



**Statement of Votes &
Financial Information**



Cole Harbour – Eastern Passage
By-election, October 2, 2007

Published by the Chief Electoral Officer
April, 2008

**Statement of Votes &
Financial Information**



**Cole Harbour – Eastern Passage
By-election, October 2, 2007**

**Published by the Chief Electoral Officer
April, 2008**

Street Address 7037 Mumford Road | Suite 6 | Halifax | NS | B3L 2J1
Mailing Address PO Box 2246 | Halifax | NS | B3J 3C8

Phone (902) 424-8584 | Toll free in NS 1-800-565-1504
TTY for the hearing impaired (902) 424-7475

Fax (902) 424-6622

Email elections@gov.ns.ca

■ www.electionsnovascotia.ns.ca

April 18, 2008

The Honourable Alfie MacLeod
Speaker of the Legislative Assembly
Province of Nova Scotia
1726 Hollis St., Province House
Halifax, N.S.
B3J 2Y3

Honourable Speaker,

I have the honour to present the report of the Chief Electoral Officer on the proceedings of the Cole Harbour-Eastern Passage By-election held on October 2, 2007.

I respectfully request that you submit this report to the House of Assembly as early as possible during the spring session.

This report is submitted to the House of Assembly pursuant to section 171 of the *Elections Act*.

Yours truly,



Christine McCulloch, Q.C.
Chief Electoral Officer

Encl.

TABLE OF CONTENTS

Introduction	7
Official Report	
By-election Call	9
Electoral District Boundaries	9
Elector Registration	9
Candidate Nomination	10
Polling	10
Write-in Ballot	11
By-election Results	11
Recognized Party and Candidate Financing Results	
Recognized Parties	12
Candidates	12
Elections Nova Scotia Expenditures	13
Cost per Elector	14
Distribution of Seats after By-election	14
Appendix A By-election Calendar	I, II
Appendix B Polling Divisions	III
Appendix C Poll by Poll Results	IV
Appendix D Recognized Party By-election Expenses	V, VI
Appendix E Detailed Summary of Candidate Election Expenses Eligible for Reimbursement	V, VI
Appendix F Detailed Returning Office Costs	V, VI

Introduction

The March 1, 2007 resignation of Kevin Deveaux, member of the House of Assembly representing the electoral district of Cole Harbour-Eastern Passage, created a vacancy in the Nova Scotia House of Assembly.

On Tuesday, August 28, 2007 a writ of election was issued by the Chief Electoral Officer to Malcolm MacDonald, Returning Officer for Cole Harbour-Eastern Passage, ordering that an election be held in the electoral district of Cole Harbour-Eastern Passage on October 2, 2007. The election period, that is the period of time from the issuance of the writ to and including ordinary polling day, was 36 days.

Nomination day was September 18, 2007. Four candidates stood for election, one each from the Green Party of Nova Scotia, the Nova Scotia Liberal Party, the Nova Scotia New Democratic Party and the Progressive Conservative Association of Nova Scotia.

The period for write-in ballots commenced on August 30, 2007 and ended September 19, 2007.

For in person voting special polls were held in the returning office commencing September 20, 2007 to 8:00 PM on September 26, 2007. Two days of advanced polling commenced on September 28, 2007.

At the time the writ of election was issued there were 12,249 electors on the List of Electors for the electoral district of Cole Harbour-Eastern Passage. The List of Electors closed (including those added to the list on ordinary polling day) with 12,587 electors as compared to 12,139 at the June 13, 2006 Provincial General Election. Of the registered electors, 5,551 (44.10%) exercised their franchise during the October 2, 2007 by-election.

The official results were announced by the Returning Officer on October 12, 2007. Becky Kent, endorsed by the Nova Scotia New Democratic Party, was declared duly elected as the member to represent Cole Harbour-Eastern Passage in the House of Assembly. No application for a recount was made.

By-Election Call

Pursuant to Section 13 of the *House of Assembly Act*, Kevin Deveaux, Nova Scotia New Democratic Party, vacated his seat in the House of Assembly representing the electoral district of Cole Harbour-Eastern Passage, effective Thursday, March 1, 2007.

On Tuesday, August 28, 2007, pursuant to an Order of the Lieutenant Governor in Council, a writ of election was issued by the Chief Electoral Officer to Malcolm MacDonald, Returning Officer for Cole Harbour-Eastern Passage. The writ ordered that a by-election be held on Tuesday, October 2, 2007. The by-election calendar is shown on Appendix A.

Prior to the call of the October 2, 2007 by-election, distribution of seats in the Nova Scotia House of Assembly was: 22 Progressive Conservative Association of Nova Scotia; 19 Nova Scotia New Democratic Party; 9 Nova Scotia Liberal Party; 1 Independent; and 1 vacancy.

Electoral District Boundaries

The Cole Harbour-Eastern Passage electoral district boundary was enacted in 2002 under the *House of Assembly Act* on the recommendation of the Nova Scotia Electoral Boundaries Commission. Polling divisions for the by-election included thirty-three (33) regular polls and one (1) residential care facility poll. Included in the electoral district of Cole Harbour-Eastern Passage are McNabs Island, Lawlor Island and Devils Island, although none have resident electors. The polling divisions for the electoral district of Cole Harbour-Eastern Passage are shown on Appendix B.

Elector Registration

At the time the by-election was called there were 12,249 electors on the List of Electors for the electoral district of Cole Harbour-Eastern Passage. During the revision and enumeration period, electors were both added to and removed from the preliminary list. At the conclusion of the revision period the List of Electors was certified official.

Electors were provided the opportunity to register at the returning office during the election period, at the special and advance polls, and on ordinary polling day. At the end of ordinary polling day there were 12,587 electors on the List of Electors for Cole-Harbour-Eastern Passage.

Candidate Nomination

At the time of the Cole Harbour-Eastern Passage By-election, there were four (4) recognized parties registered pursuant to clause 177A(1)(c) of the *Elections Act*. On September 18, 2007 at 2:00 PM nomination of candidates concluded. At the close of nominations, all four (4) recognized parties had nominated candidates, as shown in Table 1. No independent candidates stood for election.

Table 1: Officially Nominated Candidates

Recognized Party	Abbreviation	Candidate
Green Party of Nova Scotia	GPNS	Beverley Skaalrud-Woodfield
Nova Scotia Liberal Party	NSLP	Kelly Rambeau
Nova Scotia New Democratic Party	NSNDP	Becky Kent
Progressive Conservative Association of Nova Scotia	PC	Mike Eddy

Each of the officially nominated candidates appointed an Official Agent pursuant to subsection 178(1) of the *Elections Act* as shown in Table 2.

Table 2: Candidates Official Agents

Candidate	Recognized Party	Official Agent
Mike Eddy	PC	Dan Avery
Becky Kent	NSNDP	Susan White
Kelly Rambeau	NSLP	Marc Bourbonnais
Beverley Skaalrud-Woodfield	GPNS	William Courier

Polling

To facilitate the electorate's participation in the Cole Harbour-Eastern Passage By-election: a special poll was conducted at the returning office on September 20, 21, 22, 24, 25 and 26, 2007; three (3) advance polls were conducted at two (2) polling locations on September 28 and 29, 2007; and regular polling stations were open from 8:00 AM to 7:00 PM ADT on October 2, 2007, enabling the electoral district's 12,587 electors the opportunity to exercise their democratic franchise. Electors unable to attend a special poll, advance poll or ordinary poll were entitled to vote by write-in ballot.

Write-in Ballot

There are three (3) methods by which an elector may apply for a write-in ballot: by mail, by agent and in person. September 22, 2007 was the last day on which an elector could apply for a write-in ballot by mail. September 29, 2007 was the last day on which an elector could apply for a write-in ballot by agent. Twenty-four (24) write-in ballots were mailed to electors. The deadline to vote by write-in ballot in person at the returning office was September 19, 2007, after which an elector could vote in person at the special poll, advance poll or on ordinary polling day.

By-election Results

Unofficial by-election results from all polls were announced on the evening of October 2, 2007, resulting in Becky Kent, Nova Scotia New Democratic Party, being declared the member elected. Of the registered electors only 44.10 % actually voted.

On October 4, 2007 the Returning Officer tabulated the results of the write-in ballot, special poll, advance poll and ordinary poll. These figures were then reflected in the electoral district results concluding the official addition. On October 12, 2007 the Returning Officer made a Return of the Writ of Election to the Chief Electoral Officer declaring Becky Kent, Nova Scotia New Democratic Party, elected.

A summary of votes received, including percentage of total votes cast, is shown in Table 3. Detailed poll by poll results in the by-election are shown in Appendix C.

Table 3: Summary of Votes Received

Candidate	Recognized Party	Votes Received	% of Total Votes
Mike Eddy	PC	1,863	33.63 %
Becky Kent	NSNDP	2,459	44.39 %
Kelly Rambeau	NSLP	958	17.30 %
Beverley Skaalrud-Woodfield	GPNS	259	4.68 %
	Total	5,539 *	100.00 %

* Votes cast totaled 5,551 which included 12 rejected ballots.

Recognized Party and Candidate Financing Results

Recognized Parties

Pursuant to subsection 184(1) of the *Elections Act*, the Official Agent of each recognized party is required to file an audited report of election expenses, Form 603, with the Chief Electoral Officer.

The maximum amount of money that a recognized party could spend on election expenses, as authorized by subsection 181(2) of the *Elections Act* was \$ 5,459.00.

All recognized parties filed their duly audited reports of election expenses with the Chief Electoral Officer. The reported election expenses of all recognized parties were under the allowable spending limit. A summary of recognized party election expenses is shown in Table 4. A report detailing recognized party election expenses by category of expenditure is shown in Appendix D.

Table 4: Recognized Party Election Expenses

Recognized Party	Reported Election Expenses
Green Party of Nova Scotia	\$ 0.00
Nova Scotia Liberal Party	1,190.90
Nova Scotia New Democratic Party	1,061.37
Progressive Conservative Association of Nova Scotia	3,341.54
Total	\$ 5,593.81

Candidates

Pursuant to subsection 183(1) of the *Elections Act*, the Official Agent of each candidate is required to file an audited report of election expenses, Form 601, with the Chief Electoral Officer. The Official Agent of each candidate is also required to disclose political contributions pursuant to Section 14 of the *Members and Public Employees Disclosure Act*.

The maximum amount of money that each candidate could spend on election expenses, as authorized by subsection 181(3) of the *Elections Act* was \$ 59,526.53. Pursuant to subsection 182(1) of the *Elections Act*, a candidate receiving not less than 15% of the valid votes cast is eligible for a reimbursement of election expenses up to the specified limit. For the Cole Harbour-Eastern Passage By-election the maximum reimbursement was \$ 17,118.32.

Upon receipt of each candidate's report of election expenses a comprehensive review is conducted by Elections Nova Scotia. The purpose of this review is to determine the portion of election expenses reported that are eligible for reimbursement. The amounts eligible for reimbursement are referred to as 'election expenses eligible for reimbursement' and may differ from reported election expenses. For example, the Official Agent of a candidate may incur and report an election expense without providing a receipt as required by subsection 180(1) of the *Elections Act*. The expenditure is an election expense for inclusion in the candidate's spending limit, however the expense is not eligible for reimbursement.

The Official Agents of all candidates filed their duly audited election expenses and their disclosures of political contributions with the Chief Electoral Officer. The reported election expenses of candidates and the total reimbursement of election expenses provided to each candidate's Official Agent is shown in Table 5. A detailed summary of election expenses eligible for reimbursement, by category of expenditure, is shown in Appendix E. The Official Agents of all candidates fulfilled their statutory reporting requirements.

Table 5: Candidates Reported Election Expenses

Candidate	Recognized Party	Reported Election Expenses	Election Expense Reimbursement
Mike Eddy	PC	\$ 38,604.87	\$ 17,118.32
Becky Kent	NSNDP	40,200.77	17,118.32
Kelly Rambeau	NSLP	12,464.15	12,464.15
Beverley Skaalrud-Woodfield	GPNS	3,451.31	0.00
	Total	\$ 94,721.10	\$ 46,700.79

Elections Nova Scotia Expenditures

To facilitate the conduct of the by-election, Elections Nova Scotia established a returning office at the Cow Bay-Eastern Passage Lions Club. The returning office was open to the public for 162 hours during the election period.

The detailed costs associated with the administration of the by-election, including overhead costs incurred by Elections Nova Scotia, are detailed in Appendix F.

The total cost of the by-election has three components: returning office costs; candidate election expenses reimbursement; and fees paid for the candidates' audit of election expenses. These costs are shown in Table 6.

Table 6: By-election Costs

Returning office cost	Candidate election expenses reimbursement	Candidate audit fees reimbursed	Total by-election cost
\$ 104,177.46	\$ 46,700.79	\$ 1,228.90	\$ 152,107.15

Cost per Elector

Cost per elector is an analytical measure and its calculation assists in the establishment of a benchmark against which the costs of conducting future general elections and by-elections can be measured. The cost per elector for a by-election tends to be higher than that of a general election since overhead costs, such as advertising, are not amortized across multiple electoral districts. The cost per elector for the Cole Harbour-Eastern Passage by-election is shown in Table 7.

Table 7: Cost per Elector

Total by-election costs	Number of electors on list	Cost per elector
\$ 152,107.15	12,587	\$ 12.08

Distribution of Seats after By-election

At the conclusion of the by-election the distribution of seats in the Nova Scotia House of Assembly was: 22 Progressive Conservative Association of Nova Scotia; 20 Nova Scotia New Democratic Party; 9 Nova Scotia Liberal Party; and 1 Independent.

Appendices

Sunday		Monday		Tuesday		Wednesday	
				35	August 28	34	August 29
				<ul style="list-style-type: none"> Writ Issued S.11² 		<ul style="list-style-type: none"> RO Headquarters established S.22, 22A 	
30	September 2	29	September 3	28	September 4	27	September 5
RO Headquarters: No Public Hours		RO Headquarters Labour Day - Returning Office Closed		RO Headquarters 9:00 am to 6:00 pm <ul style="list-style-type: none"> Write-in Ballot (<i>in person, by mail, by agent</i>) S.100-106 Target Enumeration / Confirmation S.34 Additions and changes to the List of Electors S. 57,58 		RO Headquarters 9:00 am to 6:00 pm <ul style="list-style-type: none"> Write-in Ballot (<i>in person, by mail, by agent</i>) S.100-106 Target Enumeration / Confirmation S.34 Additions and changes to the List of Electors S. 57,58 Proclamation issued S.23 	
23	September 9	22	September 10	21	September 11	20	September 12
RO Headquarters: No Public Hours		RO Headquarters 9:00 am to 6:00 pm <ul style="list-style-type: none"> Write-in Ballot (<i>in person, by mail, by agent</i>) S.100-106 Nominations accepted S.66(1)(a) Preliminary Lists provided to each recognized party S.43(c) 		RO Headquarters 9:00 am to 6:00 pm <ul style="list-style-type: none"> Write-in Ballot (<i>in person, by mail, by agent</i>) 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 (<i>in person, by mail, by agent</i>) S.100-106 Nominations accepted S.66(1)(a) Revision S.53 	
16	September 16	15	September 17	14	September 18	13	September 19
RO Headquarters: No Public Hours		RO Headquarters 9:00 am to 6:00 pm <ul style="list-style-type: none"> Write-in Ballot (<i>in person, by mail, by agent</i>) 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 (<i>in person, by mail, by agent</i>) S.100-106 Revision S.53 		RO Headquarters 9:00 am to 8:00 pm <ul style="list-style-type: none"> Write-in Ballot (<i>in person, by mail, by agent</i>), (<i>deadline to vote in person 8:00 pm</i>) S.101(1)(a); 101-106 Revision S.53 	
9	September 23	8	September 24	7	September 25	6	September 26
RO Headquarters: No Public Hours		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 (<i>by agent</i>) 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 (<i>by agent</i>) 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 (<i>by agent</i>) S.101(1)(c),101-106 Revision end 8:00 pm S.53 	
2	September 30	1	October 1	0	October 2	-1	October 3
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) 		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 		RO Headquarters: No Public Hours	

1. In the by-election calendar the days are counted backward from ordinary polling day (day 0) to the date the writ was issued.
2. Section references are to sections in the *Elections Act*.

Thursday		Friday		Saturday	
33	August 30	32	August 31	31	September 1
RO Headquarters 9:00 am to 6:00 pm <ul style="list-style-type: none"> Write-in Ballot commences (<i>in person, by mail, by agent</i>) S. 100(3) Additions and changes to the List of Electors S. 57,58 		RO Headquarters 9:00 am to 6:00 pm <ul style="list-style-type: none"> Write-in Ballot (<i>in person, by mail, by agent</i>) S. 100-106 Additions and changes to the List of Electors S. 57,58 		RO Headquarters 9:00 am to 6:00 pm <ul style="list-style-type: none"> Write-in Ballot (<i>in person, by mail, by agent</i>) S. 100-106 Additions and changes to the List of Electors S. 57,58 	
26	September 6	25	September 7	24	September 8
RO Headquarters 9:00 am to 6:00 pm <ul style="list-style-type: none"> Write-in Ballot (<i>in person, by mail, by agent</i>) S. 100-106 Target Enumeration / Confirmation S.34 Additions and changes to the List of Electors S. 57,58 Nominations open S.66(1)(a) 		RO Headquarters 9:00 am to 6:00 pm <ul style="list-style-type: none"> Write-in Ballot (<i>in person, by mail, by agent</i>) S. 100-106 Target Enumeration / Confirmation S.34 Additions and changes to the List 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 (<i>in person, by mail, by agent</i>) S. 100-106 Target Enumeration / Confirmation S.34 Additions and changes to the List of Electors S. 57,58 Nominations accepted S.66(1)(a) 	
19	September 13	18	September 14	17	September 15
RO Headquarters 9:00 am to 6:00 pm <ul style="list-style-type: none"> Write-in Ballot (<i>in person, by mail, by agent</i>) 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 (<i>in person, by mail, by agent</i>) 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 (<i>in person, by mail, by agent</i>) S.100-106 Nominations accepted S.66(1)(a) Revision S.53 	
12	September 20	11	September 21	10	September 22
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 (<i>by mail, by agent</i>) 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 (<i>by mail, by agent</i>) S.101(1)(b),(c);101-106 Revision (<i>last day to file objection with RO</i>) 		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 (<i>by mail, by agent</i>), (<i>deadline to request a ballot by mail 8:00 pm</i>) S.101(1)(b),(c);101-106 Revision S.53 	
5	September 27	4	September 28	3	September 29
RO Headquarters 9:00 am to 6:00 pm <ul style="list-style-type: none"> Official List of Electors certified S.62(1) Official List provided to each party Write-in Ballot (<i>by agent</i>) S.101(1)(c);101-106 		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 (<i>by agent</i>) S.101(1)(c);101-106 		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 (<i>deadline to request ballot by agent 8:00 pm</i>) S.101(1)(c);101-106 Transfer Certificates cease at 8:00 pm 	
-2	October 4	-10	October 12		
RO Headquarters: No Public Hours <ul style="list-style-type: none"> Official addition 10:00 am S. 156 		<ul style="list-style-type: none"> Return of the Writ S. 168 			



electionsnovascotia.ns.ca

902-424-8584

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

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