STATE OF NEW HAMPSHIRE

BALLOT LAW COMMISSION

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NEW HAMPSHIRE
SECRETARY OF STATE

In Re: Hillsborough County District 24
Petition of Philip McColgan

BLC-96-13

ORDER

This is a request for a recount filed by Philip McColgan relating to the race for state representative from Hillsborough County District 24. Mr. McColgan questions the validity of some approximately 400 ballots that contain write-ins for Stanley Draper. According to Mr. McColgan many of the ballots that contain write-ins for Mr. Draper are in the same handwriting raising a question of whether one person illegally wrote in Mr. Draper's name on the ballots. Mr. Draper did not appear at the hearing, but the town moderator, Philip Currier, appeared and testified that to the best of his knowledge and belief the write-in ballots were valid.

The Ballot Law Commission reviewed some of the write-in ballots, but is unable to determine from simply looking at the ballots whether or not the same individual wrote in Mr. Draper's name on more than one ballot.

The jurisdiction of the Ballot Law Commission is to "hear and determine all disputes involving alleged violations of New Hampshire election laws of a non-criminal nature . . .". RSA 665:7. If proven, the allegation made by Mr. McColgan would indicate that a crime had been committed. The appropriate agency to investigate a criminal

violation of the election laws is the Attorney General's office. Accordingly, the matter is referred to the Attorney General for whatever action he deems appropriate under the circumstances.

It is further noted that the write-in votes cast for Mr. Draper were not of sufficient number to alter the outcome of the election provided that the votes cast for candidates whose names appeared on the ballot were properly cast. No evidence was presented to the Ballot Law Commission to indicate that the votes cast for candidates whose names appeared on the ballot were illegal and accordingly the appeal is denied at this time.

New Hampshire Ballot Law Commission

By: _____
Gary B. Richardson, Chairman

By: _____
Hugh Gregg

By: _____
Emily Gray Rice

December 12, 1996