

Chapter 8

AN ACT TO AMEND CERTAIN ACTS RESPECTING NUNAVUT ELECTIONS

(Assented to March 16, 2021)

The Commissioner of Nunavut, by and with the advice and consent of the Legislative Assembly, enacts as follows:

PART 1

Cities, Towns and Villages Act

1. The *Cities, Towns and Villages Act* is amended by adding the following after section 17:

Council member seeking election to Legislative Assembly

17.1. (1) A council member who wishes to be a candidate for election to the Legislative Assembly shall take a leave of absence without pay from his or her duties as a council member.

Period of leave

(2) The leave of absence under this section

- (a) begins on the day the council member signs his or her declaration of candidacy; and
- (b) ends on the earlier of the day on which the results of the election are declared and the day he or she has ceased to be a candidate.

Nature of leave

(3) During a leave of absence under this section, the council member shall not

- (a) receive payment for his or her service as a council member;
- (b) perform any duties or exercise any powers as a council member; or
- (c) use the premises, supplies, equipment or services belonging to or in the possession of the municipal corporation for the purposes of any political activity, unless the premises are residential premises occupied by the council member.

Ceasing as council member

(4) A council member who is elected as a member of the Legislative Assembly ceases to be a council member and his or her position on council becomes vacant.

PART 2

Hamlets Act

2. The *Hamlets Act* is amended by adding the following after section 17:

Council member seeking election to Legislative Assembly

17.1. (1) A council member who wishes to be a candidate for election to the Legislative Assembly shall take a leave of absence without pay from his or her duties as a council member.

Period of leave

(2) The leave of absence under this section

- (a) begins on the day the council member signs his or her declaration of candidacy; and
- (b) ends on the earlier of the day on which the results of the election are declared or the day he or she has ceased to be a candidate.

Nature of leave

(3) During a leave of absence under this section, the council member shall not

- (a) receive payment of his or her service as a council member;
- (b) perform any duties or exercise any powers as a council member; or
- (c) use the premises, supplies, equipment or services belonging to or in the possession of the municipal corporation for the purposes of any political activity, unless the premises are residential premises occupied by the council member.

Ceasing as council member

(4) A council member who is elected as a member of the Legislative Assembly ceases to be a council member and his or her position on council becomes vacant.

PART 3

Nunavut Elections Act

3. This Part amends the *Nunavut Elections Act*.

4. Subsection 1(1) is amended by

- (a) **adding "**, municipal councils and district education authorities" **after "Legislative Assembly"; and**
- (b) **replacing "formation of the government" with "formation of local and territorial governments".**

5. The definition of "liquor" in subsection 2(1) is repealed.

6. Subsection 3(1) is amended by adding ", municipal councils and district education authorities" **after "Legislative Assembly".**

7. Subsection 11(2) is amended by deleting "or" at the end of paragraph (e) and adding the following after paragraph (e):

- (f) is a member of a municipal council who is not on leave under section 17.1 of the *Cities, Towns and Villages Act* or section 17.1 of the *Hamlets Act*;
or

8. The English version of section 13 is amended by adding "a" after "who is ineligible to be".

9. Subsections 31(2), (2.1) and (4) are amended by replacing "DVD" wherever it appears with "electronic copy".

10. The following is added after subsection 41(1):

Health or safety risk

(1.1) The Commissioner in Executive Council may order the withdrawal of a writ for a constituency if the Chief Electoral Officer certifies that holding an election in the constituency may put the health or safety of persons at risk.

11. The following is added after section 43:

Provisional voters list

43.1. (1) In accordance with subsection (2), the Chief Electoral Officer shall establish and maintain a provisional voters list of persons who

- (a) are 16 or 17 years of age;
- (b) are citizens of Canada; and
- (c) have been residing in Nunavut for a consecutive period of at least 12 months.

Registration

(2) The Chief Electoral Officer shall include on the provisional voters list only persons who have requested in writing, or in another format acceptable to the Chief Electoral Officer, that they be included.

Removal

(3) The Chief Electoral Officer shall remove from the provisional voters list persons who have requested in writing, or in a format acceptable to the Chief Electoral Officer, that they be removed.

Transfer to voters list

(4) Subject to subsection 7(2), the Chief Electoral Officer shall transfer a person from the provisional voters list to the voters list

- (a) when the person on the provisional voters list reaches 18 years of age; or
- (b) when the Chief Electoral Officer is aware that the person on the provisional voters list will be eligible to vote in the next six months.

12. Subsection 86(1) is amended by deleting "and the counterfoil".

13. Section 90 is amended by adding "or" at the end of paragraph (e) and repealing paragraph (f).

14. Subsection 99(2) is repealed and replaced by:

Availability

(2) Applications for special ballots shall be made available after the writ is issued and continuing until 5 p.m. Central Time on the 7th day before election day, from the Office of the Chief Electoral Officer and in any other office in Nunavut or outside of Nunavut that the Chief Electoral Officer may designate.

15. Subsection 100(1) is amended by deleting ", if the voter does not reside in the same community as the returning officer, apply".

16. Subsection 104(1) is amended by replacing "Central Standard Time, as modified by Daylight Saving Time when applicable," with "local time".

17. Subsection 120(1) is amended

- (a) **in paragraph (a) by adding "or the Office of the Chief Electoral Officer" after "office of the returning officer";**
- (b) **in paragraph (b) by adding "or the Chief Electoral Officer" after "returning officer"; and**
- (c) **by repealing and replacing paragraph (c) by:**
 - (c) establishes that
 - (i) he or she is unable to vote by any other method because of the voter's remote location, and the voter had no other means of voting before going to this remote location, or
 - (ii) he or she is unable to vote on election day because of an unexpected absence from the constituency and the voter had no other opportunity to vote on election day.

18. Sections 123 to 126 and the heading preceding them are repealed.

19. (1) The following is added after subsection 131(1):

Special ballots - time of counting

(1.1) On election day, immediately after the deadline for the receipt of special ballots, the counting of the votes cast by special ballots shall take place at the Office of the Chief Electoral Officer.

Special ballots - notification of results

(1.2) The Chief Electoral Officer shall notify the returning officers of the results of the counting of the votes cast by special ballots under subsection (1) only after the close of the polls on election day.

(2) Subsection 131(6) is amended by adding "or" at the end of paragraph (a) and repealing paragraph (b).

20. Subsection 168(8) is amended by adding "or accommodation" after "transportation".

21. Section 170 is amended by

(a) deleting "; and" at the end of paragraph (4)(a) and adding the following:

- (i) before accepting any contributions, and
- (ii) no later than the 21st day before election day; and

(b) adding the following after subsection (4):

Application for extension of time

(5) A financial agent may apply to the Chief Electoral Officer for an extension of the time limit in subparagraph (4)(a)(ii).

Deadline

(6) An application for an extension of time limit made to the Chief Electoral Officer must be made before the 21st day before election day in a form approved by the Chief Electoral Officer.

Extension of time

(7) The Chief Electoral Officer may, on an application under subsection (5), extend the time in subparagraph (4)(a)(ii) as the Chief Electoral Officer considers appropriate.

22. (1) Section 171 is amended by adding the following after subsection (1):

Total anonymous contributions

(1.1) A financial agent may accept no more than \$2,500 in total anonymous contributions.

(2) Subsection 171(2) is amended by adding "or, where an anonymous contribution causes the total in anonymous contributions to exceed \$2,500" after "anonymous contribution exceeding \$100".

23. Subsection 175(1) is amended by deleting "or" at the end of paragraph (b), replacing the period at the end of paragraph (c) with a semi-colon and adding the following after paragraph (c):

(d) through social media.

24. Paragraph 176(2)(b) is amended by replacing "that fund" with "the Government of Nunavut".

25. Section 181.1 is amended by adding the following after subsection (7):

Exception

(8) Subsection (1) does not apply to a campaign that received less than \$500 in contributions and incurred less than \$500 in expenditures during the pre-election and election periods.

26. (1) Subsection 182(1) is amended by replacing "in a newspaper of general circulation in Nunavut, or circulating in the constituency where the election was held" with "on the internet website of Elections Nunavut and when applicable, on at least one local social media platform".

(2) Subsection 182(1.2) is amended by replacing "in a newspaper of general circulation in Nunavut" with "on the internet website of Elections Nunavut".

27. Subsection 190(2) is amended by deleting "or the time to receive a special ballot".

28. Subsection 198(2) is amended by replacing "a newspaper of general circulation in the constituency" with "on the internet website of Elections Nunavut and when applicable, on at least one local social media platform".

29. Paragraph 205(2)(h) is amended by adding "the *Plebiscites Act*," after "this Act,".

30. Subsection 224.5(1.1) is amended by replacing "Paragraph 11(2)(e) does not apply" with "Paragraphs 11(2)(e) and (f) do not apply".

31. Subsection 224.6(1.1) is amended by replacing "Paragraph 11(2)(e) does not apply" with "Paragraphs 11(2)(e) and (f) do not apply".

32. (1) Section 224.10 is amended in subsections (1), (3) and (4) by adding "as soon as reasonably practicable" after "shall fill the vacancy" wherever it appears.

(2) Paragraph 224.10(5)(b) is amended by adding "to complete an application in the approved form," after "publicly request applicants for appointment".

(3) Subsection 224.10(8) is repealed and replaced with the following:

Date for mayoral by-elections

(8) Subject to paragraph (1)(b), the Chief Electoral Officer shall determine an appropriate day for the holding of any by-elections needed to fill a vacancy for mayor.

33. Paragraph 224.15(2)(c) is repealed.

34. (1) Paragraph 224.18(1)(a) is amended by replacing "nil or less than 2% of the total number of votes cast in the election for that office" with "less than five votes".

(2) Subsection 224.18(2) is amended by replacing "10 days after election day, apply to the returning officer" with "4 days after the declaration of the result, apply to the Chief Electoral Officer".

35. Section 242 is amended

- (a) by repealing paragraphs (1)(c) and (d);**
- (b) by repealing subsection (2); and**
- (c) in subsection (3) by deleting "with the returning officer".**

36. Section 245 is amended by adding "or" at the end of paragraph (j), replacing "; or" at the end of paragraph (k) with a period and repealing paragraph (l).

37. The English column of Part I in the Schedule is amended by replacing "Iqaluit-Nianqunngu" with "Iqaluit-Niaqunngu".

PART 4

Plebiscites Act

38. This Part amends the *Plebiscites Act*.

39. Paragraph 59(1)(a) is repealed.

40. Subsection 65(2) is amended by adding "or" at the end of paragraph (b) and repealing paragraph (c).

41. Subsection 74(1) is amended by deleting ", if the voter does not reside in the same community as the returning officer, apply".

42. Subsection 93(1) is amended

- (a) in paragraph (a) by adding "or the Office of the Chief Electoral Officer" after "office of the returning officer";**
- (b) in paragraph (b) by adding "or the Chief Electoral Officer" after "returning officer"; and**

(c) by repealing and replacing paragraph (c) by:

- (c) establishes that
- (i) he or she is unable to vote by any other method because of the voter's remote location, and the voter had no other means of voting before going to this remote location, or
 - (ii) he or she is unable to vote on plebiscite day because of an unexpected absence from the constituency and the voter had no other opportunity to vote on plebiscite day.

43. Sections 96 to 99 and the heading preceding them are repealed.

44. (1) The following is added after subsection 104(1):

Special ballots - time of counting

(1.1) On plebiscite day, immediately after the deadline for the receipt of special ballots, the counting of the votes cast by special ballots shall take place at the Office of the Chief Electoral Officer.

Special ballots - notification of results

(1.2) The Chief Electoral Officer shall notify the returning officers of the results of the counting of the votes cast by special ballots under subsection (1) only after the close of the polls on plebiscite day.

(2) Subsection 104(6) is amended by adding "or" at the end of paragraph (a) and repealing paragraph (b).

45. Section 145 is amended by

(a) deleting "; and" at the end of paragraph (2)(a) and adding the following:

- (i) before accepting any contributions, and
- (ii) no later than the 21st day before plebiscite day; and

(b) adding the following after subsection (2):

Application for extension of time

(3) A financial agent may apply to the Chief Electoral Officer for an extension of the time limit in subparagraph (2)(a)(ii).

Deadline

(4) An application for an extension of time limit made to the Chief Electoral Officer must be made before the 21st day before plebiscite day in a form approved by the Chief Electoral Officer.

Extension of time

(5) The Chief Electoral Officer may, on an application under subsection (4), extend the time in subparagraph (2)(a)(ii) as the Chief Electoral Officer considers appropriate.

46. (1) Section 146 is amended by adding the following after subsection (1):

Total anonymous contributions

(1.1) A financial agent may accept no more than \$2,500 in total anonymous contributions.

(2) Subsection 146(2) is amended by adding "or, where an anonymous contribution causes the total in anonymous contributions to exceed \$2,500" after "anonymous contribution exceeding \$100".

47. Subsection 150(1) is amended by deleting "or" at the end of paragraph (b), replacing the period at the end of paragraph (c) with a semi-colon and adding the following after paragraph (c):

(d) through social media.

48. Subsection 151(2) is amended by replacing "Consolidated Revenue Fund" with "Government of Nunavut".

49. Subsection 159(2) is repealed.

50. Subsection 167(2) is amended by replacing "a newspaper of general circulation in the plebiscite area" with "on the internet website of Elections Nunavut".

51. (1) Paragraphs 209(1)(c) and (d) are repealed.

(2) Subsection 209(2) is repealed.

52. Section 212 is amended by replacing the semicolon at the end of paragraph (j) with "; or", replacing "; or" at the end of paragraph (k) with a period and repealing paragraph (l).