

THE STATE OF NEW HAMPSHIRE

New Hampshire Ballot Law Commission

In Re: Claremont Election Recount
Applications of Anthony Maiola and John Cloutier

ORDER

The New Hampshire Ballot Law Commission hereby make the following findings of fact and order:

I. FINDINGS OF FACT

1. On Wednesday, December 26, 1990, the Secretary of State, pursuant to an order from the Merrimack County Superior Court, conducted a recount of the City of Claremont school board election. That recount revealed that the original election results reported on November 6, 1990 were significantly inaccurate.

2. On Thursday, December 27, 1990, the New Hampshire Ballot Law Commission held a hearing at the Office of the Secretary of State in Concord, New Hampshire. Chairman Dort Bigg, Esquire was the sole commissioner attending. Commissioners Calamari and O'Neill concurred to the convening of the Commission in the person of Chairman Bigg.

3. The Commission received testimony from John Cloutier and Richard Krueger concerning challenges to the election for the representative to the General Court from Sullivan County, District 6.

4. The Commission also received testimony from Frank MacConnell concerning challenges to the election for County Commissioner from District Two of Sullivan County.

5. The Commission further received information, in executive session, from representatives of the Office of the Attorney General concerning an investigation into possible improprieties in the election procedures followed in the City of Claremont on November 6, 1990.

6. The information provided by the Office of the Attorney General indicates that certain documents necessary to the completion of the investigation are believed to be contained within the sealed ballot boxes for the statewide offices containing the ballots and concomitant documents.

7. On December 28, 1990, the Office of the Attorney General impounded the ballot boxes for the statewide election pursuant to RSA 666:13.

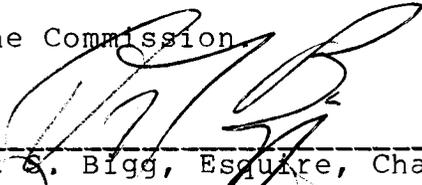
8. The information sought by the Office of the Attorney General will aid the Commission in rendering a decision on the matters set forth in paragraphs 3 and 4 above.

The Commission hereby ORDERS that:

A. The Attorney General may open the City of Claremont ballot boxes for the statewide election and review all documents, other than the ballots themselves, contained therein; and

B. The Attorney General may report his findings to the Secretary of State on behalf of the Commission.

1/18/91
Date


Dort S. Bigg, Esquire, Chairman

Date


Robert D. Calamari, Commissioner

Date


James D. O'Neill, Commissioner

STATE OF NEW HAMPSHIRE

BALLOT LAW COMMISSION

IN RE:
Claremont Election Recount
Applications of Anthony Maiola and John Cloutier

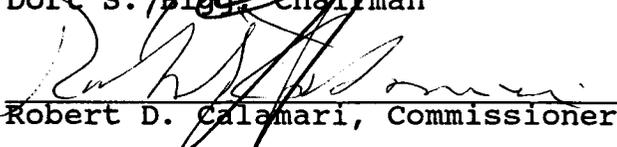
The Ballot Law Commission considered complaints from Anthony Maiola and John Cloutier. They were involved in the races for County Commissioner and State Representative, respectively, at the November 6, 1990 election. Their concerns arose out of the discrepancies which had been demonstrated in the official recount of the school board race in Claremont.

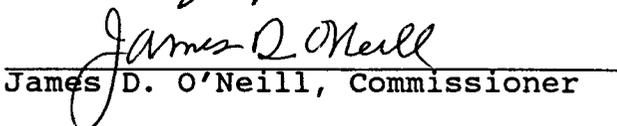
As a result of the discrepancies in the school board race, this matter was referred to the Attorney General's Office which investigated the matter thoroughly. As a result of the report of the Attorney General's Office, it is found and ruled that the situation which resulted in significant changes on the recount in the school board election did not affect any of the other races including, but not limited to, the State Representative election and the County Commissioner's race. Accordingly, no action by this Commission is indicated.

SO ORDERED.

BALLOT LAW COMMISSION


Dort S. Bigg, Chairman


Robert D. Calamari, Commissioner


James D. O'Neill, Commissioner

DATED: April 1, 1991