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**NEW HAMPSHIRE
SECRETARY OF STATE**

**STATE OF NEW HAMPSHIRE
BALLOT LAW COMMISSION**

Petition

Of

Mary Lou Nowe

DECISION

On September 22, 2000, the Ballot Law Commission held a public hearing which included the public's opportunity to raise issues relating to the primary election.

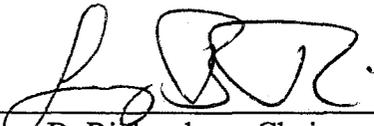
State Representative Mary Lou Nowe and her husband, Representative Ronald Nowe, asked to be heard regarding an issue occurring in the Town of Epping with respect to two absentee ballots. The Commission agreed to hear their complaints.

According to Representative Mary Lou Nowe, on the night of the election, while ballots were being counted, a dispute arose over two absentee ballots. Representative Nowe testified that the moderator opened the outer envelope of the first ballot and then stated "We are not accepting this. The signatures don't match". Representative Nowe testified this occurred with a second absentee ballot as well. Representative Nowe also testified that at her recount on September 22, 2000, when the two absentee ballots were produced, it was stated these two ballots were not counted because they did not have the requisite affidavit. Representative Nowe expressed her concern with the apparent change in the explanation of why these two absentee ballots were not counted. Representative Nowe testified that the day after

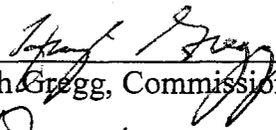
the election she obtained affidavits from the two individual voters who cast absentee ballots and submitted the affidavits to the Commission.

The Commission first notes that there is no statutory provision which permits the Commission to consider the affidavits, after the fact, of the absentee ballot voters as a way to cure their invalidity. Additionally, the Commission is not convinced there was any impropriety in the handling of the two absentee ballots. However, the Commission would encourage the moderator and all other election officials to be extremely clear in their announcements and explanations as to why ballots are not to be counted. Additionally, such information should be well documented in written form. If the signature on the affidavit and the inner envelope do not match, they should both be preserved for later inspection. If there is no affidavit, the moderator should clearly state that fact publicly and note the decision on the inner envelope. Following these procedures would certainly lessen the possibility of confusion, misunderstanding and distrust amongst the voters.

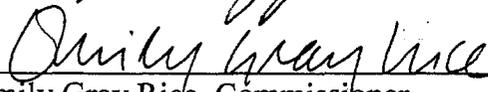
NEW HAMPSHIRE BALLOT LAW COMMISSION

By: 

Gary B. Richardson, Chairman

By: 

Hugh Gregg, Commissioner

By: 

Emily Gray Rice, Commissioner