

Exceptions

(2) Subsection (1) does not prohibit a person or entity from merely declaring support for a candidate, making general statements on an issue of public policy or personally displaying campaign material, if done in good faith and not for any purpose related to the manipulation or oppression of a voter or to circumvent the provisions of this Act respecting contributions and election expenses.

No interference at work

(3) No person shall, at his or her place of work, influence or induce an employee, worker or person under his or her supervision or control to campaign in an election, unless campaigning is within the duties of that employee, worker or person.

Prohibition

(4) No election officer or member of the staff of Elections Nunavut shall campaign in an election. S.Nu. 2013,c.6,s.3.

PART III CONSTITUENCIES AND POLLING STATIONS

Electoral Boundaries Commission

Decennial adjustment

14. A Boundaries Commission must be established for Nunavut every 10 years commencing in 2022. S.Nu. 2011,c.17,s.5.

15. Repealed, S.Nu. 2011,c.17,s.6.

Establishment of Boundaries Commission

16. (1) The Legislative Assembly shall, by resolution, establish a Boundaries Commission where one is required.

Duty of Commission

(2) A Boundaries Commission is responsible for proposing to the Legislative Assembly the boundaries and names of the constituencies in Nunavut in accordance with this Act.

Termination of Commission

(3) A Boundaries Commission terminates upon the tabling of its report in the Legislative Assembly.

Membership

17. (1) A Boundaries Commission is composed of a presiding member and two other persons appointed by the Commissioner on the recommendation of the Legislative Assembly.

Presiding member

(2) A judge or retired judge of the Nunavut Court of Justice or the Court of Appeal must be appointed as the presiding member of a Boundaries Commission.

Two other members

(3) Two persons entitled to vote must be appointed as the other two members of a Boundaries Commission.

Deputy presiding member

(4) A Boundaries Commission may appoint one of its members to act as a deputy presiding member where the presiding member is absent, incapable or unable to act or where the office of presiding member is vacant.

Termination of office

(5) The term of office for each member of a Boundaries Commission ends when the report of a Boundaries Commission is tabled in the Legislative Assembly.

Ineligibility of members

(6) No member of the Parliament of Canada, the Legislative Assembly, a municipal council or a member of the legislature of a province or another territory is eligible to be appointed as a member of a Boundaries Commission.

Vacancy

(7) Where there is a vacancy in the membership of a Boundaries Commission at a time when the Commission is performing or is required to perform any duty under this Act, the vacancy shall be filled as soon as possible, and if the Legislative Assembly is not then sitting, the appointment must be made on the recommendation of the Management and Services Board.

Effect of vacancy

(8) A vacancy in the membership of a Boundaries Commission does not impair its power.

Remuneration of members

18. A member of a Boundaries Commission is entitled to be paid

- (a) such remuneration as may be fixed by the Management and Services Board, unless the member receives a salary under the *Judges Act*; and
- (b) such reasonable living and travelling expenses as may be incurred by the member while performing the member's duties away from home.

Quorum

19. (1) The quorum of a Boundaries Commission is the presiding member and one other member.

Deciding vote

(2) The presiding member shall preside over a Boundaries Commission and shall have a second deciding vote in case of an equality of votes at any of its meetings.

Powers

20. (1) A Boundaries Commission

- (a) has all the powers of a Board established under Part I of the *Public Inquiries Act*;
- (b) may establish rules to regulate its proceedings and the conduct of its affairs, including the conduct of its public hearings; and
- (c) may employ such staff as it considers necessary.

Not agent of government

(2) A Boundaries Commission is not an agent of the Government of Nunavut and its members are not members of the public service by virtue of their appointment.

Staff

(3) The Clerk of the Legislative Assembly shall hire and fix the remuneration and terms of employment of the staff of a Boundaries Commission.

Mapping services

(4) The Chief Electoral Officer shall provide such maps, mapping services and data as are required by a Boundaries Commission.

Factors for constituency boundaries

21. (1) A Boundaries Commission shall establish the boundaries of constituencies on the basis of the following factors:

- (a) geographic and demographic considerations, including the density or rate of growth of the population of any part of Nunavut and the accessibility, size or shape of any part of Nunavut;
- (b) the need for the populations of the constituencies to be of similar size;
- (c) any special community or diversity of interests of the inhabitants of any part of Nunavut;
- (d) the means of communication among various parts of Nunavut;
- (e) the minimum number of members of the Legislative Assembly authorized by the *Nunavut Act* (Canada);
- (f) Inuit Qaujimagatuqangit;
- (g) any guidelines or criteria proposed for the consideration of the Commission by resolution of the Legislative Assembly;
- (h) section 15 of the *Canadian Charter of Rights and Freedoms*; and
- (i) any other relevant factors that the Commission considers appropriate.

Single areas

- (2) The constituencies shall be established so that
 - (a) each constituency is a single area and not composed of isolated areas that are separated from one another by another constituency; and
 - (b) no area of Nunavut lies outside the boundaries of a constituency.

Proposing names

22. (1) A Boundaries Commission may, in accordance with Inuit Qaujimagatuqangit, propose the name for a constituency.

Request for names

(2) Before proposing a name for a constituency, a Boundaries Commission shall consult with any affected municipal council and with the toponymist for Nunavut.

Public Hearings

Public hearing

23. (1) A Boundaries Commission shall hold public hearings to receive representations from interested persons before making its report.

Publication of notice

(2) A Boundaries Commission shall give reasonable notice of the public hearing by such means as it considers appropriate in the circumstances.

Content of public notice

- (3) The public notice shall contain the prescribed information.

(4) **Repealed, S.Nu. 2010,c.26,s.2(2).**

S.Nu. 2010,c.26,s.2.

Place of hearings

24. (1) A Boundaries Commission may conduct its public hearings in any place or places it considers appropriate.

Conduct of public hearings

(2) The public hearings shall be conducted in accordance with such rules as may be made by a Boundaries Commission.

Representations

25. Any person, including any member of the Legislative Assembly, may make representations at a public hearing or submit written submissions to it.

Report of a Boundaries Commission

Commission's report

26. (1) After considering any submissions and representations made to it, a Boundaries Commission shall prepare a report that

- (a) specifies the number of constituencies;
- (b) divides Nunavut into constituencies;
- (c) includes a map of the boundaries of each constituency;
- (d) describes the boundaries of each constituency;
- (e) estimates the population in each proposed constituency;
- (f) gives the reasons justifying the new boundaries in the light of the factors upon which the boundaries are to be based; and
- (g) proposes the name of each constituency and the reasons for any change to the name of a constituency.

Deadline

(2) The report shall be completed within 250 days of the day the Boundaries Commission is established.

Extension of deadline

(3) The Legislative Assembly may grant an extension to the deadline for completion of the report, not exceeding a further six months, where a general election is held before the report is completed.

Forwarding copies of the report

27. (1) A Boundaries Commission shall forward certified copies of its report to the Chief Electoral Officer, the Speaker and the Clerk of the Legislative Assembly.

Availability of report

(2) The Clerk shall

- (a) deliver a copy of the Commission report to each member of the Legislative Assembly; and
- (b) make copies of the Commission report available to the public at the office of the Clerk.

Report available to public

(3) The Chief Electoral Officer shall make copies of the Commission report available to the public at his or her office.

Laying report before Legislative Assembly

(4) The Speaker shall, at the first opportunity, lay a copy of the Commission report before the Legislative Assembly.

Consideration by Legislative Assembly

(5) The Legislative Assembly must consider the report of the Commission as soon as practicable. S.Nu. 2005,c.14,s.6.

Constituencies Bill

Preparation of draft bill

28. Upon receiving the report of a Boundaries Commission, the Chief Electoral Officer shall, when necessary, prepare for the Speaker a draft bill that, in accordance with the report of the Boundaries Commission,

- (a) specifies the number of constituencies;
- (b) divides Nunavut into constituencies;
- (c) describes the boundaries of each constituency; and
- (d) specifies the name of each constituency.

Introduction of bill

29. (1) The draft bill must be introduced in the Legislative Assembly at the earliest opportunity after the day the Speaker receives it.

Commencement

(2) Any Act respecting the boundaries of constituencies comes into force on the 1st day following the day the Legislative Assembly dissolves, but no earlier than six months after the day the bill was enacted.

Effective date

(3) Any Act respecting the boundaries of constituencies shall be effective on the day it is enacted for the purpose of enabling the appointment of returning officers.

Interpretation

30. Any Act respecting the boundaries of constituencies shall be interpreted so that

- (a) no part of Nunavut lies outside a constituency;
- (b) geographical names are as specified in the report of a Boundaries Commission, as of the date specified in that report, unless the context otherwise requires; and
- (c) any inaccurate reference to the municipal status of a place does not invalidate the reference.

Constituencies**Constituencies**

31. (1) Nunavut is divided into 22 constituencies with the names set out in Part 1 of the Schedule. Each language version of those names is equally authoritative.

Authoritative descriptions of constituencies

(2) The authoritative descriptions of the areas and boundaries of the constituencies are contained in the electronic copy entitled *Official Digital Version of Nunavut's Constituencies Maps 2011*, prepared by the Chief Electoral Officer in accordance with subsection 20(4) and the *Report of the 2011 Nunavut Electoral Boundaries Commission* dated June 7, 2011 and the Addendum to that report dated August 8, 2011, as revised in accordance with subsection (2.1).

Amendments to constituency names

(2.1) Where the constituency names appearing in Part I of the Schedule are amended, the Chief Electoral Officer shall, without delay, revise the electronic copy referred to in subsection (2) to reflect the new constituency names.

Maps for convenience

(3) For the purpose of convenience only, maps of the constituencies are included in Part 2 of the Schedule.

Availability

(4) The Chief Electoral Officer shall ensure that copies of the electronic copy referred to in subsection (2) and the maps in Part 2 of the Schedule are available to the public without charge. S.Nu. 2011,c.24,s.2(3); S.Nu. 2012,c.21,s.1(2),(3), S.Nu. 2021,c.8,s.9.

