

**AN ACT TO AMEND THE NUNATSIAVUT ELECTIONS ACT
IL 2009-08**

Be it enacted by the President of Nunatsiavut and the Nunatsiavut Assembly as follows:

- 1. Section 36 of Part 1 of the *Nunatsiavut Elections Act* is deleted in its entirety and replaced with the following:**

Withdrawal, Disqualification or Death of Candidate

36.

- (1) A candidate who is nominated may, not later than 48 hours before the opening of the poll, withdraw by filing with the Returning Office a declaration in writing to that effect, signed by the candidate and attested by the signature of 2 qualified Electors in the constituency.
- (2) The deposit of a candidate who withdraws in accordance with this section or is disqualified pursuant to subsection 116.B(3) is forfeited and is to be credited to the Nunatsiavut Fund.
- (3) If a candidate withdraws in accordance with this section or if a candidate dies after the close of nominations and before the opening of the polls on polling day and there remain as many candidates as there are Members to be elected in the constituency, the Returning Officer shall make a return in the prescribed form declaring as elected the candidate or candidates remaining, without waiting for the day fixed for holding the poll.
- (4) If a candidate withdraws in accordance with this section or is disqualified pursuant to subsection 116.B(3), or if a candidate dies after the close of the nominations and before the opening of the polls on polling day and subsection (3) does not apply, on polling day each Returning Officer:
 - (a) shall prepare and post in a conspicuous place in his or her polling station a notice of every withdrawal made in accordance with this section, of every candidate disqualified pursuant to subsection 116.B(3) and of every candidate who is deceased; and
 - (b) when delivering a ballot or mail ballot to each Elector shall inform the Elector of the withdrawal, disqualification or death.

*Patricia Ad
March 5, 2014*

- (5) If, despite the measures provided for in subsection (4), a candidate who has withdrawn or a disqualified or deceased candidate is elected, the Nunatsiavut Electoral Officer shall declare the poll void and must:
- (a) by an advertisement in the prescribed form fix a day for the nomination of candidates and a day for the holding of the poll;
 - (b) fix the day for nominations on a date that is no more than 30 days and no less than 15 days after the date of the void poll; and
 - (c) set the polling day for the election of a candidate under this subsection that is no more than 21 days and no less than 10 days after the close of nominations.
- (6) If a poll is cancelled under subsection (5) as a consequence of the withdrawal or disqualification of a candidate, that candidate is disqualified from being a candidate in the subsequent poll.
- (7) If a poll is cancelled under subsection (5) any candidate in the void poll is, subject to subsection (2), entitled to a refund of his or her deposit if he or she is not a candidate in the subsequent poll.

2. Section 114 of Part 2 of the *Nunatsiavut Elections Act* respecting elections for the President of the Nunatsiavut Government is deleted and replaced with the following:

114.

- (1) In this Part, unless the context otherwise requires:
- “absolute majority” means fifty percent of the votes cast plus one additional vote;
- “candidate” means an individual who has been nominated for the position of President;
- “debate” means the debate in Inuttut among the candidates held under subsection 122.A(1);
- “election” means an election for President; and
- “moderator” means the person appointed by the Assembly under subsection 116.A(1) to moderate the debate
- (2) For purposes of this Part a person, including a candidate, shall be deemed to be able to speak Inuttut if the person can convey, his or her thoughts, feelings, emotions and opinions and his or her analysis of facts or information by talking in Inuttut.

- (3) For purposes of this Part a person, including a candidate, shall be deemed to be able to understand Inuttut if the person can demonstrate that he or she comprehends or perceives the meaning of another person who speaks Inuttut by responding to that person and exchanging information and views with him or her by talking in Inuttut.
- (4) Except where the context otherwise requires or where otherwise specifically provided in this Part, the provisions of Parts 1 and 4 apply, with the necessary changes, to an election for President.

3. Part 2 of the *Nunatsiavut Elections Act* respecting elections for the President of the Nunatsiavut Government is amended by adding two new sections immediately following section 116 as follows:

Appointment of Moderator for Inuttut debate

116.A.

- (1) The Assembly shall, no later than the first day of March in each year in which a Presidential election is to be held, appoint a person who speaks and understands Inuttut to moderate the debate.
- (2) The moderator shall be the person nominated by the Speaker who receives the majority of votes of the members of the Assembly.
- (3) The Speaker shall, no later than the last day of January in each year in which a Presidential election is to be held, nominate at least two individuals for the position of moderator by tabling the names of the nominees in the Assembly or, if the Assembly is not then sitting, by forwarding the names in writing to each member of the Assembly.
- (4) The Speaker shall, before nominating a person under subsection 3, seek and obtain the advice of the minister responsible for culture as to whether the person can speak and understand Inuttut.
- (5) The Assembly shall, before appointing a nominee to moderate the debate pursuant to subsection (1), be satisfied that the nominee speaks and understands Inuttut and is qualified to carry out the functions of the moderator.
- (6) A person is not eligible to serve as moderator if he or she
 - (a) is an employee of the Nunatsiavut Government; or
 - (b) intends to participate in the presidential election as a candidate, as the agent of a candidate, as a person who nominates a candidate or as a person

who represents or acts for or on behalf of a candidate in any other manner or capacity.

- (7) The moderator is answerable to the Assembly through the Speaker for the performance of his or her functions as moderator and must, forthwith upon being appointed moderator, sign an acknowledgement that he or she will not participate in the presidential election as a candidate, as the agent of a candidate, as a person who nominates a candidate or as a person who represents or acts for or on behalf of a candidate in any other manner or capacity.
- (8) The Clerk of the Assembly shall provide the moderator with all reasonable assistance in the performance of his or her functions as moderator and for that purpose:
 - (a) may, on behalf of and in the name of the moderator, issue directives and instructions to the Nunatsiavut Government's Director of Information Technology and the Nunatsiavut Government's Director of Communications; and
 - (b) shall budget and provide for all reasonable costs related to the functions of the moderator including an honorarium for the moderator and the reasonable travel expenses of candidates who are required to travel in order to participate in the debate.

Moderator's functions and powers

116.B.

- (1) The moderator shall, within 7 days of the close of nominations for President, convene and moderate the debate.
- (2) The moderator shall:
 - (a) give the candidates written notice of the date, time and place of the debate; and
 - (b) ensure that the debate is broadcast or recorded and is also available on the Nunatsiavut Government's web site or on the internet for a minimum of 21 days during the period between close of nominations and the day of the election; and
 - (c) ensure that public notice is given of the debate and where and how the debate and the recording of the debate may be heard and viewed.
- (3) The moderator must disqualify a candidate who fails or refuses to participate in the debate or to respond to a question.

- (4) The moderator has the power and the authority to:
- (a) postpone or delay the debate if in the opinion of the moderator a delay or postponement is warranted;
 - (b) determine the order of proceedings in the debate and maintain order and decorum during the debate;
 - (c) decide whether members of the public may attend the debate;
 - (d) issue directives and instructions to the Nunatsiavut Government's Director of Information Technology and the Nunatsiavut Government's Director of Communications for purposes of convening, recording, publishing and advertising the debate, or for purposes of publishing a decision to disqualify a candidate under subsection (3);
 - (e) make arrangements and enter into contracts, for hiring a location and facilities for holding the debate and for its recording, broadcast and publication.
- (5) Where the moderator disqualifies a candidate under subsection (3) the moderator shall forthwith inform the NEO in writing and provide a copy to the candidate.
- (6) When the NEO receives written notice of disqualification of a candidate from the moderator under subsection (5) the NEO shall forthwith proceed in accordance with section 36 to ensure that the disqualified candidate's name is not included on the ballot or, if included, that voters are informed of the disqualification.
- (7) A determination made by the moderator under subsection (3) and any decision or action taken by the NEO pursuant to subsection (6) is final and binding and is not open to appeal or review.

4. Part 2 of the *Nunatsiavut Elections Act* respecting elections for the President of the Nunatsiavut Government is amended by adding a new section immediately following section 122 as follows:

Candidates' Inuttut Debate

122.A.

- (1) There shall be an Inuttut language debate among all candidates in an election for President.

- (2) The purpose of the debate is to provide all candidates the opportunity to publicly demonstrate they meet the Constitutional requirement that the President be able to speak and understand Inuttut and to allow voters an opportunity to decide for themselves whether candidates can speak and understand Inuttut.
- (3) Each candidate must participate in the debate and a candidate who fails or refuses to participate in the debate or to respond to questions during the debate shall be disqualified as a candidate.
- (4) The moderator shall convene the debate within 7 days of the close of nominations at a time and place to be determined and announced by the moderator.
- (5) The debate shall be convened in either a place that is accessible to the public or in the premises of a broadcaster who broadcasts the entire debate in real time, as may be arranged by the moderator, and shall be recorded for purposes of publication pursuant to subparagraph 116.B(2)(b).
- (6) Only Inuttut shall be spoken during the debate and there shall be no translation available to the candidates.
- (7) At the debate each candidate shall
 - (a) have an opportunity to make an opening statement;
 - (b) respond to five questions designed to determine whether the candidate speaks and understands Inuttut asked by the moderator;
 - (c) respond to one question asked by each of the other candidates; and
 - (d) shall have an opportunity to make a closing statement.
- (8) In the debate the moderator:
 - (a) must ask different questions of each candidate;
 - (b) may allow each of the other candidates to respond to the question;
 - (c) must put the questions to the candidates orally;
 - (d) may ask follow-up questions of clarification; and
 - (e) must not provide the questions to the candidates in advance.
- (9) A candidate who must travel in order to attend the debate shall have his or her reasonable travel costs paid by the office of the Speaker.