

# THE NUNATSIAVUT TRANSITIONAL ASSEMBLY ACT

## AN INUIT LAW RESPECTING THE NUNATSIAVUT TRANSITIONAL ASSEMBLY

### TABLE OF CONTENTS

#### Preamble

1. Short Title
2. Definitions

#### Part 1 Representatives in the Nunatsiavut Transitional Assembly

3. Representatives
4. Directors of LIA are ordinary members of transitional assembly
5. Term of office
6. By-election to fill vacancies
7. Date of by-elections
8. Time for holding by-elections
9. Rules and procedures for by-elections
10. Vacancy in transitional assembly does not affect validity of proceedings
11. Transitional assembly to elect speaker
12. Quorum of transitional assembly
13. Transitional assembly dissolved before first general election

#### Part 2 Representatives of Municipalities and Community Corporations in Transitional Assembly

14. Mayors are *ex officio* members of transitional assembly
15. Chairperson of Inuit Community Corporation is *ex officio* member of transitional assembly
16. Rights and privileges of *ex officio* members

#### Part 3 Nunatsiavut Transitional Executive Council

17. President of LIA is transitional president of Nunatsiavut
18. Term of office of transitional president
19. How vacancy in office of transitional president is filled
20. First Vice President of LIA is transitional first minister of Nunatsiavut
21. Term of office of transitional first minister
22. How vacancy in office of transitional first minister is filled
23. Treasurer of LIA is transitional treasurer of Nunatsiavut Government
24. Term of office of transitional treasurer
25. How vacancy in office of transitional treasurer is filled
26. Members of Nunatsiavut transitional executive council
27. Appointment of additional members of transitional executive council

28. Appointment of Nunatsiavut executive council following first general election

#### **Part 4 Sessions of the Nunatsiavut Transitional Assembly**

29. President to convene session of transitional assembly following extraordinary session
30. Transitional assembly to consider bill for an electoral law
31. Sittings of transitional assembly

#### **Part 5 Extraordinary Session of the Nunatsiavut Transitional Assembly**

32. Extraordinary session of transitional assembly convened in Hopedale
33. Business to be conducted at extraordinary session
34. Bills considered at extraordinary session become law after one reading
35. Extraordinary session does not satisfy certain Constitutional requirements

#### **Part 6 Salaries and Allowances**

36. Salaries of members of transitional assembly
37. Salaries of committee members
38. Salaries of members of transitional executive council

#### **Part 7 Interpretation and Expiry**

39. Application of Act
40. Nunatsiavut Assembly Act applies to transitional assembly
41. Repeal of this Act
42. Repeal of provisions respecting transitional president
43. Entitlement to salary earned before repeal of this Act

#### **Schedule A Rules Applicable to By-Elections to Fill Vacancies in the Nunatsiavut Transitional Assembly**

**Whereas**, pursuant to section 14.1.1 of the Labrador Inuit Constitution, Schedule 14-A of the Labrador Inuit Constitution governs the transition to the new constitutional order established by the Labrador Inuit Constitution despite any inconsistency between that Schedule and any other provision of the Labrador Inuit Constitution; and

**Whereas** it is necessary and desirable to provide greater detail and certainty with respect to the transitional arrangements governing the Nunatsiavut Assembly and its relationship to the Nunatsiavut Executive Council during the transitional period; and

**Whereas** it is desirable to establish the powers and privileges of the Nunatsiavut Transitional Assembly and rules for its governance,

**NOW THEREFORE BE IT ENACTED** by the Nunatsiavut Assembly as follows:

## Short title

1. This Act may be cited as the Nunatsiavut Transitional Assembly Act.

## Definitions

2. In this Act:

“Constitution” means the Labrador Inuit Constitution;

“Effective Date” means the date on which the Labrador Inuit Land Claims Agreement and the Constitution come into effect;

“*Ex Officio Members*” means, the mayors from time to time of the Town of Nain, the Town of Hopedale, the Town of Makkovik, the Town of Postville and the Town of Rigolet in the period after the Effective Date but before the Inuit Communities have first elected their AngajukKât and the chairs of Community Corporations;

“Extraordinary Session” means the first sitting of the Nunatsiavut Transitional Assembly on the Effective Date and subsequent sittings until the prorogation of the Extraordinary Session by the President;

“Member” means a member of the Assembly or of a committee and, for greater certainty, includes a member of a committee who is not a member of the Assembly;

“President” means the President of Nunatsiavut and includes the transitional President under Schedule 14-A of the Constitution and any person acting as President in terms of part 3.6 of the Constitution;

“Standing Orders and Procedures” means the standing orders, rules, procedures and proceedings established pursuant to the *Nunatsiavut Assembly Act*; and

“Transitional Assembly” means the body constituted pursuant to Schedule 14-A of the Constitution and this Act.

## **PART 1        Representatives in the Nunatsiavut Transitional Assembly**

### Representatives

3. In accordance with Schedule 14-A of the Constitution the Nunatsiavut Transitional Assembly is comprised of 21 ordinary members as follows:

- (a) 2 representatives for Inuit at large who are the transitional President and transitional First Minister;
- (b) 4 representatives for Inuit resident in Nain;
- (c) 3 representatives for Inuit resident in Hopedale;
- (d) 3 representatives for Inuit resident in Makkovik;
- (e) 3 representatives for Inuit resident in Postville;
- (f) 3 representatives for Inuit resident in Rigolet;

- (g) 2 representatives for Inuit resident in Happy Valley-Goose Bay; and
- (h) 1 representative for Inuit resident in North West River.

Directors of LIA are ordinary members of transitional assembly

- 4. The individuals who are Directors of Labrador Inuit Association immediately before the Effective Date and who represent members of the Labrador Inuit Association as set out in section 1 are the ordinary members of the Nunatsiavut Transitional Assembly, represent the constituencies set out in section 1 and constitute the Nunatsiavut Transitional Assembly.

Term of office

- 5. The term of office of the ordinary members of the Nunatsiavut Transitional Assembly, other than the President, terminates when the ordinary members of the First Nunatsiavut Assembly are elected in accordance with Chapter 4 of the Constitution have been sworn into office.

By-election to fill vacancies

- 6. If the seat of an ordinary member of the Nunatsiavut Transitional Assembly becomes vacant a by-election must be held to fill the vacancy.

Date of by-elections

- 7. Subject to section 6, the date of the by-election to fill a vacancy in the Nunatsiavut Transitional Assembly shall be fixed by the President or, in the absence of the President, by the First Minister.

Time for holding by-elections

- 8. A by-election must be held within 60 days of the occurrence of the vacancy but must not be held if the date for holding the poll would fall within the period of 45 days that ends with the day by which the poll for the first general election for ordinary members must be held.

Rules and procedures for by-elections

- 9. The rules and procedures governing a by-election shall be the same as the rules and procedures governing elections for President, Vice-President and Directors of Labrador Inuit Association that are in effect immediately before the Effective Date, with all necessary changes in points of detail, as set out in Schedule A of this Act.

Vacancy in transitional assembly does not affect validity of proceedings

- 10. A vacancy in the ordinary membership of the Nunatsiavut Transitional Assembly does not affect the validity of any of the proceedings of the Assembly.

Assembly to elect speaker

11. The Nunatsiavut Transitional Assembly, at its first sitting, shall, as soon as possible and in accordance with the Standing Orders and Procedures, elect one of its members as Speaker of the Nunatsiavut Transitional Assembly.

Quorum of transitional assembly

12. A quorum of the Nunatsiavut Transitional Assembly is 11 ordinary members.

Transitional assembly dissolved before first general election

13. The Nunatsiavut Transitional Assembly shall be dissolved no later than 28 days prior to the date set for the first general election for ordinary members.

## **PART 2        Representatives Of Municipalities And Community Corporations In The Assembly**

Mayors are *ex officio* members of transitional assembly

14. After the prorogation of the Extraordinary Session of the Nunatsiavut Assembly and until such time as the Inuit Communities have first elected the AngajujKât in terms of the Constitution, the mayors from time to time of the Town of Nain, the Town of Hopedale, the Town of Makkovik, the Town of Postville and the Town of Rigolet are, *ex officio*, members of the Assembly.

Chairperson of Inuit Community Corporation is *ex officio* member of transitional assembly

15. If, after the prorogation of the Extraordinary Session of the Nunatsiavut Assembly, an Inuit Community Corporation is established and elects a Chairperson in terms of the Labrador Inuit Constitution the Chairperson is, *ex officio*, a member of the Nunatsiavut Transitional Assembly.

Rights and privileges of *ex-officio* members

16. *Ex Officio* Members of the Assembly under sections 11 and 12 may participate in the proceedings of the Nunatsiavut Transitional Assembly for purposes of sections 4.1.4 and 4.1.5 of the Constitution but, in accordance with Schedule 14-A of the Constitution and despite section 4.1.6 of the Constitution, have no vote in the Nunatsiavut Transitional Assembly and are not counted for purposes of a quorum under section 9.

## **PART 3        Nunatsiavut Transitional Executive Council**

President of LIA is transitional president of Nunatsiavut

17. The individual who holds office as President of Labrador Inuit Association immediately before the Effective Date is the Transitional President of Nunatsiavut.

Term of office of transitional president

18. The term of office of the Transitional President ends in accordance with section 3.4.1 of the Constitution when, following the election under section 3.4.1 of the Constitution, the Transitional President's successor in office has sworn the oath of office.

How vacancy in office of transitional president is filled

19. If there is a vacancy in the office of Transitional President of Nunatsiavut the replacement Transitional President shall be elected in accordance with Schedule A and the rules respecting the election of the President and Vice President of LIA. The term of office of a replacement Transitional President is governed by section 18.

First Vice President of LIA is transitional first minister of Nunatsiavut

20. The individual who holds office as first Vice President of Labrador Inuit Association immediately before the Effective Date is the Transitional First Minister of Nunatsiavut.

Term of office of transitional first minister

21. In accordance with Schedule 14-A of the Labrador Inuit Constitution and despite any provision in the Labrador Inuit Constitution to the contrary, the term of office of the Transitional First Minister of Nunatsiavut is governed by section 5.

How vacancy in office of transitional first minister is filled

22. If there is a vacancy in the office of Transitional First Minister of Nunatsiavut the replacement Transitional First Minister shall be elected in accordance with Schedule A and the rules respecting the election of the President and Vice President of LIA. The term of office of a replacement Transitional First Minister is governed by section 5.

Treasurer of LIA is transitional treasurer of Nunatsiavut Government

23. The individual who holds office as Treasurer of Labrador Inuit Association immediately before the Effective Date is the Transitional Treasurer of the Nunatsiavut Government.

Term of office of transitional treasurer

24. In accordance with Schedule 14-A of the Constitution and despite any provision in the Constitution to the contrary, the term of office of the Transitional Treasurer of Nunatsiavut is governed by section 5.

How vacancy in office of transitional treasurer is filled

25. If there is a vacancy in the office of Transitional Treasurer of Nunatsiavut the replacement Transitional Treasurer shall be chosen by the Assembly and appointed by the President. The term of office of a replacement Transitional Treasurer is governed by section 5.

Members of Nunatsiavut transitional executive council

26. The President, First Minister, the Treasurer and any additional members appointed under section 27 constitute the Nunatsiavut Transitional Executive Council.

Appointment of additional members of transitional executive council

27. Two additional members of the Nunatsiavut Executive Council may be appointed in terms of part 5.5 of the Constitution. The term of office of the additional members of the Nunatsiavut Executive Council is governed by section 5.

Appointment of Nunatsiavut Executive Council following first general election

28. At the first sitting of the Assembly following a general election of ordinary members the Executive Council must be appointed by the President in terms of the Constitution for the purposes and to exercise the powers and carry out the functions set out in the Constitution.

#### **PART 4        Sessions Of The Nunatsiavut Transitional Assembly**

President to convene session of transitional assembly following extraordinary session

29. The President must, before the Nunatsiavut Transitional Assembly is dissolved and after the prorogation of the Extraordinary Session, convene at least one further session of the Nunatsiavut Transitional Assembly.

Transitional assembly to consider bill for an electoral law

30. The Nunatsiavut Transitional Assembly shall, before it is dissolved, consider a bill for the establishment of an electoral law for the Nunatsiavut Assembly.

Sittings of transitional assembly

31. After the Extraordinary Session of the Nunatsiavut Transitional Assembly under section 32 has been prorogued, sessions of the Nunatsiavut Transitional Assembly shall be held in such place or places as the Transitional Assembly may determine despite any provision of the Constitution to the contrary.

#### **PART 4        Extraordinary Session Of the Nunatsiavut Transitional Assembly**

Extraordinary session of transitional assembly convened in Hopedale

32. The Directors of the Labrador Inuit Association have passed a resolution convening an Extraordinary Session of the Nunatsiavut Transitional Assembly to be held in Nain on the Effective Date. The extraordinary meeting of the Nunatsiavut Transitional Assembly convened in Nain on the Effective Date shall be considered to have been convened after having been duly summoned by the President upon proper notice to each member.

Business to be conducted at extraordinary session

33. The Extraordinary Session of the Nunatsiavut Transitional Assembly on the Effective Date has been convened in order to conduct all business that is deemed necessary or advisable for purposes of the following:
- (a) establishing the Nunatsiavut Government in accordance with the Labrador Inuit Constitution;
  - (b) bringing the Labrador Inuit Land Claims Agreement into effect;

- (c) enacting core laws that are required for the effective and efficient operation of the Nunatsiavut Government and for the implementation of the Labrador Inuit Land Claims Agreement; and
- (d) approving and ratifying decisions and agreements that are required to be made by the Nunatsiavut Government on the Effective Date.

Bills considered at extraordinary session become law after one reading

34. All bills to be considered by the Nunatsiavut Transitional Assembly under section 33 are, and shall be deemed to be, emergency bills in terms of the Constitution and shall be made law after one reading.

Extraordinary session does not satisfy certain Constitutional requirements

35. No sitting during the Extraordinary Session of the Nunatsiavut Transitional Assembly:
- (a) satisfies or is intended to satisfy the requirement of section 3.2.14 of the Constitution; or
  - (b) is intended or is to be considered to be the first sitting of the Nunatsiavut Assembly for purposes of section 4.11.1 of the Constitution.

## **PART 6        Salaries and Allowances**

Salaries of members of transitional assembly

36. Until such times as the salaries and allowances of members of the Nunatsiavut Transitional Assembly have been established in accordance with Part 19 of the Nunatsiavut Assembly Act, the Members and *Ex Officio* Members shall be entitled to the same honoraria and allowances as provided by the Labrador Inuit Association to its Directors.

Salaries of committee members

37. Until such time as the salaries and allowances of members of Committees of the Nunatsiavut Transitional Assembly have been established in accordance with Part 19 of the Nunatsiavut Assembly Act, the Members of Committees shall be entitled to the same honoraria and allowances as provided by the Labrador Inuit Association to members of committees of the Board of Directors of the Association.

Salaries of members of transitional executive council

38. Until such time as the salaries and allowances of the members of the Executive Council have been established in accordance with Part 19 of the Nunatsiavut Assembly Act members of the Executive Council shall be entitled to the same salaries and allowances as they were receiving as Executive officers of Labrador Inuit Association.

## **PART 7        Interpretation and Expiry**



#### Application of act

39. The provisions of this Act apply only to the Nunatsiavut Transitional Assembly and the Nunatsiavut Transitional Executive Council.

#### Nunatsiavut Assembly Act applies to transitional assembly

40. Except where explicitly provided otherwise in this Act, the provisions of the Nunatsiavut Assembly Act respecting rules of procedure, members' privileges, rules of conduct and the powers of the Speaker apply to the Nunatsiavut Transitional Assembly and its Members.

#### Repeal of this act

41. Except as provided in sections 42 and 43, this Act is deemed to be repealed and shall be of no further force or effect immediately after the swearing in of the first Nunatsiavut Executive Council following the first election of ordinary members under the Constitution.

#### Repeal of provisions respecting transitional president

42. Despite section 41, sections 17, 18 and 19 remain in effect until immediately after the first President of Nunatsiavut to be elected in terms of the Constitution has sworn the President's oath of office at which time sections 17, 18 and 19 are deemed to be repealed and of no further force or effect.

#### Entitlement to salary earned before repeal of this act

43. Despite section 41, the entitlement pursuant to Part 6 of a Member to be paid a salary, honorarium, or allowance for a function that was performed prior to the repeal of this Act survives until the payment has been made.

## *Schedule A to the Nunatsiavut Transitional Assembly Act*

### *Rules applicable to by-elections to fill Vacancies in the Nunatsiavut Transitional Assembly*

#### **PART 1            INTERPRETATION**

##### **LIA bylaws apply mutatis mutandis**

**1**

Bylaw 6 of the Labrador Inuit Association, which is reproduced in Part 2 of this schedule for ease of reference, applies to by-elections to the Nunatsiavut Transitional Assembly with all necessary changes in points of detail.

##### **Definitions**

**2**

Without limiting the generality of section 1, in applying Bylaw 6 of Labrador Inuit Association for purposes of by-elections of the Nunatsiavut Transitional Assembly the following words and phrases used in the Bylaw shall be understood, and interpreted as follows:

“Association” means the Nunatsiavut Government;

“Board” and “Board of Directors” means the Nunatsiavut Transitional Assembly;

“Chief Electoral Officer” and other electoral officials referred to in Bylaw 6 of the Labrador Inuit Association means the individuals appointed to those offices by the Board of Directors of LIA for the 2005 calendar year;

“community listed in bylaw 5.1.1” means a constituency listed in subsections 1(b), 1(c), 1(d), 1(e) or 1(f) of the this Act;

“date set for the annual general meeting” means the date set for the by-election under section 8 of the *Nunatsiavut Assembly Act*;

“Director” means a member of the Assembly;

“Executive Director” means **the Clerk of the Nunatsiavut Executive Council**;

“full member” means an individual referred to in section 4.10.2 of the Labrador Inuit Constitution;

“Labrador Inuit Association” and “LIA” means the Nunatsiavut Government;

“Membership Clerk” means **Registrar of Beneficiaries**

“Vice-President” means the First Minister of Nunatsiavut;

**Governance Committee continued as a committee of the Assembly**

The Governance Committee of LIA as constituted immediately prior to the Effective Date is continued as a committee of the Nunatsiavut Transitional Assembly.

#### **References in Bylaws to Delegates**

**4**

Bylaws respecting and references to Delegates are inapplicable and are to be ignored.

#### **By-election for President and First Minister**

**5**

Despite anything in the LIA bylaws and the Labrador Inuit Constitution to the contrary, a vacancy in the office of President or First Minister shall be filled in a by-election. The by-election shall be held in accordance with the provisions of this Schedule that apply to the election of President and Vice President of Labrador Inuit Association and section 5 of this Act.

#### **If no one is nominated for election as President or First Minister**

**6**

If no nomination is received for the position of President or first Minister, Bylaw 6.62 does not apply and the vacancy shall be filled by the Assembly in terms of Bylaw 6.63.

### **PART 2        RULES GOVERNING BYELECTIONS OF THE NUNATSIAVUT TRANSITIONAL ASSEMBLY**

#### **LABRADOR INUIT ASSOCIATION BYLAW 6 ELECTIONS**

- 6.1     Only Full Members of the Association are eligible to vote in elections.
- 6.2     All Full Members of the Association are eligible to vote in an election for the President and Vice-President.
- 6.3     Only Full Members of the Association who are permanently resident in a community listed in bylaw 5.1.1 and who are personally present in the community on the day of an election for Director or Delegate are eligible to vote in the election of a Director or Delegate to represent that community.
- 6.4     If there is any question or doubt about:
  - (a)     whether a person is qualified to vote in an election for President, Vice-President, Director or Delegate;
  - (b)     a person's community of residence for purposes of voting in an election for Director or Delegate; or
  - (c)     a person's address for purposes of receiving a mail ballot,

that question shall be finally resolved by reference to LIA's Membership Register. For purposes of an election, the Membership Register shall be the register on the date on which the election is called. A copy of the Membership Register shall be made available to the Chief Electoral Officer. The Complete Membership Register shall be available at each polling station in an election for President and Vice-President. In an election for Director only the Register of Members resident in the community must be available at each polling station.

6.5 The Board has the sole and absolute authority to decide and settle any dispute or controversy with respect to an election of President, Vice-President, Director or Delegate and to decide whether or not an election is valid, and a decision by the Board under this bylaw shall be absolutely final and binding.

6.6 The Governance Committee shall be responsible for overseeing the conduct of all elections and may, subject to the bylaws and any election procedures approved by the Board, decide any question about the administration of an election and about election procedures that may arise during the course of an election and may issue supplementary rules and guidelines to facilitate the holding of an election. A decision of the governance committee under this bylaw is absolutely final and binding for purposes of the election for which it is made. All decision of the Governance Committee **under this bylaw shall be reviewed as provided in bylaw 6.78** and shall be reported to the Board which may approve, vary or reject the decision for purposes of subsequent elections.

#### Election Officials

6.7 Each year the Board shall appoint:

- (a) a full member of LIA to be the Chief Electoral Officer;
- (b) for each community listed in bylaw 5.1.1 a Returning Officer, Poll Clerk and Witness, who shall all be full members of LIA. In those years when an election for President is held, the appointments shall be made no later than the date on which notice calling for nominations of President and Vice-President is issued and in those years when there is no election for President, the appointments shall be made no later than the date on which notice calling for nominations for Directors and Delegates is given.

6.8 The Chief Electoral Officer shall be responsible to the Governance Committee for directing and supervising the conduct of elections ensuring that they are held in a fair and impartial manner in accordance with the bylaws, any election procedures approved by the Board, and any supplementary rules or guidelines that may be enacted by the Governance Committee.

6.9 The Executive Director of LIA and the Associate's Membership Clerk shall be seconded to assist the Chief Electoral officer in the performance of his/her functions. The Executive Director, Membership Clerk and all Returning Officers, Poll Clerks and Witnesses shall be under the supervision of, and responsible to, the Chief Electoral Officer for purposes of the administration and conduct of all elections and shall obey all lawful instructions of the Chief Electoral Officer.

6.10 If, during an election, any question arises about the procedures to be followed which cannot be answered by the Chief Electoral Officer after referring to the bylaws and any approved election procedures or supplementary guidelines, the question shall be resolved by the Governance Committee. In making its decision the Committee may consult with the Chief Electoral officer or any other person who has knowledge or expertise in electoral matters. The decision of the committee is final and binding.

## **Election for President and Vice-President**

- 6.11 The election for President and Vice-President shall be held at least 10 days before the date set for the Association's Annual General Meeting.
- 6.12 Notice calling for nominations for candidates to fill the offices of President and Vice-President and outlining the nomination procedures to be followed shall be posted in each community at least 49 days before the date set for the annual general meeting. Nominations must be made in writing to the Chief Electoral Officer at the Association's Head Office no later than 12 noon on the 7<sup>th</sup> day following the notice calling for nominations.
- 6.13 All nominations for President and Vice-President of the Association shall have a nominator and seconder who shall be full members of the Association. All nominations must be accepted, in writing, by the candidate.
- 6.14 The Chief Electoral Officer shall, at least 28 days before the date set for the annual general meeting, verify that all candidates for office as President and Vice-President are eligible for office.
- 6.15 The Chief Electoral Officer shall at least 28 days before the date set for the annual general meeting:
- (a) issue a notice, stating the name and address of each presidential and vice-presidential candidate;  
  
the name of the nominator and seconder of each candidate;  
  
the date, time and place of the election in each community referred to in bylaw 5.1.1; and  
  
the date, time and place of an advance poll in each community referred to in bylaw 5.1.1; and
  - (b) send a mail ballot kit to each person on the list referred to in bylaw 6.25.

## **Polling Stations and Voting Procedures**

- 6.16 A polling station shall be located in each community on the date of the election and on the date of the advance poll at the place specified in the notice issued by the Chief Electoral Officer and shall be open between the hours of 8:00 a.m. and 8:00 p.m. on the day of the advance poll and on the day of the election. The Returning Officer for each community shall be responsible for opening and closing the polling station on the dates and at the times established for the advance poll and for the election and shall be responsible for ensuring that all polling takes place in accordance with these bylaws in an orderly, fair and impartial manner. The Returning Officer, Poll Clerk and Witness shall remain at the polling station at all times when the station is open for polling.
- 6.17 The Chief Electoral Officer shall be responsible for ensuring that copies of the Membership Register, ballot boxes, ballots and all necessary supplies for the conduct of an election are

available at each polling station for advance polls and on the day of the election. If for any reason a ballot box is not available at a polling station on the date of an advance poll or on the date of an election, the Returning Officer shall procure one.

- 6.18 Each ballot box is to be constructed so that ballots can be put into the box and cannot be taken from the box without unsealing and opening it.
- 6.19 At the time fixed for the opening of a poll the Returning Officer shall open the ballot box in the presence of the Poll Clerk and Witness and make sure that there are no ballots or other papers enclosed in the ballot box and shall then seal the ballot box so as to prevent it being opened without breaking the seal and place it on a table where ballots can be cast in the full view of all present. The ballot box shall be kept on the table until the close of the poll.
- 6.20 It is the duty of the Returning Officer, the Poll Clerk and the Witness to ensure that a ballot box is not tampered with, is not opened by any person other than the Returning Officer acting in accordance with the bylaws and election procedures, that no person votes more than once and that there is not stuffing of the ballot box and that voting takes place in secret and in an orderly and peaceful manner.
- 6.21 Voting shall be by secret ballot. A booth or compartment shall be provided at each polling station where votes may be cast in private.
- 6.22 Each qualified voter is to receive a ballot. The voter is to proceed to the voting booth or compartment, alone, and while in the booth or compartment is to mark the letter "X" within the space on the ballot containing the name of the candidate for whom he or she is voting. The voter shall then fold the ballot so that his or her vote remains secret and, in the presence of the Returning Officer, Polling Clerk and Witness, place the ballot in the ballot box. A ballot shall not be spoiled because a voter makes some mark other than an "X" as long as the mark is not a word, does not identify the person who cast the vote and is made so that the voter's intention is clear (see bylaw 6.35.)
- 6.23 If a voter requires assistance and so requests, he or she may be accompanied into the voting booth by the Returning Officer or the Returning Officer and the Witness (witness cannot accompany voter alone) who shall assist the voter to vote.

### **Mail Ballots**

- 6.24 A full member of the Association who is permanently resident in a place other than one of the communities referred to in bylaw 5.1 may vote in an election for President and Vice-President by means of a mail ballot.
- 6.25 On the date on which an election is called the Executive Director shall provide the Chief Electoral Officer with a list containing the names and addresses of all full members qualified to vote in an election for President and Vice-President who are permanently resident in a place other than a community listed in bylaw 5.1, together with their addresses. At least 29 days prior to the date of the annual general meeting the Executive Director shall provide the Chief Electoral Officer with a stamped envelope addressed to each person whose name appears on the list and an equal number of complete mail ballot kits plus 10%. The Chief Electoral Officer shall send a mail ballot kit to each member on the list as soon as possible thereafter.

6.26 A mail ballot kit shall consist of the following:

- (a) a ballot on which there shall be printed the names of the candidates for President,
- (b) a ballot on which there shall be printed the names of the candidates for Vice-President;
- (c) two ballot envelopes, one for each ballot;
- (d) a declaration envelope containing a printed declaration to be signed and dated by the person names in the declaration is qualified to vote by mail ballot and that the ballot or ballots enclosed in the declaration envelope have been completed without any inducements or intimidation of any kind whatsoever and that the person making the declaration has voted only once and will not vote again in the election;
- (e) a return envelope.

6.27 On receipt of the mail ballot kit the member shall mark the presidential ballot with an X next to the candidate for which the member wishes to vote as President and shall mark the vice-presidential ballot with an "X" next to the name of the candidate for which the member wishes to vote as Vice-President. After marking the ballots the elector shall place the marked ballot in the ballot envelopes and seal them. The sealed ballot envelopes shall be placed in the declaration envelope and the member shall complete and sign the declaration printed on the declaration envelope. The sealed declaration envelope shall then be placed in the return envelope, sealed and forwarded to the Chief Electoral Officer so that it reaches the head office of LIA in Nain no later than 3:00 p.m. on the day before the day of election.

6.28 After 3:00 p.m. on the day before the day of the election the mail ballots shall be opened by the Chief Electoral Officer in the presence of a witness and the declarations on the declaration envelopes shall then be used to verify that each person making the declaration and casting a mail ballot is eligible to vote by mail ballot. If the declaration has been properly completed and the elector has signed the declaration envelope so that the vote can be verified, the Chief Electoral Officer shall enter that person's name on a list of members who have voted by mail ballot; open the declaration envelope; remove the sealed ballot envelopes and place the sealed ballot envelopes in a sealed ballot box for mail ballots. Ballot envelopes shall be opened and ballots counted after the closing of the polls on the day of the election.

6.29 If the Chief Electoral officer determines that a declaration has not been completed or that a member has failed to sign the declaration envelope, the Chief Electoral Officer shall write Spoiled on the envelope and set aside the envelope, unopened, as a spoiled ballot. If a ballot envelope is marked so as to identify to person who cast the ballot the ballot envelope shall simply be set aside, unopened, as a spoiled ballot.

#### **Voting by Residents of Communities who cannot go to Polling Stations**

6.30 A full member who is qualified to vote in an election for President and Vice-President who is permanently resident in a community listed in bylaw 5.1 who will not be able to vote at a polling station in that community at an advance poll or on the day of the election because he or she is away at school or university, hospital, is detained in a penitentiary or jail, is absent from the community for reasons of employment or will be unable for reasons of age or infirmity to vote at the advance poll or at the election on polling day

may apply to vote by mail ballot. It is the responsibility of a member who wishes to vote by mail ballot under this bylaw to make the application for a mail ballot in a timely manner.

6.31 An application to vote by mail ballot must be made to the Chief Electoral officer and may be made by any method that is acceptable to the Chief Electoral officer but the application shall provide at least:

- (a) the name of the full member and their community of permanent residence;
- (b) a statement of the reason why the applicant wishes to vote by mail ballot;
- (c) the applicant's mailing address.

6.32 The Chief Electoral Officer may, in his or her sole discretion accept or reject an application to vote by mail ballot because the applicant does not meet the requirements of bylaw 6.30. Once an application to vote by mail ballot has been accepted, a mail ballot kit shall be issued to that member whose name shall be deleted from the voters list and who may only vote by mail ballot. Bylaws 6.26, 6.27, 6.28 and 6.29 apply to the return, verification and counting of mail ballots issued under this bylaw.

### **Counting, Reporting and Security of Votes**

6.33 Immediately upon close of the polls, each Returning Officer, in the presence and in full view of the Poll Clerk and Witness, shall, in the following order:

- (a) count the number of full members who have voted and certify that number as the number of members who voted in the election in the polling station;
- (b) open the ballot box and empty its contents upon the table;
- (c) count the total number of ballots contained the ballot box and make a note of that number;
- (d) count the number of votes cast for each candidate; and
- (e) count the number of spoiled ballots.

6.34 In counting the votes the Returning Officer shall reject all ballots:

- (a) that have not been supplied by LIA;
- (b) that have not been marked for a candidate;
- (c) on which votes have been cast for more than one candidate; or
- (d) upon which there is writing or a mark or other means by which the full member who cast the vote could be identified.

6.35 A ballot may not be rejected just because:

- (a) It has a mark other than the letter "X" if the mark does not constitute identification of the voter; or
- (b) if it is marked out of or partly out of the place where it should be marked.

6.36 The ballots marked for each candidate shall be put in separate envelopes and the contents of each envelope shall be recorded on the outside. The rejected ballots shall be put in a special envelope and the number of ballots contained in it written on the outside. All envelopes shall also be marked with the name of the polling station, and the signature of



the Returning Officer. The Poll Clerk and Witness shall also place their signatures on the envelopes.

6.37 The Returning Officer shall then forward to the Chief Electoral Officer, by courier or by registered mail, an envelope containing:

- (a) the membership list used at the poll;
- (b) the statement of the number of members who voted at the polling station;
- (c) the envelope containing the endorsement of the Returning Officer, Poll Clerk and Witness and ballots marked for each candidate and rejected ballots; and
- (d) all other forms and documents used in the election.

6.38 The Chief Electoral Officer shall count the mail ballots following the same procedure used by Returning Officers for ordinary ballots. Mail ballots shall be counted in the presence of a Returning officer and a Witness who shall, by signature, certify all votes cast by mail in the same manner as the certification of ordinary ballots.

6.39 Each Returning Officer shall, as soon as possible after all ballots have been counted, telephone the results to the Chief Electoral Officer. Returning Officers, Poll Clerks and Witnesses shall not publish or announce a result of the counting at the polling station until the conclusion of the count by the Chief Electoral officer and the announcement by the Chief Electoral officer of the final count.

6.40 The Chief Electoral Officer shall prepare a final count of all ballots. The candidate of President who receives the most votes shall be officially elected President. The candidate for Vice-President who receives the most votes shall be officially elected Vice-President. The Chief Electoral Officer shall publicly announce the results of the presidential and vice-presidential elections.

6.41 Returning Officers and the Chief Electoral Officer shall take every precaution for safe keeping of membership lists used at the polling station and all ballots and shall take every precaution to prevent a person other than the Returning Officer, Chief Electoral Officer and the Executive Director of the Association from having access to these documents.

6.42 The Chief Electoral Officer shall ensure that he or she receives the records from each polling station. All records shall be kept securely until they are required for purposes of a recount or until they are destroyed, in accordance with this bylaw.

### **Recounts**

6.43 Where an equality of votes is found to exist between 2 or more candidates, the Chief Electoral Officer shall, immediately upon receiving all ballots from all polling stations, proceed with a recount in accordance with this bylaw.

6.44 A candidate for President or Vice-President may request a recount if:

- (a) the number of ballots cast in favour of the candidate comes within 20 ballots of the winning candidate; and
- (b) within 48 hours of the Chief Electoral Officer announcing the results of the election the candidate requests that the Chief Electoral Officer carry out a recount.

6.45 A recount shall be conducted by the Chief Electoral Officer in the presence of a Returning Officer and a Witness and, if they so request, the candidates or their representatives. The recount shall be carried out within 48 hours of the receipt by the Chief Electoral Officer of the records from all polling stations. If a candidate has requested that they or their representative be present for a recount, the recount shall not start in their absence, but the start of the recount shall not be delayed more than one half hour because of the absence of a candidate or their representative.

6.46 Upon a recount, the Chief Electoral Officer shall open all the sealed envelopes that contain the ballots that have been counted and the rejected ballots and shall proceed, continuously, with the recount of the votes.

6.47 The Chief Electoral Officer shall proceed in the same manner as is required under bylaws 6.33, 6.34 and 6.35 for the counting of the ballots by Returning Officers and shall verify or correct the statement for each polling station and for mail ballots.

6.48 The Chief Electoral Officer shall, immediately upon completing the recount, certify the result and declare to be elected the candidate who has the greatest number of votes.

#### **Tie Vote**

6.49 In the event of a tie vote for President or Vice-President the Board of Directors shall, by secret ballot, decide the winner and in the event of a tie vote for a position as Director a second vote shall be held between the 2 candidates who tied.

6.50 Nothing in these bylaws respecting tie votes prevents a candidate who has tied with another candidate from conceding victory to the other candidate.

#### **Destruction of Ballots**

6.51 The Chief Electoral Officer shall destroy all ballots sixty clear days after:

- (a) the expiry of 48 hours from the original announcement of the results; or
- (b) a recount, if one is required.

#### **Duties of Witnesses**

6.52 The duties of Witnesses shall be to:

- (a) witness all procedures at the polling stations;
- (b) witness counting or recounting of ballots;
- (c) witness the telephone reporting of counts by the Returning officers;
- (d) witness, under signature, the written report of results; and
- (e) witness the destruction of ballots.

#### **Reports on Elections**

6.53 Upon the completion of an election the Chief Electoral Officer and each Returning Officer shall make a written report to the Governance Committee of LIA advising LIA of any

problems encountered with the Association's election bylaws, rules, guidelines and procedures and making any suggestions for improvement or change. Nothing in this bylaw prevents the Chief Electoral Officer or a Returning Officer from reporting that the Association's election procedures are satisfactory and working well.

### **Order at Polling Stations**

6.54 The Chief Electoral Officer, Returning Officer, Poll Clerks and Witnesses are responsible for maintaining peace and order at polling stations. Any one of them may require the assistance of a peace officer or other person to assist in maintaining peace and order at an election.

### **Wrongful and Corrupt Election Practices**

6.55 It is a wrongful or corrupt election practice for a candidate, a candidate's representative or a supporter of a candidate to:

- (a) give or promise money, alcohol, employment, business contracts, or any other consideration or inducement to a full member of LIA in order to induce that member to vote or not to vote for a candidate or in an election;
- (b) give or promise money, alcohol, employment, business contracts or any other consideration or inducement to a full member of LIA in order to induce that member to seek elected office in the Association;
- (c) accept or agree to accept money, alcohol, employment, business contracts or any other consideration or inducement as payment for voting for a candidate at an election;
- (d) directly or indirectly use or threaten force, violence, restraint, injury, loss or any other form of intimidation against any person or property in order to induce or compel a full member of LIA to vote or to refrain from voting in an election;
- (e) directly or indirectly use or threaten force, violence, restraint, injury, loss or any other form of intimidation against any person or property because a full member has voted or refrained from voting in an election;
- (f) interfere with or prevent the free exercise of the right to vote in an LIA election of any full member of the Association who is qualified to vote in the election; or
- (g) carry out an action that directly or indirectly threatens or disturbs the peace and order at a polling station during an election.

6.56 It is a wrongful or corrupt election practice for any person to:

- (a) vote or attempt to vote in an election knowing that he or she is not qualified to vote in the election;
- (b) vote more than once for a candidate;
- (c) tamper with a ballot box, stuff a ballot box or destroy a ballot box or ballots;
- (d) use a mail ballot that has not been issued to him or her; or
- (e) interfere with a member who is voting by mail ballot through the use of intimidation, inducement or invasion of privacy.

6.57 The Board may, by resolution, establish such additional rules respecting wrongful or corrupt election practices as it, in its sole discretion, considers appropriate from time to time.

## **Protests and Disputes over Elections**

- 6.58 If a candidate or a full member has good reason to believe that an election has been improperly carried out, that a candidate has been improperly elected or that a wrongful or corrupt act has occurred in relation to an election, that member may apply to the Board within 30 days of the date of election for a review of the complaint by setting out the allegations in detail and in writing. A copy of the application shall be given to every person named in it.
- 6.59 The Board shall complete the review within 30 days of receiving the application by hearing from the person making the application and any person who is named in the application. The hearing by the Board of the applicant and of any other person shall be open to full members of the Association who wish to attend but the decision of the Board shall be made in camera.
- 6.60 The board is responsible for deciding whether or not a person has committed a wrongful or corrupt election practice and the Board may make any decision with respect to a complaint respecting a wrongful or corrupt election practice that it, in its sole discretion, considers to be necessary and appropriate including, without limitation, one or more of the following decisions:
- (a) that the election was fair and is valid;
  - (b) that the allegations contained in the application are unfounded and are rejected;
  - (c) to reprimand any person who is responsible for a wrongful or corrupt practice;
  - (d) to suspend, for a specified time or indefinitely, a person's rights and privileges as a member of the Association, including entitlement to benefit from programs or services delivered by the Association, if they are found to be responsible for a wrongful or corrupt practice;
  - (e) to expel a person from membership in the Association if they are found to be responsible for a wrongful or corrupt practice;
  - (f) that a person who is responsible for a wrongful or corrupt practice is disqualified (for a specified time or indefinitely) from seeking or holding elected office in the Association;
  - (g) to disqualify a person from holding paid office in the Association or office as an election official;
  - (h) to declare an office vacant and fill the vacancy by an appointee of the Board or direct that the vacancy be filled by an election; and
  - (i) that an election is void and that a new election must be held.

## **No Ballots and No Candidates**

- 6.61 An election for President and Vice-President shall only be required if 2 or more candidates are nominated for each office. If only one candidate is nominated for an office that candidate shall be declared elected by acclamation and no election shall be held to fill that office.
- 6.62 In the event that no one is nominated for the office of President or for the office of Vice-President then the nomination and election to fill the office shall take place at the annual general meeting. For that purpose the chair or the annual general meeting shall call for nominations from the floor of the annual meeting. The nominee must be qualified to hold

office, must be proposed and seconded by full members of the Association present at the annual meeting and must be willing to serve. Voting shall be by secret ballot. The ballot shall be conducted by a scrutineer elected for this purpose by the annual meeting. The results shall be reported to the meeting, through the chair, and shall be recorded in the minutes.

- 6.63 In the event that no one is nominated for the office of President or Vice-President at the annual general meeting, then the Board of Directors shall appoint one of their number to fill such office at a meeting of the Board to be held immediately after the annual general meeting.
- 6.64 In the event that a candidate dies before the opening of the polls, the deceased candidate's name shall be deleted from the ballots and if a candidate dies after the opening of the polls and wins the election, the office shall be declared vacant and another election held as soon as possible.

#### **Election of Directors and Delegates**

- 6.65 Full members of the Association permanently resident in each community listed in bylaw 5.1 who are personally present in the community on the day of the election shall elect their designated number of representative Directors at least 10 days before the date set for the annual general meeting.
- 6.66 Notice calling for nominations for Directors and Delegates shall be given at least 28 days before the date set for the annual general meeting. The notice shall set the date for the election and shall outline the nomination procedures to be followed and shall be posted in each community. Nominations shall end at 12:00 noon on the 7<sup>th</sup> day following the notice calling for nominations.
- 6.67 Only full members of the Association who are of the full age of 19 years, who are of sound mind, and who are not officially bankrupt are eligible to be Directors. Full members are only eligible to be nominated as Directors or Delegates to represent the community in which they are permanently resident.
- 6.68 To be nominated as a candidate for the position of Director or Delegate a full member must be qualified, must be nominated and seconded by full members permanently resident in the same community as the candidate and must consent to serve.
- 6.69 Subject to bylaws 6.65 through to 6.68, inclusive, the bylaws respecting the election of President and Vice-President shall apply to the election of Directors with all necessary changes in points of detail.

#### **Election of Delegates**

- 6.70 Full members of the Association permanently resident in each community listed in bylaw 5.1.1 who are personally present in the community on the day of the election shall elect their designated number of representative Delegates at least seven days before the date set before the annual general meeting.

- 6.71 Delegates shall be elected at meetings of members held in each community after the date for the election of Directors.
- 6.72 Notice of the Meeting at which the election of delegates is to be held shall be posted in each community at least 7 days prior to the election day. Candidates shall be nominated at the meeting.
- 6.73 At the meeting for the election of delegates, voting shall be by secret ballot. A quorum for a meeting to elect delegates shall be as follows:
- In Nain 15 full members;  
In Hopedale and Makkovik, 11 full members;  
In every other Community, 6 full members.
- 6.74 In elections for Directors and Delegates:
- (a) ballots are only required if more candidates are nominated for a position or positions than there are positions to be filled;
  - (b) each full member resident and present in a community may vote for a number of candidates which is equal to the number of vacancies to be filled; and
  - (c) a voter has the right not to use all the votes that he or she is entitled to cast.
- 6.75 In an election for Directors or Delegates, if there are more than 2 candidates for a position a plurality of votes cast shall decide the candidate elected.
- 6.76 If no qualified member is nominated to fill a vacant position on the Board of Directors at a community election or not enough qualified members are nominated to fill all vacancies on the Board, the Board may at the annual general meeting appoint a full member or members permanently resident in the community for which a vacancy or vacancies exist to fill the vacant office or offices.
- 6.77 In the event that:
- (a) no qualified member is nominated as a Delegate;
  - (b) not enough qualified members are nominated to fill the full number of Delegates to represent the members of a community at general meetings of the Association;  
or
  - (c) a Delegate resigns prior to a general meeting;

the Board of Directors shall, not less than 5 days prior to the date of the general meeting, fill all vacant or unfilled Delegate positions by appointing a full member or full members permanently resident in the community for which the vacant or unfilled position or positions exist to be a Delegate at the next ensuing general meeting and to continue as a Delegate for the next ensuing year or until a replacement Delegate is elected or appointed.

## **Election Procedures Manual**

- 6.78 The Executive Director and Chief Electoral Officer shall prepare and maintain an election procedures manual containing specific guidelines and required forms for use by all personnel involved in the administration of elections. The election procedures manual shall be submitted by the Executive Director to the Governance Committee for approval. The Governance Committee shall review the election procedures manual, after each election and after receiving reports on the election from the Chief Electoral Officer and Returning Officers. The review shall include a review of any decisions made by the Governance Committee during an election under bylaw 6.6 or 6.10. The Governance Committee may direct that the elections procedures manual be amended after a annual review or from time to time.
- 6.79 The Governance Committee may, from time to time, prepare and recommend to the Board such additional rules, guidelines, procedures and forms as it may consider necessary or desirable for the better organization and administration of elections. All such rules, guidelines, procedures, and forms shall be consistent with the bylaws. The Board may approve such rules, guidelines, procedures, and forms or vary them, as in its sole discretion it may from time to time decide. Once they have been published by the Board, all rules, guidelines, procedures and forms approved by the Board shall be as effective and binding as if they are part of the Association's bylaws.