

THE ROLE OF THE CHIEF MUNICIPAL ELECTIONS OFFICER

In 1997, the Local Authorities Elections Act was amended to provide for the Chief Municipal Elections Officer, appointing a member of the public service who could provide independent and consistent advice regarding local elections. Under appointment number A-820-97, Mr. David Kravitz was appointed by the Commissioner to this position.

The *Local Authorities Elections Act* describes the duties as:

- 5.1 (1) The Commissioner in Executive Council may appoint a member of the public service as chief municipal electoral officer.
- (2) The chief municipal electoral officer shall
 - (a) exercise general direction and supervision over the administrative conduct of elections held under this Act.
 - (b) issue such instruction to election officers as he or she considers necessary to ensure effective executive of the provisions of this Act.
 - (c) promote fairness, impartiality and compliance with this Act on the part of election officers.
 - (d) act in accordance with the directions, if any, of the appropriate Minister; and
 - (e) perform such other duties as may be required. S.N.W.T. 1997, c.5,s.4(5).

Duties:

The Chief Municipal Elections Officer is not the same as a Chief Returning Officer. Community governments are still responsible to appoint their Returning Officers to conduct local elections for the community government, education authority and any other body that wishes its election to be conducted under the election standard provided by the *Local Authorities Elections Act*.

Develop materials and train community returning officers. The Election Officer's Manual has been revised effective August 2000 and will be made available on MACA's website and in print. A slide presentation, designed with the assistance of community returning officers, is available on the website or electronic and regular mail.

Legislative Interpretation – for all local authorities, including cities, towns and villages, charter communities, hamlets and settlements.

Explain Election Process as outlined in the Election Process Schedule

Advise regional offices on election schedules. Calendars are available for all elections.

Advise returning officers on specific community election issues.

The Election Office is open until 2200 hours the 3rd Monday in October for the CTV elections and the 2nd Monday in December for Hamlet/Settlement Elections. The Chief Municipal Elections Officer is available for calls on election nights for Charter Communities.

Post election results from all communities and advise media of local election results.

Revise community governance leadership lists.

On request, assist in the development of local election standards for other governance bodies.

Variation Orders – To Vary The Time Of An Action That Is To Be Done – On request by the community corporation change the date of the election or of the election schedule.

Controverted Elections by Inadvertence or Error - Part IV of the *Local Authorities Elections Act* provides authority for the Chief Municipal Elections Officer to apply on behalf of a Returning Officer to a Supreme Court Judge to stop an election prior to the closing of the polls because of inadvertence or unintentional error of process.

Assistance to the general public – The general public may be provided with information on the election process.

Investigation of Election Offences - Where an allegation of fraud or unfair election practices is made, the Criminal Investigations Branch of the RCMP is contacted to investigate the matter. If sufficient evidence exists, charges under the Offences section of the *Local Authorities Elections Act* or under the *Criminal Code of Canada* may be laid to be heard through a court hearing. A report is sent to the Returning Officer, the Minister and the local authority.

Election Petition - An application by petition to the Supreme Court of the NWT may be made where a voter or local authority questions the validity of an election or the right of an individual to take office on the grounds he or she was not eligible to be a candidate. The petition must be filed no later than two months after election day.

Right to Remain in Office – A member of a local authority must maintain the standard of eligibility of a candidate throughout the term of office. A voter or local authority that questions a member's eligibility to remain in office must file a petition with the Supreme Court during the term of office.

Assistance to the Minister – The Minister is advised of all outstanding election issues. Reports on recommendations to changes in the legislation are produced.

For further information contact:

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