

## Chapter 6

### AN ACT TO AMEND THE NUNAVUT ELECTIONS ACT

(Assented to March 19, 2013)

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

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

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

(a) **the following definitions are added in alphabetical order:**

"campaign" means to make public statements or issue campaign material promoting or opposing a candidate in an election; (*faire campagne*)

"polling place" means any place for voting under this Act, including a central polling place, a polling station, a mobile poll and the office of the returning officer when used for voting; (*lieu de scrutin*)

(b) **the definition "election expense" is repealed and the following substituted:**

"election expense" means any amount paid or liability incurred during an election period to campaign in an election, including

- (a) any contribution of services or goods, and
- (b) the costs of any staff working for a candidate, including a financial agent and any campaign manager; (*dépense électorale*)

3. **The following is added after section 13:**

#### Campaigning in Election

Prohibited campaigning

**13.1** (1) Subject to subsection (2), the following persons or entities shall not campaign in an election:

- (a) any individual who is not resident in Nunavut;
- (b) any corporation or other entity that
  - (i) is not incorporated, established or continued by or under the laws of Nunavut, and
  - (ii) does not carry on business in Nunavut in compliance with any registration or licensing requirements applicable to it under the laws of Nunavut.

### Exceptions

(2) Subsection (1) does not prohibit a person or entity from merely declaring support for a candidate, making general statements on an issue of public policy or personally displaying campaign material, if done in good faith and not for any purpose related to the manipulation or oppression of a voter or to circumvent the provisions of this Act respecting contributions and election expenses.

### No interference at work

(3) No person shall, at his or her place of work, influence or induce an employee, worker or person under his or her supervision or control to campaign in an election, unless campaigning is within the duties of that employee, worker or person.

### Prohibition

(4) No election officer or member of the staff of Elections Nunavut shall campaign in an election.

**4. Subsection 46(1) is amended by striking out "or groups of voters".**

**5. Subsection 51(1) is amended by adding "or" between "directly" and "personally".**

**6. Subsection 68(1) is repealed and the following substituted:**

### Restricted use of voters lists

**68.** (1) No person shall copy or use a voters list prepared under this Act for any purpose other than an election or plebiscite under this Act, the *Plebiscites Act* or another enactment, or an election or referendum under the *Canada Elections Act* or the *Referendum Act* (Canada).

**7. Section 82 and the heading immediately preceding it are repealed and the following substituted:**

### Election Officers at Polling Places

#### Election officers at a polling station

**82.** (1) Each polling station must be staffed by a deputy returning officer, a poll clerk and a registration clerk.

#### Other election officers

(2) The Chief Electoral Officer and returning officer may assign such other election officers to staff a polling place as he or she considers necessary or appropriate.

**8. The English version of section 85 is amended by**  
**(a) adding "and" after paragraph (c); and**  
**(b) striking out ";" after subparagraph (d)(i) and substituting ",".**

**9. Subsections 91(3) and (4) are repealed and the following substituted:**

Procedure where voter contravenes secrecy

(3) A deputy returning officer shall inform any voter who contravenes subsection (2) that the contravention is an offence under this Act and that the voter may be liable to a penalty, but shall allow the voter to vote in the usual way.

No campaign material at polling place

(4) No person shall use, wear or display or cause to be used, worn or displayed any flag, ribbon, label, badge or similar object as campaign material in a polling place, except as authorized by the Chief Electoral Officer.

**10. Subsection 112(2) is repealed and the following substituted:**

Marking a ballot

(2) The proper way to mark a ballot is to make a cross, checkmark or other mark clearly indicating the voter's intention only within the circular space on the ballot adjacent to the candidate's name, using the pencil provided or any other pen or pencil.

**11. (1) Subsection 131(2) is repealed and the following substituted:**

Who may be present when counting the votes

(2) No person may be present in the room where the votes are to be counted other than the following:

- (a) election officers and counsel for Elections Nunavut;
- (b) any observer with written authorization from the Chief Electoral Officer;
- (c) a candidate in the election for which the votes are being counted, or a representative of that candidate;
- (d) any peace officer referred to in subsection 116(3);
- (e) any two voters selected under subsection (3).

**(2) Subsection 131(3) is repealed and the following substituted:**

Procedure for counting the votes

(3) The deputy returning officer shall, in the presence of the candidates or their representatives or, should none of the candidates or their representatives be present, in the presence of at least two voters selected by the deputy returning officer, make the count in accordance with the regulations.

**(3) Paragraphs 131(5)(d) and (e) are repealed and the following substituted:**

- (e) not marked in accordance with subsection 112(2); or

**(4) The following is added after subsection 131(7):**

#### Guidelines

(8) The Chief Electoral Officer may issue guidelines for rejecting ballots and on what marks are acceptable or might identify the voter on ballots for the purposes of this Act.

**12. The English version of paragraph 136(2)(c) is amended by adding "was" before "marked".**

**13. Subsection 168(3) is repealed and the following substituted:**

#### Prohibited contributions

(3) No person or entity that is prohibited from campaigning under subsections 13.1(1) and (4) shall make a contribution to a candidate.

**14. Section 173 is repealed and the following substituted:**

#### Prohibited contribution

**173.** No financial agent shall knowingly accept a contribution from a person or entity not authorized under subsection 168(3).

**15. Subsection 175(1) is amended by striking out "promotes the election of a candidate or opposes the election of another candidate" and substituting "campaigns".**

**16. Section 186 is repealed and the following substituted:**

#### Identification when campaigning

**186.** (1) Every candidate or other person who campaigns shall, in accordance with instructions issued under subsection (4), ensure that all his, her or its campaign material includes

- (a) the name of the candidate or other person campaigning; and
- (b) the name and a valid telephone number or email address of an individual who is responsible for the content of the campaign material, which in the case of a candidate is his or her financial agent.

#### Clarity of information

(2) The information required under subsection (1) must be communicated in a way that is as easy to read, hear or see as the majority of the substance of the message being communicated by the campaign material.

#### Minors

(3) If the person campaigning is a minor, the person referred to under paragraph (1)(b) must be an adult who is responsible for the minor.

#### Instructions of Chief Electoral Officer

(4) The Chief Electoral Officer may issue instructions respecting the communication and inclusion of the information required by this section.

**17. Section 187 is renumbered as 187(1) and the following is added immediately after:**

Identity of campaigner

(2) No broadcaster who operates a community or educational broadcasting service shall broadcast any campaign material that does not comply with section 186.

**18. Paragraph 189(1)(f) is repealed and the following substituted:**

- (f) issue instructions or directions to election officers, candidates, financial agents and persons who are campaigning;

**19. Paragraph 218(c) is repealed and the following substituted:**

- (c) any instructions or directions given by the Chief Electoral Officer under this Act; and

**20. (1) Subsection 246(5) is amended by striking out "promoting the election of a candidate" and substituting "campaigning in an election".**

**(2) Paragraph 246(6)(a) is amended by striking out "promoting the election of a candidate" and substituting "campaigning in an election".**

**21. Subsection 249(1) is repealed and the following substituted:**

Restricted use of voters lists

**249.** (1) Any person who copies or uses a voters list prepared under this Act for any purpose other than one allowed under subsection 68(1) is guilty of an offence.

**22. Subsection 252(2) is repealed and the following substituted:**

No campaign material in polling place

(2) Any person who uses, wears or displays or causes to be used, worn or displayed any flag, ribbon, label, badge or similar object in a polling place as campaign material is guilty of an offence.

**23. Subsection 255(1) is repealed and the following substituted:**

Broadcasts on election day or day before

**255.** (1) Any person who broadcasts a speech or any entertainment or advertising program on election day or on the day immediately before election day, as campaign material, is guilty of an offence.

**24. (1) Subsection 267(1) is repealed and the following substituted:**

Illegal contributions

**267.** (1) Any person who makes a contribution contrary to section 168 is guilty of an offence.

**(2) The following is added after paragraph 267(3)(a):**

(a.1) accepts a contribution contrary to section 168, 171 or 173;

**25. Each provision listed in Column 1 of the Schedule of this Act is amended by striking out the words set out in the same row of Column 2 and substituting the word or words set out in the same row of Column 3.**

**SCHEDULE**

<b>COLUMN 1 Provisions Amended</b>	<b>COLUMN 2 Word or Words Struck Out</b>	<b>COLUMN 3 Word or Words Substituted</b>
<ul style="list-style-type: none"> <li>• subsection 10(6)</li> <li>• paragraph 91(2)(a)</li> </ul>	"the polling station"	"a polling place"
<ul style="list-style-type: none"> <li>• subsection 91(1)</li> <li>• subsection 117(1)</li> <li>• subsection 117(2)</li> <li>• subsection 246(4)</li> <li>• subsection 252(1)</li> <li>• subsection 254.1(1)</li> <li>• subsection 254.1(2)</li> </ul>	"polling station"	"polling place"
<ul style="list-style-type: none"> <li>• subsection 35(2)</li> </ul>	"central polling place"	"polling place"
<ul style="list-style-type: none"> <li>• paragraph 65(1)(a)</li> </ul>	"central polling place, a polling station or other place for voting "	"polling place"
<ul style="list-style-type: none"> <li>• paragraph 89(1)(a)</li> </ul>	"the polling stations and at central polling places"	"polling places"
<ul style="list-style-type: none"> <li>• subsection 116(2)</li> </ul>	"polling station or central polling place"	"polling place"
<ul style="list-style-type: none"> <li>• paragraph 245(f)</li> </ul>	"the polling station or other polling place"	"a polling place"