

accurate and accurately accounted for. The total absentee ballots re-counted, then, was 1549, slightly under 4% of the total votes cast in that Recorder of Deeds election. Of that total, 56 absentee ballots did not cast a vote for either candidate.

Five of the absentee ballots cast were not accepted on their faces by the candidates. They were presented to the Court for determination. The finding was that 4 of the 5 ballots were cast in favor of Defendant McKenna and 1 of the 5 was cast for Plaintiff Gunn.

Following that determination, the votes of the machine cast and absentee ballots were totaled by the Department of Elections. As indicated, each step of this December 29, 2014, process was monitored by the candidates and their representatives.

The final total resulted in a tie, with an equal number of votes cast in favor of each candidate. Thus, pursuant to 15 *Del. Code* § 5954(c) the Office of the Recorder of Deeds for Kent County is declared vacant, according to law. All costs associated here with are waived.

Accordingly, the resultant tie is hereby Certified to the Governor of the State of Delaware by this Order of the Court.

The Seal of this Court here under affixed, the foregoing is **ORDERED** this 30th day of December, 2014.



Honorable Robert B. Young
Judge, Superior Court

RBV/lmc

oc: Prothonotary
cc: Office of the Governor
Department of Elections
Counsel
File

