



**Statement of Votes &
Financial Information**



Antigonish and Inverness
By-elections, October 20, 2009

Published by the Chief Electoral Officer
April 2010

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April 1, 2010

The Honourable Charlie Parker
Speaker of Legislative Assembly
Province of Nova Scotia
1726 Hollis Street, Province House
Halifax, NS
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Dear Mr. Speaker,

I have the honour to present the report of the Chief Electoral Officer on the proceedings of the Antigonish and Inverness By-elections held on October 20, 2009 and the Inverness judicial recount on November 9, 2009.

I respectfully request that you submit this report to the House of Assembly as soon as possible during the current spring sitting.

This report is submitted to the House of Assembly in accordance with section 171 of the *Elections Act*.

Respectfully submitted,

Christine McCulloch, Q.C.
Chief Electoral Officer



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1. Introduction

The resignations of Progressive Conservative members of the House of Assembly, Angus (Tando) MacIsaac effective September 4, 2009 and Rodney MacDonald effective September 10, 2009, representing the electoral districts of Antigonish and Inverness respectively¹, created two vacancies in the Nova Scotia House of Assembly.

On Thursday, September 17, 2009, pursuant to an Order of the Lieutenant Governor in Council, writs of election were issued by the Chief Electoral Officer to the returning officer for Antigonish, William Meehan and the returning officer for Inverness, Catherine Conrad, ordering that elections be held in both electoral districts on October 20, 2009. The Chief Electoral Officer published an election calendar, a copy of which is shown in Appendix A.

In the electoral district of Antigonish a returning office was established in the Town of Antigonish. In the electoral district of Inverness a returning office was established in the Town of Port Hawkesbury. In consideration of the large geographical area included in the electoral district of Inverness a satellite returning office was established in the Town of Inverness.

At the time of the October 20, 2009 by-election calls distribution of seats in the Nova Scotia House of Assembly was: 31 Nova Scotia New Democratic Party; 11 Nova Scotia Liberal Party; 8 The Progressive Conservative Association of Nova Scotia; and 2 vacancies.

Nomination day was October 6, 2009. In both districts, four candidates stood for election, one each from the Green Party of Nova Scotia (GPNS), the Nova Scotia Liberal Party (NSLP), the Nova Scotia New Democratic Party (NSNDP) and The Progressive Conservative Association of Nova Scotia (PC).

Early voting opportunities commenced on September 21, 2009, the date on which electors could apply to vote by write-in ballot. Special polls were held in the returning offices in the Towns of Antigonish and Port Hawkesbury and in the satellite returning office in the Town of Inverness commencing October 8, 2009. Two consecutive days of advance polling commenced on October 16, 2009.

At the time the writs of election were issued, there were 14,776 electors on the preliminary List of Electors for Antigonish. There were 15,294 electors on the final List of Electors². A total of 8,107 (53.01%) electors voted during the Antigonish by-election.

At the time the writs of election were issued, there were 14,319 electors on the preliminary List of Electors for Inverness. There were 14,416 electors on the final List of Electors. A total of 8,866 (61.50%) electors voted during the Inverness by-election.

On October 30, 2009 Maurice (Moe) Smith (NSNDP) was declared elected in the electoral district of Antigonish.

On October 26, 2009 an application for a judicial recount of ballots cast in the Inverness by-election was made to the Supreme Court of Nova Scotia by candidate Ian McNeil (NSLP) under the *Elections*

¹ In the remainder of this report references to Antigonish and Inverness will be made in alphabetical order without using the word "respectively" in each instance

² The final List of Electors includes electors added on ordinary polling day

Act. The recount was conducted at the Port Hawkesbury Justice Centre on November 9, 2009 by Justice Simon J. MacDonald of the Supreme Court of Nova Scotia.

On November 9, 2009 upon receipt of the recapitulation sheet from Justice MacDonald³ the returning officer declared Allan MacMaster (PC) elected in the electoral district of Inverness.

Recognized party election expenses for the October 20, 2009 Antigonish by-election were \$10,538.31. Recognized party election expenses for the October 20, 2009 Inverness by-election were \$11,037.33.

Candidate election expenses for the October 20, 2009 Antigonish by-election were \$46,728.68. Candidate election expenses for the October 20, 2009 Inverness by-election were \$122,499.42.

Of the four candidates who stood for election in the Antigonish by-election, three achieved the required threshold of 10% of the valid votes cast in their electoral district qualifying them for reimbursement of a portion of their election expenses from public funding. Two of the four candidates filed all reports required under the *Elections Act* and the *Members and Public Employees Disclosure Act* (MPEDA). At the time of this publication, total election expenses reimbursements and audit fee reimbursements paid to the official agents of the two candidates were \$44,078.66. This reimbursement may change upon receipt of outstanding reports.

Of the four candidates who stood for election in the Inverness by-election, three achieved the required threshold of 10% of the valid votes cast in their electoral district qualifying them for reimbursement of a portion of their election expenses from public funding. Three of the four candidates filed all reports required under the *Elections Act* and MPEDA. Total election expenses reimbursements and audit fee reimbursements paid to the official agents of the three candidates were \$62,991.58. This reimbursement may change upon receipt of outstanding reports.

Total administration costs for the October 20, 2009 Antigonish by-election, excluding reimbursement of candidate election expenses and audit fees, were \$123,364.71. Total administration costs for the October 20, 2009 Inverness by-election, excluding reimbursement of candidate election expenses and audit fees, were \$153,234.24. These figures include all direct costs incurred by the electoral district returning offices and indirect costs incurred by Elections Nova Scotia to administer the by-elections. Costs incurred prior to the issuance of the writs of election for supplies, materials, computer equipment, software, election officer training, consulting services and any other related expenses which are expended between elections to ensure ongoing election readiness are not included in the total administration costs for the by-elections.

³ The poll-by-poll results for the Inverness by-election are the results as certified by Justice MacDonald on November 9, 2009

2. Electoral Geography

2.1 Electoral Districts

The electoral district boundaries for the electoral districts of Antigonish and Inverness were enacted in 2002 under the *House of Assembly Act* on the recommendation of the Nova Scotia Electoral Boundaries Commission. A map displaying the electoral district of Antigonish and the poll-by-poll results for the Antigonish by-election are shown in Appendix B. A map displaying the electoral district of Inverness and the poll-by-poll results for the Inverness by-election are shown in Appendix C.

2.2 Polling Stations

There were 48 polling stations in the electoral district of Antigonish which included 42 ordinary polling day polls, one special poll, two advance polls, two mobile polls to service long term care facilities, and one write-in ballot poll (Table 1). Mobile poll 42 was held at the RK MacDonald Nursing Home. Mobile poll 43/45 was held at Highland Crest Home and Bethany Mother House of the Sisters of St. Martha. Regular polling divisions 8 and 12 were each split into two separate polling stations⁴ at the same polling location.

There were 56 polling stations in the electoral district of Inverness which included 46 ordinary polling day polls, two special polls, four advance polls, two mobile polls to service long term care facilities, and two write-in ballot polls (Table 1). Mobile poll 20/50 was held at Aite Curam, Inverary Manor and Foyer Père Fiset in the Town of Inverness. Mobile poll 27/49 was held at Heritage House and Port Hawkesbury Nursing Home in the Town of Port Hawkesbury.

**Table 1: Number of Polling Stations by Type
October 20, 2009 Antigonish and Inverness By-elections**

Electoral District	Number of Polling Stations by Type					Total
	Ordinary	Special	Advance	Mobile	Write-in ballot	
02 Antigonish	42	1	2	2	1	48
34 Inverness	46	2	4	2	2	56

3. Voting Opportunities

3.1 Write-in Ballot

Electors in the by-elections were entitled to vote by write-in ballot. There are three methods by which an elector may apply for a write-in ballot: by mail, by agent and in person. Applications for a write-in ballot were available to all electors from the opening of the returning offices on September 21, 2009. The deadlines, in subsection 101(1) of the *Elections Act*, to apply for a write-in ballot are in-person is day 13 on the election calendar (Appendix A), by mail is day 10 and by agent is day 3. These

⁴ Section 97 of the *Elections Act* requires a returning officer to provide two or more polling stations for a polling division where the official List of Electors for the polling division contains the names of more than 450 electors

deadlines are administrative necessities imposed to ensure there is sufficient time for the ballots to be returned for counting by the close of polls at 7 pm on ordinary polling day.

The position of write-in ballot coordinator (WBC) was first introduced for the June 9, 2009 Provincial General Election to assist electors who were unable to take advantage of the traditional voting opportunities. The deadline to apply to vote by write-in ballot with the aid of a WBC was 8 pm, October 17, 2009, the same as if voting with the assistance of an agent.

The deadline to vote by write-in ballot in person at the returning office or satellite returning was 8 pm October 7, 2009. After this date, if an elector chose to vote in person, he or she could do so at the special poll, advance poll or on ordinary polling day.

In the electoral districts of Antigonish and Inverness the number of electors choosing to vote by write-in ballot increased in comparison to the June 9, 2009 Provincial General Election. In the Antigonish by-election, 76 electors voted by write-in ballot, ten more than in the June 9, 2009 Provincial General Election. In the Inverness by-election, 113 electors voted by write-in ballot, 48 more than in the June 9, 2009 Provincial General Election.

3.2 Special and Advance Polls

From 12 pm to 8 pm on October 8, 9, 10, 12, 13 and 14, 2009 special polls were conducted at the returning offices in the Towns of Antigonish and Port Hawkesbury and at the satellite returning office in the Town of Inverness. From 10 am to 8 pm on October 16 and 17, 2009, two advance polls were conducted at separate polling locations in the electoral district of Antigonish and four advance polls were conducted at separate polling locations in the electoral district of Inverness.

3.3 Ordinary Polls

October 20, 2009 was ordinary polling day for both by-elections. Polls were open from 8 am to 7 pm. There were 42 polls at 19 polling locations in the electoral district of Antigonish and 46 polls at 35 polling locations in the electoral district of Inverness. Mobile polls serviced the long term care facilities in three hour increments on ordinary polling day.

4. Voter Participation

4.1 Elector Registration

When the by-elections were called there were 14,776 electors on the preliminary List of Electors for the electoral district of Antigonish and 14,319 for the electoral district of Inverness. During the target revision process electors were added to and removed from the preliminary List of Electors for each electoral district. At the conclusion of revision, day 6 of the election calendar (Appendix A), the returning officers certified their final Lists of Electors. In the electoral district of Antigonish the final List of Electors, including electors added on ordinary polling day, had 15,294 electors. In the electoral district of Inverness the final List of Electors, including electors added on ordinary polling day, had 14,416 electors.

4.2 Post Secondary Students

Electors had numerous opportunities to register to vote during the by-elections: at the returning offices during the election period, by write-in ballot application, through door-to-door target revision, at the special and advance polls, and on ordinary polling day. A pilot project to register students was also undertaken. The experience gained from this pilot project provided a foundation to improve registration services to post secondary students eligible to vote.

Under subsection 31(5) of the *Elections Act*, Nova Scotian students who are eligible to vote have the right to be on two Lists of Electors if their ordinary residence is in a different electoral district in Nova Scotia from where they reside while attending a post secondary institution in Nova Scotia. St. Francis Xavier University (St. FX) in Antigonish attracts much of its 4,500 student body from outside the electoral district of Antigonish. The Nova Scotia Community College (NSCC) campus in Port Hawkesbury has approximately 1,000 students enrolled, many of whom would not be resident in the electoral district of Inverness but for the fact that they are attending school there.

A pamphlet specifically for students was produced by Elections Nova Scotia to answer questions regarding Nova Scotia's residency requirements. The pamphlet is shown in Appendix D. Kiosks were set up on both St. FX and NSCC campuses to inform students of Nova Scotia's residency requirements for voting and to register students who were eligible to vote. Target revision was carried out in the student residences on St. FX campus as well.

As shown in Table 2, a relatively low percentage of the age groups 18 to 24 and 25 to 29 participated compared to the rest of the age groups. This coupled with the complexities inherent in understanding as well as explaining the "ordinarily resident" rules to students made it apparent that thorough training and outreach efforts were required to ensure revision was properly conducted by revising agents and revision assistants.

**Table 2: Voting Participation Percentages by Age Group
October 20, 2009 Antigonish and Inverness By-elections**

Age Group	Antigonish		Inverness	
	Registered Electors (%)	Participation Within Age Group (%)	Registered Electors (%)	Participation Within Age Group (%)
18 - 24 Years	12.00%	29.70%	8.10%	29.78%
25 - 29 Years	7.80%	24.27%	5.50%	29.42%
30 - 44 Years	21.90%	40.96%	21.10%	50.58%
45 - 54 Years	19.40%	57.26%	20.00%	65.63%
55 - 64 Years	18.30%	71.30%	20.50%	74.06%
65+ Years	19.00%	71.04%	23.70%	75.68%
Unknown Date of Birth	1.60%	31.85%	1.10%	37.50%

5. By-election Results

5.1 Antigonish

On October 30, 2009 the returning officer for the electoral district of Antigonish completed the Return of the Writ declaring Maurice (Moe) Smith (NSNDP) elected and transmitted it to the Chief Electoral Officer. A summary of valid votes received by candidate is shown in Table 3. The poll-by-poll results for the electoral district of Antigonish are shown in Appendix B.

**Table 3: Summary of Votes Received by Candidate
October 20, 2009 Antigonish By-election**

Candidate	Recognized Party	Votes Received
Michael MARSHALL	GPNS	74
Maurice (Moe) SMITH	NSNDP	3,310
Darren THOMPSON	PC	2,855
Miles TOMPKINS	NSLP	1,830

5.2 Inverness

On October 22, 2009, following official addition for the Inverness by-election, the returning officer provided the recapitulation sheet to each of the four candidates and the Chief Electoral Officer. On October 27, 2009 Ian McNeil, the candidate for the NSLP in the electoral district of Inverness, petitioned the Supreme Court of Nova Scotia for a judicial recount pursuant to subsection 160(1) of the *Elections Act*. The recount was conducted at the Port Hawkesbury Justice Centre on November 9, 2009 by Justice Simon J. MacDonald of the Supreme Court of Nova Scotia. At the conclusion of the recount Justice MacDonald provided the recapitulation sheet to the returning officer. On November 9, 2009 the returning officer completed the Return of the Writ declaring Allan MacMaster (PC) elected and transmitted it to the Chief Electoral Officer. A summary of valid votes received, by candidate, at the official addition and at the conclusion of the judicial recount is shown in Table 4. Detailed poll-by-poll results by polling division for the electoral district of Inverness are shown in Appendix C.

**Table 4: Summary of Votes Received by Candidate
October 20, 2009 Inverness By-election**

Candidate	Recognized Party	Official Addition	Votes Counted Judicial Recount ⁵
Nathalie ARSENAULT	GPNS	223	223
Bert LEWIS	NSNDP	2,342	2,344
Allan MACMASTER	PC	3,155	3,158
Ian MCNEIL	NSLP	3,105	3,104

⁵ Justice MacDonald's certified results revealed a discrepancy of eight more ballots counted than the number of electors who voted. There are two contributing factors. First, electors who apply to vote by write-in ballot are crossed off the elector list as having voted at the time they are issued a ballot. Two electors received write-in ballots and did not complete the voting process by mailing in their ballots. Secondly, poll clerks failed to cross off electors in the poll book when the deputy returning officers issued ballots. This happened ten times in two polls. Polls 18 and 21 issued two and eight more ballots respectively to electors who were not crossed off the list.

5.2.1 The Recount Process

Judicial recounts are not common. When an application is made to the Court for a judicial recount, the process must be speedy, reliable, transparent and efficient. The provisions of the *Elections Act* have remained unchanged for many years and are overdue for a review and modernization.

As an example, Section 164 of the *Elections Act* arguably envisions that the Justice conducting the recount will inspect each poll book and recount each ballot cast. In the electoral district of Inverness, there were 56 poll books to inspect and 8,866 votes cast. Were a Justice to carry out this task personally, the recount would have taken weeks to complete.

Recognizing how impractical this was, Justice MacDonald accepted a process proposed by the Chief Electoral Officer which involved eight experienced returning officers acting as deputy returning officers for purposes of the recount rotating into the counting tables to enable a continuous, transparent recount. The Justice permitted four tables with one deputy returning officer at each in addition to himself to conduct the actual recount. The proceedings at each table were carried out under the scrutiny of representatives of the candidates. Any marked ballots that were disputed by the representatives were brought to the Justice's attention for resolution. This permitted Justice MacDonald sufficient time to oversee each table, review, sign off and seal all poll records. With these adaptations, the recount was completed in approximately seven hours.

The provisions in the *Elections Act* should be updated and clarified so that a Justice of the Supreme Court of Nova Scotia is authorized to oversee a recount process that has been agreed to jointly by the Justice and the Chief Electoral Officer. It would increase administrative efficiency if responsibility for administering the recount be that of the Chief Electoral Officer rather than the returning officer of the electoral district where the recount occurs.

The June 9, 2009 *Recommendations for Legislative Change* Report of the Chief Electoral Officer called for a review of the *Elections Act* with a view to, among other things, removing ambiguities and improving clarity. Sections 160 through 167 of the *Elections Act* describe the process to be followed to initiate and conduct a judicial recount. While the Inverness recount was conducted to the satisfaction of those present, legal and administrative improvements should be considered to modernize the process, improve its efficiency and take advantage of advancements in technology.

5.3 Distribution of Seats in the House of Assembly following By-elections

At the conclusion of the by-elections the distribution of seats in the Nova Scotia House of Assembly was: 32 Nova Scotia New Democratic Party; 11 Nova Scotia Liberal Party; and 9 The Progressive Conservative Association of Nova Scotia.

6. Recognized Parties

Pursuant to subsections 184(1) and 191(7) of the *Elections Act*, the official agent of each recognized party is required to file an audited report of election expenses, Form 603, Report of Recognized Party's Election Expenses, with the Chief Electoral Officer within 120 days after the day fixed for the return of the writs of election. For the electoral district of Antigonish recognized parties had to file a report of election expenses on or before February 27, 2010. For the electoral district of Inverness recognized parties had to file a report of election expenses on or before March 9, 2010.

The maximum amount of money that a recognized party could spend on election expenses in each of the electoral districts of Antigonish and Inverness, as authorized by subsections 181(2) and (5) of the *Elections Act* was \$5,639.08.

Of the four recognized parties, three filed their audited reports of election expenses with the Chief Electoral Officer within the prescribed timeframe. The Green Party of Nova Scotia did not file a report of election expenses. There are no financial consequences for late filing or failure to file statutory reports specified in the *Elections Act* or MPEDA. However failure to comply with Section 184 of the *Elections Act* requires the Chief Electoral Officer to commence the deregistration process of a recognized party under section 177D of that Act. Recognized party election expenses for the electoral district of Antigonish are shown in Table 5. Recognized party election expenses for the electoral district of Inverness are shown in Table 6.

**Table 5: Recognized Party Spending Limits, Filing Dates and Election Expenses
October 20, 2009 Antigonish By-election**

Description	Green Party of Nova Scotia	Nova Scotia Liberal Party	Nova Scotia New Democratic Party	The Progressive Conservative Association of Nova Scotia
Election Expenses Limit	\$5,639.08	\$5,639.08	\$5,639.08	\$5,639.08
Report Filing Date	DID NOT FILE	December 22, 2009	December 23, 2009	January 12, 2010
Headquarter Expenses		0.00	0.00	0.00
Worker Remuneration		0.00	9,783.83	1,657.39
Publicity / Advertising		0.00	0.00	0.00
Travel		3,218.42	0.00	150.00
Campaign Functions		0.00	0.00	0.00
Other		0.00	11,252.85	0.00
Subtotal		3,218.42	21,036.68	1,807.39
Less: Amounts invoiced to candidates		0.00	15,524.18	0.00
Net Election Expenses		\$3,218.42	\$5,512.50	\$1,807.39

**Table 6: Recognized Party Spending Limits, Filing Dates⁶ and Election Expenses
October 20, 2009 Inverness By-election**

Description	Green Party of Nova Scotia	Nova Scotia Liberal Party	Nova Scotia New Democratic Party	The Progressive Conservative Association of Nova Scotia
Election Expenses Limit	\$5,639.08	\$5,639.08	\$5,639.08	\$5,639.08
Report Filing Date	DID NOT FILE	December 22, 2009	December 23, 2009	January 12, 2010
Headquarter Expenses		0.00	3,036.50	0.00
Worker Remuneration		0.00	12,580.43	1,582.68
Publicity / Advertising		0.00	3,729.00	0.00
Travel		3,942.15	0.00	0.00
Campaign Functions		0.00	0.00	0.00
Other		0.00	6,987.88	0.00
Subtotal		3,942.15	26,333.81	1,582.68
Less: Amounts Invoiced to candidates		0.00	20,821.31	0.00
Net Election Expenses		\$3,942.15	\$5,512.50	\$1,582.68

7. Candidates

At the time of the by-elections, there were four recognized parties registered under subsection 177A(1) of the *Elections Act*. On October 6, 2009 at 2 pm, nomination of candidates concluded. At the close of nominations, all four recognized parties had nominated candidates, as shown in Table 7. No independent candidate stood for election in either by-election.

**Table 7: Officially Nominated Candidates
October 20, 2009 Antigonish and Inverness By-elections**

Recognized Party	Antigonish Officially Nominated Candidates	Inverness Officially Nominated Candidates
Green Party of Nova Scotia	Michael MARSHALL	Nathalie ARSENAULT
Nova Scotia New Democratic Party	Maurice (Moe) SMITH	Bert LEWIS
The Progressive Conservative Association of Nova Scotia	Darren THOMPSON	Allan MACMASTER
Nova Scotia Liberal Party	Miles TOMPKINS	Ian MCNEIL

⁶ As a result of the judicial recount in the electoral district of Inverness, the filing deadline for a recognized parties report of election expenses was March 9, 2010

7.1 Appointment and Responsibilities of the Official Agent

Subsection 178(1) of the *Elections Act* requires each candidate to appoint an official agent and provide the name and address of their official agent in their nomination paper. The official agent of a candidate is responsible for all financial aspects of the campaign and is required to file reports with the Chief Electoral Officer detailing election expenses, political contributions and tax receipts. Certain reports must include an opinion provided by the auditor appointed by the candidate. Subsection 191(3) of the *Elections Act* requires the auditor appointed by the candidate to be a public accountant licensed under the *Public Accountants Act* or a chartered accountant. Table 8 provides a listing of reports that must be filed by the official agent of a candidate including the legislative reference, the audit requirement and the filing deadline.

**Table 8: Reporting Requirements of the Official Agent of a Candidate
October 20, 2009 Antigonish and Inverness By-elections**

Report Name	Legislative Reference	Audit Requirement	Filing Deadline
Report of Candidate's Election Expenses (Form 601)	<i>Elections Act</i> ss. 183(1)	Audit opinion respecting report	60 days after return of the writ (Antigonish: December 29, 2009, Inverness: January 8, 2010)
Candidate's Statement of Contributions for Which Official Tax Receipts Issued	<i>Elections Act</i> ss. 183(1) ss. 191(7)	Audit opinion respecting report	60 days after return of the writ (Antigonish: December 29, 2009, Inverness: January 8, 2010)
Candidate's Financial Statements and Supporting Schedules (Form 2)	MPEDA Regulations S. 9	Audit opinion respecting Annual Statement of Political Contributions ("B" Schedules of Form 2)	60 days after return of the writ (Antigonish: December 29, 2009, Inverness: January 8, 2010)
Notification by Official Agent of Disposal of Excess Contributions (Form 608)	<i>Elections Act</i> S. 192	Audit opinion not required	Within 30 days of receiving final reimbursement of election expenses or in the case where the candidate is not eligible for reimbursement within 60 days of filing reports

Table 9 lists each candidate and their official agent as well as the date on which the official agent initially filed reports relating to the election with the Chief Electoral Officer. All but the report dealing with disposal of excess contributions were due on or before December 29, 2009 for the electoral district of Antigonish and January 8, 2010 for the electoral district of Inverness. There are no financial consequences for late filing or failure to file statutory reports specified in the *Elections Act* or MPEDA. However, candidates who are elected are disqualified from sitting or voting in the House of Assembly under Section 185 of the *Elections Act* until required reports are filed.

**Table 9: Candidate's Official Agents and Reports Filing Dates
October 20, 2009 Antigonish and Inverness By-elections**

Electoral District	Party	Candidate	Official Agent	Filing Date
02 Antigonish	GPNS	Michael MARSHALL	David Croft	DID NOT FILE
	NSNDP	Maurice (Moe) SMITH	Betsy MacIntyre	December 30, 2009
	PC	Darren THOMPSON	Mary A. McCarron	January 25, 2010 ⁷
	NSLP	Miles TOMPKINS	Adrian Cameron	December 17, 2009

Continued...

⁷ Official agent filed unaudited copy of Form 601 Part II Summary of Candidate's Election Expenses and Form 601 Part III Record of Candidate's Election Expenses. In order to receive reimbursement of election expenses the official agent must file the reports detailed in Table 8 (excluding Form 608), including receipts to support claims for election expenses and an auditor's report. Until required reports are complete and accompanied by an auditor's report, the reports cannot be reviewed nor any reimbursement issued

**Table 9: Candidate's Official Agents and Reports Filing Date
October 20, 2009 Antigonish and Inverness By-elections (cont.)**

Electoral District	Party	Candidate	Official Agent	Filing Date
34 Inverness	GPNS	Nathalie ARSENAULT	David Croft	DID NOT FILE
	NSNDP	Bert LEWIS	Joan Forbrigger	December 24, 2009
	PC	Allan MACMASTER	Bonny Heather MacIsaac	December 29, 2009
	NSLP	Ian MCNEIL	Phonsie MacEachern	December 16, 2009

7.2 Candidate Election Expenses Spending Limits

Subsections 181(3) and (5) of the *Elections Act* provide the formula for calculating the maximum amount that a candidate may incur for election expenses as defined in clause 3(i) of the *Elections Act*. Table 10 shows the calculation of the maximum amount a candidate could have incurred for election expenses in the electoral districts of Antigonish and Inverness.

**Table 10: Candidate Election Expenses Spending Limits
October 20, 2009 Antigonish and Inverness By-elections**

Electoral District	Names on Preliminary List ^a	\$5.84 / Elector for the first 5,000 Electors	\$4.78 / Elector for 5,001 to 10,000 Electors	\$4.23 / Elector over 10,000 Electors	Candidate Election Expenses Spending Limit
02 Antigonish	14,776	\$28,200.00	\$23,950.00	\$20,202.48	\$72,352.48
34 Inverness	14,319	28,200.00	23,950.00	18,269.37	70,419.37

7.3 Candidate Reimbursements

At the time a candidate files their nomination paper with the returning officer he or she is required to provide a deposit of \$100. If the candidate receives not less than 10% of the valid votes cast in their electoral district the nomination deposit is returned to the candidate's official agent. In the October by-elections eight candidates were officially nominated. Of the eight candidates who stood for election, six achieved 10% or more of the valid votes cast in their electoral district and had their nomination deposit returned. Refer to Appendices B and C for the percentage of the valid votes cast for candidates in both by-elections.

A candidate who receives not less than 10% of the valid votes cast in their electoral district is eligible to receive reimbursement of election expenses. The amount of reimbursement is the lesser of the maximum reimbursement amount, as prescribed in subsections 182(1) and (4) of the *Elections Act*, or the candidate's actual election expenses. The maximum amount of reimbursement a candidate could receive is shown in Table 11.

**Table 11: Maximum Candidate Election Expenses Reimbursement
October 20, 2009 Antigonish and Inverness By-elections**

Electoral District	Maximum Reimbursement
02 Antigonish	\$21,564.54
34 Inverness	20,326.58

^a Based on preliminary List of Electors (uncertified) at September 18, 2009

The three-part election expenses report filed by the official agent of a candidate receives a detailed compliance review by the Chief Electoral Officer and her financial staff. All expenses reported must meet the definition of election expenses in clause 3(i) of the *Elections Act*. Subsection 180(1) of the *Elections Act* requires that any payment of \$25 or more for election expenses must be evidenced by a receipt. Appendix D, Table D-1 shows each candidate's expenses as categorized in the report of election expenses (Form 601 Part II and Part III) as amended by the detailed compliance review. Election expenses as originally filed, as amended (if necessary) following the detailed compliance review and the total election expenses and audit fee reimbursements that were made to the official agent are shown in Appendix D, Table D-2.

8. Returning Offices

Elections Nova Scotia does not maintain permanent locations for returning offices. Each returning officer is responsible for identifying potential returning office locations when directed to do so by the Chief Electoral Officer. Leases for returning offices are executed following the issuance of the writs of election. For the October 20, 2009 by-elections returning offices were established in the electoral districts of Antigonish and Inverness. In consideration of its large geographic area a satellite returning office was established in the electoral district of Inverness.

8.1 Returning Office Costs

Elections Nova Scotia makes every effort to record and report all costs associated with the delivery of a by-election. Costs associated with election service delivery can be categorized as direct costs and indirect costs (ENS overhead). Direct costs are costs that can be specifically identified with a returning office or have been allocated based on the number of electors by electoral district. For reporting purposes costs are consolidated into various categories. Table 12 shows these categories and the type of expenditures that is consolidated within each category.

**Table 12: Returning Office Direct Costs
October 20, 2009 Antigonish and Inverness By-elections**

Category	Description
Ballot Printing	Fee for printing and binding of ballot papers
Enumerators and Revising Agents	Enumerator fees
	Revising agent fees
Office and Equipment Leases	Furniture and equipment rental
	Office rental
Office Expenses	Allowances for travel and meals
	Sundry office expenses
Polling Stations	Advance poll polling station fees
	Mobile poll polling station fees
	Ordinary polling day polling station fees
Postage	Postage costs incurred by returning offices
	Postage for voter information cards allocated

Continued...

**Table 12: Returning Office Direct Costs
October 20, 2009 Antigonish and Inverness By-elections (cont.)**

Category	Description
Poll Workers	Ballot box collector fees
	Constable fees
	Deputy presiding officer fees
	Deputy returning officer fees
	Electors called as witness fees
	Information officer fees
	Poll clerk fees
	Polling day revision assistant fees
	Presiding officer fees
	Standby deputy returning officer and poll clerk fees
Salaries and Benefits	Data entry and clerical fees
	Election clerk and assistant election clerk fees
	Returning officer and assistant returning officer fees
	Revision assistant and presiding officer for write-in ballots fees
	Write-in ballot coordinator
Telephone and Internet	Returning office phone and internet services including deployment

Indirect costs are those overhead costs associated with election administration and election operations that are incurred by Elections Nova Scotia as part of election service delivery. These costs are prorated based on the final List of Electors and allocated to each electoral district returning office. Table 13 shows the type of expenditures which are reported as ENS Overhead in Appendix D, Table D-3.

**Table 13: Returning Office Indirect Costs
October 20, 2009 Antigonish and Inverness By-elections**

Category	Description
Overhead (indirect costs)	Advertising
	Communication initiatives
	ENS overtime
	Freight
	Judicial recount ⁹
	Official agent training
	Payroll processing
	Printing (excluding ballots)
	Travel

Appendix D, Table D-3 summarizes all direct and indirect costs by electoral district using the categories detailed in Tables 12 and 13.

⁹ The judicial recount in the electoral district of Inverness cost \$8,172.42

9. Cost per Elector

Cost per elector is a calculation that allows comparison and evaluation of total election costs to the total costs of previous general elections and by-elections. Total election costs are composed of three components:

- Candidate election expenses reimbursements;
- Candidate audit fee reimbursement;
- Returning office costs.

Table 14 provides a summary of election costs and Cost per Elector for the October 20, 2009 by-elections in the electoral districts of Antigonish and Inverness.

**Table 14: Cost per Elector
October 20, 2009 Antigonish and Inverness By-elections**

Description	October 20, 2009 Antigonish By-election	October 20, 2009 Inverness By-election
Candidate Election Expenses Reimbursement	\$43,129.08 ¹⁰	60,979.68
Candidate Audit Fee Reimbursement	949.58	2,011.90
Returning Office Costs	123,384.71	153,234.24 ¹¹
Total Election Costs	167,443.37	216,225.82
Number of Electors on List ¹²	15,294	14,416
Cost per Elector	\$10.95	\$15.00

¹⁰ Final reimbursement of candidate election expenses for the electoral district of Antigonish may increase up to \$21,564.54 upon completion of filing by the official agent of Darren Thompson (PC). This reimbursement would increase the Cost per Elector over the \$10.95 by up to \$1.41, for a total Cost per Elector up to \$12.36

¹¹ Includes judicial recount costs of \$8,172.42. Cost per Elector not including judicial recount cost is \$14.43 in the electoral district of Inverness

¹² Includes electors added to the List of Electors on ordinary polling day



Appendices



Appendix A

Election Calendar Antigonish and Inverness By-elections October, 20 2009

Sunday		Monday		Tuesday		Wednesday	
30	Sep 20	29	Sep 21	28	Sep 22	27	Sep 23
RO Headquarters: No Public Hours <ul style="list-style-type: none"> Appoint Enumerators S.34(1) Train Enumerators 		RO Headquarters 9:00 am to 6:00 pm <ul style="list-style-type: none"> Write-in ballot commences (in-person, by mail, by agent) S.100(3) Target Enumeration / Confirmation S.39 Additions and changes to the Lists of Electors S.57;58 		RO Headquarters 9:00 am to 6:00 pm <ul style="list-style-type: none"> Write-in ballot (in-person, by mail, by agent) S.100-106 Target Enumeration / Confirmation S.39 Additions and changes to the Lists of Electors S.57;58 Proclamation issued Nominations open S.66(1)(a) 		RO Headquarters 9:00 am to 6:00 pm <ul style="list-style-type: none"> Write-in ballot (in-person, by mail, by agent) S.100-106 Target Enumeration / Confirmation S.39 Additions and changes to the Lists of Electors S.57;58 Nominations accepted S.66(1)(a) 	
23	Sep 27	22	Sep 28	21	Sep 29	20	Sep 30
RO Headquarters: No Public Hours <ul style="list-style-type: none"> Certify preliminary Lists of Electors if ready S.43(b) Email Lists to ENS to produce Voter Information Cards (RO Manual, ch.7) 		RO Headquarters 9:00 am to 6:00 pm <ul style="list-style-type: none"> Write-in ballot (in-person, by mail, by agent) S.100-106 Nominations accepted S.66(1)(a) Certify Preliminary Lists of Electors S.43(b) Email Lists to ENS to produce Voter Information Cards (RO Manual, ch.7) Preliminary Lists provided to each political party / Independent S.43(c) 		RO Headquarters 9:00 am to 6:00 pm <ul style="list-style-type: none"> Write-in ballot (in-person, by mail, by agent) S.100-106 Nominations accepted S.66(1)(a) Revision commences CEO;S.53 Revising Agents appointed S.48 		RO Headquarters 9:00 am to 6:00 pm <ul style="list-style-type: none"> Write-in ballot (in-person, by mail, by agent) S.100-106 Nominations accepted S.66(1)(a) Revision S.53 	
16	Oct 4	15	Oct 5	14	Oct 6	13	Oct 7
RO Headquarters: No Public Hours		RO Headquarters 9:00 am to 6:00 pm <ul style="list-style-type: none"> All Voter Information Cards must be mailed by this date (RO Manual, ch.7) Write-in ballot (in-person, by mail, by agent) S.100-106 Nominations accepted S.66(1)(a) Revision S.53 		RO Headquarters 9:00 am to 6:00 pm <ul style="list-style-type: none"> Nominations close: 2:00 pm S.69(1) Withdrawal deadline: 1:00 pm S. 73 Change particulars deadline: 3:00 pm S.70(1) Grant of Poll issued S.77(1) Write-in ballot (in-person, by mail, by agent) S.100-106 Revision S.53 		RO Headquarters 9:00 am to 6:00 pm <ul style="list-style-type: none"> Write-in ballot (in-person, by mail, by agent), (deadline for in-person application for and voting by Write-in ballot 8:00 pm) S.101(1)(a);101-106 Revision S.53 	
9	Oct 11	8	Oct 12	7	Oct 13	6	Oct 14
RO Headquarters: No Public Hours		RO Headquarters 11:00 am to 8:00 pm <ul style="list-style-type: none"> Special Poll 12:00 pm to 8:00 pm S.147 Write-in ballot (by agent) S.101(1)(c);101-106 Revision S.53 		RO Headquarters 9:00 am to 8:00 pm <ul style="list-style-type: none"> Special Poll 12:00 pm to 8:00 pm S.147 Write-in ballot (by agent) S.101(1)(c);101-106 Revision S.53 		RO Headquarters 9:00 am to 8:00 pm <ul style="list-style-type: none"> Special Poll 12:00 pm to 8:00 pm ends S.147 Write-in ballot (by agent) S.101(1)(c);101-106 Revision ends 8:00 pm S.53 	
2	Oct 18	1	Oct 19	0	Oct 20 Election Day	-1	Oct 21
RO Headquarters: No Public Hours		RO Headquarters 9:00 am to 6:00 pm <ul style="list-style-type: none"> Certificates to Vote available at returning office S.122(6) Time to start verification of Write-in ballots established (RO Manual, ch.11) Transfer Certificates available for an Election Officer who has been appointed after the last day of advance poll S.98(2) 		RO Headquarters 8:00 am until all poll results are received <ul style="list-style-type: none"> Ordinary Poll 8:00 am to 7:00 pm S.79 All Write-in ballots are to be returned to the Returning Officer by 7:00 pm S.103(1)(g) Transfer Certificates available for an Election Officer who has been appointed after the last day of advance poll S.98(2) 		RO Headquarters: No Public Hours	

¹ In the by-election calendar the days are counted backwards from ordinary polling day (day 0) to the date the writ was issued (day 33)

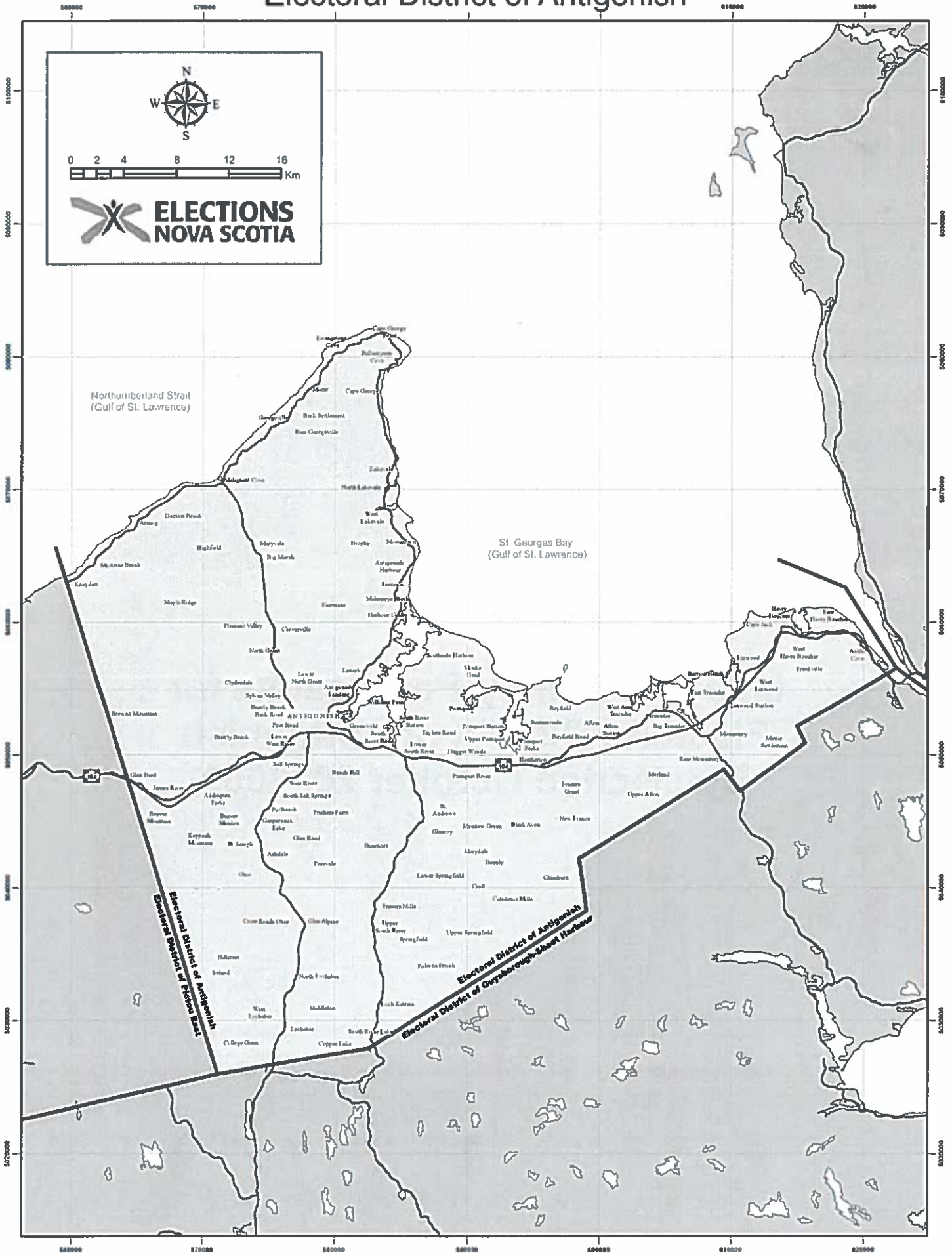
² Section references are to sections in the *Elections Act*

Thursday		Friday		Saturday	
33	Sep 17 WRIT DAY	32	Sep 18	31	Sep 19
Writ Issued S.11 ²		RO Headquarters being established S.22; 22A		RO Headquarters being established S.22; 22A	
26	Sep 24	25	Sep 25	24	Sep 26
RO Headquarters 9:00 am to 6:00 pm <ul style="list-style-type: none"> Write-In ballot (in-person, by mail, by agent) S.100-106 Target Enumeration / Confirmation S.39 Additions and changes to the Lists of Electors S.57;58 Nominations accepted S.66(1)(a) 		RO Headquarters 9:00 am to 6:00 pm <ul style="list-style-type: none"> Write-In ballot (in-person, by mail, by agent) S.100-106 <ul style="list-style-type: none"> Target Enumeration / Confirmation S.39 Additions and changes to the Lists of Electors S.57;58 Nominations accepted S.66(1)(a) Complete data entry if possible (from enumeration of long-term care facilities) 		RO Headquarters 9:00 am to 6:00 pm <ul style="list-style-type: none"> Write-In ballot (in-person, by mail, by agent) S.100-106 Target Enumeration / Confirmation S.39 Additions and changes to the Lists of Electors S.57;58 Nominations accepted S.66(1)(a) Data entry must be completed (from enumeration of long-term care facilities) Begin to prepare preliminary Lists of Electors S.43(a) 	
19	Oct 1	18	Oct 2	17	Oct 3
RO Headquarters 9:00 am to 6:00 pm <ul style="list-style-type: none"> Write-In ballot (in-person, by mail, by agent) S.100-106 Nominations accepted S.66(1)(a) Revision S.53 		RO Headquarters 9:00 am to 6:00 pm <ul style="list-style-type: none"> Write-In ballot (in-person, by mail, by agent) S.100-106 Nominations accepted S.66(1)(a) Revision S.53 		RO Headquarters 9:00 am to 6:00 pm <ul style="list-style-type: none"> Write-In ballot (in-person, by mail, by agent) S.100-106 Nominations accepted S.66(1)(a) Revision S.53 	
12	Oct 8	11	Oct 9	10	Oct 10
RO Headquarters 9:00 am to 8:00 pm <ul style="list-style-type: none"> Special Poll 12:00 pm to 8:00 pm S.147 Write-In ballot (by mail, by agent) S.101(1)(b),(c);101-106 Revision S.53 		RO Headquarters 9:00 am to 8:00 pm <ul style="list-style-type: none"> Special Poll 12:00 pm to 8:00 pm S.147 Write-In ballot (by mail, by agent) S.101(1)(b),(c);101-106 Revision (last day to file objection with RO) S.60(1) 		RO Headquarters 9:00 am to 8:00 pm <ul style="list-style-type: none"> Special Poll 12:00 pm to 8:00 pm S.147 Write-In ballot (by mail, by agent), (deadline to request a ballot by mail 8:00 pm) S.101(1)(b),(c);101-106 Revision S.53 	
5	Oct 15	4	Oct 16	3	Oct 17
RO Headquarters 9:00 am to 6:00 pm <ul style="list-style-type: none"> Official Lists of Electors certified S.62(1) Official Lists provided to each party/independent candidate S.62(2) Write-in ballot (by agent) 		RO Headquarters 9:00 am to 8:00 pm <ul style="list-style-type: none"> Advance Poll 10:00 am to 8:00 pm S.136 Write-In ballot (by agent) S.101(1)(c);101-106 Transfer Certificates available S.98 		RO Headquarters 9:00 am to 8:00 pm <ul style="list-style-type: none"> Advance Poll 10:00 am to 8:00 pm ends S.136 Write-In ballot (deadline to request ballot by agent 8:00 pm) S.101(1)(c);101-106 Transfer Certificates cease at 8:00 	
-2	Oct 22	-6	Monday, Oct 26	-10	Friday Oct 30
RO Headquarters: No Public Hours <ul style="list-style-type: none"> Official addition 10:00 am S.156 unless delayed S.156 		RO Headquarters: No Public Hours <ul style="list-style-type: none"> Earliest date for application for judicial recount (4 days) S.160 		Earliest date for Return of the Writ if official count not delayed and no recount under S.168	

Appendix B

Map and Poll-by-Poll Results for Electoral District of Antigonish By-election October 20, 2009

Electoral District of Antigonish



02 Electoral District of Antigonish

Polling Station No	Polling Station Location	Names on Official List ¹	Electors Voted	Turnout	Candidates				Rejected Ballots
					Michael Marshall GPNS	Maurice (Moe) Smith NDP	Darren Thompson PC	Miles Tompkins NSLP	
01	Arisaig Parish Community Centre	183	104	56.83%	1	37	34	32	0
02	Arisaig Parish Community Centre	74	42	56.76%	0	10	19	13	0
03	North Shore Fire Hall	287	177	61.67%	3	49	87	38	0
04	Mini Trail Community Centre	418	244	58.37%	1	107	96	38	2
05	The Celtic Room, Maritime Inn	479	256	53.44%	4	103	106	43	0
06	Four Valleys Fire Hall	243	128	51.85%	2	55	47	21	1
07	Four Valleys Fire Hall	179	78	43.58%	1	18	33	26	0
Total 08	St. Ninian's Place	683	349	51.10%	0	144	126	77	2
08A	St. Ninian's Place		143		0	57	53	32	1
08B	St. Ninian's Place		206		0	87	73	45	1
09	St. Joseph's Lakeside Community Centre	493	210	42.60%	0	83	71	56	0
10	St. Joseph's Lakeside Community Centre	510	234	45.88%	1	127	62	43	1
11	Sylvan Hall	222	115	51.80%	1	47	49	18	0
Total 12	John Paul Centre	759	360	47.43%	2	136	133	88	1
12A	John Paul Centre		160		1	65	57	36	1
12B	John Paul Centre		200		1	71	76	52	0
13	John Paul Centre	377	128	33.95%	0	58	45	25	0
14	John Paul Centre	316	141	44.62%	0	60	42	38	1
15	St. Ninian's Place	329	139	42.25%	1	69	31	37	1
16	St. Ninian's Place	277	123	44.40%	0	55	39	29	0
17	St. Ninian's Place	444	189	42.57%	0	70	52	63	4
18	J. J. Carroll House	426	193	45.31%	2	90	69	32	0
19	J. J. Carroll House	392	147	37.50%	2	66	42	36	1
20	J. J. Carroll House	248	110	44.35%	3	53	30	23	1
21	St. Ninian's Place	145	38	26.21%	0	16	7	15	0
22	Bloomfield Centre, Council Chambers	349	61	17.48%	3	24	22	11	1
23	The Celtic Room, Maritime Inn	220	78	35.45%	0	36	27	14	1
24	St. Ninian's Place	372	153	41.13%	2	59	47	45	0
25	Greenwold Manor	313	139	44.41%	1	61	47	30	0
26	Greenwold Manor	426	203	47.65%	0	85	74	42	2
27	St. Andrew's District Community Centre	379	177	46.70%	5	87	46	39	0
28	St. Andrew's District Community Centre	400	207	51.75%	3	115	53	35	1
29	St. Andrew's District Community Centre	458	236	51.53%	1	87	108	40	0
30	St. Croix Parish Hall	459	242	52.72%	1	104	91	45	1
31	St. Croix Parish Hall	360	166	46.11%	3	67	67	28	1
32	Heatherton Club 60	306	170	55.56%	4	45	94	26	1
33	Heatherton Club 60	352	183	51.99%	2	69	64	47	1
34	Paq'inkok First Nation Band Office	194	68	35.05%	2	54	3	9	0
35	St. Peters Place	378	177	46.83%	2	44	90	38	3
36	Tracadie & District Fire Hall	290	93	32.07%	3	41	30	17	2
37	Tracadie & District Fire Hall	321	138	42.99%	2	47	66	23	0
38	St. Paul's Centre	357	152	42.58%	2	62	43	45	0
39	St. Paul's Centre	353	139	39.38%	0	86	26	27	0
40	St. Paul's Centre	437	175	40.05%	4	64	54	51	2
41	St. Andrew's District Community Centre	357	75	21.01%	0	29	29	17	0
42	RK MacDonald Nursing Home (Mobile)	105	51	48.57%	4	7	21	19	0
43/45	Highland Crest Home/Bethany Mother House of the Sisters of St. Martha (Mobile)	110	85	77.27%	3	44	12	24	2
44	St. Ninian's Place	514	234	45.53%	0	102	77	55	0

Continued...

¹Includes electors added to the List of Electors on ordinary polling day



02 Electoral District of Antigonish (cont.)

Polling Station No	Polling Station Location	Names on Official List ¹	Electors Voted	Turnout	Candidates				Rejected Ballots
					Michael Marshall GPNS	Maurice (Moe) Smith NDP	Darren Thompson PC	Miles Tompkins NSLP	
Spec	Returning Office		285		0	135	90	58	2
WIB	Returning Office		76		0	33	29	13	1
Adv 1	St. Ninian's Place		746		3	244	286	211	2
Adv 2	St. Peters Place		95		0	26	39	30	0
Totals		15,294	8,107	53.01%	74	3,310	2,855	1,830	38
		% of valid votes cast			0.92%	41.02%	35.38%	22.68%	

Elected: Maurice (Moe) Smith (NDP)

¹Includes electors added to the List of Electors on ordinary polling day

Appendix C

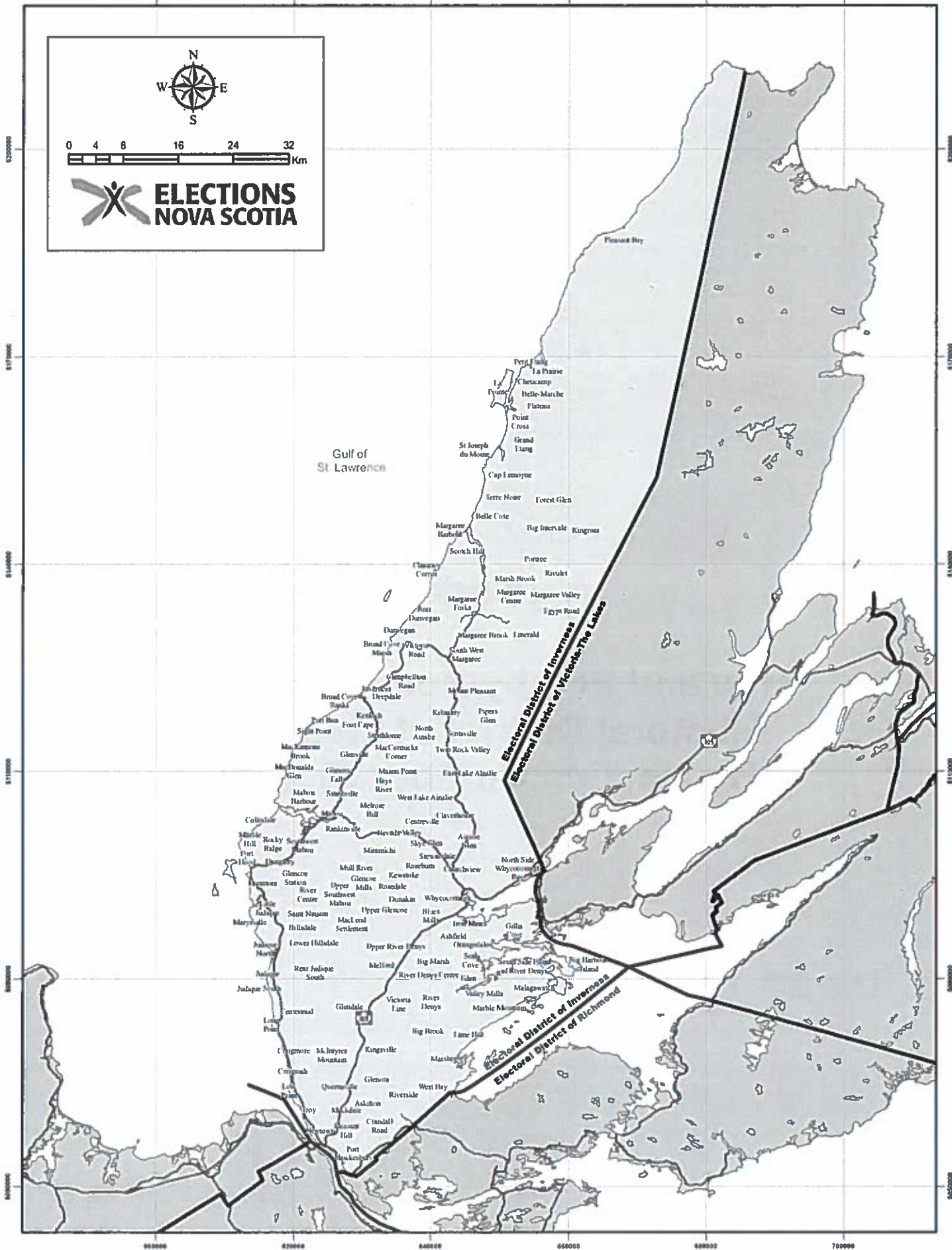
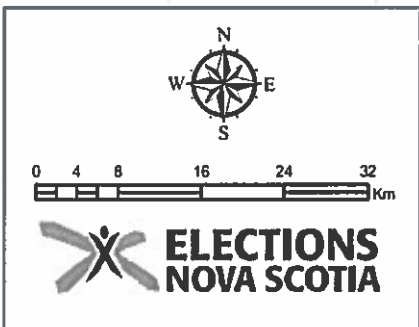
Map and Poll-by-Poll Results for Electoral District of Inverness By-election October 20, 2009

Electoral District of Inverness

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34 Electoral District of Inverness

Polling Station No	Polling Station Location	Names on Official List ²	Electors Voted	Turnout	Candidates				Rejected Ballots
					Nathalie Arsenault GPNS	Bert Lewis NDP	Allan MacMaster PC	Ian McNeil NSLP	
01	Meat Cove Community Centre	25	11	44.00%	0	2	2	7	0
02	Pleasant Bay Fire Hall	150	95	63.33%	0	18	25	50	2
03	Senior Citizens Club	263	175	66.54%	1	7	70	97	0
04	Cheticamp Search and Rescue	508	279	54.92%	27	76	82	92	2
05	Royal Cdn Legion Br 032, Cheticamp	410	221	53.90%	20	45	63	92	1
06	Senior Citizens Club	329	230	69.91%	13	57	69	91	0
07	Knights Of Columbus	402	245	60.95%	20	64	82	76	3
08	Knights Of Columbus	319	172	53.92%	8	50	48	65	1
09	St. Joseph Du Moine Parish Hall	327	190	58.10%	12	40	70	64	4
10	Beje Cole & Area Community Centre	200	115	57.50%	6	14	44	51	0
11	Wilson United Church Hall	283	170	60.07%	0	29	41	100	0
12	Senior Citizens Club	301	188	62.46%	12	21	54	100	1
13	Margaree Forks Fire Hall	277	155	55.96%	3	17	58	77	0
14	St. Margarets Parish Centre	324	181	55.86%	6	20	46	109	0
15	Lake Ainslie Fire Hall	255	156	61.18%	0	17	34	104	1
16	Lake Ainslie Fire Hall	317	105	33.12%	2	15	43	45	0
17	Royal Cdn Legion Br 132, Inverness	438	235	53.65%	3	36	124	74	0
18	Royal Cdn Legion Br 132, Inverness	428	246	57.48%	2	36	105	103	0
19	Inverness Fire Hall	369	218	59.08%	1	33	77	107	0
20/50	Aile Curam/Inverary Manor/Foyer Pere Fisat (Mobile)	138	85	61.59%	2	4	31	46	2
21	St. Mary's Parish Hall	453	273	60.26%	4	29	111	134	3
22	Mabou Fire Hall	328	196	59.76%	5	25	92	73	1
23	Whycocomagh Lions Club	256	150	58.59%	5	26	52	67	0
24	Cameron Hall	343	212	61.81%	7	30	75	99	1
25	Waycobah Community Hall	398	120	30.15%	2	14	69	35	0
26	Brook Village Hall	173	88	50.87%	6	11	36	35	0
27/49	Heritage House/Port Hawkesbury Nursing Home (Mobile)	63	21	33.33%	0	3	4	12	2
28	St. Peter's Parish Hall	531	335	63.09%	1	41	135	158	0
29	St. Peter's Parish Hall	522	287	54.98%	3	38	122	124	0
30	Judique Fire Hall	452	293	64.82%	1	27	202	63	0
31	Blues Mills Fire Hall	219	87	39.73%	1	16	29	41	0
32	Vailey Mills Fire Hall	82	37	45.12%	1	8	18	12	0
33	Smiths Community Hall	230	123	53.48%	4	14	51	54	0
34	Marble Mountain Community Hall	90	52	57.78%	0	34	8	10	0
35	West Bay Community Centre	144	82	56.94%	0	49	16	17	0
36	West Bay Road Fire Hall	141	81	57.45%	0	42	31	8	0
37	Glendale Parish Hall	145	79	54.48%	0	10	51	18	0
38	Creignish Recreation Centre	431	273	63.34%	4	85	134	48	2
39	Port Hastings Fire Hall	320	183	57.19%	2	102	39	39	1
40	Port Hastings Fire Hall	159	83	52.20%	4	41	26	12	0
41	Port Hastings Fire Hall	267	146	54.68%	1	100	33	12	0
42	Royal Cdn Legion Br 043, Port Hawkesbury	448	208	46.43%	0	133	53	22	0
43	Royal Cdn Legion Br 043, Port Hawkesbury	239	128	53.56%	2	83	23	20	0
44	Evergreen Senior Citizen Club	345	177	51.30%	2	114	42	19	0
45	Masonic Solomon Lodge	287	114	39.72%	3	77	29	5	0
46	Masonic Solomon Lodge	391	157	40.15%	2	90	36	29	0
47	St. Mark's United Church Hall	449	169	37.64%	1	109	46	11	2
48	St. Mark's United Church Hall	447	171	38.26%	1	100	45	23	2

Continued ...

¹ Certified by Justice Simon J. MacDonald of the Supreme Court of Nova Scotia following the judicial recount on November 9, 2009

² Includes electors added to the List of Electors on ordinary polling day

34 Electoral District of Inverness (cont.)

Polling Station No	Polling Station Location	Names on Official List ²	Electors Voted	Turnout	Candidates				Rejected Ballots
					Nathalie Arseneault GPNS	Bert Lewis NDP	Allan MacMaster PC	Ian McNeil NSLP	
Spec 1	Returning Office		134		2	57	58	17	0
Spec 2	Satellite Returning Office		91		3	7	31	50	0
WIB 1	Returning Office		57		0	16	22	14	5
WIB 2	Satellite Returning Office		56		2	3	15	33	1
Adv 1	St. Joseph DuMoine Fire Hall		128		8	32	38	49	1
Adv 2	Inverness Fire Hall		206		4	26	76	99	1
Adv 3	C.E.P. Union Hall		336		3	144	108	75	6
Adv 4	Blues Mills Fire Hall		61		1	7	36	17	0
Totals		14,416	8866 ³	61.50%	223	2,344	3,158	3,104	45
			% of valid votes cast ⁴		2.53%	26.57%	35.80%	35.19%	

Elected: Allan MacMaster (PC)

¹ Certified by Justice Simon J. MacDonald of the Supreme Court of Nova Scotia following the judicial recount on November 9, 2009

² Includes electors added to the List of Electors on ordinary polling day

³ Justice MacDonald's certified results revealed a discrepancy of eight more ballots counted than the number of electors who voted. There are two contributing factors. First, electors who apply to vote by write-in ballot are crossed off the elector list as having voted at the time they are issued a ballot. Two electors received write-in ballots and did not complete the voting process by mailing in their ballots. Secondly, poll clerks failed to cross off electors in the poll book when the deputy returning officers issued ballots. This happened ten times in two polls. Polls 18 and 21 issued two and eight more ballots respectively to electors who were not crossed off the list

⁴ Percentages were adjusted after the judicial recount

Appendix D
Candidate Expenses,
Candidate Reimbursements and
Returning Office Costs
Antigonish and Inverness
By-elections October 20, 2009

**Table D-1: Categorized Candidate Election Expenses
October 20, 2009 Antigonish and Inverness By-elections**

Electoral District	Party	Candidate	Headquarters	Worker Remuneration	Publicity/ Advertising
02 Antigonish	GPNS	Michael MARSHALL	Report of election expenses not filed by official agent ¹		
	NSNDP	Maurice (Moe) SMITH	\$3,340.60	\$10,520.67	\$10,058.97
	PC	Darren THOMPSON	Unaudited report of election expenses filed by official agent ²		
	NSLP	Miles TOMPKINS	1,181.76	5,693.81	14,459.61
	Total			\$4,522.36	\$16,214.48
34 Inverness	GPNS	Nathalie ARSENAULT	Report of election expenses not filed by official agent ¹		
	NSNDP	Bert LEWIS	5,414.99	14,184.34	18,760.34
	PC	Alan MACMASTER	2,309.44	8,036.52	32,243.32
	NSLP	Ian MCNEIL	2,782.47	0.00	29,751.07
	Total			\$10,506.90	\$22,220.86

**Table D-2: Summary of Candidate Election Expenses and Reimbursements
October 20, 2009 Antigonish and Inverness By-elections**

Electoral District	Party	Candidate	Votes Received	% of Vote
02 Antigonish	GPNS	Michael MARSHALL	74	0.92%
	NSNDP	Maurice (Moe) SMITH	3,310	41.02%
	PC	Darren THOMPSON	2,855	35.38%
	NSLP	Miles TOMPKINS	1,830	22.68%
	Total			8,069
34 Inverness	GPNS	Nathalie ARSENAULT	223	2.53%
	NSNDP	Bert LEWIS	2,344	26.55%
	PC	Alan MACMASTER	3,158	35.77%
	NSLP	Ian MCNEIL	3,104	35.16%
	Total			8,829

**Table D-3: Categorized Returning Office Costs
October 20, 2009 Antigonish and Inverness By-elections**

Electoral District	Poll Workers	Enumerators and Revising Agents	Polling Stations	Postage	Ballot Printing	Office and Equipment Leases
02 Antigonish	\$23,241.63	\$4,265.32	\$4,856.30	\$7,342.42	\$1,682.43	\$3,239.50
34 Inverness	25,738.27	436.45	7,521.99	7,084.57	1,574.37	9,469.91
Totals	\$48,979.90	\$4,701.77	\$12,378.29	\$14,426.99	\$3,256.80	\$12,709.41

¹ Candidate is not eligible for reimbursement of election expenses (see 7.3 Candidate Expenses page 11)

² Chief Electoral Officer could not verify election expenses without auditor's report or approve reimbursement of election expenses without supporting documentation necessary to confirm election expenses claimed are as defined in clause 3(i) of the *Elections Act*. Unaudited report filed indicates \$32,145.22 in election expenses

³ All candidates may qualify for audit fee reimbursement as prescribed in the *Tariff of Fees and Expenses* S.41

⁴ Includes costs associated with recount of \$8172.42

Travel	Campaign Functions	Other	Personal Expenses of Candidate	Total Amended Election Expenses	Election Expenses Reimbursement
\$340.40	\$423.22	\$0.00	\$294.92	\$24,978.78	\$21,584.54
0.00	61.30	162.93	180.49	21,749.90	21,584.54
\$340.40	\$484.52	\$162.93	\$485.41	\$46,728.68	\$43,129.08
614.30	0.00	124.88	81.31	39,180.16	20,326.56
5,680.62	0.00	103.56	100.82	48,474.28	20,326.56
0.00	1,771.50	180.76	359.18	34,844.98	20,326.56
\$6,294.92	\$1,771.50	\$409.20	\$541.31	\$122,499.42	\$60,979.68

Election Expenses Reported	Amended Election Expenses	Election Expenses Reimbursement	Audit Fee Reimbursement ³
\$24,978.78	\$24,978.78	\$21,584.54	\$499.58
21,836.40	21,749.90	21,584.54	450.00
\$46,815.18	\$46,728.68	\$43,129.08	\$949.58
39,180.16	39,180.16	20,326.56	565.00
48,788.28	48,474.28	20,326.56	750.00
34,844.98	34,844.98	20,326.56	698.90
\$122,813.42	\$122,499.42	\$60,979.68	\$2,011.90

Office Expense	Salaries and Benefits	Telephone and Internet	ENS Overhead	Total for Electoral District
\$5,471.37	\$26,538.57	\$1,155.60	\$45,571.57	\$123,364.71
10,910.47	36,336.00	3,034.40	51,127.81 ⁴	153,234.24
\$16,381.84	\$62,874.57	\$4,190.00	\$96,699.38	\$276,598.95

Appendix E

**Student Pamphlet
“You may be eligible to vote”
Antigonish and Inverness
By-elections October 20, 2009**

Scenarios to help you determine if, as a student, you are ordinarily resident and whether you can vote in the current by-election.

John, a first year student from New Brunswick John is a first year student at NSCC – Strait Campus. John is 18 years old. John is from Moncton, New Brunswick and moved into an apartment in Port Hawkesbury on September 1. John attended high school in Moncton, and took the year off last year to work in his family's business in Moncton. John was living in his family home in Moncton on March 16, 2009.

Is John entitled to vote in this by-election?
No, John was a resident of New Brunswick in March 2009, and does not meet the 6 month residency requirement.

Jeff, a fourth year student from Newfoundland Jeff is 30 years old and is married. Jeff is from St. John's, Newfoundland, and Jeff's wife and son live in the family home in St. John's. Jeff has been attending NSCC – Strait Campus for a year, and lives in an apartment in Port Hawkesbury. He travels back and forth to his home in St. John's as often as his studies allow. Jeff considers his ordinary residence to be in St. John's and voted by absentee ballot in the last Newfoundland & Labrador provincial election.

Is Jeff entitled to vote in the by-election?
No, Jeff's ordinary residence is in St. John's and it is not possible to have more than one ordinary residence.

Alicia, a first year student from Truro, Nova Scotia Alicia is 18 years old, and a cosmetology student at NSCC – Strait Campus. Alicia has rented an apartment in Port Hawkesbury for the year. Alicia attended high school in Truro, Nova Scotia and lived in her family home in Truro last year. Alicia was living at her family home in March, 2009.

Is Alicia entitled to vote in this by-election?
Yes, Alicia was a resident of Nova Scotia six months ago and is eligible to vote in this by-election.

Judy, a second year student from Halifax Judy is 20 years old and a student registered at NSCC – Strait Campus. Judy has rented a basement apartment in Mulgrave for the past year. Mulgrave is in the electoral district of Guysborough – Sheet Harbour.

Is Judy eligible to vote in the By-election?
No, you vote where you live. Guysborough – Sheet Harbour is not having an election at this time.

Jennifer, a fourth year student from Toronto, Ontario Jennifer is originally from Toronto, Ontario. Jennifer has been attending NSCC – Strait Campus for a year and has an apartment in Port Hawkesbury where she has lived for the past two years. Jennifer has visited her family in Toronto each year, and has spent the last three summers working in British Columbia before returning to school in Port Hawkesbury. Jennifer considers Port Hawkesbury to be her home now, and no longer considers her family home in Ontario to be her primary residence.

Is Jennifer entitled to vote in the by-election?
Yes, Jennifer has adopted Port Hawkesbury, Nova Scotia as her ordinary residence.

Bill, a second year student from Antigonish Bill is 20 years old and a registered student at NSCC – Strait Campus. His family home and place of ordinary residence is Ponquet in the electoral district of Antigonish. While at NSCC, Bill lives in an apartment in Port Hawkesbury.

Is Bill eligible to vote in the By-election?
Yes. Moreover, Bill is eligible to vote in either Inverness or Antigonish but not both.

You may be eligible to vote

On October 20, 2009, electors in Inverness and Antigonish will vote in a By-Election



To vote, an individual must:

- ✗ be eighteen years of age, or will attain that age on or before ordinary polling day October 20, 2009;
- ✗ be a Canadian citizen on or before ordinary polling day;
- ✗ have been ordinarily resident in the Province for the six months immediately preceding the date of the writ (on or before March 16, 2009); and
- ✗ be ordinarily resident in the electoral district on ordinary polling day October 20, 2009.

The Elections Act states that:

"The place where a person is ordinarily resident is the place that has always been, or that has been adopted as, the person's dwelling place and to which the person intends to return when away."

A person can only have one place where they are ordinarily resident, and to change their ordinary residence a person must leave one place with the intention of establishing a new ordinary residence in another place. Temporary absence from the place where you are ordinarily resident does not cause your residence to change.

Am I "ordinarily resident"?

For the most part, people only live in one place, and that is where they are ordinarily resident. Determining where you are ordinarily resident should be relatively easy in most cases.

Students are sometimes unsure of their "ordinary residence"

Students attending post-secondary institutions away from their family home are often uncertain where they are ordinarily resident.

Many students are away from their family home for the first time and this is the first time they have had to consider where they are ordinarily resident.

A student's intention is relevant in determining their ordinary residence, and is an important consideration in cases where a student is residing in temporary student accommodations. If a student has adopted Nova Scotia as their home and has no other ordinary residence to which they intend to return, they are ordinarily resident here. However, if a student intends to return to a permanent home elsewhere at the end of their stay in Nova Scotia, they are likely residents of that other place.

It is your responsibility to determine whether you are or are not ordinarily resident.

For more information, please call the Returning Office:

**In the Electoral District of Inverness:
1-866-970-1326**

**In the Electoral District of Antigonish:
1-866-970-9211**

Or, visit www.electionsnovascotia.ca





electionsnovascotia.ns.ca

902-424-8584

1-800-565-1504 *Toll-free in Nova Scotia*

902-424-7475 *TTY for the hearing impaired*