LIQUOR ACT
R-029-2007
Registered with the Registrar of Regulations
2007-11-08

KIMMIRUT LIQUOR PLEBISCITE REGULATIONS

Whereas the Minister has ordered, under sections 41 and 42 of the *Liquor Act,* that a plebiscite be held on December 10, 2007, and an advance poll on November 26, 2007, to determine the opinion of the qualified voters of Kimmirut with respect to the question asked on the ballot under these regulations;

The Commissioner of Nunavut, on the recommendation of the Minister, under section 54 of the *Liquor Act* and every enabling power, makes the annexed *Kimmirut Liquor Plebiscite Regulations.*

1.   In these regulations,

"community" means all that portion of Nunavut that lies within a radius of 25 kilometres from the Kimmirut Hamlet Office; (*collectivité***)**

"returning officer" means the returning officer appointed by the Minister under paragraph 42(1)(a) of the *Liquor Act*. (*directeur du scrutin***)**

2.   A plebiscite shall be held in the community to determine the opinion of the qualified voters of the community with respect to the question asked on the ballot.

3.   The explanation of the question on the ballot for the plebiscite is as follows:

EXPLANATION OF QUESTION

If 60% or more of the votes cast under the Question are "YES":

1.   The current system of liquor prohibition in Kimmirut will be abolished, and the *Lake Harbour Liquor Prohibition Regulations*, R.R.N.W.T. 1990, c.L-33, will be repealed.

2.   The Kimmirut Alcohol Education Committee will be established by regulation under paragraph 48(2)(d) of the *Liquor Act*.

3.   A person will have to obtain the approval of the Kimmirut Alcohol Education Committee before consuming, possessing, purchasing or transporting liquor in the community or bringing liquor into the community.

4.   The Kimmirut Alcohol Education Committee will have the power to decide the amount of liquor a person may possess or purchase in the community and the amount of liquor a person may bring into the community.

5.   The Kimmirut Alcohol Education Committee will have the power to refuse an application to consume, possess, purchase or transport liquor in the community and the power to refuse an application to bring liquor into the community.

If less than 60% of the votes cast under the Question are "YES":

1.   The current system of liquor prohibition in Kimmirut will continue.
4.   The form of the ballot for the plebiscite is as follows:

QUESTION

Are you in favour of ending the current system of liquor prohibition in Kimmirut and establishing an Alcohol Education Committee? The Kimmirut Alcohol Education Committee would decide
- (a) who may consume, possess, purchase or transport liquor in Kimmirut;
- (b) who may import liquor into Kimmirut; and
- (c) the amount of liquor that a person may consume, possess, purchase or transport in or import into Kimmirut.

☐ YES   ☐ NO

5.   The returning officer shall appoint a deputy returning officer and poll clerk for the plebiscite.

6.   The returning officer shall prepare a list of qualified voters eligible to vote at the plebiscite.

7.   The returning officer shall
- **(a)   notify the qualified voters of the community of the purpose of the plebiscite, and the location, date and time of the ordinary poll and the advance poll; and**
- **(b)   provide a poll for the purpose of receiving the votes of the qualified voters.**

8.   The returning officer shall arrange for the translation of the ballot set out in section 4 and the Explanation of Question set out in section 3 into the Inuit Language and shall arrange for persons fluent in the language of the community to be present at each poll to assist any qualified voters who require assistance.

9.   (1) The polling station for the advance poll must be
- **(a)   located at the Hamlet Office in Kimmirut; and**
- **(b)   kept open between the hours of 10 a.m. and 7 p.m. on November 26, 2007.**

(2) Any qualified voter may vote at the advance poll.

10.   (1) The deputy returning officer shall take all reasonable measures to ensure that persons who vote at the advance poll do not vote again at the ordinary poll.

(2) No person who votes at the advance poll shall vote again at the ordinary poll.

11.   After the close of the advance poll, the deputy returning officer appointed for the advance poll shall
- **(a)   advise the returning officer of the names of the persons who voted at the advance poll; and**
- **(b)   seal the ballot box and ensure that it is kept in a place of secure custody until the closing of the ordinary poll.**

12.   The polling station for the ordinary poll must be
- **(a)   located at the Hamlet Office in Kimmirut; and**
- **(b)   kept open between the hours of 10 a.m. and 7 p.m. on December 10, 2007.**

13.   (1) Immediately after the close of the ordinary poll, the deputy returning officer shall count the ballots from the advance and ordinary polls and give to the returning officer the ballots and the results of the count.

(2) On receipt of the ballots and the results of the count, the returning officer shall announce the results of the plebiscite.

(3) Within two days after the close of the ordinary poll, the returning officer shall
- **(a)   prepare a report of the results of the plebiscite attested to by the signatures of the deputy returning officer, the poll clerk and two witnesses;**
- **(b)   place the report and ballots in an envelope and seal the envelope; and**

(c)   **send the sealed envelope by registered mail to the Minister or the Minister's delegate, as directed by the Minister.**

14.   **(1) Except as otherwise provided in these regulations, the provisions of the *Local Authorities Elections Act* respecting elections apply to the plebiscite with such modifications as the circumstances require.**

    (2) The returning officer may waive any provision of the *Local Authorities Elections Act* that cannot be complied with because there is insufficient time for compliance.

15.   **These regulations apply according to their terms before they are published in the *Nunavut Gazette*.**