inconsistent wording in the use of the phrase “penal or correctional institution”. The phrase is intended to include territorial facilities in Nunavut and the Northwest Territories and federal penal facilities, where residents of Nunavut may be found. However, in subsection 99(4) of the *Act*, the word “penal” is missing, which reduces the scope of the provision.

Existing Wording:

Prisoners

99. (4) *The Chief Electoral Officer shall, as soon as possible after the date of the writ, take all reasonable steps to advise any voter who is a prisoner in a correctional facility in Nunavut or outside Nunavut that they may request an application for a special ballot.*

Recommendation:

Add the word “penal” to subsection 99(4)

Suggested New Wording:

Prisoners

99. (4) *The Chief Electoral Officer shall, as soon as possible after the date of the writ, take all reasonable steps to advise any voter who is a prisoner in a penal or correctional facility in Nunavut or outside Nunavut that they may request an application for a special ballot.*

4. Identification of Sponsor in Advertising and Campaign Material

Problem:

Sections 186 and 249 are not consistent in the way they require a sponsor and candidate to be identified. Broadcast campaign material must identify the campaign manager, sponsor or

financial agent. Print material must identify the name of the candidate or the name and address of the financial agent.

Existing Wording:

Requirement to identify sponsor

186. *All campaign material, including advertisements on the radio, television and the Internet, must identify the campaign manager, sponsor or financial agent, as the case may be, in accordance with guidelines of the Chief Electoral Officer.*

Requirements of printed documents

249. *(2) Any person printing, publishing or distributing or causing to be printed, published or distributed any campaign material that does not bear the name of the candidate for whom it is made, and the name and address of the candidate's financial agent, is guilty of an offence.*

Recommendation:

There should be little or no difference between broadcast and printed campaign material. Each should identify the candidate and either the campaign manager, sponsor or financial agent, in accordance with guidelines of the Chief Electoral Officer.

Suggested New Wording:

Requirement to identify candidate and others

186. *All campaign material, including advertisements on the radio, television and the Internet, must identify the candidate and the campaign manager, sponsor or financial agent, in accordance with guidelines of the Chief Electoral Officer.*

Requirements of printed documents

249. *(2) Any person printing, publishing or distributing or causing to be printed, published or distributed any campaign material that does not identify the candidate for whom it is made, and the campaign manager, sponsor or financial agent, in accordance with guidelines of the Chief Electoral Officer, is guilty of an offence.*

5. Meetings Between the CEO and Committees of the Legislative Assembly

Problem:

In paragraph 189(2)(d), the Chief Electoral Officer is empowered to meet with the Management and Services Board. However, the committees of the Legislative Assembly that are relevant to election matters are not included in the provision.

Existing Wording:

Administrative powers

189. *(2) In order to carry out the duties of office, the Chief Electoral Officer may*
(d) meet with the Management and Services Board to discuss matters related to the administration of this Act;

Recommendation:

Include a reference to appropriate committees of the Legislative Assembly in paragraph 189(2)(d).

Suggested New Wording:

Administrative powers

- (2) *In order to carry out the duties of office, the Chief Electoral Officer may*
- (d) *meet with the Management and Services Board and appropriate committees of the Legislative Assembly to discuss matters related to the administration of this Act;*

6. Timing of the CEO's Annual Report

Problem:

The Chief Electoral Officer must submit an annual report under section 196. In the case of a year in which there was a general election it must be provided no later than 180 days after the date of the election. Because many of the election returns and other documents are not received for several months after the election and since the report is also expected to cover enforcement issues, which may not be settled for six months after the post election period, this period is insufficient time to prepare a comprehensive report on the election. In addition, if the election was held at the end of the year, there may be less than 180 days to prepare the report. Finally, the requirement that the report be prepared in 4 languages requires extra time.

Existing Wording:

Time of report

- 196.** (2) *The report must be submitted no later than the earlier of*
- (a) *April 1 of the following year; or*
 - (b) *the 180th day after the date of the writ for a general election.*

Recommendation:

Extend the time required for the submission of the annual report for a year in which there was a general election to 280 days. This is consistent with other jurisdictions.

Suggested New Wording:

Time of report

- (2) *The report must be submitted no later than*
- (a) *April 1 of the following year; or*
 - (b) *in the case of report for a year in which there was a general election, the 280th day after the date of the writ.*

7. Tariff of Fees for Goods and Services

Problem:

Paragraph 217(2)(d) refers to goods or services provided for making changes in constituency boundaries. This provision has been in the relevant elections *act* for many years. However, it is not clear what is intended by the provision.

Existing Wording:

Tariff of fees

(2) *The regulations may establish a Tariff of Fees including*

(d) *the fees payable for any goods and services that are provided for the determination of constituency boundaries; and*

Recommendation:

Leave provision as is until after the next boundaries commission to determine whether it is required or should be repealed.

Suggested New Wording:

No wording suggested.

8. Special Ballots

Problem:

When the *Nunavut Elections Act* was drafted it was not clear what would be the best way to deal with special ballots. Consequently, section 136 allows for them to either go to the Chief Electoral Officer or to the returning officer of the affected constituency. After the experience of the last general election, it is now clear that when they go to the office of the Chief Electoral Officer, they should be handled by a person in that office acting as a Special Ballot Coordinator.

When this operation is done in the office of the Chief Electoral Officer, there are no representatives of candidates present. Therefore there will be no need for subsection 129(2), which deals with recording objections to ballots.

Subsection 100(3) of the *Act* does not make it clear that a voter who is not on the voters list must first register before they can be given a special ballot.

Existing Wording:

Obtaining a special ballot

100. (1) *To obtain a special ballot, a voter must apply at the office of the returning officer or, if the voter does not reside in the same community as the returning officer, apply directly to the Chief Electoral Officer.*

Providing special ballot

(2) The Chief Electoral Officer or returning officer shall provide the voter with a special ballot and instruction package if he or she determines that

- (a) the application is validly made; and*
- (b) the voter has provided sufficient evidence to establish the voter's identity, place of residence and right to vote.*

Correction to list

(3) Where a voter applies for a special ballot

- (a) the voter shall advise the returning officer or Chief Electoral Officer if the voter has already been included in a preliminary voters list;*
- (b) the returning officer or Chief Electoral Officer shall strike the name of the voter from the list, if the voter has previously been included on that list; and*
- (c) the returning officer or Chief Electoral Officer shall include the name of the voter on the preliminary voters list and then strike the name of the voter from the list, if the vote had not previously been included on that list.*

Deadline

101. *(3) A voter is solely responsible for ensuring that the voter's special ballot is received by the returning officer, or the Chief Electoral Officer if the voter is not in the community where the office of the returning officer is located, as the case may be, prior to 5 p.m. on Friday, the 3rd day before election day.*

Objections

129. *(2) When the special ballots are verified, the any objection to a voter's right to vote in the constituency must be registered in the polling record.*

Counting special ballots

136. *(1) On election day, immediately after the close of the polls, the Chief Electoral Officer shall open the ballot boxes used for the special ballots, open the secrecy envelopes and count the votes.*

Rejecting ballots

(2) When counting ballots, the Chief Electoral Officer shall reject any special ballot that

- (a) was not supplied by the Chief Electoral Officer;*
- (b) was not marked in favour of a candidate;*
- (c) marked in a way that does not clearly indicate the voter's intent;*
- (d) does not clearly indicate the name of the candidate;*
- (e) was marked for more than one candidate; or*
- (f) was marked in a way that identifies the voter.*

Statement of poll

137. *(1) The Chief Electoral Officer shall prepare a statement of the poll for each constituency in respect of the special ballots cast in the Office of the Chief Electoral Officer.*

Recommendation:

Make it clear that a voter who is not on the voters list must register before being issued a special ballot.

Allow a deputy returning officer appointed by the Chief Electoral Officer to administer the special ballots received in the office of the Chief Electoral Officer.

Delete subsection 129(2)

Suggested New Wording:

Correction to list

100. (3) *Where a voter applies for a special ballot*

- (a) *the voter shall advise the returning officer or Chief Electoral Officer if the voter has already been included in a preliminary voters list; and*
- (b) *the returning officer or Chief Electoral Officer shall strike the name of the voter from the list, if the voter has previously been included on that list.*

(4) *A voter who applies for a special ballot but who is not included on a preliminary votes list must first register before a special ballot may be issued to him or her.*

Counting special ballots

136. (1) *On election day, immediately after the close of the polls, a deputy returning officer appointed by the Chief Electoral Officer for the purpose of administering the special ballots shall open the ballot boxes used for the special ballots, open the secrecy envelopes and count the votes.*

Rejecting ballots

- (2) *When counting ballots, the deputy returning officer shall reject any special ballot that*
- (a) *was not supplied by the Chief Electoral Officer;*
 - (b) *was not marked in favour of a candidate;*
 - (c) *was marked in a way that does not clearly indicate the voter's intent;*
 - (d) *does not clearly indicate the name of the candidate;*
 - (e) *was marked for more than one candidate; or*
 - (f) *was marked in a way that identifies the voter.*

Statement of poll

137. (1) *The deputy returning officer appointed by the Chief Electoral Officer shall prepare a statement of the poll for each constituency in respect of the special ballots cast in the Office of the Chief Electoral Officer.*

9. Group Contributions

Problem:

The Act intends that group contributions be recorded by attaching a list of the members of unincorporated associations or organizations. However, large unincorporated organizations may have a very large list of members, which makes it impractical to provide a list of members.

Existing Wording:

Group contributions

168. (4) *Subject to subsection 47(1) of the Public Service Act, an unincorporated association or organization may make contributions to a candidate during an election period but the association or organization shall attach to each contribution a list of the individual sources and amounts making up the contribution.*

Recommendation:

Unincorporated associations or organizations with a membership of over 25 members need not provide a list, but will be required to have a list of members available for inspection by Elections Nunavut.

Suggested New Wording:

Group contributions

168. (4) *Subject to subsection 47(1) of the Public Service Act, an unincorporated association or organization may make contributions to a candidate during an election period but the association or organization shall attach to each contribution a list of the individual sources and amounts making up the contribution or, if the number of members is greater than 25, have that list available for inspection.*

10. Responsibility for Accuracy of Candidate Returns

Problem:

While enforcing the failure of candidates and financial agents after the 2004 General Election to submit documents required by the *Act*, the RCMP had difficulty distinguishing the different responsibilities of a candidate and his or her financial agent. Returns were filed that were late, incomplete and misleading. Because it is an offence to knowingly submit a false or misleading return, the liability of a candidate versus the financial agent should be clarified for future elections.

Existing Wording:

Return respecting election contributions and expenses

180. (1) *Every financial agent shall send to the Chief Electoral Officer, before the end of the post election period,*

- (a) *an accurate signed return in the approved form containing detailed statements in respect of the candidate of*
 - (i) *the total amount of contributions received during the election period,*

- (ii) *the total amount of contributions received after election day but deemed to have been made during the election period under subsections 176(3) and (4);*
- (iii) *the individual amounts of contributions in excess of \$100 and the name and address of each such contributor,*
- (iv) *the gross amount collected at any meeting, dance, dinner or other function and the name of each sponsor of the meeting, dance, dinner or other function, and*
- (v) *all election expenses including disputed claims and unpaid claims;*
- (b) *bills proving payment of election expenses kept in accordance with subsection 178(4); and*
- (c) *a declaration, in the approved form, made by the financial agent.*

Application for extension of time

(2) A financial agent, other than a financial agent for a candidate declared elected, may apply to the Chief Electoral Officer for an extension of the time limit for sending to the Chief Electoral Officer the return, bills and declaration required under subsection (1).

Declaration of candidate

(3) Each candidate shall send to the Chief Electoral Officer a declaration by the candidate, in the approved form, respecting the election contributions to and election expenses of the candidate before the end of the post election period.

Recommendation:

1. Make it clear that the package of financial information and the declarations of the candidate and the financial agent comprise a single document called a “financial return”.
2. Make it clear that both the candidate and the financial agent take responsibility for and must sign off on the accuracy of the financial information submitted to Elections Nunavut.

Suggested New Wording:

Preparation of financial return

180. *(1) Every financial agent shall prepare for his or her candidate to submit under subsection (2), a financial return in the approved form containing*

- (a) *detailed statements in respect of the candidate of*
 - (i) *the total amount of contributions received during the election period,*
 - (ii) *the total amount of contributions received after election day but deemed to have been made during the election period under subsections 176(3) and (4);*
 - (iii) *the individual amounts of contributions in excess of \$100 and the name and address of each such contributor,*
 - (iv) *the gross amount collected at any meeting, dance, dinner or other*

function and the name of each sponsor of the meeting, dance, dinner or other function, and

- (v) all election expenses including disputed claims and unpaid claims;*
- (b) receipts proving payment of election expenses kept in accordance with subsection 178(4); and*
- (c) a declaration signed by the financial agent, in the approved form, certifying that the financial return is accurate, complete and does not contain any false or misleading information.*

Submission of financial return

(1.1) Every candidate shall send to the Chief Electoral Officer, before the end of the post election period, the financial return prepared and signed by the financial officer containing a declaration signed by the candidate, in the approved form, certifying that the financial return is accurate, complete and does not contain any false or misleading information.

Application for extension of time

(2) A candidate or his or her financial agent, other than in respect of a candidate declared elected, may apply to the Chief Electoral Officer for an extension of the time limit for submitting to the Chief Electoral Officer the financial return required under subsection (1) or (1.1).

11. Extension for Filing Financial Returns

Problem:

The *Act* allows the Chief Electoral Officer to extend the time for filing a return. The *Act* allows this to be done before and after the deadline. The *Act* also provides a mechanism for an application to be made to the court for an extension. An extension granted after the deadline has passed has the effect of exempting a candidate or financial agent for liability for an offence under the *Act*. Because the *Act* provides no guidance on when the Chief Electoral Officer should grant an extension, it is very difficult to deal with applications for an extension after the deadline has passed.

Existing Wording:

Time for bringing application

(6) An application may be brought under subsection (2) or (4) before or after the expiry of the time limit that is the subject of the application.

Recommendation:

The Chief Electoral Officer should not grant extensions to the post election filing deadline after the deadline has passed. That should be done only by the court, exercising judicial discretion.

Suggested New Wording:

Time for bringing application

(6) An application may only be brought under subsection (2) or (4) before the expiry of the time limit that is the subject of the application.

12. Publishing Summaries of Financial Returns

Problem:

The Chief Electoral Officer is required to publish a summary of the returns as soon as reasonably practical. Because many returns have been filed late, the summary may be incomplete when it is published. In addition, the cost of publishing the summary in four languages in the newspaper is very high.

Existing Wording:

Publication of return

182. *(1) The Chief Electoral Officer shall, as soon as is reasonably practicable after receiving the return described in section 180, cause a summary of the return, together with a notice as to the method of obtaining a copy of the return, to be published in a newspaper circulating in the constituency of the candidate.*

Recommendation:

The Chief Electoral Officer should publish a notice in the newspaper advising the public that summaries of the returns may be obtained from the website of Elections Nunavut. The summaries will be updated as returns are submitted.

Suggested New Wording:

Publication of return

182. *(1) The Chief Electoral Officer shall, as soon as is reasonably practicable after receiving the financial return described in section 180, cause a notice as to the method of obtaining a copy of the financial return, to be published in a newspaper circulating in the constituency of the candidate.*

13. Destruction of Financial Returns for Elected Candidates

Problem:

Subsection 182(3) authorizes the Clerk of the Legislative Assembly to destroy old election returns from elected candidates after six months. Subsection 182(4) provides for the return of these documents to an elected candidate or financial agent. All other election returns and election documents are kept by the Chief Electoral Officer and so there is an inconsistency in how these particular returns are handled.

Existing Wording:*Destruction*

182. (3) *The Clerk of the Legislative Assembly may destroy the candidates' returns and declarations after the later of*

- (a) *the expiration of the six-month period; or*
- (b) *the period for the resolution of any proceeding contesting the election.*

Exception

(4) *Despite subsection (3), if the candidate or the financial agent of the candidate requests their return before they are destroyed, the Clerk of the Legislative Assembly shall return these documents to the candidate.*

Recommendation:

The inconsistency should be removed and the Chief Electoral Officer should manage all returns. Delete s. 182(3) and (4). Amend s. 165 to accommodate all forms of documents and records.

Suggested New Wording:*Managing documents and ballot boxes*

165. (1) *The returning officer shall manage and then send to the Chief Electoral Officer for storage or destruction the ballot boxes, election material and documents used for election purposes as directed by the Chief Electoral Officer.*

Preservation of documents

(2) *The Chief Electoral Officer shall ensure that all ballot boxes, and election material, including documents generated or received by his or her office in respect of an election or sent by the returning officer after an election, are kept for a period of 12 months from the later of*

- (a) *the date of publication of the notice of the election result in the Nunavut Gazette; and*
- (b) *the final decision in respect of any application to void an election.*

Destruction

(3) *The ballot boxes and election material may be destroyed after the period referred to in subsection (2), unless they are required for future use, archival purposes or are subject to a preservation order of a judge for the purposes of an application or proceeding under this Act.*

14. Disqualification of Candidates

Problem:

A candidate whose return is not filed on time after an election is disqualified from running again. However, the period of disqualification is indefinite. There should be time limit on the disqualification. This disqualification should also apply to a person who was a financial agent for the candidate.

Existing Wording:

Disqualification

11. (2) *A person who is otherwise qualified is not entitled to be a candidate if, on election day, the person*

- (g) *was a candidate in a previous election and a return for the candidate in respect of that election was not filed within the time required, including any lawful extension of time; or*

Recommendation:

The disqualification should be limited to a period equivalent to two general elections.

The provision should apply to financial agents as well.

Suggested New Wording:

- (g) *was a candidate or a financial agent for a candidate in an election held within the previous eight years and a financial return for that candidate in respect of that election was not filed within the time required, including any lawful extension of time; or*

15. Emergency Voting Procedures

Problem:

The emergency method of voting is supposed to be available in limited circumstances. However, the availability of a fax machine would preclude the use of this method even though a fax cannot be used to vote.

Existing Wording:

Voting by radio or satellite phone

120. (1) *A voter who has the right to vote in a constituency may vote by radio or satellite phone if*

- (a) *the voter is unable to vote at a polling station on election day because of remoteness;*
- (b) *there is no means of telecommunications, other than radio or satellite phone, at the voter's location; and*
- (c) *the voter had no other means of voting before going to this remote location.*

Recommendation:

Allow a voter to use a telephone, radio or satellite phone, even if there is a fax machine available.

Suggested New Wording:

Voting by radio or phone

120. (1) *A voter who has the right to vote in a constituency may vote by radio or satellite phone if*

- (a) *the voter is unable to vote at a polling station on election day because of remoteness;*
- (b) *the voter is able to communicate by radio or telephone, including mobile or satellite phone; and*
- (c) *the voter had no other means of voting before going to this remote location.*

16. Advance Vote and Mobile Poll

Problem:

The Act has several different procedures for allowing early voting. They are the advance vote, the mobile poll and voting in the office of the returning officer. This creates unnecessary complexity. The voters could simply vote in the office of the returning officer, if one is available, and the returning officer can take the poll from his or her office to use as the mobile poll.

Existing Wording:

Holding an advance vote

94. *(1) An advance vote must be held in each constituency, and where a constituency includes more than one municipality, in each municipality, on Monday the 7th day before election day.*

Recommendation:

Eliminate a separate advance poll in those places where voting in the office of the returning officer is available. Add a new provision so that the returning officer's office would be deemed to be the advance polling station.

Make it clear that the returning officer may temporarily close the returning officer's office to conduct the mobile poll.

Suggested New Wording:

94. *(3) Voting in the office of the returning officer, under section 119, on Monday the 7th day before election day is deemed to be an advance vote required by this section.*

121. *(4) The returning officer may suspend voting in his or her office on the day of the advance vote and use that poll to conduct the mobile poll.*

17. Duties of Assistant Returning Officers

Problem:

Assistant returning officers are not used to full capacity before election day.

Existing Wording:

No existing wording applicable.

Recommendation:

Allow assistant returning officers to perform the functions of a deputy returning officer at an advance or mobile poll.

Suggested New Wording:

203. (7) The Chief Electoral Officer may authorize assistant returning officers to perform the functions of a deputy returning officer at an advance or mobile poll.

18. Size of Polling Station

Problem:

The *Act* limits the size of polling stations. A polling station can serve no more than 450 voters. This is too low a limit.

Existing Wording:

Basis of polling stations

32. (2) A returning officer shall organize the voters for the purpose of each polling station and shall:

- (a) consider whether the groupings of voters previously established for the constituency need to be changed;*
- (b) ensure that no polling station serves more than 450 voters, unless necessary; and*
- (c) take into account any geographic or other factors that might affect the convenience of voters.*

Recommendation:

Amend paragraph 32(1)(b) to increase the maximum size to 550 voters.

Suggested New Wording:

- (b) ensure that no polling station serves more than 550 voters, unless necessary; and*

19. Preliminary Voters List

Problem:

The *Act* appears to require that changes be made on the preliminary voters list itself. However, the practice is to not make any changes to the preliminary voters list itself, but rather to identify any required changes in a separate statement of revisions.

Existing Wording:*Duty of returning officer*

58. (1) A returning officer shall, during the revision period, review the preliminary voters list for the constituency by

- (a) adding voters who were omitted from the list;
- (b) correcting voter information from the list; and
- (c) striking the names of persons who should not be on the list.

Addition to the preliminary list

(2) A returning officer shall add a voter to the preliminary voters list or correct the information on the list where

- (a) a proper registration card for the voter is received by the returning officer;
- (b) the voter applies in person to the returning officer, provides identification and establishes that he or she should be included on the list; or
- (c) another voter who lives in the same residence as the voter, or another voter who is a relative of the voter applies in person to the returning officer, provides identification and establishes that the voter should be included on the list.

Striking from the list

(3) A returning officer may strike the name of a person from the preliminary voters list where

- (a) the person desires his or her name to be struck from the list;
- (b) it is established to the satisfaction of the returning officer that the voter is not eligible to vote or has died; or
- (c) it is established to the satisfaction of the returning officer that the name of the person appears more than once on the list.

Recommendation:

Make it clear that changes are made in the statement of revisions.

Suggested New Wording:*Duty of returning officer*

58. (1) A returning officer shall, during the revision period, review the preliminary voters list for the constituency by

- (a) recording voters who were omitted from the list;
- (b) correcting voter information from the list; and
- (c) striking the names of persons who should not be on the list.

Addition to voters list

(2) A returning officer shall record on the statement of revisions that a voter is to be added to the voters list or the information on the preliminary voters list is to be corrected where

- (a) a proper registration card for the voter is received by the returning officer;

- (b) *the voter applies in person to the returning officer, provides identification and establishes that he or she should be included on the list; or*
- (c) *another voter who lives in the same residence as the voter, or another voter who is a relative of the voter applies in person to the returning officer, provides identification and establishes that the voter should be included on the list.*

Striking from the list

58. (3) *A returning officer shall record on the statement of revisions that a voter is to be struck from the voters list where*

- (a) *the person desires his or her name to be struck from the list;*
- (b) *it is established to the satisfaction of the returning officer that the voter is not eligible to vote or has died; or*
- (c) *it is established to the satisfaction of the returning officer that the name of the person appears more than once on the list.*

20. Proxy Applications

Problem:

Proxy applications are required to be numbered. However, this prevents making them available by internet. Numbering the applications is not necessary as a control measure, as long as the certificates themselves are numbered.

Existing Wording:

Application form

123. (4) *All applications for a proxy vote must be in the approved form and separately numbered.*

Recommendation:

Delete requirement for numbering the proxy application and require the certificate to be numbered.

Suggested New Wording:

Application and certificate forms

123. (4) *All applications for a proxy certificate and all proxy certificates must be in the approved form and each proxy certificate must be separately numbered.*

21. Election Expense Receipts

Problem:

The *Act* uses old terminology to describe receipts. The term “bill of particulars” is confusing since it is not clear that actual receipts of election expenses are required. Since the amounts spent are relatively low, the exception for expenses under \$25 creates a loophole.

Existing Wording:*Bills*

178. (4) Every payment made by a financial agent in respect of election expenses must be proved by a bill stating the particulars, unless it is less than \$25.

Statement of particulars

(5) A statement of the particulars of payments made under subsection (4) shall be sent to the financial agent and shall be supported by appropriate documentation.

Recommendation:

Use the term “receipts” in subsections 178(4) and (5). Consider deleting subsection 178(5) as unnecessary. Delete the exception for expenses under \$25 in subsection 178(4).

Suggested New Wording:*Receipts*

178. (4) Every payment made by a financial agent in respect of election expenses must be proved by a receipt providing details of the expense.

Statement of particulars

(5) A statement of the particulars of payments made under subsection (4) shall be sent to the financial agent and shall be supported by appropriate receipts and documentation.

22. Returns for Income Tax Purposes

Problem:

Subsection 6(2) of the *Income Tax Act*, which was amended in subsection 273(3), requires clarification. Subsection 6(2) has been in existence for some time and was inherited from the old *Act*. However, it is not understood or used in practice.

Existing Wording:*Return of information*

6. (2) Within the time during which a return is required to be submitted pursuant to section 180 of the *Nunavut Elections Act*, a financial agent shall file with the Commissioner a return of information in the prescribed form and containing the prescribed information together with duplicates of all receipts signed by the financial agent for contributions received by a candidate.

Recommendation:

Consult with income tax officials on what information is required to administer the *Income Tax Act* in respect of election expenses and contributions.

Suggested New Wording:

No wording suggested.

23. Eligibility of Financial Agents

Problem:

There are relatively few eligibility requirements for financial agents. It is possible that persons with criminal records could be appointed as financial agents. While having a criminal past does not necessarily preclude a person from being a good financial agent, the issue is important enough to be given public discussion.

In addition, there was an issue related to the difficulty of enforcement in the case of a non-resident financial agent.

Existing Wording:

Financial agent

72. (1) *A prospective candidate shall, in the nomination papers, appoint a person as his or her financial agent.*

Eligibility to act as financial agent

(2) *The following persons are not eligible to act as financial agents:*

- (a) *a candidate;*
- (b) *a returning officer, assistant returning officer, deputy returning officer or poll clerk; or*
- (c) *a person prohibited under the Public Service Act.*

Recommendation:

Obtain direction on this issue from members of the Legislative Assembly and other Nunavummiut.

If non-resident financial agents are to be allowed, require the posting of security to ensure compliance with the *Act*.

Suggested New Wording:

No wording suggested.

24. Electronic Communications in the Polling Stations

Problem:

There is no provision in the *Act* to prohibit people from filming or recording activity in the polling station. Also, electronic communications by people other than election officials are not prohibited. Currently this matter is being handled by a directive from the Chief Electoral Officer.

Existing Wording:

No existing wording applicable.

Recommendation:

Prohibit the use of mobile phone, text messaging devices, by anyone other than Elections Nunavut. Prohibit the use of cameras and recording devices by anyone, except for use by media in staged events with the approval of the Chief Electoral Officer before the polling station is open.

Suggested New Wording:

Prohibition on telecommunication devices

254. (1) *No person other than an election official, may use a telecommunications device, including a mobile telephone or text messaging device, in a polling station.*

Cameras and recorders

(2) *No person may use a device to record images or sound in a polling station, except for use before the polling station is open for voting with the approval of the Chief Electoral Officer.*

25. Notifications by Police

Problem:

There are two provisions in the *Act* where the police must notify a person of the initiation of an investigation and the results of an investigation of an alleged offence under the *act*. Normally, the laying of an information and the issuance of a summons notice to an accused that he or she is believed to have committed an offence. The notification process can therefore be made more efficient. Further, the method of serving a notice under subsection 227(2) is not clear.

Existing Wording:

Notice of investigation

227. (2) *The police shall, before the end of an investigation, notify any person who is the subject of the investigation that he or she is being investigated, unless the police believe that doing so would compromise or impede the investigation.*

Notice of results of investigation

229. (1) *The police shall, after an investigation and before any prosecution, notify the complainant and any person who is the subject of the investigation of the results of the investigation.*

Contents of notice

- (2) *The notice of results shall be in the prescribed form and shall set out*
- (a) *the allegations that were made against the person;*
 - (b) *the alleged offence and the maximum penalty for that offence;*
 - (c) *the findings of the investigation;*
 - (d) *whether a prosecution will be initiated; and*
 - (e) *a notice regarding a compliance agreement, if authorized under subsection 231(3).*

Service of notice

(3) A notice of results under subsection (1) shall be served personally on the person or sent by registered mail to the last known address of the person.

Recommendation:

1. Move subsection 227(2) into section 229.
2. Amend section 229 to provide for notice to a person under investigation only when no prosecution will be commenced. In cases where a prosecution will be commenced, the person will get a summons in the normal course.
3. Make it clear that all notices are served in the same way under subsection 229(3).

Suggested New Wording:

Notice of investigation

229. (1) The police shall, before the end of an investigation, notify any person who is the subject of the investigation that he or she is being investigated, unless the police believe that doing so would compromise or impede the investigation.

Notice of results of investigation

(2) The police shall, if there will be no prosecution, notify the complainant and any person who is the subject of the investigation of the results of the investigation.

Service of notice

(3) A notice under subsection (1) or (2) shall be served personally on the person or sent by registered mail to the last known address of the person.

26. Evidence

Problem:

The RCMP reported difficulties in obtaining simple forms of evidence for the prosecution of offences.

Existing Wording:

Evidence

238. (1) In a prosecution or civil proceeding in relation to an offence under this Act, the certificate of the returning officer is sufficient evidence of

- (a) the due holding of the election; and
- (b) a person named in the certificate having been a candidate at the election.

Original documents

(2) Where original election documents are required in a hearing of an application to void an election or a prosecution under this Act,

- (a) a judge may, at the instance of any of the parties to the proceedings, order the Chief Electoral Officer to ensure that the original election documents are produced on or before the day fixed for the trial; and

- (b) *the Chief Electoral Officer shall cause the election documents to be deposited with the court in the manner that the judge may order.*

Recommendation:

Allow the Chief Electoral Officer and returning officers to certify a greater range of facts relating to an election.

Suggested New Wording:

Evidence

238. (1) *In a prosecution or civil proceeding in relation to an offence under this Act, the certificate of the Chief Electoral Officer or a returning officer is sufficient evidence of*

- (a) *the due holding of the election;*
- (b) *whether any document was issued, filed or sent in an election and whether a copy is a true copy of that document;*
- (c) *a person named in the certificate having been a candidate, financial agent, campaign manager, election officer or other participant at an election.*

Original documents

(2) *If an original election document, rather than a certified true copy, is required in a hearing of an application to void an election or a prosecution under this Act,*

- (a) *a judge may, at the instance of any of the parties to the proceedings, order the Chief Electoral Officer to ensure that the original election documents are produced on or before the day fixed for the trial; and*
- (b) *the Chief Electoral Officer shall cause the election documents to be deposited with the court in the manner that the judge may order.*

27. Miscellaneous Minor Errors

Problem:

There are various places in the Act where minor or typographical errors should be corrected.

Existing Wording:

Not included.

Recommendation:

Make the miscellaneous corrections suggested below.

Suggested New Wording:

- s. 2(1) The definition of “charitable organization” should be amended to refer to the definition of “society” in the *Societies Act*.
- s. 79 The words “Immediately upon” should be replaced with “No later than immediately after”.

- s. **89**(1): Change “no later than the date of the writ” to “as soon as possible after the close of nominations”.
- s. **96 and 97**: The words “register in duplicate” and “register” should be changed to “record”
- s. **132**(1): The words “agents of the candidates” should be replaced with “candidates or their representatives”.
- s. **153** (3) Candidates don’t get a copy of the return and already get a copy or the returning officer’s “report” under s. 143, so delete words after “completed”.
- s. **176**(1) The financial agent not the candidate should deal with the surplus.

Status of Recommendations of the Ajauqtiit Committee of the 1st Nunavut Legislative Assembly

Of the sixty-five recommendations put forward by the last Ajauqtiit Committee of the Nunavut Legislature, the following remain outstanding:

1. That a working group be established, composed of representatives from the Government of Nunavut, NTI, regional Inuit organizations, the Nunavut Association of Municipalities, Elections Canada and other organizations ...to negotiate details of how a central elections office would best meet the needs of different organizations. (#9)
2. That a review be undertaken by the working group of differences in election procedures with a view to making recommendations for harmonizing the procedures where possible and making elections easier for voters in Nunavut to participate in. (#11)
3. That general elections in Nunavut should be held in October or November. (#18)
4. That Elections Nunavut should work in consultation with the Department of Education to ensure elections are part of the curriculum for elementary and high school students. (#54)

Recommendations of the Chief Electoral Officer on the Tariff of Fees

The Tariff of Fees as approved by the Management and Services Board of the Legislative Assembly and set out in the Nunavut Gazette Part II Volume 5. Number 12 was appropriate for most election officials at the 2004 election. As the Tariff defines the pay ranges for deputy returning officers, poll clerks and registration clerks, payment for work done is comparable to that of casual GN staff and should continue to be so.

The following item in the Tariff will need amendment based on increased responsibility - 3(2) An assistant returning officer who does not work in the same municipality as the returning officer is entitled to be paid at 25% of the rates of pay set out in paragraph 2.(1)(b). It became apparent during the February election that ARO's who did not work in the same municipality as the returning officer were performing a number of duties that had not been anticipated and that their responsibilities were equal to, although different from the responsibilities of assistant returning officers who work in the same community as the returning officer and therefore should be compensated at the same rate. Therefore I recommend that paragraph 3 be amended as follows:

Current wording: 3(1) An assistant returning officer who works in the same municipality as the returning officer is entitled to be paid at 50% of the rates of pay set out in paragraph 2(1)(b).

An assistant returning officer who does not work in the same municipality as the returning officer is entitled to be paid at 25% of the rates of pay set out in paragraph 2(1)(b)

Suggested wording: 3. An assistant returning officer is entitled to be paid at 50% of the rates of pay set out in paragraph 2(1)(b).



Legislative Assembly of Nunavut

Government of Nunavut

Office of the Chief Electoral Officer

Expenditures From Operations for the Period April 1, 2003 to March 31, 2004

Salaries, Wages and Contracts

Contracted Wages and Fees	\$ 397,485	21.70%
Permanant Salaries	325,143	17.75%
Casual Wages	228,974	12.50%

Operating Expenses

Travel and Airfare	147,455	8.05%
Professional Contracts	114,853	6.27%
Office Leases	95,455	.21%
Advertising	94,733	5.17%
Computer Hardware	77,444	4.23%
Materials & Supplies	53,286	2.91%
Telecommunications (Phone & Internet)	49,122	2.68%
Equipment Supplies and Maintenance	40,192	2.19%
Freight and Delivery	38,135	2.08%
Translation Services	32,274	1.76%
Publications and Printing	27,164	1.48%
Conference & Meeting Services	26,679	1.46%
Promotional and Educational Materials	26,365	1.44%
Furniture and Equipment	22,164	1.21%
Building Supplies & Maintenance	16,636	0.91%
Computer Software and Supplies	11,955	0.65%
Other Expenses	6,180	0.34%
	<u>\$ 1,831,693</u>	<u>100.00%</u>

Note: This report covers all expenses incurred by and for the Office of the Chief Electoral Officer for the fiscal year ending March 31, 2003. However this report does not include expenses for the managing of Liquor Plebiscites or By-Elections

Election Review Participants

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Valerie Daniels
Leslie Inuujaq Dean
Richard Ekpakohak
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Oolootie Koonoo
Karen Kuptana
Hilarie Makpah
Malaya Mikijuk
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Ron Roach
Metro Solomon
Susan Spry
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Kane Tologanak
Derek Williams
Jean Williamson

Thanks to all for very useful comments.

Map of Nunavut's 19 constituencies

