

PLEBISCITES ACT

PLEBISCITE REGULATIONS

R-002-2015

In force February 25, 2015

(Current to: February 29, 2016)

AS AMENDED BY:

This consolidation is not an official statement of the law. It is an office consolidation prepared for convenience only. The authoritative text of regulations can be ascertained from the *Revised Regulations of the Northwest Territories, 1990* and the monthly publication of Part II of the *Northwest Territories Gazette* (for regulations made before April 1, 1999) and Part II of the *Nunavut Gazette* (for regulations made on or after April 1, 1999).

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GLOSSARY OF TERMS USED IN CONSOLIDATIONS

Miscellaneous

c.	means "chapter".
CIF	means "comes into force".
NIF	means "not in force".
s.	means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
Sch.	means "schedule".

Citation of Acts

R.S.N.W.T. 1988,c.D-22	means Chapter D-22 of the <i>Revised Statutes of the Northwest Territories, 1988</i> .
R.S.N.W.T. 1988,c.10(Supp.)	means Chapter 10 of the Supplement to the <i>Revised Statutes of the Northwest Territories, 1988</i> . (Note: The Supplement is in three volumes.)
S.N.W.T. 1996,c.26	means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
S.Nu. 2002,c.14	means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

Citation of Regulations and other Statutory Instruments

R.R.N.W.T. 1990,c.A-1	means Chapter A-1 of the <i>Revised Regulations of the Northwest Territories, 1990</i> .
R-005-98	means the regulation registered as R-005-98 in 1998. (Note: This is a Northwest Territories regulation if it is made before April 1, 1999, and a Nunavut regulation if it is made on or after April 1, 1999 and before January 1, 2000.)
R-012-2003	means the regulation registered as R-012-2003 in 2003. (Note: This is a Nunavut regulation made on or after January 1, 2000.)
SI-005-98	means the instrument registered as SI-005-98 in 1998. (Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.)
SI-012-2003	means the instrument registered as SI-012-2003 in 2003. (Note: This is a Nunavut statutory instrument made on or after January 1, 2000.)

PLEBISCITE REGULATIONS

The Management and Services Board, under subsection 185(1) of the *Plebiscites Act* and every enabling power, makes the following regulations:

Interpretation

- 1.** In these regulations, "contact information", in respect of a person or entity, means the person's or entity's
 - (a) postal and civic address; and
 - (b) telephone number, fax number and email address, if any.

Plebiscite Instructions

- 2.** The instructions to issue a writ must be in Form 1 of the Schedule.

Plebiscite Writ

- 3.** The plebiscite writ must be in Form 2 of the Schedule.

Public Notice of Plebiscite

- 4.** (1) The public notice of a plebiscite must be given by the returning officer not later than the 34th day before plebiscite day.

(2) The returning officer shall ensure that copies of the public notice of a plebiscite are posted in as many conspicuous places in the plebiscite area as are reasonably necessary to bring the notice to the attention of the public.

Voter Registration

- 5.** A registration clerk may only register a voter if the registration clerk has personally communicated with the voter.
- 6.** (1) The information to be recorded by a plebiscite officer when registering a voter must be in the approved registration form.

(2) If the plebiscite officer registering a person as a voter is not personally aware of both the person's identity and address, the person must provide documentary evidence of the person's name, current civic address and signature for inspection by the plebiscite officer.

(3) For the purposes of subsection (2), documentary evidence must consist of
 - (a) one approved document showing the person's name, current civic address and signature; or

- (b) one approved document showing the person's name and signature and another approved document showing the person's name and current civic address.

(4) The plebiscite officer shall record on the registration form the following information:

- (a) the full name and sex of the person;
- (b) the contact information of the person;
- (c) the birth date of the person;
- (d) the date the person became resident in Nunavut;
- (e) confirmation that the voter is eligible to vote in the plebiscite;
- (f) any other information being collected by Elections Nunavut that the Chief Electoral Officer directs as being relevant for the purposes of other plebiscites or elections;
- (g) any disability the person may have that would interfere with voting at the polling station or any other special needs the person may have relevant to voting.

(5) The person must sign the registration form and certify the accuracy of the information in the following words: "I certify that the information on this form is correct".

(6) The plebiscite officer must sign the registration form and state his or her belief in the accuracy of the information in the following words: "I believe the information on this form is correct".

(7) A registration number must be assigned to the registration form by Elections Nunavut.

7. (1) The registration card must
- (a) be in the approved form; and
 - (b) have the return address of the appropriate office of Elections Nunavut.
- (2) A voter who wishes to register by using a registration card must provide
- (a) a copy of any documentary evidence required under subsections 6(2) and (3); and
 - (b) the same information as is required on the registration form in subsection 6(4).

Voter Information Card

8. The voter information card must be in the approved form and must contain the following information:

- (a) the name of the plebiscite area;
- (b) the full name and postal or civic address of the voter;

- (c) the hours and location of the advance polling station;
- (d) the hours and location of the polling station that the voter is expected to use on plebiscite day;
- (e) a description of the methods available for voting;
- (f) a toll-free telephone number to call for more information.

Registration at Place of Voting

9. The procedure for the registration of a voter under section 54 of the Act is the same as for the registration of a voter under section 6 of these Regulations.

Appointments and Revocations

10. (1) A registered group that revokes the appointment of its authorized representative or financial agent must at the same time appoint a new authorized representative or financial agent, as the case may be.

(2) The registered group must give written notice to the returning officer of the revocation and new appointment without delay.

(3) The notice of the revocation and new appointment must include the following:

- (a) the name of the registered group;
- (b) the full name of both the new and former authorized representative or financial agent and their contact information;
- (c) the date the revocation is to take effect;
- (d) a declaration from the new authorized representative or financial agent that he or she is eligible to have that position and that he or she is aware of and accepts the duties of that position under the Act;
- (e) the signature of the registered group's authorized representative or, if that person's appointment is being revoked, the signature of the financial agent;
- (f) the signature of the new authorized representative or financial agent;
- (g) a declaration of how and when the former authorized representative or financial agent was advised of the revocation of his or her appointment or the reasons why not.

Plebiscite Notice

11. (1) The plebiscite notice under section 58 of the Act must include the following:

- (a) the question to be asked in the plebiscite area;
- (b) a description of the plebiscite area;
- (c) the location and hours of each polling station in the plebiscite area;
- (d) the location and hours of each advance polling station;
- (e) the name and contact information of any registered group.

(2) The returning officer may attach a map to the plebiscite notice outlining the boundaries of the plebiscite area and the location of each polling station.

(3) The returning officer shall ensure that the plebiscite notice is posted in the same manner as the public notice of a plebiscite.

(4) The Chief Electoral Officer shall ensure that a copy of the plebiscite notice is inserted in at least one newspaper circulating in the plebiscite area.

Plebiscite Materials

12. The returning officer shall, no later than the 3rd day before plebiscite day and the 3rd day before the day of the advance vote, supply to each deputy returning officer in the plebiscite area the following materials:

- (a) a sufficient number of ballots for at least the number of voters on the voters list;
- (b) a statement of the quantity and serial numbers of the ballots supplied;
- (c) a sufficient number of copies of the directives to voters on how the vote shall take place, prepared by the Chief Electoral Officer;
- (d) a copy of the directive of the Chief Electoral Officer relating to establishing the identity of voters;
- (e) the supplies and accessories necessary for voters to mark their ballot;
- (f) a sufficient number of templates supplied by the Chief Electoral Officer to assist voters who are visually disabled to vote without assistance;
- (g) a sufficient number of copies of the voters list for use at each polling station;
- (h) the oath and affirmation forms approved by the Chief Electoral Officer;
- (i) the documentation required for the registration of voters at the place of voting;
- (j) a ballot box for each polling station;
- (k) a polling record for each polling station;
- (l) a copy of the poster with the question to be asked in the plebiscite;
- (m) the materials necessary for the vote and for counting the votes, including the various envelopes in which to place the ballots.

Ballot Procedures

- 13.** (1) Each voter shall, after receiving and mark the ballot in the proper way,
- (a) fold the ballot as instructed by the deputy returning officer so that the initials on the back of the folded ballot and the serial number on the back of the stub are visible without unfolding the ballot; and
 - (b) return the ballot to the deputy returning officer.
- (2) The deputy returning officer shall, upon receiving the ballot from the voter,
- (a) without unfolding the ballot, verify that it is the same one that was handed to the voter by examining the initials and serial number on the back of the ballot;
 - (b) remove and destroy the counterfoil in full view of the voter and all others present; and
 - (c) return the ballot to the voter who deposits it in the ballot box or, if the voter is unwilling or unable to do so, deposit the ballot in the ballot box for the voter.
- (3) The poll clerk shall cross out in the polling record the name of the voter who has voted.

Polling Record

- 14.** The Chief Electoral Officer shall prepare a polling record containing the following:
- (a) the name of the plebiscite area;
 - (b) the name or identifying number of the polling station;
 - (c) the name and address of each voter on the voters list;
 - (d) blank spaces at the end of the polling record to list voters who register at the place of voting;
 - (e) a consecutive number for each voter;
 - (f) a place for the poll clerk to record any occurrence or information required by the Act, these regulations or the directives of the Chief Electoral Officer.
- 15.** The poll clerk shall record in the polling record the following information in accordance with the directives of the Chief Electoral Officer:
- (a) the name of each voter who was required to show proof of identity or to take an oath or affirmation and whether the voter took the oath or affirmation or not and whether the voter voted or not;
 - (b) the name and postal or civic address of any person who objected to the inclusion of a voter;
 - (c) any case where a replacement ballot was issued to a voter;
 - (d) the name of each voter who received assistance to vote and, opposite to the voter's name, the name of the person who provided the assistance and the relationship with the voter, if any;

- (e) the name of any voter who voted outside the polling station;
- (f) the name and contact information of any voter who registered at the polling station, as well as a consecutive number for that voter;
- (g) the name and contact information of any proxy voter;
- (h) any occurrence which the deputy returning officer directs the poll clerk to record pursuant to the directives of the Chief Electoral Officer.

Special Ballot

16. (1) A special ballot must be accompanied by a secrecy envelope, a certification envelope and a return envelope in such colours as may be approved by the Chief Electoral Officer.

(2) The secrecy envelope is a blank envelope that the voter uses to enclose the special ballot.

(3) The certification envelope must have

- (a) blank spaces to record the full name, postal and civic address and any other information that the Chief Electoral Officer may require;
- (b) a unique and distinctive number; and
- (c) a place for the voter to certify that the voter has not already voted in the plebiscite and will not vote in the plebiscite again after using the special ballot.

(4) The return envelope must have prepaid return postage and the address of the appropriate office of Elections Nunavut.

17. To use a special ballot, a voter must take the following steps:

- (a) place the marked ballot in the secrecy envelope and seal it;
- (b) complete the information on the certification envelope;
- (c) place the secrecy envelope in the certification envelope and seal it;
- (d) place the certification envelope in the return envelope and seal it;
- (e) send the return envelope to Elections Nunavut.

Close of Advance Vote

18. (1) After the close of the advance vote, the deputy returning officer shall

- (a) count the number of voters who voted at the polling station and record the total on the polling record;
- (b) place the spoiled ballots in the envelope provided for this purpose, note on the outside of the envelope the number of spoiled ballots it contains and seal the envelope;
- (c) count the number of unused ballots that are not detached from the books of ballots, and record the total on the record of the ballots;

- (d) place the unused ballots and the stubs of all used ballots into the special envelope provided for this purpose, note on the outside of the envelope the number of unused ballots it contains and seal the envelope;
- (e) count the number of used ballots and record the total on the polling record;
- (f) check the number of ballots supplied by the returning officer against the number of spoiled ballots, unused ballots and ballots deposited in the ballot box;
- (g) make a copy of the polling record to send to the returning officer;
- (h) put the used ballots and originals of the record of the ballots and statement of the poll in the special envelope provided for this purpose, note on the outside of the envelope the number of used ballots it contains and seal the envelope;
- (i) put all the materials in the ballot box and seal it.

(2) The deputy returning officer must use the seals and envelopes provided by the Chief Electoral Officer.

Close of Poll on Plebiscite Day

- 19.** (1) After the close of the poll on plebiscite day, the deputy returning officer shall
- (a) count the number of voters who voted at the polling station and record the total on the statement of the poll;
 - (b) count the spoiled ballots, if any, and record the total on the statement of the poll;
 - (c) place the spoiled ballots in the envelope provided for this purpose, note on the outside of the envelope the number of spoiled ballots it contains and seal the envelope;
 - (d) count the number of unused ballots that are not detached from the books of ballots, and record the total on the statement of the poll;
 - (e) place the unused ballots and the stubs of all used ballots into the special envelope provided for this purpose, note on the outside of the envelope the number of unused ballots it contains and seal the envelope;
 - (f) open the ballot box and empty its contents onto a table;
 - (g) examine each ballot to determine whether it is valid and allow those present an opportunity to examine them;
 - (h) count the number of votes given in favour of each choice and record the total for each choice on the statement of the poll;
 - (i) count the number of rejected ballots and record the total on the statement of the poll;
 - (j) place the ballots cast in favour of each choice into the special envelope provided for this purpose, note on the outside of the envelope the number of ballots it contains and any objections and seal the envelope;

- (k) place the rejected ballots into the special envelope provided for this purpose, note on the outside of the envelope the number of rejected ballots it contains and seal the envelope;
- (l) check the number of voters against the number of ballots in the ballot box;
- (m) check ballots supplied by the returning officer against the number of spoiled ballots, unused ballots and ballots deposited in the ballot box.

(2) The deputy returning officer must use the seals and envelopes provided by the Chief Electoral Officer.

(3) Each count referred to in subsection (1) must be done twice before the final result is recorded on the statement of the poll.

(4) Where, in the course of counting the votes, any ballot is found with the counterfoil still attached to the ballot, the deputy returning officer shall, while carefully concealing the number on the counterfoil from all persons present and without examining it, remove and destroy the counterfoil.

Repeal

20. The *Plebiscite Regulations, R-011-92*, as duplicated for Nunavut by section 29 of the *Nunavut Act (Canada)*, are repealed.

SCHEDULE

FORM 1
(Section 2)

PLEBISCITE INSTRUCTIONS

I hereby give the following instructions, pursuant to section 15 of the *Plebiscite Act* and every enabling power:

A plebiscite shall be held in Nunavut in the following plebiscite area: *(describe plebiscite area)*

The question(s) to be asked is/are the following: *(state question or questions to be asked)*

The plebiscite shall be conducted during the period between *(year/month/day)* and *(year/month/day)*.

The qualifications for the voters shall be as set out in subsections 20(1) and (2) of the Act.

OR

In accordance with subsection 20(3) of the Act *(add reference to any relevant provision that requires special qualifications)*, the qualifications for the voters shall be as follows:

(set out any special qualifications for voters, e.g. ratepayers)

The results of the plebiscite are / are not binding.

The authorized representative of the plebiscite authority is:

- Full Name*
- Title, if any*
- Postal Address*
- Civic Address*
- Telephone number*
- Email address*

The Chief Electoral Officer shall issue a writ for the plebiscite in accordance with section 16 of the Act.

Signed this ____ day of _____, 20__.

(signature)
Name and title of signing authority

FORM 2
(Section 3)

PLEBISCITE WRIT

NUNAVUT

To.....
of....., Nunavut.

GREETINGS:

WHEREAS (*name of plebiscite authority*) has issued instructions for the issue of a writ for the conduct of a plebiscite;

AND WHEREAS the instructions provide that the qualifications for the voters shall be as set out in subsections 20(1) and (2) of the Act.

OR

AND WHEREAS the instructions provide that the qualifications for the voters shall, in accordance with subsection 20(3) of the Act (*add reference to any relevant provision that requires special qualifications*), be as follows:

(set out any special qualifications for voters, e.g. ratepayers)

AND WHEREAS the instructions provide that the results of the plebiscite are / are not binding.

WE COMMAND YOU CONDUCT a plebiscite according to the *Plebiscites Act* in the (*specify plebiscite area*) to ask the following question(s):

.....;

AND that the plebiscite day be held on

AND that an advance vote be held on

AND YOU DO CERTIFY the results of the plebiscite to the Chief Electoral Officer, in accordance with the *Plebiscites Act* as soon as possible and not later than, 20

Dated aton....., 20.....

BY COMMAND
Chief Electoral Officer

(Reverse Side)

RETURN OF THE WRIT

As the returning officer for the plebiscite area (*constituency if Nunavut-wide*) of
..... ,

I certify that, under the foregoing writ, the votes cast at the plebiscite held on
..... , is:

(insert results of votes cast)

Date:

Returning Officer:

Record of Receipt of Return:

Date:

Chief Electoral Officer: