

**STATE OF NEW HAMPSHIRE
BALLOT LAW COMMISSION**

Case Number BLC 2014-8

Appeal of Kenneth Sheffert From Recount

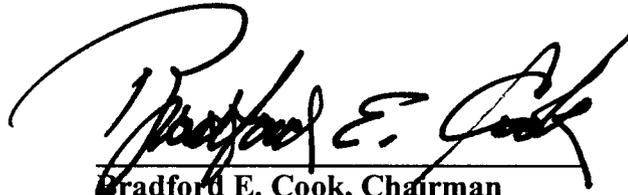
This case arises from the election for Representative to the General Court in Rockingham District 21 in the 2014 general election. In the district in question, four representatives were to be elected and the vote between the four receiving the largest number of votes and the fifth candidate, Kenneth Sheffert, after a recount, was very close and Kenneth Sheffert appealed to the Ballot Law Commission.

At a hearing held November 24, 2014, the Commission reviewed the ballots which had been challenged at the recount, and heard argument from counsel for the prevailing candidates and the appellant.

The function of the Commission is to determine, if possible, the intent of the voter in casting his or her vote, notwithstanding failure to comply with the strict instructions on a ballot to fill in the oval next to the name of the candidate, or to fill in the oval for a write-in candidate and write in the name of the desired write-in candidate for whom the votes wishes to vote. In the case of this appeal, one ballot contained "x's" to the left of the column containing Republican candidates in almost all offices, including one "x" to the left of Candidate Sheffert's name. On ten other ballots, the ovals in the column for write-in candidates were filled in, but no names were written in the boxes. This was the far right-hand column, to the right of the column containing the names of candidates of the Democratic Party. The parties argued about what the intent of the voters who cast these ballots was, whether to cast a vote for the candidates whose names were in closest proximity to the mark, even though in a different column, as a protest vote against all candidates, or some other intent. On other ballots, ballots allowed by the Secretary of State or not counted also were reviewed.

The Commission determined by unanimous vote, that the ballots with marks in columns near those of candidates should not be counted since it was impossible to do more than speculate about the intent of the voters, a finding which upheld the ruling of the Secretary of State. The Commission did count one ballot for Democratic candidate Robert Renny Cushing that the Secretary of State had not counted, and on all other ballots sustained the position of the Secretary of State. This change did not alter the results of the election after the recount, and the Commission voted unanimously to affirm the results of the recount.

So ordered.

A handwritten signature in black ink, appearing to read "Bradford E. Cook". The signature is written in a cursive style with a large, sweeping initial "B".

Bradford E. Cook, Chairman

William Craig

Michael Eaton

Dean Eggert

Beverly Hollingworth

November 24, 2014