

**IN THE DISTRICT COURT
AT WAITAKERE**

IN THE MATTER OF

THE ELECTORAL ACT 1993

AND IN THE MATTER OF

an application by Paula Lee Bennett of
128 Carter Road, Oratia, Member of
Parliament, for an order that a recount
of electorate votes in the Waitakere
district be conducted.

**JUDGMENT OF JUDGE J G ADAMS
(WAITAKERE ELECTORATE RECOUNT)**

[1] On 14 December 2011, Paula Bennett, a candidate for Waitakere electorate, applied for a judicial recount under s 180 (1) Electoral Act 1993.

[2] I directed that a recount of the constituency vote cast in the Waitakere electorate in the 2011 General Election be undertaken at the Waitakere electorate office, Level 1, 131 Lincoln Rd, Henderson, commencing at 3 pm on 14 December 2011.

[3] I directed that each constituency candidate in that district would be entitled to have up to three scrutineers present at any one time during the recount. When four counting teams were operating (on 15 December) I permitted up to four scrutineers present for each candidate.

Process

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

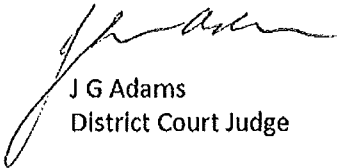
- a) The Returning Officer and her assistants,
- b) The scrutineers appointed by each of the National Party and Labour Party candidates,
- c) My assistants, Robert Peden (Chief Electoral Officer), Melissa Thorpe (Senior Project Leader, Electoral Commission) and Mark Johns (Manager Operations, Electoral Enrolment Centre)
- d) Counting staff,
- e) Myself.

Further Judgment to Issue

[5] In the course of the recount I heard submissions from scrutineers, some about the process and some regarding the decisions I made about particular votes. I shall issue another judgment next week to record those issues and my reasons in writing. That judgment will also describe the process of the judicial recount in more detail. For today there is a need to record my final order which will not be affected by those matters.

Result

[6] I find that the public declaration of the result of the poll in the Waitakere District was incorrect and I now order that the Electoral Commission file an amended declaration to take into account the errors described in the attached appendix A.



J G Adams
District Court Judge

Dated at Waitakere on 16th December 2011

APPENDIX A

1	2336 New Lynn, Fruitvale School, 9 Croydon Road		
	LABOUR PARTY	OC	Transfers
			Change in EMS screen
	Bennett	0	3
	Bradford	0	1
	Sepuloni	46	-7
	Tollestrup	0	3

2	3756 Titirangi, Glen Eden Intermediate School, 23 Kaurilands Road		
	CONSERVATIVE PARTY	OC	Transfers
			Change in EMS screen
	Bennett	0	1
	Mountain	1	-1

3	2303 Henderson, Waitakere College, 42 Rathgar Road		
	NATIONAL PARTY	OC	Transfers
			Change in EMS screen
	Bennett	123	-1
	Mountain	0	1
	Tollestrup	3	1
	Candidate Informals	2	-1

4	Ordinary votes before Polling Day Taken in Waitakere		
	PARTY VOTES	OC	Transfers
			Change in EMS screen
	Labour Party	740	-1
	Green Party	165	1

	GREEN PARTY	OC	Transfers
			Change in EMS screen
	Bennett	8	1

	LABOUR PARTY	OC	Transfers
			Change in EMS screen
	Sepuloni	203	-1

5	2322 Glen Eden, Glen Eden Baptist Church Hall, 97 Glendale Road		
	AOTEAROA LEGALISE CANNABIS PARTY	OC	Transfers
			Change in EMS screen
	Lye	4	-1
	Tollestrup	0	1

6	2323 Glen Eden, Catholic Church Hall, 7 Glendale Road		
	NATIONAL PARTY	OC	Transfers
			Change in EMS screen
	Bennett	281	-1
	Sepuloni	5	1

7	2325 Glen Eden, Glen Eden Primary School, 3 Glenview Road			
	NATIONAL PARTY	OC	Transfers	Change in EMS screen
	Bennett	293	1	294
	Candidate Informals	7	-1	6

8	2305 Henderson, Bruce McLaren Intermediate School, 61-69 Bruce McLaren Road			
	LABOUR PARTY	OC	Transfers	Change in EMS screen
	Sepuloni	665	-1	664
	Candidate Informals	28	1	29

9	2295 Glen Eden, Te Kura Kaupapa Maori o Hoani Waititi Marae, 441 West Coast Road			
	UNITED FUTURE	OC	Transfers	Change in EMS screen
	Sepuloni	0	1	1
	Tollestrup	1	-1	0

10	2297 Henderson, Henderson High School, 31 Henderson Valley Road			
	CONSERVATIVE PARTY	OC	Transfers	Change in EMS screen
	Tollestrup	1	-1	0
	Candidate Informals	0	1	1

11	2531 Oratia, Oratia District School, 1 Shaw Road			
	GREEN PARTY	OC	Transfers	Change in EMS screen
	Lye	1	1	2
	Candidate Informals	3	-1	2

12	3762 Ranui, Ranui Primary School, 16a Ranui Station Road			
	NATIONAL PARTY	OC	Transfers	Change in EMS screen
	Bennett	245	2	247
	Candidate Informals	4	-2	2

13	3692 Sunnyvale, Kelston Community Centre, 126 Awaroa Road, Sunnyvale			
	NATIONAL PARTY	OC	Transfers	Change in EMS screen
	Bennett	246	1	247
	Candidate Informals	7	-1	6

	LABOUR PARTY	OC	Transfers	Change in EMS screen
	Sepuloni	210	-2	208
	Tollestrup	7	2	9

14	2535 Swanson, Swanson School, 703 Swanson Road			
	NATIONAL PARTY	OC	Transfers	Change in EMS screen
	Bennett	902	1	903
	Candidate Informals	11	-1	10

NEW ZEALAND FIRST PARTY	OC	Transfers	Change in EMS screen
Mountain	10	1	11
Candidate Informals	10	-1	9

15 **3624 Ranui, Ranui Community House, 474 Swanson Road**

NATIONAL PARTY	OC	Transfers	Change in EMS screen
Bennett	193	-1	192
Mountain	3	1	4

16 **3763 Ranui, Ranui P.I.C Church, 35 Armada Drive**

PARTY VOTES	OC	Transfers	Change in EMS screen
Labour Party	197	1	198
Green Party	23	-1	22

GREEN PARTY	OC	Transfers	Change in EMS screen
Tollestrup	6	-1	5

LABOUR PARTY	OC	Transfers	Change in EMS screen
Sepuloni	181	1	182
Tollestrup	5	1	6
Candidate Informals	4	-1	3

17 **2312 Sunnyvale, Sunnyvale Primary School, 34 Ribblesdale Road**

PARTY VOTES	OC	Transfers	Change in EMS screen
Labour Party	341	-1	340
Green Party	66	1	67

GREEN PARTY	OC	Transfers	Change in EMS screen
Candidate Informals	0	1	1

LABOUR PARTY	OC	Transfers	Change in EMS screen
Candidate Informals	12	-1	11

MANA	OC	Transfers	Change in EMS screen
Sepuloni	0	2	2
Tollestrup	2	-2	0

NATIONAL PARTY	OC	Transfers	Change in EMS screen
Bennett	254	1	255
Sepuloni	16	-4	12
Tollestrup	0	4	4
Candidate Informals	8	-1	7

18	5357, Special Votes Before Polling Day - Waitakere			
	PARTY VOTES	OC	Transfers	Change in EMS screen
	Labour Party	204	1	205

	LABOUR PARTY	OC	Transfers	Change in EMS screen
	Sepuloni	181	1	182

19	5557, Overseas Special Votes Including Defence Force - Waitakere			
	PARTY VOTES	OC	Transfers	Change in EMS screen
	National Party	65	-1	64

	LABOUR PARTY	OC	Transfers	Change in EMS screen
	Bennett	61	-1	60

20	5457, Special Votes on Polling Day - Waitakere			
	PARTY VOTES	OC	Transfers	Change in EMS screen
	Conservative Party	45	1	46
	Green Party	327	1	328
	Labour Party	1069	2	1071
	Party Informals	20	-2	18

	CONSERVATIVE PARTY	OC	Transfers	Change in EMS screen
	Bennett	19	1	20

	GREEN PARTY	OC	Transfers	Change in EMS screen
	Tollestrup	120	1	121

	LABOUR PARTY	OC	Transfers	Change in EMS screen
	Bradford	13	1	14
	Lye	12	1	13
	Sepuloni	946	-1	945
	Tollestrup	46	1	47

	PARTY INFORMALS	OC	Transfers	Change in EMS screen
	Sepuloni	11	-2	9

Candidate	Transfer TOTALS
Bennett	8
Bradford	2
Lye	1
Mountain	2
Osborne	0
Sepuloni	-12
Tollestrup	9
Candidate Informals	-8
Green Party	2
Labour Party	2
National Party	-1
Party Informals	-2
Conservative Party	1