

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 A. 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. (the "Intelivote System"), with no voting by paper ballot;

AND WHEREAS the Returning Officer of the Municipality identified that following the close of the Election, an equality of votes existed 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 WHEREAS the Applicant, Blair Gallop in his capacity as Returning Officer for the Municipality, filed a Notice of Application in Chambers for an order for a recount pursuant to Section 130 of the *Municipal Elections Act* (Nova Scotia);

AND WHEREAS said Application was transferred from the Supreme Court of Nova Scotia to the Provincial Court of Nova Scotia pursuant to Section 132(3) of the *Municipal Elections Act* (Nova Scotia);

AND WHEREAS the hearing for said Application occurred before Judge MacRury on November 18, 2024, at which time a judicial recount (the "Recount") was ordered to occur on November 22, 2024, at Sydney Provincial Court;

AND UPON the Recount occurring before Judge MacRury via the Returning Officer of the Municipality regenerating the results through the Intelivote System;

AND UPON the Recount indicating that an equality of votes continued to exist between Wanda Hennick and Charlene MacKinnon also known as Amy MacKinnon;

AND UPON following the procedure set out in section 138 of the *Municipal Elections Act* (Nova Scotia) to declare the candidate elected by lot, whereby the clerk of the Municipality chose the Returning Officer to be the person to draw one name from a box;

AND UPON the candidate Wanda Hennick being the name drawn from the box;

IT IS ORDERED THAT:

1. The result of the Recount indicating a continued equality of votes is certified;
2. The result of Wanda Hennick being declared elected by lot, pursuant to section 138 of the *Municipal Elections Act* (Nova Scotia), is certified.

ISSUED at Sydney, Province of Nova Scotia, this 22 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