


**Election of the  
Fourteenth  
Legislative Assembly  
of the  
Northwest Territories  
1999**

---

**Modernizing Our  
Electoral System**



Published by the Chief Electoral Officer



*ELECTION OF THE FOURTEENTH  
LEGISLATIVE ASSEMBLY OF THE  
NORTHWEST TERRITORIES – 1999*

# *Modernizing Our Electoral System*

*Published by the Chief Electoral Officer*



June 6, 2000

The Honourable Tony Whitford  
Speaker of the Legislative Assembly of the NWT  
PO Box 1320  
Yellowknife NT X1A 2L9

Dear Mr. Speaker:

I have the privilege to submit for the consideration of the Legislative Assembly my report, *Modernizing Our Electoral System*, relating to the conduct and administration of the 1999 general election in the Northwest Territories.

The report covers all aspects of the election process from the issue of the Writ to the conclusion of post election activities. The report includes those areas in which complaints or concerns were raised, actions taken in response to those complaints, and proposed recommendations put forth by Elections NWT staff, returning officers, other election officers, candidates, official agents and the general public.

The report is published in accordance with section 164 of the *Elections Act*.

Sincerely,

David M. Hamilton  
Chief Electoral Officer

## TABLE OF CONTENTS

<i>Foreward</i> .....	1
<b>I. Administration of the Election Process</b> .....	2
Electoral Districts .....	2
Establishment of Polling Divisions .....	2
Issue of the Writ .....	2
Residency .....	3
Enumeration, Automated List of Electors and Revision .....	3
Nominations .....	4
Advance Polling Day .....	4
Correctional Centre Voting .....	4
Special Voting Opportunities .....	4
Polling Day .....	4
Swearing in of Eligible Electors .....	5
Judicial Recount .....	5
Financial Administration .....	5
Tariff of Fees .....	5
Voter Education and Information .....	5
Election Results .....	6
<b>II. Special Voting Opportunities</b> .....	7
Voting by Special Mail-in Ballot .....	7
Voting in the Office of the Returning Officer .....	7
Proxy Voting .....	8
Advance Polling Day .....	8
<b>III. Candidates' Returns of Election Expenses and Contributions</b> .....	9
<b>IV. Instructions Issued by the Chief Electoral Officer</b> .....	10
<b>V. Northwest Territories Returning Officers</b> .....	12
<b>VI. What is in the Future for Elections in the NWT?</b> .....	15
<b>VII. Recommendations of the Chief Electoral Officer</b> .....	17
<b>Appendix</b> .....	23
Election Calendar .....	24
Votes Cast by Electoral District .....	25
Actual and Projected Cost of the NWT General Election .....	26
Summary of Candidates' Returns of Election Contributions and Expenses .....	27
Summary of Concerns on the Election Process Raised by Electors, Candidates and Official Agents .....	28

## FOREWORD

This is an historic report, in that it is the first report of the Chief Electoral Officer to be submitted to the Speaker of the Legislative Assembly of the Northwest Territories in this the 21st Century. It should also be noted that this is the last report of a Chief Electoral Officer on a parliamentary election held in Canada in the 20th Century.

Elections in the Northwest Territories have indeed come a long way since the election of 3 members from the Mackenzie District to the Council of the Northwest Territories in 1951. The Council of the Northwest Territories at that time consisted of 8 members. It was not until 1975 that the first fully elected Council took office with 15 members. In 1997 the first resident Chief Electoral Officer was appointed and it was not until the 1999 general election that the Northwest Territories took full control of its electoral system.

The management of an electoral event requires the close cooperation and teamwork of many people. These individuals must operate under a great deal of pressure to provide electors with an opportunity to vote for the candidate of their choice, with a minimum of stress, delay and inconvenience.

I would like to acknowledge the experience and dedication of Glen W. McLean, Deputy Chief Electoral Officer; Brian Armstrong, Coordinator of Training and Information; and staff members Penny Kocik, Finance Officer and Tanis Sterling, Administrative Assistant.

I would also like to extend my appreciation to the 19 returning officers and assistant returning officers, the many deputy returning officers, poll clerks, interpreters, peace officers and enumerators. Without the assistance and cooperation of these hard working individuals this electoral event would not have been possible.

Since this election was held in early December 1999 the next territorial election is not due until March of 2004. I urge the Legislative Assembly to consider this report and its recommendations in a timely manner so that if changes are made to the *Elections Act*, and or the electoral system, there will be adequate time for implementation, training of election officials and education of the electorate.

I would also strongly recommend that any proposed changes to the electoral process be through consultation with the residents of the Northwest Territories, who are guaranteed the right to effective representation through a fair and impartial electoral system.



David M. Hamilton  
Chief Electoral Officer

## I. ADMINISTRATION OF THE ELECTION PROCESS

### **ELECTORAL DISTRICTS**

The Report of the NWT Electoral Boundaries Commission 1998 was tabled and debated in the Legislative Assembly in October 1998. The Report's recommendation for two additional seats for Yellowknife was not adopted by the Legislature. A group of citizens named the Friends of Democracy challenged the fourteen seat Legislative Assembly under Section 3 of the *Canadian Charter of Rights and Freedoms*. They argued that the urban areas would be grossly underrepresented in the fourteen seat Legislature remaining after division of the NWT. On March 5, 1999, the NWT Supreme Court ruled in favour of the Friends of Democracy and declared the electoral districts of Yellowknife North, Yellowknife South and Hay River invalid. Initially, the Legislative Assembly was given until April 1, 1999 to make the necessary changes to comply with the Charter, however, an extension was later granted giving the Legislature until September 1, 1999 to amend or replace the electoral districts as prescribed in the *Legislative Assembly and Executive Council Act*. Bill 15, which set out the boundaries for a nineteen seat Legislature, was introduced in the House in April and after public hearings in five communities received third reading and Assent on July 30, 1999.

The extremely late approval of the electoral districts necessitated some quick planning including the appointment and training of returning officers, establishing polling divisions and undertaking the enumeration. It also had an impact on candidates' expenses as potential candidates could incur pre-election expenses. The Chief Electoral Officer was required to invoke section 207 of the *Elections Act* and publish a notice in the *Northwest Territories Gazette* on October 20, 1999 indicating that the necessary preparations had been made in light of the changes to the electoral districts and the Writ of Election could be issued.

### **ESTABLISHMENT OF POLLING DIVISIONS**

The returning officers of the electoral districts not affected by redistribution, as a matter of routine, carried out a general review of their existing polling division descriptions with only the electoral districts of Deh Cho and Thebacha adding additional polling divisions. The returning officers of Hay River North, Hay River South, Inuvik Boot Lake, Inuvik Twin Lakes and the seven electoral districts in the City of Yellowknife were instructed by the Chief Electoral Officer to establish new polling divisions within each of their electoral districts.

### **ISSUE OF THE WRIT**

On October 15, 1999, the Commissioner of the Northwest Territories, the Honourable Daniel Marion, signed the Writs of Election requiring the Chief Electoral Officer to issue the Writs for the 19 electoral districts on October 22nd. The Writs provided that Friday, October 22, 1999, be the first day of the 45-day electoral period with polling day to be Monday, December 6, 1999. Returning officers were directed to return the Writs by January 6, 2000.

This was the first time that an election was held in December in the Northwest Territories. There were concerns that the weather, which can be potentially stormy in various parts of the NWT, would have an effect on campaigning. Fortunately, there were no major problems reported.

### **RESIDENCY**

To be able to vote in the territorial election eligible electors must have been Canadian citizens, 18 years of age or older on polling day and have been a resident of the Northwest Territories since December 6, 1998.

The issue of residency was somewhat complicated by the division of the Northwest Territories on April 1, 1999. It was interpreted that in order to be an

eligible elector a person must have lived in the NWT, as it was described following division, for at least 12 months immediately before polling day. This would in effect disenfranchise those persons who moved from the eastern part of the territories after December 6, 1998, but prior to division.

A determination was made that those electors resident in the eastern portion of the territories, prior to division, and who relocated to the NWT prior to April 1, 1999, would be eligible to vote at the election. Those persons who moved from Nunavut to the Northwest Territories after April 1, 1999, would no longer meet the residency requirements.

As with previous elections, residency and the determination of absence from a voter's ordinary place of residence arose during the election. Greater clarity needs to be brought to defining residency to assist the electorate.

### ***ENUMERATION, AUTOMATED LIST OF ELECTORS AND REVISION***

Enumeration took place between September 9 and 17, 1999. A total of 20,184 eligible electors were placed on the preliminary list of electors. Elections Canada adapted their ECAPLE (Elections Canada Automated Preliminary List of Electors) system to assist in the generation of the preliminary list of electors and the official list of electors. The current automated list of electors being used by Elections NWT is not Y2K compliant. Therefore, Election NWT will be required to develop its own system for the creation of an automated enumeration data entry and retrieval system in time for the next general election.

This system was also used to print address labels so that Elections NWT was able to send out Confirmation of Registration Cards to the residents of Hay River, Inuvik and Yellowknife. These cards were sent to all eligible electors in these three communities whose name appeared on the official list of electors. The cards indicated the electoral district, polling division, poll location, voting opportunities and the office of the returning officer. These communities were singled out to receive the cards in an effort to

avoid unnecessary confusion since 11 of the 19 electoral districts were redrawn in those three communities.

Revision of the preliminary list of electors took place between October 22 and November 8, 1999. A total of 831 names of electors were added to the list while 157 were removed. The total number of names to appear on the official list of electors was 20,858, which included the 1,164 electors registered in the electoral district of Hay River South, where the candidate was elected by acclamation.

A problem occurred in the electoral district of Thebacha during the revision period. The returning officer faxed the names of eligible electors to be added to the list of electors in the electoral district. Due to an equipment failure, approximately 40 names of eligible electors did not get added to the official list of electors. The Chief Electoral Officer and the returning officer for the electoral district of Thebacha agreed that each one of the missed electors should be notified of the error and advised that they would be required to complete an application before being able to vote. In order to prevent a re-occurrence of this problem the Chief Electoral Officer has directed that all additions, deletion and changes be confirmed with the returning officer prior to finalization of the official list of electors.

### ***NOMINATIONS***

Perspective candidates had 10 days to file nomination papers with the returning officer in their electoral district. A total of 66 residents filed their nomination papers by the 2 p.m. deadline on November 1, 1999. One candidate withdrew before the 8 p.m. deadline on nomination day and the sole candidate for the electoral district of Hay River South, Mrs. Jane Groenewegen, was acclaimed.

Nominations, for the most part, were processed with a minimum of problems or delays. However, a concern was raised by a candidate that a nomination paper was filed without the required deposit and appointment of an official agent. It was stated that the deposit and completed official agent designation



was received after the time for receiving nomination papers had passed. The Chief Electoral Officer reviewed the process and while it was found that the procedures were not followed precisely, the *Elections Act* does not provide the authority to invalidate the nomination paper in question, therefore the candidacy was ruled as valid.

### **ADVANCE POLLING DAY**

Section 88 of the *Elections Act* provides that advance polls will be held in each advance poll district established by the returning officer and in each municipality or settlement having a population of 500 or more. Voting took place in 14 communities at 22 advance polls on November 25, 1999, where 546 eligible electors turned out to mark their ballot.

### **CORRECTIONAL CENTRE VOTING**

This was the second territorial election where incarcerated electors serving sentences of less than two years in correctional facilities were able to vote. Voting by incarcerated electors was conducted at the Territorial Women's Correctional Centre in Fort Smith, the South Mackenzie Correctional Centre in Hay River and the Yellowknife Correctional Centre on November 25, 1999 with 82 eligible electors casting their ballots.

The assistance and cooperation received from Corrections Services of the Department of Justice, in appointing liaison officers at each correctional facility and assisting in the conducting of the vote, was very much appreciated.

### **SPECIAL VOTING OPPORTUNITIES**

Amendments to the *Elections Act* in 1997 meant that two new voting opportunities were available at this election.

Voting in the office of the returning officer was very well received with 664 electors casting their ballots in the returning officers' offices during the period

commencing Monday, November 14, 1999 and ending Friday, December 3, 1999. Voting by special mail-in ballot was relatively well received with 92 eligible electors applying for special mail-in ballot kits. Of those applying, 67 eligible electors marked their ballots and mailed them back to the Office of the Chief Electoral Officer before the December 3rd deadline.

Proxy voting was also available to the electorate with 153 eligible electors casting their ballot using this process. The majority of ballots cast by proxy were in the electoral districts of North Slave and Tu Nedhe.

The special voting opportunities provided by Elections NWT are described in greater detail later on in this report.

### **POLLING DAY**

With the acclamation of the candidate in Hay River South, there were a total of 110 polls in the remaining 18 electoral districts. Polling took place in all 33 communities in the Northwest Territories on Monday, December 6, 1999. The polls opened at 9:00 a.m. and closed at 8:00 p.m. Voter turnout on polling day was 70.5%. There were no major problems reported during the voting period.





<b>VOTING METHOD</b>	<b>VOTES CAST</b>	<b>%</b>
Polling Day	12,372	89.10
Voting in the Office of the Returning Officer	664	4.78
Advance Polls	546	3.93
Proxy Voting	154	1.11
Correctional Voting	82	.59
Voting by Special Mail-in Ballot	67	.48
<b>Total Votes</b>	<b>13,885</b>	<b>100.00</b>

### **SWEARING IN OF ELIGIBLE ELECTORS**

The *Elections Act* provides that a person who is eligible to vote, but whose name does not appear on the list of electors, may do so upon taking an oath of eligibility. The ability to be sworn-in at the polls was expanded for this election by allowing voters who voted at the office of the returning officer to be sworn-in. In total 1,299 eligible electors were sworn-in prior to casting their ballots at either the office of the returning officer, the advance poll or on polling day.

### **JUDICIAL RECOUNT**

Subsection 137(1) of the *Elections Act* requires the returning officer to apply to a judge for a recount if the number of votes separating the candidate receiving the highest number of votes and any other candidate is less than 2% of the total number of votes cast in the electoral district.

A judicial recount was required for the electoral district of Yellowknife South. The official addition, completed by the returning officer, resulted in the number of votes separating the winning candidate Mr. Brendan Bell (359) and the next nearest candidate, Mrs. Pat McMahon (347) was less than the prescribed 2% of votes cast. The judicial recount, conducted by the Honourable Madam Justice V. A. Schuler on December 13, 1999, confirmed the results of the official addition and the election of Mr. Bell.

### **FINANCIAL ADMINISTRATION**

All financial obligations were processed through the Legislative Assembly/GNWT financial system with payroll obligations processed by Compensation Services of the Financial Management Board Secretariat. The new Peoplesoft system did cause some initial delays in processing payments to election officials, but they were eventually resolved. I wish to express my appreciation to the staff of both departments for their assistance and cooperation in processing payments to suppliers and election staff in an orderly and efficient manner. Returning officers and other election officials were offered direct deposit to a financial institute of their choice instead of having their cheques mailed.

### **TARIFF OF FEES**

Prior to the general election the Office of the Chief Electoral Officer reviewed the tariff of fees to ensure that returning officers, assistant returning officers and other elections officials were fairly compensated. Rate increases were made to the fees paid to returning officers for completing work assigned between elections and to the fees paid if an election occurs or does not occur. Fees paid to deputy returning officers, poll clerks and enumerators were also increased.

### **VOTER EDUCATION AND INFORMATION**

An important aspect of Election NWT's mandate during a general election is to generate awareness among the general public, candidates, official agents and the media. Elections NWT took special steps in developing a public information campaign to inform the public on important voting opportunities and key dates. A poster was produced in English, French, South Slavey, Dogrib and Inuvialuktun. The following five brochures were printed and distributed to returning officers, municipal offices and households throughout the Northwest Territories:

- A Guide for Voters in the NWT
- Special Voting Opportunities
- Student Voting
- Prospective Candidates
- Contributions to Election Campaigns

All of the above mentioned information was also available on Election NWT's website. The website address along with office's e-mail address was on all of the public information produced for the election. During the election period over 2000 hits were recorded on the Elections NWT website and numerous e-mail inquiries were responded to.

For the first time in a NWT election, television advertising was used as a means to reach as many of the electorate as possible. Yellowknife Films was contracted to produce five television and radio public service announcements for the election. The announcements were produced in English, South Slavey, Dogrib and Inuvialuktun. The television announcements were aired on CBC North Television

and the Aboriginal Peoples' Television Network while the radio announcements were aired on CBC Radio, CKLB and Mix 100. This use of television and radio did add a significant cost to the election but from the feedback we received, we are of the opinion that it was money well spent.

### ***ELECTION RESULTS***

As was the case in the 1995 territorial election, CBC Television, CBC Radio and other media outlets gathered at Election Central '99 in the Great Hall of the Legislative Assembly to broadcast the unofficial poll-by-poll results across the Northwest Territories as they came in.



## II. SPECIAL VOTING OPPORTUNITIES

A number of special voting opportunities were introduced to the electorate at this general election along with revamped proxy voting procedures. The electorate, in addition to the proxy provisions, were given the opportunity to vote by special mail-in ballot or to vote in the office of the returning officer.

### **VOTING BY SPECIAL MAIL-IN BALLOT**

This was the first Northwest Territories election in which voting by mail was offered. Eligible electors, whose names appeared on the list of electors, were able to apply for a special mail-in ballot until November 15, 1999. Applications were made available to eligible electors from the Office of the Chief Electoral Officer in Yellowknife. A total of 92 eligible electors submitted applications, with 52 received from electors in Yellowknife, 23 electors south of Great Slave Lake and 17 electors north of Great Slave Lake.

Students attending post secondary institutions, both inside and outside the Northwest Territories, were sent a letter and a brochure from the Chief Electoral Officer with information on how to vote by mail. Approximately 1,000 information letters were sent to northern students. The response from eligible student electors was disappointing but not entirely unexpected considering that this was the first time it was offered. A review will be undertaken to see if there are additional mechanisms that can be utilized in the future to educate and inform these electors of the importance of exercising their right to vote.

Also during the enumeration process, enumerators were directed to ask if there were any eligible electors living in the home who would be unable to attend the polls due to a disability. The Chief Electoral Officer wanted to give these eligible electors an opportunity to vote by mail. A total of 106 electors indicated that they had a disability that would prevent them from attending the polls and each was sent an application to vote by mail. Of the 106 electors who were sent an application only 10 submitted their application for a mail-in ballot kit.

Mail-in ballot kits were prepared and mailed to the electors during the period of November 16 and

November 19, 1999. Electors were required to return their completed ballot to the Office of the Chief Electoral Officer by 5:00 p.m. on December 3, 1999. A total of 67 electors, or 73% of those electors who were mailed ballot kits, returned their marked ballot.

The ballots were counted at the Office of the Chief Electoral Officer in Yellowknife by the deputy returning officer appointed to conduct the inmate vote at the Yellowknife Correctional Centre before two appointed witnesses. The results from the voting by mail were added to the voting results on election night.

The Office of the Chief Electoral Officer received only one complaint with respect to voting by special mail-in ballot. A student complained that not enough time was provided between the acceptance of the application and the mailing of the mail-in ballot kit and the date that the completed ballot was due at the Office of the Chief Electoral Officer. The Chief Electoral Officer has proposed changes to the special mail-in ballot procedures in the recommendations contained in this report.

While only a small number of the electorate chose to vote by mail, the Chief Electoral Officer is confident that the electorate of the Northwest Territories has accepted voting by mail. It is recommended that voting by mail be continued with modifications and improvements.

### **VOTING IN THE OFFICE OF THE RETURNING OFFICER**

Eligible electors were given the opportunity to vote in the office of the returning officer in their respective electoral districts for 10 days between November 14 and December 3. Eligible electors were able to cast their ballot during the times that the returning officer's office was open. Those eligible electors, who were not on the list of electors, were sworn in by the returning officer or assistant returning officer and allowed to cast their ballot. A total of 664 eligible electors took advantage of this new opportunity. The number of eligible electors who voted at the offices of the returning officers was 22% more than the number who voted at the advance poll.

From reports received from electors, candidates and returning officers, voting in the office of the returning officer was well received. It is recommended that this voting opportunity continue to be offered at future elections.

The Chief Electoral Officer issued instructions to the returning officers in the electoral districts of Hay River North and Thebacha to provide for the transfer of the ballot box, used in the office of the returning officer, to electors confined in the local hospital, health facility or their homes. The Chief Electoral Officer is proposing amendments to provide greater latitude to returning officers in providing voting opportunities to those eligible electors who are infirm. Proposed amendments are included within the recommendations contained in this report.

### **PROXY VOTING**

Proxy voting continued to be available to the electorate, but in an amended format. The changes to the process provided greater control to the returning officers and consisted of the following:

- An elector may vote only once as a proxy voter at an election;
- An elector must make an application for a proxy certificate and may not apply earlier than Thursday, the 4th day before polling day and no later than 3:00 p.m. on polling day;
- An elector must apply personally for a proxy certificate, but may do so by fax; and
- An elector must be both absent from the electoral district and more than 50 kilometers from the office of the returning officer.

The introduction of revised rules eliminated some of problems and did not appear to adversely affect eligible electors from voting by proxy. A total of 154 eligible electors chose to vote by proxy. Compared to other districts, the electoral districts of Tu Nedhe and North Slave had a high number of voters use proxies with 52 and 37 proxy voters respectively. The electoral districts of Frame Lake, Great Slave, Hay River North, Inuvik Twin Lakes, Kam Lake, Mackenzie Delta, Range Lake, Sahtu, Weledeh and Yellowknife South each had less than 10 proxy

voters. The electoral district Deh Cho had 11 proxy voters, while Thebacha and Nahendeh each had 10 proxy voters. The electoral districts of Inuvik Boot Lake, Nunakput and Yellowknife Centre had no proxy voters.

While there were few problems encountered with the proxy process in a majority of the electoral districts, the Chief Electoral Officer is still concerned with possible misuse of this voting opportunity. Only the jurisdictions of Nova Scotia, Ontario, Yukon, Nunavut and the Northwest Territories use proxy voting. The proxy voting rules in Nunavut are the same as the Northwest Territories. The Yukon requires that an eligible elector must be absent from the territory in order to vote by proxy. Ontario requires only that the persons must believe, for any reason, that they will be unable to vote at the advance poll or on polling day. Nova Scotia requires that an eligible elector must meet one of eight possible criteria in order to vote by proxy.

The Chief Electoral Officer believes that with expanded voting opportunities that proxy voting is no longer necessary and that this practice should be discontinued.

### **ADVANCE POLLING DAY**

The *Elections Act* provides that each returning officer must establish an advance poll in their electoral district and in each community, in their electoral district, with a population of 500 or greater. A total of 22 advance polls were held throughout the Northwest Territories on November 25, 1999 with 546 eligible electors casting their ballots. In locations where the returning officer was located 339 eligible electors cast their ballots, while the remaining 207 were cast by eligible electors in other communities. With the introduction of voting in the office of the returning officer, the need for an advance poll in the community in which the returning officer is located may no longer be required. Eligible electors have the opportunity to cast their ballot during the two-week period provided for voting in the office of the returning officer. Proposed amendments are included within the recommendations contained in this report.



### III. CANDIDATES' RETURNS OF ELECTION EXPENSES AND CONTRIBUTIONS

An important part of any election is the requirement for candidates and official agents to report all contributions and to account for all expenditures.

The Office of the Chief Electoral Officer reviewed the election contribution and expense forms used by the candidates and official agents. This review resulted in all financial reporting forms and related instructions being placed under one cover, with the exception of the "Candidate's Additional Return of Contributions."

Despite the improvements, some candidates experienced problems completing the forms. Candidates also indicated that additional information is required with respect to what constitutes an election expense and clarification on the forms of campaign fund raising. Other areas of concern relate to the purchase of assets for a campaign, the purchase of liquor for campaign events, reasonable travel expenses and contributions in kind. Provisions contained in the *Elections Act*, with respect to election contributions and expenses, should be thoroughly reviewed to ensure complete and accurate reporting of election financing.

It became evident that guidelines are required as to what types of contributions and expenses are permitted in the pre-election period. The ability for an official agent to issue income tax receipts, which has been in place for a number of elections, still requires clearer legislation or guidelines.

The *Elections Act* requires that an official agent must file, on behalf of their candidate, a return respecting election contributions and expenses within 60 days following polling day. A candidate is also required to file a declaration within the same time period. The *Elections Act* also provides that an official agent, other than the official agent for an elected candidate, may apply to the Chief Electoral Officer or to a judge for an extension of the time for filing. A non-elected candidate may also apply for an extension of the time to file their declaration.

Subsection 185(2) of the *Elections Act* provides that every candidate and official agent who, without excuse authorized by this Act, contravenes or fails to comply with section 179 is guilty of an offence that is an illegal practice. Should a candidate and/or official agent be found guilty, section 228 provides that they shall not, during a five-year period after the date of being convicted:

- a) be elected to the Legislative Assembly;
- b) sit as a member of the Legislative Assembly;
- c) vote at any election; and
- d) hold any office to which the Commissioner or the Legislative Assembly have the power to nominate.

At the time of printing this report 64 official agents and candidates had submitted their returns respecting election contributions and expenses. One official agent has requested additional time to file their return. The official agent indicated that the original return had been lost and they required additional time to reconstruct the records. The Office of the Chief Electoral Officer is working closely with this official agent to ensure that the return is filed with a minimum of delay.

The Office of the Chief Electoral Officer has accepted the returns of 61 candidates and filed them with the Clerk of the Legislative Assembly pursuant to the *Elections Act*. Three returns are being held pending further review or receipt of responses to various inquiries. It is anticipated these returns will be concluded shortly and filed with the Clerk of the Legislative Assembly.

All 19 elected candidates submitted their returns within the prescribed 60-day time limit.

## **IV. INSTRUCTIONS ISSUED BY THE CHIEF ELECTORAL OFFICER**

In the course of a general election there are events that unfold that require the intervention of the Chief Electoral Officer. Section 5 of the *Elections Act* provides that the Chief Electoral Officer may take action to the extent he considers necessary to meet the exigencies of the situation if he is of the opinion that by reason of a mistake, miscalculation, emergency or unusual or unforeseen circumstance, any of the provisions of the Act do not accord with the exigencies of the situation. The Chief Electoral Officer is required to issue instructions should it be necessary that he must take action to address a specific event. However, the Chief Electoral Officer may not issue instructions with respect to late filing of a nomination paper or for a vote to be cast before or after the hours fixed in the Act.

In the course of administering the general election, the Chief Electoral Officer was required to issue the following instructions to returning officers pursuant to section 5 of the *Elections Act*:

### *Sharing of Office Space*

Returning officers in Yellowknife, Hay River and Inuvik were authorized to combine their office locations, due to a lack of adequate office space in their respective electoral districts.

### *Posting of Notices*

Authority was granted to the returning officers in Yellowknife to post their election notices and the preliminary list of electors in central locations within the city. The returning officers were still required to post their election notices and preliminary list of electors in their respective electoral districts. The returning officers for Kam Lake and Yellowknife South were also authorized to post their election notices and preliminary list of electors in adjacent electoral districts due to a lack of public places in their own electoral districts.

### *Additional Enumerator*

The returning officer for the electoral district of Weledeh was granted authority to appoint an additional enumerator to conduct the enumeration in polling division number 1.

### *Extension of Enumeration*

Returning officers for the electoral districts of Sathu, Nunakput and Inuvik Boot Lake were granted authority to extend the enumeration period in specified polling divisions within their electoral districts in order to complete the enumeration.

### *Appointment of ARO*

The returning officer for the electoral district of Hay River North was granted authority to appoint an assistant returning officer from outside the electoral district. The returning officer was unable to appoint a person from the electoral district.

### *Supervising DRO*

Returning officers for the electoral districts of Inuvik Boot Lake, Inuvik Twin Lakes, Hay River North, Thebacha and all Yellowknife electoral districts were granted authority to appoint a supervising deputy returning officer at each of their central polling stations to assist electors.

### *Elector Information*

All returning officers were instructed to provide a copy of the "Record of Votes Cast in the Office of the Returning Officer" to each candidate in their electoral district. This record showed the name of the elector who voted in the office of the returning officer.

*Disabled Electors*

Returning officers for the electoral districts of Thebacha and Hay River North were granted authority to transport the ballot box used at the office of the returning officer to disabled electors confined in their homes and hospitals.

*Additional ARO*

The returning officer for the electoral district of Inuvik Boot Lake was granted permission to hire an additional assistant returning officer due to unforeseen circumstances surrounding her employment.

*Candidates' Agents*

All returning officers were instructed that candidates' agents could not attend their office on a daily basis to observe voting, but could be present during the counting of the votes following the close of the polls on polling day.

*Vary Hours of Advance Poll*

The returning officer for the electoral district of Mackenzie Delta was authorized to vary the hours of the advance poll in Aklavik due to the late arrival of the ballots.

*Re-instate an Elector*

The returning officer for the electoral district of Thebacha was authorized to re-instate an elector on the list of electors after having been struck as voting by mail.

*Retrieval of Voting Record*

The returning officer for the electoral district of Deh Cho was authorized to retrieve the "Record of Votes Cast at an Advance Poll" from the advance poll ballot box. The deputy returning officer failed to provide it as required by the *Elections Act*.

*Retrieval of Unused Ballots*

The returning officer for the electoral district of Weledeh was authorized to retrieve the unused ballots from the advance poll ballot box. The returning officer believed that a polling station might be short on ballots.

The Chief Electoral Officer is also required to issue specific instructions to returning officers pursuant to the *Elections Act*. These instructions included the establishment of office hours for returning officers, designation of the enumeration period, establishing the day on which the preliminary list of electors is to be revised, amalgamation or splitting of polling divisions and the revision of polling division boundaries.



## V. NORTHWEST TERRITORIES RETURNING OFFICERS

### **APPOINTMENT AND TRAINING OF RETURNING OFFICERS**

Nineteen residents of the Northwest Territories were chosen for appointment as the first post-division returning officers for the Northwest Territories. All appointments were published in the *Northwest Territories Gazette* on August 12, 1999. All 19 returning officers were women, of which 8 were aboriginal and 8 had previous experience as returning officers in a territorial election.

A training session was held in Yellowknife August 25 to 27, 1999, to familiarize the returning officers with the election process and the use of the various election forms and documents. Polling divisions were reviewed and where necessary, new polling divisions were established.



### **POST ELECTION CONFERENCE**

A post election conference was held in Yellowknife on January 27 and 28, 2000. The purpose of the conference was to review the administration of the election, identify problems encountered by returning officers and election officials and to make recommendations for changes in the election process or propose amendments to the *Elections Act*.

The returning officers who attended the post election conference made the following recommendations:

### **ENUMERATION**

- That enumeration be conducted closer to the beginning of the election period.
- That apartment buildings need to be made more accessible for enumerators.
- That more advertising be done during the enumeration period.

### **LIST OF ELECTORS**

- That the font size used for the list of electors be increased.
- That the list of electors be posted listing the names alphabetically for the entire electoral district instead of by poll.
- That additions and deletions to the preliminary list of electors be confirmed with returning officers before the official lists is completed.

### **GETTING READY**

- That storefront property be leased where possible when locating office space for returning officers.
- That the accountable advance provided to returning officers be increased to \$100.00.

### **ELECTION STAFF**

- That the amount paid to supervising deputy returning officers be increased to match that paid to deputy returning officers.
- That returning officers be encouraged to use enumerators as poll clerks and deputy returning officers on advance polling day and Election Day.

### **NOMINATIONS**

- That clarification be provided on the signatures of witnesses that are required for the nominator's signatures on the nomination paper.

**THE EVENT**

- That it is not necessary for there to be extended office hours on revision day.
- That advance polls be eliminated in those communities that have voting in the office of the returning officer.
- That office hours be standardized across the NWT for the 10 days that voting in the office of the returning officer takes place.
- That one day be set aside, during the period of voting in the office of the returning officer, where the returning officer would have the option of conducting a special voting day at a seniors' home so that those individuals who find it difficult to vote on polling day may cast their ballot.
- That clearer instructions and a checklist be provided to returning officers for the official addition.

**GENERAL**

- That the assistant returning officers attend the training session.
- That returning officers be given the right to vote.
- That a checklist be included at the beginning of each section of the returning officer's manual.

- That a checklist be developed for deputy returning officers and poll clerks for the counting of the ballots and the close of polls on Election Day.
- That videos be developed to assist in the training of election officials.
- That workshops should be developed for candidates and official agents to educate them on the election process and how to complete the election contributions and expenses documents required under the Act.
- That detailed instructions be developed for scrutineers so that they are aware of what their role is at the polling station.
- That the rate of pay be reviewed for interpreters.
- That an instruction sheet be developed to accompany the application for proxy voting to make it easier for voters to understand the process.
- That the election period be shortened by at least one week.
- That the possibility of establishing a permanent list of electors be reviewed.



<b>RETURNING OFFICER</b>	<b>ELECTORAL DISTRICT</b>	<b>COMMUNITY</b>	<b>ASSISTANT R.O</b>
Rosemary Minoza	Deh Cho	Fort Providence	Shirley Nadli
Penny Kocik	Frame Lake	Yellowknife	Lorne Schollar
Lisa Alain	Great Slave	Yellowknife	Bob Dawe
Hazel Haight	Hay River North	Hay River	Olive Herbert
Linda Walton	Hay River South	Hay River	Jean Williams
Barb Crawford	Inuvik Boot Lake	Inuvik	Adam Binder
Juanita Bourque	Inuvik Twin Lake	Inuvik	Mary Boone
Gladys Eggenberger	Kam Lake	Yellowknife	Joyce Watt
Liz Wright	MacKenzie Delta	Fort McPherson	Sherri DeBastien
Rita Cazon	Nahendeh	Fort Simpson	Brent Squirrel
Harriet Koyina	North Slave	Rae	Marie Lafferty
Lena Selamio	Nunakput	Tuktoyaktuk	Mary-Ann Taylor
Jessie Oystrek	Range Lake	Yellowknife	Blair Dunbar
Margrit Minder	Sahtu	Norman Wells	Diana Hodgson
Anna Hodgkins	Thebacha	Fort Smith	Millie Steed
Violet Beaulieu	Tu Nedhe	Fort Resolution	Dorothy Mandeville
Pam Dunbar	Weledeh	Yellowknife	Kate Southworth
June Van Dine	Yellowknife Centre	Yellowknife	Erica Tesar
Sandra Arberry	Yellowknife South	Yellowknife	Barb McKee

## **VI. WHAT IS IN THE FUTURE FOR ELECTIONS IN THE NWT?**

The end of an electoral cycle is a good time to consider, along with the recommendations that may result from the consideration of this report by the Legislative Assembly, what the future holds. With the establishment of a permanent office for the Chief Electoral Officer nearly two years ago, the profile of a place for getting experienced information on electoral matters has evolved. The office and the experienced staff have been asked for advice from a number of organizations and individuals responsible for conducting some form of election or voting.

The Northwest Territories is not unique in that it has a large number of governments, groups and organizations that hold elections in some form or another in a given year. The current negotiations with aboriginal governments on self-government will lead to new ways of voting in different parts of the Territories. The office has fielded inquiries from bands, aboriginal organizations, municipalities, community organizations, electing boards and individuals. We have been pleased to respond to these inquiries. However, not having responsibility or accountability for conducting these type of elections, we can only assist with advice gained from territorial elections, land claim or ratification votes and other jurisdictions' and countries' electoral systems that officials have been part of. The office has staff that have worked at the municipal level, on a number of the ratification votes for claimant groups and on the public vote process used in Nunavut. We were also pleased to assist the Chief Returning Officer who conducted the 1999 vote to elect the President and other officers of Nunavut Tunngavik Incorporated. Elections NWT will continue to provide advice when it is requested.

### **SHARING OUR RESOURCES AND EXPERIENCE**

The office has been approached to have preliminary discussions with some municipalities, boards and

agencies on possible voting efficiencies. The one current item that is a matter of discussion is the sharing of the list of electors. As an example, the timing of the 1999 general election and the production of the official list of electors for that event may be useful to municipalities who will have elections later this year. In a number of the provinces and the Yukon Territory, the office of the Chief Electoral Officer conducts elections for not only their respective Legislative Assemblies but for municipalities and school boards. My office will continue to meet with and explore areas that could provide assistance to any organization that has the responsibility for holding elections. This may result in efficiencies and standardization of processes that can only assist the individuals who have to cast a ballot. In addition, the successful conclusion of self-government agreements with aboriginal governments will result in new ways of electing community and regional governments. This is an exciting time and the Office of the Chief Electoral Officer would be pleased to offer assistance in developing processes to conduct elections.

### **ELECTORAL BOUNDARIES**

The Office of the Chief Electoral Officer has also provided support to the 1997 Nunavut Electoral Boundaries Commission and the 1998 Northwest Territories Electoral Boundaries Commission. Determining electoral boundaries is never an easy exercise. It should be noted that the Northwest Territories does not currently have an Act that provides for further review of its electoral boundaries. It may be a matter that the Legislative Assembly may wish to consider in light of self-government agreements and the future constitutional make up of the Legislative Assembly. The timing will be important and should be considered well in advance of the next general election to avoid some of the problems that arose prior to the 1999 general election.

### **NEW INITIATIVES**

The Northwest Territories has a *Plebiscite Act* that was used to conduct the two plebiscites held in 1982 and 1992 relating to division. The current Act is out of date and requires a comprehensive review. While this review is being undertaken it may be appropriate to consider the merging of the plebiscite legislation with the development of referendum legislation. Direction will need to be sought from the Legislative Assembly and others with the development of this legislation.

A review and updating of the elections education kit "Choosing Our Mascot" will also be initiated. The education kit is for children in kindergarten to Grade 4 and is currently used in schools across the NWT and Nunavut.

Elections NWT will continue to review new and innovative methods that will improve voter access and increase understanding of the electoral process.

## VII. RECOMMENDATIONS OF THE CHIEF ELECTORAL OFFICER

Subsection 164(1)(e) of the *Elections Act* provides that the Chief Electoral Officer may make recommendations to the Legislative Assembly on any matter that would assist with improving the administration of future elections. If, in the opinion of the Chief Electoral Officer, it may be desirable for the better administration of elections to make amendments to election laws, he may do so through this report.

The following recommendations are offered for consideration in an effort to improve the conduct and administration of elections in the Northwest Territories.

### ELIGIBILITY OF ELECTORS

Subsection 29(5) of the *Elections Act* provides that a person does not lose his or her residence by leaving his or her home or dwelling for a temporary purpose. The Act does not define what a temporary purpose is or the length of a temporary absence. During the 1999 general election a number of instances arose dealing with electors being temporarily absent from their home or residence and whether they were eligible to vote in a specific electoral district.

**Recommendation:**

***That the Elections Act be amended to prescribe the purpose and the length of time for which an elector may claim a temporary absence from his or her electoral district.***

### MEMBERS, SPOUSES AND DEPENDENTS

Residency is one of the fundamental aspects in determining whether a person is eligible to vote in an election and in what electoral district that person is able to cast their ballot. All eligible electors must vote in the electoral district where they reside, except for incumbents and their families. Under our current legislation, incumbents choose where they want their

residency for electoral purposes. This practice clearly gives current sitting members an advantage over other candidates and provides them with an option not open to any other elector. The Chief Electoral Officer believes that the playing field must be leveled and that this practice should be discontinued.

**Recommendation:**

***That section 32 of the Elections Act be repealed.***

### PERMANENT LIST OF ELECTORS

Presently, enumeration is conducted through the appointment of enumerators who go door-to-door to record the names of those persons who are eligible electors. The enumeration is carried out over a 9-day period and employs approximately 100 enumerators. The cost to conduct enumeration is estimated at over \$35,000.

A number of jurisdictions including Canada, Alberta, British Columbia, New Brunswick, Newfoundland, Ontario and Quebec have established a permanent list of electors. These jurisdictions use a number of ways to update their list of electors including, when required by their respective election Acts, a door-to-door enumeration. Manitoba, Nova Scotia, Prince Edward Island, Nunavut, Saskatchewan, Yukon and Northwest Territories depend solely on the door-to-door method to produce a list of electors.

The Chief Electoral Officer feels that looking into the possibility of establishing a permanent list of electors is important and that exploring joint ventures, partnerships and the sharing of this information may be possible with various organizations and other levels of government.

**Recommendation:**

***That a review be undertaken to determine the acceptability and cost of developing and maintaining a permanent list of electors for the Northwest Territories.***

### **AUTOMATED LIST OF ELECTORS**

The Office of the Chief Electoral Officer used a modified version of Elections Canada's Automated Preliminary List of Electors (ECAPLE) program to create a NWT Preliminary List of Electors, Statement of Changes and Additions and the Final List of Electors. The ECAPLE system is not Y2K compliant and needs to be replaced. Elections Canada has developed a new automated system but it would require extensive modifications to meet our established needs. It is imperative that Elections NWT develop its own automated system for the creation of its lists of electors.

**Recommendation:**

***That Elections NWT develop an Automated Enumeration Data Entry and Retrieval System.***

### **NOMINATION PERIOD**

The *Elections Act* provides that nomination day shall be at 2:00 p.m. on Monday the 35th day before polling day. This provision allows for a 10-day nomination period, however nominations are normally presented to returning officers during the weekdays reducing the days for filing to 7 days. A reduction in the nomination period would contribute to a shortened electoral event and allow for an earlier production of ballot requirements. In most cases, potential candidates have already made up their minds if they are going to run well before nominations open.

During the 1999 general election 66 nomination papers were filed, with 48 or 73% being filed in the first week that nominations were accepted.

**Recommendation:**

***That the nomination period be reduced to 5 days.***

### **EXCEPTIONS TO INELIGIBLE CANDIDATES – VARIOUS GROUNDS**

Paragraph 51(3)(a) of the *Elections Act* provides that every person who accepts or holds any office, commission or employment, permanent or temporary, in the service of the Government of the Northwest Territories, to which any salary, fee, wages, allowance, emolument or profit of any kind is attached, during the time that he or she is holding the office, commission or employment is not eligible to be a candidate.

Paragraph 51(4)(d) provides an exception by allowing an employee of the Government of the Northwest Territories to seek a leave of absence from their employment, but does not provide the same privilege to a person who is appointed to a board or agency of the government. A number of situations arose concerning perspective candidates who were on District Education Authorities and other boards.

**Recommendation:**

***That subsection 51(4) be amended to provide that every person referenced in paragraph 51(3)(a) may seek a leave of absence, without pay, to seek nomination as a candidate and to be a candidate at an election.***

### **WITHDRAWAL OF CANDIDATE**

The *Elections Act* provides that candidates may withdraw their nomination up to 8:00 p.m. on nomination day. The Northwest Territories and Nunavut are the only jurisdictions that provide for a late hour withdrawal on nomination day. Other jurisdictions vary on the time that candidates may withdraw their nomination paper. As an example, Canada allows a withdrawal up to 5:00 p.m., Prince Edward Island until 4:00 p.m. and Nova Scotia until 1:00 p.m., on nomination day.

**Recommendation:**

***That a candidate may withdraw their nomination up to 5:00 p.m. on nomination day.***



## **FIXING REVISION DAY**

The *Elections Act* provides that eligible electors have, from the issue of the Writ of Election, to the day established by the Chief Electoral Officer as revision day, usually the 28th day before polling day, to make revisions to the list of electors. On revision day, the returning officer or the assistant returning officer is required to be in their office until 8:00 p.m. to receive these additions, changes or deletions. The period provided by the Chief Electoral Officer is sufficient for electors to make additions, changes or deletions and the requirement for the returning officer or the assistant returning officer to be in their office for an extended period on a specified day is no longer required.

### **Recommendation:**

***That the requirement for the Chief Electoral Officer to designate a specific day as revision day be repealed and substituted with the designation of a revision period.***

## **FORM OF THE BALLOT**

Section 74 of the *Elections Act* provides that all ballot papers be in the prescribed form and each ballot paper must state the names in alphabetical order of the surnames and numbered sequentially and have a counterfoil and stub. Section 76 of the *Elections Act* provides that the Chief Electoral Officer shall produce photoplacards, in the described form, containing the names of the candidates in alphabetical order of the surnames and numbered sequentially, a photograph of each candidate, if provided, and the address and occupation of the candidates.

Electors have complained that the photoplacards are not always discernible, as they are not always close to the voting screens. The mandatory inclusion of candidates' photographs on the ballot will assist all electors especially those with low literacy levels and those who have difficulty in identifying the candidates, thus eliminating the need for photoplacards.

### **Recommendation:**

***That candidates be required to submit a photograph with their nomination paper.***

***That the photograph of the candidate appear on the ballot.***

***That the requirement to provide photoplacards be discontinued.***

## **VOTING BY SPECIAL MAIL-IN BALLOT**

The Office of the Chief Electoral Officer received only one complaint with respect to voting by special mail-in ballot. A student in Calgary noticed that it had taken 10 days for her mail-in ballot to arrive and wondered how long it took other students to receive theirs. The mail-in ballots were mailed between the 16th and 19th of November allowing over 2 weeks for the ballot to be received by the registered elector and to be returned to the Office of the Chief Electoral Officer by the December 3rd deadline. The two-week period may be insufficient depending on the location of the registered elector. A total of 92 ballot kits were mailed to eligible electors with 67 being returned. Allowing voting by special mail-in ballot to commence at the close of nominations, by offering write-in ballots until such time as regular ballots are available, would provide additional time to send out and receive ballots cast by mail.

### **Recommendation:**

***That the Chief Electoral Officer provide write-in ballots for voting by mail.***

## **ADVANCE POLLS**

The introduction of voting in the office of the returning officer makes holding advance polls unnecessary in communities where the returning officer is located. A total of 664 electors cast their ballot in the offices of the returning officers.

Advance polls were conducted in 22 communities at an estimated cost of \$13,000.00. Removing the communities, in which the returning officer is located, would reduce the estimated cost of holding advance polls by approximately \$10,000.00.

**Recommendation:**

***That advance polls no longer be held in communities where the returning officer is located.***

***That the Elections Act be amended to provide that advance polls be held between the hours of 12:00 noon and 8:00 p.m.***

## **PROXY VOTING**

Significant changes were made to proxy voting provisions in 1997 when the *Elections Act* was amended in an effort to prevent some of the problems that occurred during the 1995 territorial election in the electoral district of Thebacha and some of the other districts. Unfortunately, even with the additional restrictions put on proxy voting this method of voting remains open to abuse. There were problems in filing applications and with the issuing of the proxy certificates themselves.

For the most part, proxy voting was hardly used in a majority of electoral districts. However, major irregularities and questionable practices occurred in the electoral district of Tu Nedhe which were of particular concern to Elections NWT.

With the addition of voting in the office of the returning officer, voting by special mail-in ballot and the recommendation to introduce special mobile voting stations, it is the opinion of the Chief Electoral Officer that the need for proxy voting no longer exists and should be discontinued. Nova Scotia, Ontario, Nunavut and the Yukon are the only other jurisdictions that offer this voting opportunity, but both Nova Scotia and the Yukon have even tighter restrictions than our present system.

**Recommendation:**

***That proxy voting should no longer be offered.***

## **VOTING BY RETURNING OFFICERS**

The *Elections Act* provides that a returning officer is not able to vote at an election. This provision is there to promote a spirit of non-partisanship and independence of the position of returning officer. Previously,

the Act provided that the returning officer voted only to break a tie following a judicial recount. However, the *Elections Act* was amended and now provides that, should a tie result after a judicial recount, a by-election would be held.

Further, constitutional concerns have been raised with respect to elector rights provided under the *Canadian Charter of Rights and Freedoms* and the possible infringement of those rights respecting returning officers. The new *Canada Elections Act* includes a provision that would allow returning officers to vote at a federal election.

**Recommendation:**

***That returning officers be given the right to vote at territorial elections.***

## **SPECIAL MOBILE VOTING STATIONS**

During the course of the election, returning officers in the electoral districts of Hay River North and Thebacha identified a number of eligible electors that were unable to go to the polls due to a medical condition and/or mobility problems. The Chief Electoral Officer provided approval, by way of an instruction, for the returning officers to transport the ballot box used at the office of the returning officer to electors who were confined to their homes, hospital or care facility.

The *Local Authorities Elections Act* has a provision that allows a returning officer to establish a mobile voting station.

**Recommendation:**

***That the Elections Act be amended to provide that the returning officer may, with the prior approval of the Chief Electoral Officer, establish a special mobile voting station for eligible electors residing at a hospital, health facility, senior citizen's home or confined to their home for medical or mobility reasons.***

## **SALE OF LIQUOR ON ELECTION DAY**

Section 213 of the *Elections Act* provides that no person may, during the hours that the polls are open on polling day, sell, give, offer or provide liquor, as defined by the *Liquor Act*, at a licensed premises or other public places. The Northwest Territories and Nunavut are the only jurisdictions in Canada that require the closure of liquor outlets during voting hours on polling day. The Office of the Chief Electoral Officer is of the opinion that closure of licensed premises during voting hours is paternalistic, outdated and that the rationale offered to establish such closures is no longer valid.

### **Recommendation:**

***That section 213 of the Elections Act respecting the closure of licensed premises during the hours of voting on polling day be repealed.***

## **RETURN OF CANDIDATE DEPOSITS**

The *Elections Act* provides that the \$200.00 deposit shall be returned to the elected candidate and to the candidates who receive at least 50% of the votes polled in favour of the elected candidate. Those candidates receiving less than 50% of the votes lose their deposit. The Chief Electoral Officer is of the opinion that the return of deposits should be tied to the filing of returns respecting election contributions and expenses in order to influence timely filing of the required return.

### **Recommendation:**

***That candidates who file within the required 60-day period have their deposit refunded upon the receipt of their return respecting election contributions and expenses.***

## **ELECTION FINANCING**

The *Elections Act* fails to provide comprehensive direction with respect to election financing and reporting. More detailed information including specific definitions need to be provided to candidates and official agents to assist them in dealing with campaign contributions and expenses.

### **Recommendation:**

***That Chief Electoral Officer undertake a comprehensive review of election financing and report back to the Legislative Assembly with his findings.***

## **LENGTH OF ELECTORAL EVENT**

A number of candidates and electors raised concerns with respect to the length of the electoral event. The candidates felt the period should be reduced but did not put forth any suggestions as to what would be a reasonable period. The returning officers have suggested that the electoral event be reduced by at least 1 week. The period of an electoral event, in other jurisdictions, ranges from a low of 21 days to a high of 45 days.

The Chief Electoral Officer agrees that the electoral event is lengthy and should be reduced. However, in doing so there are a number of issues that need to be taken into consideration in arriving at an adequate election period. The impact of a permanent or semi-permanent list, the time required for mail-in ballots, and supplying election material to remote communities all need to be considered.

### **Recommendation:**

***That the length of an electoral event be reduced from 45 days to 35 days.***

## GENERAL AND TECHNICAL RECOMMENDATIONS

*That the Elections Act be amended to provide for the establishment of a central polling place in any community with multiple electoral districts.*

*That the Elections Act be amended to provide that the Chief Electoral Officer may authorize the establishment of a central office or provide for the sharing of an office by two or more returning officers in a community with multiple electoral districts.*

*That the Elections Act be amended to provide that an alphabetical preliminary list of electors be provided, by electoral district, in any multi-electoral district community and posted in a central location within the community.*

*That the Elections Act be amended to provide that candidates receive a copy of the official list of electors for their electoral district.*

*That the Elections Act be amended to provide that elected members of the Legislative Assembly receive a copy of the final list of electors for their electoral district.*

*That the Elections Act be amended to clarify when a candidate may erect or post an election sign and broadcast or advertise an election announcement.*

*That the Elections Act be amended to provide that a candidate is prohibited from erecting, posting or placing an election campaign sign on the premises or property where a polling station is located.*

*That the Elections Act be amended to provide that all election campaign signage must be removed within ten days following polling day.*

*That the Elections Act be amended to provide mandatory access to apartment complexes by enumerators, candidates and their representatives.*

*That the Elections Act be amended to provide that a returning officer may, with the prior approval of the Chief Electoral Officer, appoint an additional enumerator for a polling division.*

*That section 38 of the Elections Act be amended to provide that a notice of a disabled elector be given to the Chief Electoral Officer.*

*That the Elections Act be amended by providing that the maximum number of electors contained in a polling division be no more than 450.*

*That paragraph 52(4)(c) of the Elections Act be amended by deleting the requirement that a candidate must indicate their occupation.*

*That section 57 of the Elections Act be amended to provide that a candidate may provide his or her photograph by electronic means.*

*That paragraphs 27(3)(d), 51(3)(c), 198(1)(c) and section 208 of the Elections Act be amended by deleting the words "the Yukon Territory" and substituting the word "territory".*

*That paragraph 92(2)(b) of the Elections Act with respect to advance polls be repealed.*



## **1999 NORTHWEST TERRITORIES GENERAL ELECTION CALENDAR**

<b>DATE</b>	<b>DAY</b>	<b>ACTION REQUIRED</b>
October 21, 1999		Dissolution of the 13th Legislative Assembly
October 22, 1999	45	Writ of Election is issued Proclamation posted by returning officer Nominations are opened Revision period begins
November 1, 1999	35	Nominations close at 2:00 p.m. Nomination may be withdrawn by 8:00 p.m.
November 2, 1999	34	Returning officer posts Notice of Grant of Poll
November 8, 1999	28	Revision period ends—Official sitting of revision – 8:00 p.m.
November 9, 1999	27	Returning officer posts Notice of Advance Poll
November 15, 1999	21	Last day to apply for a mail-in ballot – 5:00 p.m.
November 22, 1999	14	First day of voting in the office of the returning officer
November 25, 1999	11	Advance polls are held; incarcerated electors vote
December 2, 1999	4	First day an eligible elector may apply for a Proxy Certificate
December 3, 1999	3	Last day to vote in the office of the returning officer Mail-in ballot must be received by the CEO – 5:00 p.m.
December 6, 1999	0	Polling Day 9:00 a.m. until 8:00 p.m.
December 7 – 14, 1999		Period for official addition by returning officers
December 15 – 22, 1999		Period for applications to a judge for recount
January 5, 2000		All unused official receipts must be returned to CEO
January 6, 2000		Writ returned to the Chief Electoral Officer
February 4, 2000		All candidates to file election returns or request extensions

**VOTES CAST BY ELECTORAL DISTRICT**

ELECTORAL DISTRICT	POLLING STATIONS	REJECTED BALLOTS	TOTAL VOTES	ELECTORS ON LIST	TOTAL VOTES AS % OF ELECTORS ON LIST	FINAL LIST
Deh Cho	6	5	615	730	84.25	756
Frame Lake	6	4	713	1289	55.31	1326
Great Slave	5	5	772	1243	62.11	1293
Hay River North	4	1	801	874	91.65	948
Hay River South	N/A	N/A	N/A	N/A	N/A	1183
Inuvik Boot Lake	4	5	425	608	69.90	705
Inuvik Twin Lakes	4	5	479	565	84.78	711
Kam Lake	5	4	730	1246	58.59	1273
Mackenzie Delta	7	5	600	914	65.65	985
Nahendeh	10	10	911	1261	72.24	1398
North Slave	8	20	1196	1514	79.00	1597
Nunakput	6	7	587	866	67.78	932
Range Lake	7	1	986	1409	69.98	1485
Sahtu	8	13	780	1293	60.32	1377
Thebacha	7	3	1120	1335	83.90	1439
Tu Nedhe	3	4	490	603	81.26	604
Weledeh	7	7	1129	1467	76.96	1561
Yellowknife Centre	7	3	659	1141	57.76	1186
Yellowknife South	6	5	892	1336	66.77	1367
<b>TOTALS</b>	<b>110</b>	<b>107</b>	<b>13885</b>	<b>19694</b>	<b>70.50%</b>	<b>22126</b>

*Note: An elector may vote even if his or her name is not on the list of electors, as long as that elector swears an oath at the advance poll, ordinary poll or the office of the returning officer. It is therefore possible for the total number of votes cast in any electoral district to exceed the number of names on the official list of electors. The column headed "Total votes as a percentage of electors on a list" should, therefore, be used as a rough guide to voter turnout.*



**ACTUAL AND PROJECTED COST OF THE  
NWT GENERAL ELECTION**

ELECTORAL DISTRICT	ELECTION OFFICIALS		TRAVEL	MATERIAL & SUPPLIES	SERVICES	RENTAL COSTS	TOTAL
	R.O Fees	Other Fees					
Deh Cho	\$6,125	\$8,438	\$1,110	\$632	\$1,608	\$2,750	\$20,664
Frame Lake	5,675	9,172	36	863	848	2,030	18,624
Great Slave	5,812	9,337	60	893	586	2,219	18,907
Hay River North	5,720	7,474	558	699	1,466	1,400	17,317
Hay River South	3,840	3,744	752	72	712	1,000	10,120
Inuvik Boot Lake	5,879	6,127	1,888	658	1,587	3,957	20,096
Inuvik Twin Lakes	6,544	6,979	2,466	741	1,155	3,657	21,542
Kam Lake	6,087	9,768	60	890	432	2,585	19,822
Mackenzie Delta	6,437	9,211	5,985	784	2,462	1,500	26,379
Nahendeh	6,080	11,146	1,212	898	5,799	2,150	27,285
North Slave	6,135	8,214	896	872	1,702	1,750	19,569
Nunakput	5,870	9,719	2,319	704	2,193	3,000	23,805
Range Lake	5,978	10,167	60	916	638	2,579	20,338
Sahtu	6,517	9,614	3,275	819	2,911	7,150	30,286
Thebacha	5,644	8,294	1,344	888	1,945	700	18,815
Tu Nedhe	6,231	6,344	1,461	551	2,787	947	18,321
Weledeh	5,982	10,141	141	936	1,190	2,386	20,776
Yellowknife Centre	5,912	9,985	60	775	963	4,290	21,985
Yellowknife South	6,444	8,622	36	955	3,675	2,215	21,947
<b>SUB TOTAL</b>	<b>112,912</b>	<b>162,496</b>	<b>23,719</b>	<b>14,546</b>	<b>34,659</b>	<b>48,265</b>	<b>396,597</b>
C.E.O. Office	47,406		10,581	41,887	242,176		342,050
<b>TOTAL</b>	<b>\$160,318</b>	<b>\$162,496</b>	<b>\$34,300</b>	<b>\$56,433</b>	<b>\$276,835</b>	<b>\$48,265</b>	<b>\$738,647</b>

**SUMMARY OF CANDIDATES' RETURNS OF  
ELECTION CONTRIBUTIONS AND EXPENSES**

ELECTORAL DISTRICT	CONTRIBUTIONS RECEIVED	ELECTION EXPENSES	UNPAID UNDISPUTED	UNPAID DISPUTED AGREED	TOTAL ELECTION EXPENSES
Deh Cho	\$16,635.63	\$16,820.40	\$214.08		\$17,034.48
Frame Lake	29,486.11	32,636.62			32,636.62
Great Slave	52,755.61	60,142.25			60,142.25
Hay River North	19,395.08	26,897.45			26,897.45
Hay River South	5,610.34	5,598.01			5,598.01
Inuvik Boot Lake (2)	8,582.69	8,003.35			8,003.35
Inuvik Twin Lakes	5,078.40	5,309.64			5,309.64
Kam Lake	21,602.43	21,545.81			21,545.81
Mackenzie Delta	7,750.00	7,581.23			7,581.23
Nahendeh	11,330.37	11,499.29			11,499.29
North Slave	19,291.32	21,107.56	883.50	3,400.46	25,391.52
Nunakput	11,297.51	11,363.41			11,363.41
Range Lake	33,316.57	45,211.53			45,211.53
Sahtu	25,072.37	22,641.79			22,641.79
Thebacha	10,785.89	12,347.23			12,347.23
Tu Nedhe (1)	7,493.65	15,246.69			15,246.69
Weledeh (2)	50,264.78	49,387.86	1,661.95		51,049.81
Yellowknife Centre	32,341.79	31,676.73			31,676.73
Yellowknife South	24,329.77	31,306.16			31,306.16
<b>TOTAL</b>	<b>\$392,420.31</b>	<b>\$436,323.01</b>	<b>\$2,759.53</b>	<b>\$3,400.46</b>	<b>\$442,483.00</b>

- (1) Candidate granted extension  
 (2) Return under review – preliminary amounts included

## SUMMARY OF CONCERNS ON THE ELECTION PROCESS RAISED BY ELECTORS, CANDIDATES AND OFFICIAL AGENTS

STAGE OF ELECTION	NUMBER RECEIVED	SUBJECT	NATURE OF CONCERN/RESOLUTION/RECOMMENDATION/CONCLUSION/COMMENT
General	2	Making false statement of fact in relation to the personal character or conduct of a candidate contrary to Section 222 of the <i>Elections Act</i> .	<p>A candidate alleged that a person made statements about the candidate's personal character or conduct. The Chief Electoral Officer requested additional information with respect to the alleged statements but received none. The Chief Electoral Officer has closed this file.</p> <hr/> <p>A prospective candidate had alleged that a senior government official had made false statements with respect to the prospective candidate. The Chief Electoral Officer investigated the allegations and concluded that there was insufficient evidence to support further action.</p>
	2	Campaign activities contrary to Section 212 of the <i>Elections Act</i> .	<p>A candidate alleged that electors were promised or were provided money to cast their ballot in favour of a candidate. The Chief Electoral Officer requested information with respect to whom money was paid for votes and who paid the money. The additional information requested was not provided, therefore the Chief Electoral Officer has closed this file.</p> <hr/> <p>An official agent alleged that a candidate had provided prizes at a meet the candidate function. The official agent withdrew the complaint a short time later, however the Chief Electoral Officer had a statutory obligation to conduct an investigation into the issues raised and to determine if an infraction had occurred. The Chief Electoral Officer concluded that, following a review of the investigative report, the candidate did not intend to induce or influence persons to vote or not to vote and therefore no corrupt inducement of voters occurred. The Chief Electoral Officer advised all parties that no further action will be taken with respect to this complaint and that the file is now closed.</p>

STAGE OF ELECTION	NUMBER RECEIVED	SUBJECT	NATURE OF CONCERN/RESOLUTION/RECOMMENDATION/CONCLUSION/COMMENT
General (cont'd)	1	Access to Information	The Chief Electoral Officer received a request for access to all written complaints received, pursuant to the Access to Information and Protection of Privacy Act. The request was denied on the basis that the Office of the Chief Electoral Officer is not a "public body" as prescribed in the Act. Further, it is not the practice of the Chief Electoral Officer to disclose copies of complaints, since details remain confidential unless there is sufficient evidence to initiate prosecution. This practice encourages people to come forward with complaints and protects the privacy of individuals against whom unsubstantiated complaints are made.
	1	Campaign Practices and CEO mandate	An elector raised concerns with respect to campaign practices and the mandate of the Chief Electoral Officer. The elector was concerned with the early posting of election signs and media broadcasts by prospective candidates prior to becoming nominated candidates. The electors wanted clarification as to the responsibility of the Chief Electoral Officer in controlling pre-election activities. The Chief Electoral Officer provided information with respect to his mandate in exercising general direction and supervision over the administrative conduct of an election.
Nomination	1	Ineligible candidate contrary to Sections 52-57 and Subsection 60(2) of the <i>Elections Act</i> .	A person filed a complaint, with the Chief Electoral Officer, alleging that a candidate had filed their nomination late and incomplete. The Chief Electoral Officer reviewed the circumstances surrounding the filing and acceptance of the nomination paper and confirmed that there were irregularities contained in the nomination paper. However, the <i>Elections Act</i> does not provide for the invalidation of a nomination paper once it has been accept by the returning officer. The Chief Electoral Officer concluded that the candidate in question was a candidate at the election.
	1	Perceived interference with Nomination Process	A person alleged that the returning officer had interfered in the nomination process. The Chief Electoral Officer reviewed the allegation and found it to be without substance.

STAGE OF ELECTION	NUMBER RECEIVED	SUBJECT	NATURE OF CONCERN/RESOLUTION/RECOMMENDATION/CONCLUSION/COMMENT
Revision	1	Ineligible electors on the list of electors contrary to Section 27 of the <i>Elections Act</i> .	An official agent complained that a number of ineligible electors were added to the list of electors during the revision process. The Chief Electoral Officer investigated the matter and determined that the complaint was unfounded.
Voting by Mail	1	Time provided to receive and return mail-in ballot	An eligible elector, attending an educational facility in southern Canada, complained that it took a considerable amount of time to receive her mail-in ballot kit. The Chief Electoral Officer is recommending changes to the procedures for mail-in voting to address this concern.
Polling Day	1	Irregularities at polling station	An elector complained of irregularities at a polling station with respect to electors being sworn-in, proxy voting and verification of votes. The Chief Electoral Officer requested that additional information be provided, however none was provided. The Chief Electoral Officer has closed the file.
Post Election	2	General concerns with election processes	<p>A candidate raised concerns with respect to a number of issues that arose during the election process. The candidate complained of the actions of the returning officer, proxy voting, perceived conflicts of interest of the assistant returning officer, location of the polling station and general concerns with the enumeration process. The Chief Electoral Officer had already addressed a number of issues raised by the candidate, however the candidate was requested to provide additional information with respect to specific concerns raised. No additional information was provided to the Chief Electoral Officer, therefore the file was closed.</p> <p>An official agent raised concerns with respect to how the election process was conducted at a polling station and the selection of election workers. The Chief Electoral Officer responded to the concerns expressed by the official agent.</p>

In addition to the specific concerns and comments outlined above, numerous questions were fielded from the general public, candidates, official agents and news media during the electoral event by the staff of the Office of the Chief Electoral Officer in Yellowknife.