

a disputed ballot should be counted or rejected and to declare the results of the election based on this determination.

The legislature has provided for a recount mechanism under Sec 5B of the Act. There is no provision for a second recount nor is there an appeal procedure for contesting the results of a recount except for the right of an interested person to obtain a judicial determination of whether a particular ballot ought be counted or rejected.

The applicant is requesting the court to order or conduct a second recount, but there is no authority or jurisdiction to make such an order or perform additional recounts.

The relief sought by the applicant is beyond the court's power to grant. Therefore the application is dismissed.

No order respecting costs.

M.A. James J.