

## Chapter 23

### AN ACT TO AMEND THE NUNAVUT ELECTIONS ACT AND THE PLEBISCITES ACT

(Assented to November 9, 2023)

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

#### PART 1 NUNAVUT ELECTIONS ACT

1. This Part amends the *Nunavut Elections Act*.

2. (1) Subsections 4(3) and (4) are repealed and replaced by:

Absence for temporary purpose

(3) A person does not lose residence in the place of the person's home or dwelling by leaving it

- (a) for a temporary purpose, including
  - (i) the pursuit of education at an educational institution, whether inside or outside Nunavut; or
  - (ii) temporary employment at a place, whether inside or outside Nunavut; or
- (b) for the purpose of being admitted into or treated at a medical or other care facility, whether inside or outside Nunavut.

Limit on absence for temporary purpose

(4) A person who leaves their home or dwelling for more than 10 months is considered to have lost residence in that place, except in the case of

- (a) a full-time student who is attending an educational institution and working toward a degree, diploma or certificate; or
- (b) a person who is admitted into or treated at a medical or other care facility.

(2) Subsection 4(8) is amended as follows:

Prisoners

(8) Despite subsections (3), (4) and (5), a person who is confined to a penal or correctional institution, whether inside or outside Nunavut, shall select one of the following places of residence:

**3. Subsection 11(1.1) is amended as follows:**

Eligibility of non-resident candidates

(1.1) Despite being prohibited from voting in a constituency pursuant to subsection 4(11) or 9(2), a person who does not reside in the constituency is eligible to be a candidate in the constituency if, on election day, the person otherwise meets the requirements of section 7 and subsections (2) to (4).

**4. Subsection 35(1) is repealed and replaced by:**

Furnishing a polling station

35. (1) Every polling station must be furnished in accordance with the directions of the Chief Electoral Officer.

**5. (1) Subsection 66(1) is renumbered as section 66.**

**(2) Subsection 66(2) is repealed.**

**6. Subsection 70(2) is amended as follows:**

Filing period

(2) The declaration of candidacy must be filed at the office of the returning officer or any other place designated by the Chief Electoral Officer any time between the day the writ is issued and 2:00 p.m. on the 31<sup>st</sup> day before election day.

**7. (1) Subsections 97(1) and (3) are repealed.**

**(2) Subsection 97(2) is renumbered as section 97.**

**8. (1) Subsection 98(1) is repealed.**

**(2) Subsection 98(2) is renumbered as section 98 and amended as follows:**

Information to candidates

(2) The returning officer shall, on the 3<sup>rd</sup> day before election day, notify the candidates of the names of the voters ~~referred to in subsection (1)~~ in the advance vote, in the office of the returning officer or at the mobile poll.

**9. (1) Subsection 99(2) is amended as follows:**

Application

(2) Applications for special ballots ~~shall be made available~~ must be accepted after the writ is issued and ~~continuing until before~~ 5 p.m. Central Time on the 7<sup>th</sup> day before election day, from at the Office of the Chief Electoral Officer and in any other office in Nunavut or outside of Nunavut that the Chief Electoral Officer may designate.

**(2) The following is added after subsection 99(2):**

Early receipt

(2.1) If an application for a special ballot is received before the writ is issued, it must be accepted and processed after the writ is issued.

**10. Paragraph 120(2)(d) is repealed and replaced by:**

- (d) the returning officer or deputy returning officer who receives a voter's vote must
  - (i) mark the voter's choice of candidate on a special ballot and place it in the secrecy envelope on the voter's behalf, and
  - (ii) put the secrecy envelope in the ballot box used for ballots of voters who vote in the office of the returning officer.

**11. The English versions of the following provisions are amended by replacing "directives" with "directions":**

- (a) subsection 32(3);
- (b) subsection 33(3);
- (c) subsection 107(2);
- (d) paragraph 272(2)(b).

**PART 2  
PLEBISCITES ACT**

**12. This Part amends the *Plebiscites Act*.**

**13. (1) Subsections 4(3) and (4) are repealed and replaced by:**

Absence for temporary purpose

(3) A person does not lose residence in the place of the person's home or dwelling by leaving it

- (a) for a temporary purpose, including
  - (i) the pursuit of education at an educational institution, whether inside or outside Nunavut; or
  - (ii) temporary employment at a place, whether inside or outside Nunavut; or
- (b) for the purpose of being admitted into or treated at a medical or other care facility, whether inside or outside Nunavut.

Limit on absence for temporary purpose

(4) A person who leaves his or her home or dwelling for more than 10 months is considered to have lost residence in that place, except in the case of

- (a) a full-time student who is attending an educational institution and working toward a degree, diploma or certificate; or

- (b) a person who is admitted into or treated at a medical or other care facility.

**(2) Subsection 4(8) is amended as follows:**

Prisoners

(8) Despite subsections (3), (4) and (5), a person who is confined to a penal or correctional institution, whether inside or outside Nunavut, shall select one of the following places of residence:

**14. Subsection 31(8) is repealed and replaced by:**

Furnishing a polling station

(8) Every polling station must be furnished in accordance with the directions of the Chief Electoral Officer.

**15. (1) Subsections 65(1) and (2) are repealed and replaced by:**

Methods of voting

**65.** (1) A voter may, where allowed under this Act, vote at a plebiscite using one of the following methods:

- (a) voting in person at a polling station on plebiscite day;
- (b) voting in person at a polling station at an advance vote;
- (c) voting in person at a mobile poll;
- (d) voting by sending a special ballot;
- (e) voting by an emergency method.

Additional method

(2) In a Nunavut-wide plebiscite, a voter may also, where allowed under this Act, vote in person in the office of the returning officer.

**16. (1) Subsections 73(1) and (2) are amended as follows:**

Exercise of right to vote

73. (1) ~~In a Nunavut-wide plebiscite, every~~ Every voter who has reason to believe that ~~he or she~~ they will be unable to vote at ~~his or her~~ their polling station on plebiscite day has the right to vote by means of a special ballot issued in accordance with this Act

Applications

(2) Applications for special ballots ~~shall be made available,~~ must be accepted after the writ is issued and before 5 p.m. Central Time on the 7<sup>th</sup> day before the plebiscite day, ~~from~~ at the Office of the Chief Electoral Officer and in any other office in Nunavut or outside Nunavut that the Chief Electoral Officer may designate.

**(2) The following is added after subsection 73(2):**

Early receipt

(2.1) If an application for a special ballot is received before the writ is issued, it must be accepted and processed after the writ is issued.

**17. The portion of subsection 93(1) that precedes paragraph (a) is amended as follows:**

Voting by telecommunications device

93. (1) ~~In a Nunavut-wide plebiscite, a~~ A voter who has the right to vote may vote by means of a telecommunications device, including a radio, telephone or Internet telephony device, if the voter

**18. Paragraph 93(2)(d) is repealed and replaced by:**

- (d) the returning officer or deputy returning officer who receives a voter's vote must
  - (i) mark the voter's choice on a special ballot and place it in the secrecy envelope on the voter's behalf, and
  - (ii) place the secrecy envelope in the ballot box referred to in subsection 102(3).

**19. Subsection 102(3) is repealed and replaced by:**

Handling ballots by returning officer

(3) The returning officer must open the certification envelopes and put the secrecy envelopes

- (a) in a Nunavut-wide plebiscite, in the ballot box used for ballots of voters who vote in the office of the returning officer; or
- (b) otherwise, in the ballot box used for special ballots.

Securing ballot box and recording ballots

(3.1) Paragraphs 92(5)(b) to (d) apply with the necessary modifications to the ballot box referred to in paragraph (3)(b) and the ballots it contains.

**20. (1) The following provisions are amended by deleting "In a Nunavut-wide plebiscite, " and capitalizing the immediately following word:**

- (a) **section 100;**
- (b) **subsections 103(1) and (2);**
- (c) **subsection 109(1).**

**(2) The following provisions are amended by deleting "in a Nunavut-wide plebiscite":**

- (a) **subsection 101(1);**
- (b) **subsection 102(1).**

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