Nunavut Tunngavik Inc.

ELECTIONS RULES AND PROCEDURES

Approved by the Members in November 2003
Last amended in October 2021

Section 1 Designated Voting Day

1.1 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 will be held.

1.2 On Voting Day the polls shall be open at 10 a.m. local time, and kept open until 7p.m., local time, the same day.

1.3 At the discretion of the Chief Returning Officer, Voting Day may be extended or changed in any polling division on account of weather conditions.

Section 2 Nomination and Withdrawal of Candidates

2.1 In order to qualify as a candidate for election as a member of the Executive of Nunavut Tunngavik Incorporated, a person must submit completed nomination papers to the Chief Returning Officer.

2.2 The Chief Returning Officer shall make nomination papers available beginning at 9 a.m. local time on the Monday six weeks prior to Voting Day.

2.3 The nomination papers must:

(a) disclose the name and address of the candidate;

(b) be signed by the person who wishes to become a candidate and by at least 10 eligible voters;

(c) be accompanied by a small recent passport type photo of the potential candidate alone;

(d) be accompanied by a certified cheque or money order, Northern, Co-op or other local business draft, made payable to Nunavut Tunngavik Incorporated, in the amount of $200.00.

2.4 The deposit shall be returned to elected candidates and to candidates who obtain at least ten per cent of the valid votes cast for that position.

2.5 Completed nomination papers (including an original criminal record check dated within 90 days prior to the opening day of the nomination), pictures and deposits must be received by the Chief Returning Officer by 5:00 p.m. local time, on the Friday five weeks prior to Voting Day. Late nomination papers shall not be accepted.

2.6 A candidate may withdraw within 72 hours of the close of nominations by filing a written declaration with the Chief Returning Officer. The deposit of a candidate who withdraws is forfeited.

2.7 No person may be nominated to more than one position at any given NTI and/or RIA election.

Section 3 Return by Acclamation

3.1 When only one candidate remains after a candidate has withdrawn or only one candidate has been nominated within the time allowed for nominations, the Chief Returning Officer shall declare that person to have been duly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.

Section 4 Districts and Polling Divisions

4.1 The Chief Returning Officer may establish districts in order to facilitate the electoral process.

4.2 The Chief Returning Officer shall establish at least one polling division for every community in the Nunavut.

4.3 Each polling division shall have one polling station.

4.4 Every city outside of Nunavut that is deemed by the Chief Returning Officer to contain significant numbers of eligible voters shall comprise a polling division.

Section 5 Election Officers

5.1 Chief Returning Officer

(a) There shall be one Chief Returning Officer who shall be appointed by the President of Nunavut Tunngavik Incorporated, in consultation with the Board of Directors.

(b) The Chief Returning Officer shall be appointed not less than sixteen weeks prior to Voting Day.

(c) The Chief Returning Officer shall exercise general direction and supervision over the administrative conduct of an election, enforce fairness, impartiality and compliance with Nunavut Tunngavik Incorporated's by-laws and these Rules and Procedures and perform all other duties assigned to the Chief Returning Officer by these Rules and Procedures.

(d) Where he/she considers it necessary the Chief Returning Officer may:

(i) extend the time for doing any act,

(ii) increase the number of election officers, polling divisions or polling stations, or

(iii) otherwise adapt any of the provisions of these Rules and Procedures to carry out their intent and the intent of Nunavut Tunngavik Incorporated's by-laws.

5.2 Returning Officers

(a) The Chief Returning Officer may appoint an Assistant Chief Returning Officer and district Returning Officers as he/she deems necessary for the proper conduct of the election.

(b) The Chief Returning Officer may revoke the appointment of an Assistant Chief Returning Officer or Returning Officer who:

(i) 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

(ii) 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 district in accordance with Nunavut Tunngavik Incorporated's by-laws and these Rules and Procedures.

(d) All duties and functions required by these Rules and Procedures to be exercised by the Returning Officer shall, with respect to polling stations outside of Nunavut, be exercised by the Chief Returning Officer.

5.3 Election Clerks

On the approval of the Chief Returning Officer, a Returning Officer may appoint an Election Clerk to assist him/her with duties on the Advance Poll Day and Voting Day.

5.4 Deputy Returning Officers

(a) At least four weeks before Voting Day, the Chief Returning Officer shall appoint one Deputy Returning Officer for each polling division.

(b) Each Deputy Returning Officer shall be responsible for the conduct of the election in his/her polling division in accordance with Nunavut Tunngavik Incorporated's by-laws and these Rules and Procedures and the instructions of the Chief Returning Officer.

(c) The Chief Returning Officer may revoke the appointment of a Deputy Returning Officer who:

(i) is incapable of performing or fails to perform competently the duties of a Deputy Returning Officer or fails to follow the instructions of the Chief Returning Officer or Returning Officer; or

(ii) after being appointed, engages in politically partisan conduct.

5.5 Poll Clerks

Each Deputy Returning Officer shall, as soon as possible after being appointed, appoint a Poll Clerk to assist him/her with duties on the Advance Poll Day and on Voting Day.

5.6 Election Officers' Oath

All election officers shall take an oath to perform their duties faithfully.

Section 6 Official Voters Lists

6.1 The enrolment office of Nunavut Tunngavik Incorporated shall be responsible for producing Preliminary Voters Lists, for revising these lists and for producing Official Voters Lists.

6.2 These lists shall be produced as follows:

(a) Each Community Enrolment Committee shall meet during the time allowed by the Chief Returning Officer for the revision of the Preliminary Voters List, to review any applications and decide on the eligibility of the applicants for enrolment.

(b) Each Community Enrolment Secretary shall forward the revised Preliminary Voters List to the NTI Enrolment Office.

(c) The NTI Enrolment Office will correct clerical errors, produce the Official Voters List and forward at least 5 copies to the Chief Returning Officer.

(d) The Chief Returning Officer shall provide the Returning Officers and Deputy Returning Officers with Official Voters Lists appropriate to their location and shall provide candidates with a copy of all Official Voters Lists.

Section 7 Pre-Election Procedures

7.1 Call for Nominations

(a) The Chief Returning Officer shall issue a Call for Nominations in all official languages and dialects 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 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 and on public radio and, to the extent practicable, on local television and radio.

7.2 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 all appropriate languages and dialects.

(b) The Notice of Election shall state:

(i) the name, address, and occupation (optional) of each candidate for each position in alphabetical order;

(ii) the date and time at which the election will be held; and

(iii) the date and time at which the advance poll 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 and on public radio and, to the extent practicable, on local television and radio.

7.3 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 his/her polling division.

(b) A ballot shall:

(i) state the name of the candidates, in syllabics and Roman orthography, alphabetically arranged in the order of their surnames; and

(ii) have a small picture of each candidate beside his/her name.

7.4 Distribution of Election Materials

(a) The Chief Returning Officer shall supply every Deputy Returning Officer with

(i) voting compartments for his/her polling station as required,

(ii) ballot boxes for each polling station,

(iii) copies of Nunavut Tunngavik Inc.'s by-laws, Election Rules and Procedures 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 polling division, and

(vi) the Official Voters List for use at the polling station.

(b) Until the opening of the poll, each Deputy Returning Officer shall keep the supplied materials safe from tampering and prevent any person from having unlawful access to them.

7.5 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.

7.6 Mobile Polls

The Chief Returning Officer may establish a mobile poll to facilitate voting. The Chief Returning Officer may adapt these Rules and Procedures as he/she considers necessary for the mobile poll.

7.7 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 so placed until the close of the Advance Poll.

(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 8 Voting Day

8.1 Polling Station

(a) At each polling station, no person other than

(i) the Deputy Returning Officers and Poll Clerks;

(ii) the candidates; and

(iii) two agents for each candidate per polling station

shall 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 Deputy 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.

8.2 Duties of Deputy Returning Officer on Voting Day

(a) The Deputy 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 Deputy 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 Deputy 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.

8.3 Voting

(a) On Voting Day, the ballot box shall be sealed by 10 a.m. and the Deputy 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 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) 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 Deputy 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.

8.4 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 Deputy Returning Office 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.

8.5 Manner of Voting

(a) Each voter shall receive from the Deputy Returning Officer, a properly initialed ballot on which initials can be seen when the ballot is folded.

(b) The Deputy 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 Deputy 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 Deputy 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.

8.6 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 Deputy Returning Officer at the polling station in which the proxy voter is qualified to vote. Faxed 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 Deputy Returning Officer shall take reasonable steps to facilitate proxy voters who are infirm on Voting Day.

8.7 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.

8.8 Mail Ballots

8.8.1 A voter may apply to the Chief Returning Officer for a mail ballot. Once a mail ballot kit is issued to the voter, the voter may only vote by mail ballot, and the Chief Returning Officer or a Deputy Returning Officer shall note on the Official Voters List that the voter has been given a mail ballot.

8.8.2 A mail ballot kit shall comprise:

(a) a ballot;
(b) a ballot envelope;
(c) a declaration;
(d) a return envelope;
(e) instructions on how to vote by mail using the mail ballot kit; and
(f) any other information that the Chief Returning Officer deems necessary.

8.8.3 After marking the ballot, the voter shall

(a) place the marked ballot in the ballot envelope;
(b) seal the ballot envelope;
(c) complete and sign the declaration;
(d) place the declaration and sealed ballot envelope in the return envelope;
(e) seal the return envelope; and
(f) return the return envelope to the address indicated on the envelope.

8.8.4 A mail ballot will be considered valid only if the original ballot reaches the office of the designed returning officer no later than 12:00 noon on voting day by personal delivery, courier or mail.

8.8.5 Mail ballots shall be counted as soon as practicable after 12:00 noon on voting day in accordance with the procedures set out in Section 9. In counting the ballot, the Chief Return Officer or a Deputy Returning Officer shall examine each declaration and determine:

(a) whether the name on the declaration is the same as that on the Official Voters List to whom a mail ballot is issued; and

(b) that the declaration has been completed and properly signed.

Section 8.9 Electronic Voting

Votes may be cast by one or more electronic methods that guarantee a sufficient level of secrecy, security and prevention of abuse as decided by the Board of Directors in its sole discretion, on a general or pilot basis, in accordance with policies and processes approved by the Board of Directors.

Section 9 Counting and Reporting the Votes

9.1 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 Deputy Returning Officer shall take the following steps, in order, with respect to votes cast on Voting Day and where applicable, on the Advance Poll 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 then 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.

9.2 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 Deputy Returning Officer.

9.3 In counting the votes, the Deputy Returning Officer shall reject all ballots:

(a) that have not been supplied by the Deputy Returning Officer;

(b) that have 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.

9.4 Each Deputy 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.

9.5 All ballots that are not rejected by a Deputy 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 Deputy Returning Officer; and

(d) the Deputy Returning Officer and the Poll Clerk shall sign the seal.

9.6 A Deputy Returning Officer shall complete the Statement of the Poll, 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. The Statement of the Poll shall be signed by the Deputy Returning Officer and at least one Poll Clerk or one witnessing voter as provided in Section 9.1.

9.7 A Deputy 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.

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

Section 10 Situations Requiring Recount

10.1 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.

10.2 After all the ballot boxes have been received, the Chief Returning Officer shall:

(a) shall notify the candidates the place, day and hour for the recount of the votes, and

(b) in the presence of election staff and the candidates or their agents who attend the proceedings, open the envelopes attached to the boxes and add up the number of votes cast for each candidate.

10.3 The Chief Returning Officer shall announce and make public the official results of the recount.

Section 11 Official Results and Announcement of Results

11.1 After receiving the signed Statements of the Poll from all communities, the Chief Returning Officer shall

compile and announce the official results of the votes.

11.2 The Chief Returning Officer shall make the official results public.

11.3 Immediately after the announcement of the official results, the Chief Returning Officer shall print a report giving by polling division, the number of votes for each candidate, the number of rejected ballots and the number of names on the Official Voters List.

11.4 The Chief Returning Officer shall, as soon as is reasonably practicable, transmit all materials used at the election to the Governance Coordinator and the Governance Coordinator shall ensure that the said materials are kept in a secure place for six months following the election.

11.5 At the end of six months, the Governance Coordinator shall destroy the ballots in the presence of two witnesses and the Governance Coordinator and witnesses shall certify the destruction of the ballots in writing.

Section 12 Assumption of Office

12.1 Newly elected officials shall assume office after the Chief Returning Officer's announcement of the official results of the election in accordance with Nunavut Tunngavik Incorporated's by-laws.

Section 13 Resolution of Disputes

13.1 The Board of Directors of NTI shall, immediately after the end of the nomination period for an election, appoint an Election Commissioner. The following persons are eligible to serve as Election Commissioner:

(a) the Integrity Commissioner of Nunavut;

(b) a member of the Arbitration Board established under Article 38 of the Nunavut Land Claims Agreement; or

(c) any other person that the Board of Directors deems appropriate.

13.2 The Election Commissioner shall serve during the campaign period and for 90 days thereafter.

13.3 (a) Any person who believes that a candidate or other person acting on a candidate's behalf has contravened these Rules may make a written 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 Election Commissioner for review.

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

13.5. (a) The Election 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 Election Commissioner.

(c) The Election Commissioner may engage legal counsel and other persons to assist in carrying out a review.

13.6. If the Election Commissioner believes on reasonable grounds that a candidate, or other person acting on behalf of the candidate, has contravened the Rules, the Election 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.

13.7 The Election Commissioner may enter into a voluntary agreement with a candidate where the Election 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; and

(c) serves to promote the goals of accountability to and democratic control by Inuit of Nunavut Tunngavik Incorporated.

13.8 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; and/or

(e) do or refrain from doing any other action that the candidate and the Election Commissioner agree upon.

13.9 The Election Commissioner may recommend to the Board of Directors that a candidate be disqualified, where the Election Commissioner determines that:

(a) the candidate has knowingly contravened these Rules;

(b) the contravention is not trivial or technical in nature; and

(c) the continuing presence of the candidate would bring the election into disrepute.

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

(a) the candidate has knowingly contravened these Rules;

(b) the contravention is not trivial or technical in nature; and

(c) the contravention may have affected the result of an election.

13.11 Where the Election Commissioner makes a recommendation to the Board of Directors under s. 13.10 the Election Commissioner shall at the same time recommend that either:

(a) another candidate be declared elected; or

(b) the office of the executive member be declared vacant.

13.12 The Board of Directors shall not inquire further into the recommendation of the Election Commissioner and shall do one of the following:

(a) accept all of the recommendations of the Election Commissioner; or

(b) reject all of the recommendations of the Election Commissioner.

13.13 The Board of Directors shall make its decision known to the Election Commissioner within 25 calendar days of the receipt of the recommendation from the Election Commissioner.

Section 14 Public Health Emergency

14.1 In the event of a public health emergency declared by government under applicable legislation that affects one or more communities in Nunavut and may negatively affect any upcoming NTI elections as determined by the Board of Directors at its sole discretion, the Board of Directors may designate an alternative Voting Day within six months of the second Monday in December of any election year.

14.2 If the Board of Director designates an alternative Voting Day after Notice of Election has been issued, the campaign period shall be suspended immediately, and shall resume on a date as decided by the Board of Directors that is at least three (3) weeks prior to the alternative Voting Day and ends at 12 a.m. of the Voting Day. The Board of Directors may at its discretion decide to re-open nomination, in which case Section 2.2 shall apply, and nomination papers (including deposit) of an existing candidate are deemed to be timely received within any new nomination period and the criminal record check provided as part of the original nomination papers is deemed to have met the requirement under Section 2.5.

14.3 The Board of Directors may, at its sole discretion and on a case-by-case basis, compensate a candidate's financial loss as a direct result of the postponement that would otherwise be eligible as election expenses under the Elections Contribution, Expense and Reporting Rules, up to a total of $5,000.