THE STATE OF NEW HAMPSHIRE

BALLOT LAW COMMISSION

BLC-2010-7

Grafton District No. 6 (Campton, Ellsworth, Orford, Rumney,Winchester)

ORDER

On November 18, 2010, the Ballot Law Commission ("the Commission") held a public hearing, pursuant to RSA 665:8 to hear and determine appeals from recounts in the election for the office of State Representative in Grafton District No. 6.

The Commission considered thirteen contested ballots and upheld the decision of the Secretary of State as to each ballot. In Exhibit #1, the voter placed an X over the filled in oval next to the name of candidate Jim Aguiar, while also voting for two other candidates in a two seat legislative district. The Secretary of State did not count the vote for Aguiar but did count the votes for the other two candidates. The challenges to Exhibits #2 and #3 were withdrawn. In Exhibit #4, the voter's mark next to Aguiar's name was different from the other marks on the ballot. The Secretary of State counted that as a vote for Aguiar. The Commission voted 4-1 to uphold the decision of the Secretary of State, with the Chair dissenting. Exhibit #5 presented the same issue as in Exhibit #4, except that the marks next to candidates Vicki Schwaegler and Charles Brousseau were different and larger than the other marks on the ballot. The Secretary of State counted those votes for both candidates. The challenge to Exhibit #6 was withdrawn. In Exhibit #7, the voter made a stronger X next to candidate Carol Friedrich and the mark next to Aguiar's name was faint and partially out of the box. The Secretary

of State counted those ballots for both candidates. The challenges to Exhibits #8 and #9 were withdrawn. Exhibits 10a, 10b, and 10c all presented erasure issues. After careful review of each ballot, the Secretary of State considered them "no votes." Exhibit #11 was withdrawn.

As a result of the determination on the ballots, the result of the recount was confirmed.

New Hampshire Ballot Law Commission

Date: 11/24/10

Bradford E. Cook, Esq., Chairman
Jane Clemons
Gregory Martin
Martha Van Oot
Sheila Roberge