

Nunavut Tunngavik Inc.

Questions and Answers Relating to Postponement of 2020 Election

December 4, 2020

What's the regular election date under NTI's *Elections Rules and Procedures*?

NTI 2020 Election was scheduled for December 14, 2020, with advance polls on December 7, 2020. NTI elections for President are held every 4 years on the second Monday of December.

Why did NTI decide to postpone the election?

Due to newly emerged COVID cases in some Nunavut communities, the Chief Public Health Officer (CPHO) announced a territory-wide lockdown from November 18 to December 2, 2020. Although in a press release on November 30th, the Government of Nunavut announced that the restrictions would be lifted in most Nunavut communities as of December 2, the lockdown had made it difficult for the Chief Returning Officer to prepare for the election including securing polling stations and hiring the necessary election staff.

Inuit in communities with active cases are facing an enormous level of stress. Even though elections have been held in other jurisdictions under similar COVID conditions, the small size and the close-knit nature of Nunavut communities as well as the over-crowded housing conditions have amplified the risks and stress in Nunavut.

With the health risks and the generally worrisome situation that having COVID-19 now within Nunavut, the NTI Board of Directors did not believe this would be the best time to ask Inuit in those communities to go out and vote in an election.

Why did NTI decide to postpone the election even when the COVID conditions appear to improve in most communities?

Even though the situations in the affected Kivalliq communities appear to be improving or under control and the lockdowns being lifted in most Nunavut communities as of December 2, there are still active cases in some Nunavut communities and Inuit in these communities face enormous challenges as they do what they can to prevent further spread of the virus. The Board did not believe it would be the best time to hold an election.

Is it possible to hold the election during a lockdown or under COVID-19?

Yes, it is technically possible and permitted, with social distancing, enhanced sanitization measures, mandatory face-mask, within the gathering limits under the CPHO's Orders, etc. but the process would be extremely challenging (for example due to cold temperatures and the probability that people would need to line-up outside because of the indoor gathering limits, difficulty staffing the polling stations, etc.).

Who made the decision to postpone the Election?

The Board of Directors passed a resolution on the postponement of the election on November 30, 2020 to take effect upon the Members' approval of the amendments to the *Election Rules and Procedures*. The Membership approved the amendments to the *Election Rules and Procedures*.

at a Special Meeting of Members on December 4, 2020. The amended *Elections Rules and Procedures* authorizes the Board of Directors to make the decision on postponement for public health emergency reasons.

What's the new election date?

The new voting date is February 8, 2021. The Campaign Period will be suspended as of the day the decision to postpone the elections took effect (December 4) and will be re-starting on January 4, 2021.

Why was the Campaign Period suspended?

The Board decided to have the campaign period suspended and re-started on January 4, 2021. Given COVID-19 entering the territory, the lockdowns, etc. it might have been difficult to undertake regular campaigning activities such as travelling to communities and holding public gatherings so additional time in total for campaigning has been permitted. Normally, candidates have 5 weeks of campaigning before an NTI election.

Will campaign activities be allowed during the suspended period?

The candidates would not be allowed to carry out campaigning activities or accepting campaign donations during the suspended period.

Will NTI re-open the nomination?

In the absence of extraordinary circumstances, NTI does not plan to re-open the nominations. However, the newly amended rules do allow the Board of Directors to re-open the nominations if necessary. The purpose would be to prevent any unreasonable outcome (for example, if all candidates withdrew their candidacy as a result of the election postponement).

When will the Board re-open the nomination if it decides to do so?

It is a decision that the Board of Directors will make if necessary and at its discretion. Currently, no decision has been made to re-open the nominations.

What kind of amendments did NTI make to the *Elections Rules and Procedures*?

Below is a summary of the amendments:

- During a public health emergency, the Board may postpone an election.
- The new voting date would need to be within 6 months of the initial voting date.
- If the postponement occurs after the nomination closes, any new Campaign Period, as decided by the Board, will not be shorter than 3 weeks.
- If the postponement occurs after the nomination closes, the Board also has the discretion to re-open the nomination if necessary.
- If the Board re-opens the nomination, an existing candidate's previous nomination papers (including the deposit and criminal record check) will be deemed to have been received within the new nomination period. The original criminal record check, regardless of whether it is within 90 days of the opening date of any new nomination period, will be deemed to be valid and satisfactory.

- If the Board re-opens the nominations, the Campaign Period will be 5 weeks, the same as that for an election that is regularly held and not postponed.
- The Board has the discretion, on a case-by-case basis, to compensate a candidate's financial loss as a direct result of the postponement that would otherwise be eligible as election expenses under the Elections Contribution, Expense and Reporting Rules, up to a total of \$5,000 (e.g. non-reimbursable advertisement costs and travel costs to be incurred during the suspended campaign period, etc.)

Did NTI make any amendments to the By-Laws to enable the postponement of the election?

No amendment to the By-Laws is necessary as the NTI election date is not part of the By-Laws. The specified election date (2nd Monday in December of any election year) is provided in the *Elections Rules and Procedures*. The Members approved the amendments to the *Elections Rules and Procedures* to give the authority to the Board to postpone election dates in cases of public health emergencies.

Did NTI extend the term of the incumbent President to coincide with the postponement?

No. Under the By-Laws, the term of a NTI President ends on the election date of the 4th year after an individual is elected. There are no provisions in the By-Laws that would permit extension of the term and the Members did not make any changes to that.