

ELECTIONS NWT

David M. Brock | *Chief Electoral Officer* | 16 October 2010

Territorial Election Campaign Rules
Campaign School for Women

Percentage of Legislative Seats Held by Females, Canada

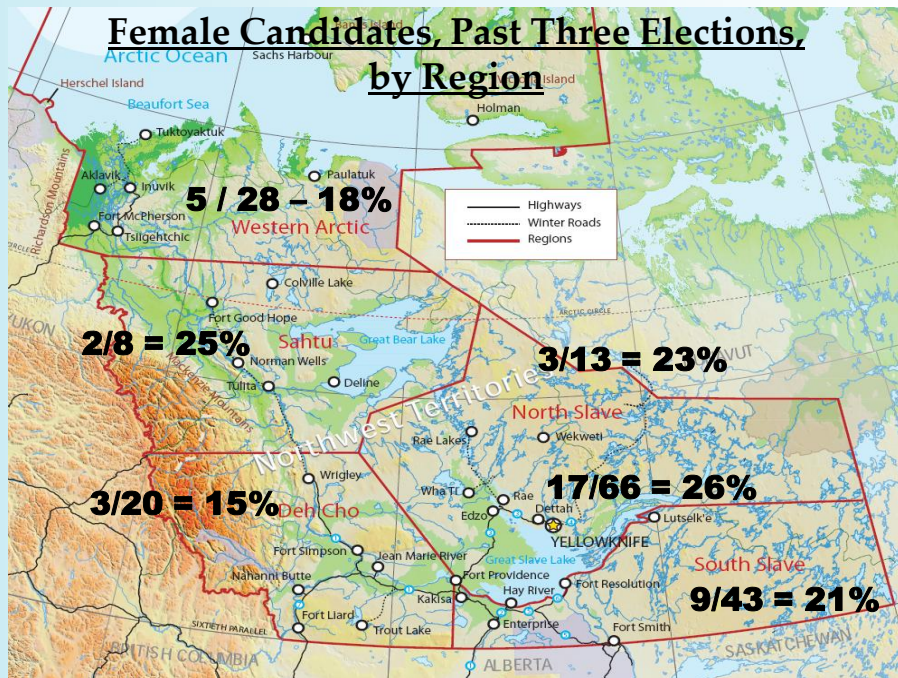


Source: CBC News: Sept 2010



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Female Candidates, Past Three Elections, by Region



Democracy Needs Candidates

- Total number of candidates in territorial elections has been gradually declining.
- Total number of female candidates in territorial elections has also shown slight decline.
- Complex rules for candidates – particularly in the area of campaign finance.
- Being a candidate is a serious responsibility to your supporters, to your electoral district, and to your territory.

Primary Considerations

- Candidate eligibility and nomination
- Official agents
- Financing
- Campaigning
- Rights & Obligations

Eligibility

<u>Eligible</u>	<u>Not Eligible</u>
<ul style="list-style-type: none">• Canadian citizen• 18 years of age• resident in NWT for 12 months at nomination day	<ul style="list-style-type: none">• MP / MLA / MPP / MNA – in another jurisdiction• disqualified due to major election offence(s)• imprisoned• CEO & Returning Officers

Nomination

- find a person willing to be your official agent
- acquire and complete a nomination form
- collect the signatures of at least 15 electors who are ordinarily resident in the electoral district
- \$200 deposit
- submit all required (forms/deposit) and optional (photo) materials to the returning officer or another authorized person before 2:00PM on Friday, 9 September 2011.

Official Agents

- Choose wisely. Your official agent represents you.
- Choice is limited. Your official agent must reside in the NWT and may not be:
 - a candidate
 - an elections officer
 - an employee of the territorial public service
- Your official agent will have access to and responsibility for your campaign-related financial assets, and holds specific legal obligations.

Official Agent

- Receives, records, manages, and reports on financial contributions on behalf of the candidate in accordance with the law (s. 238 – 261)
- Receives the list of district electors (preliminary and official) on behalf of the candidate (s. 64 & 75).
- Is identified, along with contact information, on any campaign materials greater than 64cm² (signs, posters) or broadcast messages in favour of or against a candidate (unless message is paid for by a sponsor) (s. 101).
- Is often authorized to engage in official communications on behalf of a candidate.

Financing - Contributions

- Maximum single contribution: \$1,500
- Maximum personal funds: \$30,000
- Contributions must come from NWT residents, corporations doing business here, organizations or associations operating in the territory. Tax receipts are issued to donors.
- Anonymous donations may not exceed \$100.
- Property, services, transportation, office space, or ticket sales all count as contributions; may not receive contributions resulting from games of chance, liquor sales, or auction proceeds.

Financing - Expenses

- Your election expenses - during the pre-election period *and* campaign period - may not exceed \$30,000 in total.
- The law requires you to keep proper records of all election expenses, including transactions from a separate bank account and detailed proof of payment(s).
- Examples of typical election expenses include: advertising, lumber for signs, office space, posters, buttons, operating costs for a donated vehicle, telephone line(s), campaign workers, fund raising events, postal charges (s. 250).

Financing - Reporting

- Your official agent is responsible for sending an accurate and complete campaign finance report to the Chief Electoral Officer within 60 days after election day (s. 256).
- Your financial report will be public information.

ELECTORAL DISTRICTS	CONTRIBUTIONS RECEIVED	EXPENSES	TOTAL EXPENSES
Deh Cho	11,589.99	11,783.77	11,783.77
Frame Lake	30,787.00	30,787.00	30,787.00
Hay River North	8,280.00	7,550.00	7,550.00
Nunakput	4,448.56	7,233.61	7,233.61
Range Lake	23,522.84	23,528.36	23,528.36
Sahtu	22,512.00	31,497.85	31,497.85
Thebacha	9,027.26	7,272.25	7,272.25
Yellowknife Centre	82,280.64	113,404.56	113,404.56
Yellowknife South	7,967.89	7,958.69	7,958.69
TOTAL (2003)	\$ 397,640.12	\$ 444,747.58	\$ 445,847.58

Source: extract from the Report of the Chief Electoral Officer following the 15th Legislative Assembly.



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Notice of Grant of Poll

96. (1) If there is more than one candidate at 5 p.m.

on Friday, the 24th day before polling day for the Election....

(2) Within two days after the day on which the poll is granted, the returning officer shall, by the most expeditious means available to him or her, forward a copy of the notice of grant of a poll in the approved form to

(a) each candidate in the electoral district; and

(b) the Chief Electoral Officer.

(3) The notice of grant of a poll must contain

(a) **the name and address of each candidate in the electoral district...**

(b) **the name and address of the official agent of each candidate...**

(c) the following information in respect of each polling division in the electoral district:

(i) **the number of the polling division,**

(ii) **the name** of the polling division, if any,

(iii) subject to subsection (4), **a description of the boundaries** of the polling division,

(iv) **the address or location of each polling station** in the polling division.

(4) A returning officer may, instead of providing a description of the boundaries of each polling division, attach to the notice of grant of a poll **a map setting out the boundaries.**



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Campaigning

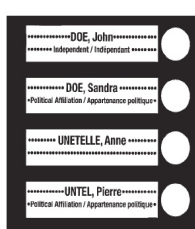
- With the presentation of candidate identification, building owners/operators are obligated to provide access to a “multiple dwelling site” between 9:00AM and 8:00PM (s. 99).
- Materials and promotion may not be within 25 metres of a polling station, and must use legible notation to show authorization, (min 8-point font on the front) (s. 102).
e.g., Authorized by Billie Kulluk, official agent for Nancy Greenbow, 867.920.5555
- No broadcasts are permitted on election day or on the day immediately before election day (s. 104).
- A candidate cannot sign a pledge that would restrict their freedom of decision making if elected (s. 105).

Rights & Obligations

- Appoint polling agents
 - who, along with the candidate, have the right to examine the polls in order to see who has voted (s. 127).
 - who, along with the candidate, have the right to witness the counting of ballots
 - who, along with the candidate, may register an objection with respect to the rejection of a ballot by a deputy returning officer
- Remove campaign material within 14 days after election day.
- Public records are available for inspection at the OCEO.

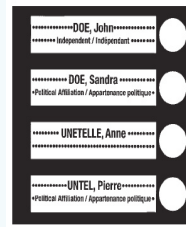
Assistance in Voting

- An elector may only request assistance with voting if they have a physical disability or are unable to read the ballot in the language in which it is written.
- A candidate or official agent may not assist in marking a ballot.



Sample ballot. Many real ballots could in the future contain more party names, as a result of the amended legislation.

A person may only assist two electors in the marking of ballots.



Sample ballot. Many real ballots could in the future contain more party names, as a result of the amended legislation.

Peace and Order

An election officer has the full protection of the law provided to a peace officer in order to maintain order at the polls.

In order to assist in the maintenance of order, a returning officer may request the assistance of a peace officer; furthermore, a deputy returning officer may appoint a person as a peace officer if considered necessary to maintain peace and order (s. 118 – 120).

Even with these powers, an elector may not be prohibited from voting.

Enforcement

- Investigations of electoral irregularities may be triggered by a complaint registered with the Chief Electoral Officer, or may be initiated by the CEO.
- Not every complaint results in an investigation. Discretion rests with the CEO.

<u>Allegation</u>	<u>CEO Analysis</u>	<u>Investigation</u>	<u>Enforcement</u>
Citizen Complaint ↘	Unsubstantiated	Insufficient Evidence	Compliance Agreement
CEO Concern ↗	Need to Investigate ↗	Perceived Infraction ↗	Prosecution

Know the Law

Elections and Plebiscites Act

- Candidacy: s. 79 – 94
- Campaigning: s. 99 – 105
- Election Contributions and Expenses: s. 237 – 261
- Investigations and Prosecutions: s. 279 – 285
- Offences and Punishment: s. 286 - 356

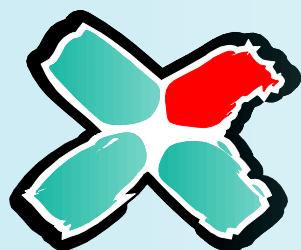
Guidance

Elections and Plebiscites Act

- Returning Officers
- Booklets and Brochures
- Office of the Chief Electoral Officer
- www.electionsnwt.ca

Dates to Remember

- **3 June 2011** - Pre-Election Period: candidates may begin to spend personal money on electioneering.
- **5 September 2011** – Writ of Election: campaign period begins once a person is nominated, and candidates may then receive contributions.
- **9 September 2011** – Nomination Deadline: completed form and deposit must be submitted by 2:00PM.
- **3 October 2011** – Election Day.
- **1 December 2011** – Returns Due: last day for official agents to submit campaign finance returns to CEO.



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www.electionsnwt.ca

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