

Kenneth J. MacDonald
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NEW HAMPSHIRE
SECRETARY OF STATE

September 18, 1998

Ballot Law Commission
State of New Hampshire
c/o Secretary of State William Gardner
Concord, New Hampshire 03301

TO ALL BALLOT LAW COMMISSIONERS:

In accordance with RSA 665:6, II, I, Kenneth J. MacDonald ("the appellant") wish to appeal the September 16, 1998 declaration of victory of Allen K. MacNeil by the Secretary of State following a recount of Republican Primary ballots for Representative to the General Court, Grafton County District 7 (Plymouth, New Hampshire).

This appeal of the recount is based on the following:

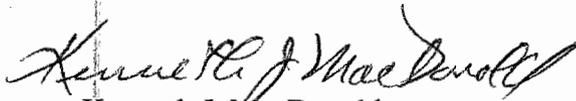
1. The vote count at the end of the September 8 Primary showed the appellant to have a nine (9) vote lead over Allen K. MacNeil.
2. Allen K. MacNeil sought a recount which was done September 16, 1998 and showed him to be the winner by three (3) votes.
3. There were no contested ballots at the recount.
4. The appellant was denied the right to count the number of ballots at the recount.
5. The recount team consisted of two people, one of whom read the ballots aloud and placed each before the appellant and Mr. MacNeil for verification, and the other person tallied the votes.
6. Neither the appellant nor Mr. MacNeil were able to verify that each vote was marked against the correct name on the tally sheet.
7. At the rate ballots were being processed, it was not possible for the appellant to ascertain that marks were being made against the correct name. There was NO double-checking of the one person tallying the votes.
8. Due to the common syllable "Mac" in both candidates' names, MacNeil and MacDonald, it is possible that votes were incorrectly tallied.

9. The tally sheet indicates that two votes (or ballots?) were lost between the primary and the recount.
10. Noise from other recounts in the room interfered with the process.

I wish to point out that neither candidate was afforded a "recount" despite the title of the proceeding. Instead, the candidates were afforded the opportunity to view and contest ballots.

I hereby request that subject ballots (there should be 599 of them) be reexamined by three disinterested staff members of the Secretary of State's office and the number of ballots along with the number of votes for MacNeil and MacDonald recounted with *two* persons concurrently tallying the votes.

My interest in this is to assure that the people who voted for me will have their say in the democratic process.



Kenneth J. MacDonald
8 Hilltop Drive
Plymouth, New Hampshire 03264

State Representative
 Wrafton County
 District No. 7

9-8-98 (2)

REPUBLICAN

Plymouth ✓

Hinman, r	recount	MacDonald, r	recount	MacNeil, r	recount
368	367	230	225	223	228
✓		✓			
✓				✓	

Wrafton County
 District No. 8
 (2)

Ashland ✓

Bridgewater ✓

Bristol ✓

Hebron ✓

Harmon, r	Phinney, r	Preusse, d	Townsend, d
61	127		3
63	115		1
97	359		4
48	115		1
269	716		7
✓	✓		

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