

**SUPREME COURT OF NOVA SCOTIA**

**Citation:** Madden v. Muise , 2013 NSSC 35

**Date:** 20130125

**Docket:** Yar. No. 409037

**Registry:** Yarmouth

**Between:**

Malcolm Madden

Applicant

v.

Alain Muise, Raymond E. Surette and Nicole J. Albright

Respondents

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**LIBRARY HEADING**

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**Judge:** The Honourable Justice Pierre L. Muise

**Heard:** January 24, 2013, at Yarmouth, Nova Scotia

**Summary:** The Applicant was a candidate for Councillor in Argyle Municipality District 5 in the 2012 Election. He received two votes less than the successful candidate. Two voters, having received documentation to vote in District 5, requested clarification as to which district they should be voting in, and were directed, by the Deputy Returning Officers, to vote in District 1. They were residents of, and entitled to vote in District 5. They would have voted in District 5; but, voted in District 1.

**Issue:** Whether the election should be declared void.

**Result:** If these two voters had not been diverted away from

District 5, where they were entitled to vote, they would have voted, and, it could have altered the result. Therefore, the election was voided.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.  
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***