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STATE OF NEW HAMPSHIRE
BALLOT LAW COMMISSION

Appeal of Michael Harrington
New Hampshire House District 4
Strafford County

DECISION

Candidate Michael Harrington , pursuant to RSA 665:6 II, filed a timely appeal of the Secretary of State's recount certification that Dennis Vachon won this election.

On November 23, 1998, The Ballot Law Commission ("the Commission") heard the Appeal. Both parties were represented by counsel.

The two issues raised by Mr. Harrington were one, the extraneous markings in the form of small dots which appeared on a number of ballots and two, the disparity of 231 total votes not included in the first tally. Mr. Harrington made it very clear, however, that he was not alleging nor did he believe any fraudulent conduct on anyone's part.

The Strafford Town Moderator testified that the pencil marks were likely from counters who used the pointed end of a pencil during the counting procedure as opposed to the eraser end.

With respect to the disparity in the original tally, the Moderator explained that it is his belief that he neglected to consolidate one of the 6 groups of counters totals before declaring a final vote count.

The Commission is also convinced that no fraud was intended nor practiced in this election.

The Commission accepts the Moderator's explanation as to why the small dots appear on the ballots. The dots do not affect the clear intent of the voter and the Secretary of State's ruling is upheld. See RSA 659:64. It is worth noting that based on the Moderator's statements, the Commission is confident this will not occur in the future.

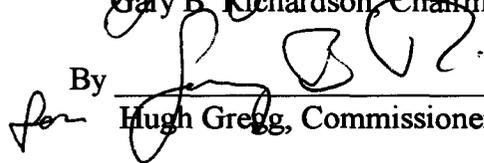
Likewise, the Commission is not troubled by the disparity with the vote tally and accepts the Moderator's explanation.

The Ballot Commission therefore re-affirms and certifies Dennis Vachon as the winner of the New Hampshire House District 4 Seat.

New Hampshire Ballot Law Commission

By 

Gary B. Richardson, Chairman

for By 

Hugh Gregg, Commissioner

By _____
Richard Delay, Sr., Alternate Commissioner