

LIQUOR ACT

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LIQUOR PLEBISCITES AND ELECTIONS REGULATIONS

The Commissioner, on the recommendation of the Minister, under section 54 of the *Liquor Act*, R.S.N.W.T. 1988,c.L-9, and every enabling power, makes the annexed *Liquor Plebiscites and Elections Regulations*.

DEFINITION AND AGREEMENT

Definition

1. In these regulations, "Chief Electoral Officer" means the Chief Electoral Officer appointed under the *Nunavut Elections Act*.

Agreement with Chief Electoral Officer

2. (1) The Minister may enter into an agreement with the Chief Electoral Officer for the conduct of one or both of the following under the *Liquor Act*:

- (a) plebiscites;
- (b) elections of alcohol education committees.

Content of agreement

(2) An agreement under subsection (1) must provide

- (a) for the Chief Electoral Officer to conduct plebiscites or elections, or both, under the *Liquor Act* in accordance with the *Liquor Act* and these regulations;
- (b) for the payment of the costs of plebiscites or elections, or both, under the *Liquor Act*.

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Agreement in effect

3. If an agreement under paragraph 2(1)(a) is in effect, the Chief Electoral Officer shall conduct plebiscites under the *Liquor Act* under the auspices and under the direction of the Minister.

Application of *Plebiscites Act* with modifications

4. The *Plebiscites Act* and its regulations apply to the conduct of plebiscites under the *Liquor Act*, with the following modifications:

- (a) the following definitions apply instead of the definitions of the same terms in subsection 2(1):
 - (i) "authorized representative" means the Minister,
 - (ii) "petition" means a petition made under section 46, 47.1 or 48 of the *Liquor Act*,
 - (iii) "plebiscite authority" means the Minister,
 - (iv) "plebiscite day" means the day fixed by the order made under subsection 42(1) of the *Liquor Act*,
 - (v) "voter" means a qualified voter;
- (b) the following provisions do not apply:
 - (i) subsection 3(1) (non-application of *Plebiscite Act* to liquor plebiscites),
 - (ii) section 4 (residency),
 - (iii) section 7 (plebiscite authority),
 - (iv) subsection 8(3) (limit on repeat plebiscites),
 - (v) sections 9 and 10 (effect of plebiscites),
 - (vi) sections 11 to 14 (petitions),
 - (vii) paragraphs 15(3)(e) and (f) (instructions),
 - (viii) subsection 16(3) (plebiscite day),
 - (ix) section 20 (voting rights),

- (x) sections 23 and 211 (right to time to vote),
 - (xi) section 24 (authorized representative),
 - (xii) subsections 90(2) and (3) (detention and warrants),
 - (xiii) section 91 (powers of a peace officer),
 - (xiv) sections 164 and 165 (annual and plebiscite report),
 - (xv) sections 166 and 167 (appointment of returning officers),
 - (xvi) section 169 (powers of a peace officer),
 - (xvii) sections 194 to 196 (investigations),
 - (xviii) sections 201 to 207 (proceedings),
 - (xix) subsections 234(2) and (3) and sections 235 and 236 (offences and punishment),
 - (xx) for greater certainty, any provision that only applies to Nunavut-wide plebiscites;
- (c) if an agreement under paragraph 2(1)(a) of these regulations is not in effect,
 - (i) a reference to the "Chief Electoral Officer" is to be read as a reference to the Minister,
 - (ii) any provision requiring an interaction between the Chief Electoral Officer and the Minister is to be read as not requiring such interaction;
 - (d) the instructions under section 15 and the writ under section 16 must conform to the order issued under subsection 42(1) of the *Liquor Act*;
 - (e) the writ under section 16 and information under section 19 must specify that
 - (i) the approval by at least 60% of the votes cast by qualified voters is required to change the status quo, and
 - (ii) the results of the plebiscite are binding;
 - (f) a writ may only be withdrawn under section 17 following repeal of the order made under subsection 42(1) of the *Liquor Act*;
 - (g) the Government of Nunavut is the owner of the ballot boxes, ballots and all other supplies and materials provided for use at a plebiscite;
 - (h) if the order under subsection 42(1) of the *Liquor Act* does not provide for an advance poll
 - (i) there shall be no advance voting, and
 - (ii) the mobile poll, if there is one, shall take place on voting day;
 - (i) sections 173, 182 and 183 do not apply to the returning officer;
 - (j) no regulations may be made solely for the purposes of the *Liquor Act*;
 - (k) any offence is punishable under the *Liquor Act*; and
 - (l) any other modifications as the circumstances require.

ELECTIONS OF ALCOHOL EDUCATION COMMITTEES

Application of Part VIII.1 of the *Nunavut Elections Act* with modifications

5. (1) Subject to subsection (2) and sections 6 and 7, members of an alcohol education committee are elected in the same manner and at the same time as members of municipal corporations under Part VIII.1 of the *Nunavut Elections Act*, with the following modifications:

- (a) the "appropriate Minister" is the Minister;
- (b) if an agreement under paragraph 2(1)(b) of these regulations is not in effect,
 - (i) a reference to the "Chief Electoral Officer" is to be read as a reference to the Minister,
 - (ii) any provision requiring an interaction between the Chief Electoral Officer and the Minister is to be read as not requiring such interaction;
- (c) residency for the purposes of section 224.4 is determined on the basis of residency in the restricted area as defined in the regulations establishing the alcohol education committee;
- (d) paragraph 11(2)(e) and subsections 224.5(2) and (3) do not apply;
- (e) if applicable, provisions in the regulations establishing the alcohol education committee respecting the eligibility to be a candidate apply;
- (f) the request under section 224.11 may be made to the Minister;
- (g) the Chief Electoral Officer, or, if there is no agreement under paragraph 2(1)(b) of these regulations, the Minister, appoints the returning officer and has the authority to accept their resignation or remove them from office;

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- (h) the Minister determines and pays the remuneration of the returning officer and arranges for their office, unless the agreement under paragraph 2(1)(b) of these regulations provides otherwise;
- (i) the Minister pays for other elections officers, including registration clerks, unless the agreement under paragraph 2(1)(b) of these regulations provides otherwise;
- (j) the Minister, with the consent of the Chief Electoral Officer, makes an agreement with a municipal corporation, a district education authority or both, for them to conduct the elections on behalf of the Minister in accordance with subsections 5(2) and (3) of these regulations;
- (k) the Government of Nunavut is the owner of the ballot boxes, ballots and all other supplies and materials provided for use at an election unless an agreement under paragraph (j) provides otherwise;
- (l) an application made under section 156 or 162 is served on the Minister instead of the Clerk of the Legislative Assembly and subsection 156(2) does not apply;
- (m) the following provisions do not apply:
 - (i) section 10 (right to time to vote),
 - (ii) subsections 118(2) and (3) (detentions and warrants),
 - (iii) section 201 (powers of peace officer),
 - (iv) sections 227 to 229 (investigations),
 - (v) sections 234 to 240 (proceedings);
- (n) no regulations may be made solely for the purposes of the *Liquor Act*;
- (o) any offence is punishable under the *Liquor Act*; and
- (p) any other modifications as the circumstances require.

Joint elections

- (2) An agreement under paragraph (1)(j) may provide for
 - (a) the municipal corporation, a district education authority or both to have all or any of the powers and duties of the Minister in respect of an election;
 - (b) the returning officer or other election officer appointed by municipal corporation, a district education authority or both to act as returning officer for the election of the alcohol education committee;
 - (c) the respective contribution of each party to the agreement to the costs of conducting their elections; and
 - (d) other matters relevant to the conduct of their elections under the agreement.

Deadline

- (3) Subsection 224.25(2) of the *Nunavut Elections Act* applies to an agreement under paragraph (1)(j).

Term of office

- (4) The term of office of a member of an alcohol education committee
 - (a) commences at 12 noon on the day after the election day or when the member is sworn in, whichever is later; and
 - (b) ends at 12 noon on the day after the next election day.

Vacancies

- 6. (1) Subject to subsection (2), when a vacancy occurs on an alcohol education committee for any reason, the vacancy is filled by
 - (a) the alcohol education committee appointing a candidate from the previous election in accordance with subsection 224.10(3), paragraph 224.10(5)(a) and subsections 224.10(6) and (7) of the *Nunavut Elections Act*, if such a candidate is available, still eligible and willing to accept the nomination; or
 - (b) holding a by-election on the day fixed for holding mayoral by-elections under subsection 224.10(8) of the *Nunavut Elections Act*, if such a date is fixed for the year; or
 - (c) holding a by-election on a day fixed by the Chief Electoral Officer, or, if there is no agreement under paragraph 2(1)(b), the Minister, if

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- (i) paragraph (b) is not applicable; or
- (ii) for the purposes of maintaining or re-establishing quorum for the alcohol education committee, the Minister determines it is necessary to have a by-election prior to the date referred to in paragraph (b).

Restriction

(2) A by-election under paragraphs (1)(b) and (c) may only be held when the Minister so directs.

Non-application

- (3) This section does not apply to an alcohol education committee if
- (a) the regulations establishing the alcohol education committee were originally made before January 24, 1986; and
 - (b) those regulations provide for another method of filling vacancies.

First elections

7. (1) The first elections under section 5 shall be held in accordance with subsections 224.8(4) and (5) of the *Nunavut Elections Act*.

Re-election

(2) If a person is a member of an alcohol education committee on election day for the first elections under section 5, and has a rank in the election that is equal to or better than the number of positions on the alcohol education committee, the person

- (a) continues to be a member of the alcohol education committee, with a term of office ending in accordance with paragraph 5(4)(b); and
- (b) does not fill a vacancy in accordance with subsection (3).

Order of filling vacancies

(3) Subject to subsection (2), following the first elections under section 5, positions on an alcohol education committee will be filled as follows:

- (a) if, on election day, there are any existing vacancies on the alcohol education committee, the highest ranked candidate or candidates in the elections fill those vacancies with terms commencing and ending in accordance with subsection 5(4);
- (b) if a person is a member of an alcohol education committee on election day but is not re-elected in accordance with subsection (2),
 - (i) the person holds office until the end of their term or they otherwise vacate their position, and
 - (ii) if applicable and despite subsection (2), the vacancy created under subparagraph (i) is filled in accordance with subsection 6(1)(a), with a term of office ending in accordance with paragraph 5(4)(b).

Repeal

(4) This section is repealed two days after the election day for the second elections under section 5, other than by-elections