

LEGISLATIVE ASSEMBLY OF THE
NORTHWEST TERRITORIES
10TH ASSEMBLY, 2nd SESSION

TABLED DOCUMENT NO. 18-84(2)

TABLED ON JUNE 27, 1984



**NORTHWEST
TERRITORIES**

Tabled Document No. 18-84 (2)
Tabled JUNE 27/84

REPORT OF THE
**CHIEF ELECTORAL
OFFICER**

TO THE
COMMISSIONER OF
THE NORTHWEST TERRITORIES

1983

PURSUANT TO SUBSECTION 57(1) OF THE
NORTHWEST TERRITORIES ELECTIONS ORDINANCE, 1978

PUBLISHED BY THE
CHIEF ELECTORAL OFFICER OF CANADA



The Chief Electoral Officer
Le Directeur général des élections

Our file: 845-2

OTTAWA, Ontario K1A 0M6
May 15, 1984

Mr. John H. Parker
Commissioner of the
Northwest Territories
YELLOWKNIFE, N.W.T.
X1A 2L9

Dear Commissioner Parker:

In accordance with subsection 57(1) of the Northwest Territories Elections Ordinance, I submit herewith my Report on the general election held on November 21, 1983.

After a second election conducted by my staff under the provisions of the Elections Ordinance, 1978, as amended in 1981, a number of areas for modification have come to light. I therefore wish to make a number of recommendations for further amendments to the election legislation, the most significant of which are dealt with in Part IV of my Report while those of a strictly administrative nature are listed in Appendix "C" for possible consideration by the Legislative Assembly.

Yours sincerely,

A handwritten signature in dark ink, appearing to read "J.-M. Hamel".

J.-M. Hamel

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I. MAIN EVENTS SINCE 1979 ELECTION

By-elections in 1980 and 1983

A by-election was held on September 15, 1980 to elect a member to serve on the Council of the Northwest Territories for the seat left vacant by the member for the electoral district of Baffin Central who had resigned.

In 1983, another by-election became necessary due to the resignation of the sitting member for the electoral district of Keewatin North. That election was held on January 17, 1983.

Enactment of amendments to the Elections Ordinance, 1978

The election held on October 1, 1979 was the first conducted using the Northwest Territories Elections Ordinance. The first application of the Ordinance revealed a number of areas for review by the Assembly. A comprehensive examination and study of the Ordinance was undertaken during 1981 which resulted in several amendments, most of which were of an administrative nature. There were, however, substantive amendments to Rule (16) of the Schedule to section 16 and to sections 21, 45 and 88.

Rule (16) of the Schedule to section 16, respecting the revision of the list of electors, was amended to give the returning officer the responsibility for the revision. At the 1979 election, the revision was carried out in each polling division by the enumerator. While this was quite acceptable in small communities, it caused some confusion in larger centres such as Yellowknife where electors were accustomed to going to a revising officer. Under the amended Rule, the returning officer is the revising officer and carries out the revision in the community where she/he lives and delegates to the enumerators the authority to revise the lists in all other communities in the electoral district.

Section 21 formerly required the returning officer to make a trip to each of the communities in order to receive nomination papers. As amended, it allows returning officers to receive nomination papers in a community itself if they also need to be there on other election business.

The amendment to section 45 opened up proxy voting to virtually anyone wishing to avail themselves of it; persons on vacation are the only ones excluded.

Section 88 reduced the number of days on which advance polls were held from 3 days to 2 days and the hours from 8 hours to 4 hours each day.

While the changes to sections 16, 45 and 88 were well received, it is evident that section 22 dealing with the receiving of nomination papers is an area for further review by the Assembly. This is outlined in section 11 of this Report.

Redistribution of electoral district boundaries

An important difference between 1979 and 1983 was the number of electoral districts to be represented in the Legislative Assembly. In May 1983, the report of the Electoral Districts Boundaries Commission was tabled in the Legislative Assembly, following which the Council Ordinance was amended to provide for an increase in the number of electoral districts from 22 to 24. While the provisions of the Council (amendment) Ordinance, 1983 was passed by Council in May it was not assented to by the Commissioner until September 1983.

The absence of a provision in the Ordinance which could have brought the new boundaries in force immediately, for the sole purpose of appointing returning officers, presented administrative problems in that time and money was being spent to train returning officers not officially appointed and to draw new poll boundaries for electoral

districts that were legally non-existent. I respectfully suggest that measures be taken to prevent such a situation in the future.

Following the passing of the Council (amendment) Ordinance, 1983, my Office acted as a liaison with the Department of Energy, Mines and Resources for the purpose of producing a new set of official electoral district boundary maps which subsequently were made available to Yellowknife. Some difficulties were encountered because the legal boundary descriptions left some doubt as to which electoral districts some small geographical areas belonged.

Appointment and training of returning officers

At the time the writs were issued, the Commissioner had appointed a full complement of returning officers. Of the 24, 13 were of N.W.T. native origin and 12 had previous experience as a returning officer either at the federal or territorial level. It is also interesting to note that 20 were women.

The whole area of appointment of returning officers requires a critical review. At present, the Ordinance deals only with who makes the appointments and not how returning officers are selected. In jurisdictions where appointments are made by the Governor-in-Council there is a readily available pool of potential candidates to choose from. This is not true at the territorial level. The Council may wish to review section 6 of the Ordinance with a view to including guidelines for selecting returning officers. If this is the wish of the Council, we would be pleased to offer suggestions.

As mentioned in my 1979 Report, it was felt that training would be more effective if held in smaller groups and not all in Yellowknife. A four-day training session was conducted by two of my officers for 15 returning officers from July 4 to 7, 1983 and a three-day session for three returning officers, August 2 to 4, 1983, both in Yellowknife. As well, a three-day session was held in Frobisher Bay for four returning officers from July 11 to 13, 1983, and three individual

sessions were given in Ottawa for returning officers who were appointed after the writs were issued. One returning officer was given two days of training in the field by her closest neighbour who was also a newly appointed returning officer. This was necessary because it was too close to nomination day to bring her to Ottawa or send one of my officers to do the training. This returning officer was appointed to replace one who had to be dismissed pursuant to subsection 6(4)(c) of the Ordinance because she had failed to carry out her duties.

As mentioned, a training session attended by four returning officers was held in Frobisher Bay. It was the first time a training session was held outside Yellowknife or Ottawa. The experiment is not considered to have been a success. As a result, it is felt that, in future, all sessions should be held in Yellowknife as often as possible. It was found that the costs were not much less for holding a session in Frobisher Bay but there is evidence that the returning officers from the Eastern Arctic would have benefitted from meeting and mixing with their colleagues from the West. Their reaction to that proposal was positive. These points have been noted for future reference.

As you are aware, a post-electoral evaluation session was held in Ottawa on January 27. This seems to have been greatly appreciated by returning officers and was very useful to my officers.

Revision of polling division boundaries

A complete revision of the descriptions and of the arrangement of polling division boundaries was undertaken in 18 of the 24 electoral districts and a partial revision in one electoral district. This exercise was necessitated by the redistribution of electoral districts in May, 1983.

II. THE TENTH GENERAL ELECTION, 1983

Introduction

An agreement dated December 27, 1978 between Commissioner Hodgson and myself, pursuant to subsection 112(1) of the Canada Elections Act and section 104 of the Northwest Territories Elections Ordinance, was the basis for my involvement in the tenth territorial general election. By Commissioner's Order SI-026-83 dated September 20, 1983, September 22 was fixed as the date for the issue of the writs, October 17 as the day upon which nominations were to close, November 21 as ordinary polling day and December 22 as the date on which the writs were to be made returnable.

On September 19, 1983, pursuant to subsection 103(1) of the Elections Ordinance, I published in the Northwest Territories Gazette a notice that the necessary preparations had been made for bringing the new electoral district boundaries into operation in less than the six-month statutory period referred to in that same subsection.

Enumeration and revision of the lists

While the enumeration was carried out in most areas without serious problems, there were complaints from the electoral district of Aivilik that a large number of electors were not enumerated. In response to a letter of complaint from one of the candidates, my staff carried out an informal investigation which satisfied us that, while there were weaknesses in the administration of the procedures in Aivilik, there was no evidence of willful wrongdoing. We therefore decided that a formal investigation was not warranted.

For the first time, the authority and responsibility for revising the lists of electors was assigned to the returning officers. The revision in the communities in which the returning officer lived was carried out by the returning officer, while the authority to revise was delegated to the enumerators in the other polling divisions situated at

some distance from the office of the returning officer. Revision of the lists of electors was considerable in certain electoral districts, as shown in Appendix 'A'. In the smaller communities there were often as many deletions as additions and in some places few changes at all. The new system seemed to be most appreciated in Yellowknife where, prior to the enactment of the N.W.T. Elections Ordinance, electors were accustomed to contacting the returning officer to leave their names for addition to the list or going directly to the revising officer. The changes brought to the Ordinance reinstated this condition. It should be noted that I had to invoke subsection 4(3) of the Ordinance to extend the period of enumeration and revision in polling division No. 1 in the electoral district of High Arctic, and in polling division No. 3 in the electoral district of Yellowknife Centre, in order that the lists of electors could be prepared for the election.

Nomination of candidates

The procedure outlined in the Elections Ordinance respecting the nomination of candidates contains several innovations, one of which is a provision to allow returning officers to receive nominations in any community in their electoral district they might have reason to visit, in order to carry out their duties as returning officer.

This caused some confusion in that some candidates felt returning officers were obliged to go to any community where a candidate wished to file a nomination paper, and therefore wanted such a service the week before nominations closed. Administrative decisions accommodated everyone but it is felt that the returning officer or the election clerk should not be expected to travel to accommodate a potential candidate during the week immediately preceding the close of nominations. Rather, a cut-off date should be established beyond which it would be the candidate's responsibility to appear before the returning officer. It should be noted that pursuant to subsection 22(5), I authorized the appointment of a special election clerk in the electoral district of Kivallivik to receive a candidate's nomination paper.

As at the previous general election, the Inuktitut version of the nomination paper was well received and widely used. More comments on the subject of native languages will be found in Section III of this Report.

By the close of nominations on October 17, 1983, 61 candidates had been nominated in the 24 electoral districts. In each of the electoral districts of Rae-Lac La Martre and Nunakput, one candidate was elected by acclamation. Of the 61 candidates, 6 were women, 3 of whom were subsequently elected. By comparison, at the last general election in 1979, 67 candidates were nominated. Of 8 women then nominated, 2 were elected. There were 22 electoral districts at that time.

Advance polls

While the overall number of valid votes cast at advance polls decreased from 3.37% to 2.87% of the total number of votes cast between 1979 and 1983, the number almost doubled in Fort Smith. There was also a considerable increase in Fort Simpson.

Advance polling took place for four hours (4 p.m. to 8 p.m.) on each of two days. This was an amendment from the previous three days of eight hours each and it seems to have met the needs of the electorate.

Pursuant to subsection 87(4) of the Ordinance, an advance polling station was established in Fort Liard at the request of the Chief of Fort Liard Indian Band.

Many returning officers expressed the wish that each community fix its own hours for advance poll voting while the number of days remain as set out in subsection 88(1). This is a matter which the Council may wish to look into.

Proxy voting

Despite the amendment expanding the categories of electors who may avail themselves of proxy voting, it was not widely used. No survey has been undertaken to determine the extent of proxy voting at the 1983 general election, but it is generally felt from discussions with returning officers that the system is far too complicated, hence its seeming unpopularity. In an effort to make proxy voting accessible to more electors, we had the form produced in Inuktitut. This did not result in its increased use however. In view of the results obtained from advance polls and the minimal use of the proxy procedures, it might be advisable to examine the systems in other jurisdictions with a view to finding a system of proxy voting more suited to the needs of the people of the North.

Judicial recounts

Applications were made to a judge for a recount in four electoral districts, namely Hay River, Aivilik, Deh Cho Gah and Yellowknife North. In all cases, the application was made by the returning officer pursuant to subsection S1(7) of the Ordinance, since the number of votes separating the two candidates who had received the highest number of votes was less than two percent of the total of votes cast in the electoral district.

In all cases, the judicial recount confirmed the election of the candidate who, following the official addition of the votes, had been declared as receiving the highest number of votes.

Challenge to eligibility of a candidate

One of the candidates in the electoral district of Yellowknife North filed a Notice of Motion in the Supreme Court of the Northwest Territories complaining that one of the candidates was ineligible and that his name should have been removed from the ballot. The Judge decided in favor of the eligibility of the candidate.

Election expenses of candidates

Sections 59 and 60 of the Elections Ordinance set out the requirements for reporting contributions received and election expenses incurred by candidates at the election.

To assist candidates and official agents in complying with these requirements, my Office provided them with a concise booklet entitled "A Digest of the Northwest Territories Elections Ordinance" setting out the responsibilities of the candidate and official agent, including various aspects of the election expenses provisions of the Ordinance. This booklet also included a step-by-step checklist to assist candidates and official agents in completing the four-part return on election expenses each candidate is required to submit.

In addition, official agents were provided with a bookkeeping record and a set of blank forms for reporting all contributions received and all election expenses incurred. As of the date of this Report, 54 out of 61 candidates had filed their election expenses returns with the returning officer. With a few exceptions, the returns were completed in accordance with the requirements of the Ordinance and the instructions issued by my Office.

There is one matter, however, that I would like to bring to the attention of Council concerning campaign surpluses realized by certain candidates. In several cases, candidates had an excess of contributions received over election expenses incurred, which resulted in a surplus from their campaign. The Ordinance is silent on this

question and it would seem that the candidate is free to dispose of this surplus as he/she sees fit. Although these funds are not provided through tax deductible contributions, as is the case in the federal jurisdiction, Council may wish to consider whether the disposal of this surplus should not come under the control of the Elections Ordinance.

Elections Commissioner

No investigations were instituted by the Elections Commissioner and, to date, I have not found it necessary to ask him to undertake any investigation pursuant to subsections 67(7) and (8) of the Ordinance.

The Commissioner has given his consent to prosecute one of the candidates at the 1983 general election who failed to file the required declaration in respect of his election expenses. Prosecution was authorized because the person in question also did not produce the required declaration following the 1979 general election. He was charged at that time under the Elections Ordinance but the charge was withdrawn when the R.C.M.P. was unable to locate him.

The election expenses returns of all the candidates elected to the Council are in our hands. A few of the others are still outstanding but the Commissioner expects they will all be in our hands in the not too distant future. No problems are anticipated.

Information program

An information program was undertaken by the Office of the Clerk of the Legislative Assembly in cooperation with the Department of Information of the Northwest Territories. It consisted of a multilingual booklet entitled 'What You Should Know about the Legislative Assembly Election', multilingual posters containing the message 'Get Involved; Legislative Assembly Election, November 21, 1983' and a series of radio messages.

It is felt that the very popular way of getting messages across in the North, namely to prepare recorded messages on cassettes in each of the officially designated native languages, ought to be taken advantage of. The cassettes would then be made available to candidates and their official agents, as well as perhaps education committees through the settlement offices. This may assist the northern electorate at large, which is not yet fully adjusted to the techniques of campaigning generally employed by political parties and other organizations and which are now being introduced into some districts.

The returning officers were of the opinion that the people turn more and more to television for information rather than radio. Community radio does an excellent job of assisting returning officers in disseminating information but it was felt that more information should be provided on television. Returning officers also felt that a widespread education program is required throughout the Territories, both during and between elections, to inform electors about the importance of voting and of what the functions and role of the Legislative Assembly are, as well as the mechanics of the electoral process. It was very encouraging that during the election period, several schools in the western region asked for material in order to study the process.

III. USE OF NATIVE LANGUAGES

Subsection 99(2) of the Elections Ordinance requires that the Commissioner advise the Chief Electoral Officer not later than 180 days before the issue of the writs as to which electoral districts are to receive materials in native languages and which languages are to be used. As the new electoral district boundaries were not proclaimed until September 1983, it was not possible to comply with subsection 99(2). However, because of the wide use of Eastern Eskimo syllabics at the 1979 general election, it was decided to make it available again in the following electoral districts:

Baffin Central	Hudson Bay
Baffin South	Aivilik
Foxe Basin	Kivallivik
Iqaluit	Kitikmeot East
High Arctic	

In keeping with this decision, the following election documents were printed in English and Eastern Eskimo syllabics:

- | | |
|--------------------------------------|--------------------------------------|
| - Proclamation | - Notice of Enumeration and Revision |
| - Notice of Grant of Poll | - Notice of Advance Poll |
| - Ballot papers | - Nomination Paper |
| - Directions to electors | - Indexed copy of the Ordinance |
| - Front page of the list of electors | - Notice of Itinerary |
| - Proxy forms | |

Because of the difficulty in finding available resources to translate into Western Eskimo (Roman orthography) and the fact that not one candidate at the 1979 general election used that version of the nomination paper, no documents were made available in Western Eskimo at the 1983 election.

IV. RECOMMENDED AMENDMENTS TO ELECTIONS ORDINANCE

Pursuant to paragraph 57(1)(d) of the Elections Ordinance, I wish to draw to your attention a number of administrative areas of the Ordinance which, if amended by the Legislative Assembly, should result in a better voter participation in future territorial elections as well as a more efficient election administration. While generally the Ordinance as amended proved highly successful, in light of the stated intention of the Legislative Assembly to involve native people in every facet of the process as electors as well as election administrators, it is our opinion that this cannot be achieved using some of the procedures which are found too complicated.

The major areas of concern generally are:

- the process of appointing returning officers as dealt with in Part I of this Report;
- the need and cost effectiveness of the position of election clerk as it exists under section 7;
- section 19 concerning the ineligibility of candidates is perceived by many as overly restrictive;
- the intent of subsections 22(2) and (5) concerning the travelling by returning officers needs to be set out more clearly, as referred to in Part II of this Report;
- proxy voting and advance polls as referred to in Part II;
- election expenses requirements as they currently exist seem more extensive than necessary for election campaigns in the North.

If the Legislative Assembly wishes to review these areas, I would be pleased to assist the members in any attempt to simplify the election process. This would benefit the electors and be easier for all to administer. Further minor administrative amendments are also recommended in Appendix 'C' to this Report.

V. STATUTORY REPORT

In addition to the present Report, I am required to publish, pursuant to subsection 56(9) of the Elections Ordinance, a report of the poll by poll results of the general election.

Due to the difficulty in receiving the necessary documents from returning officers, this report has only recently been completed and is at the printing stage.

VI. ACKNOWLEDGMENTS

Administering an election in the Northwest Territories from Ottawa is not easy. My staff spent several weeks in Yellowknife and Frobisher Bay before, during and after the election, but we would not have been able to proceed so smoothly without the unqualified support, constant cooperation and invaluable assistance of the Territorial administration.

In particular, I want to express my sincere thanks to the staff of the Legislative Assembly Office; they were always willing to help find solutions to difficult situations - or to put us in touch with those who could help. I want also to thank the Interpreter Corps which helped us both before and during the election. An additional vote of thanks should also go to the Regional Director's staff in Frobisher Bay who helped us in a variety of ways.

Above all, I wish to express my appreciation to the more than 500 election officials - returning officers, election clerks, deputy returning officers and poll clerks - for their constant efforts, at times under rather difficult circumstances.

APPENDIX "A"

NUMBER OF ELECTORS ON THE LISTS

ELECTORAL DISTRICT	NUMBER OF ELECTORS ON PRELIMINARY LIST	NUMBER OF ELECTORS ON OFFICIAL LIST	% OF NAMES ADDED
Aivilik	858	890	3.7
Baffin Central	793	825	4.0
Baffin South	502	561	-0.2
Deh Cho	463	463	0
Deh Cho Gah	1,242	1,253	0.9
Foxe Basin	805	808	0.3
Hay River	1,713	1,713	0
High Arctic	541	541	0
Hudson Bay	177	180	1.6
Inuvik	1,466	1,527	4.1
Iqaluit	974	1,186	21.7
Kitikmeot East	586	641	9.3
Kitikmeot West	972	975	0.3
Kivallivik	751	1,055	40.6
Mackenzie Delta	932	935	0.3
Nunakput	NO ENUMERATION		-
Pine Point	755	768	1.7
Rae Lac La Martre	NO ENUMERATION		-
Sahtu	1,023	1,032	0.9
Slave River	990	1,334	34.7
Tu Nede	460	461	0.2
Yellowknife Centre	1,392	1,459	4.8
Yellowknife North	787	940	19.4
Yellowknife South	3,051	3,124	2.4
TOTALS	21,233	22,611	6.4

SUMMARY OF VOTES CAST AT THE 1983 GENERAL ELECTION

ELECTORAL DISTRICT	VALID VOTES CAST ON NOV. 21, 1983	VALID VOTES CAST AT ADV. POLLS	TOTAL VALID VOTES CAST	REJECTED BALLOT PAPERS	TOTAL VOTES CAST
Aivilik	837*	*	837	8	845
Baffin Central	591	2	593	30	623
Baffin South	352	3	355	3	358
Deh Cho	297*	*	297	5	302
Deh Cho Gah	772	67	839	14	853
Foxe Basin	574	12	586	2	588
Hay River	1206	34	1240	4	1244
High Arctic	329	8	337	3	340
Hudson Bay	165*	*	165	-	165
Inuvik	910	20	930	4	934
Iqaluit	792	9	801	6	807
Kitikmeot East	480	-	480	3	483
Kitikmeot West	726	17	743	6	749
Kivallivik	854	19	873	4	877
Mackenzie Delta	499	17	516	5	521
Nunakput	ACCLAMATION				
Pine Point	536	17	553	3	556
Rae-Lac-La Martre	ACCLAMATION				
Sahtu	509	7	516	1	517
Slave River	1194	62	1256	19	1275
Tu Nede	332	3	335	-	335
Yellowknife Centre	841	39	880	2	882
Yellowknife North	813	57	870	8	878
Yellowknife South	1559	60	1619	13	1632
TOTALS	15,168	453	15,621	143	15,764

* advance poll votes counted with a regular poll

APPENDIX 'C'

Provisions of Elections Ordinance Requiring Amendment

The following remarks are based on comments received from candidates, returning officers and officers of the Legislative Assembly Office and of the Office of the Chief Electoral Officer.

Paragraph 7(1)(b): The list of those prohibited from being election clerk is too prohibitive for the North.

Subsection 10(2): Offset reproduction sheets should replace stereotype blocks which are no longer in use.

Subsection 15(9): Marginal note to be changed to "seasonal" residents.

Schedule to Section

16 Rule (19): Amendment to require that each candidate be given a copy of the Statement of Changes and Additions.

Paragraph 21(2)(h): Addition of "Hudson Bay Co. or Co-op draft" since banks are not always available.

Paragraph 26(2)(c): Deletion of requirement to post up polling division boundaries descriptions in areas such as Yellowknife where they are not needed and are often cause for confusion.

Subsection 30(1): Replacement of "returning officer" by "Chief Electoral Officer".

Subsection 45(1): If proxy not opened up, add to categories (a) women out of their own community awaiting termination of pregnancy and (b) persons on holidays arranged in advance of the setting of polling day.

Paragraph 45(3)(b): Deletion of the requirement to produce a medical certificate as there is no requirement for persons stating they will be absent because of their employment to produce any document.

Subsection 103(1): 'or to the law establishing the electoral', change the word 'law' to 'Ordinance'.