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NEW HAMPSHIRE
SECRETARY OF STATE

Before the
State of New Hampshire
Ballot Law Commission

APPEAL OF DeSTEFANO

NOW COMES Stephen T. DeStefano, pursuant to RSA 665:6 II, and appeals the recount of ballots as conducted by the Secretary of State and the treatment of other ballots in the November 3, 1998 election. In furtherance of this appeal, Mr. DeStefano avers as follows:

1. He was the candidate of the Democratic Party for State Senator for District 16 on the November 3, 1998 ballot. The Republican candidate for the office was Patricia Krueger.
2. The ballots counted on November 3, 1998 indicated Mr. DeStefano received 7,800 votes as compared with 7,816 votes reported for his opponent; a difference of 16 votes.
3. On Friday, November 6, 1998, Mr. DeStefano filed a timely application for a recount to the Secretary of State, pursuant to RSA 660:1.
4. On Monday, November 16, 1998, the Secretary of State conducted a recount of the votes cast in Senate District 16. At the conclusion of the recount, the Secretary of State determined that Mr. DeStefano had received 7,862 votes while his opponent had received 7,869 votes; a difference of 7 votes.
5. During the recount, Mr. DeStefano challenged the determination of the Secretary of State that 53 of the ballots were cast for Ms. Krueger. In addition, Mr. DeStefano challenged the Secretary of State's determination that one ballot could not be counted for either candidate.

Page 2

6. During the recount, Ms. Krueger challenged the determination of the Secretary of State that 54 of the ballots were cast for Mr. DeStefano. In addition, Ms. Krueger challenged the Secretary of State's determination that 4 of the ballots could not be counted for either candidate.
7. The Secretary of State separated the challenged ballots, attached by staple the name of the candidate who challenged his decision, the candidate for whom he believed the vote was cast, and placed the challenged ballots in an envelope marked to identify the voting ward from which they came.
8. The Secretary of State failed to count certain absentee ballots.

In appealing to the Ballot Law Commission, Mr. DeStefano asserts:

9. The Secretary of State erred in counting the 53 ballots challenged by Mr. DeStefano for Ms. Krueger.
10. The Secretary of State erred in failing to count one ballot for either candidate, when it should have been counted as a vote for Mr. DeStefano.
11. Certain absentee ballots were cast which should be counted as votes cast for Mr. DeStefano.

THEREFORE, Mr. DeStefano respectfully requests that the Ballot Law Commission:

12. Reverse the decisions of Secretary of State as to the ballots challenged by Mr. DeStefano and certain absentee ballots, and, accordingly, change the declaration of the Secretary of State and issue a certificate of such changed declaration, as provided in RSA 664:6 II; or,

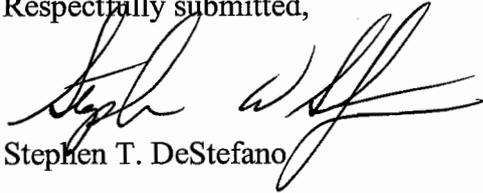
Page 3

13. In the alternative, declare the election to be a tie to be resolved pursuant to Part 2,

Article 34 of the Constitution of New Hampshire.

14. Provide such other relief as just and reasonable.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen T. DeStefano", written in a cursive style. The signature is positioned above the printed name.

Stephen T. DeStefano