

NUNATSIAVUT ASSEMBLY

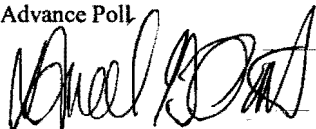
IL 2010-04

INUIT COMMUNITY GOVERNMENT ELECTIONS ACT

An Act Respecting the Election of the AngajukKâk and the Councilors of the Inuit Community Governments

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Short Title

1. This Act may be referred to as the *Inuit Community Government Elections Act*.

Interpretation

2. (1) In this Act, unless the context indicates otherwise:

“Agreement” means the Labrador Inuit Land Claims Agreement;

“AngajukKâk” means the chief executive officer and mayor of an Inuit Community Government;

“A voters roll” means, in respect of a Community, those voters who are Inuit and those voters who are Residents, and their Descendants, and who are enumerated in the division of the voters list referred to in clause 33(2)(a) of this Act;

"Agent" means a natural person authorized in writing by a Candidate to act on his or her behalf and to attend at the time and place where any act or thing is being done under this Act;

“Beneficiary” means an individual enrolled on the Register referred to in section 3.6.1 of the Agreement;

“B voters roll” means, in respect of a Community, those voters who are New Residents and who are enumerated in the division of the voters list referred to in clause 33(2)(b) of this Act;

"by-election" means an election held under subsection 11(5) of this Act or a special by-election held under section 29 of this Act;

"Candidate" means a qualified person who is nominated under section 17 as a candidate at an election;

"Clerk" means the Clerk of the Inuit Community Government;

"Community" has the same meaning as “Inuit Community” in the Agreement and for ease of reference means Nain, Hopedale, Makkovik, Postville or Rigolet;

"Council" means the Council of an Inuit Community Government;

"Councillor" means a member of a Council;

"Deputy Returning Officer" means a deputy Returning Officer appointed under subsection 9(4) of this Act;

“Descendant” has the meaning given to it in section 17.1.1 of the Agreement and for ease of reference means an individual

- (a) who is a Non –Beneficiary,
- (b) who is a Canadian citizen or a permanent resident of Canada under federal Legislation,
- (c) who was born after May 10th, 1999,
- (d) either or both of whose parents was a Resident at the time of the individual’s birth, and
- (e) who has been ordinarily resident in a Community since birth;

"election" means a general election, by-election or special election called under this Act in relation to the office of AngajukKâk, an Inuit Community Council, a Councillor elected on the A voters roll and a Councillor elected on the B voters roll;

"election official" means a Returning Officer, a Deputy Returning Officer, Poll Clerk or other official appointed or employed by the Returning Officer to assist in the conduct of an election under this Act;

“form” means:

- (a) a form set out in this Act,
- (b) a form prescribed by order or regulation made by the Minister under this Act, and
- (c) a form prescribed by an Inuit Community Bylaw enacted under this Act;

“Inuit” means Beneficiaries;

"Minister" means the First Minister of the Nunatsiavut Government;

“New Resident” has the meaning given to it in section 17.1.1 of the Agreement and for ease of reference means an individual who:

- (a) is a Non-Beneficiary,
- (b) is a Canadian citizen or a permanent resident in Canada under federal Legislation;

- (c) became ordinarily resident in an Inuit Community after May 10th 1999;

“Non-Beneficiary” means a person who is not enrolled on the Register of Beneficiaries referred to in section 3.6.1 of the Agreement;

“Poll Clerk” means a person appointed under section 9 of this Act to assist a Returning Officer or Deputy Returning Officer in the conduct of a polling booth in an election;

“Resident” means a person who:

- (a) is a Non – Beneficiary,
- (b) is a Canadian citizen or permanent resident of Canada under Federal Legislation, and
- (c) was ordinarily resident in an Inuit Community on May 10th, 1999 and who has been ordinarily resident in an Inuit Community since that time;

“Returning Officer” means the Clerk or other person appointed under subsection 9(1) of this Act;

“special election” means an election ordered by the Minister:

- (a) following the resignation or dismissal of all the members of a Council,
- (b) to end a period of administration of the Inuit Community Government by the Minister, or
- (c) under such other circumstances as the Minister considers necessary;

“undischarged bankrupt” means a person who has declared bankruptcy or been declared to be bankrupt and who has not been granted an absolute order of discharge by a court;

“voter” means a person qualified to vote in an election;

“voters list” means the voters list for a Community established and maintained by the Returning Officer under subsection 33(1) of this Act and for greater clarity includes all voters listed on the A voters roll and the B voters roll; and

“voters roll” means the A voters roll and the B voters roll.

(2) Terms that are not defined in this Act but that are defined in the Agreement and are used in this Act have the meanings assigned to them in the Agreement.

(3) Nothing in this Act shall be interpreted to permit a person who on polling day in a Community is not ordinarily resident within the boundaries of the Community to be a voter or to be a Candidate.

(4) A reference in this Act to “Part”, “section”, “subsection”, “paragraph” or “clause” is a reference to a Part, section, subsection, paragraph or clause in this Act.

Administration

3.(1) The Minister is responsible for the administration of this Act.

(2) The Minister may prescribe forms for the purpose and administration of this Act.

(3) The Minister may enact regulations for the purpose and administration of this Act.

(4) The Minister shall provide training for Returning Officers before an election.

(5) The Minister may authorize the destruction of ballots and other polling records under subsection 71(2) when the Minister is satisfied that all proceedings related to an election, including any proceedings under Part 11, have been brought to a final conclusion.

Bylaws respecting elections

4. An Inuit Community Government may enact Bylaws respecting elections to the Inuit Community Government that are consistent with this Act and with regulations enacted by the Minister:

(a) where authorized under this Act to do so; and

(b) if necessary to provide for a matter that has not been provided for under this Act or under a regulation enacted by the Minister.

Agents

5. (1) Where, in this Act, expressions are used requiring or authorizing an act or thing to be done in the presence of the Agents of the Candidates, the non-attendance of an Agent at the time and place does not invalidate the act or thing.

(2) An act or thing done or omitted to be done by an Agent of a Candidate within the scope of his or her authority to act on behalf of the Candidate is an act or thing done or omitted by the Candidate.

PART 2

COMPOSITION OF INUIT COMMUNITY GOVERNMENTS

Council

6. Each Inuit Community Government is comprised of an AngajukKâk, Councilors elected on the A voters roll and Councilors elected on the B voters roll.

Number of Councilors

7. The number of Inuit Community Councilors shall be as follows:

(a) for a Community of 2,000 residents or less, 7 Councilors;
and

(b) for a Community of over 2,000 residents, 9 Councilors.

Allocation of Seats

8. The number of Council seats set aside for Councilors on the B voters roll shall be in proportion to the ratio of the total number of New Residents to the total number of voters on the voters list for the Community but shall never be less than one seat or more than two seats.

PART 3

ELECTIONS AND ELECTION ADMINISTRATION

Election officials

9.(1) The Clerk shall be the returning officer for an election held under this Act and, where there is no Clerk or the Clerk is unable to act, the Council shall appoint a returning officer.

(2) A Council shall, in addition to a Returning Officer referred to in subsection (1), appoint an alternate Returning Officer to perform the duties of a Returning Officer under this Act in the event that the Returning Officer is unable to act.

(3) Where a Community is not divided into polling divisions, elections shall be conducted by the Returning Officer and by the alternate Returning Officer who shall act as a poll clerk or by the alternate Returning Officer and a poll clerk appointed by the alternate Returning Officer.

(4) A Council may establish 2 or more polling divisions for the Community and the Returning Officer shall appoint a deputy Returning Officer and a poll clerk for each polling division and shall designate the location of the polling divisions.

(5) If an election official, other than the Returning Officer, is unable to perform his or her duties, an alternate election official shall be appointed by the Returning Officer to perform those duties.

(6) The following persons are ineligible to serve as election officials in connection with an election:

- (a) a Councillor for the Community in which the election is being held;
- (b) a person who has been found guilty of an offence related to an election under this Act or an electoral law of any other jurisdiction or authority;
- (c) a person who intends to be nominated or is nominated to be a Candidate in the election; and
- (d) a person who is, voluntarily or for pay, working or intending to work on the campaign of a Candidate in the election.

Elections for AngajukKâk 10. (1) An election for AngajukKâk shall take place in 2010 and every 4 years after that.

(2) An election under subsection (1) shall be held on the second Tuesday in September.

(3) Despite subsection (1), an election shall not take place in a Community where an AngajukKâk has been elected for that Community within one year preceding the date when an election for AngajukKâk would normally be held.

(4) If a vacancy occurs in the office of an AngajukKâk the Council shall order a by-election for AngajukKâk to hold office for the unexpired term of the AngajukKâk.

(5) A by-election held under subsection (4) shall be held in the same manner as an election for AngajukKâk held under this Act, and shall take place within 3 months of the vacancy.

(6) Except as provided in subsection (7), where a by-election is held under subsection (5), the AngajukKâk holds office for the unexpired term of the AngajukKâk whom he or she replaces.

(7) In circumstances where subsection (3) applies, despite subsection (1), the AngajukKâk holds office for the unexpired term of his or her predecessor in office plus four years.

Elections of Inuit Community Councils

11. (1) A general election of Councils shall take place in 2010 and every 4 years after that.
- (2) A general election under subsection (1) shall be held on the third Tuesday in October.
- (3) The Minister may, when authorized under an order of the Executive Council, defer a general election with respect to one or more Communities for a period not exceeding one year in total.
- (4) Despite subsection (1), a general election shall not take place in a Community where a Council has been elected for that Community within one year preceding the date of the general election.
- (5) If a vacancy occurs in the office of a Councillor the Council shall order a by-election for a Councillor to fill the vacancy.
- (6) A Council may, with the approval of the AngajukKâk and the Minister, defer a by-election to be held under subsection (5) for a period not exceeding one year in total.

By-Election

12.(1) A by-election held under subsection 11(5):

- (a) shall take place within 3 months of the vacancy;
 - (b) for a Councillor elected on the A voters roll shall be held in the same manner as an election held under this Act for Councillors elected on the A voters roll; and
 - (c) for a Councillor elected on the B voters roll shall be held in the same manner as an election held under this Act for Councillors elected on the B voters roll.
- (2) Where a by-election is held under subsection 11(5), the Councillor elected holds office for the unexpired term of the Councillor whom he or she replaces except as provided in subsection (3).
 - (3) In circumstances where subsection 11(4) applies, the Councilors shall hold office for the unexpired terms of their predecessors in office plus 4 years.
 - (4) If no person is nominated for a by-election held under subsection 11(5) the Minister may order a reduction in the number of Councillors until the next general election.

(5) If no person is nominated for a by-election held under subsection 11(5) and the Minister does not reduce the number of Councillors, the Council shall order a new by-election.

Filling vacancies in Office of AngajukKâk or Councilor

13. (1) Where, in an election or by-election held under this Act:

(a) no Candidate is nominated; or

(b) fewer Candidates are nominated than there are Councillors to be elected,

a further election or by-election shall be called not more than 30 days after the date of the original election or by-election to fill the vacancy or vacancies.

(2) At an election under subsection (1) if a circumstance described in clause (1)(a) or (b) reoccurs in relation to that election, the Minister may, after the date fixed for nomination day:

(a) appoint the AngajukKâk; or

(b) appoint as many Councillors as are necessary to bring the Inuit Community Council up to the number provided for that Council.

(3) A person appointed under subsection (2) must be qualified in terms of the Constitution and this Act to hold the office to which he or she is appointed.

(4) An appointment under subsection (2) is not subject to the *Appointments Act*.

(5) A person appointed under subsection (2) holds office for the same term that he or she would have served had he or she been elected in the election or by-election.

Nominations

14. (1) The Returning Officer shall designate the place for receiving nominations.

(2) Candidates at an election may be nominated between the hours of 9:00 a.m. and 4:00 p.m. on any day other than a Saturday, Sunday or public holiday, from the twenty-eighth to the twenty-first day immediately before the election.

(3) Notice of the time and place fixed for nominating Candidates shall be posted by the Returning Officer in not fewer than 2 places in the Community for the 10 days before the time fixed for the nomination of Candidates, and published in a newspaper having general circulation in the Community, where there is such a newspaper, during that period.

Qualifications of Candidates

15. (1) A person is qualified to be nominated as a Candidate for AngajukKâk if he or she:

- (a) is an Inuk;
- (b) is of the full age of 19 years;
- (c) is ordinarily resident in the Community where he or she is nominated to serve as AngajukKâk; and
- (d) has been ordinarily resident in that Community since at least the day that is the sixtieth day preceding the date of the election.

(2) A person is qualified to be nominated as a Candidate for the office of a Councillor elected on the A voters roll if he or she:

- (a) is eligible to be enrolled on the A voters roll in an election in the Community in which he or she is nominated to serve as a Councillor; and
- (b) is of the full age of 19 years;
- (c) is ordinarily resident in the Community where he or she is nominated to serve as a Councillor; and
- (d) has been ordinarily resident in that Community since at least the day that is the sixtieth day preceding the date of the election.

(3) A person is qualified to be nominated as a Candidate for the office of a Councillor elected on the B voters roll if he or she:

- (a) is eligible to be enrolled on the B voters roll in an election in the Community in which he or she is nominated to serve as a Councillor; and
- (b) is of the full age of 19 years;

(c) is ordinarily resident in the Community where he or she is nominated to serve as a Councillor; and

(d) has been ordinarily resident in that Community since at least the day that is the sixtieth day preceding the date of the election.

Candidates disqualified

16.(1) A person is disqualified as a Candidate at an election in a Community, and shall not serve as AngajukKâk or as a Councilor for the Community if he or she:

(a) is an ordinary member of the Nunatsiavut Assembly;

(b) is a member of the Newfoundland and Labrador House of Assembly or the Parliament of Canada;

(c) is a judge of any court;

(d) is an undischarged bankrupt;

(e) is a person who is declared to be of unsound mind by a court of competent jurisdiction;

(f) within the 12-month period immediately preceding the date of the election was convicted of a criminal offence and sentenced to a custodial sentence, including house arrest, of 12 months or more;

(g) owes money to an Inuit Community Government or the Nunatsiavut Government in respect of taxes, dues or fees;

(h) holds an office under the Community Council to which a salary or remuneration payable out of the funds of the Community is attached;

(i) is employed by the Community Council;

(j) is the chief administrative officer of an agency or body established by the Community Council and that agency or body has an annual operating budget that must be approved by the Council; or

(k) at any time within the 52-month period preceding the date of the election was dismissed from office as an AngajukKâk or a Councillor or had his or her seat as an AngajukKâk or Councillor vacated under an Inuit law.

(2) Clause 16(1)(i) does not apply to a volunteer firefighter of a Community or any other person who serves a Community in a voluntary capacity.

(3) A person referred to in subsection (1) other than an employee who serves as an election officer may request, and the Council shall grant to that person, a leave of absence in order for that person to be nominated as a Candidate in an election.

(4) A person to whom a leave of absence is granted under subsection (3) who is elected shall resign from his or her employment with the Council before taking his or her oath or affirmation of office.

Nomination procedure

17. (1) A candidate at an election shall be nominated:

(a) in the case of an election for AngajukKâk, by persons eligible to be enrolled on the voters list for the Community;

(b) in the case of a Councillor to be elected by voters on the A voters roll, by persons eligible to be enrolled on the A voters roll for the Community; and

(c) in the case of a Councillor to be elected by voters on the B voters roll, by persons eligible to be enrolled on the B voters roll for the Community.

(2) A nomination:

(a) shall be in writing;

(b) shall state the name and civic address of the candidate;

(c) shall be signed by the proposer and seconder, both of whom shall be present together with the candidate who shall also sign signifying his or her acceptance; and

(d) shall be in the required form.

Declaration of qualification 18. (1) The Returning Officer shall not receive the nomination paper of a candidate unless there is attached to it a declaration of qualification in the required form.

(2) Despite clause 17(2)(c), if a candidate is unable to attend his or her nomination and as a result is unable to signify his or her acceptance or complete his or her declaration of qualification, the Returning Officer may accept, in the required form, a declaration to that effect from one of

the candidate's nominators together with a declaration from the nominator that the candidate possesses the qualifications required by this Act and accepts the nomination.

Deposit

19. A Candidate, at the time of his or her nomination, shall deposit a sum of \$25 with the Returning Officer and that sum is not refundable.

Acclamation

20. (1) If only one person is nominated for the office of AngajukKâk the Returning Officer shall, without an election being held, declare the Candidate to be elected at the close of nominations.

(2) If only as many Candidates for the office of Councilor are nominated as there are Councilors to be elected, or if fewer Candidates for the office of Councilor are nominated than there are Councilors to be elected, the Returning Officer shall, without an election being held, declare those Candidates who are nominated to be elected at the close of nominations.

Notice of Candidates

21. The Returning Officer shall, within 7 days after the date on which nominations close, give notice of the names of the Candidates, and, if an election is required, the time of the election and the location of polling booths, by publishing a notice in a newspaper circulating in the Community, where there is such a newspaper, and by posting the notice in at least 2 public places in the Community in which elections are to be held.

Grant of election

22. (1) Where more than one Candidate is nominated for the office of AngajukKâk, the Returning Officer shall conduct an election in the Community for that office.

(2) Where more Candidates are nominated for the office of Councillor than there are Councillors to be elected, the Returning Officer shall conduct an election in the Community for the Council or for the vacant seat or seats.

Withdrawal of nomination

23. (1) A person who has been nominated at an election may withdraw his or her nomination by filing with the Returning Officer a written withdrawal within 24 hours after the close of nominations.

(2) The name and address of a person who withdraws his or her nomination under subsection (1) shall not appear on the ballot.

(3) A person who has withdrawn his or her nomination under subsection (1) shall forfeit his or her deposit.

(4) Where a Candidate withdraws his or her nomination after the close of the period for withdrawal of nominations under subsection (1) and before the close of the poll:

(a) the name and address of that Candidate shall be omitted from the ballot; or

(b) where the ballots have already been printed, the Returning Officer shall give a public notice of the withdrawal in accordance with section 23 and the election shall proceed as if the Candidate who has withdrawn had not been nominated.

Death of Candidate

24. (1) Where a Candidate dies before the close of the period for withdrawal of nominations under subsection 23(1), his or her nomination is void.

(2) Where a Candidate dies after close of the period for withdrawal of nominations under subsection 23(1) and before the close of the poll:

(a) the name and address of the deceased Candidate shall be omitted from the ballot; or

(b) where the ballots have already been printed, the Returning Officer shall give a public notice of the death in accordance with section 24 and the election shall proceed as if the deceased Candidate had not been nominated.

Notice of death or withdrawal

25. For purposes of sections 23 and 24, public notice of the death or withdrawal of a Candidate shall be made within 24 hours after the Returning Officer is made aware of the death or withdrawal, or as soon as practicable thereafter, and the notice shall be posted in every polling place affected and may be published by advertisement, placard, handbill, broadcast or otherwise as the Returning Officer considers will best effect the purpose intended.

Effect of death or withdrawal - election held

26. Where a Candidate withdraws or dies before the close of the poll, and the number of Candidates then remaining is greater than the number to be elected to an office:

(a) an election shall be conducted;

(b) a vote cast in favour of a Candidate who has died or withdrawn shall be rejected and shall not be counted; and

(c) the Returning Officer shall declare to be elected of those remaining Candidates:

(i) the Candidate having the largest number of votes, and,

(ii) in the case where more than one Candidate is entitled to be elected, the Candidates up to the remaining number entitled to election who stand next in order on the basis of the number of votes received.

Effect of death or withdrawal - acclamation

27. If a Candidate withdraws or dies before the close of the poll and the number of Candidates then remaining is equal to the number to be elected to an office, the Returning Officer shall declare those remaining Candidates elected by acclamation.

Effect of death or withdrawal - by-election

28. If a Candidate withdraws or dies before the close of the poll and the number of Candidates then remaining is fewer than the number to be elected to an office, the Returning Officer shall declare the remaining Candidates elected by acclamation and the Council shall provide for the holding of a by-election in accordance with subsection 12(1) to fill the remaining vacancies.

Special elections

29. (1) The Minister may order the holding of a special election for the Council of an Inuit Community Government on a day set out in the order and may appoint a Returning Officer to conduct that election.

(2) An election held under subsection (1) shall be held in the same manner as another election held under this Act.

(3) Where an election is ordered to be held under subsection (1) under circumstances where a Council or Councillors hold office, the Council or Councillors affected by that order continue to hold office until the Councillors elected to succeed them are sworn into office.

(4) Where a by-election is held under subsection (1), the Councillor elected holds office for the unexpired term of the Councillor whom he or she replaces.

Adjournment of election

30. (1) Despite any other provision of this Act or of any order under this Act, election proceedings may be adjourned by the Returning Officer for a Community where he or she believes that the health or safety of persons is at risk or that the integrity of the election process is at risk.

(2) Election proceedings may be adjourned under subsection (1):

(a) temporarily to another time on the same day or another place on the same day as specified by the Returning Officer; or

(b) to a day, time or place to be set by the Returning Officer.

(3) If an election is adjourned under clause (2)(b), the election shall occur on a day not later than 7 days after the original date set for the election.

(4) While proceedings are adjourned, the Returning Officer shall make all reasonable efforts to ensure that election materials are secured and that the integrity of the election is not compromised.

(5) A Returning Officer shall give notice to persons affected by an adjournment in a manner that he or she considers to be appropriate.

(6) Election proceedings that recommence after an adjournment shall continue for the time that, when added to the time preceding the adjournment, totals the time during which those election proceedings were to occur regardless of the adjournment.

(7) If voting proceedings are adjourned, the counting of the vote shall not begin until the close of voting for the adjourned election proceeding.

Oath of office

31. (1) A person is not qualified to serve as AngajukKâk and shall not take or sign the oath or affirmation of office unless he or she is qualified to be elected as AngajukKâk and has been declared to be elected under this Act.

(2) A person is not qualified to serve as a Councillor and shall not take or sign the oath or affirmation of office unless he or she is qualified to be elected as a Councillor and has been declared to be elected under this Act.

(3) An AngajukKâk shall, within 2 weeks of his or her election or appointment and before entering on the duties of his or her office, take and sign an oath or affirmation of office in the required form before the outgoing AngajukKâk, the Returning Officer, or other person authorized to take oaths in the Province of Newfoundland and Labrador.

(4) A Councillor shall, within 2 weeks of his or her election or appointment and before entering on the duties of his or her office, take and sign an oath or affirmation of office in the required form before the AngajukKâk, the Returning Officer, or other person authorized to take oaths in the Province of Newfoundland and Labrador.

(5) The oath or affirmation of office required under subsection (3) or subsection (4) shall be an official record of the Community to which it relates.

Terms of office

32. (1) The term of office of an AngajukKâk begins when he or she has taken the oath of office and ends when his or her successor in office has taken the oath or affirmation of office in accordance with section 31.

(2) The term of office of a Councillor begins when he or she has taken the oath of office provided that the total number of Councillors elected or appointed is sufficient to establish a quorum of the Council and expires when the number of newly elected Councillors sufficient to constitute a quorum of the Council are sworn or affirmed into office in accordance with section 31.

PART 4

VOTERS

Voters List and Rolls

33.(1) The Returning Officer shall establish and maintain the voters list for a Community.

(2) The voters' list for a Community shall be comprised of a list of all voters in the Community divided into two separate divisions as follows:

(a) a division enumerating the Inuit, Residents and their Descendants; and

(b) a division enumerating the New Residents.

(3) A Resident or Descendant may choose to be enumerated on the B voters roll or to transfer from the A voters roll to the B voters roll.

(4) A choice under subsection (3) is irrevocable.

(5) A choice made by a Resident under subsection (3) does not bind a Descendant of that Resident.

(6) A person who is eligible to be a voter but who has not been enumerated on the voters list may, at any time before the closing of the polls on election day, apply to the Returning Officer to be enumerated on the voters list on either the A voters roll or the B voters roll by:

(a) providing proof of his or her age and place of residence in the Community,

(b) proof that he or she meets the criteria for enrolment on either the A voters roll or B voters roll, as the case may be, and

(c) taking the prescribed oath or affirmation.

(7) For purposes of subsection (6), if a person is not able to establish his or her status as a person eligible to be enrolled on the A voters roll he or she shall be enrolled on the B voters roll.

(8) A person who is enumerated on the voters list but has been enumerated on the wrong division under subsection (2) may apply to the Returning Officer to be enumerated in the correct division under subsection (2) by providing proof of his or her status and taking the prescribed oath or affirmation.

Voters

34. (1) A Canadian citizen who is 16 years of age or older is qualified to be a voter and to be enumerated on the voters list for a Community if he or she has been ordinarily resident in the Community for the 30 days immediately before election day.

(2) A person referred to in subsection (1) is qualified to be enumerated on the A voters roll if he or she is an Inuk, a Resident or a Descendant.

(3) A person referred to in subsection (1) is qualified to be enumerated on the B voters roll if he or she is a New Resident.

Right of voters

35. (1) Every person enumerated on the voters list for a Community is entitled to vote at an election for the Community's AngajukKâk.

(2) Every person enumerated on the A voters roll for a Community is entitled to vote at an election for a Councillor or Councillors to be elected by voters on the A voters roll.

(3) Every person enumerated on the B voters roll for a Community is entitled to vote at an election for a Councillor or Councillors to be elected for the Community by voters on the B voters roll.

(4) A voter may only vote at an election in the Community in which he or she is ordinarily resident on polling day.

(5) Where a Community is divided into polling divisions, each voter shall vote in the polling division in which he or she is ordinarily resident on election day.

(6) A voter shall not:

- (a) vote in more than one Community at an election;
- (b) vote in more than one polling division at an election;
- (c) vote on more than one voters roll at an election;
- (d) vote at an election for a Councillor or Councillors to be elected by voters on the A voters roll if the voter is enumerated on the B voters roll; or
- (e) vote at an election for a Councillor or Councillors to be elected by voters on the B voters roll if the voter is enumerated on the A voters roll.

(7) Despite subsection (5), if an election official is assigned to a polling division other than that in which he or she ordinarily lives on election day, the election official may only vote in the polling division to which he or she has been assigned or at an advance poll or by proxy.

Oath or Affirmation of Voters

36.(1) If required by a Candidate or Candidate's Agent, a voter shall, before voting, take an oath or affirmation in the required form, which shall be administered by the Returning Officer or Deputy Returning Officer.

(2) A voter who refuses to take an oath or affirmation under subsection (1) shall not be permitted to vote.

Advance poll

37. (1) A Council may hold an advance poll not earlier than 10 days immediately preceding election day.

(2) Where it considers it appropriate, a Council may hold a second advance poll on the Saturday immediately preceding election day.

(3) The Returning Officer shall give notice of the time and place of the advance poll by publishing the time and place of the advance poll at least once in the 7 days before the advance poll in a newspaper circulating in the Community, where there is such a newspaper, and by posting a notice in at least 2 public places in the Community.

(4) The advance poll shall be conducted in the same manner as is provided for the conduct of other polls in an election, except that upon the ballot box being sealed at the opening of the first day of the advance

poll, it shall remain sealed until opened for the counting of ballots after the close of the polls on election day.

(5) A ballot box that is used in the conduct of an advance poll shall not be used on election day.

(6) At an advance poll the Poll Clerk shall record in the poll book the names of the voters who vote at the advance poll and the polling divisions, if any, in which the voters live.

(7) A voter who is otherwise eligible to vote but who has reason to believe that he or she will be unable to vote at a poll in the Community on election day may vote in an advance poll. Voters who are elderly and those with a disability may also vote on advance polling day.

(8) A record of those voters who voted in an advance poll, together with the polling divisions, if any, in which they reside shall be provided to the respective polling divisions on Election Day.

Voting by proxy

38. (1) A voter who has reason to believe that he or she will be unable to vote on election day may, by an application to the Returning Officer in the required form, authorize another voter in the same Community and, in the case of an election for Councillor, on the same voters roll as the applicant, to vote on his or her behalf in a specified election in that Community.

(2) An application under subsection (1) shall contain declarations in the required form verifying:

(a) that the applicant is qualified to vote in the Community in the election in respect of which the application is made;

(b) in the case of an election for Councillor, the voters roll on which the applicant is qualified to vote;

(c) that the applicant has reason to believe that he or she will be unable to vote at a poll in the Community on election day; and

(d) that the proxy designated in the application is a voter qualified to vote in the same Community and, in the case of an election for Councillor, on the same voters roll as the applicant.

(3) An application required under subsection (1) shall only be provided by the Returning Officer to and received by the Returning Officer from the applicant or the person designated by the applicant as his or her proxy.

(4) An application under subsection (1) shall be given to the Returning Officer by the applicant or his or her designated proxy not later than 4:00 p.m. on the day immediately before the day of the election in respect of which the application is made.

(5) Where satisfied that the requirements of this section have been complied with, the Returning Officer shall issue a proxy certificate entitling the designated proxy to vote at the polling division and Community specified on behalf of the applicant for whom the proxy is designated.

(6) No more than one proxy certificate may be issued for any one applicant in respect of an election, except where the proxy dies or becomes unable to cast a vote because of illness or mental incompetence.

(7) A person may not be proxy for more than one voter at any one election.

(8) Where a person produces to a Returning Officer or Deputy Returning Officer a proxy certificate issued under subsection (5) the person may vote on behalf of the voter with respect to whom the certificate is issued in accordance with the voting procedures set out in Part 6.

(9) Applications, declarations, proxy certificates and other documents required under this section shall be in the prescribed form.

PART 5

ELECTION MATERIALS AND PROCEDURES

Ballots

39. (1) Where an election has been declared, the Returning Officer shall immediately print or procure a number of sequentially numbered ballots:

(a) in an election for AngajukKâk, not less than the number of voters on the voters list for the Community in which the election is to be held;

(b) in a general election for Council, not less than the number of voters on the A voters roll and the B voters roll for the Community in which the election is to be held; and

(c) in a by-election for Council, not less than the number of voters on the voters roll entitled to elect a Councillor to fill the vacancy.

(2) The ballots shall:

(a) be marked or coded so that ballots in each of the elections for AngajukKâk, Councillors to be elected on the A voters roll and Councillors to be elected on the B voters roll are easily distinguishable from each other;

(b) contain the names and civic addresses of the Candidates as set out in the nomination paper, alphabetically arranged in the order of their surnames or, where there are 2 or more Candidates with the same surname, in the order of their other names; and

(c) be in the required form.

Election materials

40. Where an election has been declared in a Community, the Returning Officer shall prepare for his or her own use and, where there is more than one polling division, deliver to every Deputy Returning Officer:

(a) the voters list, the A voters roll and the B voters roll which, where necessary, must be subdivided into lists for each polling station;

(b) a list of the voters who have voted in an advance poll;

(c) one or more ballot boxes;

(d) a sufficient number of ballots and the materials necessary to enable voters to mark them;

(e) a sufficient number of directions for the guidance of voters; and

(f) one or more poll books in the required form.

Directions

41. A Returning Officer or Deputy Returning Officer shall place a copy of the directions for the guidance of voters in each polling booth of the polling station and shall see that they remain in place until voting has been completed.

Voters List

42. (1) At least 2 months before an election the Returning Officer shall:

(a) begin the preparation of:

(i) the list of voters in the Community,

(ii) the A voters roll for the Community, and

(ii) the B voters roll for the Community; or

(b) if the Community where an election is to be held is divided into polling divisions, begin the preparation of the list and rolls referred to in clause (a) for each polling division.

(2) Despite sub clause (1)(a)(i), the Returning Officer may use a permanent register of electors established and maintained for use in a federal or provincial election for purposes of the voters list.

(3) The Returning Officer shall ensure that the voter's list is completed at least one month before the date of the election of AngajukKâk and that the A voters roll and B voters roll are completed at least one month before the date of the general election for Council.

(4) Where the name of a qualified voter does not appear on the list of voters or the name of a person not qualified as an elector does appear on the list, the Returning Officer shall, upon satisfactory proof being provided to him or her, correct that error or omission by inserting or omitting the name.

(5) Where the name of a voter qualified to vote on the A voters roll does not appear on the A voters roll or the name of a person not qualified as an elector on the A voters roll does appear on the A voters roll, the Returning Officer shall, upon satisfactory proof being provided to him or her, correct that error or omission by inserting or omitting the name.

(6) Where the name of a voter qualified to vote on the B voters roll does not appear on the B voters roll or the name of a person not qualified as an elector on the B voters roll does appear on the B voters roll, the Returning Officer shall, upon satisfactory proof being provided to him or her, correct that error or omission by inserting or omitting the name.

(7) The voters whose names appear in the list of voters, the A voters roll and the B voters roll for a Community certified by the Returning Officer are those entitled to vote at the next election in the Community and a person whose name does not appear upon the list shall not be allowed to vote at the election.

(8) Despite subsection (7), a person whose name has been omitted from the list of voters or from the A voters roll or from the B voters roll and is qualified to vote at an election may vote at an election upon taking an oath or affirmation in the required form.

Use of list

43. (1) A list of voters or a voters roll prepared and revised for an election shall, where that election is deferred, constitute the list of voters for the deferred election.

(2) A list of voters or a voters roll prepared and revised for an election and used in that election or used in a deferred election may constitute the list of voters the voters roll for a by-election held before the next general election or for an election or by-election ordered by the Minister before the next general election.

(3) A Returning Officer shall, on the request of a Candidate and after payment of the prescribed fee, supply to the Candidate a copy of a list of voters, the A voters roll and the B voters roll prepared and revised for the election.

(4) A Candidate who receives a copy of the list of voters or a voters roll under subsection (3) shall, in the required form, certify that the information contained in the list will only be used for election purposes and shall return the list and all copies to the Returning Officer at the conclusion of the election.

Opening and close of poll

44. (1) A Returning Officer or Deputy Returning Officer shall, on election day, open the polling booth assigned to him or her at 8:00 a.m. and shall keep that booth open until 8:00 p.m. and during that time shall receive the votes of all voters qualified to vote at the polling booth.

(2) Where the start of voting in accordance with subsection (1) is delayed, the Returning Officer shall extend the time for the close of the voting but the extension shall not permit voting for a longer length of time than would have been permitted had voting not been delayed.

(3) Where at the time set for the close of voting under subsection (1), there are voters waiting in the polling station or waiting in line outside the polling station in order to vote, those voters are entitled to vote and the polling booth shall remain open until their votes have been received.

(4) Voters other than those referred to in subsection (3) are not entitled to vote after the time set for the close of voting.

(5) The decision of the Returning Officer or Deputy Returning Officer in charge of the polling booth as to who is or is not entitled to vote under subsection (3) is final and may not be appealed.

Employee time to vote

45. (1) An employee who is qualified to vote at an election is, while the polls are open on Election Day, entitled to have 4 consecutive hours for the purpose of casting his or her vote.

(2) When the hours of employment of a person described in subsection (1) do not allow for 4 consecutive hours, his or her employer shall allow the person the additional time for voting that is necessary to provide the 4 consecutive hours.

(3) An employer shall not make a deduction from the pay of an employee or impose upon or exact from the employee a penalty by reason of absence from his or her work during the 4 consecutive hours that the employee is entitled to under this section for the purpose of casting his or her vote.

(4) Additional time for voting required under subsection (2) may be granted at the convenience of the employer.

Polling booths

46. A polling station shall have one or more polling booths in which voters may mark their ballots screened from observation.

Who may be present

47. (1) During the conduct of voting no person is entitled or shall be permitted to be present in the polling station other than:

(a) the Returning Officer or Deputy Returning Officer who is conducting the election, a Poll Clerk and other election officials authorized to be present;

(b) the Candidates to be voted for in the polling station and their Agents, authorized in writing, not exceeding one Agent for each Candidate; and

(c) a voter actually engaged in voting.

(2) On election day, a Candidate or his or her Agents shall not campaign or distribute or cause to have distributed campaign materials in an area that is less than 30 metres from the entrance to a polling station.

Maintaining order

48. (1) The Returning Officer or a Deputy Returning Officer, may take such action as he or she deems necessary to maintain order at a polling station and may order the removal of a person from the polling station who is not entitled to be present or who, being entitled, obstructs the voting, and the order may be executed by a peace officer without the order being in writing and without a warrant.

(2) The Returning Officer or a Deputy Returning Officer may have present or summon to his or her aid a security guard, law enforcement officer or peace officer for the purpose of maintaining order or preserving the peace.

Ballot box exhibited

49. (1) At a general election for Council or where an election is to be held for Councillors on both the A voters roll and the B voters roll, a separate ballot box, clearly and distinctly marked so as to identify the voters roll for which it is to be used, shall be used at each polling station for ballots cast by voters on each roll.

(2) At an election for AngajukKâk or an election for Council where a Councillor or Councillors are to be elected on only one voters roll, a separate ballot box shall be used at each polling station.

(3) At the hour fixed for opening the poll the Returning Officer or a Deputy Returning Officer shall:

(a) show the ballot boxes to the Candidates or their Agents, or persons that are present within the polling station, so that they may see that the ballot boxes are empty; and

(b) then immediately seal the ballot boxes, place them in view for the reception of ballots and keep them sealed until voting is concluded.

Oaths or affirmations of Election Officials

50. (1) A Returning Officer, Deputy Returning Officer and Poll Clerk shall, before commencing their duties, take the oath or affirmation in the required form.

(2) Every other person authorized to attend at a polling station, or at the counting of the votes shall, before commencing his or her duties, take the oath or affirmation in the required form.

(3) An oath or affirmation required under subsection (1) or (2) shall be administered by the Returning Officer, a justice of the peace or a commissioner of oaths not later than 4:00 p.m. on the day immediately before election day.

(4) The Returning Officer or Deputy Returning Officer may administer an oath or affirmation required by this Act to be taken in the polling station for which he or she was appointed.

PART 6

VOTING

Confirmation of name

51. (1) When a voter presents himself or herself at the polling station for the purpose of voting, he or she shall state his or her name and civic address.

(2) The Returning Officer or Deputy Returning Officer shall ascertain if:

(a) the name of the voter is entered on the voters list or the A voters roll or B voters roll, as the case may be, for the polling station in which he or she is presiding; or

(b) the name of the person is not on the voters list or A voters roll or B voters roll, that the person is entitled to take the required oath or affirmation in order to vote.

(3) The Poll Clerk shall enter in the poll book the name of the voter, but shall not enter in the poll book or elsewhere the name of or anything to indicate the name of a Candidate for whom the voter votes.

Noting of objections and oath or affirmation

52. (1) Where a voter is objected to by a Candidate or his or her Agent, the Poll Clerk shall enter the objection in the poll book by writing opposite the name of the person whose vote is objected to the words "objected to", together with the name of the Candidate by or on behalf of whom the objection is made and the Returning Officer or Deputy Returning Officer shall decide whether that person may vote.

(2) Where a voter takes an oath or affirmation required to be taken by this Act the Poll Clerk shall enter opposite the person's name the word "sworn" or "affirmed".

Refusal to take oath or affirmation

53. If a voter is required to take an oath or affirmation and refuses to take it, the Poll Clerk shall enter opposite the name of the person in the poll book the words "refused to be sworn" or "refused to affirm", and a ballot shall not be issued to that person.

Delivery of ballots

54. Where the name of the voter is found on the list of voters for the polling station or he or she takes the required oath or affirmation where permitted to do so by the Returning Officer or Deputy Returning Officer, and where the appropriate entries respecting him or her have been made in the poll book, the Returning Officer or a Deputy Returning Officer shall, unless a vacant office or all vacant offices have been filled by acclamation (in which event no ballots shall be held with respect to the office or offices so filled):

- (a) in an election for AngajukKâk, provide the voter with one ballot for AngajukKâk;
- (b) in a general election for Council or an election to fill a vacancy among the Councilors to be elected on the A voters roll, provide to a voter enumerated on the A voters roll one ballot for Councilors to be elected on the A voters roll; and
- (c) in a general election for Council or an election to fill a vacancy among the Councilors to be elected on the B voters roll, provide to a voter enumerated on the B voters roll one ballot for Councilors to be elected on the B voters roll.

Incapacitated voter

55. (1) Notwithstanding subsection 58(3), a voter who indicates to the Returning Officer or a Deputy Returning Officer that he or she requires assistance to mark his or her ballot, may be assisted by an election official or a person accompanying that voter.

(2) The Poll Clerk shall make an entry opposite the name of the voter in the poll book that their vote has been marked under this section.

(3) A person other than an election official shall not assist more than one voter, as described in subsection (1), in an election.

(4) Where a polling station or polling booth is not accessible to a voter described in subsection (1), the Returning Officer or Deputy Returning Officer in charge of the polling station shall:

- (a) suspend temporarily the voting in the polling booth; and
- (b) carry the ballot box, poll book, ballots and other necessary election materials to a place that is accessible to the voter and that is in close proximity to the entrance to the polling station.

(5) The procedure to be followed in taking the vote of a voter under subsection (4) shall, where circumstances permit, be the same as if the voter had entered the polling booth to vote.

Explanation of voting procedure

56. Upon the request of a prospective voter, the Returning Officer or Deputy Returning Officer shall either personally or through his or her Poll Clerk, explain to the prospective voter as concisely as possible, the mode of voting, but shall not influence the voter to vote for a particular Candidate in the election.

Proxy voting

57. Where a person produces to a Returning Officer or Deputy Returning Officer a proxy certificate issued under section 38, the person may vote on behalf of the voter with respect to whom the certificate is issued.

Voting at a Polling Station

58. (1) Upon receiving a ballot, a voter shall:

- (a) immediately proceed to the assigned polling booth and shall then mark his or her ballot by marking an X on the part of the ballot within the division containing the name or names of the Candidate or Candidates for whom he or she intends to vote;
- (b) after marking the ballot, fold it so as to conceal the names of the Candidates and the mark or marks upon the ballot; and
- (c) without delay and without showing or displaying the ballot so as to make known the Candidate for whom he or she voted, deposit the ballot in the appropriate ballot box.

(2) A voter shall immediately leave the polling station after he or she has voted.

(3) While a voter is in the process of marking his or her ballot, no person shall be in a position from which he or she can see how that voter marks his or her ballot.

Removal of ballots

59. (1) A person who has received a ballot shall not remove the ballot from the polling station.

(2) A person who has received a ballot and leaves the polling station without depositing it in the assigned ballot box forfeits his or her right to vote at the election.

(3) The Poll Clerk shall make an entry in the poll book in the column for remarks to the effect that the person received a ballot but took it out of the polling station, returned the ballot or declined to vote.

(4) Where a person has declined to vote, the Poll Clerk shall immediately write the word "declined" upon the ballot and shall return it to the Returning Officer or the Deputy Returning Officer.

Mobile and special polls

60. (1) Where a polling booth has been established in a home for the aged, hospital, correctional or other long-term resident institution, the Deputy Returning Officer and the Poll Clerk, while the poll is still open on polling day and when considered necessary by the Deputy Returning Officer, shall:

(a) temporarily suspend the voting in the polling booth; and

(b) with the approval of the person in charge of the institution, carry the ballot box, poll book, ballots and other necessary election materials from room to room in the institution to receive the votes of those persons who are ordinarily resident in the Community in which the election is being held and are otherwise qualified to vote but who are unable to go to the polling booth.

(2) The Returning Officer may provide mobile polling booths that may be open and used at different locations and for fewer than 12 hours on election day.

Spoiled ballot

61. (1) A voter who has inadvertently spoiled his or her ballot is, upon returning it to the Returning Officer or Deputy Returning Officer, entitled to receive another ballot.

(2) The Returning Officer or Deputy Returning Officer shall write the word "cancelled" upon the ballot returned to him or her and shall retain it.

Counting of ballots

62. (1) Immediately after the close of the poll, the Returning Officer or Deputy Returning Officer shall:

(a) place all the cancelled, declined and unused ballots in an envelope and seal it; and

(b) count the number of voters whose names appear in the poll book and sign the following certificate, which shall be entered in the poll book on the line immediately below the name of the voter who voted last:

"I certify that the number of voters who voted at the election in this polling booth is (stating the number in words) and that A.B. was the last person who voted at this polling booth."

(2) Immediately after the certificate required by subsection (1) has been signed by him or her, the Returning Officer, or Deputy Returning Officer, in the presence and in full view of the Poll Clerk and any Candidates or their Agents who may be present, shall open the ballot box and count the total number of ballots cast and the number of votes for each Candidate, giving full opportunity to those present to examine each ballot.

Rejected ballots

63. (1) When counting the votes, the Returning Officer, or Deputy Returning Officer, shall reject all ballots:

(a) that have given votes for more Candidates than there are to be elected; or

(b) upon which there is writing, a mark or that have been torn, defaced or otherwise dealt with by the voter in a manner that would permit that voter to be identified.

(2) A ballot shall not be rejected under subsection (1) by reason only that it has been marked with a writing instrument other than a black lead pencil or it has a mark other than an X, as long as the mark does not identify the voter.

(3) A ballot shall not be rejected in its entirety only because one or more of the votes on the ballot is rejected and in that case the votes not rejected shall be counted.

(4) A ballot on the A voters roll that has been deposited in the ballot box for votes cast on the B voters roll shall not be rejected by reason only that it has been placed in the wrong ballot box and a ballot on the B voters roll that has been deposited in the ballot box for votes cast on the A voters roll shall not be rejected by reason only that it has been placed in the wrong ballot box and in all such cases the ballots not rejected shall be counted in the election to which they pertain.

Objections

64. (1) The Returning Officer, or Deputy Returning Officer, shall note in the poll book an objection taken to a ballot or a vote on a ballot by a Candidate or his or her Agent and shall uphold or reject the objection.

(2) An objection shall be numbered and a corresponding number shall be placed on the back of the ballot and initialed by the Returning Officer or the Deputy Returning Officer, and when the objection is upheld the word "rejected" shall be marked on the face of the ballot so that it clearly indicates whether the entire ballot or a particular vote on the ballot is being rejected.

PART 7

BALLOTS BY MAIL

Authorization of mail voting

65. (1) The Council of an Inuit Community Government may, by resolution, authorize voters to vote by mail in an election provided that Council first obtains the approval, in writing, of the Minister to conduct an election in that manner.

(2) The Minister may require that the Council provide a draft copy of the Bylaw proposed for enactment under subsection (3) before the Minister provides approval under subsection (1).

(3) Where a Council has voted to conduct an election by mail under subsection (1), that Council shall make the Bylaw with respect to a mail-in system of voting that is necessary to carry out the election and a regulation made under this section applies to all elections for the Council that made the regulation that occur more than 60 days after that regulation is made.

(4) Not fewer than 60 days before election day, the Returning Officer shall:

(a) establish procedures and forms for the conduct of voting by mail; and

(b) provide a copy of the procedures and forms to each Candidate for election.

(5) The procedures and forms established by the Returning Officer, if they are consistent with the principles established under this Act and the required form of documents established by the Minister, shall be considered to have been established under this Division.

Bylaws for Mail Ballots

66. Where, under section 65, a Community decides to conduct elections by mail, that Community shall make the necessary laws to enable it to carry out an election by mail.

PART 8

RESULTS

Account of ballots

67.(1) All ballots except those rejected shall be counted and an account shall be kept by voters roll, where appropriate, of the number of votes received by each Candidate.

(2) All the ballots shall be put into separate envelopes for each voters roll as follows:

(a) all the used ballots that have not been objected to and have been counted;

(b) all the used ballots that have been objected to in whole or in part and have been counted, in whole or in part, all rejected ballots and all ballots that are used but unmarked; and

(c) all the cancelled, declined and unused ballots.

(3) Each envelope shall be endorsed so as to indicate the voters roll to which it relates, its contents and the polling station to which it relates and shall be sealed by the Returning Officer or a Deputy Returning Officer.

Statement of poll

68. (1) The Returning Officer or Deputy Returning Officer shall make out a statement in duplicate with respect to each voters roll, where appropriate, as to the number of :

- (a) ballots received;
- (b) ballots cast;
- (c) ballots that have been objected to in whole or in part and have been counted in whole or in part;
- (d) used ballots that have not been objected to and have been counted;
- (e) ballots that have been rejected in whole or in part and have not been counted;
- (f) cancelled ballots, ballots used but not marked, declined ballots, ballots taken from the polling booth and unused ballots; and
- (g) votes received by each Candidate.

(2) The statement shall be signed by the Returning Officer, or the Deputy Returning Officer, and the Poll Clerk.

(3) One statement shall be attached to the poll book and the other, in the case of a Deputy Returning Officer, shall be delivered by him or her to the place designated by the Returning Officer.

Disposition of materials and delivery of ballot boxes

69. (1) In an election for AngajukKâk, the poll book, the list of voters, the envelopes containing the ballots, and all other materials related to the election, except for the Returning Officer statement referred to in subsection 68(3) shall then be placed in the ballot box.

(2) In an election for Councillor, the poll book, the applicable voters roll, the envelopes containing the ballots, and all other materials related to the election, except for the Returning Officer statement referred to in subsection 68(3) shall then be placed in the appropriate ballot box.

(3) The Returning Officer or Deputy Returning Officer shall, after the requirements of subsection (1) or (2) have been carried out, immediately seal the ballot box and in the case of a Deputy Returning Officer shall immediately deliver it and the statements referred to in subsection 68(3) to the place designated by the Returning Officer.

(4) Where a Deputy Returning Officer is unable to deliver a ballot box, another election official designated by the Deputy Returning Officer shall immediately deliver the ballot box and the statement to the place designated by the Returning Officer.

(5) The Returning Officer shall remain available on the evening of election day until all the ballot boxes and the statements referred to in subsection 68(3) have been returned.

Declaration of results

70. (1) After he or she has received the ballot boxes and statements of the number of votes cast at each polling booth, the Returning Officer shall:

(a) without opening the ballot boxes, add up from the statements he or she has received the number of votes received by each Candidate;

(b) not later than noon on the day following the election, publicly declare the results of the election; and

(c) not later than noon on the day following the election put up in some conspicuous place a statement signed by him or her showing the number of votes received by each Candidate.

(2) The Returning Officer may, after he or she has received statements from polling booths and before publicly declaring a Candidate elected, indicate to the public the number of votes received by each Candidate.

Retention of ballot boxes

71. (1) Unless it is otherwise ordered by a court or unless a recount is demanded, the ballot boxes shall remain sealed as received by the Returning Officer and shall be retained by him or her for a period of 30 days after the election and until the termination of any legal proceeding instituted to test the validity of the election taken within that period of time.

(2) When the time has elapsed under subsection (1), the ballot boxes shall be unsealed by the Returning Officer and the ballots and other associated material shall be destroyed as authorized in writing by the Minister.

Tie vote

72. (1) Where, upon the counting of the votes, 2 or more Candidates have an equal number of votes and both or all of those Candidates cannot be elected, the Returning Officer shall immediately, in the presence of the persons referred to in section 75(1) and in accordance with the procedures set out in section 62(2), recount all ballots pertaining to the tie and if following the recount 2 or more Candidates still have an equal number of votes and both or all of those Candidates cannot be elected, the Returning Officer shall immediately:

(a) write the names of those Candidates on separate, identical blank sheets of paper;

(b) fold the sheets of paper in an identical manner so that the names are concealed;

(c) deposit them in a receptacle and withdraw the number of the sheets necessary to elect the Candidates required to be elected; and

(d) declare the Candidate whose name appears on the sheet withdrawn, to be elected.

(2) After the conclusion of a recount of the ballots, the ballots and other election material shall be returned to and resealed in the appropriate ballot boxes.

Report

73. Within 7 days after an election is held under this Act the Returning Officer shall forward a report on the election to the Minister.

PART 9**RECOUNT****Recount**

74. (1) Where, in an election for AngajukKâk, the difference between the number of votes received by the first and second place Candidates is 10 votes or fewer, the second place Candidate may request that the Returning Officer conduct a recount of the ballots cast in the election.

(2) Where, in an election for Councillors at large, the difference between the number of votes received by the Candidate elected with the lowest number of votes and the Candidate defeated with the highest number of votes is 10 votes or fewer, the defeated Candidate may request that the Returning Officer conduct a recount of the ballots cast in the election.

(3) A request for a recount under subsection (1) or (2) shall be filed with the Returning Officer, in writing, not more than 3 days after the date of the election and the Returning Officer shall commence the requested recount not more than 3 days after receiving that request.

(4) Where a recount is requested under this section with respect to votes cast for the category of Councillor on only one voters roll, the recount conducted by the Returning Officer shall be with respect to votes cast in that requested category only.

(5) The Returning Officer and officials that he or she may appoint shall conduct a recount held under this section.

(6) After the conclusion of a recount of the ballots, the ballots and other election material shall be returned to and resealed in the appropriate ballot boxes.

(7) The Returning Officer shall notify those Candidates in the election who are affected by the recount of the time and place of the recount.

Recount requirements

75. (1) The Returning Officer, and officials he or she appoints to assist with the recount and each Candidate affected by the recount or his or her Agent, or at least 3 voters, shall be present at the recount.

(2) At the time and place appointed, the Returning Officer shall conduct or oversee a recount of the ballots cast in the election and shall decide upon the validity of questioned ballots.

(3) The decision of the Returning Officer on a recount under subsection (2) is final and not subject to appeal or review.

Declaration of result

76. (1) Following a recount under section 75, the Returning Officer shall declare to be elected the Candidate having the largest number of votes, together with, in the case where more than one Candidate is entitled to be elected, the Candidates up to the remaining number entitled to election standing next in order on the basis of number of votes received.

(2) Except in circumstances referred to in subsection (3), in the event of a tie following a recount under section 75 the election of a Candidate shall be carried out by the Returning Officer in the same manner as provided in section 72 and the declaration by the Returning Officer of the Candidate or Candidates so elected is final and not subject to appeal or review.

(3) Where a tie vote has been decided in the manner described in section 72 and the same tie recurs following a recount under section 75, the person who was declared to be elected under clause 72(1)(d) shall be declared to be elected.

PART 10

FINANCES

Election expenses

77. The cost of the holding of elections including the cost of a recount under section 75 shall be paid out of the funds of the Community.

Community may Regulate Election Financing

78. (1) An Inuit Community Government may enact laws establishing limits upon campaign contributions to, and campaign expenditures by, all Candidates.

(2) A law under subsection (1) shall establish procedures, time frames and forms for the reporting of campaign contributions and campaign expenses by all Candidates.

(3) Where a Community has not made a law under subsection (1):

(a) a Candidate elected in an election shall, not more than 90 days after the election, file with the Returning Officer a statement in the required form and made under oath or affirmation stating the total amount of the contributions received by him or her and the amount of the contributions donated to his or her campaign by contributors that exceed \$100 and the contributors of those amounts; and

(b) a Candidate elected in an election who did not receive any one contribution in an amount exceeding \$100 shall, not more than 90 days after the election, file with the Returning Officer a statement under oath or affirmation stating the total amount of the contributions received by him or her and that he or she did not receive any one contribution in an amount that exceeded \$100.

Campaign contributions

79.(1) Contributions to Candidates shall be made only by natural persons individually, or by corporations or trade unions individually.

(2) Only a Candidate or his or her Agent may solicit, collect or accept contributions.

(3) A contribution to a Candidate that is made by a person in a calendar year, the total value of which does not exceed either \$100 or, where a Community has made a law under subsection 78(1), the amount prescribed by regulation, is not a contribution for purposes of this section.

(4) A contribution given to a Candidate in an amount exceeding the amount prescribed in a law under subsection 78(1) or, where there is no regulation, \$100, shall be made only:

(a) by a cheque that has the name of the contributor printed legibly on it and that is signed by the contributor and drawn on an account in the contributor's name;

(b) by a money order that identifies the name of the contributor;
or

(c) in the case of a contribution by an individual by the use of a credit card, if that credit card has the name of the individual contributor imprinted or embossed on that card,

and that contribution shall not be accepted unless the contribution is made in accordance with this subsection.

(5) Notwithstanding subsection (4), where money in an amount exceeding the amount prescribed by law under subsection 78(1) or, where there is no regulation, \$100, is anonymously contributed to a Candidate, that money shall not be utilized by the Candidate in the election but shall be paid to the Council and used to offset the costs of the election.

(6) For purposes of this section and section 78, a "contribution" means a contribution of money.

Records

80. A statement filed under a law made under subsection 78(1) or, where there is no law, under paragraph 78(3)(a) or (b) shall be considered to be an official record of the Community and, upon request, shall be made available for inspection by members of the public.

PART 11 DISPUTED ELECTIONS AND ELECTION OFFENCES

Provincial Act Adopted

81. Part IX of the *Municipal Elections Act* of Newfoundland and Labrador applies, with all necessary changes in points of detail, to elections under this Act as fully as if it were set out in this Act and made a part of it.

PART 12 MISCELLANEOUS

Nunatsiavut Elections Act and Regulations Repealed

82. The *Nunatsiavut Elections Act 2006-01* and the *Inuit Community Government Elected Officials Oaths of Office Regulations, 2006*, are repealed.