

Lynne Schmidt  
17 King Henry Court  
Merrimack, NH 03054  
Friday, September 20, 1996

The Honorable William M. Gardner  
Secretary of State  
State House Room 204  
Concord, New Hampshire 03301

**RECEIVED**  
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NEW HAMPSHIRE  
SECRETARY OF STATE

Dear Mr. Gardner,

Please receive this letter as formal protest and complaint of the conduct of the electoral process at the election polling place, Mastricola Middle School, Baboosic Lake Road, Merrimack, New Hampshire. These events relate to the Primary Election on Tuesday, September 10, 1996 during the polling period 7:00 AM through 8:00 PM and for the hours following the closing of the polls including but not restricted to the handling, counting, tallying, reporting and sealing of the ballots.

Following are events and discrepancies as they are known to me, other citizens, and the officials cited:

State Representative Robert Brundige (R, Merrimack) approached a local business owner in the polling place parking lot and told her if she voted for a particular candidate her business would suffer. The business owner then relayed the incident to the candidate (who has also been threatened).

State Representative Robert Brundige (R, Merrimack) engaged Benita Knight, private citizen, in a confrontation at the polls for supporting a "Democrat who calls herself a Republican." (Referring to candidate, Lynne Schmidt.)

Ballot Inspectors sat in the polling room with their backs toward the voting booths and ballot boxes throughout the day and while tallying the checklists. Several voters question this positioning. Reference RSA 658:9 section II.

Only one selectman, David "Chris" Christensen, the Moderator's spouse, was observed serving in an official capacity at the polls. No other selectmen were present.

Per Selectman Carolyn Whitlock, Selectman "Chris" Christensen called her at 10:15 PM, Tuesday, September 10, 1996. He asked Selectman Whitlock to come to the polling place to sign the seal on the

ballot containers. The Moderator packed and sealed the ballot containers prior to Selectman Whitlock's arrival.

Moderator Lynn Christensen did not inform Selectman Whitlock of her duties and responsibilities as per RSA 659:95 and accepted her signature even though Whitlock was not present during the procedures.

The Moderator closed the doors to the public for no less than one hour after she closed the polls. The election officials handled the ballots in the absence of the public per Benita Knight, private citizen. The Moderator justified this action by telling the public the ballot inspectors needed "quiet" to complete the checklist tally. At least one ballot inspector did not know that this is an illegal action.

The ballot count on the Libertarian Ballot machine showed 69 ballots cast as of 7:50 PM, Tuesday, September 10, 1996. When the Moderator announced the "preliminary results" she told the public that there were 43 Libertarian ballots cast.

Moderator Lynn Christensen cites a "faulty" ballot machine for the numerical discrepancies in this election. (The "faulty" machine counted the Libertarian ballots.) When the machine "jams" she's explained, the ballot is removed and sent through the machine until the machine accepts it. This action causes an inaccurate count to be recorded. "Faulty" machines are "blamed" for inconsistencies in prior elections as well.

The Moderator reported 61 write-in votes on the Libertarian ballot for the office of State Representative; none of the write-ins were disclosed until after 4:30 PM on Wednesday, September 11, 1996. At that time the Town Clerk faxed an addendum to the Secretary of State. The names Kottwitz, Morrison, and Greenberg were not on the addendum.

Private citizens Benita Knight, Carolann Morrison, and Lynne Schmidt conducted a review of the voter checklist in the presence of a checklist supervisor on Monday, September 15, 1996. The checklist shows clear marks that forty-four (44) voters took Libertarian ballots. The town moderator reported to the state that forty-three (43) Libertarian ballots were cast. This shows one ballot is unaccounted for.

The Secretary of State conducted a Libertarian ballot re-count, filed for by Lynne Schmidt, candidate, on Wednesday, September 18, 1996 at 9:30 AM. The re-count showed a total of four clearly marked votes for Candidate Kottwitz, one vote short of the 5 required for nomination to

the office of State Representative on the Libertarian ballot in November, 1996. The re-count also showed 60 write-in votes -- one vote less than the 61 votes originally reported to the State. The first of the Libertarian ballots to be counted was completely blank.

Please review the documents: Libertarian Tally Sheet, Addendum -- Libertarian Write-in Votes, and Libertarian Re-count tally sheet.

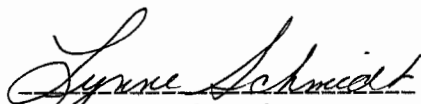
At least two voters received and cast ballots in this election but neither of their names were checked off on the checklist.

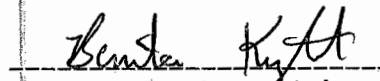
The Moderator announced the preliminary Republican vote count per the electronic counting machine as six hundred and eighty-four (684) votes for Lynne Schmidt. The "final" report to the Secretary of State shows a number reduced to six hundred and seventy-four (674). How is it possible to lose electronic votes?

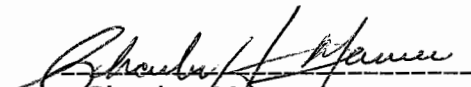
690 S/B

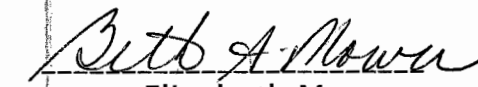
The integrity of the electoral process in Merrimack has been severely compromised. We respectfully request that the Democratic, Republican, and Libertarian elections be included in your investigation and thoroughly reviewed and recounted. We ask for the inclusion of any new or additional information, facts, or testimony as the investigation proceeds. In order to restore the public faith we ask that these investigations be conducted, heard and resolved by written document prior to the General Election in November, 1996.

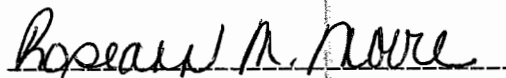
Respectfully submitted by,

  
Lynne Schmidt

  
Benita Knight

  
Charles Mower

  
BETH Elizabeth Mower  
A.M.

  
Roseann Moore

cc: The Honorable Jeffrey Howerd, Attorney General  
Gary Richardson, Chairman, New Hampshire Ballot Commission

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Merrimack District Court  
Baboosic Lake Road  
Merrimack, NH 03054

As allowed under RSA 666:9, Enforcement of Election Laws, the following written complaint is made to the Merrimack District Court:

It is our belief the law (RSA 659:40) against bribery; intimidation in elections has been violated in connection therewith and we ask for an inquiry concerning such violation. The following citizens are named as witnesses:

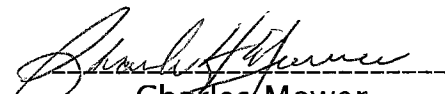
Lynne Schmidt  
David Christensen  
Robert L'Heureux  
Dennis Fields  
Benita Knight  
John Lyons  
John "Jack" Balcom  
Patricia Madden  
Kelley Ordway


and any other witnesses necessary for full and complete disclosure who may come forward or be uncovered as a result of the inquiry.

Respectfully submitted by,

  
Lynne Schmidt

  
Benita Knight

  
Charles Mower

  
BETH Elizabeth Mower

  
Roseann Moore

cc: The Honorable William M. Gardner, Secretary of State  
The Honorable Jeffrey Howerd, Attorney General  
Gary Richardson, Chairman, New Hampshire Ballot Commission

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Mr. Gary Richardson, Chairman  
New Hampshire Ballot Commission  
c/o Secretary of State  
State House, Room 204  
Concord, NH 03301

Dear Mr. Richardson,

Please accept the enclosed letter, addressed to The Honorable William M. Gardner, Secretary of State, as a formal, documented protest and complaint of the electoral process as conducted in connection with the State Primary Election on Tuesday, September 10, 1996.

This is a request for the full cooperation of your office regarding those questions within your jurisdiction. In order to restore integrity to the electoral process, I emphasize the complete and satisfactory resolutions of the issues contained in the enclosed document must be determined prior to the General Elections to be held in November, 1996. Your office is asked to respond to these complaints and protests with detailed written documentation of the testimony of your findings. I also request appropriate actions for any and all violations of the laws.

Thank you for your swift and immediate attention.

Respectfully,

Lynne Schmidt

cc: The Honorable William M. Gardner, Secretary of State  
The Honorable Jeffrey Howerd, Attorney General