

CSL D-1

**REGULATION RESPECTING ADMINISTRATION OF DISQUALIFICATION PROVISIONS
APPLICABLE TO CANDIDATES IN AN ORDINARY ELECTION
CSL D-1 (01-07-2020)**

**Original Enactment NGSL 2018-06
Amended NGSL 2020-09**

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WHEREAS subsection 28(3) of the *Nunatsiavut Elections Act* provides that a Beneficiary is disqualified from seeking election as an ordinary Member if, on nomination day he or she is:

- (a) an AngajukKâk or the Chairperson of an Inuit Community Corporation;
- (b) appointed by or in the service of the Nunatsiavut Government and is paid for that appointment or service;
- (c) a member of Parliament or the House of Assembly or a Senator;
- (d) of unsound mind;
- (e) an undischarged bankrupt;
- (f) a person who has been convicted of an indictable offence and whose sentence was completed less than 5 years prior to nomination day or who has been convicted of a summary offence and whose sentence is not yet completed; or
- (g) a person who is in arrears in payment of any taxes payable to the Nunatsiavut Government or an Inuit Community Government;

AND WHEREAS the *Nunatsiavut Elections Act* (hereinafter referred to as the "Act") does not set out procedures for determining that a candidate is not disqualified from seeking election;

AND WHEREAS the Nunatsiavut Elections Officer's ability to verify on a timely basis whether a candidate is disqualified under section 28 of the *Act* is limited to matters of public information or matters that are administered by the Nunatsiavut Government and the Inuit Community Governments;

AND WHEREAS the Nunatsiavut Electoral Officer considers it necessary and advisable to set out the procedures that the NEO will follow in order to ensure to the extent reasonably possible that a candidate is not disqualified from seeking election as an ordinary Member,

NOW THEREFORE the Nunatsiavut Electoral Officer is pleased to enact the following regulation:

Short Title

1.

This regulation may be cited as the *Disqualification of Candidates Regulation, 2018*.

Authority

2.

This regulation is made under subsection 5(9) of the *Act*.

Interpretation

3.

Unless the context otherwise requires, terms used in this regulation have the same meaning as in the *Act*.

Procedures to verify that a Candidate is not disqualified

4.

As soon as reasonably possible after the filing of nomination papers the Nunatsiavut Electoral Officer (hereafter referred to as the "NEO") will verify that a candidate is not disqualified under subsection 28(3) of the *Act* by taking the steps and following the procedures set out in sections 5 to 9 of this Regulation.

Verification that Candidate is not disqualified under clause 28(3)(a)

5.

- (1) The NEO will determine that a candidate is not disqualified under clause 28(3)(a) of the *Nunatsiavut Elections Act* either:

- (a) by reference to the NEO's own knowledge that the candidate is not an AngajukKâk or the Chairperson of an Inuit Community Corporation; or
 - (b) by written inquiry to the relevant Inuit Community Government or Inuit Community Corporation that the candidate is not an Angajukak or Chairperson.
- (2) Where, prior to the nomination date, the NEO determines that the candidate may be disqualified under clause 28(3)(a) of the *Act* the NEO will:
 - (a) advise the candidate in writing; and
 - (b) ask the Candidate to provide prior to the nomination date a copy of the Candidate's resignation from the office of Angajukak or Chairperson, as the case may be.
- (3) Where a candidate has not satisfied a request under clause 5(2) (b) of this regulation on or before the nomination date the NEO will advise the candidate that he or she is disqualified from seeking election as an ordinary Member and proceed as set out in subsection 9(a) of this regulation.
- (4) Where, after the nomination date, the NEO makes a determination that a candidate is disqualified under clause 28(3)(a) of the *Act* the NEO will:
 - (a) advise the candidate in writing that the candidate is disqualified from seeking election as an ordinary Member; and
 - (b) proceed as set out in subsection 9(b) of this regulation.

Verification that Candidate is not disqualified under clause 28(3)(b)

6.

- (1) The NEO will determine that a candidate is not disqualified under clause 28(3)(b) of the *Act* by written inquiry to the Director of Human Resources of the Nunatsiavut Government.
- (2) Where, prior to the nomination date, the NEO determines that the candidate may be disqualified under clause 28(3)(b) of the *Act* the NEO will:
 - (a) advise the candidate in writing; and
 - (b) ask the Candidate to provide (i) a copy of the Candidate's resignation or (ii) a letter from the Director of Human Resources stating that the candidate has been granted an unpaid leave of absence from his or her position or appointment with the Nunatsiavut Government.
- (3) Where a candidate has not satisfied a request under clause 6(2) (b) of this regulation on or before the nomination date the NEO will advise the

candidate that he or she is disqualified from seeking election as an ordinary Member and proceed as set out in subsection 9(a) of this regulation.

- (4) Where, after the nomination date, the NEO makes a determination that a candidate is disqualified under clause 28(3)(b) of the *Act* the NEO will:
 - (a) advise the candidate in writing that the candidate is disqualified from seeking election as an ordinary Member; and
 - (b) proceed as set out in subsection 9(b) of this regulation.

Verification that Candidate is not disqualified under clause 28(3)(c)

7.

- (1) The NEO will determine that a candidate is not disqualified under clause 28(3)(c) of the *Nunatsiavut Elections Act* either:
 - (a) by reference to the NEO's own knowledge that the candidate is not a Member of Parliament or a Member of the House of Assembly or a Senator; or
 - (b) by reference to the websites of the House of Commons, the House of Assembly and Senate.
- (2) Where, prior to the nomination date, the NEO determines that the candidate may be disqualified under clause 28(3)(c) of the *Act* the NEO will:
 - (a) advise the candidate in writing; and
 - (b) ask the Candidate to provide prior to the nomination date a copy of the Candidate's resignation from his or her position as a Member of Parliament, Member of the House of Assembly or Senator.
- (3) Where a candidate has not satisfied a request under clause 7(2) (b) of this regulation on or before the nomination date the NEO will advise the candidate that he or she is disqualified from seeking election as an ordinary Member and proceed as set out in subsection 9(a) of this regulation.
- (4) Where, after the nomination date, the NEO makes a determination that a candidate is disqualified under clause 28(3)(c) of the *Act* the NEO will:
 - (a) advise the candidate in writing that the candidate is disqualified from seeking election as an ordinary Member; and
 - (b) proceed as set out in subsection 9(b) of this regulation.

Verification that Candidate is not disqualified under clause 28(3)(g)

8.

- (1) To allow the NEO to determine that a candidate is not disqualified under clause 28(3)(g) of the Act, a person who wishes to be nominated as a candidate shall provide to the NEO, prior to the closing of the nomination period, a copy of:
 - (a) A printout from the person's Canada Revenue Agency's MyAccount online service showing the account balance and statement of account of the person as of the date of the opening of nominations; or
 - (b) The person's Notice of Assessment from the Canada Revenue Agency for the tax year ending December 31st immediately prior to the date of the election. (NGSL 2020-09)
- (2) Where, prior to the nomination date, the NEO determines that the candidate may be disqualified under clause 28(3)(f) of the Act the NEO will:
 - (a) advise the candidate in writing; and
 - (b) ask the Candidate to provide prior to the nomination date proof that the candidate has paid the tax arrears.
- (3) Where a candidate has not satisfied a request under clause 8(2) (b) of this regulation on or before the nomination date the NEO will advise the candidate that he or she is disqualified from seeking election as an ordinary Member and proceed as set out in subsection 9(a) of this regulation.
- (4) Where, after the nomination date, the NEO makes a determination that a candidate is disqualified under clause 28(3)(g) of the *Nunatsiavut Elections Act* the NEO will:
 - (a) advise the candidate in writing that the candidate is disqualified from seeking election as an ordinary Member; and
 - (b) proceed as set out in subsection 9(b) of this regulation.

Procedure for removal of a disqualified candidate's name from the ballot

9.

Where the NEO has determined in accordance with sections 5 to 9 of this Regulation that a candidate is disqualified under subsection 28(3) and the determination is made

- (a) before the ballots are printed, the NEO will not include the candidate's name on the ballot.

- (b) prior to polling date, the NEO will proceed in the same way as in the case of the withdrawal or death of a candidate in accordance with the procedures set out in subsections 36(4) and 36(5) of the *Act* making all necessary changes in points of detail.

Written communications may be electronic

10.

To the extent possible written communications under this regulation will be carried out electronically or by facsimile.

Effective Date

11.

This Regulation shall be considered for all purposes to have come into effect on the 6th day of March 2018.