

**IN THE DISTRICT COURT  
AT NELSON**

**I TE KŌTI-Ā-ROHE  
KI WHAKATŪ**

**CIV-2023-042-000417  
[2023] NZDC 24815**

IN THE MATTER OF	THE ELECTORAL ACT 1993
AND	
IN THE MATTER OF	An Application for a Recount of Electorate Votes in the Nelson Electorate
BETWEEN	BLAIR CAMERON Candidate Electorate of Nelson Applicant
AND	KARL LE QUESNE Electoral Commissioner First Respondent
AND	ELECTORAL COMMISSION Second Respondent

Date: 10 November 2023

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**DECISION OF JUDGE C N TUOHY [ON JUDICIAL RECOUNT OF  
ELECTORATE VOTES IN THE NELSON DISTRICT]**

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**Introduction**

[1] Blair Cameron stood as the National Party Candidate in the Nelson electorate district in the General Election held on 14 October 2023. The results of the election were Gazetted on Friday 3 November 2023.

[2] On 8 November 2023, within the 3 working days prescribed, Mr Cameron filed an application to a District Court Judge under s 180(1) of the Electoral Act 1993 (the Act) for the conduct of a recount of the electorate votes in the Nelson district. On the

same day, pursuant to s 180(5)(a) of the Act, I directed a recount to be undertaken of the electorate votes for the Nelson electorate.

[3] This recount took place at the Returning Officer's Headquarters at 91 Beatty Street, Annesbrook, Nelson on 9 and 10 November 2023 in accordance with my earlier direction.

### **Process**

[4] The recount was undertaken in my presence in the manner provided for in the case of the original count. The only persons present at the recount other than me were:

- (a) The Returning Officer Ms Venus Guy and her assistants and headquarters staff;
- (b) Two scrutineers appointed by Blair Cameron and two appointed by the successful candidate at the Official Count, Rachel Boyack;
- (c) Mr Mark Lawson, Deputy Chief Electoral Officer, and staff from the National Office of the Electoral Commission; and
- (d) counting staff.

[5] After a demonstration with an initial box of ballots, five teams seated at counting tables undertook the following process. The ballot boxes were successively opened by cutting the plastic ties which secured them and the ballots were removed from the sealed envelopes in which they were contained. Each envelope contained the votes for a polling station in the electorate. As the ballots were manually recounted and checked, the results were recorded in worksheets with any necessary adjustments being made by reference to the worksheets from the original count. These results were then captured electronically and a results sheet produced. The worksheets were then reconciled and checked for accuracy. All corrected and/or amended results sheets were duly signed off as correct by me in the presence of the scrutineers.

[6] There were four isolated instances in which a single ballot had been attributed to the wrong candidate in the official count. These were corrected. During the counting process, I personally inspected all votes which had been declared informal. The great majority had been declared informal because the voter had left the Candidate Selection area of the ballot paper completely blank. The principal reason for amendments to the Official Count was that I allowed a relatively small number of votes which had been categorised as informal because I was satisfied that the relevant ballot paper evidenced the voter's clear intention to vote for a particular candidate. There was no obvious pattern in the nature of the irregularity which had led to those votes being initially categorised as informal.

[7] As well as being present and approving each correction or amendment at the relevant point during the counting process for both ordinary and special votes, at the end of it I reviewed the disallowed special votes in the presence of the scrutineers and election officials. These totalled 147 out of a total of 6685 special votes cast.

[8] Of the 147 disallowed special votes, 95 were disallowed because the voter was not enrolled anywhere. In relation to a further 37, their declarations were either not signed or not witnessed as required by the Electoral Regulations. Eight ballots were disallowed because there had been dual votes made by the voter. The remaining seven had arrived too late (2), had not stated a ground for a special vote as required (2), no declaration was enclosed (2) and in the remaining case no ballot paper was enclosed.

[9] I inspected a number of these declarations and explanations were provided by election officials to myself and the scrutineers. I am satisfied that the decisions of the Returning Officer to disallow these special votes were correct and I confirm them.

[10] I did not inspect the declarations of the 6248 special votes which were counted. Apart from the impracticability of that task, I was satisfied from my scrutiny of the careful process leading to the disallowance of a small proportion of the special votes, that there was no reason to believe that any of the counted special votes should have been disallowed.

[11] The overall outcome is as follows:

<b>Candidates</b>	<b>Party</b>	<b>Official Result</b>	<b>Recount Result</b>
BAILLIE, Chris	ACT New Zealand	2693	2692
BOYACK, Rachel Elizabeth	Labour Party	17533	17541
CAMERON, Blair	National Party	17504	17515
DYER, Bruce		167	169
HOBBS, Jace	Green Party	2786	2791
VAUGHAN, Peter	New Zealand Loyal	1314	1316
<b>Candidate Informals</b>		673	646
<b>TOTAL</b>		42670	42670

[12] In making this decision I wish to record my observations of the Electoral Commission staff and counters and my thanks to them. I found the staff and counters to be professional and diligent in exercising the important process of the recount. The New Zealand voter should take comfort in the integrity of the process of counting votes.

[13] I also wish to thank the four scrutineers. They were respectful and good humoured. Their presence was appreciated by me. They play an important role in ensuring the transparency of the democratic process.

[14] Although there has been no change in the successful candidate, the application was justified given the narrow margin in the official count and the adjustments made on the recount.

[15] No order has been sought as to costs. Pursuant to s 180(11), I order that the deposit of \$1,000 which the applicant was required to file, be returned to him.

[16] The recount has resulted in minor variations to the official declaration of results made on 3 November 2023. Pursuant to s 180(10) of the Act, I order the Electoral Commission to give an amended declaration of the result of the poll in accordance with the results recorded above.

C N Tuohy  
**District Court Judge**