

Chapter 18

AN ACT TO AMEND THE NUNAVUT ELECTIONS ACT AND THE PLEBISCITES ACT (Assented to November 5, 2015)

The Commissioner of Nunavut, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. (1) The *Nunavut Elections Act* is amended by this section.

(2) Section 11 is amended by:

(a) repealing paragraph (2)(e) and substituting the following:

(e) is employed in the public service and is not on leave under section 33 of the *Public Service Act*; or

(b) repealing paragraphs (2.1)(a) and (b) and substituting the following:

(a) the person was a candidate or financial agent in a previous election or an authorized representative or financial agent for a registered group in a plebiscite;

(b) the financial return required to be prepared or sent by the person for that election or plebiscite was not prepared, sent to and received by the Chief Electoral Officer in accordance with this Act or the *Plebiscites Act*, as it read at that time; and

(c) repealing paragraph (2.2)(a) and substituting the following:

(a) the person signed a compliance agreement in respect of a previous election or plebiscite;

(3) Paragraph 36(2)(a) is repealed and the following substituted:

(a) specify the election day and the day for the return of the writ;

(4) Subsection 72(2) is repealed and the following substituted:

Eligibility to act as financial agent

(2) The following persons are not eligible to act as financial agents:

- (a) a candidate;
- (b) an individual not resident in Nunavut;
- (c) a corporation, unless it is authorized to carry on the business of accounting in Nunavut;

- (d) an election officer or plebiscite officer appointed for the purposes of this Act or the *Plebiscites Act*, other than a registration clerk;
- (e) a person who had been convicted, within the previous five years, of an offence in relation to an election, a plebiscite or a referendum in Nunavut, or elsewhere in Canada;
- (f) a person described in subsection 11(2.1) or (2.2); or
- (g) a person employed in the public service who has not complied with the requirements for giving notice, obtaining approval or taking leave under sections 31, 33 or 34 of the *Public Service Act*.

(5) Paragraph 144(3)(a) is repealed and the following substituted:

- (a) proceed with the recounts in the most expeditious order; and

(6) Subsection 182(1) is repealed and the following substituted:

Publication of notice – financial returns

182. (1) The Chief Electoral Officer shall, after receiving financial returns filed in an election, cause a notice to be published in a newspaper of general circulation in Nunavut, or circulating in the constituency where the election was held, advising the public on how to obtain a copy of the financial returns.

(7) The following is added after subsection 188(2):

Continuation after expiry

(2.1) The Chief Electoral Officer continues to hold office after the expiry of his or her term until reappointed, or until a successor is appointed.

(8) The following is added after subsection 194(1):

Appointments to indeterminate positions

(1.1) Appointments to indeterminate positions under this section must be made following a competition, unless the Management and Services Board allows otherwise.

(9) Subsection 217(1) is repealed and the following substituted:

General regulation-making power

217. (1) The Management and Services Board may make such regulations as it considers advisable governing elections and for carrying out the purposes, principles and provisions of this Act.

Examples of regulation-making power

(1.1) Without restricting the generality of subsection (1), examples of the regulations that the Management and Services Board may make include regulations respecting

- (a) any matter that under this Act is to be done in accordance with or as provided by the regulations;
- (b) any matter that shall or may be prescribed by or done subject to the regulations;
- (c) the form and content of documents or records required or desirable for the purposes of this Act, including electronic documents and electronic signatures; and
- (d) any matter governing elections that is not expressly provided for by this Act.

(10) Section 246 is amended by:

- (a) repealing subsection (2); and**
- (b) striking "to vote or refrain" wherever it appears and substituting "to vote for or against a candidate or to refrain".**

(11) Paragraph 247(1)(a) is amended by striking "to vote or refrain" and substituting "to vote for or against a candidate or to refrain".

(12) Section 255 is repealed.

2. (1) The *Plebiscites Act* is amended by this section.

(2) Paragraph 24(2)(e) is repealed.

(3) Subsection 27(2) is amended by:

- (a) repealing paragraph (a) and substituting the following:**
 - (a) an individual who is not qualified to be a voter under paragraphs 20(1)(a) to (c), or who is not entitled to vote under subsection 20(2);
- (b) repealing paragraph (d) and substituting the following:**
 - (d) a plebiscite officer or election officer appointed for the purposes of this Act or the *Nunavut Elections Act*, other than a registration clerk;
- (c) repealing paragraph (e).**

(4) The following is added after subsection 65(2):

Plebiscite area comparable to one or more constituencies

(3) After consultation with the plebiscite authority, the Chief Electoral Officer may make any of the additional voting methods available under subsection (2) available to voters in any plebiscite if all the voters of at least one constituency reside in the plebiscite area.

(5) Subsection 155(1) is repealed and the following substituted:

Publication of notice – financial returns

155. (1) The Chief Electoral Officer shall, after receiving financial returns filed in a plebiscite, cause a notice to be published in a newspaper of general circulation in Nunavut, or circulating in the plebiscite area where the plebiscite was held, advising the public on how to obtain a copy of the financial returns.

(6) Paragraph 158(1) is amended by:

- (a) **adding "plebiscite authorities," after "for" in paragraph (c);**
and
- (b) **repealing paragraph (f) and substituting:**
- (f) issue instructions or directions to plebiscite authorities, registered groups, authorized representatives, financial agents, plebiscite officers, and persons who are campaigning;

(7) The following is added after subsection 162(1):

Appointments to indeterminate positions

(1.1) Appointments to indeterminate positions under this section must be made following a competition, unless the Management and Services Board allows otherwise.

(8) Subsection 185(1) is repealed and the following substituted:

General regulation-making power

185. (1) The Management and Services Board may make such regulations as it considers advisable governing plebiscites and for carrying out the purposes, principles and provisions of this Act.

Examples of regulation-making power

(1.1) Without restricting the generality of subsection (1), examples of the regulations that the Management and Services Board may make include regulations respecting

- (a) any matter that under this Act is to be done in accordance with or as provided by the regulations;

- (b) any matter that shall or may be prescribed by or done subject to the regulations;
- (c) the form and content of documents or records required or desirable for the purposes of this Act, including electronic documents and electronic signatures; and
- (d) any matter governing plebiscites that is not expressly provided for by this Act.

(9) Section 213 is amended by striking "to vote or refrain" wherever it appears and substituting "to vote for or against a question or to refrain".

(10) Paragraph 214(1)(a) is amended by striking "to vote or refrain" and substituting "to vote for or against a question or to refrain".

(11) Section 225 is repealed.