



## ELECTION REGULATIONS

(Pursuant to Article 6.01.2  
of the By-Laws of  
Qikiqtani Inuit Association)

Approved by the Board of Directors and in force as of June 5, 2014  
RSB-14-06-28

"This document is an unofficial summary of certain relevant parts of the Election Regulations for candidates. The CRO has copies of the full Election Regulations available upon request. Any issue arising from the use of this document will be resolved by the CRO in their authority under the Election Regulations."

## Table of Contents

<b>Section 1</b>	Application	<b>1</b>
<b>Section 2</b>	Election Day	<b>1</b>
<b>Section 3</b>	Eligibility of Voters and Candidates	<b>1</b>
<b>Section 4</b>	Determining Residence	<b>2</b>
<b>Section 5</b>	Nomination of Candidates	<b>3</b>
<b>Section 6</b>	Return by Acclamation	<b>4</b>
<b>Section 7</b>	Electoral Communities and Polling Stations	<b>4</b>
<b>Section 8</b>	Election Officers	<b>5</b>
	<b>8.1</b> Chief Returning Officer	<b>5</b>
	<b>8.2</b> Returning Officers	<b>6</b>
	<b>8.3</b> Election/Polling Clerks	<b>6</b>
<b>Section 9</b>	Official Voters Lists	<b>6</b>
<b>Section 10</b>	Pre-Election Procedures	<b>7</b>
	<b>10.1</b> Call for Nominations	<b>7</b>
	<b>10.2</b> Notice of Election	<b>8</b>
	<b>10.3</b> Ballots	<b>8</b>
	<b>10.4</b> Distribution of Election Materials	<b>8</b>
	<b>10.5</b> Polling Stations	<b>9</b>
	<b>10.6</b> Mobile Polls	<b>9</b>
	<b>10.7</b> Advance Polls	<b>9</b>
<b>Section 11</b>	Election Day Procedures	<b>11</b>
	<b>11.1</b> Polling Stations	<b>11</b>
	<b>11.2</b> Duties of Returning Officers on Voting Day	<b>12</b>
	<b>11.3</b> Voting	<b>12</b>
	<b>11.4</b> Secrecy of the Vote	<b>13</b>
	<b>11.5</b> Manner of Voting	<b>13</b>
	<b>11.6</b> Proxy Voting	<b>14</b>
	<b>11.7</b> Campaigning on Voting Day	<b>15</b>
<b>Section 12</b>	Counting and Reporting the Votes	<b>15</b>
<b>Section 13</b>	Situations Requiring Recount	<b>18</b>
<b>Section 14</b>	Official Count and Announcement of Results	<b>18</b>
<b>Section 15</b>	Assumption of Office	<b>18</b>
<b>Section 16</b>	Offences and Punishment	<b>19</b>
<b>Section 17</b>	Other Offences and Punishment	<b>21</b>

## **Section 1 Application**

The Regulations outlined in this document applies to the election of the Officers (President, Vice President and, Secretary-Treasurer) and the Community Directors (13) of the Qikiqtani Inuit Association (QIA).

## **Section 2 Election Day**

- 2.1** The day fixed for holding the election shall be the second Monday in December of any election year. The Board of Directors shall fix the day on which a by-election may be held.
- 2.2** On Election Day, the polls shall open at 10 a.m. local time, and kept open until 7 p.m., local time, the same day.
- 2.3** At the discretion of the Chief Returning Officer, Voting Day may be extended or changed in any electoral community on account of weather conditions or another extraordinary circumstance.
- 2.4** The call for election shall be done by “Notice of Election”; the notice must be posted and announced at least sixty (60) days before Election Day.
- 2.5** Elections may be conducted separately on their own behalf; or, jointly with a local authority; or jointly with NTI, whereby both parties have agreed on sharing the cost of setting up a polling station and, the appointment of an election officer by one party, may act on behalf of the other.

## **Section 3 Eligibility of Voters and Candidates**

- 3.1** A person is eligible to vote at an election if the person is a “Member” as defined under the By-laws of Qikiqtani Inuit Association and has attained the age of 16 years.
- 3.2 (1)** A Member of Qikiqtani Inuit Association is eligible to be nominated and stand as a candidate if the person:
  - (a) has attained the age of 16 years;
  - (b) has for at least twelve consecutive months immediately preceding the day nominations close been a resident of the electoral community;
  - (c) is a resident of the electoral community; and
  - (d) is not disqualified by subsection (2).

- (2)** A person is not eligible to be nominated or stand as a candidate if the person:
- (a) is a judge, territorial judge, youth court judge, or justice of the peace;
  - (b) is a member of the Legislative Assembly;
  - (c) is an elected member of Nunavut Tunngavik Incorporated
  - (d) is a full time permanent employee of Qikiqtani Inuit Association or its controlled organizations in receipt of a salary;
  - (e) is an election officer;
  - (f) has been convicted of a corrupt practice under these Regulations within three years immediately preceding election day;
  - (g) has been convicted of an offence that could be punishable by imprisonment for five years or more within the three years immediately preceding election day, or whose sentence of imprisonment as a result of any conviction ended within the three years immediately preceding election day; or
  - (h) is personally indebted to Qikiqtani Inuit Association or its controlled organizations for a sum of \$500 for more than 90 days, other than in respect of any monies received from programs offered by Qikiqtani Inuit Association or its controlled organizations of which all Members of Qikiqtani Inuit Association may make application for.

## **Section 4 Determining residence**

- 4.1** For the purposes of these Regulations, the place of residence of a person is governed by this section, as far as applicable.
- 4.2** The residence of a person is the place of the home or dwelling of the person to which, when the person is absent, the person intends to return.
- 4.3** A person does not lose residency by leaving his or her home or dwelling for a temporary purpose.
- 4.4** If a person leaves the electoral community with the intention of establishing his or her residence elsewhere, the person loses his or her residence in the electoral community.
- 4.5** The place where the spouse and children of a person reside shall be deemed to be his or her place of residence, unless the person establishes or continues his or her residence in some other place with the intention of remaining there.

- 4.6** The residence of a single person is the place where the person regularly occupies a dwelling, or to which the person habitually returns not having any other permanent dwelling.
- 4.7** No person shall be deemed to have a residence in more than one place and, in the event of a person maintaining residence in more than one place the person shall elect one residence for the purpose of these Regulations.

## **Section 5 Nomination of Candidates**

- 5.1** In order to qualify as a candidate for election as an Officer or a Community Director of QIA, a person must submit completed nomination papers to the Chief Returning Officer by 5 p.m. local time, on the Friday five (5) weeks prior to Election Day. Late nomination papers shall not be accepted.
- 5.2** The date for the close of nominations may be extended for one week if the number of candidates nominated for election is less than the number of persons required to be elected. The Chief Returning Officer shall give notice of the extension.
- 5.3** The Chief Returning Officer shall make nomination papers available beginning seven (7) weeks prior to Election Day.
- 5.4** The nomination papers must disclose the name and address of the candidate; be signed by the person who wishes to become a candidate and by at least 3 eligible voters; if required by the Chief Returning Officer, be accompanied by a small recent passport type photo of the potential candidate alone and; if a candidate is an incumbent, he/she must take a leave of absence without pay for the duration of the election period and submit a prescribed form that is duly signed and approved.
- 5.5** A candidate may withdraw within 72 hours of the close of nominations by filing a written declaration with the Chief Returning Officer.
- 5.6** No person may be nominated to more than one position at any given QIA election.
- 5.7** Where the Chief Returning Officer believes on reasonable grounds that a person nominated as a candidate is not eligible to be a candidate, the Chief Returning Officer may, by written notice, specify

the grounds for being ineligible and require the person to comply with the regulations or rescind the nomination.

- 5.8** Immediately, after the close of nominations, the Chief Returning Officer shall give public notice of the list of nominated candidates for Community Director by each electoral community and the list of nominated candidates for each Officer to be elected at large within the region.
- 5.9** Any eligible voter who believes that a candidate is not eligible to be a candidate may, within 72 hours after the publication of the names of the candidates, advise the Chief Returning Officer in writing the grounds for which the candidate is not eligible.
- 5.10** The Chief Returning Officer, in turn, must provide written notice to the candidate and have the candidate make a declaration of their eligibility in the form that the Chief Returning Officer requires. The declaration by the candidate must be filed within 48 hours of the written notice.
- 5.11** Where the Chief Returning Officer rejects the nomination for not being eligible he must inform the candidate immediately in writing.

## **Section 6 Return by Acclamation**

- 6.1** When only one candidate remains after a candidate has withdrawn or only one candidate has been nominated within the time allowed for nominations, the Chief Returning Officer shall declare that person to have been duly elected.
- 6.2** The Chief Returning shall send to an acclaimed candidate, a certificate of election.

## **Section 7 Electoral Communities and Polling Stations**

- 7.1** The Chief Returning Officer may establish electoral communities in order to facilitate the electoral process.
- 7.2** The Chief Returning Officer shall establish at least one polling station for every electoral community in the Qikiqtani Region.

- 7.3** Any location outside of the Qikiqtani Region that is deemed by the Chief Returning Officer to contain significant numbers of eligible voters shall comprise a polling station.
- 7.4** The Chief Returning Officer shall designate the location of each polling station in all electoral communities ensuring ease of access for handicap/disabled voters.
- 7.5** The Chief Returning Officer may establish a mobile poll to facilitate voting.
- 7.6** Advance polling shall be established.
- 7.7** The Chief Returning Officer may co-ordinate joint polling stations with other organizations when and where warranted for economic reasons under procedures deemed acceptable to him in his discretion.

## **Section 8 Election Officers**

### **8.1 Chief Returning Officer**

- (a)** There shall be one Chief Returning Officer who shall be appointed by the Executive Committee of QIA not less than ten (10) weeks prior to Election Day.
- (b)** The selection of the Chief Returning Officer shall be done by way of an RFP (Request for Proposals) conducted by the Executive Director of QIA on terms in his or her discretion.
- (c)** If a Chief Returning Officer is not selected, the Executive Director of QIA shall act as the Chief Returning Officer.
- (d)** The Chief Returning Officer shall exercise general direction and supervision over the administrative conduct of an election, enforce fairness, impartiality and compliance with QIA's By-law and these Election Regulations and, perform all other duties assigned to the Chief Returning Officer by way of the Election Regulations.
- (e)** The Chief Returning Officer may extend the time for doing any act, increase the number of election officers, electoral communities, polling stations, or otherwise adapt any of the provisions of these Election Regulations to carry out their intent and the intent of Qikiqtani Inuit Association's By-laws.

- (f) The Chief Returning Officer, by assuming the duties of the designation shall take an oath or affirmation in the prescribed form administered by a Commissioner of Oaths.

## **8.2 Returning Officers**

- (a) The Chief Returning Officer may appoint a Deputy Chief Returning Officer and/or Returning Officers as he/she deems necessary for the proper conduct of the election.
- (b) The Chief Returning Officer may revoke the appointment of a Deputy Chief Returning Officer or Returning Officer who is incapable of performing or fails to perform competently the duties of a Returning Officer or fails to follow the instructions of the Chief Returning Officer; or, after being appointed, engages in politically partisan conduct.
- (c) Each Returning Officer shall be responsible for the proper conduct of the election in his/her electoral community in accordance with QIA Election Regulations.
- (d) The Deputy Returning Officer and/or Returning Officers, by assuming any duties, shall take an oath or affirmation in the prescribed form administered by a Commissioner of Oaths.

## **8.3 Election/Polling Clerks**

- (a) On the approval of the Chief Returning Officer, a Returning Officer may appoint an Election Clerk to assist him/her with duties on Election Day.
- (b) All election/polling clerks, by assuming the duties, shall take an oath or affirmation in the prescribed form administered by a Commissioner of Oaths.

## **Section 9 Official Voters Lists**

- 9.1** The Chief Returning Officer may appoint a person to act as a registrar.
- 9.2** The registrar shall cause a list of eligible voters to be prepared for each election by using the Inuit Enrolment List as maintained by NTI.



- 9.3** The registrar may appoint persons as enumerators to compile the list of voters from information received by visiting each dwelling in the electoral community or from other sources of information.
- 9.4** The voters list must contain the names of all eligible voters in alphabetical order.
- 9.5** The voters list should be posted in at least five conspicuous public places in the electoral community not less than five (5) weeks prior to Election Day.
- 9.6** The voters list is to be made available and accompany the returning officer and/or the polling clerk at each polling station on Election Day.
- 9.7** If on Election Day, an eligible voter wishes to cast a vote and is not on the voters list, they may do so if they complete a declaration of eligibility form along with proof of personal identification and/or an Inuit Beneficiary Card.
- 9.8** The voters list, in turn, should be updated to reflect the information per the declaration of eligibility forms completed by voters.

## **Section 10 Pre-Election Procedures**

### **10.1 Call for Nominations**

- (a)** The Chief Returning Officer shall issue a 'Call for Nominations' in English and Inuktitut indicating:
- (i) the dates, times, places and procedures for the nomination of candidates;
  - (ii) the day on which the election is proposed to be held; and,
  - (iii) the location, telephone, e-mail address and telefax numbers of the Chief Returning Officer's office.
- (b)** The Chief Returning Officer shall ensure that the 'Call for Nominations' is posted in each community and is advertised in local newspapers, on public radio, on local television if practicable and, where possible through electronic media.

## 10.2 Notice of Election

- (a) When, following the close of nominations, more than one candidate is nominated, the Chief Returning Officer shall, without delay, issue a 'Notice of Election' in English and Inuktitut.
- (b) The Notice of Election shall state the name, address, and occupation (optional) of each candidate for each position in alphabetical order; and, the date and time at which the election will be held.
- (c) The Chief Returning Officer shall ensure that the 'Notice of Election' is posted in each community and is advertised in local newspapers, on radio, local television if practicable and, where possible through electronic media.

## 10.3 Ballots

- (a) The Chief Returning Officer shall supply each Deputy Returning Officer with a sufficient number of ballots for at least the number of voters on the Official Voters List in each electoral community.
- (b) A ballot shall in the prescribed form, state/indicate the name of the candidates, in English and Inuktitut and, alphabetically in the order of their surnames.
- (c) A ballot shall contain on the reverse side, the eligibility criteria for voters at the election and voting instructions.
- (d) The Chief Returning Officer may authorize the use of photographs of candidates on the ballot and establish standards for the photographs.

## 10.4 Distribution of Election Materials

- (a) The Chief Returning Officer shall supply every Returning Officer with
  - (i) voting compartments for his/her polling station as required,

- (ii) ballot boxes for each polling station,
  - (iii) copies of Qikiqtani Inuit Association's by-laws, Election Regulations and other election policies as required,
  - (iv) sufficient election supplies and forms for the conduct of the poll,
  - (v) a sufficient number of ballots for at least the number of voters on the Official Voters List in the electoral community and,
  - (vi) the Official Voters List for use at the polling station.
- (b) Until the opening of the poll, each Returning Officer shall keep the supplied materials safe from tampering and prevent any person from having unlawful access to them.

## **10.5 Polling Stations**

- (a) The location of polling stations shall be designated by the Chief Returning Officer.
- (b) The Chief Returning Officer shall, where possible, locate the polling station in a building that will provide ease of access to disabled voters.

## **10.6 Mobile Polls**

The Chief Returning Officer may establish a mobile poll to facilitate voting in an electoral community if practicable. The Chief Returning Officer may adapt these election regulations if he/she considers it necessary for the mobile poll.

## **10.7 Advance Polls**

- (a) An Advance Poll shall be established at every polling station. An advance poll shall be open between the hours of 10 a.m. and 7 p.m. local time on Monday, the seventh day before Voting Day.
- (b) Any voter who is elderly or infirm or who has reason to believe that he/she will be unable to vote on Voting Day may vote at the Advance Poll.

- (c)** The Poll Clerk shall determine if the voter's name appears on the Official Voters List used at the polling station or if the voter is otherwise qualified to vote. When it has been ascertained that the voter is qualified to vote at a polling station the voter shall immediately vote in the manner described below in Section 8.5 unless an election officer of candidate's agent asks that the voter first take an oath as to the voter's qualification to vote, in which case the voter shall take an oath.
- (d)** The Deputy Returning Officer shall bring approximately ten per cent of the total ballots received to the Advance Poll.
- (e)** At the opening of an Advance Poll, the Deputy Returning Officer shall, in full view of those present:
- (i) Open the ballot box and ascertain that there are no ballot papers or other papers or materials in the ballot box;
  - (ii) Seal the ballot box; and
  - (iii) Place the ballot box on a table in full view of those present and keep it.
- (f)** At the close of the Advance Poll, the Deputy Returning Officer shall, in full view of those present:
- (i) Draw a line under the name of the last voter on the Record of Votes Cast at an Advance Poll, write the total number of voters in the appropriate place, sign and date it;
  - (ii) Unseal the ballot box;
  - (iii) Ascertain the number of ballots cast during the voting, removing them to the Advance Poll envelope in such a manner as not to disclose for whom any voter has voted, seal the envelope and indicate on the envelope the number of ballots;
  - (iv) Ascertain the number of spoiled ballots, if any, and place them in the Advance Poll Spoiled Ballots envelope, seal the envelope and indicate on the envelope the number of spoiled ballots; and
  - (v) Place the unused ballots in the envelope marked for that purpose and seal the envelope.
- (g)** The Deputy Returning Officer and Poll Clerk shall sign their names on the seals of the special envelopes and place them in

the ballot box. Between the Advance Poll and Voting Day, the Deputy Returning Officer shall keep the ballot box in a secure place.

- (h)** As soon as possible after the close of the Advance Poll, the Deputy Returning Officer shall send to the Chief Returning Officer by fax, a copy of the Record of Votes Cast. The Deputy Returning Officer shall keep the original in a secure place.
- (i)** At the close of voting on Voting Day, the Deputy Returning Officer shall:
  - (i) Open the sealed envelopes containing the ballots from the Advance Poll;
  - (ii) Count the votes in accordance with the procedures set forth in Section 9 herein; and
  - (iii) Take all the other proceedings that are required by Deputy Returning Officers and Poll Clerks in connection with the conduct of an election after the close of the poll.

## **Section 11 Election Day Procedures**

### **11.1 Polling Stations**

- (a)** At each polling station, no person other than
  - (i) the Deputy Returning Officers and Poll Clerks;
  - (ii) the candidates; and,
  - (iii) agents for each candidate per polling station may remain in the room where the votes are given longer than the time necessary to enable the person to vote.
- (b)** On being admitted to a polling station, each agent for a candidate shall deliver his or her written appointment as agent to the Returning Officer.
- (c)** During the hours of voting, a candidate or his/her agent may, without delaying any voter in casting his/her vote, examine the poll book and take any information from it.
- (d)** The Returning Officer shall remain continuously on duty during the hours that the polls are open.

- (e) No Returning Officer shall act as a Deputy Returning Officer or Poll Clerk at a polling station.

## **11.2 Duties of Returning Officers on Voting Day**

- (a) The Returning Officer shall post the directions to voters in prominent places in the polling station.
- (b) Before the opening of the poll on Voting Day, the Returning Officer shall initial the back of every ballot at the polling station in full view of those present.
- (c) At the hour fixed for the opening of the poll, the Returning Officer shall, in full view of those present
  - (i) open the ballot box and ascertain that there are no ballots or other papers or material enclosed in the ballot box;
  - (ii) after examining the ballot box, seal the ballot box;
  - (iii) place the ballot box in full view of those present; and,
  - (iv) keep the ballot box placed on the table in full view until the close of the poll.

## **11.3 Voting**

- (a) On Voting Day, the ballot box shall be sealed by 10 a.m. and the Returning Officer shall open the polling station at 10 a.m., local time.
- (b) The Poll Clerk shall determine if the voter's name appears on the Official Voters List used at the polling station or if the voter is otherwise qualified to vote.
- (c) When it has been ascertained that the voter is qualified to vote at a polling station the voter shall immediately cast their vote unless an election officer of candidate's agent asks that the voter first take an oath as to the voter's qualification to vote, in which case the voter shall take an oath.
- (d) No voter who has refused to take an oath shall receive a ballot.
- (e) Each Poll Clerk shall:
  - (i) make the entries in the Official Voters List that the Chief Returning Officer directs;

- (ii) put check marks in the appropriate columns when the voter has been given a ballot and when he/she has voted;
- (iii) where applicable, enter in the Official Voters List the word “Sworn” or “Affirmed”, as the case may be, opposite the name of each voter to whom and oath has been administered, and the nature of the oath; and,
- (iv) where applicable, enter in the Official Voters List the words “Refused to be sworn or to affirm” opposite the name of any voter who has refused to take an oath.

#### **11.4 Secrecy of the Vote**

- (a) Every person in attendance at a polling station or at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting.
- (b) No Returning Officer shall inquire or see for whom the voter intends to vote, except when the voter is unable to vote in the manner provided herein, on account of physical difficulty.

#### **11.5 Manner of Voting**

- (a) Each voter shall receive from the Returning Officer, a properly initialed ballot on which initials can be seen when the ballot is folded.
- (b) The Returning Officer shall instruct each voter to mark the ballot as provided in subsection (c) below.
- (c) On receiving a ballot, a voter shall:
  - (i) proceed to a voting compartment and there mark his or her ballot with an ‘x’ or other clear mark, within the space which appears at the right of the name of the candidate for whom the voter intends to vote;
  - (ii) fold the paper as directed so that the initials on the back of it can be seen; and
  - (iii) hand the ballot to the Deputy Returning Officer.
- (d) On receiving a marked ballot, the Returning Officer shall:

- (i) without unfolding it, examine the initials to ensure that it is the same ballot that was given to the voter; and
  - (ii) if it is the same ballot, in full view of the voter and all those present, personally deposit the ballot in the ballot box.
- (e)** The Returning Officer, on the request of a voter who is physically disabled, shall require the voter to take an oath that the voter is unable to vote without assistance and shall:
  - (i) assist the voter in the presence of the Poll Clerk, the agents of the candidates and the interpreter, if any, by marking the voter's ballot as directed by the voter and place the ballot in the ballot box; or,
  - (ii) if the voter is accompanied by a friend or relative and the voter so requests, permit the friend or relative to accompany the voter into the voting compartment to mark the voter's ballot.
- (f)** Where a friend or relative has marked the voter's ballot, the Poll Clerk shall enter the name of the friend or relative in the remarks column of the poll book opposite the voter's name.
- (g)** If, at the hour of closing of the poll, there are voters in the polling station or in line at the door who have not been able to vote since their arrival at the polling station, the poll shall be kept open for a sufficient time to enable them to vote. No person who is not actually present at the polling station at the hour of closing shall be allowed to vote, even if the poll is still open when that person arrives.

## **11.6 Proxy Voting**

- (a)** Where a voter whose name appears on the Official Voters List has reason to believe that he or she will be unable to vote in the polling division on the day fixed for the Advance Poll and on Voting Day, the voter may obtain an application to authorize another voter whose name appears on the Official Voters List for the same polling division to vote on his/her behalf as a proxy voter.



- (b) An application under subsection (a) must be signed by the voter and the proxy voter.
- (c) On Voting Day, a voter who has been authorized as a proxy voter shall present the completed and signed proxy application to the Returning Officer at the polling station in which the proxy voter is qualified to vote. Faxed or e-mailed proxy forms will be accepted.
- (d) After presenting the proxy application, the proxy voter may vote at the election on behalf of the voter who completed the application.
- (e) The Poll Clerk shall enter in the Official Voters List opposite the name of the voter, the notation that the voter voted by proxy, the name of the proxy voter and attach the proxy application to the Official Votes List.
- (f) A voter who votes as a proxy voter at an election is entitled to vote in his or her own right at the election.
- (g) A voter may vote as a proxy no more than three times at an election.
- (h) Upon request, the Returning Officer shall take reasonable steps to facilitate proxy voters who are infirm on Voting Day.

### **11.7 Campaigning on Voting Day**

No candidate shall, nor shall he or she authorize his or her campaign workers, to engage in any campaigning activities on Voting Day. No campaigning materials are allowed in the polling stations on Voting Day.

## **Section 12 Counting and Reporting the Votes**

**12.1** Immediately after the close of the poll, in the presence and in full view of the Poll Clerk and the candidates or their agents, if present, or of at least two voters if none of the candidates is represented, the Returning Officer shall take the following steps, in order, with respect to votes cast on Voting Day:

- (a) count the number of voters whose names appear in the Official Voters List as having voted and make the following entry of the

count on the line immediately below the last name on the list: "The number of voters who voted at this election in this polling station is \_\_\_\_", and sign his/her name to the entry;

- (b)** count the spoiled ballots, if any; place them into a special envelope supplied for that purpose, indicate on the envelope the number of spoiled ballots and seal the envelope;
- (c)** count the unused ballots, place them into a special envelope supplied for that purpose and indicate on the envelope the number of unused ballots;
- (d)** check the number of ballots supplied by the Returning Officer against the number of spoiled ballots, if any, the number of unused ballots and the number of voters whose names appear in the Official Voters List as having voted, in order to ascertain that all the ballots are accounted for;
- (e)** open the ballot box and empty its contents on the table; and
- (f)** count the number of votes given to each candidate on one of the tally sheets supplied, giving full opportunity to those present to examine each ballot.

**12.2** The Poll Clerk and as many as three witnesses shall be supplied with tally sheets on which they shall keep their own scores as each vote is called out by the Returning Officer.

**12.3** In counting the votes, the Returning Officer shall reject all ballots:

- (a)** that has not been supplied by the Deputy Returning Officer;
- (b)** that has not been marked for any candidate;
- (c)** on which votes have been given for more than one candidate;
- (d)** that have not been marked with an 'x' or other clear mark in the space at the right of the name of a candidate; or
- (e)** on which there is any writing or mark by which the voter could be identified.

**12.4** Each Returning Officer shall:

- (a) keep a record, on the special form provided, of every objection made by any witness to any ballot found in the ballot box; and,
- (b) decide every question arising out of the objection.

**12.5** All ballots that are not rejected by a Returning Officer shall be counted, and:

- (a) all the ballots cast in favour of each candidate shall be sorted and put into a separate envelope for each candidate;
- (b) all rejected ballots shall be put into a special envelope;
- (c) all the envelopes shall be endorsed to indicate their contents and shall be sealed by the Returning Officer; and
- (d) the Returning Officer and the Poll Clerk shall sign the seal.

**12.6** A Returning Officer shall complete the documentation supporting the results of the count, transmit it by telefax to the Chief Returning Officer and make copies for all candidates and candidates' agents in attendance. The original shall be placed in the envelope marked for that purpose and the envelope affixed well to the ballot box, before the ballot box is sent back to the Chief Returning Officer.

**12.7** A Returning Officer shall place:

- (a) the Official Voters List,
- (b) the separate envelopes containing the ballots, unused, spoiled, rejected or counted for each candidate,
- (c) the envelope containing the Official Voters List, and
- (d) other documents used at the poll, into the ballot box.

**12.8** A Returning Officer shall seal the ballot box and transmit the ballot box by air cargo to the Chief Returning Officer.

### **Section 13 Situations Requiring Recount**

Where the total number of votes separating the candidate receiving the highest number of votes and any other candidate is nil or less than 2% of the total number of votes cast, the Chief Returning Officer shall order a recount and give written notice to each candidate of the recount.

### **Section 14 Official Count and Announcement of Results**

- 14.1** The Chief Returning Officer shall make the official results public.
- 14.2** Immediately after the Official Count, the Chief Returning Officer shall print a report giving by electoral community, the number of votes for each candidate, the number of rejected ballots and the number of names on the Official Voters List.
- 14.3** Once the final count is made public, the Chief Returning Officer shall send a certificate of results of the election to each candidate showing the total number of votes cast for each candidate and those declared elected as well as issue a certificate of the election to each candidate.
- 14.4** The Chief Returning Officer shall, as soon as is reasonably practicable, transmit all materials used at the election to the Executive Director of QIA and the Executive Director shall ensure that the said materials are kept in a secure place for six months following the election.
- 14.5** At the end of six months, the Executive Director shall destroy the ballots in the presence of two witnesses and, the Executive Director and witnesses shall certify the destruction of the ballots in writing.

### **Section 15 Assumption of Office**

Newly elected officials shall assume office after the Chief Returning Officer's announcement of the official results of the election in accordance with Qikiqtani Inuit Association's by-laws.

## Section 16 Offences and Punishment

**16.1** Every person commits a corrupt practice who:

- (a)** directly or indirectly gives, lends or agrees to give or lend money or valuable consideration, or gives, procures, offers or promises an office or employment to a voter or other person in order to induce a voter to vote or refrain from voting at an election;
- (b)** makes or proposes to make a gift or loan for the purpose of procuring the election of any person;
- (c)** directly or indirectly advances, loans or pays money or valuable consideration for the use of another person with the intention that the money or any part of it be expended in bribery at an election;
- (d)** directly or indirectly receives or agrees to receive money, a gift, a loan or valuable consideration, office or employment for himself or herself or any other person for the purpose of influencing the exercise of the right of a voter to vote at an election;
- (e)** impersonates or falsely assumes the name of another person in order to vote at an election, whether the other person is living, dead, or fictitious;
- (f)** intentionally votes or attempts to vote more than once at the same election, except where permitted by these Regulations;
- (g)** votes at an election knowing that he or she is ineligible to vote;
- (h)** knowingly has more than one proxy voter;
- (i)** knowingly acts or attempts to act as a proxy voter for more than three voters;
- (j)** knowingly consents to be a proxy voter for a voter without being eligible to vote;

- (k)** intentionally conducts electioneering in a voting station or posts or places advertising or electioneering signs or material in, over or in the immediate vicinity of a voting station;
- (l)** intentionally supplies ballots for an election to any person without due authority;
- (m)** intentionally puts into a ballot box an election any paper other than a ballot that he or she is authorized to put in;
- (n)** intentionally takes a ballot out of the voting station except where authorized to do so by these Regulations;
- (o)** intentionally destroys, takes, opens or otherwise interferes with a ballot, packet of ballots or the ballot box or any election material in use for the purpose of an election, except where permitted by these Regulations;
- (p)** interferes or attempts to interfere with any voter in marking his or her ballot or who marks or causes to be marked a ballot so as to defeat the intention of the voter whether or not that person is an election officer;
- (q)** being an election officer, communicates any information known to him or her as to the candidates for whom a ballot has been cast; induces a person to display his or her ballot; or, neglects, fails or refuses to discharge a duty in these Regulations.

**16.2** The following shall be deemed to be lawful, and the payment, offering, receipt or commission of them is not a corrupt practice:

- (a)** the actual personal expenses of a candidate;
- (b)** the expenses of a candidate for actual professional services performed;
- (c)** payment for the fair cost of printing and advertising;
- (d)** the provision by volunteers of free transportation to voters at an election;

(e) the use of vehicles that have electioneering material on them for the purpose of providing free transportation to voters at an election.

**16.3** Every person commits a corrupt practice who directly or indirectly,

(a) uses or attempts to use any force, violence, restraint or threats,

(b) injures or damages a person, or

(c) in any manner intimidates a person, in order to induce or compel a person to vote or refrain from voting, or on account of a person having voted or refrained from voting at an election or who in any way prevents or otherwise interferes with the free exercise of the right of a voter to vote at an election.

**16.4** Every person who commits a corrupt practice is guilty of an offence.

## **Section 17 Other Offences and Punishment**

**17.1** Every person who contravenes a provision of these regulations for which an offence is not specifically provided is guilty of an offence.

**17.2** Every person who is guilty of an offence under these regulations shall have his or her privilege as a voting beneficiary revoked for a period of three years.

**17.3** Where an Officer or a Community Director is found guilty of committing a corrupt practice or an offence under these regulations, in addition to the punishment under section 15.2, the person shall cease to hold office as a member of the Board of Directors of QIA.

**17.4** At the hearing of a prosecution under these regulations, oral evidence may be accepted in the place of any by-law, voters' register, list of voters, or other official document or record, or written proof of the authority of a chief returning officer or returning officer.

**17.5** Proceedings against any person for a corrupt practice or an offence under these regulations may not be commenced after two years from Election Day for the election at which the corrupt practice or offence was committed.