

STATE OF NEW HAMPSHIRE
BALLOT LAW COMMISSION

IN RE:
Manchester Ward 6
Appeal of Norma Champagne

This matter came before the New Hampshire Ballot Law Commission sitting as Commission of one by consent of the parties by reason of the illness and unavailability of Mr. Calamari and Mr. O'Neill.

The race for State Representative from Ward 6 was recounted and Mr. Janas defeated Norma Champagne by one vote. This Appeal concerns the ruling of the Ward Moderator who refused to open three absentee ballots on his perception that the signatures on the affidavits did not match the signatures on the applications.

The Commission reviewed each of the three absentee ballots. One of them had a printed "signature" on the application, but the signature on the affidavit was in script. Different color ink had been used and apparently different pens had been used. The Commission affirmed the ruling of the Moderator and did not open nor count said ballot.

A second absentee ballot was examined and the situation was virtually identical to the one described above. One of the purported signatures was printed and the other was in script. Once again the Commission affirmed the ruling of the Moderator and did not open nor count the ballot.

On the third ballot, the Commission rendered an independent judgment that the signatures on the application and on the affidavit matched and the ballot was opened. The ballot was a

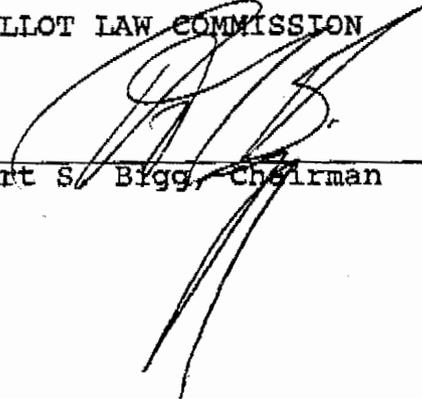
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straight Republican ticket thereby creating a tie. Mr. Janas has already been sworn in as a member of the House of Representatives. The Commission recognizes and acknowledges that the Legislature has the ultimate authority to determine its own members and, therefore, makes no ruling concerning the legal affect of the tie.

It is worth noting that no effort had been made by either party to secure either the affidavit or the personal appearance and testimony of either of the voters whose ballots were not opened. The Commission makes no ruling at this time whether or not such evidence would be accepted if subsequently offered.

SO ORDERED.

BALLOT LAW COMMISSION



Dort S. Bigg, Chairman

DATED: January 2, 1991