






Report of the Chief Electoral Officer on the Administration of the 2023 Territorial General Election

ELECTIONSNWT  ÉLECTIONSTNO

NIRUARIA  TURITI
UUZRI' TRÓONJII V  TE
ᓃᓯᓴᓂᓃ EŁEK'ÉTERAWÉ
?EŁIGÍTH EK'ÈTEHTS 
NIRUA  EK'ÉTE?ET'AH
WEH  WINA KAMEKIHK

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kīspin ki nitawihtīn ē nihīyawihk ōma ācimōwin, tipwāsīnān.

Tłichq̄ yatı k'ee. Dı wegodı newq̄ dè, gots'ō gonede.

?eriht'is Dēne Sų́nē yatı t'a huts'elkēr xa beyáyatı theq̄ q̄at'e, nuwe ts'ēn yóftı.

Edı gondı dehgháh got'ie zhatıé k'ee edat'éh enahddhę nıde naxets'e edahıı.

K'áhshó got'ine xadə k'é hederı qedıhtl'ė yerıniwę nıdé dúle.

Jii gwandak izhii ginjik vat'atr'ijáhch'uu zhit yinohtan jı', diits'at ginokhii.

Uvanittuaq ilitchurisukupku Inuvialuktun, ququaqluta.

ᑕᓃᑦᑕᑦ ᑎᑎᓃᑦᑕᑦ ᑦᑕᑦ ᑦᑕᑦᑕᑦ ᑦᑕᑦᑕᑦᑕᑦ ᑦᑕᑦᑕᑦᑕᑦ ᑦᑕᑦᑕᑦᑕᑦ.

Hapkua titiqqat pijumagupkit Inuinnaqtun, uvaptinnut hivajarlutit.

Indigenous Languages and Education Secretariat: (867) 767-9346 ext. 71037

French: 867-767-9348 or Toll Free 866-561-1664

Elections NWT: 867-767-9100 or Toll Free 1-844-767-9100

26 April 2024

The Honourable Shane Thompson
Speaker
Legislative Assembly of the Northwest Territories

Dear Mr. Speaker,

Pursuant to subsection 266(2) of the *Elections and Plebiscites Act*, I respectfully submit the Chief Electoral Officer's report on the Administration of the 2023 Territorial General Election (TGE).

This report provides an overview of the administration of the 2023 TGE and event initiatives, as well as recommendations for the 20th Legislative Assembly to consider.

Sincerely,



Stephen Dunbar
Chief Electoral Officer, Northwest Territories

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Introduction

I think it is safe to say that the 2023 territorial election faced unprecedented challenges. The widescale evacuation of Fort Smith, Hay River, the Kátł'odeeche First Nation, Kakisa, Jean Marie River, Dettah, Ndilq and Yellowknife, and the devastation of Enterprise, in the weeks before the scheduled issuing of the writs of election resulted in over 70% of the territorial population being displaced, the vast majority out of territory. The communities that were not evacuated nonetheless faced enormous impacts, from housing, displaced family and friends to essential supplies not being delivered due to the disruption of normal supply chains. Thirteen of the nineteen electoral districts had displaced residents in the week that the writs were to be issued. Ten Returning Officers, and the entirety of the Elections NWT headquarters staff, were also displaced, with most ending up in Alberta.

One might expect a sense of despair when faced with such calamities while preparing for an election. In my experience, however, the opposite was true. It is a testament to the collegial nature of election administrators in Canada that every single Chief Electoral Officer in Canada reached out in the days leading up to, or immediately following, the evacuation order. Each shared best wishes, and many provided documents on how their organizations have handled emerging crises during an election. I particularly wish to extend my thanks to Elections New Brunswick who, on the morning I was evacuating with my family, offered to take over any communications needs we might have while staff were relocating, and my profoundest gratitude to Elections Alberta, who not only provided me and my staff with offices, but also made their entire warehouse available to us should we have required it.

I also want to acknowledge some of our key vendors, who took calls and emails at every hour of the day and night throughout the evacuation, as we worked through the intricacies of both delivering an election to a displaced population, and shifting timelines once the election was delayed. They acted with calm, professionalism, grace, and good humour throughout. In particular, DataFix, SmartMatic and Neuvote, who met regularly with me throughout, individually and in conference calls. DataFix hosts the voters list registry, and provides several key election functions, including a candidate's portal for documents and voter extracts. Neuvote and SmartMatic provided the online voting option for absentee voters and spent innumerable hours coming up with innovative solutions if we had had to deliver the election while voters were still displaced. They demonstrated time and again that they were not merely vendors, but our partners.

Our lawyer, Alyssa Holland, and her team at Conway Litigation, spent hours parsing over the language of the *Elections and Plebiscites Act* as well as existing jurisprudence to provide me with the best possible advice in a situation that had no comparisons, and was certainly not contemplated in legislation. The legislative drafters at the Department of Justice and the 19th Legislative Assembly must also be recognized for their quick drafting and consideration of the *Act to Postpone Polling Day for the 2023 General Election*, which I have been told is the first emergency legislation to delay an election in Canada since 1916.

Finally, and most importantly, I wish to thank my team of election officers and staff at Elections NWT. Elections, by their nature, are time limited, and so are the terms of employment for most election workers. Election Officers may expect to work no more than 8 weeks for a general election, and most staff at Elections NWT are term employees. Their performance throughout the evacuation, and then immediately pivoting to a new election date, was exemplary, and I consider myself exceptionally fortunate to have had this team who found solutions to every problem, in many cases before the problem itself was fully apparent. The hard work and dedication of Charlotte Digness, Deputy Chief Electoral Officer (Deputy CEO), Meggin Creed, Election Administrator, Matthew Mallon, Communications Officer, Joshua Chua, Finance Officer and Kay Sibbeston, Electoral Operations Officer made the 2023 election a success, and I am forever grateful to them.

Part One: Event Preparations

Legislative Amendments

Bill 59 was given assent on November 3, 2022, and made over 30 amendments to the Act. These amendments resulted from recommendations made by the then Chief Electoral Officer (CEO) as well as the Standing Committee on Rules and Procedures following the 2019 general election, as well as additional recommendations made in the auxiliary report issued by the CEO in 2022.

Major changes included:

- The introduction of a candidate rebate program.
- The introduction of a Register of Future Electors, to register 16- and 17-year-olds.
- Requirements for specific information to be included in electronic voting regulations.
- The removal of the requirement to find two witnesses for the count if no scrutineers are present.
- Removing the requirement to post home addresses of candidates and official agents.
- Changing candidate financial deadlines from calendar days to business days.

Elections NWT completely rewrote the Election Officer Manual to use plain language and wrote new guides for candidates and official agents.

In March 2021, the Legislative Assembly passed a motion requiring that any future use of online voting be governed by regulation.

These regulations were developed over the course of the previous year, beginning in June 2022 with the CEO consulting with experts in the field: Dr. Nicole Goodman, Chancellor's Chair for Research Excellence, Associate Professor of Political Science at Brock University, and Director of the Centre for e-Democracy; and Dr. Aleksander Essex, Associate Professor of Software Engineering at Western University.

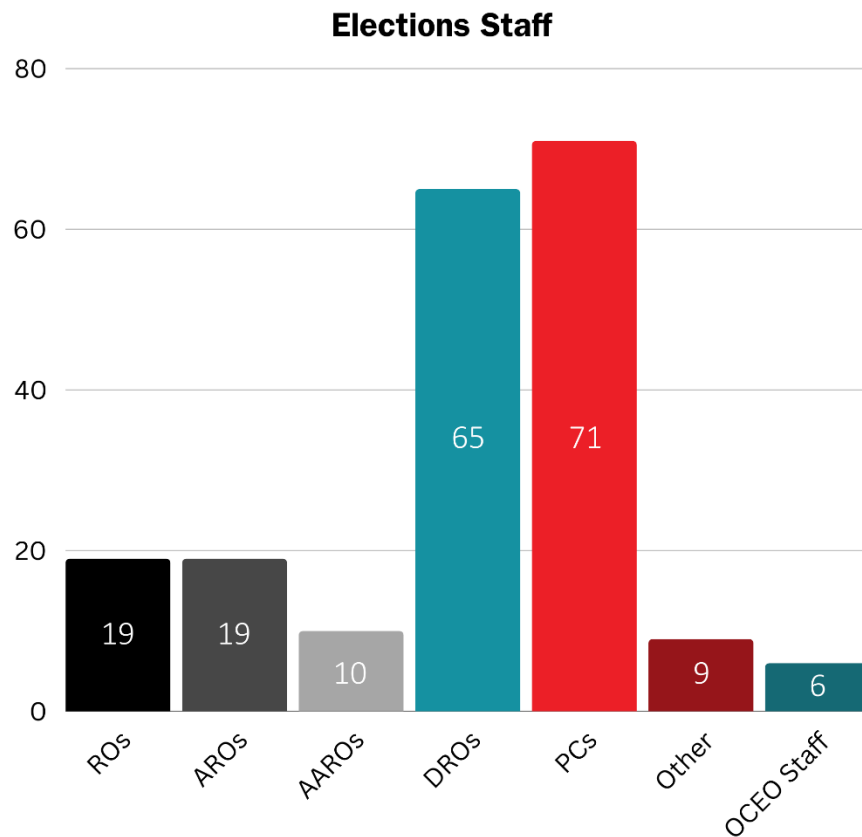
The professors presented on their work, which included valuable insights into the use of online voting at the municipal level across Canada, online voting's merits and risks, and important points for consideration when deciding whether, where and when to use online voting.

Guidelines and technical standards were established with the assistance of the Digital Governance Standards Institute (DGSi), which works to enable greater trust and confidence in Canada's digital systems through the development of technology governance standards.

Since then, Elections NWT has refined and fully developed a new set of regulations governing online voting, including technical requirements for online voting vendors. The regulations governing the use of electronic voting for the absentee ballot were signed by the Commissioner at the end of June 2023.

Personnel

A territorial election requires many people in different roles in order to be successful. The staffing complement at Elections NWT headquarters doubles, adding a finance officer, a communications officer and a logistics coordinator, in addition to the permanent Elections Administrator, Deputy CEO and CEO. Nineteen Returning Officers are required, and the territory is well served by a core group of experienced Returning Officers. Twelve of the ROs continued in the position from the previous election, with several having done multiple elections. The remaining seven were recruited in the months leading up to the election. Each Returning Officer hired an Assistant Returning Officer, and for the seven multi-community districts, the ROs also worked to hire an Additional Assistant Returning Officer for each outlying community in their district. For the advance polling day and election day itself, Deputy Returning Officers and Poll Clerks had to be hired for each polling division. In total, 193 people were hired to work the election.



Training

The online training learning management system for election officers was updated in March 2023 to provide more streamlined online training to Returning Officers, Assistant Returning Officers and Deputy Returning Officers in preparation for the 2023 Territorial General Election.

The online training modules provide a high-level overview of the responsibilities and election rules for all election workers, with modules tailored to their specific role.

There were two rounds of in-person training for Returning Officers, with the first happening April 21st and 22nd, and the second round was scheduled for August 22nd to 24th. Due to the evacuation of Yellowknife that was ordered on August 16th, the second round of training had to be postponed, and was rescheduled to October 5th and 6th, which also resulted in it being condensed into 2 days.

The October training covered the Returning Officers' responsibilities during and after the election period:

- Hiring election personnel
- Setting up the Office of the Returning Officer
- The Nomination Period and Acclamations
- All types of voting
- The Report of Proceedings
- Using VoterView to maintain the register.



Operations

Extensive planning is required for a territorial election. Elections NWT must source, sort, ship and store considerable amounts of goods and supplies in the months leading up to the election. In advance of the writs being issued, Elections NWT established a logistics centre in the office boardroom, with a table dedicated to each electoral district where materials could be stored. Extensive checklists were used both for packing the supplies, and for the Returning Officers to check that they received everything they needed. This included everything from the maps of the electoral district to handbooks for election workers, to voter guides in the official languages spoken in the district, to the pencils used on election day.

With the delay in the election, each kit had to be checked and repacked, as any item that had the previous election date had to be replaced. The kits were ready to be shipped by the time of the training, and many Returning Officers were able to take the kits home with them.

Returning Offices and Polling Stations

Elections NWT began booking locations for Returning Offices and polling stations in February 2023. Efforts were made to book previously used locations for polling locations, however not all previously used locations were available, notably in Yellowknife Centre. The Frame Lake polling station was changed to the Multiplex for better accessibility, and both Inuvik ridings used a shared location at the Midnight Sun Recreation Complex. Due to the delay of the election, new polling locations for Fort Simpson and Norman Wells had to be found.

Returning Offices had to be accessible, available on weekends and until 6pm each day, and for the communities with multiple electoral districts, adequate space for each Returning Officer to be set up to work and have voters come in to vote. Each Returning

Office was supplied a laptop, a cell phone, a printer/scanner, and office supplies. Furniture was sourced from government warehouses for the locations that did not already have furniture supplied.



Logistics

Every election comes with its logistical challenges, the delay of the election carrying into the freeze up months presented additional challenges. During the election period, Elections NWT encountered delays with delivery from Canada Post, challenges with community access due to rivers not yet frozen, delays in flights etc.

A significant challenge is where communities do not have road access, nor do they have regularly scheduled flights. Mail delivery is dependent on Canada Post and their ability to deliver mail in a timely manner. In the Nahendeh district, Elections NWT became aware of polling kits not being delivered to outlying communities. When we followed up with Canada Post we were informed that their delivery out of Fort Simpson had not happened in over two weeks due to weather and personnel challenges. With advance polls opening the next day, Elections NWT made every effort to ensure that kit was received by the community election officer, requiring Elections NWT to secure a helicopter to take the polling kit and courier across the river to be driven to the community.

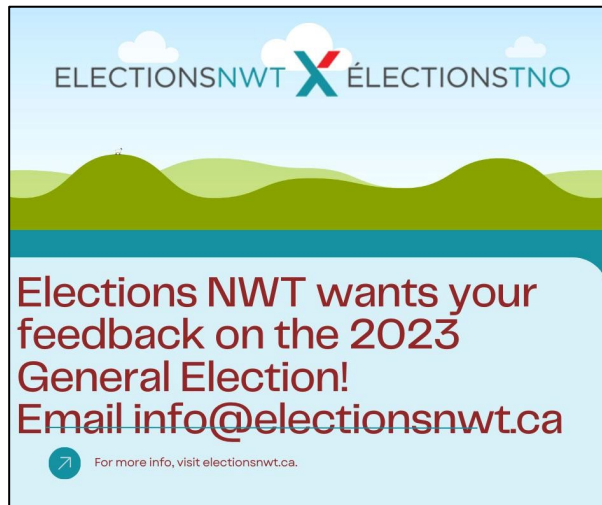
In the Mackenzie Delta district, Elections NWT worked with the municipal government of Tsiigehtchic to ensure that materials were received and could be held securely as we worked to find personnel to run the polling stations in that community. The Returning Officer secured staff from Fort McPherson to travel across the partially frozen Arctic Red River the day before the advance poll after efforts to find local workers were unsuccessful, ensuring the advance poll in Tsiigehtchic went forward. A local team was hired for election day.

These are just a few examples of where Election Administrators need to be flexible.

Communications

Elections NWT maintains a social media presence on various platforms, however due to issues with the management of social media companies in the months leading up to the election, we primarily focussed social media efforts on Facebook. Regular posts were made, and Returning Officers would share those posts to community pages where available.

The Elections NWT website also hosted some key items, including an online voter registration portal, a polling station locator, the absentee ballot application for both the mail and online ballot, an interactive map of electoral districts, and on election day, the unofficial results.



Elections NWT also used paid advertising on Cabin Radio, CKLB Radio, and Northern News Services newspapers to increase public awareness of the election and hiring of election workers. The CEO accepted every media request as another means of getting more information out to the public.

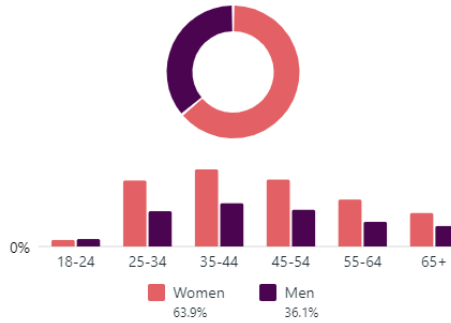
Elections NWT provided updates directly to the media daily, identifying what was taking place, updates about polling stations and locations of returning offices.

Election misinformation is an unfortunately growing issue. While most instances in the Northwest Territories are inadvertent, Elections NWT used videos produced by Elections Ontario to promote Elections NWT as the trusted source of election information.

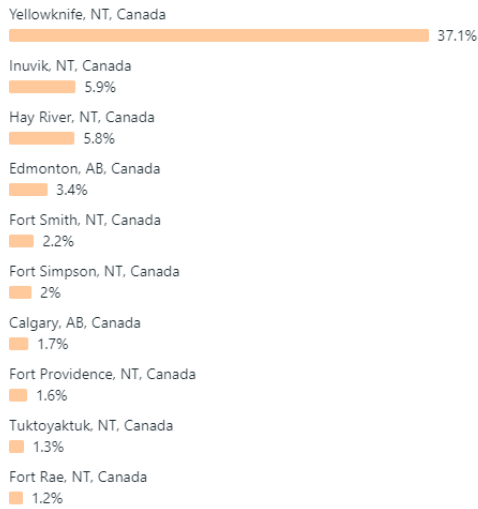
Facebook followers ⓘ

1,373

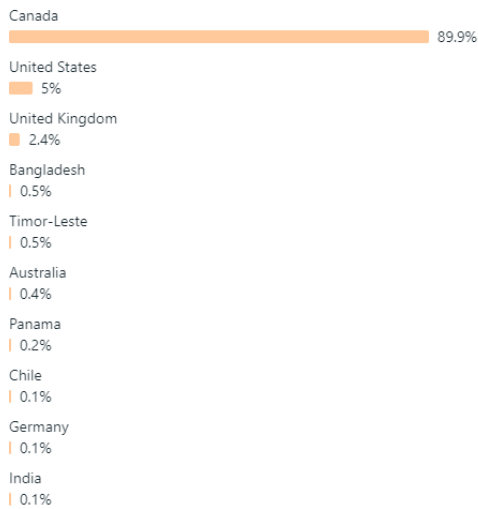
Age & gender ⓘ



Top cities



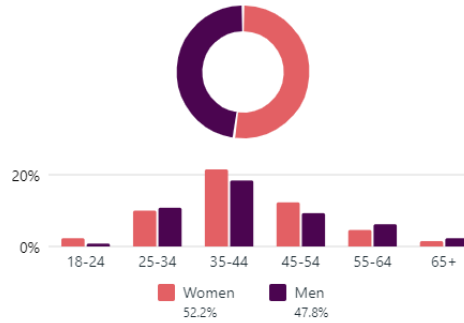
Top countries



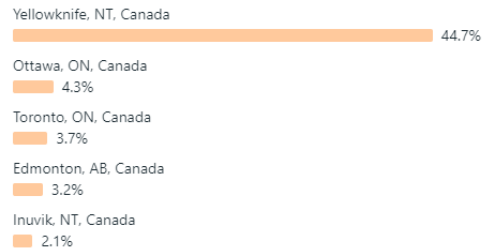
Instagram followers ⓘ

188

Age & gender ⓘ



Top cities



Top countries



Indigenous Languages


Following the 2011 general election, Elections NWT had ceased producing materials in Indigenous languages after determining that they were not widely requested.¹ In the planning for the 2023 election, Elections NWT was guided by the words of a former languages commissioner, who in presenting to a Legislative Assembly Standing Committee reviewing the *Official Languages Act*, spoke of how government took the languages away, and that the government must be a partner in bringing the languages back. Increasing the visibility of Indigenous languages and normalizing the presence of Indigenous languages in elections materials, is but one small action to assist in the recovery and revitalization of Indigenous languages. Elections NWT will be undertaking further work in the preparations for the 2027 territorial election to expand the availability of Indigenous language materials.

Elections NWT undertook a major initiative to produce more materials in all Indigenous official languages, including signage, voter guides and a booklet on how to mark a ballot. Using information from the Official Languages Commissioner and the NWT Bureau of Statistics, Returning Officers and election workers were provided with materials in the languages most commonly spoken in those communities. Large, yellow directional signs were also produced and provided to Returning Officers, with “vote” in an Indigenous language and English. These signs were designed to provide high visibility and direct voters to the appropriate voting station.

Voter information pamphlets contained key dates, eligibility requirements, how to register to be on the voters’ list, how to apply for a mobile poll or absentee ballot, and the steps to cast a ballot. Prior to being translated, the English version was reviewed for plain language, and once translated, interpreters reviewed to ensure that the translation was clear.

Tłı̄chǫ Voter Guide

Ek'ètehge ha dii-le ni



Dii hani njèdè Edzanèk'e Ek'ètejhe ha dii-le

Dàanì gozi dek'enèts'et'è.

Satsòkwi k'e
electionsnwt.ca/register

Ni xàe anet'i ha
Ek'ètehtsòo hołèe gha eghàladaa

Ek'ètehtsòo hołèe k'è
Ek'ètehtsòo Dzeę

Dàht'e eyits'ò Edjì ek'ètets'ehgea

- Ek'ètehtsòo Hołèe gha Eghàladaa**
Ek'ètehtsòo Dzeę wekwe ek'ètehge gijwò gigha eyits'ò gikòta ek'ètehtsòo hołèe gha eghàladaa gòhì.
- Nadaąà Ek'ètehtsòo Hołèe**
Ek'ètehtsòo Dzeę wekwe ek'ètehge gijwò gigha eyits'ò gikòta ek'ètehtsòo hołèe gha eghàladaa gòhì.
- Wet'agots'edee t'à Ek'ètehtsòo Hołèe**
Ek'ètehtsòo gehtsìj dò gighahoezaa ts'ih'ò ek'ètehtsòo hołèe k'è nàgetta ha dii.
- Ek'ètegeè-le Njht'è**
Ek'ètehtsòo Dzeę wekwe Ek'ètehtsòo gehtsìj dò ek'ètehtsòo Hołèe k'è nàgetta ha gijwò-le gigha Ek'ètets'ehge gha gozi dek'èeht'è ha
- Ek'ètehtsòo Dzeę – Ehts'ok'eyatu Zaa 3, 2023**
Ek'ètehge gèe dò hazò ek'ètehgìhgè-le sili gigha Ek'ètehtsòo hołèe k'è neghà gògòq sili ts'ò anede. K'omòdòq lqòtò nìjò de ek'ètehtsòo hołèe k'è enixàetj eyits'ò xèhts'ò ek'èdjì nìjò nidè eneèjt. K'omòdòq ek'èdjì nìjò dò ek'ètehge gha nàgeza sili ek'ètehtsòo hołèe k'è eneèjt kwe ek'ètehge ha.

Sekwi njht'èchii k'ehʔa ha ni?

Ek'ètehtsòo gehtsìj dò gokwi njht'èchii k'ègele ha. Nekwi njht'èchii k'è nizi eyits'ò edjì nàqdee wek'e dek'èeht'è ha.

Gokwi njht'èchii tai xàzaa gòhì.


Wenjht'è jè
Edzanèk'e satsòbehchij njht'è
Hani-le-dè
Edzanèk'e gha gokwi njht'è


Wenjht'è nàke
Jè nizi wek'e dek'èeht'è ha.
Jè edjì nàqdee wek'e dek'èeht'è ha.

Gokwi njht'è wet'aa'j ha dii-le dek'èeht'èe weghàda newò de
electionsnwt.ca/identification ts'ò goide, hani-le-dè Ek'ètehtsòo gha Eghàladaa naxinè gha whedaa sili dawjìhke.

Eyii-le Goòʔaa
Ek'ètehge dò eyii-le yatì nàtsòo dek'enèyezaa ha dii-le. Nek'ègezo ha h'ot'e, nenè ts'òk'e ek'ètehtsòo njht'è k'è gzi dek'èeht'è ha h'ot'e.
Ek'ètehtsòo gha eghàladaa negha gode ha dii-le nek'ègezo gha eyits'ò nì gik'èzo gha.

18
Ek'ètehtsòo dzeę wekwe hoòno daà ek'èdjì neghò ha h'ot'e.


Canada
got'ii anet'e.



Ek'ètai zaa efek'èdaà whelaa ts'ò Edzanèk'e nàqde ha h'ot'e.

¹ CEO Report on the Administration of the 2015 Territorial General Election, pg. 31

For Returning Offices and polling locations, posters and signage were created in high visibility colours. Posters included information on voter ID requirements, and how to vote if no ID was available.

Chipewyan (Dēne Sųlíné)

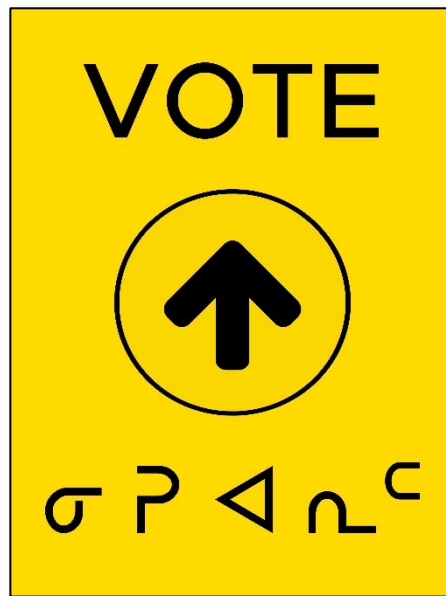
T'a ʔelígíth - ʔadízí ʔedzagh Nén K'e territorial election húlye ʔeyi xa ʔelígíth:

<p>ʔelígíth xa dé janet'e xaʔa</p> <ul style="list-style-type: none"> ʔelígíth Dzi Ghá Núdhēr dé, ʔelk'édíʔadhel negháy tó ʔeyi ʔáʔs tó xaʔa. Canada k'éyaghe ts'í dēne nelí xa nultágh haʔa ʔelígíth Dzi ghá núdhir tthe ʔadízí ʔedzagh Nén K'e ʔelk'étagh sa bek'urúdhērle-u ʔeyēr nánedhēr hǐlé xaʔa. 		<p>ID húlye ʔereht'ísaze nezí Bek'éréht'ís Tsénetí ʔedéri bek'e búret'í haʔa</p> <ul style="list-style-type: none"> Nezí Chu T'a Nánedhēr
ʔeyi ID húlye sí tagh ʔelk'éch'a hát'í hultágh ʔat'e		
ʔíłágh ʔereht'ís	Náke ʔereht'ís	ʔeyi beghǎłthēn t'óne xadúwíle
<p>ʔadízí ʔedzagh Nén Ts'í Driver's Llicence Húlye Hát'í</p> <p>HAT'ELE DÉ</p> <p>ʔadízí ʔedzagh Nén Ts'í General ID húlye ʔeyi hat'í</p> 	<p>ʔíłághē k'e nezí bek'eréht'ís</p> <p>Jat'u ʔats'edi</p> <ul style="list-style-type: none"> T'o Ník'e Níya Sí Ts'í ʔereht'ís Birth Certificate húlye ʔereht'ís kúé ts'í ʔereht'ísaze dēnezí bek'eréht'ís Health Care Card húlye Dēne Dédline Ts'íʔáné Ts'í ʔereht'ís Status Card húlye ʔelk'íth Xa ʔereht'ís dēnet'alchuth Firearms License húlye ʔadízí ʔedzagh Nén K'e Náts'elze Xadúwíle Xa ʔereht'ís NWT Hunting License húlye Nets'í Social Insurance Number húlye bek'e réht'ís ʔereht'ísaze 	<p>ʔíłágh sí ʔadízí ʔedzagh Nén k'e t'a nánedhēr bek'e réht'ís haʔa</p> <p>Jat'u ʔats'edi</p> <ul style="list-style-type: none"> Bank ts'í tó nets'í credit card húlye ts'í ʔereht'ís Kúé náłtni ts'í ʔereht'ís Insurance húlye ts'í ʔereht'ís Beyé yatí tó nekúé xa t'así náłtni ts'í ʔereht'ís Tsamba neghǎ nilyi sí ts'í ʔereht'ís tó El húlye tó Disability xa tó seku tsamba neghǎ nilye ts'í tó Behchēn/Ts'í hats'eltagh ts'í ʔereht'ís <p>Neghǎłthēn yuʔáné ʔíłágh dēne ʔelígíth xadúwíle sí neba yatí níʔa xadúwíle. Nek'órelyá xaʔa-u, nēn t'a ʔelígíth xaʔa sí deni tth'í ʔeyēr ʔelígíth xa ʔeret'ís k'e bezí theʔa xaʔa.</p> <p>T'a Elections Officer húlye helí chu ʔelk'úrułyá dé, deni tth'í neba hałtı xadúwíle.</p>

Cree (nēhiyawēwin)



Inuktitut (ᐃᓄᐅᓂᓄ)

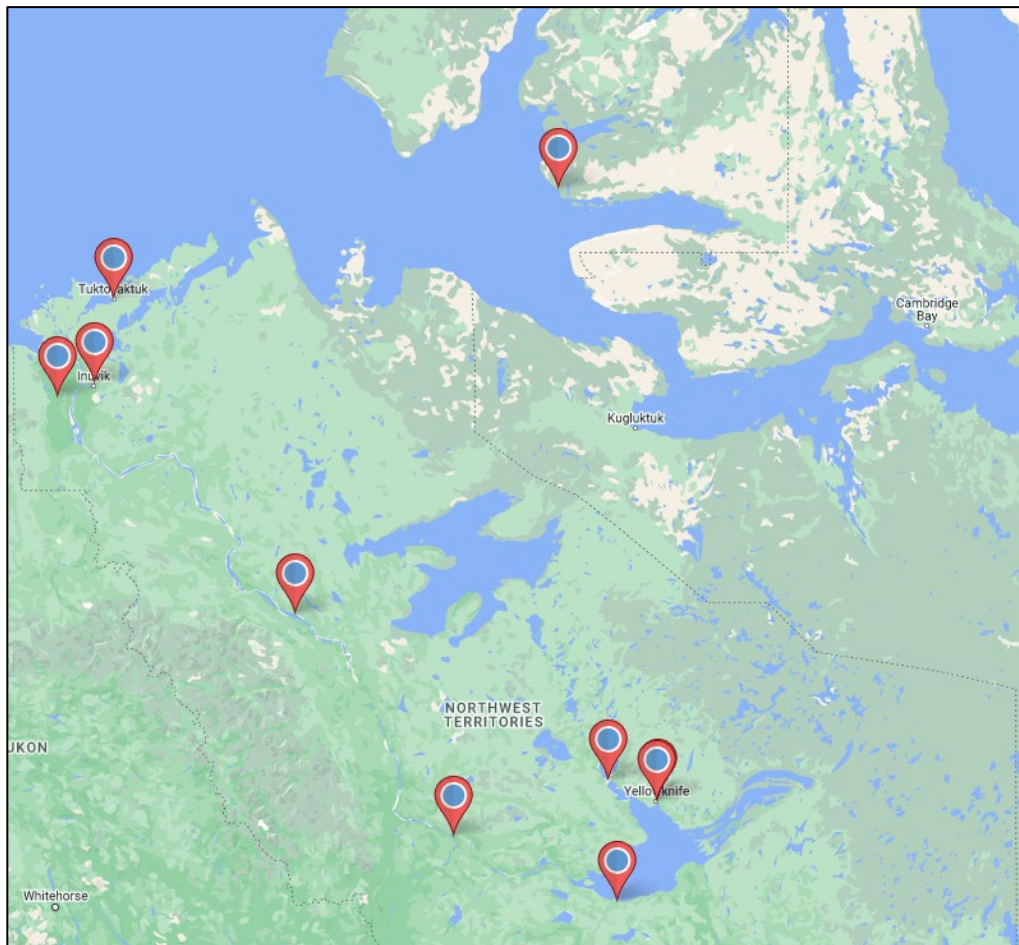


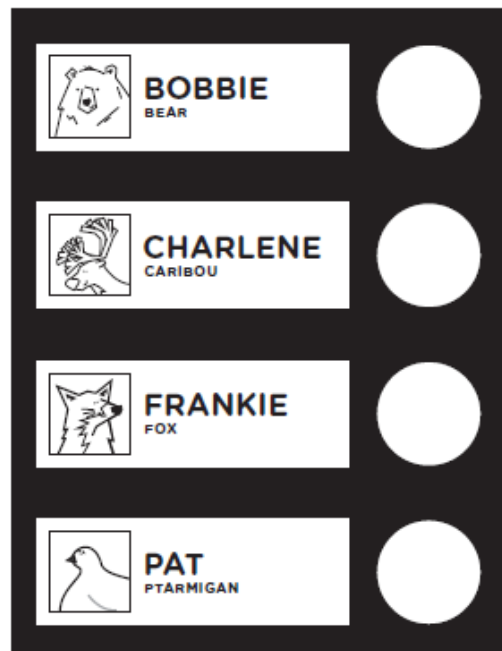
Kids Vote

For the 2023 election, Elections NWT introduced “Kids Vote”, aimed at kids aged 5-12, as a fun introduction to the concept of voting, loosely based on Elections Canada’s “Choosing Our Mascot” classroom election simulation. Local artist Janet Pacey created four animal candidates, along with posters advertising their candidacy. An official looking ballot was also created, along with tally sheets, colouring sheets, and a procedures guide for teachers. This was designed to be as easy or as complicated as the classroom needed – some schools just had kids vote for their preferred animal, whereas others had a longer module, where kids campaigned for their animal to classmates.

Some Returning Officers also ran the Kids Vote in their offices or at polling stations, according to their capacity to do so.

In total, 12 schools took part, with the Kids Vote available in 9 communities.





Of the results reported back to Elections NWT, Frankie Fox was the winner.

	Bobbie Bear	Pat Ptarmigan	Frankie Fox	Charlene Caribou
Yellowknife Returning Office	20	31	35	24
Hay River Returning Office	18	9	37	16
Inuvik Returning Office	13	9	9	8
Ecole Boreale	8	8	4	6
Ecole Itlo	6	9	9	11
Totals	65	66	94	65

Register of Territorial Electors

The Voter Registration page of the Elections NWT website remains active outside of election periods, although typically has very low traffic. Spikes in registration occur around elections, even elections that are not being run by Elections NWT, with the vast majority of registrations occurring during territorial elections. Outside of election periods, the Register is maintained by Elections NWT using datasets from the Department of Health and Social Services and Elections Canada. Elections NWT is in the process of expanding the datasets we use to further improve the accuracy of the Register.

“Get on the Voter’s List” Mail-Out and Registration Drive

In May 2023, the Office of the Chief Electoral Officer (OCEO) mailed cards prompting electors to update their information. One card was sent to each property, for a total of 18,631 registration cards mailed.

In addition to the mail-out, the OCEO had a table at the 2023 Trade Show in Yellowknife, and added 24 new electors, removed 27 ineligible electors, and updated 40 electors.

ELECTIONSNWT X ÉLECTIONSTNO 3rd Floor, YK Centre East
#7 4915-48th Street,
Yellowknife NT X1A 3S4

Get on the Voter's List!
2023 Territorial Election
October 3, 2023

Make sure your information is up-to-date so you receive a voter card in the mail for the next election.

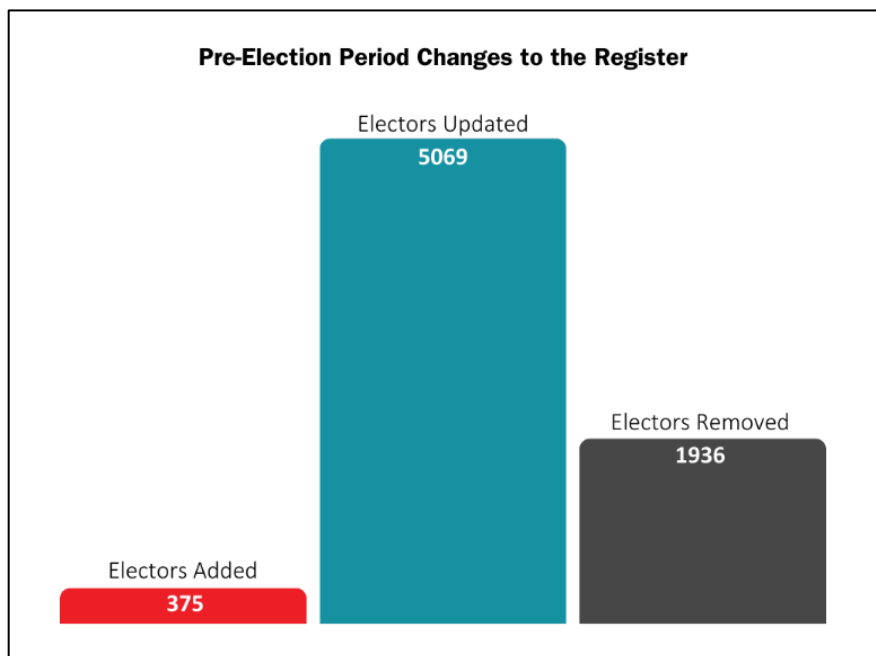
Visit www.electionsnwt.ca or use your phone and **scan the QR code!**

If any of this information is incorrect, or needs updating, please call 1-844-767-9100 or email info@electionsnwt.ca

JOHN SAMPLE
JEAN SAMPLE
JACK SAMPLE
JILL SAMPLE
JULIAN SAMPLE
JIM SAMPLE
JESSICA SAMPLE
JANET SAMPLE
JULIA SAMPLE
OR CURRENT OCCUPANT(S)
123 ANYWHERE ST
SOMETOWN, NT X1A 0A0

Pre-Election Period Register Changes

During the pre-election period, which began three months prior to the issuing of the writs in early May 2023, the OCEO was able to remove or update many electors already on the register. This was done primarily by cross-referencing electors’ details with the Health Management Information System database, as well as through online voter registration and returned mail from the mail-out.



Wildfire & Delay of Election

Elections NWT began monitoring wildfires and their potential impact on the election from the first evacuation in May 2023. During the subsequent evacuations in June and July, while we remained concerned for residents and our staff in those communities, the contingency plans we had in place for evacuees should they still be displaced by the time of the election were thought to be sound. Temporary polling locations in evacuee shelters could be set up, to the more extreme withdrawal of the writ for an electoral district that was severely impacted. In reviewing evacuations in the NWT and elsewhere in Canada, the general time residents were displaced lasted from a few days to a month. The Commissioner signed the Writ of Election Order on August 2, 2023, ordering the CEO to issue the writs on September 4, 2023, with the election scheduled for October 3, 2023, as required by the *Elections and Plebiscites Act*.

As the wildfires continued to grow in severity into August, the potential impact to the election became more likely. Behchokò was evacuated to Yellowknife at the end of July, the fifth evacuation of a community that summer. The CEO prepared instructions that would clarify that any resident who lost their home to a fire would still be considered normally resident at that address. The planning changed considerably once Fort Smith, Hay River, the Kátł'odeeche First Nation and Enterprise were evacuated out of territory on August 13, 2023. That evening, the CEO had a discussion with the Clerk of the Legislative Assembly on what potential steps would be required to delay the election.

Early the next morning, legal counsel began reviewing legislation on the ability to delay the election, as well as what ability Elections NWT had to open polling stations outside of the territory, whether Returning Offices could be opened if the community was evacuated, and whether nomination papers could be submitted electronically. The Department of Justice advised that the Writ of Election Order would need to be repealed and replaced if the election were to be delayed. Otherwise, the CEO could recommend to the Commissioner that she withdraw the Writs of Election for any electoral district that was evacuated, but this section of the Act was not meant to be used for the entire election. The CEO did not have the authority under the Act to delay the writs being issued, an amendment to the legislation or new act would be required.

The City of Yellowknife declared a state of emergency that night, however also reassured residents that the city was still not at risk.

The next day, Tuesday August 15th, the CEO, with the support of the Clerk of the Legislative Assembly, asked the Department of Justice to begin drafting a bill to delay the election. Our legal counsel confirmed that under the current legislation, Elections NWT has no authority to open polling stations outside of the Northwest Territories. A territorial state of emergency was declared that evening, with Yellowknife issuing an evacuation alert for the western part of the city, however no indication was given that a full evacuation out of territory was being considered.

On the morning of August 16th, the CEO convened a full staff meeting for employees of Elections NWT headquarters. Any staff person who was considering leaving was encouraged to do so, and to take a computer with them. Two staff left town shortly thereafter, and were working remotely by Thursday, when the rest of the office evacuated. The CEO made a formal recommendation to the Legislative Assembly that the bill to delay the election be introduced and passed, with the rationale that Returning Offices could not be opened in the affected communities, the inability of Elections NWT to operate polling stations outside of the territory, that evacuees may not have the proper identification with them in order to use the absentee ballot, the ability of Elections NWT to ship materials to the non-evacuated electoral districts, and the safety of election workers. The CEO later met virtually with the CEO of Elections Alberta to coordinate and arrange temporary working space in the event of an evacuation. That evening, a full evacuation of Yellowknife was ordered. The next morning, the remaining staff of Elections NWT headquarters began evacuating, with all but one heading for Alberta.

On Monday, August 21st, the CEO, Finance Officer, and Elections Operations Officer started working from Elections Alberta headquarters and the Legislative Assembly issued a press release stating that the Assembly will meet to consider the bill to delay the election on August 28th. Elections Alberta provided office space, and warehouse space in the event that the unaffected districts would have the election as scheduled. They also made their stock freely available to us, so that Returning Offices could be furnished with everything required if need be. The CEO met frequently with legal counsel throughout the evacuation on what variations or adaptations to the Act could be employed, and with the vendors to work through technical solutions using the absentee ballot.

On August 28th, the Legislative Assembly, in an emergency virtual sitting, introduced and unanimously passed Bill 97: *An Act to Postpone Polling Day for the 2023 General Election*. The Commissioner issued a new Writ of Election Order on August 31st, ordering writs to be issued on October 16th. Staff began reviewing all materials produced for the election and made changes to all documents that required the new date, as well as arranging for these to be printed upon the return to Yellowknife.

The evacuation order for Yellowknife was lifted on September 6th, and staff began to return, with everyone back in the office by Monday, September 11th. On September 18th, the evacuation order for Fort Smith, the last community still subject to an evacuation, was lifted. Throughout the evacuations, the CEO was in contact with all Returning Officers, and in particular for those from evacuated communities.

Elections NWT expresses our deepest thanks and gratitude to Elections Alberta Chief Electoral Officer Glen Resler and his team for their kindness and support during the evacuation.

Part Two: General Election

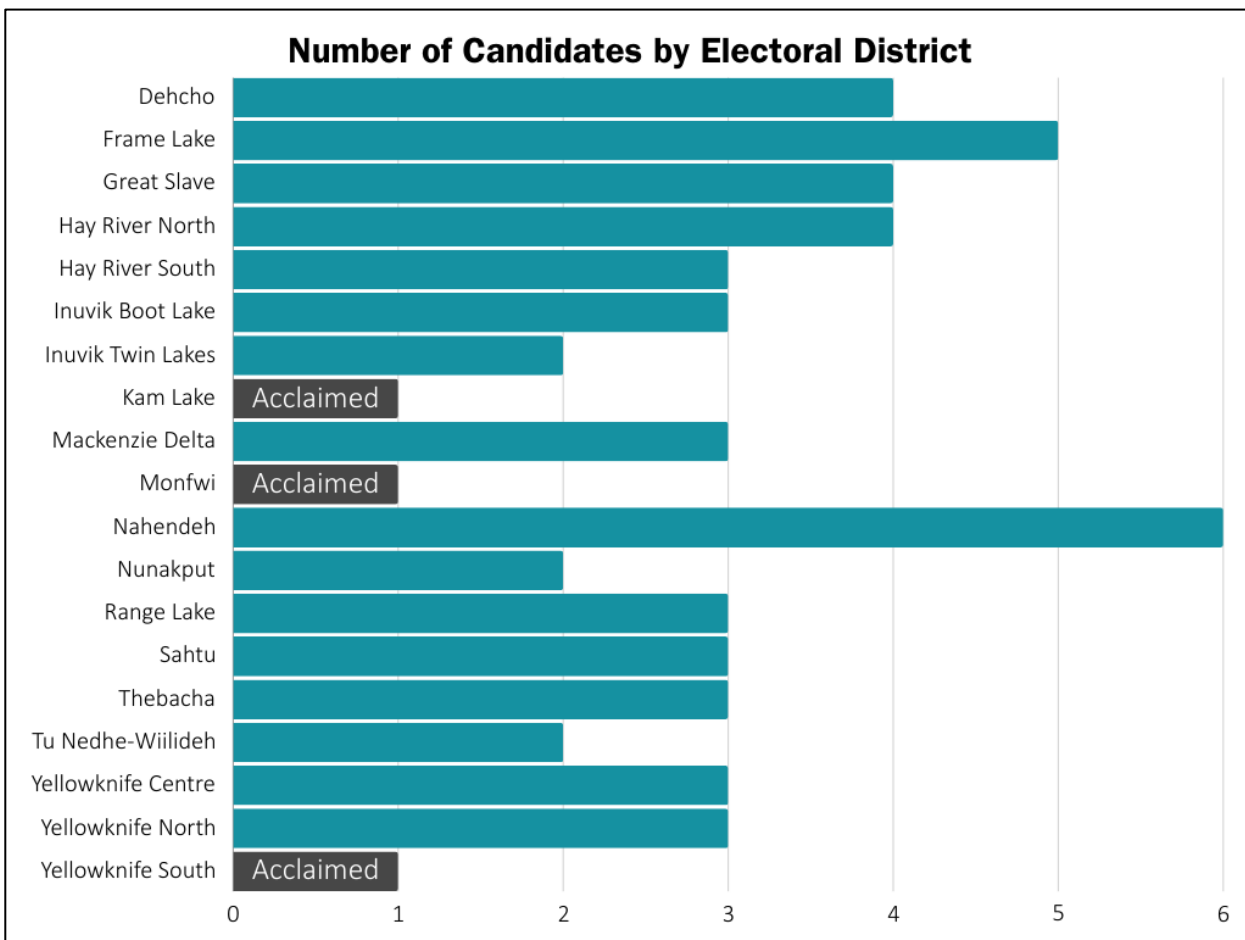
Issue of the Writs

The last of the evacuation orders were lifted a little less than a month before the new date set for the issuing of the writs. The 19th Legislative Assembly was dissolved on October 15, 2023, exactly four years from the date of the return of the writs from the 19th territorial election. The writs were issued by the CEO on the morning of October 16th and were required to be returned no later than November 28th. The election was scheduled for Tuesday, November 14th.

Candidates

The nomination period was from October 16th to 20th. A total of 56 candidates stood for election. Twenty-three of the candidates were female, representing the highest number of female candidates in a territorial election. As a percentage of candidates, the 41% female is the highest percentage of female candidates, surpassing the previous highs from 2019, where 22 female candidates represented 38% of all candidates.

Nahendeh had the most candidates run in a single district with six. Three electoral districts saw candidates elected by acclamation: Kam Lake, Monfwi, and Yellowknife South. This was the first election since 2003 where two Yellowknife districts had acclamations, and the third consecutive general election with an acclamation in Monfwi.

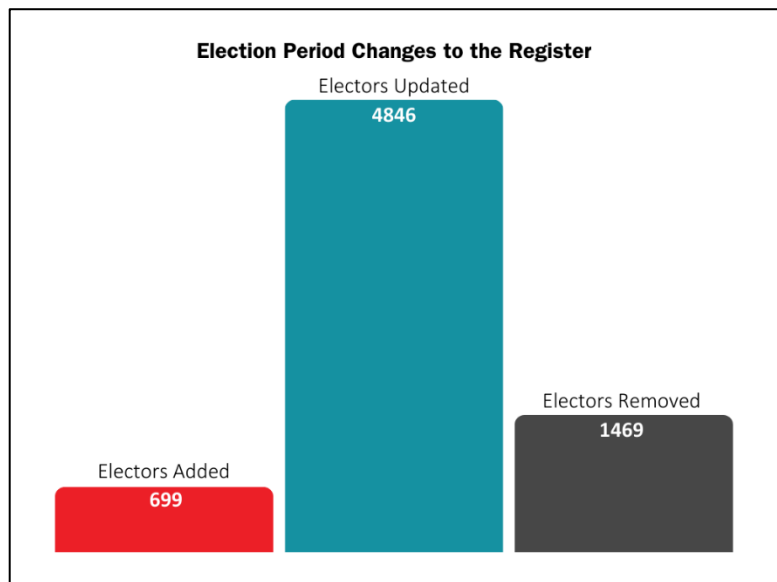
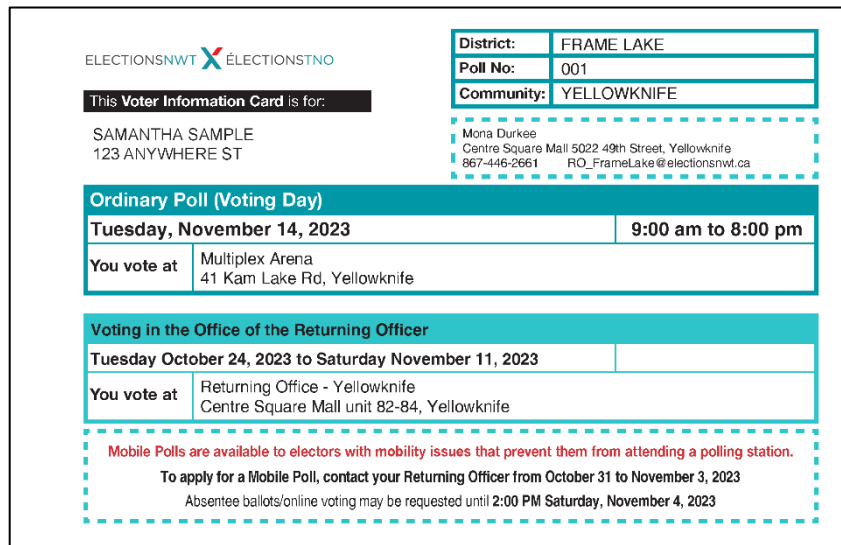
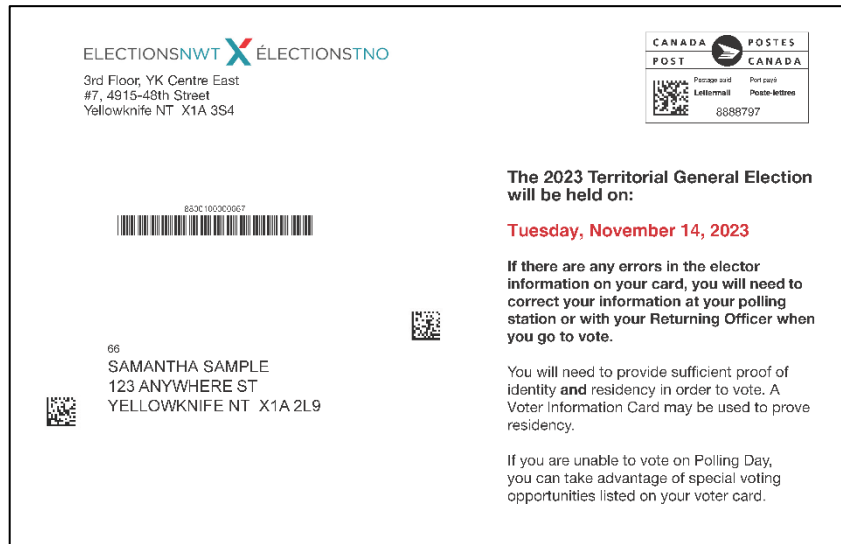


Official List of Electors

Returning Officers started reviewing the List of Electors in the weeks leading up to the issuing of the writs. Upon having their nomination papers accepted, candidates were granted online access to the List of Electors through the candidate portal. This allowed candidates to download the list, and any revisions made to it, throughout the election period.

Voter Information Cards (VICs) were mailed to every elector on the list during the nomination period, totalling 26,956 cards. The cards listed the district, Returning Officer and location of the Returning Office, polling location and for communities without a resident Returning Officer, the date of the advance poll. This included to those voters residing in districts that were acclaimed, as the mail out occurred prior to the close of nominations.

Approximately 750 VICs were returned to the OCEO as undeliverable by Canada Post. Each returned VIC was reviewed against other datasets to which the OCEO has access to confirm whether a new address could be found. If the elector was not found on other datasets, they were removed from the List of Electors. Electors were also removed by Returning Officers as voters came in, often with cards from the previous occupants of their residence.



Returning Offices

Elections NWT begins booking space for Returning Offices starting 8 months before the issuing of the writs. In Yellowknife, Hay River and Inuvik, Returning Officers share space, for both logistical and practical purposes – having offices co-located allows for greater information sharing between Returning Officers, ensures the offices are still open should someone need to step away for a few minutes, and allows for sharing of resources, including printers and other materials shipped from headquarters. The co-location of office space also reduces the overall costs incurred.

When booking space, we focus on accessibility to the public, adequate space inside for staff, security, and wherever possible, in a high-traffic area. In some communities, these criteria can be challenging to meet. One Returning Officer worked out of their house when no suitable space could be found in the community. Due to the delay of the election, a couple Returning Offices had to be rebooked as the original space was not available during the new election period.

Returning Officers began opening their offices a few days before the writs were issued, to ensure that everything was set up and ready to receive candidates or official agents upon the writs being issued.



Yellowknife Returning Office

Single-Day Event Workers

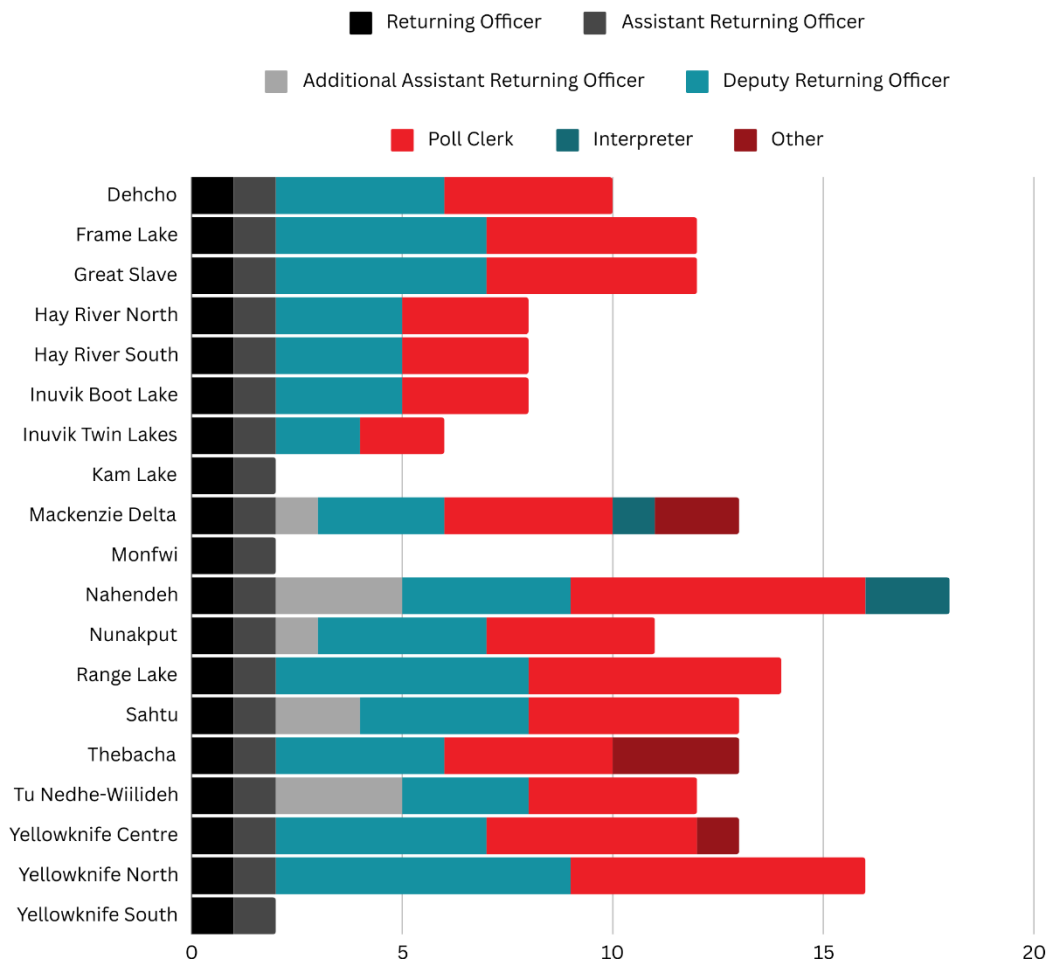
Elections rely on residents in every community showing up to work a long day, with no margin for error. There were 70 polls open on election day, with an addition 27 polls occurring in the week before election day. Single-day workers are hired by the Returning Officers to staff each of these polls, with every poll having a Deputy Returning Officer, responsible for handling the ballots, and a Poll Clerk, responsible for striking names off the Voters List and recording any required information in the Poll Book.

Recruitment of election workers was challenging, especially in the smallest communities. Elections NWT provided posters and social media posts to assist Returning Officers in finding staff. In communities without a resident Returning Officer, an Additional Assistant Returning Officer (AARO) can be hired, who is able to accept nomination papers and perform other duties as assigned by the Returning Officer. The AARO then acts as the Deputy Returning Officer for the advance poll and election day.

The Returning Officers provided the training for Deputy Returning Officers, and Elections NWT provided an online learning module for single-day workers focussed on working the poll, doing the counting, and reporting the results.

All election workers are paid according to the *Tariff of Fees*, which was last updated in 2019. The tariff will need to be updated before the next election to reflect increasing costs and to ensure the ability to attract workers.

Elections Personnel by Electoral District



Third-Party Advertising

Third-Party Advertisers are individuals, corporations or groups who spend money during the election advertising period to promote or oppose the election of a candidate or candidates. The election advertising period runs from three months before the writ is issued until election day. Third-party advertisers must register with the Chief Electoral Officer if they plan to spend more than \$500, or immediately after incurring \$500 in election advertising expenses. All third-party advertisers must submit a complete financial report within 6 months of the election.

In the 2023 territorial election, two third-party advertisers registered, the Union of Northern Workers, and the NWT Disabilities Council. Both submitted financial reports which are available on the Elections NWT website. Neither third-party advertiser solicited any contributions, and relied on advertising in local media.

THIRD-PARTY FINANCIAL SUMMARY		
UNION OF NORTHERN WORKERS		
Contributions		\$0.00
Total Contributions		-
Advertising Expenses	Black Press Media	14,572.94
	Vista Radio	1,653.75
	Cabin Radio	1,575.00
	Native Communications Society	1,650.00
Unpaid Expenses		-
Total Expenses		19,451.69

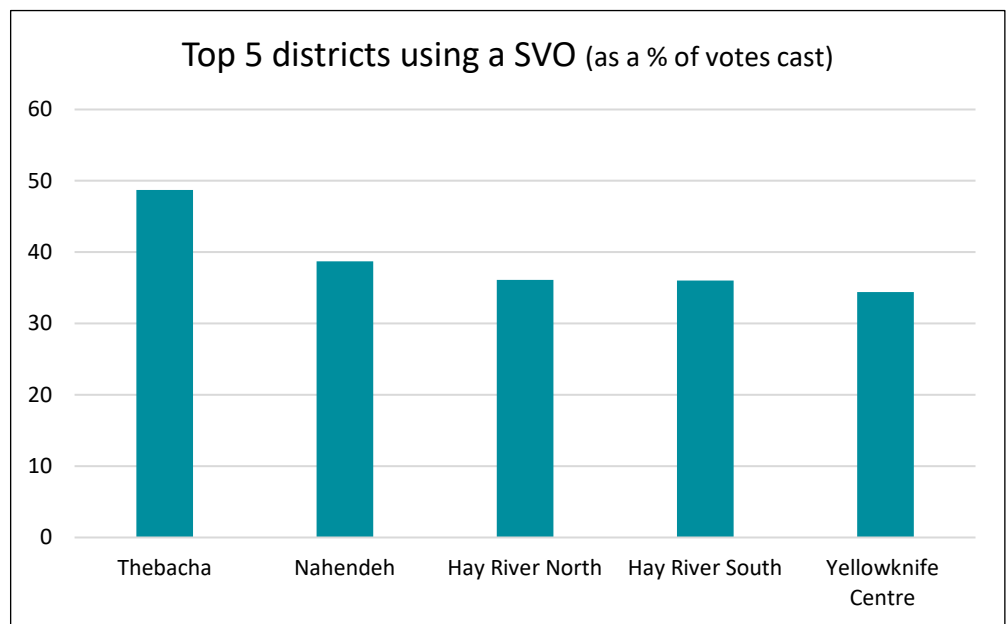
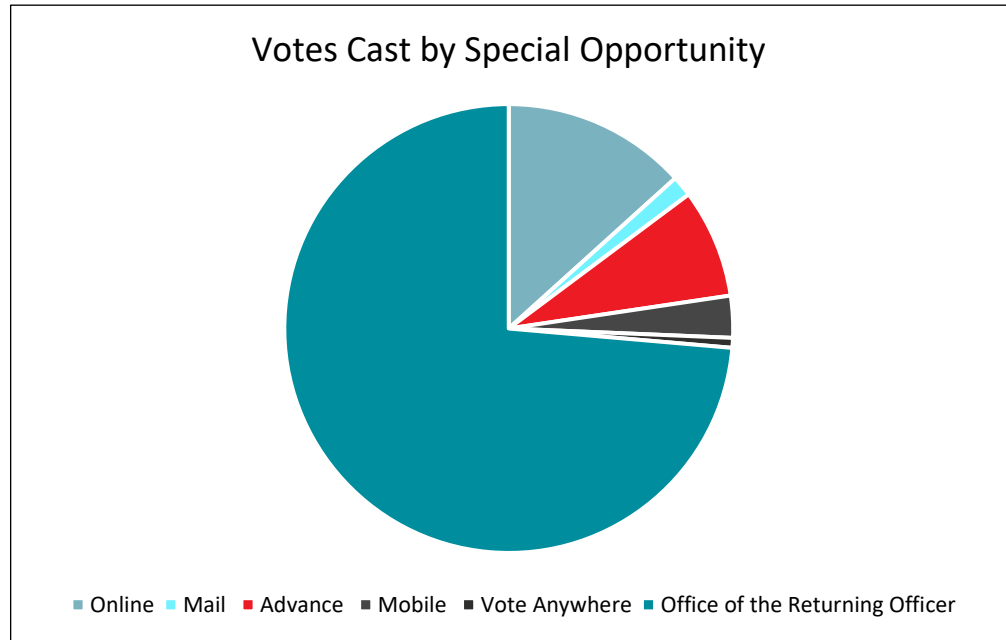
THIRD-PARTY FINANCIAL SUMMARY		
NWT DISABILITIES COUNCIL		
Contributions		\$0.00
Total Contributions		-
Advertising Expenses	Black Press Media	3,065.25
Unpaid Expenses		-
Total Expenses		3,065.25

Voting

In total, 10,797 residents exercised their democratic right to vote, representing 52.54% of the eligible electors in the 16 electoral districts. Electors were able to cast their ballot using one of seven available opportunities: in the Office of the Returning Officer for their district, the online absentee ballot, the mail-in absentee ballot, a mobile poll, an advance poll, or voting in the Returning Office in a regional centre (also called a multi-district poll).

Despite having more opportunities to vote than ever before, 2023 represents the fewest number of votes cast in over 30 years. While there were acclamations in three of the most populous districts, only Hay River South and Nahendeh had more votes cast than in 2019. No territorial election has come close to matching the 15,120 votes cast in 1995 for the 13 districts that cover the current Northwest Territories, which included an acclamation in Nahendeh.

Of all ballots cast, 26.1% were cast at one of the advance opportunities, with 73.9% of electors voting on election day itself. In some districts, well over a third of all votes cast were prior to election day, whereas some districts saw most voters wait until election day.



Absentee Ballots

The act allows for two forms of absentee ballots – a write-in ballot delivered through the mail, and an online ballot. Any elector who is unable to attend the polling station, for whatever reason, can apply for an absentee ballot starting two weeks before the writs are issued, up until ten days before polling day. Applications are done through the Elections NWT website, and each application is screened by the OCEO to ensure that the application is by a registered elector. Applications must include a copy of the elector’s identification and proof of residency. Once approved, the elector is struck from the List of Electors and cannot vote in person.

It is important to note that the absentee ballot does not require someone to be absent from the territory. The OCEO approved applications if the required documentation proving identity and residency were included, no rationale for why an elector required an absentee ballot was sought.

Using information from the Department of Education, Culture and Employment, all recipients of Student Financial Assistance received emails once the application period opened with information on the election, including how to apply for an absentee ballot. A reminder email was sent prior to the legislated deadline to apply. Elections NWT also posted regular reminders to social media.

Absentee Ballot (mail)

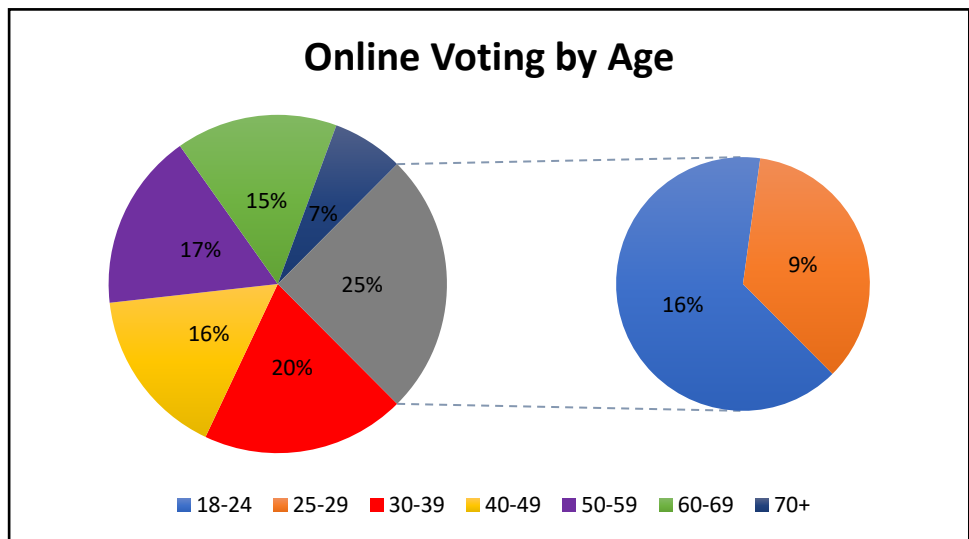
Since the introduction of the online ballot in 2019, the use of mail-in ballots has dropped considerably, from 244 mailed ballots and 111 successfully returned ballots in 2015, to 48 mailed ballots with 43 returned in 2023.

Of the 48 mailed ballots, 35 were sent to electors at a correctional facility, 9 to non-incarcerated electors in the NWT, and 4 to non-incarcerated electors outside of the NWT. 34 ballots were returned and accepted from incarcerated electors. Of the 13 ballots sent to non-incarcerated electors, 9 were returned and accepted. Two were rejected, and one ballot was returned after the deadline and was not counted. Given the low usage of the mail-in option for non-incarcerated electors, some consideration needs to be given to whether this option is offered in future elections for non-incarcerated voters.

Absentee Ballot (online)

Of the two forms of absentee ballot, the online option once again proved the most popular, with 375 votes cast using this method, out of 395 approved applications. 19 applications were declined due to acclamation, 13 in Kam Lake and 6 in Yellowknife South.

21 votes were cast from outside of Canada, which would not have been possible using the mail option, including from Pakistan, Italy, Ecuador and 12 from various locations in the United States.



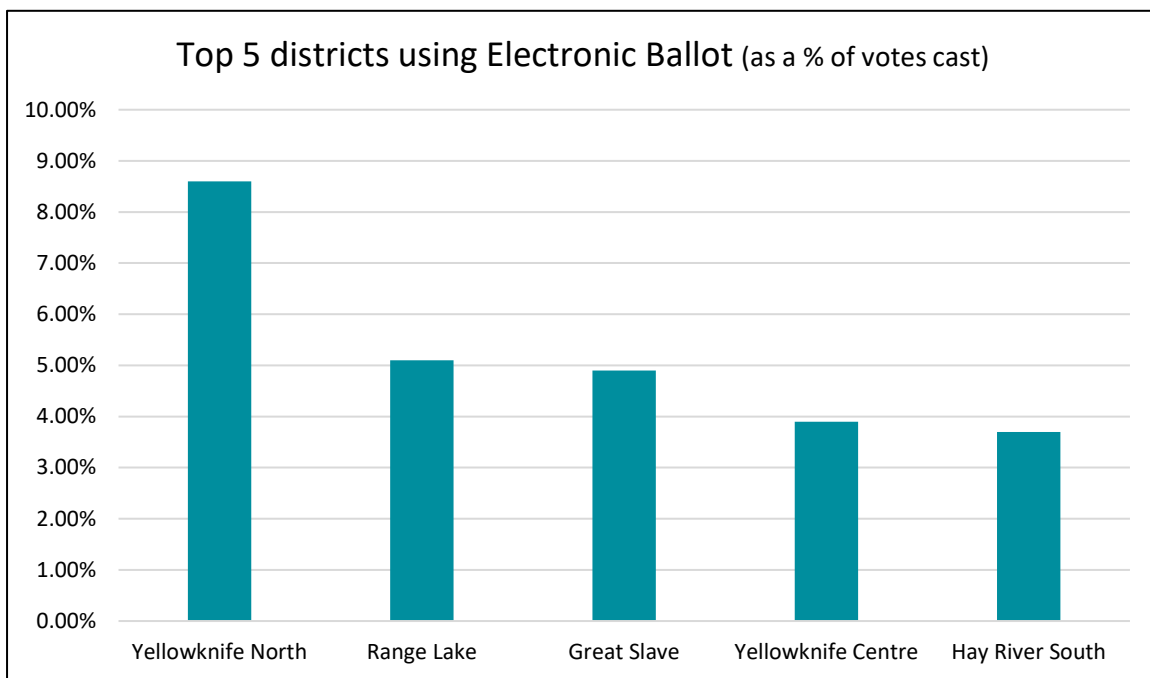
A quarter of all online absentee ballots were cast by voters under the age of 30, with the majority of those voters being under the age of 25.

One of the most common complaints received during the election was that the application deadline for the online absentee ballot is the same as the deadline for the mail-in ballot: ten days before election day. We received daily emails and phone calls about why the registration for an absentee ballot was removed from the website in the days leading up to the election. Some accepted the explanation that the deadline is set in legislation and not subject to change.

Others felt exceptions should be made given the concerns about a ballot being delivered and returned in time do not apply to an electronic ballot.

Until such a time that every polling station has technology deployed at the polls allowing for instantaneous voter strike-off, there will be a need for a deadline. However, a ten-day restriction is no longer required when using an electronic ballot for absentee voters. Similarly, the time to apply for an absentee ballot prior to the writ should be extended. As currently scheduled, the application period opens in the last ten days of August. Given that the electronic ballot is of great value to those voters who are out of territory during the election, extending the earlier application period to a month may allow for more university and college students to think about applying prior to heading off to school at the end of August. Reaching students became more of an issue with the delay in the election, as students were now at school when the application period opened at the start of October.

Yellowknife North was again the district that cast both the highest number of ballots electronically, as well as the highest proportion of electronic ballots.



Mobile Polls

Mobile polls are designed to bring the ballot box to an elector who is unable to attend a polling station due to disability. The Act requires electors to file an application with the Returning Officer, who must decide whether to grant the mobile poll or not. The CEO told all Returning Officers to err on the side of the elector when deciding whether to grant a poll. Applications can only be made from the 14th to 11th day before election day, with the mobile polls happening during the 7th to 4th day before the election.

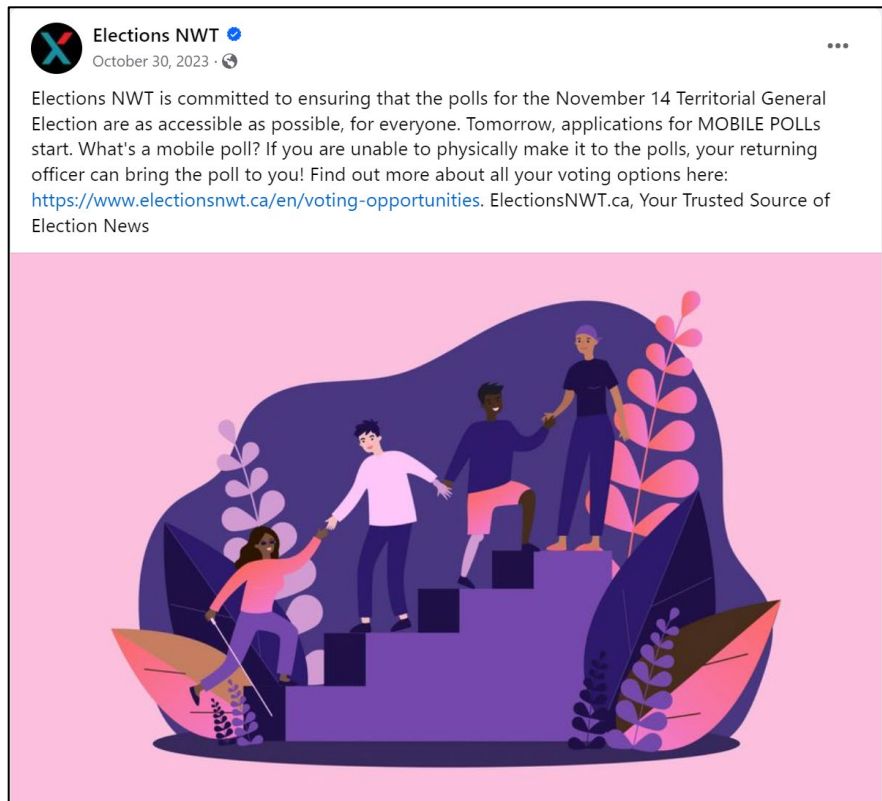
Despite efforts made to raise public awareness of this option, including having the NWT Disabilities Council assist with making the information more widely available on social media, and Returning Officers posting to community specific online bulletin boards, mobile polls were only requested in 5 communities: Fort McPherson, Fort Simpson, Fort Smith, Hay River, and Yellowknife.

Elections NWT remains committed to increasing the awareness and use of mobile polls, and this is another area where less prescriptive legislation would be beneficial.

Multi-District Poll

Following the recommendation of the Standing Committee on Rules and Procedures Report 32-19(2), which recommended that Elections NWT trial a vote anywhere model during advance voting in the Offices of the Returning Officers, electors from any electoral district could cast their ballot from the Returning Offices in Fort Smith, Hay River, Inuvik and Yellowknife. These offices were selected as they were the most likely to have residents from other electoral districts present in the community during the election period.

This was not a widely used option, with 20 votes being cast. The districts that used this option the most were Tu Nedhé-Wiilideh (6 votes) and Nunakput (4 votes). Despite the low usage, the feedback from voters who did take advantage of it was promising – some were heading out of territory after the cut off for an absentee ballot application, others were away from their home community due to medical travel or meetings. Elections NWT will be looking into how to better advertise this option going forward. Some legislative amendments to provide the CEO with greater flexibility in the administration of the multi-district poll are also required.

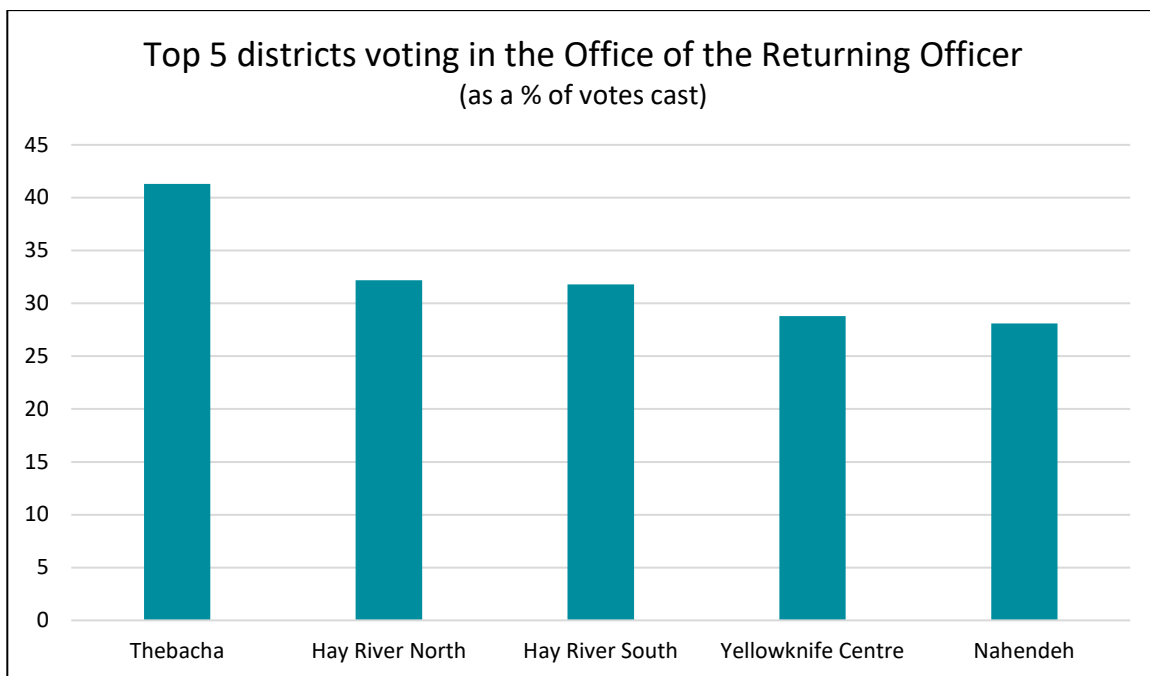


Voting in the Office of the Returning Officer

As has long been the case, voting in the Office of the Returning Officer was the most popular advance voting option, accounting for 19% of all votes cast, and 74% of ballots cast in special voting opportunities.

The popularity of voting in the Office of the Returning Officer is not surprising. Voters can cast a ballot without identification if they are known by the Returning Officer. Voting opens on the Tuesday following the close of nominations, 21 days before election day, and continues until 2 days before election day.

Write-in ballots were used until printed ballots were available, about 10 days after the voting started. The CEO received several concerns about the usage of write-in ballots during this period. Elections NWT will be researching other ballot printing options in advance of the next territorial election to expedite the availability of printed ballots. However, with the close of nominations on the Friday afternoon, and voting starting on the following Tuesday morning, it may not be logistically possible for all Returning Offices to have printed ballots unless the Act allows for printed ballots to be produced in the Returning Offices. Several Canadian jurisdictions have implemented this “ballot on demand” system in advance voting, and it warrants further investigation and legislative review in the Northwest Territories.



Advance Polls

Advance Polls were held in nearly every community without a resident Returning Officer. The Advance Poll in Sachs Harbour did not occur due to worker illness. The Délı̄nę advance poll happened three days after most other communities due to availability of election workers.

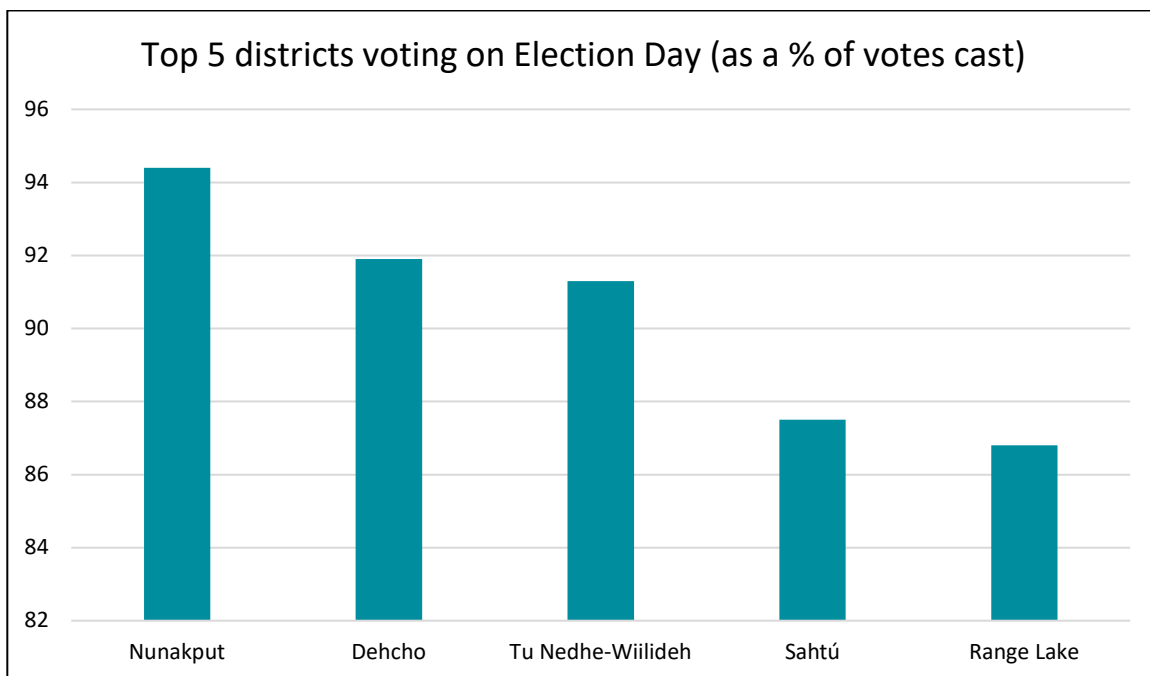
While the total number of votes cast may appear low at first glance, it is important to note that in some communities, the advance poll represents a significant proportion of all votes cast from that community, most notably in Tsiigehtchic, Aklavik and Fort Liard. Due to distance and the ice roads not being in, voters in those communities did not have easy access to their Returning Officer, nor to a regional centre Returning Office.

For communities that have easier access to a regional centre Returning Office, it may be worth considering whether the “vote anywhere” multi-district poll is a better use of resources, as it provides a longer period for voters in those communities to vote than a one-day advance poll.

Community	Votes Cast	% of Votes
Enterprise	4	13.3%
Kakisa	2	14.3%
Kátł'odeeche	6	12.2%
Aklavik	38	18.3%
Tsiigehtchic	31	38.8%
Fort Liard	51	25.4%
Jean Marie River	2	8.0%
Nahanni Butte	2	4.4%
Sambaa K'e	0	0%
Wrigley	6	13.3%
Paulatuk	6	6.3%
Sachs Harbour	-	-
Ulukhaktok	2	2.3%
Colville Lake	5	12.2%
Délı̄nę	18	9.7%
Norman Wells	23	10.4%
Tulita	15	11.1%
Dettah	1	1.9%
Łutselk'e	3	7.9%
Ndilo	6	12.5%

Polling Day

Ordinary Polling Day, or Election Day, was Tuesday November 14, 2023, for the 16 districts that did not have an acclamation. A total of 7,980 residents voted at 34 polling locations across the territory, representing 73.9% of all votes cast in the election.



Unofficial Results

Once polls closed on November 14th, election officers across the territory began counting the ballots. Once a poll was complete, the results were sent to the Returning Officer to enter into the secure online election management system, which then posted the results to the Elections NWT website. Staff at Elections NWT headquarters were also able to assist any Returning Officer who needed assistance entering the results, especially from the multi-community districts who could be receiving multiple statements of poll from each community.

Returning Officers completed the official additions a few days later. No district met the required threshold for a judicial recount.

The CEO received questions from media and candidates as to why some results weren't posted until after candidates had declared victory. When conducting the count and closing the poll, a Deputy Returning Officer must account for all ballots in the ballot box, any spoiled ballots, and all unused ballots, and enter this information onto the statement of poll to ensure that the number of ballots, both used and unused, exactly matches the number of ballots provided to that Deputy Returning Officer. It is not uncommon for there to be a discrepancy of one or two after the initial count. Often this is due to a spoiled ballot (which is a ballot that an elector hands back to the Deputy Returning Officer due to a mark or mistake and receives a new ballot. A spoiled ballot does not go into the ballot box, but into a special envelope, and is not reported in the results, as it is not considered a cast ballot, unlike a rejected or declined ballot).

A scrutineer for a candidate can report back results to their campaign well before the poll is closed. If the results are not close, any recounting of the ballots to ensure accuracy will not change the outcome of that poll but must be concluded before the results are reported back to the Returning Officer. In other jurisdictions, the use of tabulators greatly speeds up the counting process and allows for much faster reporting of results. However, the cost associated with a tabulator machine is likely prohibitive when counting the hundreds of votes cast in any given poll in the Northwest Territories.

Some jurisdictions allow for the counting of special voting opportunity polls before the close of voting on election day, so that these results may be posted shortly after the close of polls. The *Elections and Plebiscites Act* currently prohibits this practice.

Visitors Program

In the lead up to the election, several jurisdictions reached out asking about whether Elections NWT could host observers. There is considerable interest in the work done by Elections NWT on electronic voting regulations and standards, promoting the use of Indigenous languages, and the adaptations and mitigations used during the evacuation and delay of the election.

Elections Canada, Élections Québec, Elections Nova Scotia and Elections Yukon sent representatives, and the CEO and Deputy CEO gave a presentation to the observers, covering the work done to prepare for the election as well as the impacts of the evacuation and delay of the election. The electronic voting vendors provided an overview of the platform and the associated technology and security standards. On Election Day, the observers attended several polling stations, and had a tour of the Legislative Assembly, before returning to Elections NWT headquarters to watch the results.

Financial Reporting

Once the campaign is over, all candidates must submit full and complete financial reports to the Chief Electoral Officer. Elected candidates have 45 business days to file their reports, all other candidates have 60 business days. The Chief Electoral Officer can authorize one extension upon the request of the candidate or their official agent.

Of the 56 Candidates, 36 filed their reports on time and 20 applied for an extension. As of April 9, 2024, all but one candidate had filed their complete financial reports with the Chief Electoral Officer. Summaries of the financial reports can be found in Appendix 3. Complete financial reports are posted on the Elections NWT website.

Candidate Rebate

Following a recommendation from the Special Committee on the Representation of Women in 2018, candidate reimbursement for campaign expenses was introduced this election. Candidates who spent their own money and received a minimum of 5% of the vote were eligible to apply for a rebate of 50% of their expenses to a maximum of \$3000.00 provided that their candidate financial reports were submitted and accepted by the deadline.

Of the 56 candidates, 6 were not eligible to apply for the rebate. 20 candidates who were eligible, did not apply for the rebate. Rebates were provided to 30 of the eligible candidates.

Enforcement

The CEO received six written complaints from candidates, official agents, or polling agents during the election, or in the days that followed the election. Each complaint was reviewed by the CEO and Deputy CEO, as well as by legal counsel. While most complaints were related to a misunderstanding of the electoral process, and could be dismissed with an explanation, some required additional work, including requesting additional information from the complainant, interviewing the appropriate election officer, and reviewing any other relevant information. A summary of the complaints and the actions taken is below.

One complaint related to a prospective candidate advertising on social media in advance of the election period was dismissed, as it was made prior to the pre-election advertising period, which begins three months in advance of the writ being issued.

Complaint 1

A candidate's polling agent filed a complaint that a Returning Officer had begun counting the ballots cast in the Office of the Returning Officer prior to 8pm on polling day. The complainant alleged that they arrived at the Returning Office at 7:59pm, and the ballots were already on the table. The complainant was able to review the ballots and alleged that the ballots had similar handwriting. The complaint also alleged that the Office of the Returning Officer was not open when advertised, which led to a delay in a voter casting their ballot.

The CEO interviewed the Returning Officer and sought additional information from the complainant. The discrepancy in time was due to the respective time pieces being several minutes apart. The Returning Officer was conducting their duties in good faith. With respect to handwriting, the CEO and DCEO reviewed each ballot cast in that office and could not find any similarities in handwriting. Further, all ballots issued to that office were accounted for, meaning none were missing or surplus. The Returning Officer had stepped away from the office temporarily on the date and time in question but returned within minutes. The ability of the voter to cast their ballot was not unduly impaired.

The complaint was dismissed.

Complaint 2

An official agent filed a complaint that there were an undue number of oaths sworn at a polling station and raised questions over the validity of establishing residency by vouching.

Upon review of all oaths made in that polling station, it was determined that no elector had vouched for more than 5 electors. The residency of the electors in question was investigated through the government datasets available to the OCEO. All but one of the electors in question were listed in those datasets. It is not uncommon for an elector to require vouching if they do not have government issued identification.

The complaint was dismissed.

Complaints 3 & 4

Two candidates filed nearly identical complaints. The only difference between them was one contained names of individuals, the other omitted the names.

These complaints were lengthy, alleging numerous violations of the Act, including with respect to the provision of food at campaign events, third-party advertising, alleged conflicts of interest, training issues with election officers, bias towards the complainants at candidate forums, and alleged undue influence, intimidation and other issues on polling day.

The provision of food at campaign events is limited to “light snacks”. This language is vague, and subject to interpretation. This report contains a recommendation addressing this issue. The complainants alleged that private businesses, and their owners, campaigned on behalf of candidates or promoted them through signage on those properties. Businesses, like individuals, are not required to be impartial in an election, and the alleged actions do not constitute third-party advertising. Allegations of undue influence were made about individuals no longer in positions of authority. Once individuals are no longer in positions of authority, the Act does not govern their activities differently than any other citizen. The Act does not provide any role to Elections NWT when it comes to a candidate forum. Concerns about such events are best made to the organizers. The complainants alleged that some election workers were related to candidates. Upon review, those officers were not immediate family members of a candidate, and the Act does not prohibit family members of candidates from working an election. Indeed, in some electoral districts, such a prohibition may prevent the vast majority of the population from working an election.

The complainants alleged that election officers provided the wrong information on polling day to voters attending the polling station. The Returning Officer was interviewed and indicated that they attended the polling station early on election day and spoke with the election workers. There was some confusion between workers on whether a voter had to vote according to the address on their Voter Information Card, or at the polling station where they currently reside. The Returning Officer issued the correct information that the voters must vote at the table corresponding to their current address, as the card may have outdated information on it. Election workers were instructed to use plain language when speaking with voters to ensure that the potential for any confusion was limited. The complainants alleged that there were an undue number of oaths sworn, and that non-residents of the district were permitted to vote after being vouched for. These oaths were examined, and the electors were found in other datasets available to the OCEO residing in the district.

Two of the more serious allegations of the complaints could not be substantiated. The first is that eligible electors were turned away and not allowed to vote; and that a candidate was actively campaigning just outside the polling station. Both the Returning Officer and the Assistant Returning Officer were interviewed and stated that no one had raised a concern with them, despite polling agents being present throughout the day. The Assistant Returning Officer oversaw the polling station and saw no evidence of anyone being denied entry, or being told that they were ineligible to vote without cause. Further, they regularly checked outside, and saw no evidence of any campaigning. Such a serious

allegation should have been brought to the attention of the supervising election officer or the Returning Officer immediately for correction. The fact that it was not is inexplicable.

The final allegation is that a resident posted on social media that their child was approached and offered a bribe to vote. It was not clear from the documents provided by the complainant when the post was made, nor which election it pertained to. The identity of the alleged briber or elector were not provided. The complainants were informed that should the individual involved wish to file a complaint, they should do so within six months of the election. No complaint has been made as of the writing of this report.

Absent any corroborating evidence, these complaints were dismissed.

Complaint 5

A candidate complained that there were irregularities at a polling station, including polling agents not being sworn in, whether election officers were properly appointed, the use of a smartwatch to transmit information, polling workers taking breaks, polling agents being present in the Returning Office, and forms not being provided to polling agents.

Most aspects of this complaint stem from a misinterpretation of legislation. Upon review, it was determined that all appointment forms for polling agents had been administered, logged and provided to the OCEO upon the close of the poll. The polling agents in question had signed the poll book, where the oath is located. All election officers in the district had been duly appointed according to legislation and had approval from their employers to work the election. The election workers performed their duties in accordance with the Act and did not leave the polling station unattended at any time. The use of smart watches is not contemplated in the Act, in part due to the Act predating such technology. This report contains a recommendation to update the legislation. Polling agents are expressly permitted in the Office of the Returning Officer. In interviewing the Deputy Returning Officer for the polling station, a tally sheet may not have provided to polling agents as required. However, the polling agents present were not prevented from witnessing the count, and the failure to provide a tally sheet was not due to a bad faith action.

The complaint was dismissed.

Complaint 6

A candidate complained that their signage had been removed from private property without the express permission of the candidate. The owner of the property in question had also contacted the OCEO about the signage, and expressly indicated that it had been placed without their permission.

The candidate was advised that the Act does not override the legal rights of property holders to authorize what signage, if any, may be placed on that property. The removal of unauthorized campaign materials from private property does not constitute an offence under the Act.

The complaint was dismissed.

Part Three: Recommendations

1. Repeal and Replace the Elections and Plebiscites Act

The current *Elections and Plebiscites Act* was developed following the 2003 territorial election, and first used in the 2007 territorial election. It has been substantially amended five times since: in 2010, 2014 (twice), 2018 and most recently in 2022. Some of these amendments have introduced significant changes – including introducing third-party advertising rules, a candidate rebate system, changing polling day to a Tuesday, removing references to a preliminary list of electors, allowing electronic voting for absentee voters and the digital maintenance of the Register of Electors.

However, one effect of repeatedly amending legislation is that inconsistencies start to emerge. The prescriptive nature of the Act means that changes in one section, either by repealing a clause or by adding in a new subsection, can create issues. The repeal of the revision period for the preliminary list of electors in sections 63-67 modernized the management of the Register of Electors, making it a living list that is updated continuously, both during elections and outside of electoral periods. The subsequent subsection was not substantially amended, which dealt with adding or removing names from the Register. When done in concert with the revision period, there were no inconsistencies between the two subsections, however once the revision period was repealed, the sections where someone can challenge the presence of a name on the Register becomes trickier. The Act as written does not allow for anyone to look at the Register upon request – it is only provided to election officers and candidates or their official agents for that district. Any deletions made by an election officer must be posted in a public place in each community of that district. At a time when an elector could not check to see if they are on the list of electors online, this loss of privacy made sense in light of potential disenfranchisement. With the modernization to the management of the Register, and the ability for anyone at any time to check their status on the Elections NWT website, and to register should they not be on the list makes this loss of privacy less defensible.

Another inconsistency is related to advertising by non-candidates. Section 101 was introduced in 2014 to deal with advertising conducted by a person, association, or organization, with a prohibition on sponsoring campaign advertising indirectly through another person or organization. With the introduction of rules around third-party advertising in 2018, this section does not neatly fit within those clauses, and can cause some confusion. Section 101.2(5) state that upon request of the CEO, an individual identified as a sponsor shall file a declaration with the CEO to that effect. However, Part 9.1: Third-Party Advertising introduces both definitions related to that part that include advertising expenses, contributions, and requires any third-party to register with the CEO immediately after incurring expenses of at least \$500, or if it plans to incur at least \$500 in advertising expenses.

These are but two examples of where the Act would benefit from a complete rewrite, and the OCEO is prepared to spend considerable time on this project.

Should the Legislative Assembly not proceed with a full repeal and replace, there are specific areas of the Act that should be amended that are discussed next.

Special Voting Opportunities timeframes

This report has flagged in earlier sections areas where the prescriptive nature of the Act caused issues, especially with application periods related to special voting opportunities. While some rules around these periods is desirable, greater flexibility during the election would benefit voters.

Absentee Ballots

The application period opens two weeks before the writs are issued. It closes ten days before polling day. This was to allow voters the time to apply by mail for a ballot, and time for that ballot to arrive and hopefully be returned before the deadline. The vast majority of absentee ballots are now completed electronically, making the concerns over mail obsolete. With an early September issuing of the writs, many post-secondary students are preparing to leave for school, and may not be thinking about the election, especially if they are already on campus. Allowing a longer application period, starting one month before the issuing of the writs, and ending at the same time as voting in the Office of the Returning Officer (two days before polling day, when the lists are printed for the polling stations), would allow the greatest amount of time possible for absentee voters to register for an absentee ballot.

Mobile Polls

Mobile polls are designed to serve those electors who, “by reason of disability”, are unable to attend the poll to vote.

The Act opens the application period for mobile polls the 14th day before polling day until the 11th day and requires that the mobile polls occur between the 7th and 4th day before polling day. Despite best efforts to advertise the availability of mobile polls, this limited application period may have contributed to the poor uptake. Allowing applications to begin following the close of nominations until a time set by the Chief Electoral Officer would provide residents more opportunities to contact their election officer to arrange for a mobile poll.

Multi-District Polls

The Act states that a multi-district poll shall occur between the 7th and 4th day before polling day. In trialling the “vote anywhere” model, the CEO varied this timeframe to allow for voting at any time while voting is available in the Office of the Returning Officer, to provide the same opportunity to voters from communities without a resident Returning Officer to vote in a central Returning Office in Yellowknife, Hay River, Inuvik, and Fort Smith. Allowing a multi-district poll to occur during times set by the CEO may allow for this model to become more widely used in future elections.

Provision of food at candidate events

Another problematic prescriptive section is that the Act makes the provision of food at a gathering to promote a candidate an offence, unless the candidate has sold tickets at a fair market value the cover the cost of the food, or the food is considered a “light snack”. A light snack is obviously subject to broad interpretation. It is a northern expectation to serve food at a public event, especially in small communities. It is hard to reconcile food provided at a public event as a corruption of a voter in the same vein as promising money, valuable consideration, office, or employment. The Nunavut *Elections Act* has similar language, however, also includes the exemption that it does not apply to food or non-alcoholic refreshments provided at a meeting of voters assembled for the purpose of campaigning in an election.

Social media advertising & Artificial Intelligence

There are also times where the Act is woefully silent, in particular when dealing with emergencies and emerging technology.

Social media was in its infancy when the Act was first introduced. Facebook had just opened to non-students. Twitter, Instagram, and TikTok were years away. Artificial intelligence was debating whether a computer could beat a human at *Jeopardy!*

Advertising on social media can be done at a price well below traditional media advertising and have a broad audience. While this is of benefit to candidates who can promote their candidacy, it raises concerns about how third-parties could

use social media to skirt the requirement to register with the CEO upon incurring \$500 in advertising expenses. Over a four-week election period, various groups, organizations, businesses, or individuals could run social media ads targeted at NWT residents, promoting or opposing candidates, for well under \$500. This is not intended to be a restriction on residents saying who they support, why they support that candidate, or what they think of other candidates, those are all in the realm of protected political speech. Paying to have those posts promoted to others, making it more likely that a post will be viewed by the widest possible audience and not just a friend group of that individual, is where a difference should be drawn.

Third-party advertising should include any expenditures on advertising during the election advertising period, which begins three months prior to the issuing of the writs, and continues until election day, and eliminate the minimum \$500 spend that currently exists.

Artificial intelligence (AI) adds another unforeseen area into election administration. With the technology evolving as quickly as it is, any legislated changes governing the technical standards of AI may be out of date or inadequate by the time the bill is passed. That being said, there may be areas that can be applicable even as the technology rapidly evolves.

When AI is used to generate election advertising, this should be disclosed in that advertising, whether it is a direct email appeal for contributions, or images created to accompany social media posts. This should apply to candidates and third-party advertisers alike.

Use of AI to analyze the Voters List that is provided to candidates and their official agents should be strictly prohibited, as any data gleaned from AI analyzing the list could then be used by those private companies, which includes the names, addresses and dates of birth of those voters, as well as if and when the voter has cast their ballot in advance of election day.

Third-Party Advertisers

The Act as currently worded has a few problematic sections when dealing with third-party advertisers. As mentioned earlier, the wording of sections 101-101.2 was amended prior to the introduction of Part 9.1, and the language of those sections should be amended to reflect the more stringent requirements of Part 9.1.

Registered third-party advertisers are permitted to accept contributions, provided that the contributor is not:

- a person not ordinarily resident in the NWT,
- a prohibited corporation under the definitions of section 264.1(1),
- an employee organization not based in the NWT,
- a group of which any member of the group is ineligible based on the above.

It is unclear what, if any, contribution limit exists. It is recommended that a contribution limit per donor be added, in line with contribution limits to candidates. Anonymous contributions to third-party advertisers should not be permitted.

Section 264.3(2) states that during an election advertising period, a registered third-party advertiser shall not incur advertising expenses to promote or oppose the election of one or more candidates in a given electoral district that exceeds \$3,000 **per candidate**. This could allow for an advertising campaign in Frame Lake or Nahendeh of \$15,000 to \$18,000, based on the number of candidates in those ridings in 2023. In a by-election, a third-party advertiser is limited to \$3,000 per electoral district. It is recommended that the same amount apply to any one electoral district in a general election, and to remove the reference to individual candidates.

Emergency situations

The summer of 2023 tested the adaptability of the Act, and the provisions dealing with emergencies were limited at best. While the evacuations led to a lot of questions about the election, the appropriate remedy was legislation to defer the election. It would be difficult to find a legislative solution in the Act to give the Commissioner the authority to defer an election in the event of a territorial state of emergency, given provisions in other legislation governing the length of a Legislative Assembly.

The Act requires the writs to be issued in order for the CEO to issue any variances, which limits just how proactive the CEO can be during an ongoing emergency. The power to adapt the Act is also explicitly restricted when it comes to the close of nominations, and the hours a polling station may be open on polling day.

There are good reasons for both restrictions – it prevents any perception of favouritism when it comes to accepting nomination papers; and ensures that votes are cast at the same time for all voters. However, it also means that the Returning Officer must keep their office open to receive nominations when weather may make it dangerous to do so. The office in Tuktoyaktuk was able to remain open, and receive a nomination paper minutes before the deadline, only due to a blizzard not occurring as forecast. Being able to accept a nomination paper virtually, and not requiring a nomination deposit, will address most of these concerns, and are recommended.

For inclement weather on polling day, it may be that the Act could be stretched to permit a polling station to open more than a day late, but such a provision is not explicitly made. It is recommended that the Act be amended to include language similar to that found in Prince Edward Island's legislation, where the CEO may direct the appropriate Returning Officer to defer the poll for one or two days, as appropriate. While PEI's legislation requires all polling stations in a district to be deferred, the size of territorial districts may not make that as necessary. If a blizzard has struck Ulukhaktok, the other three Nunakput communities may have sunny skies and can proceed with the poll. However, any counting of that district's polls should be deferred until such time as all voters having had an opportunity to vote.

Election worker compensation

While election officers are paid according to the Tariff of Fees, which is set by the Commissioner on the recommendation of the CEO, there are some administrative issues that should be considered.

One of the common concerns raised by prospective election workers is the fear that any payment may impact their housing or income assistance payments. Working an election can hardly be considered "regular work". Most election workers work only on polling day. While the pay is modest, the contribution to a democratic society is substantial. It is recommended that payments for work as an Election Officer be excluded from the net monthly income calculation under the *Income Assistance Regulations*, or when calculating rent owing under any public housing arrangement.

A further common complaint from election workers is the time it can take to have their pay processed. While some workers are already in the Financial Shared Services system as vendors, or are employees of the government, those who are not in the system can face long delays, especially if they do not have a bank account. It is recommended that Elections NWT be permitted to pay an election worker by pre-paid cards to the local stores if that is the desired option of the worker. This could ensure that workers are paid within a couple of days of the election.

Housekeeping amendments

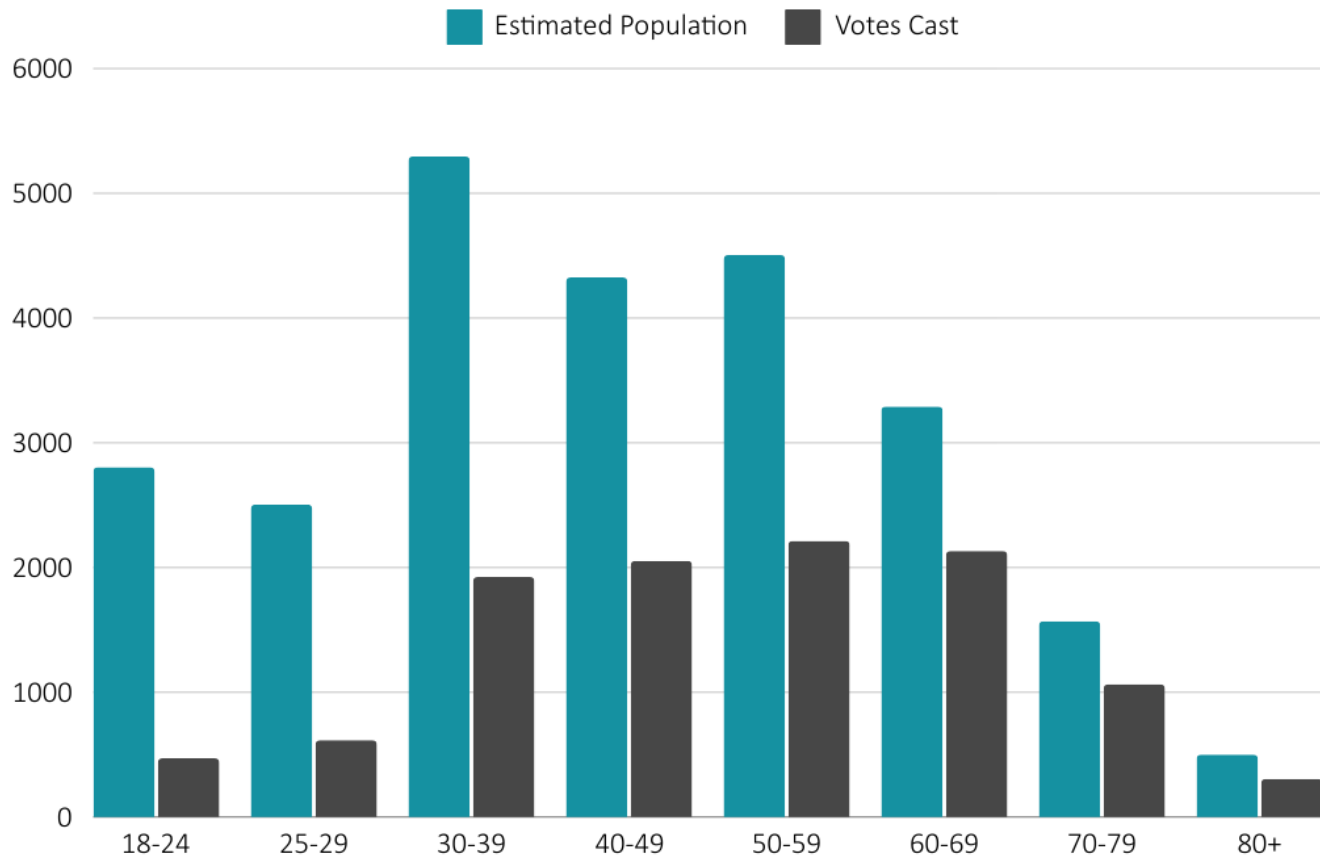
- Business day discrepancies: there was a typographical error in the amendments introduced in 2022, which changed the financial reporting deadlines from calendar days to business days. The recommendations, drafting instructions, and plain language summaries indicated that the deadline was 45 business days, with a possible extension of another 45 business days. Elected candidates could receive an extension of an additional 10 business days. While some of these changes were made, some kept the original 60 days, and only added “business”, which resulted in deadlines that are not consistent with each other. The following sections need correcting:

<ul style="list-style-type: none"> ➤ 90(2)(a) ➤ 208(1) ➤ 208(2) ➤ 248(1) ➤ 249 	<ul style="list-style-type: none"> ➤ 257(2), (3), & (4) ➤ 257.1(1) (multiple occurrences) ➤ 258(1) ➤ 259(2)
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- The section 1 definition of Election Officer should include “Additional Assistant Returning Officer”, as that term is now separately defined.
- 54(2) and 55.2(3)(a) only permits the Registers to include the middle initial. There are several instances of electors having the same first and last name, and the same middle initial. It is recommended that Full Legal Name be permitted in the Register.
- Sections 68-72 are outdated and should be repealed, as registering as an elector is now done through the website, and any elector can check to see if their name is listed at the correct address. If it is not, they can update their information online.
- Section 75(2) does not create a specific offence for the misuse of the list of electors. It is recommended that an offence be established for misusing the list, similar to the Yukon *Elections Act*, s. 49.14
- 96(5) requires a Returning Officer to post in a conspicuous place the Notice of a Grant of Poll. Some districts do not have an indoor place where residents commonly gather, and it is posted outdoors. In these cases, the Notice deteriorates until it is illegible. It is recommended that the Notice be posted in a conspicuous place and be publicly available for the duration of the poll on the website of the Office of the Chief Electoral Officer.
- 136(1), 136.6(1) still requires witnesses for the counting of the absentee ballots and multi-district polls. As most absentee ballots are electronic, it is not technically possible for the counting to be witnessed. Multi-district polls are counted in the Office of the Chief Electoral Officer. The requirement to find witnesses was removed from other sections of the Act in 2022.
- 177(9) prohibits candidates from vouching for electors. The same restriction should extend to a candidate’s appointed polling agents.
- 183(3)(b) permits a candidate to object to someone voting, however candidates are restricted from remaining in polling stations beyond casting their own ballot.
- 246 requires an official agent to deposit a monetary contribution in a bank account, or if no bank is located in the community, with an institution approved by the CEO. Given the small number of contributions received in small communities, the scarcity of financial institutions, and the costs charged by businesses operating as financial institutions in small communities, it is recommended that the official agent receiving a contribution comply with instructions of the CEO on tracking all contributions, but not require them to be deposited.
- 254(1) should include childcare as an explicitly allowed living expense, pursuant to the Special Committee on the Representation of Women recommendation.
- 275(1) should include the Additional Assistant Returning Officer, as that position is now separately defined.

2. Reduce the Voting Age to 16

Voter turnout, especially amongst younger voters, has been a much-discussed topic in previous reports. While there have been numerous efforts to engage younger voters, the turnout for this demographic remains stubbornly low. Voters under the age of 30 are far less likely to vote than any other age demographic. This can lead to lower voter turnout in future elections, as there is considerable evidence that voting is habit-forming, that is, voting in one election increases the likelihood that the voter will vote in the next election. In 2023, voter turnout was highest amongst voters over the age of 60.

Estimated Population vs Votes Cast by Age Group



Population estimates according to Statistics Canada. Table 98-10-0022-01

Population estimates exclude acclaimed districts

There have been research studies done on why young people are not voting. Elections Canada conducted a survey of voters aged 18-34 to understand the reasons why they did, or did not, vote in the 2015 federal election.² Compared with older voters, people under the age of 35 were less motivated to vote, and faced greater barriers to participate, including not being registered to vote, not as aware of how to register and go vote, and perceived the act of voting as too difficult in terms of getting to a polling place and proving their identity. This age group views voting as a choice and feel less strongly that voting will make a difference, or that the government cares about what younger voters think. Amongst those in this age range who did vote, they were much more likely to say that they had learned about government and politics in school and had taken part in a mock election.

² <https://www.elections.ca/content.aspx?section=res&dir=rec/eval/pes2015/nys&document=index&lang=e>

Voters aged 18-24 in the Northwest Territories face an additional challenge when it comes to voting than their provincial peers. Most post-secondary education is done outside of the territory, meaning those students are far from home when an election occurs. Some are living for the first time in a large city, and many are living away from home for the first time. The pressures of school and daily life are such that voting in an election “back home” is something abstract, and best left to parents. The narrative that youth are apathetic, lazy, or unengaged becomes self-fulfilling.

In jurisdictions where the voting age has been lowered to 16, the voting rate for 16- and 17-year-olds is higher than older first-time voters between the ages of 18-24.³ This may be partly due to still being at home, and being able to have conversations with parents, teachers, and peers more easily than when one is away or navigating the first challenges of adulthood. By allowing 16- and 17-year-olds to participate fully in the electoral process, it is demystified, removing a barrier to future participation in elections. A recent German study found that enfranchised youth were more likely to discuss politics with family and friends than non-enfranchised youth.⁴ Evidence from Austria, where the voting age was lowered to 16 in 2007, shows the young voters were no less informed when voting than adults.⁵

In light of the persistently low voter turnout of first-time voters, and in the interest of fostering greater civic engagement, it is recommended that the voting age be lowered to 16, and that the Register of Future Electors be permitted to gather registration information from 14-15-year-olds. This would enable all secondary students to be registered, and enable greater participation from younger voices, for whom political choices may have the greatest, and longest, impact.

³ Zeglovits, E. (2013). Voting at 16? Youth suffrage is up for debate. *European View*, 12(2), 249-254. <https://doi.org/10.1007/s12290-013-0273-3>

⁴ Leininger, Arndt; Schäfer, Armin; Faas, Thorsten; Roßteutscher, Sigrid, 2024, "Replication Data for: "Coming of Voting Age. Evidence from a Natural Experiment on the Effects of Electoral Eligibility"", <https://doi.org/10.7910/DVN/RWJKW1>

⁵ Markus Wagner, David Johann, Sylvia Kritzinger, Voting at 16: Turnout and the quality of vote choice, *Electoral Studies*, Volume 31, Issue 2, 2012, <https://www.sciencedirect.com/science/article/pii/S0261379412000212>

3. Expand the Elections NWT mandate

There are over 50 municipal and district education authority elections scheduled between each territorial election. Elections NWT currently has no role in these elections, which results in a narrower mandate than our neighbouring territories. Elections Nunavut is responsible for all elections in the territory, Elections Yukon conducts school board elections and is contracted to run the City of Whitehorse municipal election.

There are several areas where increasing the role of Elections NWT to include responsibilities under the *Local Authorities Elections Act* would be beneficial to those local authorities and Elections NWT alike.

From a logistics standpoint, Elections NWT produces and procures materials in bulk, which results in a cheaper overall cost per unit for ballot boxes, voting screens, envelopes, and forms. These materials could be provided to municipalities or education authorities by Elections NWT, instead of having to individually procure them. Election results could be posted to the Elections NWT website in addition to local social media accounts as is currently the case.

The CEO can currently provide an extract from the Register of Electors to a municipal government, but not to a district education authority for the purpose of conducting an election. Expanding the mandate to include local authorities would allow for greater collaboration between local authorities and Elections NWT for both the printing of the voters list, but also to provide any updates back to Elections NWT to improve the overall quality of the Register.

Finding enough people to work an election is a perennial challenge for all election administrators. By having more involvement at a local level, Elections NWT can build better relationships with communities which may assist in finding election workers for territorial elections. This would also allow Elections NWT to open the online learning system more frequently, and to receive more feedback from election workers on how to improve it. While there are some differences between the requirements of the *Elections and Plebiscites Act* and the *Local Authorities Elections Act*, tailoring individual modules depending on the election would not pose a significant issue.

Perhaps most importantly, election administration is not something done off the side of a desk. It is the *raison d'être* of Elections NWT. During municipal election season, Elections NWT is contacted numerous times by both voters and election workers seeking information or advice. It is frustrating for the caller when their question or concern can not be answered as Elections NWT does not have jurisdiction to do so. The public understandably assumes that an entity with “elections” in its name should be able to respond to electoral questions. During the City of Yellowknife election in 2022, there was a significant increase in voter registrations on the Elections NWT website, which does not register those voters for the city election. A common complaint from voters is incorrect information that has been corrected at another election but is still incorrect as that election fell under a different organization.

As a first step, Elections NWT is prepared to work with the NWT Association of Communities on a survey of municipal governments on what support they would like to have in running local elections, and how Elections NWT can support those governments in improving election administration.

4. Eliminate nomination deposits

Section 89 of the Act requires every candidate to file with their nomination papers a \$200 deposit in legal tender, money order or certified cheque. Returning Officers then forward this deposit on to the Chief Electoral Officer, who arranges to deposit that money into the Consolidated Revenue Fund of the Government of the Northwest Territories. A candidate is eligible to have the deposit returned to them if they file a complete Candidate Financial Report within the allowable timeframe.

There was a time when this deposit acted as the incentive for candidates to file their financial reports on time. In 2010, an automatic penalty of \$250 was added, in addition to forfeiting the deposit. Following the 2015 general election, the penalty was increased to \$500, with an additional penalty of \$50 per day of non-compliance up to a maximum of \$1000. The introduction of a candidate rebate program starting in 2023 acts as a further incentive, as a candidate may only receive it upon filing their financial report on time.

The nomination deposits are a considerable administrative burden on elections officers during the election, who must ensure that the deposits are promptly couriered to the CEO, and on Elections NWT staff post-election, to ensure that the deposits are returned to candidates. Elections NWT included prepaid ExpressPost envelopes to election officers in communities that do not have direct air service to Yellowknife, to facilitate the couriating of the deposits. For officers with direct flights to Yellowknife, arrangements were made with those airlines to act as the courier. All of this comes at considerable cost, given that it is a refundable deposit.

As of the writing of this report, several candidates have not received their deposit back despite being eligible, due to administrative issues with the financial administration system. A further issue can arise when an individual is in financial arrears with the government, and the refunded deposit is flagged as income to be garnished. Considerable time has been spent working through this issue to ensure that candidates receive their whole refund.

The deposit also acts as a barrier to running for office for prospective candidates with limited income. In 2017, an Alberta Court of Queen's Bench decision⁶ found that requiring a nomination deposit infringed upon Charter rights to run for office, resulting in Elections Canada no longer requiring a deposit. With the automatic penalty, and the incentive of a potential rebate, the nomination deposit no longer serves as the incentive it once did and could be challenged in court. As an administrative issue, it serves little purpose and costs a lot to implement.

⁶ *Szuchewycz v Canada (Attorney General)*, 2017 ABQB 645

Appendix A: Calendar of Events

Revised General Election Schedule						TGE 2023
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 October	2	3	4	5	6	7
Absentee Ballot Application Period						
8	9	10	11	12	13	14
Absentee Ballot Application Period						
15	16	17	18	19	20	21
Absentee Ballot Application Period						
	10am	Nomination Period			2pm	
	Writs Issued				2pm-5pm Withdrawal Period	
22	23	24	25	26	27	28
Absentee Ballot Application Period						
Voting in the Office of the Returning Officer						
29	30	31	1 November	2	3	4
Absentee Ballot Application Period						Ends 2pm
Voting in the Office of the Returning Officer						
Mobile Poll Application Period						
5	6	7	8	9	10	11
Voting in the Office of the Returning Officer						Ends 2pm
Mobile Poll Period						
Multi-District Poll Period						
Advance Poll Period						
12	13	14	15	16	17	18
		Election Day 9am-8pm Absentee Ballots must be received by 8pm				

Appendix B: Instructions of the CEO



Instructions of the Chief Electoral Officer

DATE: 31 May 2023
TO: RETURNING OFFICER, THEBACHA
FROM: Chief Electoral Officer
RE: Polling District Revision

Pursuant to section 52(1) of the *Elections and Plebiscites Act*, you are hereby directed to decrease the number of polling divisions in your electoral district from 6 to 4. The following polling districts shall be merged:

Polls 2 and 3

Polls 5 and 6

The Office of the Chief Electoral Officer shall provide you with updated maps as part of the materials provided for the Returning Office. The Voters List will be updated to reflect the new polling districts.

ELECTIONSNWT  ÉLECTIONSTNO

Instructions of the Chief Electoral Officer

DATE: 6 June 2023
TO: PROSPECTIVE CANDIDATES
FROM: Chief Electoral Officer
RE: IDENTIFICATION OF SPONSORSHIP OR AUTHORIZATION

The purpose of this Instruction is to clarify the rules regarding the sponsorship or authorization notation for election materials such as signs, press releases, advertisements, or broadcasts.

Identification is placed on election materials so that citizens know who is responsible for election messaging, and how the sponsor can be reached to answer any questions from the public. Failure to identify the sponsor is an election offence.

Identification is required on all campaign material, including broadcasts and electronic publications. The identification must include a legible notation indicating that it is sponsored by a specific body or person or is authorized by an official agent.

In addition to being properly identified, any corporation, organization, group or person who is advertising in support of or in opposition to a candidate must also register as a third-party advertiser with the Chief Electoral Officer if the corporation, organization, group or person spends or intends to spend more than \$500 during the election advertising period.

The only exceptions are for campaign material having a surface area that does not exceed 64cm², or may reasonably be considered to be clothing, a novelty item or an item intended for personal use.

Format of Identification

One of the following formats must be used.

If the sponsor is not an official agent:

“Authorized by [name of sponsor], [telephone number].”

Or if being authorized by an official agent:

“Authorized by [name of official agent], official agent for [name of candidate], [telephone number].”

The notation must be large enough, and placed so that it is visible and legible for the average person. The size and placement of the notation will depend on the size and nature of the election material.

Instruction Number: CEO/INST 23-02



Instructions of the Chief Electoral Officer

Election materials produced during the pre-election period may still be distributed or displayed during the campaign period as long as the identification notation remains visible and legible. The pre-election period began 4 June 2023.

For more detail about identification notations, see sections 101, 101.1 and 102 of the *Elections and Plebiscites Act*. For more detail about third-party advertisers, see sections 264.1 to 264.11 of the *Elections and Plebiscites Act*.



Instructions of the Chief Electoral Officer

DATE: 6 June 2023
TO: PROSPECTIVE CANDIDATES
FROM: Chief Electoral Officer
RE: ELECTION EXPENSES AND REIMBURSEMENT

Pursuant to section 250 of the *Elections and Plebiscites Act*, the Chief Electoral Officer may issue instructions regarding: election expenses that may be paid for in the pre-election period by a person who becomes a candidate; and election expenses from the pre-election period for which an official agent may reimburse a candidate from contributions received.

Although the Chief Electoral Officer reserves the right to make decisions as needed on a case-by-case basis, generally speaking, an official agent may reimburse a candidate, from contributions received, for any election expense paid during the pre-election period to promote the candidate's election.

Reimbursement is possible regardless of the outcome of the election.

Below is a list of typical election expenses that are eligible for reimbursement. This is not intended as a comprehensive nor restrictive list, but rather is offered by way of example for greater clarity.

- Advertising on traditional or social media
- Reasonable transportation, accommodation or meal costs for a candidate
- Reasonable personal expenses, including childcare expenses
- Office space rental, including office equipment, supplies and utilities
- Website creation, hosting and maintenance
- Posters, leaflets, pamphlets, letters, cards or other promotional material
- Vehicle rental costs or operating expenses of a private vehicle
- Signs, banners, lumber and other structural supports
- Mailing or other election material distribution
- Reasonable interest paid on operational loans
- Survey polling, including design and analysis

All expenses from the pre-election period must be proven by a bill setting out the particulars of the expenses. Proof of payment is submitted by the official agent to the Chief Electoral Officer as part of the candidate's financial report.

All expenses incurred during the pre-election period before the candidate's nomination papers have been submitted are included in the \$30,000 maximum amount that may be spent to promote the election of a person.

Instruction Number: CEO/INST 23-03



Instructions of the Chief Electoral Officer

DATE: 29 August 2023
TO: ELECTION OFFICERS – ALL NWT ELECTORAL DISTRICTS
FROM: Chief Electoral Officer
RE: Ordinary Residence

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

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

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

Electoral officers are accordingly instructed as follows:

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

Instruction Number: CEO/INST 23-04

ELECTIONSNWT  ÉLECTIONSTNO

Instructions of the Chief Electoral Officer

DATE: 23 October 2023
TO: ELECTION OFFICERS – ALL NWT ELECTORAL DISTRICTS
FROM: Chief Electoral Officer
RE: Use of cell phones in polling places

This instruction is issued pursuant to sections 8(2) and 122(3) of the *Elections and Plebiscites Act* (the “Act”).

This instruction serves to clarify the use of cell phones in a polling station or other place where voting is conducted.

Election officers may use cell phones in a polling station or other place where voting is conducted to check the time or to message by text or email. Phone calls must be placed outside of the polling station.

An elector may use a cell phone in a polling station or other place where voting is conducted to retrieve digital data for the purpose of proving his or her identity or residence to an election officer.

The recording of an image is strictly prohibited for all persons present in a polling station or other place where voting is conducted. This prohibition includes, but is not limited to, taking a photograph or video of a marked ballot.

ELECTIONSNWT  ÉLECTIONSTNO

Instructions of the Chief Electoral Officer

DATE: 31 October 2023

TO: ELECTION OFFICERS & CANDIDATES – ALL NWT ELECTORAL DISTRICTS

FROM: Chief Electoral Officer

RE: Candidate and Candidate’s Polling Agent Participation

This instruction is issued pursuant to sections 8(2), 132, 136.1(3), 137, 144(2), 151.1(6) of the *Elections and Plebiscites Act* (the “Act”). This instruction serves to clarify the involvement of candidates and candidates’ polling agents with respect to:

- Examining the voting record
- Attending the polling station or other place where voting is conducted under the *Act*
- Observing the counting of votes

Observation and participation

A candidate or a candidate’s polling agent may, during polling hours, examine the voting record used for voting in the office of the returning officer or at an advance voting opportunity and may take any information from such voting record unless an elector would be delayed in casting his or her vote as a result of the examination or taking of information. Only one candidate’s polling agent per candidate at a time may remain in the office of the returning officer or at an advance voting opportunity during voting hours.

Candidates and candidates’ polling agents shall not attend the poll at a multi-district poll, at a mobile poll, or voting by absentee ballot, and they shall not observe the counting of the votes cast at those respective special voting opportunities. Given the relatively small number of votes cast at these special voting opportunities, this prohibition against participation with respect to absentee ballots, mobile polls, and multi-district polls is necessary to protect the impartial administration of elections, the privacy of electors, and the secrecy of the vote.

Consistent with section 126(2) of the *Act*, a candidates’ agent attending at the office of the returning officer or an advance voting opportunity must provide an election officer with their appointment form and take an oath or make an affirmation.

The table provides direction on the allowed and prohibited participation and observation for candidates and candidates’ polling agents:

Instruction Number: CEO/INST 23-06

Instructions of the Chief Electoral Officer

CANDIDATE AND CANDIDATE'S POLLING AGENT OBSERVATION AND PARTICIPATION GUIDE		
Poll Type	Attend the poll	Observe vote count
Absentee ballot	No	No
Multi-district poll	No	No
Mobile poll	No	No
Office of the returning officer	Yes	Yes
Advance voting opportunity	Yes	Yes
Polling station on polling day	Yes	Yes

Appendix C: Candidate Financial Reports

DEHCHO				
Candidate	Ronald Bonnetrouge	Richard Lafferty	Steven Vandell	Sheryl Yakeleya Elected
Official Agent	Shirley Gargan	Rosemary Minoza	Lee Thom	Peter Canadien
Self-Contributions	\$0.00	\$1,190.67	\$4,064.89	\$2,149.14
Other Contributions	\$1,012.92	\$1000.00	\$2,850.00	\$4,368.97
Total Contributions	\$1,012.92	\$2,190.67	\$6,914.89	\$6,518.11
Total Expenses	\$1,012.92	\$2,190.67	\$6,914.89	\$6,518.11
Surplus	-	-	-	-
Rebate Amount	-	Ineligible	\$2,032.45	\$1,074.57

FRAME LAKE					
Candidate	Deanna Cornfield	Julian Morse Elected	John Stanley	Spencer Tracey	Stuart Wray
Official Agent	Sharon Hewitt	Nathan Ensing	Scott Thomson	Jason Mauchan	Sharon Kennedy
Self-Contributions	\$8,231.40	\$3,416.43	\$0.00	\$4,871.70	\$4,910.55
Other Contributions	\$1,600.00	\$4,320.00	\$3,273.43	\$0.00	\$5,290.00
Total Contributions	\$9,831.40	\$7,736.43	\$3,273.43	\$4,871.70	\$10,200.55
Total Expenses	\$9,831.40	\$7,736.43	\$3,104.90	\$4,871.70	\$10,200.55
Surplus	-	-	\$168.53	-	-
Rebate Amount	Ineligible	\$1,708.22	-	\$2,435.85	\$2,455.28

GREAT SLAVE				
Candidate	Stacie Arden Smith	James Lawrance	Katrina Nokleby	Kate Reid Elected
Official Agent	Bernard Dube	Helen Kodzin	Grant Blondin	Jan Vallillee
Self-Contributions	\$2,611.88	\$495.38	\$3,578.35	\$2,500.36
Other Contributions	\$4,076.00	\$0.00	\$7,575.00	\$13,464.00
Total Contributions	\$6,687.88	\$ 495.38	\$11,153.35	\$15,964.36
Total Expenses	\$6,687.88	\$495.38	\$11,153.35	\$15,964.36
Surplus	-	-	-	-
Rebate Amount	\$1,170.02	\$247.69	\$1,789.18	\$1,250.18

HAY RIVER NORTH				
Candidate	Greg McMeekin	R.J. Simpson Elected	Michael Wallington	Hans Wiedemann
Official Agent	Olly Das	Ralph Shelton	Elissa Wallington	Tracy Yee
Self-Contributions	\$0.00	\$3,051.50	\$1,703.94	\$1,250.00
Other Contributions	\$0.00	\$6,400.00	\$0.00	\$0.00
Total Contributions	\$0.00	\$9,451.50	\$1,703.94	\$1,250.00
Total Expenses	\$0.00	\$9,451.50	\$1,703.94	\$1,209.14
Surplus	-	-	-	\$40.86
Rebate Amount	Ineligible	Declined	\$851.97	Declined

HAY RIVER SOUTH			
Candidate	Vince McKay Elected	Wally Schumann	Rocky Simpson
Official Agent	Stacey Barnes	Peter Maher	Jo-Ann Jensen
Self-Contributions	\$2,167.41	\$0.00	\$0.00
Other Contributions	\$1,500.00	\$4,250.00	\$5,000.00
Total Contributions	\$3,667.41	\$4,250.00	\$5,000.00
Total Expenses	\$3,667.41	\$4,247.37	\$5,000.00
Surplus	-	\$2.63	-
Rebate Amount	\$1,083.71	-	-

INUVIK BOOT LAKE			
Candidate	Diane Archie	Denny Rodgers Elected	Sallie Ross*
Official Agent	Della Fraser	Peter Clarkson	Esther Ross-Kendi
Self-Contributions	\$256.02	\$2,127.52	
Other Contributions	\$4,290.00	\$8,500.00	
Total Contributions	\$4,546.02	\$10,627.52	
Total Expenses	\$4,546.02	\$10,627.52	
Surplus	-	-	
Rebate Amount	\$128.01	\$1,063.76	Ineligible

*Has not filed a complete Candidate Financial Report as of the deadline

INUUVIK TWIN LAKES		
Candidate	Lenora McLeod	Lesa Semmler Elected
Official Agent	Jodie Maring	Janelle Wainman
Self-Contributions	\$318.03	\$0.00
Other Contributions	\$5,850.00	\$10,985.00
Total Contributions	\$6,168.03	\$10,985.00
Total Expenses	\$6,168.03	\$10,619.89
Surplus	-	\$365.11
Rebate Amount	\$159.02	-

KAM LAKE	
Candidate	Caitlin Cleveland Acclaimed
Official Agent	John Bowden
Self-Contributions	\$0.00
Other Contributions	\$5,455.89
Total Contributions	\$5,455.89
Total Expenses	\$5,219.25
Surplus	\$236.64
Rebate Amount	-

MACKENZIE DELTA			
Candidate	Frederick Blake Jr.	George Nerysoo Elected	Richard Ross
Official Agent	Jolene Blake	Peter Vittrekwa	Wilhemina McLeod
Self-Contributions	\$2,157.86	\$5,327.76	\$0.00
Other Contributions	\$1,500.00	\$900.00	\$0.00
Total Contributions	\$3,657.86	\$6,227.76	\$0.00
Total Expenses	\$3,657.86	\$6,227.76	\$0.00
Surplus	-	-	-
Rebate Amount	\$1,078.93	\$2,663.88	-

MONFWI	
Candidate	Jane Weyallon Armstrong Acclaimed
Official Agent	Mabel Husky
Self-Contributions	\$0.00
Other Contributions	\$0.00
Total Contributions	\$0.00
Total Expenses	\$0.00
Surplus	-
Rebate Amount	-

NAHENDEH							
Candidate	Sharon Allen	Josh Campbell	Mavis Michaud	Cl-	Hillary Deneron	Shane Thompson Elected	Les Wright
Official Agent	Michael Canney	Savana Norwegian-Campbell	Raymond Michaud		Joanne Deneron	Debra Richards	Jenny Cazon-Hempler
Self-Contributions	\$1,775.07	\$308.33	\$800.00		\$2,406.43	\$5,803.92	\$1,705.71
Other Contributions	\$800.00	\$510.00	\$2,725.00		\$400.00	\$10,700.00	\$0.00
Total Contributions	\$2,575.07	\$ 818.33	\$3,525.00		\$2,806.43	\$16,503.92	\$1,705.71
Total Expenses	\$2,575.07	\$818.33	\$2,794.61		\$2,806.43	\$16,503.92	\$1,705.71
Surplus	-	-	\$730.39		-	-	-
Rebate Amount	Declined	Ineligible	-		\$1,203.22	\$2,901.96	\$852.86

NUNAKPUT		
Candidate	Lucy Kuptana Elected	Vince Teddy
Official Agent	Deborah Raddi	Richard McIntyre
Self-Contributions	\$4,910.71	\$300.00
Other Contributions	\$1,100.00	\$0.00
Total Contributions	\$6,010.71	\$300.00
Total Expenses	\$6,010.71	\$300.00
Surplus	-	-
Rebate Amount	\$2,455.36	Declined

RANGE LAKE			
Candidate	Aaron Reid	Nicole Sok	Kieron Testart Elected
Official Agent	Jonathan Irons	Carrie Lehman	Justin MacInnis
Self-Contributions	\$1,200.00	\$900.79	\$1,500.00
Other Contributions	\$200.00	\$3,820.00	\$22,155.25
Total Contributions	\$1,400.00	\$4,720.79	\$23,655.25
Total Expenses	\$889.89	\$4,720.79	\$23,167.82
Surplus	\$510.11	-	\$487.43
Rebate Amount	\$344.95	\$450.40	Declined

SAHTU			
Candidate	Paulie Chinna	Daniel McNeely Elected	Delphine Pierrot
Official Agent	Jennie Vandermeer	Barry Harley	Daniel T'Seleie
Self-Contributions	\$5,977.27	\$9,539.17	\$4,093.57
Other Contributions	\$8,523.50	\$550.00	\$5,208.98
Total Contributions	\$14,500.77	\$10,089.17	\$9,302.55
Total Expenses	\$14,500.77	\$10,089.17	\$9,302.55
Surplus	-	-	-
Rebate Amount	\$2,988.64	\$3,000.00	\$2,046.79

THEBACHA			
Candidate	Connie Benwell	Jay MacDonald Elected	Frieda Martselos
Official Agent	Jonathan Benwell	Kurt MacDonald	Alan Karasiuk
Self-Contributions	\$0.00	\$0.00	\$9,143.95
Other Contributions	\$0.00	\$5,150.00	\$8,450.00
Total Contributions	\$0.00	\$5,150.00	\$17,593.95
Total Expenses	\$0.00	\$3,966.02	\$17,593.95
Surplus	-	\$1,183.98	-
Rebate Amount	-	-	\$3,000.00

TU NEDHÉ-WIILIDEH			
Candidate	Nadine Delorme	Richard Edjericon Elected	
Official Agent	Patrick Simon	Shirley Tsetta	
Self-Contributions	\$83.25	\$4,476.09	
Other Contributions	\$0.00	\$5,401.00	
Total Contributions	\$83.25	\$9,877.09	
Total Expenses	\$83.25	\$9,877.09	
Surplus	-	-	
Rebate Amount	\$41.63	\$2,238.05	

YELLOWKNIFE CENTRE			
Candidate	Ambe Chenemu	Robert Hawkins Elected	Matt Spence
Official Agent	Graham Peter	Sue Hawkins	Alan Vaughan
Self-Contributions	\$4,551.62	\$8,084.72	\$1,500.00
Other Contributions	\$5,450.00	\$16,950.00	\$21,925.00
Total Contributions	\$10,001.62	\$25,034.72	\$23,425.00
Total Expenses	\$10,001.62	\$25,034.72	\$23,299.26
Surplus	-	-	\$125.74
Rebate Amount	Declined	\$3,000.00	Declined

YELLOWKNIFE NORTH			
Candidate	Jon Howe	Shauna Morgan Elected	Bruce Valpy
Official Agent	Christopher Hunt	Robert Charpentier	Ashton Catholique
Self-Contributions	\$0.00	\$0.00	\$9,203.29
Other Contributions	\$0.00	\$7,850.00	\$3,450.00
Total Contributions	\$0.00	\$7,850.00	\$12,653.29
Total Expenses	\$0.00	\$6,857.25	\$12,653.29
Surplus	-	\$992.75	-
Rebate Amount	Ineligible	-	\$3,000.00

YELLOWKNIFE SOUTH	
Candidate	Caroline Wawzonek Acclaimed
Official Agent	Paul Henry
Self-Contributions	\$0.00
Other Contributions	\$4,990.00
Total Contributions	\$4,990.00
Total Expenses	\$4,385.10
Surplus	\$604.90
Rebate Amount	-

Appendix D: Cost of the Election

COST OF ELECTION

Electoral Districts	ROs	AROs	Other Staff	Travel	Materials	Poll Rental	Services	Total
Dehcho	\$7,850	\$6,100	\$3,800	\$4,121	\$453	\$6,500	\$721	\$29,545
Mackenzie Delta	\$9,000	\$9,800	\$2,700	\$8,963	\$2,408	\$5,900	\$43	\$38,814
Monfwi	\$6,300	\$9,400	\$0	\$3,292	\$566	\$1,600	\$0	\$21,158
Nahendeh	\$7,900	\$17,000	\$6,425	\$3,704	\$2,790	\$11,560	\$43	\$49,422
Nunakput	\$7,900	\$7,333	\$3,000	\$6,969	\$2,751	\$7,882	\$43	\$35,878
Sahtu	\$6,190	\$13,000	\$3,275	\$7,162	\$2,251	\$15,165	\$43	\$47,086
Tu Nedhé-Wiilideh	\$8,500	\$13,000	\$2,625	\$6,062	\$1,442	\$6,200	\$43	\$37,872
Thebacha	\$9,000	\$6,100	\$3,350	\$6,686	\$1,699	\$5,450	\$381	\$32,666
Hay River North	\$9,000	\$6,100	\$1,950	\$5,887	\$1,370	\$1,412	\$382	\$26,101
Hay River South	\$9,000	\$6,100	\$1,950	\$7,035	\$1,442	\$1,412	\$382	\$27,321
Inuvik Boot Lake	\$9,000	\$5,800	\$2,550	\$7,319	\$1,729	\$2,350	\$337	\$29,085
Inuvik Twin Lakes	\$8,400	\$5,800	\$1,050	\$5,356	\$1,811	\$2,350	\$337	\$25,104
Frame Lake	\$9,000	\$5,800	\$3,250	\$0	\$1,293	\$1,786	\$137	\$21,266
Great Slave	\$8,100	\$5,800	\$3,200	\$0	\$1,282	\$2,286	\$137	\$20,805
Kam Lake	\$6,500	\$4,490	\$0	\$0	\$410	\$1,786	\$94	\$13,280
Range Lake	\$7,900	\$5,800	\$3,870	\$0	\$1,368	\$1,786	\$137	\$20,861
Yellowknife Centre	\$8,500	\$5,800	\$3,500	\$0	\$1,731	\$3,136	\$137	\$22,804
Yellowknife North	\$9,000	\$5,800	\$4,500	\$0	\$1,375	\$1,786	\$137	\$22,598
Yellowknife South	\$5,800	\$3,900	\$0	\$0	\$410	\$1,786	\$94	\$11,990
Total ED Expenditures	\$152,840	\$142,923	\$50,995	\$72,556	\$28,581	\$82,133	\$3,628	\$533,656
			Casuals	Travel	Materials	Services	Contracts	Total
Total OCEO Expenditures			\$174,357	\$7,873	\$128,167	\$83,406	\$64,295	\$458,098

GRAND TOTAL ELECTION EXPENDITURE \$991,754



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