

OFFICE OF TAX COLLECTOR

NEWMARKET, N. H. 03857

TOWN HALL BUILDING

TELEPHONE 659-3617

May 20, 1993

Attn: Robert Ambrose
Ballot Law Commission
Room 204 State House
Concord, N. H. 03301

RECEIVED
MAY 24 1993
NEW HAMPSHIRE
SECRETARY OF STATE

To: Ballot Law Commission

Re: Newmarket Town Election held on May 11, 1993.

The Town of Newmarket held their annual town election on Tuesday May 11, 1993. At approximately 9:45 a.m. it was brought to the attention of myself and the town moderator by a registered voter (who was also a candidate) that there was an error on the ballot. The ballot directed the voters to vote for two under the Town Council race. The ballot should have read vote for three. At this time 84 people had voted. The moderator segregated these ballots. I called the Secretary of State and advised him of what had happened. He said we could change the ballots to read vote for three and I could initial each one and we could go on with the election but he advised me the election could still be contested. I asked if it would be satisfactory for us to try to reach the 84 people who had voted and ask them to come back. He agreed with this but still cautioned that it could be contested. He suggested that we use a different color pen to check voters in, which we did. At this time the Town Administrator and myself talked about cancelling the election because of the error. One of the candidates approached us and said she and two other candidates discussed the problem and had agreed that if we continued with the election they would not contest it.

We continued on with the election and were able to contact 82 of the 84 voters. Of these 19 chose not to return to the polls and 2 were never contacted as they had unpublished phone numbers.

The results of the election are attached to this letter along with one of the ballots used. A recount was requested and held on Wednesday May 19, 1993 and the results are also attached.

Also I am submitting to you on behalf of Jack Fitzgibbon one of the candidates involved his request to the Ballot Law Commission for a new election.

I understand the Ballot Law Commission will review these papers and will be contacting me as to what the next step will be in the request for a new election.

Sincerely,

Judith M. Harvey
Judith M. Harvey
Town Clerk

Enclosures

595 Cast

TOWN SPECIMEN BALLOT

TOWN OF NEWMARKET, N.H. - ANNUAL TOWN MEETING - TUESDAY, MAY 11, 1993

Place a cross (X) in the square after each name you wish to vote for.

Article 1, TOWN OFFICERS

For BUDGET COMMITTEE MEMBER For Three Years (Vote for Three)

| | | |
|-----------------------|-----|-------------------------------------|
| MICHAEL MARTIN | 460 | <input checked="" type="checkbox"/> |
| DONAL P. MCGAEL | 463 | <input checked="" type="checkbox"/> |
| JASON MONGEON | 497 | <input checked="" type="checkbox"/> |
| | | <input type="checkbox"/> |
| | | <input type="checkbox"/> |

For PLANNING BOARD For Three Years (Vote for Two)

| | | |
|--------------------------------|-----|-------------------------------------|
| JAY T. DUGAL | 509 | <input checked="" type="checkbox"/> |
| GREGORY V. MACINTOSH, SR. | 431 | <input checked="" type="checkbox"/> |
| | | <input type="checkbox"/> |
| | | <input type="checkbox"/> |

For TOWN COUNCIL For Three Years (Vote for Three)

| | | |
|-------------------------|-----|-------------------------------------|
| PAUL DIETTERLE | 375 | <input checked="" type="checkbox"/> |
| "JACK" FITZGIBBON | 369 | <input type="checkbox"/> |
| JENNIE GRISWOLD | 391 | <input checked="" type="checkbox"/> |
| DAVID HALLORAN | 437 | <input checked="" type="checkbox"/> |
| | | <input type="checkbox"/> |
| | | <input type="checkbox"/> |
| | | <input type="checkbox"/> |

For TREASURER For One Year (Vote for One)

| | | |
|-------------------------|-----|-------------------------------------|
| BELINDA A. CAMIRE | 532 | <input checked="" type="checkbox"/> |
| | | <input type="checkbox"/> |

For TRUSTEE OF TRUST FUNDS For Three Years (Vote for One)

| | | |
|------------------------|-----|-------------------------------------|
| KATHRYN C. SMITH | 513 | <input checked="" type="checkbox"/> |
| | | <input type="checkbox"/> |

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For Three Years (Vote for Three)

- MICHAEL MARTIN
- DONAL P. MCGAEL
- JASON MONGEON
-
-
-

For PLANNING BOARD
For Three Years (Vote for Two)

- JAY T. DUGAL
- GREGORY V. MACINTOSH, SR.
-
-

For TOWN COUNCIL
For Three Years (Vote for Three)

- PAUL DIETTERLE 376
- "JACK" FITZGIBBON 368
- JENNIE GRISWOLD 391
- DAVID HALLORAN 433

For TREASURER
For One Year (Vote for One)

- BELINDA A. CAMIRE
-

For TRUSTEE OF TRUST FUNDS
For Three Years (Vote for One)

- KATHRYN C. SMITH
-

May 18, 1993

Newmarket, N.H.

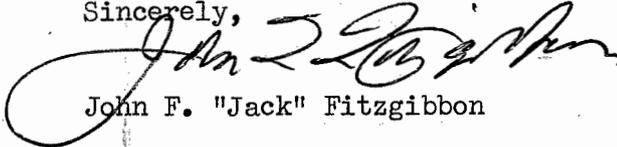
To: Town Clerk, Newmarket, N.H.

Re: Town Council Election of May 11, 1993

Dear Judy,

Since the Town Council Election last week, I have had many inquiries from registered voters who are concerned about the error that occurred on the ballots. All are desirous of a final and legal solution to the dilemma. I feel that the only way to accomplish this end is to have a new election. Therefore, I respectfully request that the State Ballot Commission be petitioned to order a new election for those candidates running for Town Council. Of primary import is the voters prerogative that must be addressed properly. I am convinced that this is the only way to arrive at a solution, satisfactory to all parties involved, especially the voters of our town. Any other method of settlement could set a potentially dangerous precedent in settling future problems.

Sincerely,

A handwritten signature in black ink, appearing to read "John F. Fitzgibbon", written in a cursive style.

John F. "Jack" Fitzgibbon

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For TOWN COUNCIL
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PAUL DIETTERLE
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JENNIE GRISWOLD
DAVID HALLORAN
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.....
.....

For TREASURER
For One Year (Vote for One)

BELINDA A. CARMIRE
.....

For TRUSTEE OF TRUST FUNDS
For Three Years (Vote for One)

KATHRYN C. SMITH
.....