

**STATE OF NEW HAMPSHIRE
BALLOT LAW COMMISSION**

Case Number BLC 2014-9

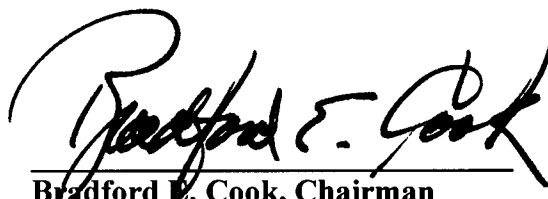
Appeal of Rep. Sylvia Gale From Recount

This case arises from the election for Representative to the General Court in Nashua Ward 1 (Hillsborough County District 28) in the 2014 general election. In the district in question, three representatives were to be elected and the vote between the three receiving the largest number of votes and the fourth candidate, Sylvia Gale, after a recount, was very close and she appealed to the Ballot Law Commission.

At a hearing held November 24, 2014, the Commission was prepared to review all of the challenged ballots, but counsel for the Democratic Party represented to the Commission that on the basis of its ruling in a prior case (see Decision BLC 2014-8), there were insufficient contested ballots to change the outcome. The issue involved and decided in that case was not counting as votes a number of ballots with completed ovals in the write-in column but no names written in the box, notwithstanding the argument that such ballots should be counted for the candidate whose name was printed in closest proximity to the mark. The Commission ruled in BLC 2014-8 that while that could be the intent of the voter, it would constitute speculation that such an intent could be inferred, rather than some other intent, such as the action constituting a protest vote. As sufficient ballots in the Nashua Ward One election were challenged on the same basis, and the Commission confirmed that it would rule the same way as it had in the other case, argument was waived.

As a result, the Commission voted unanimously to affirm the results of the recount.

So ordered.



**Bradford E. Cook, Chairman
William Craig
Michael Eaton
Dean Eggert
Beverly Hollingworth**

November 24, 2014