
Instructions of the Chief Electoral Officer

DATE: 29 August 2023

TO: ELECTION OFFICERS – ALL NWT ELECTORAL DISTRICTS

FROM: Chief Electoral Officer

RE: Ordinary Residence

This instruction is issued pursuant to s. 8 of the *Elections and Plebiscites Act* (the “Act”).

This instruction serves to clarify the interpretation and application of the rules of ordinary residence found at ss. 2 and 3 of the *Act*, in light of the current Territorial State of Emergency issued on August 15, 2023, as well as the various Evacuation Notices, Evacuation Alerts, and Evacuation Orders issued by the Minister of Municipal and Community Affairs in response to the ongoing wildfire situation in the territory.

The displacement of a large proportion of the population of the Northwest Territories as a result of the wildfire situation renders the rules for determining ordinary residence under s. 2 of the *Act* insufficient to determine the place of ordinary residence of a person displaced or otherwise absent from an electoral district or the Northwest Territories by reason of an evacuation order or wildfire.

Electoral officers are accordingly instructed as follows:

1. The displacement or absence of a person from an electoral district or the Northwest Territories by reason of evacuation or otherwise as a result of wildfire shall not be considered to constitute a change to the place of ordinary residence for the purposes of s. 2 of the *Act*.
2. Where a person is subject to an evacuation order or otherwise displaced by wildfire, that person shall be presumed to continue to adopt the place from which they are displaced or otherwise absent as their home, and thus to maintain the place of ordinary residence that he or she held prior to their displacement or evacuation for the purposes of s. 2(2) of the *Act*.
3. For greater certainty, a person who, by reason of evacuation or otherwise due to wildfire, has taken up temporary residence in a shelter, hostel, or other similar place as described in s. 2(5) of the *Act*, is presumed to not have lost the place of ordinary residence that he or she held prior to their displacement or evacuation.