

Provincial Court of Nova Scotia

In the Matter of: An application by **BLAIR GALLOP** in his capacity as Returning Officer for the Municipality of the County of Victoria for a recount pursuant to s. 130 of the *Municipal Elections Act* (Nova Scotia)

Between:

BLAIR GALLOP in his capacity as Returning Officer for the Municipality of the County of Victoria

Applicant

- and -

**MUNICIPALITY OF THE COUNTY OF VICTORIA,
WANDA HENNICK, CHARLENE MACKINNON**
also known as **AMY MACKINNON, RICKY
BUCHANAN** and **PATTERSON GRAY-ROCHON**

Respondents

Order

Before Judge Daniel MacRury in Provincial Court:

WHEREAS the Municipality of the County of Victoria (the "Municipality") conducted a municipal election in October 2024 (the "Election"), with voting open from 9:00 a.m. on October 10, 2024 to 7:00 p.m. on October 19, 2024;

AND WHEREAS the candidates vying for the position of councillor of District 8 of the Municipality through the Election were Wanda Hennick, Charlene MacKinnon also known as Amy MacKinnon, Ricky Buchanan and Patterson Gray-Rochon;

AND WHEREAS the Election was held exclusively through an internet and telephone voting platform supplied by Intelivote Systems Inc. with no paper voting;

AND WHEREAS the Returning Officer of the Municipality identified that following the closing of the Election, an equality of votes exists for Wanda Hennick and Charlene MacKinnon also known as Amy MacKinnon;

AND WHEREAS an equality of votes requires the Returning Officer to apply to court for a recount pursuant to Section 130 of the *Municipal Elections Act* (Nova Scotia);

AND UPON the Applicant, Blair Gallop in his capacity as Returning Officer for the Municipality, filing a Notice of Application in Chambers for an order for a recount pursuant to Section 130 of the *Municipal Elections Act* (Nova Scotia);

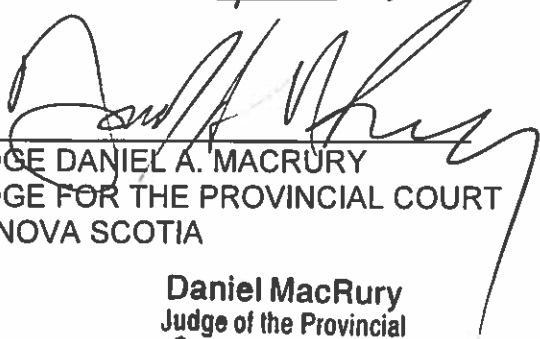
AND UPON reading the materials on file and hearing from Laura Graham, solicitor for the Applicant, and such other persons as appeared;

IT IS ORDERED THAT:

1. The time for service of the Notice of Application in Chambers and supporting documents is hereby abridged and validated as necessary so the application is properly returnable today and further service thereof is hereby dispensed with.
2. Service via email of the Notice of Application in Chambers and supporting documents is hereby permitted for the Respondent Wanda Hennick.
3. A recount of votes for councillor of District 8 (the "Recount") is required because an equality of votes exists for Wanda Hennick and Charlene MacKinnon also known as Amy MacKinnon.
4. The Recount shall occur on November 22, 2024, at 9:30 a.m. in Courtroom 2 at the Sydney Provincial Court located at 136 Charlotte St, Sydney, Nova Scotia.
5. Notice in writing of the time and place of the Recount shall be given by serving a copy of this Order by sending it via email, and by posting the Order in a conspicuous place at the Municipality's office at 495 Chebucto Street, Baddeck, Nova Scotia:
 - a) Clerk of the Municipality;
 - b) Returning Officer, Blair Gallop; and
 - c) candidates for District 8, being Wanda Hennick, Charlene Mackinnon also known as Amy MacKinnon, Ricky Buchanan and Patterson Gray-Rochon.
6. The following persons shall be present at the Recount:
 - a) Judge who issued this Order;
 - b) Clerk of this Court; and
 - c) Returning Officer, Blair Gallop.

7. The following persons may be present at the Recount:
 - a) Clerk of the Municipality;
 - b) Solicitor of the Municipality; and
 - c) candidates for District 8, being Wanda Hennick, Charlene MacKinnon also known as Amy MacKinnon, Ricky Buchanan and Patterson Gray-Rochon, and their solicitors or agents
8. The Recount shall be completed by having the Intelivote System regenerate the results of the vote for District 8.
9. If the initial count and regenerated count match, the regenerated count shall be considered the final count of votes.
10. If the initial count and regenerated count do not match a further recount shall be completed by having the Intelivote System regenerate the results immediately following the Recount, which result shall be considered the final count of votes.
11. Upon the completion of the Recount or further recount, as the case may be, the judge shall certify the result to the Clerk of the Municipality, who shall, at the next regular or special meeting of council, declare elected the candidate having the highest number of votes.
12. If the Recount or further recount, as the case may be, shows that an equality of votes exists and the addition of one vote would entitle either one or more candidates to be declared elected, the Clerk of the Municipality shall determine the candidate to be declared elected by lot as required by Section 138 of the *Municipal Elections Act* (Nova Scotia) by placing the names of the candidates with an equal number of votes on equal size pieces of paper in a box and one name being drawn by a person chosen by the Clerk, immediately following the Recount or further recount, as the case may be, following which the judge shall certify the result to the Clerk of the Municipality, who shall, at the next regular or special meeting of the council, declare the candidate elected.

ISSUED at Sydney, Province of Nova Scotia, this 19 day of November
_____, 2024.



JUDGE DANIEL A. MACRURY
JUDGE FOR THE PROVINCIAL COURT
OF NOVA SCOTIA

Daniel MacRury
Judge of the Provincial
Court of Nova Scotia