

# District of Kings North Recount

## October 21st, 2013

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### *Overview of the Recount*

#### **Friday, October 11<sup>th</sup>, 2013**

New Democratic Party candidate Jim Morton petitioned Justice Gregory Warner of the Nova Scotia Supreme Court, for a judicial recount following the Provincial General Election held on October 8, 2013. Justice Warner ordered the recount to be held on October 21<sup>st</sup>, 2013 in the Law Courts in Kentville.

#### **Saturday, October 12<sup>th</sup>, 2013**

Don Fraser, representing Mr. Morton, wrote Richard Temporale, the Chief Electoral Officer for the Province of Nova Scotia (CEO) informing him of the particulars for the recount and that he has served the Official Agents for the Liberal, Progressive Conservative and Green Party candidates of the same on October 11<sup>th</sup>, 2013.

Copies of the petition and the letter to the CEO are found in Appendix A.

#### **Monday, October 14<sup>th</sup> through Friday, October 19<sup>th</sup>, 2013.**

Mr. Morton visited the CEO at Elections Nova Scotia headquarters to personally drop off the original copy of Mr. Fraser's letter to Rick Temporale on Monday October 14<sup>th</sup> and to briefly enquire about previous judicial recount processes and outcomes.

The CEO contacted Justice Warner to introduce himself and broach the subject of recount procedures and processes. Justice Warner said that he had decided to step aside from the process in part because he had what some may perceive as a conflict of interest. He had voted for the candidate of his choice in the general election in the district of Kings North. Justice Warner said that **Justice Michael Wood** would be presiding over the proceedings and provided contact information for his offices.

The CEO contacted Justice Wood, who in turn offered to meet to discuss the layout and proposed procedures for recounting ballots. A meeting was set for October 19<sup>th</sup> at 11:30am in Justice Woods' office in Summit Place on Lower Water Street in Halifax. Justice Wood also provided the CEO with the contact information for Lisa Taylor, the prothonotary for the Supreme Court in the Kentville Law Courts.

The CEO contacted Ms. Taylor to discuss practical issues such as the size and flexibility to accommodate physical changes of Courtroom 3, who provides food and beverages for the courts/juries and possible times and dates for a visual inspection of the premises and ongoing discussions with the local returning officer Al Kingsbury. The CEO then contacted the returning officer, briefed him on the discussions to date and requested that he call Ms. Taylor and visit the law courts to determine the logistics for the day including the number of counting areas the

room could accommodate, secure storage of the boxes of the voting documents, suitable locations for food and beverages, the public, etc.

The CEO also requested:

- Sandi Little, the Director of Operations, compile a list of returning officers and headquarters staff to be used as deputy returning officers for the count. As with the 2009 judicial recount experience, the CEO's decision to bring in returning officers to conduct the count was based on the following considerations:
  - chosen from among the 50 proven candidates available (returning officer for Kings North excluded)
  - their suitability for job at hand (calm, decisive, the ability to understand and follow processes and not get flustered)
  - ensures quality personnel performing repetitive duties in a highly charged environment under intense scrutiny
  - provides an opportunity for additional election-related experience to a handful of returning officers who may face a similar situation in a future election
  - opportunity for CEO to receive candid feedback from seasoned professionals on the experience of the day for future improvements to the process
- Roxanne Matthews, Manager of Field Liaison and Ralph Blakeney, administrative assistant to review and update the recount procedures used in the 2009 Inverness judicial recount to reflect the changes in poll procedures used in the 2013 general election.
- Cynthia Simpson, Executive Assistant to the CEO, to prepare for and arrange:
  - a mock recount of the draft processes with the chosen staff for the afternoon of Wednesday, October 16<sup>th</sup>
  - a training session and mock recount with the chosen staff and returning officers for the afternoon of Thursday, October 17<sup>th</sup>
  - for the delivery of the voting documents from the district of Halifax Citadel-Sable Island to be used as the voting documents in the training session for the Thursday afternoon.

The in-house rehearsal of the updated voting procedures held on Wednesday afternoon led to some minor adjustments in how the processes should unfold. It was also decided at that time to use real 2013 election ballots and forms for the mock recount to be held on Thursday afternoon to train the chosen returning officers under real life conditions. J Envelopes and Statements of the Poll from polling divisions in the District of Halifax Citadel-Sable Island were chosen.

On **Thursday October 17<sup>th</sup>**, the training session with the returning officers produced the following decisions.

- Two instead of one election officers per table would be used. One would show and flip the ballots and be in charge of the count, the second would assist with sorting of envelopes and tallying the votes.

- Five teams of two counters would be proposed to Justice Wood to ensure the recount would conclude within a reasonable timeframe over one day.
- Four teams of two returning officers would concentrate solely on recounting the election day and advance poll ballots.
- The two head office staff, Roxanne Matthews and Ralph Blakeney would form the fifth team. They would concentrate solely on the write-in ballot and continuous polls and, if time permitted, the mobile poll. The two were given these responsibilities because they were also most familiar with the count processes. They were not only the largest polls, there were also likely to be the most contentious. Ballots for both these polls have the name of the candidate or registered party written in by the elector rather than being marked with an X.
- One additional returning officer would accompany the five teams to relieve individuals who needed a break and for contingency purposes in the case of sickness, etc.

**Election Officer Team Conducting the Count**

Team One	Ted Bulley – Queens-Shelburne	Jim Breeze - Chester-St. Margaret's
Team Two	Krista Daley – Halifax Citadel-Sable Island	Christine Blaire – Truro-Bible Hill-Millbrook-Salmon River
Team Three	Mike Baker – Hammonds Plains-Lucasville	Mark Jamieson – Sackville-Beaver Bank
Team Four	Eileen Pelham – Halifax Atlantic	Valeria Shupe (former returning officer)
Team Five	Roxanne Matthews	Ralph Blakeney
Spare	Shera-Lee Kerr – Waverley-Fall River-Beaver Bank	

At close of business on Thursday, the CEO emailed Justice Wood the draft reworked processes completed to date including draft step-by-step instructions for counting election day ballots, advance and write-in ballot polls, examples of acceptable and unacceptable ballots for both write-in and election day style ballots used by poll officials during the election and draft discussion points for their scheduled meeting on Friday.

On **Friday October 18<sup>th</sup>**, the CEO and ACEO met with Justice Wood to present for his consideration, their thoughts on the logistics, layout, processes and procedures for the recount on Monday October 21<sup>st</sup>. A copy of the draft Discussion Points is provided in Appendix B. They discussed the number of counting tables that the CEO was recommending Justice Wood consider to complete the recount within business hours on Monday. Given the layout of Courtroom 3 (photos of the court room are provided in Appendix C), Justice Wood agreed with two conditions, firstly, the interested parties had no reasonable concerns with the number of tables proposed and secondly, the room could be arranged to accommodate the five workstations. The CEO also provided him with a copy of the binder they proposed to provide to all interested parties in advance of the recount. The interested parties included:

- Justice Wood
- All candidates who ran in Kings North
- The observers for each candidate
- The election officers conducting the recount
- Al Kingsbury, returning officer for Kings North
- ENS staff present at the count (CEO, ACEO, Director of Operations)
- Phil Reid (Counsel for ENS)

Justice Wood suggested he review the materials provided and respond by email with any questions and/or changes he wanted to see. Justice Wood responded by email later that same day indicating that he had completed his review of the recommended procedures for the recount and was prepared to accept them, subject to any issues raised by any party at the beginning of the process on Monday.

With respect to item 4 on the agenda of discussion points, Justice Wood cautioned that we could provide him with information on the types of ballot issues he could be asked to rule on but not arguments for or against a particular position. He said he would entertain those types of discussions with all interested parties involved on Monday. He also accepted the CEO's proposal to have ENS staff meet with the candidates and their representatives on Sunday, October 20<sup>th</sup> in Kentville to review the recount procedures as proposed, to answer any questions they may have at that time and to provide them with copies of the binders for their review. The contents of the binders provided are included in Appendix D.

Al Kingsbury informs the four candidates that Justice Wood has tentatively agreed five table simultaneously counting ballots continuously until the recount is completed and therefore, each candidate should consider having enough observers plus spares to cover each table. He extends an invitation to them and their observers to attend a briefing to be conducted by the CEO and ACEO at the Kings North returning office in Kentville at 3:00pm Sunday.

The Progressive Conservative, Liberal and New Democratic candidates accepted the invitation.

### **Sunday, October 20<sup>th</sup>**

At 3:00pm after introductions, the CEO, ACEO and Al Kingsbury briefed the candidates and their representatives on the processes and procedures to be followed. Both the NDP and PC parties had several representatives at the briefing including the legal counsels, Don Fraser for candidate Jim Morton, NDP and Jeff Hunt for candidate John Lohr, PC. Candidate Stephen Pearl, Liberal attended by himself. Candidate Mary Lou Harley, Green Party declined attendance.

Several questions were raised, primarily around how the processes were to proceed which were satisfactorily answered.

Questions about acceptable and rejected ballots were directed to tabs 3 and 5 of the binders along with the statement that these were examples provided by ENS to all DROs and presiding officers to follow during their count of ballots. Should any one of them disagree with the

examples given, they could present their case to Justice Wood through their legal counsel. Justice Wood was not bound to these examples.

Those present were also told Justice Wood would consider objections to the proposed processes and procedures, Monday morning prior to commencing the recount.

At a meeting at 5:00pm with the five teams of election officers, Al Kingsbury walked through the issues he felt might arise during the recount of each polling division's ballots.

ENS provided Mr. Kingsbury with labelled boxes for the records from each polling location. The documents were packed into the boxes and sealed in preparation to be transported to the law courts by cube van on Monday morning at 8:00am.

### **Monday, October 21<sup>st</sup>, 2013**

**8:00am** Al Kingsbury and deputy presiding officer, Hugh Stronich load the truck with 47 boxes of poll documents, one for each polling division to be counted.

**8:30pm** Boxes of poll documents are secured in the back rows of the public gallery in Courtroom 3.

Logistics of the day are discussed with Court support staff.

ENS members and count teams arrive to support Al in room preparation.

Furniture in Courtroom 3 is rearranged to accommodate five teams for counting ballots. It will be cramped but manageable.

Each team assembles their work station and prepares supplies for the count.

**9:30am** Candidates, observers and press enter the court and are informed of the layout for the count including the table dedicated to write-in and continuous poll counting.

Press is asked to wait for permission from Justice Wood before filming the room.

Candidates are asked to assign counting stations to their observers.

Observers and counting teams are introduced to each other and begin to discuss the counting process at that station.

**9:40am** Justice Wood enters the court and addresses those present with his opening remarks. He asks the candidates and their representatives if they have any questions or concerns with the proposed process for counting ballots. With none being expressed he asked if there were any other issues to be discussed.

The CEO asked for clarification with respect to media in attendance.

Justice Wood decided the media will be permitted in the courtroom throughout the proceedings and pictures and video will also be permitted from a distance (no capturing of ballots or poll records).

The CEO asked that once a ballot box had been counted and signed off by Justice Wood could Al Kingsbury remove the box from the court to safe storage next door.

Justice Wood agreed.

Court deputies are briefed on decisions of Justice Wood with regard to courtroom etiquette including:

Where food and beverages for all participants would be located;  
 Other than bottled water, no food or beverages is to be permitted at the tables counting ballots;  
 No one other than Al Kingsbury or Hugh Stronich will be permitted in the vicinity of the boxed poll documents;  
 Members of the public and spare observers are welcomed to view from the public gallery but should not be permitted into the area where ballots are being counted;  
 No idle conversations should be carried out in the courtroom;  
 All those present should talk with muted voices;  
 The count would continue without interruption until all polls were completed. Breaks, including lunch would be decided at each counting table as required.

**9:50am**

Al Kingsbury delivers boxes of documents to be counted to the five stations and the count commences. Throughout the day, as a counting station completed the count of a ballot box and Justice Wood had signed off on the Statement of Poll, the teams would take a short break for food, beverages and personal needs then commence the count of the next box delivered. Spare observers and count team members were substituted into the process seamlessly.

As expected, it took some time for the counters and the observers to become comfortable with each other, their roles and the counting procedures. As a consequence, it took considerably less time to complete the counting of polls as the day progressed. The exceptions to this rule were the continuous and write-in ballot polls. Due to the nature and the number of ballots to be counted, the table assigned to count these two polls took six hours to complete the task.

Time	Polls Completed
9:50	0
10:20	1
10:50	5
11:30	10
12:30	15
1:10	20
2:00	25
2:50	30
3:30	35
4:20	40
5:10	48

***Decisions by Justice Wood on accepted and rejected ballots of consequence***

1. Write-in Ballot cast with a registered party's name and a candidate's name that was not contesting the election in Kings North.

- a. In guidelines provided to poll officials conducting the count of the write-in and continuous polls on election day, ENS had suggested that a ballot filled out in this manner be rejected.
  - b. Justice Wood decided that ballots marked in this manner should be accepted on the grounds that:
    - i. It was clear that the voter's intent was to cast a valid vote;
    - ii. It was clear that the voter identified the party he/she wished to vote for;
    - iii. The writing in of the name of the candidate was not mandatory; and therefore,
    - iv. The ballot should not be rejected because the candidate's name was not recognizable.
2. Write-in Ballot cast with the name of a candidate that was contesting the election in a neighboring electoral district to Kings North without identifying a registered party's name.
- a. In guidelines provided to poll officials conducting the count of the write-in and continuous polls on election day, ENS had suggested that a ballot filled out in this manner be rejected.
  - b. Justice Wood agreed that ballots marked in this manner should be rejected on the grounds that:
    - i. Without identifying a registered party running a candidate in the Kings North election, it was inconclusive who the voter intended to vote for in Kings North; and therefore
    - ii. The ballot should be rejected.
3. Write-in Ballot cast properly but with marks on the front of the ballot that could be construed as initials that could identify the voter casting the ballot.
- a. Justice Wood decide that ballots marked in this manner should be counted on the grounds that:
    - i. It was highly unlikely that the elector could be identified by marks on the front of the ballot;
    - ii. It was clear that the voter's intent was to cast a valid vote;
    - iii. The clearness of intent, over rides the highly unlikely potential for identifying the elector; and therefore
    - iv. The ballot should be counted as a valid ballot cast.
4. An election day style ballot cast properly but with marks on the back of the ballot that could be construed as initials that could identify the voter casting the ballot.
- i. It was highly unlikely that the elector could be identified by marks on the back of the ballot;
  - ii. It was clear that the voter's intent was to cast a valid vote;
  - iii. The clearness of intent, over rides the highly unlikely potential for identifying the elector; and therefore
  - iv. The ballot should be counted as a valid ballot cast.



**5:20pm** Justice Wood completes his Summary Statement of the Polls for the District of Kings North and compares his totals to those compiled by the ACEO on an excel spreadsheet.

Justice Wood addresses those present and confirms the valid votes cast for each candidate:

Progressive Conservative candidate	John Lohr	2,903
New Democratic Party candidate	Jim Morton	2,882
Liberal Party candidate	Stephen Pearl	2,787
Green Party candidate	Mary Lou Harley	362

*A copy of the media release can be found in Appendix E.*

Signed copies of the Official Results were prepared and provided to the interested parties present.

#### **Awarding of Costs**

With respect to making such order as he considered fit respecting costs, including the disposition of money deposited as security for costs, he asked the representatives of the candidates and the counsel for Elections Nova Scotia if they wished to petition for costs. Both the counsel for the PC and NDP candidates suggested they didn't think they were inclined to ask for costs to be awarded but asked if they could have some time to reflect on the question of costs before responding. The counsel for ENS responded he would discuss the matter with the Chief Electoral Officer. Justice Wood stated he would reserve his decision on costs until Friday, October 25<sup>th</sup>, 2013 and gave all interested parties until then to make submissions to him on this issue.

Ultimately, Justice Wood did not award costs and ordered the NDP candidate's deposit as security for costs be returned to the candidate.

#### **Concluding Remarks**

Justice Wood thanked all those who participated in the recount process for their professionalism and for their time and declared the recount process concluded.

**6:00pm** Courtroom 3 was restored to its pre-recount configuration and all election-related materials had been secured off-site for return to ENS headquarters.

#### ***Comparison of Results – Official versus Recount by Poll***

From time to time we have been asked *“How much of a change in results can you expect to see with a recount?”*

Appendix F contains a comparison of the poll by poll results for the Official Count versus the Recount.

The largest change in the Recount derived from the review of the Continuous Poll. Three ballot boxes were used in the Continuous poll. It was found in the review that there was an addition error when summing the totals for the ballots cast for Jim Morton. This addition error led to 11 additional ballots counted for the candidate.



Of the 8,972 ballots cast, a relatively small number of ballots cast were reconsidered by Justice Wood. Of the 803 write-in ballots cast in the Write-in and the Continuous Polls, 4 ballots (0.5% of the ballots cast) were reconsidered. Of the 8,169 “regular” ballots cast in 44 election day and 4 advance polls, 2 ballots or 0.025% of the ballots cast were reconsidered.

***Debrief of the Returning Officers acting as DROs and ENS staff present at the recount***

Rather than carry out a formal debrief immediately after the close of recount, ENS decided to give those who participated an opportunity to think about what they would consider to improve the process and spend an hour writing down their thoughts on what they would do:

- To make it better, faster, cheaper more accurate?
- As an RO to prepare during the election in order to get through a judicial recount as well or better than the Kings North judicial recount?

All returning officers felt that the process ran smoothly and efficiently as planned. The provision of a spare returning officer to substitute for members of the five teams that could use a break from time to time was appreciated but under-utilised, largely because the members of each team felt a personal obligation to continue the tasks presented. In future, the use of a spare should be part of the training of those participating and a more systematic method of deploying the spare should be developed and implemented.

***Reflections of the counsels representing the candidates***

Similar to the questions posed to the returning officers and ENS staff participating in the recount, the CEO asked Don Fraser, counsel for Jim Morton and Jeff Hunt, counsel for John Lohr, their thoughts on the process and how we might improve it. A copy of this draft report was provided to them in advance of those discussions.

Appendix G contains the comments provided by Jeff Hunt, counsel for John Lohr.

***Reflections of Justice Wood***

The CEO requested and Justice Wood agreed to set aside a time slot to discuss his overall thoughts on the recount process. A copy of this draft report was provided to Justice Wood in advance of those discussions.

Appendix H contains the comments provided by Justice Wood to the CEO.

***ENS reflections on the Recount Process***

Based on the comments received in the reports mentioned above, the following suggestions should be considered for future judicial recounts.

1. For the reasons outlined in Justice Wood’s comments in Appendix H, the continued use of a provincial courtroom as the venue for conducting a recount is recommended provided that:
  - a. The number of ballots (9,000) and polls (48) to be counted are approximately the same or marginally greater than those experienced in Kings North; and,
  - b. The courtroom provided is of sufficient size to permit the use of a minimum of five tables.

If either of these conditions cannot be accommodated, the CEO should discuss the merits of using an alternative site that would permit the use of five or more tables and the completion of the recount in one day with the presiding Justice.

2. The inclusion of at least one spare returning officer to spell off the members of the teams conducting the recount should be continued provided that:
  - a. The substituting in and out of the spare is part of the training provided to the teams in advance; and,
  - b. A better way of utilizing the spare(s) is developed and implemented.
3. The set up and role play of a mock recount table with counters and observers should be introduced as part of the briefing for candidates and their team members participating in the recount the day before the recount.
4. Post a copy of this report on the ENS website and provide hard and soft copies to the registered parties for their files and future reference if and when the need arises in future.

***Direct cost associated with conducting the Kings North Recount***

The direct costs to ENS associated with conducting this recount are estimated to be \$14,290.

Although the salaries associated with ENS full time and contract staff are not included in this breakdown, the overtime costs associated those staff that get paid overtime are included.

Appendix I contains a breakdown of the costs.

# Appendices

# Appendix A

10/12/2013 15:56 FAX 19026782999

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0001/0002

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October 12th, 2013

Elections Nova Scotia  
7037 Mumford Road,  
Suite 6,  
Halifax, Nova Scotia  
B3L 2J4

**VIA FAX**  
(1-902-424-6622)

**Attention: Richard P. Temporale**  
Chief Electoral Officer

Dear Mr. Temporale

**RE: Judicial Recount – Electoral District of Kings North**  
**Application of Jim Morton – NDP Candidate**

I am writing as a follow up to my telephone call to your office Friday afternoon, October 11<sup>th</sup>, 2013, with respect to Mr. Morton's Petition for a judicial recount in the Electoral District of Kings North I am assisting Mr. Morton in this matter.

On Friday afternoon, we secured an Order from Justice Warner, copy attached, setting down the date, time and place set for the recount – 9:30 a.m. on Monday, October 21<sup>st</sup>, 2013, in Courtroom 3 at the Law Courts in Kentville, Nova Scotia.

I personally served the Official Agents for the Liberal and Green Party candidates in Kings North, as well as the P.C. party candidate in Kings North, with certified copies of the aforesaid Court Order on Friday afternoon, October 11<sup>th</sup>, 2013.

I will have a certified copy of the aforesaid Order on Tuesday, October 15<sup>th</sup>, 2013, delivered to your office. In the meantime I am including herewith a copy of the Order so you will know what is coming.

Thank you for your assistance in this matter.

Yours truly,

  
DON FRASER  
DF/sbf  
encl.  
c. client

2013

Ken No. 420426

SUPREME COURT OF NOVA SCOTIA

Between:

IN THE MATTER OF: The Petition of Jim Morton for a recount in the Electoral District of Kings North of all the ballots In the election of a member for the House of Assembly for that Electoral District, held on the 8<sup>th</sup> day of October, 2013



ORDER

Before the Honourable Justice Gregory M. Warner in chambers

On the application of Jim Morton filed October 11, 2013, the following is ordered:

The recount of the electoral district of Kings North shall be held on Monday, October 21<sup>st</sup>, 2013 at 9:30 am at the Law Courts, 87 Cornwallis Street, Kentville, Nova Scotia, Courtroom 3.

Issued this 11<sup>th</sup> day of October, 2013.

*Lisa Taylor*  
Prothonotary of the Supreme Court

LISA TAYLOR  
Prothonotary

Supreme Court  
Kentville, Nova Scotia

I hereby certify that the foregoing document, identified by the Seal of the Court, is a true copy of the original document on file herein. Dated the 11 day of October, 2013.

*Lisa Taylor*  
Prothonotary of the Supreme Court



# Appendix B

## Discussion Points

1. Courtroom Decorum
  - a. How do you wish to be addressed?
  - b. Candidate observers
    - i. Don't touch the ballots
    - ii. Keep voices down
    - iii. No idle conversations
    - iv. Questions? – raise your hand
  - c. Other thoughts?
2. Room Setup
  - a. Number tables
  - b. Layout of room
  - c. Process written for 1 DRO – more effective with 2
  - d. Role of the returning officer
3. Run through of contested ballot process
4. Ballot issues liable to encounter
  - a. Initial marks visible on fronts
  - b. Uninitiated ballots
    - i. Missed correction on election night
    - ii. Likely randomly dispersed for all candidates
    - iii. Is it a real ballot?
    - iv. Does the Statement of Poll balance?
5. Candidates and their representatives
  - a. Copies of the processes
  - b. Number of tables in play
  - c. Number of representatives per candidate
  - d. Meet and greet Sunday 3pm returning office



# Appendix C

Pictures of Courtroom 3  
Law Courts Kentville





# Appendix D

## Recount Process for Election Day Polls and Advance Polls

	Supplies	Each DRO table will be supplied with a box of seals, a box of corresponding Envelope Cs, a box of Tally Sheets, a book of post-it notes, red pens, a pad of paper, a box of paper clips, a letter opener, a calculator, lists of acceptable and rejected ballots (advance and election day)
	Seating arrangement	The DRO sits on one side of the table with the candidate agents on the other side, directly across from the DRO
1	DRO	Puts hand in the air signifying the table is ready for a box of poll files
2	Returning Officer	Returning officer brings a box of poll files to the DRO table - the box will contain the Envelopes E and J for the poll.
<b>Ballots Cast for Candidates - Envelope D</b>		
3	DRO	Takes an unused Envelope C and enters the polling station number (or advance poll number and the day) on the front and writes "Recount – October 21, 2013" in the bottom right corner. On the pad of paper provided, marks the poll number (or advance poll number and day) at the top and enters the number 1 through 5 in a column down the left side of the page
4		Opens the Envelope E and removes the yellow copy of the Statement of Poll (if available) or opens Envelope J and locates the original Statement of Poll in the Poll Book
5		Opens Envelope J and removes the Envelope Ds (one for each candidate)
6		Takes a Tally Sheet for themselves and passes each candidate's agent a Tally Sheet
7		Opens an Envelope D (in order of the names appearing on the ballot) and removes all ballots showing the agents the empty envelope
8		Arranges the ballots in a pile facing the same way and places them between the agents, front up with the candidates' names readable by the agents. Taking the top left corner of the ballot the DRO pauses then flips the ballot without covering the circles making a second pile so the agents can clearly view the back of the ballot
9		DRO marks their Tally Sheet accordingly and observes agents doing the same

10		Flips each ballot in a continuous rhythm that permits the agents to view the ballot and mark their Tally Sheet comfortably
11	DRO and Agents	After each block of 25 ballots are tallied the DRO stops and confirms the agents have tallied the same number of ballots. If not, the DRO recounts the piles of accepted ballots in front of the agents to correct their tally
12		After each block of 25 ballots, the DRO starts another pile
13	DRO and Agents	Once a candidate's pile of ballots have been counted, the DRO marks the number at the bottom of the column for that candidate on the Tally Sheet. Check the Statement of Poll to confirm the number of ballots cast for this candidate. If the same, check the number of ballots written on the front of Envelope D. If the same, place the ballots back in Envelope D and place two seals, one on either side of the original seal. The DRO and agents initial both seals. Do not place the seals over any existing signatures
14		Place the resealed Envelope D in the box of poll files
15		If the Statement of Poll differs from the tally, recount the acceptable ballots in front of the agents in piles of 10. Confirm the count with the agents. Using the red pen provided, draw one diagonal line through the number on the Statement of Poll and write in the correct number to the right of the box. Repeat the process for the number on Envelope D. Place the ballots back in Envelope D and place two seals, one on either side of the original seal. The DRO and agents initial both seals. Do not place the seals over any existing signatures
16		Open the next Envelope D and repeat the count process until all candidates' ballots have been counted
17		On the Statement of Poll, total the number of valid ballots cast and confirm the number with the agents. If the agreed to total is different from the original on Line 2, write in the correct number to the right of the box using the red pen and proceed
	Agent	<b>Contested Ballot</b>
18	DRO	An agent contests the validity of the mark on a cast ballot
19		DRO stops the count and asks the agents to discuss the ballot in question
20	Agents	If there is agreement: 1) the ballot is acceptable to both, the ballot is counted and the recount continues 2) the ballot is rejected, the ballot is placed in the separate Envelope C marked "Recount" for the poll

21	DRO and Lawyers	If there is no agreement, the DRO raises a hand and requests assistance from the lawyers representing the candidates. The agents and the lawyers discuss the ballot in question. If there is agreement between the lawyers: 1) the ballot is acceptable to both, the ballot is counted and the recount continues 2) the ballot is rejected, the ballot is placed in the separate Envelope C marked "Recount" for the poll
22		If there is no agreement, on the pad of paper for the poll, the DRO enters beside the first available consecutive number, the notation "Ballot with Judge". Writes the poll number and the consecutive number on a post-it note and places it on the front of the ballot. The DRO gives the ballot to the lawyers to take it to the judge for discussion
23	DRO	Continues with the count for that candidate alone. The count does not continue past the current candidate until all ballots for the candidate are accounted for
24	Judge	Judge makes a decision on the validity of the ballot cast. The Judge enters his decision "accepted" or "rejected" and initials on the post-it note
25	Lawyers	Lawyers return the ballot to the DRO
26	DRO	Marks the judge's decision on the pad of paper next to the consecutive number. Places a paper clip on the ballot and post-it note
27		If the ballot was accepted by the Judge, the DRO and agents mark their Tally Sheet and DRO places the ballot in the pile of accepted ballots for the candidate
28		If the ballot was rejected by the Judge, the DRO places the ballot in the Envelope C marked "Recount" for the poll
		<b>Rejected Ballots - Envelope C</b>
29	DRO	Take the Envelope C out of J, open it and remove all ballots showing the agents the empty envelope
30		Follow the same process for counting rejected ballots as for ballots cast (Envelope Ds) above and deal with contested ballots in the same manner
31		Once all rejected ballots are accounted for (Judge's decisions) check the Statement of Poll and the number of rejected ballots on the original Envelope C
32	DRO and Agents	Count any rejected ballots in the "Recount" Envelope C, total those and write the number on the outside of the Envelope (including "Nil") and seal with one seal. DRO and agents initial the seal. Fold the envelope and place it in the original Envelope C. If the number of rejected ballots has changed, confirm the change with the agents, using the red pen draw one diagonal line through the number on the Statement of Poll (Line 3) and write in the correct number to the right of the number. Repeat the process for the number on front of Envelope C

33		On the Statement of Poll add lines 2 and 3 and using the red pen draw one diagonal line through the number on the Statement of Poll (Line 4) and write in the correct number to the right of the number
34		Place Envelope C back in the poll box
		<b>Cancelled Ballots - Envelope A</b>
35		Take the Envelope A out of J, open it and remove any ballots showing the agents the empty envelope. Confirm the number to Line 5
36	Agents	If there is a contested ballot in this envelope, DRO explains to the agents there is no way of determining the reason why a ballot was cancelled by the DRO unless the reason is written on the back of the ballot
37	DRO	Place Envelope A back in the poll box
38		<b>Unused Ballots - Envelope B</b> <i>Note: in the case of the advance poll the ballots cast for candidates on day 1 and day 2 must both be verified before completing this step</i>
39	DRO	Take the Envelope B out of J and compare the number on the outside of the envelope with the number entered on Line 8 of the Statement of Poll
40	DRO and Agents	If the number is not the same, open Envelope B and remove all books of ballots and stubs showing the agents the empty envelope
41		Take the full books of 50 and place them aside in one pile
42		Take any partial books and count the remaining ballots. Note the number of ballots remaining on the cover of the book
43	DRO	Take all empty books and place them aside in one pile
44	DRO	Total the number of unused ballots and check the number on Line 8 of the Statement of Poll and on the cover of the Envelope B. If different, count and confirm the new number with the agents. As above, using the red pen, change the number on the Statement of Poll and Envelope B. Seal and initial Envelope B and place it in the poll box
	DRO	<b>Statement of Poll (or Advance Poll - Summary Statement of Poll)</b>
55		Confirm the number entered on Line 9 equals the number on Line 1

		<b>Number of Electors recorded as having voted</b>
56		Remove the VDR box from Envelope J. Compare the number of voting documents entered on the top of the box with the number entered on the Statement of Poll. This should equal the total number of ballots cast on Line 4. If the number is different, the DRO counts and examines each voting document to make sure that a document stick is attached.
57		If the difference cannot be rectified, DRO raises hand and discusses the difference with the lawyers. The lawyers may wish to bring this discrepancy to the attention of the Judge for further review
		<b>Closing Up</b>
58	DRO	Once the Statement of Poll has balanced, the DRO raises a hand to alert the returning officer of the completion of the poll. The returning officer takes the Statement of Poll to the Clerk of the Court who enters the required numbers on to the Statement of Official Results
59		The DRO returns all envelopes removed to Envelope J, seals and signs the seals with the agents. The DRO repackages Envelope E with the exception of the Statement of Poll. Once the returning officer returns with the Statement of Poll, the DRO places it in Envelope E, seals and signs with the agents and returns all files to the poll box
60		The DRO raises a hand to alert the returning officer of the completion of the poll. The returning officer takes the poll box to safe storage and returns with another poll

### Recount Process for Election Day Mobile Polls

	Supplies	Each DRO table will be supplied with a box of seals, a box of corresponding Envelope Cs, a box of Tally Sheets, a book of post-it notes, red pens, a pad of paper, a box of paper clips, a letter opener, a calculator, lists of acceptable and rejected ballots (advance and election day)
	Seating arrangement	The DRO sits on one side of the table with the candidate agents on the other side, directly across from the DRO
1	DRO	Put hand in the air signifying the table is ready for a box of poll files
2	Returning Officer	Returning officer brings a box of poll files to the DRO table - the box will contain the Envelopes E and J for the poll
		<b>Ballots Cast for Candidates - Envelope D</b>
3	DRO	Takes an unused Envelope C and enters the polling station number (or advance poll number and the day) on the front and writes "Recount – October 21, 2013" in the bottom right corner. On the pad of paper provided, marks the poll number (or advance poll number and day) at the top and enters the number 1 through 5 in a column down the left side of the page
4		Opens the Envelope E and removes the yellow copy of the Statement of Poll (if available) or opens Envelope J and locates the original Statement of Poll in the Poll Book
5		Opens Envelope J and removes the Envelope Ds (one for each candidate)
6		Takes a Tally Sheet for themselves and passes each candidate's agent a Tally Sheet
7		Opens an Envelope D (in order of the names appearing on the ballot) and removes all ballots showing the agents the empty envelope
8		Arranges the ballots in a pile facing the same way and places them between the agents, front up with the candidates' names readable by the agents. Taking the top left corner of the ballot the DRO pauses then flips the ballot without covering the circles making a second pile so the agents can clearly view the back of the ballot
9		DRO marks their Tally Sheet accordingly and observes agents doing the same
10		Flips each ballot in a continuous rhythm that permits the agents to view the ballot and mark their Tally Sheet comfortably

11	DRO and Agents	After each block of 25 ballots are tallied the DRO stops and confirms the agents have tallied the same number of ballots. If not, the DRO recounts the piles of accepted ballots in front of the agents to correct their tally
12		After each block of 25 ballots, the DRO starts another pile
13	DRO and Agents	Once a candidate's pile of ballots have been counted, the DRO marks the number at the bottom of the column for that candidate on the Tally Sheet. Check the Statement of Poll to confirm the number of ballots cast for this candidate. If the same, check the number of ballots written on the front of Envelope D. If the same, place the ballots back in Envelope D and place two seals, one on either side of the original seal. The DRO and agents initial both seals. Do not place the seals over any existing signatures
14		Place the resealed Envelope D in the box of poll files
15		If the Statement of Poll differs from the tally, recount the acceptable ballots in front of the agents in piles of 10. Confirm the count with the agents. Using the red pen provided, draw one diagonal line through the number on the Statement of Poll and write in the correct number to the right of the box. Repeat the process for the number on Envelope D. Place the ballots back in Envelope D and place two seals, one on either side of the original seal. The DRO and agents initial both seals. Do not place the seals over any existing signatures
16		Open the next Envelope D and repeat the count process until all candidates' ballots have been counted
17		On the Statement of Poll, total the number of valid ballots cast and confirm the number with the agents. If the agreed to total is different from the original on Line 2, write in the correct number to the right of the box using the red pen and proceed
	Agent	<b>Contested Ballot</b>
18	DRO	An agent contests the validity of the mark on a cast ballot
19		DRO stops the count and asks the agents to discuss the ballot in question
20	Agents	If there is agreement: 1) the ballot is acceptable to both, the ballot is counted and the recount continues 2) the ballot is rejected, the ballot is placed in the separate Envelope C marked "Recount" for the poll
21	DRO and Lawyers	If there is no agreement, the DRO raises a hand and requests assistance from the lawyers representing the candidates. The agents and the lawyers discuss the ballot in question. If there is agreement between the lawyers:



		<p>1) the ballot is acceptable to both, the ballot is counted and the recount continues</p> <p>2) the ballot is rejected, the ballot is placed in the separate Envelope C marked "Recount" for the poll</p>
22		If there is no agreement, on the pad of paper for the poll, the DRO enters beside the first available consecutive number, the notation "Ballot with Judge". Writes the poll number and the consecutive number on a post-it note and places it on the front of the ballot. The DRO gives the ballot to the lawyers to take it to the judge for discussion
23	DRO	Continues with the count for that candidate alone. The count does not continue past the current candidate until all ballots for the candidate are accounted for
24	Judge	Judge makes a decision on the validity of the ballot cast. The Judge enters his decision "accepted" or "rejected" and initials on the post-it note
25	Lawyers	Lawyers return the ballot to the DRO
26	DRO	Marks the judge's decision on the pad of paper next to the consecutive number. Places a paper clip on the ballot and post-it note
27		If the ballot was accepted by the Judge, the DRO and agents mark their Tally Sheet and DRO places the ballot in the pile of accepted ballots for the candidate
28		If the ballot was rejected by the Judge, the DRO places the ballot in the Envelope C marked "Recount" for the poll
		<b>Rejected Ballots - Envelope C</b>
29	DRO	Take the Envelope C out of J, open it and remove all ballots showing the agents the empty envelope
30		Follow the same process for counting rejected ballots as for ballots cast (Envelope Ds) above and deal with contested ballots in the same manner
31		Once all rejected ballots are accounted for (Judge's decisions) check the Statement of Poll and the number of rejected ballots on the original Envelope C
32	DRO and Agents	Count any rejected ballots in the "Recount" Envelope C, total those and write the number on the outside of the Envelope (including "Nil") and seal with one seal. DRO and agents initial the seal. Fold the envelope and place it in the original Envelope C. If the number of rejected ballots has changed, confirm the change with the agents, using the red pen draw one diagonal line through the number on the Statement of Poll (Line 3) and write in the correct number to the right of the number. Repeat the process for the number on front of Envelope C
33		On the Statement of Poll add lines 2 and 3 and using the red pen draw one diagonal line through the number on the Statement of Poll (Line 4) and write in the correct number to the right of the number

34		Place Envelope C back in the poll box
		<b>Cancelled Ballots - Envelope A</b>
35		Take the Envelope A out of J, open it and remove any ballots showing the agents the empty envelope. Confirm the number to Line 5
36	Agents	If there is a contested ballot in this envelope, DRO explains to the agents there is no way of determining the reason why a ballot was cancelled by the DRO unless the reason is written on the back of the ballot
37	DRO	Place Envelope A back in the poll box
38		<b>Unused Ballots - Envelope B</b>
39	DRO	Take the Envelope B out of J and compare the number on the outside of the envelope with the number entered on Line 8 of the Statement of Poll
40	DRO and Agents	If the number is not the same, open Envelope B and remove all books of ballots and stubs showing the agents the empty envelope
41	DRO	Take the full books of 50 and place them aside in one pile
42	DRO	Take any partial books and count the remaining ballots. Note the number of ballots remaining on the cover of the book
43	DRO	Take all empty books and place them aside in one pile
44	DRO	Total the number of unused ballots and check the number on Line 8 of the Statement of Poll and on the cover of the Envelope B. If different, count and confirm the new number with the agents. As above, using the red pen, change the number on the Statement of Poll and Envelope B. Seal and initial Envelope B and place it in the poll box
	DRO	<b>Statement of Poll</b>
55		Confirm the number entered on Line 9 equals the number on Line 1
		<b>Number of Electors recorded as having voted</b>
56		Remove the Poll Book from Envelope J (if not already done). Compare the number of electors who voted entered on the front of the Poll Book with the number of ballots cast on line Line 4 of the Statement of Poll. If the number is different, the DRO checks the entry on the last page of the Record of Poll in the Poll Book

57		If the difference cannot be rectified, DRO raises hand and discusses the difference with the lawyers. The lawyers may wish to bring this discrepancy to the attention of the Judge for further review
		<b>Closing Up</b>
58	DRO	Once the Statement of Poll has balanced, the DRO raises a hand to alert the returning officer of the completion of the poll. The returning officer takes the Statement of Poll to the Clerk of the Court who enters the required numbers on to the Statement of Official Results
59		The DRO returns all envelopes removed to Envelope J, seals and signs the seals with the agents. The DRO repackages Envelope E with the exception of the Statement of Poll. Once the returning officer returns with the Statement of Poll, the DRO places it in Envelope E, seals and signs with the agents and returns all files to the poll box
60		The DRO raises a hand to alert the returning officer of the completion of the poll. The returning officer takes the poll box to safe storage and returns with another poll

## ACCEPTABLE AND REJECTED BALLOTS – Election Day and Advance Polls

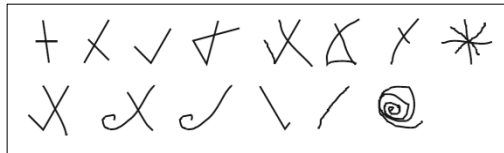
### When counterfoil is attached:

- without examining the ballot or showing it to anyone, remove and destroy the counterfoil in the presence of those at the count
- count the ballot

### Acceptable Ballots

- As a general rule, a ballot that clearly shows the elector's intention to vote for a particular candidate, without identifying the elector, must be accepted as a valid ballot cast.

### Some Examples of Acceptable Markings



### Acceptable Ballots



## Rejected Ballots

- Ballots that must be rejected are those:
  - not supplied by the DRO
  - not marked for any candidate
  - marked for more than one candidate
  - marked in such a way that it is unclear who the elector voted for
  - marked in such a way as to identify the elector
  - not marked in the circular space to the right of the candidate's name

Any ballots that you deem to be rejected must be reviewed and confirmed by the DRO

### Rejected Ballots



## **Recount Process for Write-in Ballot Polls**

### **Background**

Elections Nova Scotia (ENS) has made voting accessible to every qualified Nova Scotia elector no matter where he or she may be during an election. The WIB Poll takes place in every returning office, begins no later than the 5<sup>th</sup> day after the Writ, and is open during the hours that the returning officer is open to the public.

With a write-in ballot, an elector can vote by mail or by agent (including a write-in ballot coordinator team) at the office of his or her returning officer or in person at any other returning office in Nova Scotia.

### **Write-in Ballot Administration**

A presiding officer and a deputy presiding officer carry out the day to day activities of the WIB Poll. The presiding officer of the WIB poll is also the presiding officer of the continuous poll. The team must work together to facilitate the voting process for electors and ensure the proper and efficient functioning of the poll. The roles and responsibilities of the presiding officer and the conduct of the WIB Poll are outlined in the Write-in Ballot Handbook for Presiding Officers and Deputy Presiding Officers.

Voting by write-in ballot may be the only opportunity to vote for an elector who cannot make it to a polling location in person. It also provides an opportunity for electors to vote who are away from their home electoral district during the election. It is different from voting at the advance or election day polls because:

- electors can vote before nominations close for either the registered party or the candidate of their choice;
- completed ballots are placed in security envelopes, and the procedure for verifying and counting ballots at the write-in ballot poll differs from the other voting opportunities; and
- once a ballot has been issued to an elector, the elector is deemed to have voted even if the elector never returns the ballot.

### **How can an elector vote by write-in ballot?**

- in person at any returning office;
- by mail or other form of delivery to the returning office;
- by an elector's agent who will be able to pick up and deliver the write-in ballot; or
- by write-in ballot coordinator team who will visit an elector at home at scheduled times in residences, residential centres and hospitals.

To vote by write-in ballot, electors must first apply. Once an elector's application to vote has been approved:

## General principles

In the case of an in-district elector (an elector who resides in the electoral district):

- the elector can no longer opt to vote by any other method (continuous, advance or on election day).
- the elector is marked as having voted by write-in ballot on the List of Electors
- a write-in ballot kit is mailed out to the elector, provided to the elector's agent or provided to the write-in ballot coordinator team who visits the elector at their residence

In the case of an out-of-district elector (an elector who does not reside in the electoral district)

- the elector can no longer opt to vote by any other method (continuous, advance or on election day).
- the elector is marked as having voted by write-in ballot on the List of Electors
- a write-in ballot kit is hand delivered to the elector

The WIB kit contains the following:

- Instruction booklet "How to Complete Your Write-in Ballot Kit"
- Write-in Ballot
- Ballot Envelope
- Declaration Envelope
- Return or "Mail to" Envelope

In order to protect the privacy of the elector's vote, the write-in ballot process is necessarily more complex than voting at a polling station. The elector must take the following steps to complete the voting process:

- write in the name of the candidate or the party the candidate represents (or both) on the space provided on the ballot
- fold the ballot as instructed
- place the folded ballot inside the Ballot Envelope and seal it
- place the Ballot Envelope inside the Declaration Envelope, seal it and fill in the information required in Part 1 on the front of this envelope. The declaration states that the elector's name and civic address is as shown on the envelope, and that he or she has not already voted and will not attempt to vote again in the current election
- sign and date the declaration (found on the front of *the Declaration Envelope*).
- place the Declaration Envelope inside a Return or "Mail to" envelope and either mail or deliver it to the local returning office.
  - in the case of an in-district elector, the envelope containing the write-in ballot must be returned to their returning office before the polls close at 8:00 pm on election day to be counted
  - in the case of an out-of-district elector, the elector's application and write-in ballot is couriered to the elector's electoral district returning office by the end of Day 4 in the election calendar (the deadline for issuing out-of-district write-in ballots is Day 5)
- the ballot must be in the envelopes provided
- a ballot received by fax cannot be counted



## Counting the Ballots at the Returning Office on Election Day

As the presiding officer receives in-district write-in ballot kits throughout the election period and out-of-district write-in ballots from other electoral districts, the Declaration Envelopes are removed from the mailing envelopes and placed in a ballot envelope along with the corresponding application after being initialed by the PO and entered in the appropriate Write-in Ballot Poll Record Book and placed in the ballot box. This is the first verification of the write-in ballot.

These ballot boxes are special plastic sealed ballot boxes that are secured in a safe place in the returning office at the end of each day. After 100 ballot envelopes are deposited in a ballot box, the ballot box is emptied into a cardboard ballot box in the presence of witnesses, sealed and placed in a secure location. The plastic ballot box is resealed and voting continues.

At 6:30 pm before the close of polls on election day, the Deputy Presiding Officer (DPO) and appointed election officers simultaneously open each in-district ballot box, removes all the envelopes and starts the second verification process in the presence of candidate's agents and/or witnesses in following manner:

- opens the ballot box envelopes and takes out the applications and the Declaration Envelopes
- checks the information filled in on Part One of each Declaration Envelope against the application form; and
- shows each accepted Declaration Envelope and application to the agents
- opens Envelope C-WIB and shows the agents the rejected Declaration Envelopes from the first verification

During the verification process, the DPO uses the Worksheet for Verification of Declaration Envelopes – Write-in Ballot. A Declaration Envelope is rejected during verification if:

- it was not signed by the elector
- elector information on part one on the envelope does not correspond with the information on their application form.

If the DPO rejects a Declaration Envelope, the reason is recorded on the back of the envelope.

If an agent objects to a decision made by the DPO to accept or reject an envelope, the objection is recorded in the Record of Objections in the Poll Book.

See the attached instructions on accepting and rejecting ballots.

The numbers entered on this Worksheet for Verification of Declaration Envelopes are used to fill in the appropriate lines on the Summary Statement of Poll Write-in Ballot during the count at the close of polls.

After the *Declaration Envelopes* are verified they are placed back in the ballot box until 8:00 pm when they are opened and the Ballot Envelopes are removed and placed back in the ballot box. This separation of the Ballot Envelopes from the Declaration Envelopes helps preserve the secrecy of the vote. The Ballot Envelopes are then removed from the ballot box. The empty ballot box is shown to the agents present and Ballot Envelopes are opened. The folded ballots are removed and placed in the ballot box.

The DPO then distributes Tally Sheets to the agents present and commences the count of the ballots.

Once completed, the election officer fills in a Verification and Count per Ballot Box - Write-in Ballot from which the DPO completes a Summary Statement of Poll and informs the agents of the count results so they can fill in their Summary Statement of Poll Write-in Ballot and reports the results to the returning office.

Lastly, the DPO secures and returns election materials to the returning officer.

### **Process for Recounting the Write-in Ballot Poll**

The returning officer brings a box of WIB poll files to the DRO table and places the box on the floor beside the DRO. The box contains *Envelope E* for the poll as assembled by the DPO after the count on election day and reassembled by the returning officer after the Official Count on October 10, 2013.

### **Ballots Cast for Candidates - *Envelope D***

- DRO takes from the DRO table supplies an unused Envelope C-PBB - Rejected Ballots, enters the ballot box number on the front and writes "Recount" – and the date in the bottom right corner.
- on the pad of paper provided, DRO marks the ballot box number at the top. This pad is used by DRO to track the contested ballots taken to the Judge for a ruling.
- DRO opens Envelope E and removes the Summary Statement of Poll with attached Verification and Count Per Ballot Box (if available) or opens envelope J and locates the original form in the Poll Book
- DRO opens Envelope J and removes the four Envelope Ds – Ballots Cast for Candidates for Ballot Box No. 1.
- DRO takes a Tally Sheet for themselves and passes each candidate's agent a Tally Sheet on which they write the names of the candidates in alphabetical order by surname across the top
- DRO opens an Envelope D (in alphabetical order by surname) and removes all ballots, showing the agents the empty envelope.
- DRO places the ballots in a pile facing the same way and places them between the agents, front up. Taking the ballot by the top middle, the DRO holds the ballot up so the agents can clearly and pauses so agents can clearly see for whom the ballot is marked, then turns the ballot over slowly making a second pile so the agents can clearly view the back of the ballot.
- DRO marks Tally Sheet for the appropriate candidate (which includes ballots marked for the candidate's party if candidate has a party) and observes agents doing the same.
- After each block of 25 ballots are tallied on the Tally Sheet, DRO stops and confirms agents have tallied the same number of ballots. If not, DRO recounts the piles of accepted ballots in front of the agents to allow them to correct their tally.
- After each block of 25 ballots, the DRO starts another pile.
- Once a candidate's pile of ballots has been counted, DRO marks the number at the bottom of the column for that candidate on the Tally Sheet. DRO checks the *Statement of Poll Write-in Ballot* to confirm the number of ballots cast for this candidate. If the same, DRO then checks the number of ballots written on the front of *Envelope D*. If the same, DRO places the ballots back in *Envelope D* and places two seals, one on either

side of the original seal. DRO and agents initial both seals. Note: Seals are not to be placed over any existing signatures.

- DRO places the resealed *Envelope D* in the box of poll files.
- If the *Statement of Poll Per Ballot Box - Write-in Ballot* differs from the tally, DRO recounts the acceptable ballots in front of agents in piles of 10. DRO confirms the count with the agents, draws one diagonal line with the red pen through the number on the *Statement of Poll Write-in Ballot* and writes in the correct number to the right of the box. DRO repeats the process for the number on *Envelope D*. DRO places the ballots back in *Envelope D* and places two seals on either side of the original seal to close up the envelope. DRO and agents initial both seals.
- DRO opens the next *Envelope D* and repeats the counting process until all candidates' ballots have been counted.

This process is repeated for each WIB Ballot Box.

On the *Summary Statement of Poll Write-in Ballot*, DRO totals the number of ballots cast for all candidates from each Ballot Box and confirms the number with the agents. If the agreed total is different from the original on Line 2, DRO draws one diagonal line with the red pen through the original number and writes in the correct number to the right of the box.

### **Contested Ballot**

If an agent contests the validity of the name or abbreviation on a cast ballot, DRO stops the count and asks the agents to discuss the ballot in question and asks them to refer to the handout on acceptable ballots (see back of this brief).

The agents discuss the ballot in question (Note: DRO does not offer an opinion):

- If the ballot is acceptable to both, the ballot is counted and the recount continues;
- If the ballot is rejected by both, the ballot is placed in a new *Envelope C –PBB* marked "Recount" with the ballot box number.
- If there is no agreement, the DRO raises a hand and requests assistance from legal counsel representing the candidates.

The legal counsel discuss the ballot in question. If there is agreement between legal counsel:

- If the ballot is acceptable to both, the ballot is counted and the recount continues;
- If the ballot is rejected by both legal counsel, the ballot is placed in the separate *Envelope C –PBB* marked "Recount" with the ballot box number.
- If there is no agreement between legal counsel, on the pad of paper for the table, DRO enters the number 1 and the notation "Ballot with Judge". DRO writes the poll number and the consecutive number on a post-it note and sticks it on the front of the contested ballot. DRO gives the ballot to legal counsel who together takes it to the Judge for a ruling.

DRO continues with the count for that candidate. The count does not continue past the current candidate until all ballots for the candidate are accounted for

- Judge rules on the validity of the contested ballot. The Judge enters his ruling "accepted" or "rejected" on the post-it note along with his initials.
- Legal counsel returns the ballot to the DRO.

- DRO shows the Judge's ruling to the agents.
- DRO marks the Judge's ruling on the pad of paper next to the consecutive number for that ballot.
- DRO secures the post-it note to the ballot with a paper clip.
- if the ballot was accepted by the Judge, DRO and agents mark their tally sheets and DRO places the ballot in the pile of accepted ballots for the candidate.
- if the ballot was rejected by the Judge, DRO places the ballot in the Envelope C-PBB for Rejected Ballots marked "Recount" with the ballot box number

### **Rejected Ballots - *Envelope C-WIB***

- DRO takes the original *Envelope C-WIB* out of *Envelope J* in the box of poll files on the floor, opens it and removes all rejected ballots and rejected *Declaration Envelopes* and *Ballot Envelopes* showing the agents the empty envelope.
- Depending on the contents of *Envelope C-WIB*, RO makes up to three piles, one each for:
  - rejected ballots
  - rejected *Declaration Envelopes* and
  - rejected *Ballot Envelopes*
- If there are rejected ballots, DRO follows the same procedure as for ballots cast (*Envelope Ds*) above and deals with contested rejected ballots in the same manner.
- Each Declaration Envelope will be attached to the corresponding application. The reason for rejection should be written on the back of the *Declaration Envelope*. If not, DRO attempts to ascertain the reason by comparing the information on the application and the *Declaration Envelope* and the reasons listed on the *Worksheet for Verification and Counting of Write-in Ballots*.

### Reasons may include:

- *Declaration Envelope* was not signed by the elector
- elector information on the *Declaration Envelope* does not correspond with the information on their application form
- *Declaration Envelope* does not have a ballot enclosed
- DRO explains why the PO rejected the *Declaration Envelope* to the agents.
- if an agent contests the reason for rejecting the *Declaration Envelope*, DRO follows the same process as above for rejected and contested ballots **but does not open the Declaration Envelope.**
- If the agents or legal counsel agree the *Declaration Envelope* should not have been rejected, DRO informs the agents and lawyers that this decision jeopardizes the privacy of the elector's vote and must be brought to the attention of the Justice for a ruling.
- If the Court rules in favour, the *Declaration Envelope* is returned to the DRO with instructions from the Judge with what to do with the *Declaration Envelope* (privacy of the vote is in issue).

- If the Court rules against, the *Declaration Envelope* is returned to the DRO who places it in the pile of rejected *Declaration Envelopes*

Note: the count of rejected ballots does not change.

- If there are rejected *Ballot Envelopes*, the reason should be written on the back of the envelope. If not, DRO tries to determine why the PO rejected the envelope in the same manner as above for the *Declaration Envelope*.
- If an agent contests the reason for rejecting a *Ballot Envelope*, DRO follows the same process as above for rejected and contested *Declaration Envelopes*.
- Once all rejected ballots in the original *Envelope C-WIB* are accounted for, DRO checks the number of rejected ballots on Line 5 of the *Summary Statement of Poll Write-in Ballot* and the number of rejected ballots on the original *Envelope C-WIB*.
- DRO counts any rejected ballots in the "Recount" *Envelope C-WIB*, totals those and writes the number on the outside of the envelope (including the word "Nil" for 0 ballots) and seals it with one seal. DRO and agents initial this seal. DRO folds the envelope and places it in the original *Envelope C-WIB*.
- If there are rejected ballots in the "Recount" *Envelope C-WIB*, DRO confirms the need to change the count on the original *Envelope C-WIB* with the agents. With a red pen, DRO draws one diagonal line through the number on the *Summary Statement of Poll Write-in Ballot* (Line 5) and writes in the correct number to the right of the original number. DRO repeats the process for the number on front of original *Envelope C-WIB*.
- On the *Summary Statement of Poll Write-in Ballot* DRO totals Line 4 and if the sum is different from the original entry, DRO confirms the change with the agents. In red pen, DRO draws one diagonal line through the number on Line 4 and writes in the correct number to the right of the number.
- DRO places two seals, one on either side of the original seal. DRO and agents initial both seals and DRO places *Envelope C-WIB* back in the box of poll files.

#### ***Verifying Remaining Entries on the Summary Statement of Poll Write-in Ballot***

- DRO compares the number of Declaration Envelopes received out of District on Line 4 of the Worksheet for Verification of Declaration Envelopes with Line 2 on the Summary Statement of Poll – Write-in Ballot. If this number is not the same, the DRO must take out the In District Write-in Ballot Poll Record Book and check the note written on the page of the last entry in the Ballots Received from Other Districts section. Correct the Summary Statement of Poll, if necessary.
- DRO removes Envelope A from the Envelope J and compares the number written on the front of Envelope A – Cancelled Ballots with Line 8 on the Summary Statement of Poll. If the number is not the same, the DRO must open Envelope A and remove and count the ballots. Correct the Summary the Summary Statement of Poll if necessary.
- DRO removes Envelope B from Envelope J and compares the number written on the outside of the Envelope B with the number entered on Line 9 of the Summary Statement of Poll. If the number is not the same, DRO must remove the contents of Envelope B and count the number of unused ballots.
- The incorrect entries on the Summary Statement of Poll must have a diagonal line drawn through them and the correct number written to the right. As well, any incorrect number

written on the front of any envelopes must also have a diagonal line drawn through them and the correct number written to the right.

### **Closing Up**

- Once the recount is complete, DRO raises a hand to alert the returning officer of the completion of this poll. The returning officer takes the *Summary Statement of Poll Write-in Ballot* to the Court Clerk who enters the required numbers onto the court's Statement of Official Results and returns the *Summary Statement of Poll Write-in Ballot* to the returning officer.
- DRO retrieves the contents stored in the box of poll files and places the appropriate envelopes back into *Envelope J*, seals and signs the seals with the agents.
- DRO repackages *Envelope E* with the exception of the *Summary Statement of Poll Write-in Ballot*. Once the returning officer returns with the *Summary Statement of Poll Write-in Ballot* from the Court Clerk, DRO places it in *Envelope E*, seals and signs it with the agents and returns all files to the box of poll files.
- DRO once again raises a hand to alert the returning officer that the packing up of this poll has been completed. The returning officer takes the box of poll files to safe storage and returns with another box of poll files to be recounted.
- Once the ballots from the last poll are recounted the DRO returns the last box of poll files to the returning office for safe keeping.

## Acceptable and Rejected Ballots

The counting of ballots is an important part of a presiding officer's duties. Take your time and do the count with care.

There will be no uniformity in the way ballots are marked; electors may mark them in one of the following ways:

- the name of the candidate they wish to vote for
- the name of the registered party they wish to vote for
- both the name of the candidate they wish to vote for and the name of the registered party that sponsored that candidate

See Figures 1 and 2 for examples of acceptable ballots that should be counted, those that must be rejected and the guidelines for accepting and rejecting ballots.

Rejected ballots include those:

- not supplied by the presiding officer
- not marked for any candidate or registered party
- marked for more than one candidate or registered party
- marked for a registered party that does not have a candidate nominated in the electoral district
- marked in such a way that it is unclear who the elector voted for
- marked in such a way as to identify the elector

### **Please consider these additional points for the 2013 General Election:**

1. Consider the ballot if the wrong ballot is type is used, e.g., if the out-of-district ballot is has been used in the in-district ballot box.
2. Accept the ballot if the provincial party leader's name is written as the name of the candidate, i.e.,
  - a. If Baillie is written, accept the ballot for the Progressive Conservative party candidate.
  - b. If Dexter is written, accept the ballot for the NDP party candidate.
  - c. If McNeil is written, accept the ballot for the Liberal party candidate.
  - d. If Percy is written, accept the ballot for the Green party candidate if there is one, otherwise reject the ballot.
3. Reject the ballot if the leader of a federal political party is named as the candidate.
4. Reject the ballot if one of the leaders name is used with the incorrect party name.



Figure 1

## Guidelines for Accepting and Rejecting Ballots

The following guidelines should be reviewed when deciding to accept or reject a ballot:

### **Ballot marked only with the name of a candidate nominated in the electoral district**

Accept a ballot that is clear to you for whom the elector has voted:

- if the elector has not written the full name of the candidate
- if the elector has incorrectly written the name of the candidate
- if the elector has used abbreviations or nicknames for the candidate

Reject a ballot:

- if the elector voted for a person not nominated
- if the elector voted for more than one person or candidate

### **Ballot marked only with the name of a registered party**

Accept a ballot provided that it is clear to you for which party the elector has voted

- if the elector has not written the full name of the party
- if the elector has written known abbreviations, short forms, or other names of a registered party (e.g. PC or Tory, Lib or Grit, NDP, Green, Atlantica)

Reject a ballot:

- if the elector has written the name of a registered party that did not sponsor a candidate in the electoral district
- if the elector has written the name of a party that is not a registered party
- if the elector has written the name of more than one registered party
- if it is unclear for which registered party the elector has marked the ballot

### **Ballot marked with the name of a candidate nominated in the electoral district and the name of the registered party that has sponsored the candidate.**

Accept a ballot that is clear to you for whom the elector has voted:

- if the elector has marked both the name of a candidate and a party, the named party is the registered party that sponsored the candidate
- if the elector has written the name of a candidate and the name of a registered party that did not sponsor the candidate
- if the elector has written the name of a candidate and the name of a party that is not registered.

Other reasons to accept a ballot

- if the ballot is the same as all other ballots but has not been initialed by you or the deputy presiding officer

Figure 2

Samples of Acceptable and Rejected Ballots

Sample Ballots

- Candidates:
1. Jennifer Johnson, Independent
  2. Jacob Jones, Maritime Party
  3. Mary Smith, XYZ Party
  4. Sam Smith, New Age Party

Acceptable Ballots

Print the name of the candidate OR  
the registered party sponsoring  
the candidate on the line below.

I vote for  
Mary Smith, XYZ Party

Print the name of the candidate OR  
the registered party sponsoring  
the candidate on the line below.

I vote for  
Jake Jones

Print the name of the candidate OR  
the registered party sponsoring  
the candidate on the line below.

I vote for  
New Age Party

Print the name of the candidate OR  
the registered party sponsoring  
the candidate on the line below.

I vote for  
Jen Johnson

Rejected Ballots

Print the name of the candidate OR  
the registered party sponsoring  
the candidate on the line below.

I vote for  
Jane MacDonald, XYZ Party

Print the name of the candidate OR  
the registered party sponsoring  
the candidate on the line below.

I vote for  
Smith

Print the name of the candidate OR  
the registered party sponsoring  
the candidate on the line below.

I vote for  
Jenny Johnson, Tea Party

Print the name of the candidate OR  
the registered party sponsoring  
the candidate on the line below.

I vote for  
Sam Smith RT

## **Recount Process for Continuous Poll**

### **Process for Recounting**

Returning officer brings a box of continuous poll files to the DRO table and places the box on the floor beside the DRO. The box contains Envelope E for the poll as assembled by the presiding officer after the count on election day and reassembled by the returning officer after the Official Count on October 10, 2013.

### **Ballots Cast for Candidates - Envelope D**

- DRO takes from the DRO table supplies an unused Envelope C-PBB - Rejected Ballots, enters the ballot box number on the front and writes "Recount" – and the date in the bottom right corner.
- On the pad of paper provided, DRO marks the ballot box number at the top. This pad is used by DRO to track the contested ballots taken to the Judge for a ruling.
- DRO opens Envelope E and removes the Summary Statement of Poll and the photocopies of the Statement of Poll Per Ballot Box. If not available opens Envelope J and locates the original Statement of Poll in the Poll Book.
- DRO opens Envelope J and removes the four Envelope Ds – Ballots Cast for Candidates for ballot box number 1.
- DRO passes each candidate's agent a Tally Sheet.
- DRO opens an Envelope D (in alphabetical order by surname) and removes all ballots, showing the agents the empty envelope.
- DRO places the ballots in a pile facing the same way and places them between the agents, front up. Taking the ballot by the top middle, the DRO holds the ballot up so the agents can clearly see and pauses so agents can clearly see for whom the ballot is marked, then turns the ballot over slowly making a second pile so the agents can clearly view the back of the ballot.
- DRO marks Tally Sheet for the appropriate candidate (which includes ballots marked for the candidate's party if candidate has a party) and observes agents doing the same.
- After each block of 25 ballots are tallied on the Tally Sheet, DRO stops and confirms agents have tallied the same number of ballots. If not, DRO recounts the piles of accepted ballots in front of the agents to allow them to correct their tally.
- Once a candidate's pile of ballots has been counted, DRO marks the number at the bottom of the column for that candidate on the tally sheet. DRO checks the Statement of Poll per Ballot Box to confirm the number of ballots cast for this candidate. If the same, DRO then checks the number of ballots written on the front of Envelope D. If the same, DRO places the ballots back in Envelope D and places two seals, one on either side of the original seal. DRO and agents initial both seals. Note: Seals are not to be placed over any existing signatures.
- DRO places the resealed Envelope D in the box of polling station files.
- If the Statement of Poll Per Ballot Box differs from the tally, DRO recounts the acceptable ballots in front of agents in piles of 10. DRO confirms the count with the agents, draws one diagonal line with the red pen through the number on the Statement of Poll Continuous Poll and writes in the correct number to the right of the box. DRO

repeats the process for the number on Envelope D. DRO places the ballots back in Envelope D and places two seals on either side of the original seal to close up the envelope. DRO and agents initial both seals.

- DRO opens the next Envelope D and repeats the counting process until all candidates' ballots have been counted.

### **Contested Ballot**

- If an agent contests the validity of the name or abbreviation on a cast ballot, DRO stops the count and asks the agents to discuss the ballot in question and asks them to refer to the handout on acceptable ballots (see appropriate section).
- The agents discuss the ballot in question (Note: DRO does not offer an opinion):
  - If the ballot is acceptable to both, the ballot is counted and the recount continues;
  - If the ballot is rejected by both, the ballot is placed in a new Envelope C –PBB marked “Recount” with the ballot box number.
- If there is no agreement, the DRO raises a hand and requests assistance from legal counsel representing the candidates.
- The legal counsel discuss the ballot in question. If there is agreement between legal counsel:
  - if the ballot is acceptable to both, the ballot is counted and the recount continues;
  - if the ballot is rejected by both legal counsel, the ballot is placed in the separate Envelope C –PBB marked “Recount” with the ballot box number.
  - if there is no agreement between legal counsel, on the pad of paper for the table, DRO enters the number 1 and the notation "Ballot with Judge". DRO writes the poll number and the consecutive number on a post-it note and sticks it on the front of the contested ballot. DRO gives the ballot to legal counsel who together takes it to the Judge for a ruling.
- DRO continues with the count for that candidate. The count does not continue past the current candidate until all ballots for the candidate are accounted for
- Judge rules on the validity of the contested ballot. The Judge enters his ruling "accepted" or "rejected" on the post-it note along with his initials.
- Legal counsel returns the ballot to the DRO.
- DRO shows the Judge's ruling to the agents.
- DRO marks the Judge's ruling on the pad of paper next to the consecutive number for that ballot.
- DRO secures the post-it note to the ballot with a paper clip.
- If the ballot was accepted by the Judge, DRO and agents mark their tally sheets and DRO places the ballot in the pile of accepted ballots for the candidate.
- If the ballot was rejected by the Judge, DRO places the ballot in the Envelope C-PBB for Rejected Ballots marked “Recount” with the ballot box number

## **Rejected Ballots - Envelope C-PBB**

(see appropriate tab for acceptable and rejected write-in ballots)

- DRO takes the original Envelope C-PBB out of Envelope J in the box of poll files on the floor, opens it and removes all rejected ballots showing the agents the empty envelope.
- if there are rejected ballots, DRO follows the same procedure as for ballots cast (Envelope Ds) above and deals with contested rejected ballots in the same manner.
- if an agent contests the reason for rejecting a ballot, DRO follows the same process as above for rejected and contested ballots.
  - if the Court rules in favour, the ballot is returned to the DRO and the ballot is counted.
  - if the Court rules against, the ballot is returned to the DRO who places it in the pile of rejected ballots
- once all rejected ballots in the original Envelope C-PBB are accounted for, DRO checks the number of rejected ballots on Line 3 of the Statement of Poll per Ballot Box
- DRO counts any rejected ballots in the "Recount" Envelope C-PBB, totals those and writes the number on the outside of the envelope (including the word "Nil" for 0 ballots) and seals it with one seal. DRO and agents initial this seal. DRO folds the envelope and places it in the original Envelope C-PBB.
- if there are rejected ballots in the "Recount" Envelope C-PBB, DRO confirms the need to change the count on the original Envelope C-PBB with the agents. With a red pen, DRO draws one diagonal line through the number on the Summary Statement of Poll – Continuous Poll (Line 3) and writes in the correct number to the right of the original number. DRO repeats the process for the number on front of original Envelope C-PBB.
- on the Summary Statement of Poll – Continuous Poll, DRO totals Line 4 and if the sum is different from the original entry, DRO confirms the change with the agents. In red pen, DRO draws one diagonal line through the number on Line 4 and writes in the correct number to the right of the number.
- DRO places two seals, one on either side of the original seal. DRO and agents initial both seals and DRO places Envelope C-PBB back in the box of poll files.
- this process is repeated for each ballot box.
- on the Summary Statement of Poll – Continuous Poll, DRO totals the number of ballots cast for all candidates from each ballot box and confirms the number with the agents. If the agreed total is different from the original on Line 2, DRO draws one diagonal line with the red pen through the original number and writes in the correct number to the right of the box.

## **Verifying Remaining Entries on the Summary Statement of Poll Continuous Poll**

- DRO removes Envelope A from the Envelope J and compares the number written on the front of Envelope A – Cancelled Ballots with Line 5 on the Summary Statement of Poll. If the number is not the same, the DRO must open Envelope A and remove and count the ballots. Correct the Summary the Summary Statement of Poll if necessary.

- DRO removes Envelope B from Envelope J and compares the number written on the outside of the Envelope B with the number entered on Line 6 of the Summary Statement of Poll. If the number is not the same, DRO must remove the contents of Envelope B and count the number of unused ballots.
- the incorrect entries on the Summary Statement of Poll must have a diagonal line drawn through them and the correct number written to the right. As well, any incorrect number written on the front of any envelopes must also have a diagonal line drawn through them and the correct number written to the right.

### **Closing Up**

- once the recount is complete, DRO raises a hand to alert the returning officer of the completion of this poll. The returning officer takes the Summary Statement of Poll Continuous Poll to the Court Clerk who enters the required numbers onto the court's Statement of Official Results and returns the Summary Statement of Poll Continuous Poll to the returning officer.
- DRO retrieves the contents stored in the box of poll files and places the appropriate envelopes back into Envelope J, seals and signs the seals with the agents.
- DRO repackages Envelope E with the exception of the Summary Statement of Poll Continuous Poll. Once the returning officer returns with the Summary Statement of Poll Continuous Poll from the Court Clerk, DRO places it in Envelope E, seals and signs it with the agents and returns all files to the box of poll files.
- DRO once again raises a hand to alert the returning officer that the packing up of this poll has been completed. The returning officer takes the box of poll files to safe storage and returns with another box of poll files to be recounted.
- once the ballots from the last poll are recounted the DRO returns the last box of poll files to the returning office for safe keeping.

# Appendix E

## For immediate Release

October 21, 2013

### Recount confirms John A. Lohr Elected in Kings North

A judicial recount of the ballots in the electoral district of Kings North was conducted today in Kentville under the supervision of Justice Michael Wood of the Supreme Court of Nova Scotia. The amended official results are as follows:

Candidate	Official Count	Recount
Mary Lou Hartley, GPNS	362	362
John A. Lohr, PC	2,904	2,903
Jim Morton, NSNDP	2,872	2,882
Stephen W. Pearl, NSLP	2,784	2,787

Justice Wood certified the Statement of Polls summaries for the recount and declared John A. Lohr, the candidate for the Progressive Conservative Association of Nova Scotia, to be elected.

-end-



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#### Dana Phillip Doiron

Director, Policy and Communications

Direct: 902.424.3275

Website: [www.electionsnovascotia.ca](http://www.electionsnovascotia.ca)

# Appendix F

## A Comparison of Poll by Poll Results for the Official Count versus the Recount

ELECTIONS NOVA SCOTIA		Statement of Results -- Official and Judicial Recount																	
Poll	Polling Location	Electors on Official List	Total Votes*	Mary Lou Harley GPNS			John A. Lohr PC			Jim Morton NSNDP			Stephen W. Pearl NSLP			Rejected Ballots**			
				Official	Recount	Diff	Official	Recount	Diff	Official	Recount	Diff	Official	Recount	Diff	Official	Recount	Diff	
001	Baptist Church Christian Education Centre, Kentville	461	201	4	4	0	67	67	0	56	56	0	74	74	0	0	0	0	
002	Baptist Church Christian Education Centre, Kentville	221	127	5	5	0	32	32	0	35	35	0	54	54	0	1	1	0	
003	Baptist Church Christian Education Centre, Kentville	465	234	6	6	0	65	65	0	67	67	0	96	96	0	0	0	0	
004	Kentville Volunteer Fire Department, Kentville	378	160	6	6	0	30	30	0	56	56	0	67	67	0	1	1	0	
005	Kentville Volunteer Fire Department, Kentville	454	196	6	6	0	63	63	0	50	49	-1	75	75	0	2	2	0	
006	Kentville Volunteer Fire Department, Kentville	476	204	3	3	0	58	58	0	81	81	0	62	62	0	0	0	0	
007	Kentville Volunteer Fire Department, Kentville	410	156	6	6	0	42	42	0	51	51	0	56	56	0	1	1	0	
008	St. Joseph's Roman Catholic Church, Kentville	337	187	8	8	0	43	43	0	52	52	0	83	83	0	1	1	0	
009	Baptist Church Christian Education Centre, Kentville	448	156	4	4	0	41	41	0	52	52	0	58	58	0	1	1	0	
010	Bethany Memorial Baptist Church, North Kentville	381	180	6	6	0	52	52	0	62	62	0	58	58	0	2	2	0	
011	Bethany Memorial Baptist Church, North Kentville	306	131	4	4	0	46	46	0	37	37	0	43	43	0	1	1	0	
012	Bethany Memorial Baptist Church, North Kentville	300	124	6	6	0	38	38	0	42	42	0	38	38	0	0	0	0	
013	St. Joseph's Roman Catholic Church, Kentville	403	149	11	11	0	42	42	0	52	52	0	43	43	0	1	1	0	
014	St. Joseph's Roman Catholic Church, Kentville	348	172	10	10	0	52	52	0	65	65	0	45	45	0	0	0	0	
015	Bethany Memorial Baptist Church, North Kentville	401	124	3	3	0	41	41	0	43	43	0	37	37	0	0	0	0	
016	Bethany Memorial Baptist Church, North Kentville	371	148	5	5	0	47	47	0	51	51	0	44	44	0	1	1	0	
017	St. Joseph's Roman Catholic Church, Kentville	351	140	1	1	0	40	40	0	44	44	0	53	53	0	2	2	0	
018	St. Joseph's Roman Catholic Church, Kentville	368	139	7	7	0	42	42	0	50	50	0	39	39	0	1	1	0	
019	St. Joseph's Roman Catholic Church, Kentville	343	182	2	2	0	59	59	0	50	50	0	71	71	0	0	0	0	
020	Port Williams Community Centre, Port Williams	431	262	9	9	0	64	64	0	95	95	0	92	92	0	2	2	0	
021	Port Williams Community Centre, Port Williams	412	230	6	6	0	78	78	0	86	86	0	57	57	0	3	3	0	
022	Port Williams Community Centre, Port Williams	308	170	11	11	0	63	63	0	48	48	0	47	47	0	1	1	0	
023	Royal Cdn. Legion Br. 73 Habitant, Canning	313	172	7	7	0	61	61	0	58	58	0	46	46	0	0	0	0	
024	Bethany Memorial Baptist Church, North Kentville	370	157	7	7	0	49	49	0	48	48	0	53	53	0	0	0	0	
025	Centreville Hall, Centreville	439	195	6	6	0	73	73	0	60	60	0	54	54	0	2	2	0	
026	Centreville Hall, Centreville	417	193	6	6	0	74	74	0	60	60	0	52	52	0	1	1	0	
027	Centreville Hall, Centreville	247	103	7	7	0	30	30	0	40	40	0	26	26	0	0	0	0	
028	Lakeville Community Centre, Lakeville	434	223	8	8	0	68	68	0	67	67	0	79	79	0	1	1	0	
029	Lakeville Community Centre, Lakeville	477	246	6	6	0	78	78	0	72	73	1	89	89	0	1	0	-1	
030	Lakeville Community Centre, Lakeville	406	195	3	3	0	44	44	0	77	77	0	70	70	0	1	1	0	
031	Centreville Hall, Centreville	410	215	13	13	0	92	92	0	65	65	0	44	44	0	1	1	0	
032	Centreville Hall, Centreville	444	223	16	16	0	92	92	0	52	52	0	63	63	0	0	0	0	
033	Royal Cdn. Legion Br. 73 Habitant, Canning	294	154	5	5	0	64	64	0	45	45	0	39	39	0	1	1	0	
034	Royal Cdn. Legion Br. 73 Habitant, Canning	329	140	3	3	0	48	48	0	50	50	0	39	39	0	0	0	0	
035	Pereau United Baptist Church Hall, Upper Pereau	417	197	21	21	0	80	80	0	66	66	0	30	30	0	0	0	0	
036	Kingsport Emmanuel United Church, Kingsport	279	171	19	19	0	46	46	0	71	71	0	35	35	0	0	0	0	
037	Scotts Bay Community Hall, Scots Bay	137	110	14	14	0	32	32	0	20	20	0	42	42	0	2	2	0	
038	Royal Cdn. Legion Br. 73 Habitant, Canning	359	179	11	11	0	84	84	0	49	49	0	33	33	0	2	2	0	
039	Royal Cdn. Legion Br. 73 Habitant, Canning	287	148	3	3	0	64	64	0	46	46	0	34	34	0	1	1	0	
040	Royal Cdn. Legion Br. 73 Habitant, Canning	244	103	10	10	0	24	24	0	48	48	0	20	20	0	1	1	0	
041	Halls Harbour Fundy View Community Club, Halls Harbour	280	154	9	9	0	44	44	0	50	50	0	51	51	0	0	0	0	
042,043,044	Evergreen Home for Special Care, Kentville/Wedgewood House, Kentville/Orchard Hall Continuing Care Residence, Kentville	186	65	3	3	0	27	27	0	9	9	0	23	23	0	3	3	0	
Mobile1	Baptist Church Christian Education Centre, Kentville	0	356	6	6	0	118	118	0	115	115	0	117	117	0	0	0	0	
ADV1	Bethany Memorial Baptist Church, North Kentville	0	217	8	8	0	63	63	0	88	88	0	58	58	0	0	0	0	
ADV2	Centreville Hall, Centreville	0	247	4	4	0	89	89	0	84	84	0	70	70	0	0	0	0	
ADV3	Royal Cdn. Legion Br. 73 Habitant, Canning	0	234	13	13	0	101	101	0	62	62	0	58	58	0	0	0	0	
ADV4	Main RO-17 Chipman Dr, Kentville	0	304	10	10	0	78	78	0	93	92	-1	114	117	3	9	7	-2	
CP	Main RO-17 Chipman Dr, Kentville	0	499	15	15	0	176	175	-1	152	163	11	153	153	0	3	4	1	
	<b>Total</b>		<b>8972</b>	<b>362</b>	<b>362</b>	<b>0</b>	<b>2904</b>	<b>2903</b>	<b>-1</b>	<b>2872</b>	<b>2882</b>	<b>10</b>	<b>2784</b>	<b>2787</b>	<b>3</b>	<b>50</b>	<b>48</b>	<b>-2</b>	

\* Total Votes including rejected ballots

\*\* Rejected Ballots are those ballots cast but not counted for any candidate



# Appendix G

## Comments of Counsels Representing the Candidates

November 18, 2013

### By Email

Richard P. Temporale  
Elections Nova Scotia  
PO Box 2246  
Halifax, NS B3J 3C8

Dear Rick:

### Kings North Recount

Thank you for forwarding a draft copy of your report respecting the Kings North recount.

On behalf of John Lohr and the PC Party, I can say that in our view the overall process worked very well and reflected the fact that significant effort had been invested during the planning phase.

We were extremely pleased with the decision to increase the number of counting stations. This allowed the process to work towards a 5 pm conclusion. If only three stations had been employed, the process would have gone well into the evening. This would have been extremely exhausting for all involved. The quality of the work may also have suffered.

We were pleased with the mechanics of addressing disputed or questioned ballots. The Agents at a particular table would first attempt to reach a consensus. When that was not possible, legal counsel would be called to the table. Counsel would then attempt to reach a consensus, and frequently did so. On the (relatively infrequent) occasions where counsel did not agree, they would jointly take the ballot to Justice Wood for argument and decision.

We also wish to note how valuable it was to have the initial meeting of the parties the day prior to the commencement of the count. This meeting allowed the parties to pose basic questions and receive a general outline of procedure. It also provided an opportunity for the early distribution of materials to be used at the Count. This meeting undoubtedly made the parties better prepared for the beginning of the count and allowed the actual counting to begin much earlier in the day.

2

We appreciate all of the efforts of your office and Elections Nova Scotia staff in general to allow this process to work smoothly.

Yours truly,



Jeffrey R. Hunt  
jhunt@pattersonlaw.ca  
Tel: 902.896.6185

JRH/pjs

# Appendix H

## Comments of Justice Wood

The following questions were put to Justice Wood by the Chief Electoral Officer and his answers:

1. **CEO:** Was there anything you saw in the operational delivery of the recount that you felt could be altered to improve the process?

**Justice Wood:** *The process ran exceptionally well. Those who participated in the recount, carried out their responsibilities well and with respect for the process at hand.*

2. **CEO:** In your personal view, is it necessary to carry out a judicial recount in a provincial court?

**Justice Wood:** *No, but I can see pros and cons to using a courtroom. As a con, a larger space would have permitted more tables to count ballots simultaneously. This would have permitted the process to be completed in less time. The courtroom we used in Kentville was the largest they had available and although we managed to have five tables set up, it was physically very tight and took until late afternoon to complete the count. An electoral district with more ballots to count would have taken proportionally more time to complete using 5 tables.*

*On the pros side, the use of the court facilities permitted me to record the discussions I had with the counsels present about the contested ballots and the reasons for the decisions I made. A justice involved in a future recount may find these discussions helpful.*

*As well, the courts have sheriff staff assigned to each courtroom as well as administrative staff. These resources come with the use of the facility and would have to be provided independently if another facility was chosen and as such, would increase the costs associated with the undertaking.*

3. **CEO:** Do you have any other thoughts or comments on the recount process that you would care to share at this time?

**Justice Wood:** *The briefing of the candidate representatives on the operational aspects of the recount the afternoon before the recount and providing them with the opportunity to ask questions and fully understand the processes to be followed was very helpful.*

*Setting up the courtroom at 8:30am, in advance of the proceeding commencing was also very helpful.*

*By accomplishing both of these tasks in advance, I was able to address those participating in the count process who already had a general understanding of the processes and procedures to be followed and were sitting at their stations ready to start. As a consequence there were very few questions asked and the recount process commenced immediately. This was instrumental in completing the recount within a reasonable timeframe in one day.*

# Appendix I

## Breakdown of Direct Costs for the Kings North Judicial Recount

### Kings North

#### Breakdown of Costs for Judicial Recount (estimate at Nov 15, 2013)

RO fees for preparation and recount time		\$	5,274
Returning Office Lease cost for extension		\$	1,000
Travel and Living-	Accommodations	\$	4,668
	Meals	\$	186
	Mileage	\$	1,660
	Other	\$	752
ENS staff overtime		\$	750
<b>Total estimate of costs</b>		<b>\$</b>	<b>14,290</b>