

**STATE OF NEW HAMPSHIRE
BALLOT LAW COMMISSION**

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Petition

OCT 18 2001

of

Dean Ouellette

**NEW HAMPSHIRE
SECRETARY OF STATE**

DECISION

On October 12, 2001, the Ballot Law Commission (the "Commission") held a public hearing on a complaint filed by Dean Ouellette, regarding irregularities in the Special Election for State Representative in Ward 6, Manchester, New Hampshire, held on September 18, 2001.

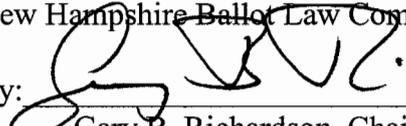
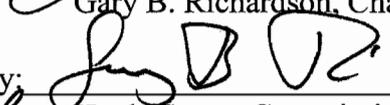
Mr. Ouellette alleged in both his written complaint and in his testimony before the Commission that 1) the key for the state ballot box did not arrive on election day until fourteen (14) minutes after the polls had opened, during which time 37 people had cast their city ballots; 2) not everyone who voted prior to the arrival of the state ballot box key was told that there was a state ballot that day; and 3) one person who voted in the city election before the arrival of the state ballot box key left the hall and was later allowed to re-enter to vote on the state ballot, contrary to RSA 659:26.

At the hearing, evidence was presented through Acting Moderator Jeff Gardner that when the election officials realized that the key to the state ballot box had not arrived by the time the polls were to open at 6:00 a.m., a telephone call was placed to the City Clerk's Office and the Clerk instructed Jeff Gardner to open the polls and tell voters that the state ballot box key was on its way. Gardner announced several times to the voters in the hall that the state ballot box key was not yet there but would be in a few minutes. He also instructed the ballot inspectors to provide this information to each individual voter. In addition, notations of "NSB", indicating

“no state ballot”, were made on the checklists to indicate those voters who had voted on the city ballot, but not on the state ballot.

Based on the evidence presented to the Commission, it finds that there was no intentional wrongdoing by the election officials who were faced with the late arrival of the state ballot box key. The Acting Moderator made several announcements to those voters in the hall that the key was not there but was on its way, and the ballot inspectors were advised to so inform individual voters. Further, the ballot inspectors noted on their checklists which voters had voted on the city ballot, but not on the state ballot, in order to prevent any individual from voting twice on the city ballot. The Commission finds that the election officials acted reasonably. Election officials are reminded, however, to carefully comply with the pre-election provisions of RSA 658 in the future.

Dated: Oct 18, 200

New Hampshire Ballot Law Commission
By: 
Gary B. Richardson, Chairman
By: 
for Hugh Gregg, Commissioner
By: 
Margaret-Ann Moran, Alternate
Commissioner