

STATE OF NEW HAMPSHIRE
BALLOT LAW COMMISSION

Petition of Linda Harriman
Candidate for N.H. House District No. 7, Coos County

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SECRETARY OF STATE

DECISION

Linda Harriman filed a petition with the Secretary of State on November 30, 1998, requesting a recount of the N.H. House District 7 race in which she was a candidate. This request was made after the statutory deadline for requesting a recount had expired.

On December 11, 1998, the Ballot Law Commission held a public hearing on this matter.

At the hearing, Ms. Harriman testified that shortly after the election, she called the Secretary of State's office and was told that she had lost the election by 134 votes. Ms. Harriman testified that she originally decided against requesting a recount because she thought that a 134 vote difference was substantial enough that it was not a reasonable request. However, after a recount in the Registry of Deeds race in which a large vote disparity was discovered, Ms. Harriman decided to request a recount in her race.

During the Registry of Deeds recount, it was discovered that the election night totals for that race were inaccurate in Ward 3 by 100 votes. In Ward 3, the number of votes recorded actually exceeded the number of votes cast in that Ward by 100 votes.

Berlin City Clerk Debra Patrick testified that it is her belief that a clerical error, not a counting error occurred on election night in adding up the votes for Registrar of Deeds. She testified that it is her belief that when the original Ward totals were written down that the number 1192 was erroneously written down instead of the correct number of 1092. She

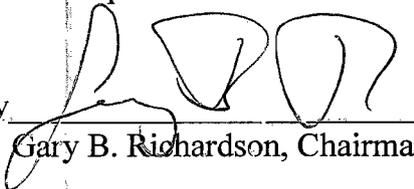
stated that the votes were counted correctly but written down incorrectly. City Clerk Patrick further testified that in all of the other races the vote totals did not exceed the total votes cast.

It should be noted that an almost identical issue was heard and decided by the Ballot Law Commission in a 1985 Petition filed by Robert Cushing, Jr. Mr. Cushing filed an untimely request for a recount of his race after a recount in another House of Representatives seat in the same town shifted 347 votes.

As was the case in the Cushing matter, Ms. Harriman did not allege nor present any evince of fraud or illegal conduct on the part of any election official. Since she did not pursue the statutory recount procedure and has not alleged or proven any violation of any state election law, the Commission finds no valid reason to order a recount and hereby dismisses the Petition.

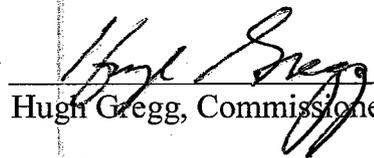
New Hampshire Ballot Law Commission

By



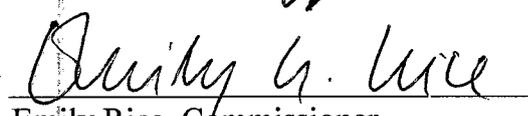
Gary B. Richardson, Chairman

By



Hugh Gregg, Commissioner

By



Emily Rice, Commissioner