

# NTI ELECTIONS CONTRIBUTION, EXPENSE, AND REPORTING RULES

(To be read in conjunction with the Nunavut Tunngavik Incorporated Bylaws and NTI Elections Rules and Procedures)

# **PART I - DEFINITIONS**

# Definitions

"board of directors" means the board of directors of Nunavut Tunngavik Incorporated.

"campaign period" means the period beginning on the Tuesday six weeks prior to voting day and ending on the day before voting day.

"charitable organization" means an organization registered as a charity under the Income Tax Act.

"contribution" includes money, services and goods but does not include volunteer labour or any goods produced by volunteer labour.

"election expenses" means any amounts paid or liabilities incurred during a campaign period to promote or oppose the election of a candidate and includes any contribution of goods or services.

"elector" means an individual who has been enrolled under the *Nunavut Land Claims Agreement* and is 16 years of age or older.

"official agent" means the individual that a candidate appointed in his or her nomination paper to act as his or her agent.

"pre-election expenses" means any amounts paid or liabilities incurred during a pre-election period that promote or oppose the election of an individual who may be a candidate at a future election, and includes any contribution of services or goods.

"pre-election period "means that period beginning three months before the first day of the campaign period and ending on the first day of the campaign period.

"volunteer labour" means any service provided free of charge by an individual outside of the working hours of that individual, but does not include a service provided by an individual who is self-employed if the service is one that is normally sold or otherwise charged for by that individual.

"voting day" means the third Tuesday in March of any election year.

## **PART II - CONTRIBUTIONS**

Prohibition on contribution before campaign period

1. No candidate may accept a contribution from an individual, corporation, association, society, partnership or other organization before the beginning of the campaign period.

Permitted contribution by individual or corporation

2. A candidate may accept a contribution from an individual resident in Nunavut and a corporation carrying on business in Nunavut during the campaign period.

Permitted contribution by association

3. A candidate may accept a contribution from an association during the campaign period provided that the association:

- (a) Carries on business in Nunavut;
- (b) Attaches to the contribution a list of the individual sources and amounts making up the contribution.

Prohibition on contribution during campaign period

4. No candidate may accept a contribution from a society or partnership during the campaign period.

Maximum contribution

5. No candidate may accept a contribution from an individual, corporation, or association that exceeds \$2,000.

Exception to maximum contribution

6. Where transportation for a candidate is given as a contribution of goods or services, the value of the contribution may exceed \$2,000.

Use of personal funds

7. A candidate may, in the pre-election period and the campaign period, use an amount of his or her own funds not exceeding \$30,000 on his or her campaign.

Collection of contributions

8. Only an official agent or any individual whom the official agent authorizes in writing to act on behalf of the official agent may receive a contribution on behalf of a candidate.

Contribution through official agent or authorized individual

9. No candidate may accept a contribution or gift unless it is made to the official agent of the candidate or an individual whom the official agent has authorized to act on behalf of the official agent.

Depositing contributions

- 10. An official agent shall deposit all money collected on behalf of a candidate
  - (a) In a bank account registered with the Chief Returning Officer; or
  - (b) Where no bank exists where the official agent resides, with an institution approved by the Chief Returning Officer.

Anonymous contribution

11. An official agent may accept an anonymous contribution not exceeding \$100.

# Contribution exceeding \$100

- 12. Where an official agent receives an anonymous contribution exceeding \$100, the official agent shall:
  - (a) Return the portion of the contribution over \$100 to the contributor if the identity of the contributor can be established; or
  - (b) If the identity of the contributor cannot be established, send the entire contribution to the Chief Returning Officer to be credited to the Nunavut Trust.

# Record of contribution

13. The official agent shall record and report all contributions received during a campaign period and, where a contribution exceeds \$100, the official agent shall record and report the name and address of the contributor.

# Contributions other than money

14. Where a contribution is not made in the form of money, the official agent shall value a contribution of goods and services based on the market value of the goods and services.

#### Prohibited contributions

- 15. No official agent shall knowingly accept contributions from:
  - (a) An individual resident outside Nunavut; or
  - (b) A corporation that does not carry on business in Nunavut;
  - (c) An association that does not carry on business in Nunavut; or
  - (d) A society or partnership either in Nunavut or elsewhere.

# Advertising contribution

- 16. Where an individual, corporation, or association with the knowledge and consent of a candidate, promotes the election of the candidate or opposes the election of a candidate:
  - (a) By advertising through the facilities of a broadcasting corporation;
  - (b) By publishing an advertisement in a newspaper, magazine or other periodical publication or other printed documents; or
  - (c) Through the use of any outdoor advertising facility, the amount of the cost of the advertising shall be considered a contribution to the candidate with whose knowledge and consent the advertising was done.

# Identification

17. A candidate who causes an advertisement to be published or broadcast shall provide the publisher or broadcaster of the advertisement with the identification, in writing, of the candidate who is sponsoring the advertisement.

Surplus funds

- 18. A candidate shall, within 60 days after voting day, give contributions that were not expended on his or her campaign:
  - (a) To a charitable organization of the candidate's choice; or
  - (b) To the Nunavut Trust.

Notice to Chief Returning Officer

19. Where a candidate gives surplus contributions to a charitable organization or to the Nunavut Trust the candidate shall, within 30 days of making the gift, transmit, in the approved form, a notice of the gift to the Chief Returning Officer.

Deficit

20. An official agent may, on behalf of a candidate who has a campaign deficit, receive additional contributions within 60 days after voting day.

Additional contributions

21. Additional contributions received within 60 days after voting day shall be deemed to have been made during the campaign period.

# **PART III - EXPENSES**

Maximum expendable

22. An individual who becomes a candidate shall not spend amounts, or incur pre-election expenses and election expenses, that exceed \$40,000.

Records of pre-election expenses

23. An individual who becomes a candidate shall keep proper records of pre-election expenses.

Records of election expenses

24. An official agent of a candidate shall keep proper records of contributions received and election expenses incurred.

#### Contracts

25. Only an official agent, or an individual authorized in writing by an official agent, may enter into a contract to incur an election expense.

Travel and living expenses

26. A candidate may pay his or her own reasonable travel and living expenses and such expenses shall not be considered to be election expenses.

Details of payment

27. The candidate shall transmit to the official agent a statement of the details of payments made in respect of travel and living expenses and a receipt proving the payments.

Reimbursement of candidate

28. Where the official agent receives a statement providing details of payment made in respect of travel and living expenses and a receipt proving the payments, the official agent may reimburse the candidate for the payments.

Bills

29. Every payment made by an official agent in respect of election expenses shall be proved by a bill providing the details of the expense except where the expense is less than \$25.

Petty expenses

30. An individual may, if authorized in writing by an official agent, pay any necessary expenses for stationery, postage, telegrams and other petty expenses to a total amount not exceeding \$25.

Instructions of Chief Returning Officer

31. The Chief Returning Officer may issue instructions to candidates and official agents respecting the nature of the expenses which may be paid by, and reimbursed to, a candidate.

# PART IV - RETURNS OF ELECTION CONTRIBUTIONS AND EXPENSES

Return respecting election contributions and expenses

- 32. Within 60 days after voting day, every official agent shall transmit to the Chief Returning Officer:
  - (a) An accurate signed return in the approved form containing detailed statements in respect of the candidate of:
    - (i) The total amount of contributions received during the campaign period;
    - (ii) The total amount of contributions received after voting day but deemed to have been made during the campaign period;

- (iii) The individual amounts of contributions in excess of \$100 and the name and address of each such contributor:
- (iv) The gross amount collected at a meeting, dance, dinner, feast or other function and the name of each sponsor of a meeting, dance, dinner or other function; and
- (v) All election expenses including disputed claims and unpaid claims;
- (b) Bills proving payment of election expenses;
- (c) A declaration, in the approved form, made by the official agent.

Application by official agent

33. An official agent may apply to the Chief Returning Officer for an extension of the time limit for transmitting to the Chief Returning Officer the return, bills and declaration and the Chief Returning Officer may grant an extension of time for such period of time as the Chief Returning Officer considers appropriate. An application may be brought before or after the expiry of the time limit.

Declaration of candidate

34. Within 60 days after voting day, each candidate shall transmit to the Chief Returning Officer a declaration by the candidate, in the approved form, respecting the election contributions to and election expenses of the candidate.

Application by candidate

35. A candidate may apply to the Chief Returning Officer for an extension of the time limit for transmitting to the Chief Returning Officer the declaration and the Chief Returning Officer may grant an extension of time for such period of time as the Chief Returning Officer considers appropriate. An application may be brought before or after the expiry of the time limit.

Payment of bills

36. All bills must be submitted and paid within 60 days after voting day. The Chief Returning Officer may approve the receipt and payment of a bill made more than 60 days after voting day where, in the opinion of the Chief Returning Officer, extraordinary circumstances exist that warrant the waiving of the time limit.

Transmission of returns and declarations

37. The Chief Returning Officer shall, as soon as is reasonably practicable, transmit returns and declarations received by the Chief Returning Officer to the Governance Coordinator.

Temporary preservation of returns

38. The Governance Coordinator shall preserve all returns and declarations respecting election contributions and expenses that are transmitted to the Governance Coordinator for a period of six months.

## Inspection

39. The Governance Coordinator shall, at all reasonable times during the six months after the transmission of the returns and declarations to the Governance Coordinator, permit a elector, on written request, to inspect them and to make photocopies of them.

#### Destruction

40. The Governance Coordinator may, after the expiration of the six-month period, destroy the returns and declarations but if the candidate or the official agent of the candidate applies for their return before they are destroyed, the Governance Coordinator shall return these documents to the candidate.

#### PART V - ENFORCEMENT

#### Election Commissioner

- 41. The Board of Directors of NTI shall, immediately after the end of the nomination period for an election, appoint an Elections Commissioner. The following persons are eligible to serve as Elections Commissioner:
  - (a) The Integrity Commissioner of Nunavut;
  - (b) A member of the Arbitration Board established under Article 38 of the Nunavut Land Claims Agreement.

# Term of Elections Commissioner

42. The Elections Commissioner shall serve during the campaign period and for 90 days thereafter.

#### **Complaints**

- 43. (a) Any person who believes that a candidate or other person acting on a candidate's behalf has contravened these Rules may make a complaint to the Chief Returning Officer.
  - (b) Any complaint to the Chief Returning Officer must be made no later than 90 days after the complainant acquired knowledge of the event upon which the complaint is based.
  - (c) The Chief Returning Officer shall refer the complaint to the Elections Commissioner for review.

## Request by Chief Returning Officer

44. The Chief Returning Officer on his or her own motion may request the Elections Commissioner to review any situation which appears to constitute a contravention of these Rules.

# Review by Elections Commissioner

45. (a) The Elections Commissioner shall conduct a review upon referral or request by the Chief Returning Officer.

- (b) The Chief Returning Officer shall, on request, supply whatever information is in his or her possession relevant to the review to the Elections Commissioner.
- (c) The Elections Commissioner may engage legal counsel and other persons to assist in carrying out a review.

#### Authority of Elections Commissioner

- 46. If the Elections Commissioner believes on reasonable grounds that a candidate, or other person acting on behalf of the candidate, has contravened the Rules, the Elections Commissioner may:
  - (a) Take no action;
  - (b) Enter into a voluntary agreement with the candidate; or
  - (c) Where a candidate is elected, make a recommendation to the Board of Directors that the election of the candidate be declared void.

# Basis for Voluntary Agreement

- 47. The Elections Commissioner may enter into a voluntary agreement with a candidate where the Elections Commissioner is satisfied that a voluntary agreement:
  - (a) Is in keeping with the nature and gravity of the contravention of these Rules;
  - (b) Is in the public interest;
  - (c) Serves to promote the goals of accountability to and democratic control by Inuit of Nunavut Tunngavik Incorporated.

# Nature of Agreement

- 48. A voluntary agreement is an agreement whereby a candidate who has contravened these Rules agrees to:
  - (a) Pay a sum of money, including restitution and damages, to one or more specified persons;
  - (b) Make apologies, including both public and private apologies in writing and orally;
  - (c) Seek atonement in accordance with traditional Inuit practice;
  - (d) Perform community service;
  - (e) Do or refrain from doing any other action that the candidate and the Elections Commissioner agree upon.

# Voiding an Election

49. The Elections Commissioner may recommend to the Board of Directors that the election of a candidate be declared void, where the Elections Commissioner determines that:

- (a) The candidate has knowingly contravened these Rules;
- (b) The contravention is not trivial or technical in nature;
- (c) The contravention may have affected the result of an election.

# Effect on Election

- 50. Where the Elections Commissioner makes a recommendation to the Board of Directors under s. 51 the Elections Commissioner shall at the same time recommend that either:
  - (a) Another candidate be declared elected; or
  - (b) The office of the executive officer be declared vacant.

# Role of the Board of Directors

- 51. The Board of Directors shall not inquire further into the recommendation of the Elections Commissioner and shall do one of the following:
  - (a) Accept all of the recommendations of the Elections Commissioner;
  - (b) Reject all of the recommendations of the Elections Commissioner.

# Time for Decision

52. The Board of Directors shall make its decision by way of written resolution and shall make its decision known to the Elections Commissioner within 25 calendar days of the receipt of the recommendation from the Elections Commissioner.