



ELECTION POLICY

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Kivalliq Inuit Association Election Policy

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ELECTION POLICY

Policy Objective

The policy objective of this Election Policy is to provide direction on how Kivalliq Inuit Association (herein referred to as KIA) elections are to be conducted.

Scope

This policy applies to all KIA elections.

Conduct of Elections

Section 1 Election Dates

- 1.1 Election Day is the second Monday in December.
- 1.2 An advance poll must be held at least seven but not more than fourteen days before Election Day.
- 1.3 Notice of the date, times and place of an advance poll and the Election Day must be posted by the Returning Officer at least thirty days before Election Day.
- 1.4 At the discretion of the Returning Officer, Advance Vote and/or Election Day may be extended or changed at any community on account of weather conditions. The Deputy Returning Officer in the community as authorized by the Returning Officer will announce any change to Advance Vote Day and/or Election Day due to weather, by way of local radio and social media.

Section 2 Enumeration

- 2.1 Deputy Returning Officers shall conduct an enumeration of voters and shall prepare and post a preliminary list of voters at least thirty days before Election Day in at least three conspicuous places in each community and then revising the list based on information received from eligible voters. The deadline for revising the preliminary list of voters and preparing the Official Voters List is twenty-three days before Election Day.
- 2.2 Eligible voters may vote by proxy. Notice of forms to be used by Proxy Voters must be posted at least thirty days before Election Day.

Section 3 Eligibility

- 3.1 A person is eligible to vote at a KIA election if the person is:
 - a) 16 years of age or older on Election Day;
 - b) a beneficiary under the Nunavut Agreement; and

- c) has been physically and actually resident in the Kivalliq region for at least 12 consecutive months immediately preceding Election Day.
- 3.2 A person is eligible to stand as a candidate for election as a Director if the person is:
- a) fluent in Inuktitut;
 - b) at least 19 years of age by Election Day;
 - c) a beneficiary of the Nunavut Agreement;
 - d) has been physically and actually resident in the Kivalliq region for at least 12 consecutive months immediately preceding Election Day;
 - e) is not a member of any Federal, Territorial or Municipal government or holds the office of Mayor;
 - f) has not been removed for cause from any office or employment with KIA or any other Regional Inuit Association or Nunavut Tunngavik Inc. within the three years immediately before Election Day;
 - g) does not have a relationship with any contractor, subcontractor, lessee, licensee or permittee which does business with KIA whereby the candidate or the business for which the candidate works earns any form of remuneration; and
 - h) is not a member of any of the Nunavut Planning Commission, the Nunavut Impact Review Board, the Nunavut Wildlife Management Board, the Surface Rights Tribunal or the Nunavut Water Board.
- 3.3 No person who is indebted to the KIA in the amount of \$500 or more for more than three months on the day nominations open is eligible to be a candidate.
- 3.4 No person shall be a candidate for more than one position on the Board of Directors.
- 3.5 Candidates for the position of President must have been physically and actually resident in the Kivalliq Region for at least four years immediately preceding Election Day.
- 3.6 Candidates for the positions of Vice-President and Secretary-Treasurer must have been physically and actually resident in the Kivalliq Region for two years immediately preceding Election Day.
- 3.7 A Director of KIA who wishes to stand for election in mid-term of his/her current term of office shall resign his/her position before nominations are closed.
- 3.8 An employee or Director of the KIA who is a candidate for election or re-election shall not:
- a) engage in activity intended to promote his/her candidacy, including making requests for funds, displaying or distributing campaign literature while travelling on KIA business;
 - b) engage in activities intended to promote his/her candidacy on KIA premises or during hours for which he/she is being paid by the KIA;

- (c) use KIA materials or facilities, including but not limited to long distance, telephone, computers or similar equipment, photocopier, stationery and postage, to promote his/her candidacy; or
- d) publicly disclose any information gained through his/her position with KIA, unless authorized to make such disclosure by KIA.

Section 4 Nomination of Candidates

- 4.1 The Returning Officer shall give public notice calling for nominations of candidates seven weeks prior to Election Day.
- 4.2 In order to qualify as a candidate for election, a person must submit completed nomination papers and a criminal record check dated within the last six months to the Returning Officer between the date of the notice of calling for the nomination of candidates is given and three o'clock in the afternoon of the day five weeks preceding Election Day.
- 4.3 The nomination papers must:
 - (a) disclose the name and address of the candidate and his/her designated financial agent;
 - (b) be signed by the candidate and by at least 10 eligible voters; and
 - (c) Include a completed consent and declaration form, in the approved form by KIA.
- 4.4 Candidates for President, Vice-President and Secretary-Treasurer must submit a refundable deposit of \$200.00 with their nomination forms.
 - a) The deposit must be in the form of a money order, certified cheque, Northern Stores draft or Co-op draft payable to KIA.
 - b) The deposit will be refunded after the candidate has submitted a complete and accurate Financial Return. If the candidate does not file a Financial Return with the 60 day timeline the deposit will be not be refunded.
- 4.5 Nomination papers must be received by the designated deadline. No exceptions or extensions will be granted. Incomplete nomination forms will not be accepted. However, if nomination forms are incomplete and time allows, the candidate will have an opportunity to complete the nomination form prior to the deadline.
- 4.6 The Returning Officer shall give public notice of all persons nominated as outlined in Section 14, subsection B and C, immediately after the close of nominations.
- 4.7 Any voter who believes that a candidate is not eligible shall provide written notice to the Returning Officer specifying the grounds for believing the candidate is not eligible, within 72 hours after the public notice of nominated candidates is posted.

Section 5 Acclamations and Withdrawals

- 5.1 Where only one candidate has been nominated for a position, unless that person has been declared ineligible, the Returning Officer shall declare the candidate duly elected seventy two hours after public notice of the names of the candidates has been given.
- 5.2 Where there is more than one candidate for any Directorship, a candidate may within forty-eight hours after the close of nominations, withdraw his/her name as a candidate by filing written notice of withdrawal with the Returning Officer.

Section 6 Election Officers

- 6.1 The Board of Directors shall appoint a person as Returning Officer at least eight weeks before Election Day.
- 6.2 The Returning Officer will be paid \$15,000.00 for their services, payable in two equal portions: one upon signing the contract and another after their Election Report has been filed and accepted by the Executive Director. The Election Report must contain information related to all candidates nominated, withdrawals, election turnout and results, number of proxy voters, issues that arose throughout the election period, how the election ran overall and any electoral suggestions.
- 6.3 In addition to performing the duties specified in this Policy, a Returning Officer shall:
 - a) appoint a Voting Clerk and such number of Deputy Returning Officers, election clerks and other persons as he/she considers necessary for the proper conduct of the election;
 - b) designate voting stations;
 - c) provide for the printing, supply and delivery of ballots, ballot boxes, instruction to voters, voters' registers and other necessary election materials and supplies to all voting stations; and
 - d) give the notices required and generally ensure the proper conduct of the election in accordance with this policy.
- 6.4 No candidate shall be appointed as an election officer.
- 6.5 Every election officer shall, before assuming any duties, take an oath of office, in form approved by KIA.
- 6.6 A Deputy Returning Officer shall be responsible for the conduct of the vote at a voting station and other duties as assigned by the Returning Officer.
- 6.7 Where a Deputy Returning Officer is absent, an election clerk may exercise any of the duties of the Deputy Returning Officer.

Section 7 Voting Procedure

- 7.1 Voting at all elections must be by secret ballot:
- (a) Every person in attendance at a voting station or at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting.
 - (b) No election officer, candidate, candidates Official Agent, Financial Agent or other individual shall inquire or see for whom the voter intends to vote or has voted, except when the voter is unable to vote in the manner provided herein on account of physical difficulty. Only an election official may assist a voter due to physical disability.
- 7.2 A ballot for an election must contain the name of each candidate in full or the name by which the candidate is commonly known:
- a) The names of the candidates must be listed in alphabetical order.
 - b) Ballots for President, Vice-President and Secretary-Treasurer may have small photographs of the candidates beside the appropriate names.
- 7.3 The Voting Clerk shall determine if the voter's name appears on the Official Voters List used at the voting station or if the voter is otherwise qualified to vote.
- 7.4 When it has been ascertained that the voter is qualified to vote at a voting station the voter shall immediately vote in the manner described in this Policy, unless an election officer or candidate's Official Agent asks that the voter first take an oath as to the voter's qualification to vote, in which case the voter shall take an oath.
- 7.5 No voter who has refused to take an oath shall receive a ballot.
- 7.6 Each Voting Clerk shall make the entries in the Official Voters List that the Returning Officer directs:
- (a) when the voter has been given a ballot and when he/she has voted the Voting Clerk shall cross the voters name off the Official Voters List;
 - (b) where applicable, enter in the Official Voters List the word "sworn" or "affirmed", as the case may be, opposite the name of each voter to whom an oath has been administered, and the nature of the oath;
 - (c) where applicable, enter in the Official Voters List the words "refused to be sworn or to affirm" opposite the name of any voter who refused to take an oath; and
 - (d) enter in the Official Voters List the name of any voter who receives a ballot and leaves the voting station without delivering it to the Deputy Returning Officer and thereby forfeiting their right to vote in the election.

- 7.7 On receiving a ballot, a voter shall:
- (a) proceed to a voting compartment and there mark his or her ballot with an “X” or other clear mark, within the space which appears at the right of the name of the candidate for whom the voter intends to vote;
 - (b) fold the ballot as directed; and
 - (c) hand the ballot to the Deputy Returning Officer.
- 7.8 On receiving a marked ballot, the Deputy Returning Officer shall, without unfolding it, in full view of the voter and all those present, personally deposit the ballot in the ballot box.
- 7.9 No campaigning or campaign materials are allowed in any voting stations during an advance vote or on Election Day.
- 7.10 Upon request, the Deputy Returning Officer shall take reasonable steps to facilitate, upon the request of a voter or proxy voter, who is infirm on Election Day.
- 7.11 No person shall use any device to record images or sound in a voting station, except for use by the news media before the voting station is open for voting, with the approval of the Returning Officer.

Section 8 Proxy Voting

- 8.1 If a person whose name appears on the Official Voters List has reason to believe that they will be unable to vote either at an advance poll or on Election Day, he or she may obtain an application authorizing another voter whose name appears on the Official Voters List in his or her community to vote on his or her behalf as a proxy voter.
- 8.2 An application must be signed by the voter and the proxy voter.
- 8.3 On Election Day, a voter who has been authorized as a proxy voter shall present the completed and signed proxy application to the Deputy Returning Officer at the voting station in which the proxy voter is qualified to vote. Faxed and emailed forms will be accepted.
- 8.4 After presenting the proxy application, the proxy voter may vote at the election on behalf of the voter who completed the application.
- 8.5 The Voting Clerk shall enter in the Official Voters List opposite the name of the voter, notation that the voter voted by proxy, the name of the proxy voter and attach the proxy application to the Official Voters List.
- 8.6 A voter who votes as a proxy voter at an election is entitled to vote in his or her own right at the election.
- 8.8 No person shall be a proxy voter for more than three (3) voters.

Section 9 Advance Voting

- 9.1 On Advance Vote day, voting stations must be open from ten o'clock in the morning until seven o'clock in the evening.
- 9.2 Before being entitled to vote at an advance vote, a voter shall make a declaration in the prescribed form.
- 9.3 At the opening of an advance poll, the Deputy Returning Officer, shall in full view of those present:
- (a) open the ballot box and ascertain that there are no ballot papers or other paper or materials in the ballot box;
 - (b) seal the ballot box; and
 - (c) place the ballot box on the table in full view of those present and keep it so placed until the close of the advance poll.
- 9.4 Voting shall be conducted in accordance with Section 7.7.
- 9.5 At the close of the advance poll, the Deputy Returning Officer shall, in view of those present:
- (a) write the total number of votes cast, sign and date it;
 - (b) unseal the ballot box;
 - (c) ascertain the number of ballots cast during the voting, removing them to the advance poll envelope in such a manner as to not disclose for whom any voter has voted, seal the envelope and indicate on the envelope the number of ballots;
 - (d) ascertain the number of spoiled ballots, if any, and place them in the advance poll spoiled ballot envelope, seal the envelope and indicate the number of spoiled ballots; and
 - (e) place the unused ballots in the envelope marked for that purpose and seal the envelope.
- 9.6 The Deputy Returning Officer and the Voting Clerk shall sign their names on the seal of the envelopes and place them in the ballot box. Between advance poll and Election Day, the Deputy Returning Officer shall keep the ballot box in a secure place.
- 9.7 The Deputy Returning Officer shall maintain a Record of Votes Cast. As soon as possible after the close of the advance poll, the Deputy Returning Officer shall send to the Returning Officer by electronic transmission, a copy of the Record of Votes Cast. The Deputy Returning Officer shall keep the original in a safe place.
- 9.8 At the close of voting on Election Day, the Deputy Returning Officer shall:
- (a) open the sealed envelopes containing the ballots from the advance poll;
 - (b) count the votes in accordance with the procedures set forth herein; and

- (c) take all the other proceedings that are required by Deputy Returning Officers and Voting Clerks in connection with the conduct of an election after the close of the poll.

Section 10 Election Day

- 10.1 On Election Day, voting stations must be open from ten o'clock in the morning until seven o'clock in the evening.
- 10.2 A person who presents themselves at a voting station for the purpose of voting is entitled to vote if that person is eligible to vote and:
 - a) the voter's name is on the list of voters; or
 - b) the person makes a declaration of eligibility.
- 10.3 During the time for voting, no person shall be present in the voting station other than:
 - a) election officers;
 - b) persons in attendance for the purpose of voting; and
 - c) a candidates Official Agent who has delivered a written copy of his or her appointment as Official Agent to the Deputy Returning Officer.
- 10.4 At the hour fixed for the opening of voting, the Deputy Returning Officer shall, in full view of those present:
 - (a) open the ballot box and ascertain that there are no ballots or other papers or material enclosed in the ballot box;
 - (b) after examining the ballot box, seal the ballot box;
 - (c) place the ballot box in full view of those present; and
 - (d) keep the ballot box placed on the table in full view until the close of the poll.
- 10.5 A person who receives a ballot and leaves the voting station without delivering it to the Deputy Returning Officer forfeits the right to vote in the election.
- 10.6 When a voting station closes, the Deputy Returning Officer shall:
 - (a) allow any voter already in the voting station to vote; and
 - (b) ensure that no other person enters the voting station to vote.
- 10.7 Immediately after the close of voting, in full view of the Voting Clerk and the candidates or their Official Agents, if present, or at least two voters if none of the candidates is present or represented, the Deputy Returning Officer shall take the following steps, in order, with respect to votes cast:
 - (a) count the number of voters whose names appear in the Official Voters List as having voted and make the following entry on the last page of the Official Voters List: "The

number of voters who voted at this election in this voting station is _____”, and sign his/her name to the entry;

- (b) count the spoiled ballots, if any; place them into a special envelope labelled “Spoiled Ballots” and indicate on the line specified the number of spoiled ballots and seal the envelope;
 - (c) count the unused ballots and place them into the envelope provided labelled “Unused Ballots” and indicate on the line specified the number of unused ballots;
 - (d) open the ballot box and empty the contents on the table; and
 - (e) count the number of votes given to each candidate on one of the tally sheets supplied, giving full opportunity to those present to examine each ballot.
- 10.8 The Voting Clerk and as many as three eligible voters shall be supplied with tally sheets on which they shall keep their own scores as each vote is called out by the Deputy Returning Officer.
- 10.9 In counting votes, the Deputy Returning Officer shall reject all ballots:
- (a) that have not been supplied by the Returning Officer;
 - (b) that have not been marked for any candidate;
 - (c) on which votes have been given for more than one candidate;
 - (d) that have not been marked with an “X” or other clear mark in the space to the right of the name of a candidate; or
 - (e) on which there is any writing or mark by which the voter could be identified.
- 10.10 Each Deputy Returning Officer shall:
- (a) keep a record, on the back of the ballot to which the objection was raised, the objection made by any witness to any ballot found in the ballot box;
 - (b) render a decision on questions raised by the objection; and
 - (c) the decision of a Deputy Returning Officer is final and may only be reversed by a recount.
- 10.11 All ballots that are not rejected by a Deputy Returning Officer shall be counted, and:
- (a) all ballots cast in favour of each candidate shall be sorted and put into a separate envelope for each candidate;
 - (b) all rejected ballots shall be placed into the “Rejected Ballots” envelope provided;
 - (c) all envelopes shall be endorsed to indicate their contents and shall be sealed by the Deputy Returning Officer; and
 - (d) The Deputy Returning Officer and Voting Clerk shall sign the seal.

- 10.12 A Deputy Returning Officer shall complete the Statement of the Vote, send by electronic transmission to the Returning Officer and make copies for all candidates and candidates' Official Agents in attendance. The original shall be placed in the envelope marked for that purpose and the envelope affixed well to the ballot box, before the ballot box is sent back to the Returning Officer.
- 10.13 A Deputy Returning Officer shall place into the ballot box:
- (a) The separate envelopes containing the ballots, unused, spoiled, rejected or counted for each candidate,
 - (b) The envelope containing the Official Voters List, and
 - (c) Other documents used at the poll.
- 10.14 A Deputy Returning Officer shall seal the ballot box and transmit the box by air cargo directly to the Returning Officer.
- 10.15 If it appears, after calculating the votes, that two or more candidates for any office have received the same number of ballots and it is necessary to determine which candidate is elected, the Returning Officer shall inform the respective candidates of the tie and the process for resolving a tie and invite their Official Agent to witness the draw. The Deputy Returning Officer will then:
- (b) write the name of the candidates on separate blank sheets of paper;
 - (c) fold the sheets of paper so that the names are concealed;
 - (d) deposit them in a receptacle and withdraw one of the sheets at random; and
 - (e) declare the candidate whose name appears on the withdrawn sheet to have one more vote than the other candidate.
- 10.16 At the conclusion of the count, the Returning Officer shall publicly declare elected the candidate who received the greatest number of votes for the offices that were open for election.
- 10.17 Immediately after the conclusion of the vote, the Returning Officer shall send a Certificate of Election to each candidate declared elected.

Section 11 Recount

- 11.1 If a candidate disagrees with the result of the count of votes, a candidate may, within seventy-two hours after the declaration of the elected candidate apply in writing to the Returning Officer, setting out the grounds for a recount.
- 11.2 If the Returning Officer is satisfied that there are reasonable grounds for a recount they will conduct a recount.
- 11.3 A Returning Officer conducting a recount shall:

- a) notify the persons who attended the original count and all the candidates who may be affected by the recount of the date, time and place the recount will be conducted at least twelve hours in advance;
- b) break the seal of each ballot box at the time specified for the recount; and
- c) proceed to count the ballots contained in the ballot boxes in the same manner as the Deputy Returning Officer at a voting station would do.

11.4 After the recount the Returning Officer shall:

- a) correct the result of the election and correct any Certificate of Election, if necessary;
- b) place in each ballot box all the documents contained in it at the time they broke the seal;
- c) reseal each ballot box;
- d) notify the candidates of the result of the recount; and
- e) give public notice of any changes in the results.

Section 12 Destruction of Ballots

12.1 At any time after a period of three months from Election Day, the Executive Director or a person designated by him or her, shall shred or destroy the contents of the ballot boxes, excepting reusable materials, in the presence of two witnesses.

Section 13 Contributions, Expenses and Reporting

13.1 Contributions

13.1.1 No candidate may accept a contribution from an individual, corporation or other organization before the beginning of the campaign period.

13.1.2 Only individuals who are resident in the Kivalliq or a corporation carrying on business in the Kivalliq may make a donation to a candidate during the campaign period.

13.1.3 The maximum donation an individual or corporation may make to a candidate's campaign is \$1,500.00.

13.1.4 Where transportation for a candidate is given as a contribution of goods or services, the value of the contribution may exceed \$1,500.00, to a maximum of the value of the transportation.

13.1.5 Any event or gathering that is sponsored by an individual or corporation, who is not the candidate, shall be disclosed to those individuals in attendance in two of the following ways:

- (a) a banner that reads "Sponsored by [name of individual or corporation] displayed in a prominent position,
- (b) posters that read "Sponsored by [name of individual or]" displayed in at least 10 (ten) prominent positions in the area the event or gathering is to take place including at the entrance, or

- (c) acknowledgment of the sponsorship of the candidate at least 3 (three) times during the event or gathering including during the opening remarks and closing remarks.
- 13.1.6 Contributions may only be made to the financial agent of the candidate or any individual whom the financial agent authorizes in writing to act on behalf of the financial agent.
- 13.1.7 No candidate may accept a contribution or gift unless it is made to the financial agent of the candidate or an individual whom the financial agent has authorized to act on behalf of the financial agent.
- 13.1.8 A financial agent may accept an anonymous contribution not exceeding \$100.00.
- 13.1.9 Where a financial agent receives an anonymous contribution exceeding \$100.00, the financial agent shall:
- (a) return the portion of the contribution over \$100.00 to the contributor if the identity of the contributor can be established; or
 - (b) if the identity of the contributor cannot be established, send the entire contribution to the Returning Officer to be credited to the Nunavut Trust.
- 13.1.10 The financial agent shall record and report all contributions received during a campaign period and, where a contribution exceeds \$100.00, the financial agent shall record and report the name and address of the contributor.
- 13.1.11 Where a contribution is not made in the form of money, the financial agent shall value a contribution of goods and services based on a reasonable estimation of the market value of the goods and services. The maximum donation, \$1,500.00, shall include goods and services.
- 13.1.12 A candidate shall, within 60 days after Election Day, give contributions that were not expended on his or her campaign:
- (a) to a charitable organization of the candidate's choice; or
 - (b) to the Nunavut Trust.
- 13.1.13 Where a candidate gives surplus contributions to a charitable organization or to the Nunavut Trust the candidate shall, within 60 days of making the gift, transmit a copy of the receipt, in the approved form, to the Returning Officer.
- 13.1.14 A financial agent may, on behalf of a candidate who has a campaign deficit, receive additional contributions within 60 days after Election Day.
- 13.1.15 Additional contributions received within 60 days after Election Day shall be deemed to have been made during the campaign period.

13.2 Expenses

- 13.2.1 No candidate shall spend or incur pre-election expenses, election expenses and post-election expenses that exceed \$30,000.
- 13.2.2 An individual who becomes a candidate shall keep proper records of pre-election expenses.

- 13.2.3 A financial agent of a candidate shall keep proper records of contributions received and election expenses incurred.
- 13.2.4 Only a financial agent, or an individual authorized in writing by a financial agent, may enter into a contract to incur an election expense.
- 13.2.5 Every payment made by a financial agent in respect of election expenses shall be proved by a bill providing the details of the expense except where the expense is less than \$25.00.
- 13.2.6 An individual may, if authorized in writing by a financial agent, pay any necessary expenses for stationery, postage, long distance and other petty expenses to a total amount not exceeding \$25.00.
- 13.2.7 Each candidate shall ensure that his or her financial agent transmits to the Returning Officer within 60 days after Election Day an accurate signed financial return in the approved form containing the following:
- (a) detailed statements of the total amount of contributions received by the candidate during the campaign period;
 - (b) the total amount of contributions received during the Pre-Election period and after Election Day but deemed to have been made during the campaign period;
 - (c) the individual amounts of contributions in excess of \$100.00 and the name and address of each such contributor;
 - (d) the gross amount collected at a meeting, dance, dinner, feast or other function and the name of each sponsor of a meeting, dance, dinner or other function;
 - (e) all election expenses including disputed claims and unpaid claims;
 - (f) receipts proving payment of election expenses; and
 - (g) a declaration, in the approved form, made by the financial agent and authorized by the candidate.
- 13.2.8 A financial agent or candidate may apply to the Returning Officer for an extension of the time limit for transmitting to the Returning Officer the financial return and the Returning Officer may grant an extension of time for such period of time as the Returning Officer considers appropriate. An application shall be brought before the expiry of the time limit.
- 13.2.9 Any financial agent and any candidate who fails to file in accordance with s. 13.2.7 will be disallowed from seeking office with KIA for the next three (3) years commencing the day after Election Day.
- 13.2.10 Any duly elected candidate who fails to submit an accurate and complete financial return as outlined in sec. 13.2.7, shall lose his/her elected position and be disqualified from running in a KIA election for three (3) years commencing the day after Election Day.

Section 14 Notice

- 14.1 When public notice is required under this policy, the notice must be given to the general public in any two or more of the following ways:
- (a) by inserting the notice at least once in a newspaper circulating in the Kivalliq region;
 - (b) by causing announcements to be made on a radio or television station received in the Kivalliq region on at least three separate days; and/or
 - (c) by posting a notice in at least five widely separated and conspicuous places in each community.