

October 11, 2022

REPORT PREPARED PURSUANT TO RSA 659:77 REGARDING THE SEPTEMBER 13, 2022

PRIMARY ELECTION HELD IN WARD 6 OF THE CITY OF LACONIA

To the Voters of Laconia's Ward 6, the NH Secretary of State, and the NH Attorney General:

On August 19, 2022, under RSA 659:77, I, Bonnie Winona MacKinnon, was appointed monitor for the above referenced election by Attorney General John Formella and Secretary of State David Scanlan. I was assisted all day at Ward 6 by Deputy Secretary of State Erin Hennessey. Additionally, Nicholas Chong Yen from the Attorney General's Office was also there in person or available by phone. I drew upon my years of experience as a town Moderator in helping to teach appropriate procedures to the new Moderator, her assistant Moderator, other election officers and staff.

My interaction with Laconia officials prior to the elections was limited to some phone conversations with Katie Gargano, the relatively new City Clerk. Katie relayed to me that the city thus far had not appointed a Moderator for Ward 6. The City Council met late in the afternoon of the 12th and did finally appoint someone to fill the position at the last minute.

Katie was planning on being present at Ward 6 in the morning to swear in the newly appointed Moderator and assistant, a requirement of holding office. And so she did.

I arrived at Ward 6 at 6:15 am on the 13th as the first election workers were arriving and setting up the polling place. Laconia polls are open 7 am to 7 pm.

I quickly met Catherine Tokarz who had been appointed by the City Council to act as Moderator; and her assistant Moderator, Sherwood Frazier. The Moderators, naturally, had not had time to study much. Neither could they have taken advantage of the trainings that the Secretary of State's office conducted all over the state in the weeks before the elections. They had not previously served on the election staff, but did do some reading the night before and both arrived with a good attitude to face the day's duties.

We walked through opening up the ballot counting machine together. The log book which chronicles everything done to the ballot counting machine is a good teaching tool. Everything she did had to be signed for by herself and witnesses. She learned not to touch the seals on the machine as you cannot use a machine in an election if the seals have been violated. We found the instructions which are present from LHS for every election and got her machine up and running. But first we publicly checked, within view of those waiting for the polls to open, all of the compartments in the machine cabinet to ensure there were no old or new ballots in there. She printed the zero tapes according to the instructions and put one in the machine's notebook and one posted in the polling place. She learned about the two compartments in the rear with separate regular ballots from those with write-ins (ballots in the write-in bin need to have the name of the person receiving a write-in vote recorded, but otherwise are fully counted by the ballot counting device). Ballots read as completely blank, with no ovals filled in, are also diverted into this bin and checked for votes marked with circled candidate names,

etc. She also learned about the side compartment for overvotes or ballots that for some other reason needed to be completely hand counted. The various messages which appear in the counter window were explained.

Her machine in service, she opened the polls just after 7 AM. There were voters ready to vote waiting until the opening bell. I was now able to inspect the rest of the place set-up.

The initial room set up was not conforming to current acceptable standards. There were two check in tables for just over 1900 registrants, and one clerk at each table. Two tables were adequate for the expected turn out in a primary. However, there was a third table with Democrat ballots on one side and Republican ballots on the other and one person giving out ballots for each color ballot. The persons manning the third table could not always hear the party declared by the voter and agreed to by the clerk at the check in tables. We witnessed a few voters being given the option of which ballot to take. Additionally, we noted that the guardrail was not properly set-up to restrict access to the voting area. We immediately brought these issues to the Moderator's attention and suggested one of the recommended layouts from the New Hampshire Election Procedure Manual. The Moderator oversaw the moving of the guardrail and placing two persons at each check in table. The rail was between each person checking the voters in and the clerk distributing the ballots. Ballots were at least 4 feet from the rail. Additionally, we explained that each station should have a member from each party working as a team. One person checked the appropriate boxes on the checklist and the other gave out the appropriate ballot; the ballot clerks were now within earshot of the check in clerks.

This set up was crucial to a primary in which you are actually conducting two separate elections. Undeclared voters can choose whatever party they wish to vote in, but if you are in a party, you may have only the ballot which corresponds to your party. And once you vote in a party's primary, you are a member of that party unless you return to undeclared status with the Supervisors of the Checklist after voting, or within a statutory time frame. Many people forget to change back to undeclared and find themselves a member of a party in which they don't wish to vote in the election before them. It also works well for a non-primary election.

During the Election Day I also noted the following:

- The ward clerk and her assistant seemed to be processing the absentee ballots without the assistance of the Moderator. Only the Ward clerk and her assistant were processing. They said they had always done it this way. I had the Moderator participate by interacting with the clerk, checking the paperwork with the ward clerk and going to the check-in clerk to state their name, address and party.
- There was no wooden ballot box in case the power failed or the machine battery was not charged or for any other reason the ballot counting device failed. I recommend that they procure one for each ward in the case of an emergency.
- Since the Moderator was not appointed until the night before the election, she did not attend the testing of the ballot counting machine. Before the polls were opened, she should have seen evidence that the machine was tested prior to the election, that each card was tested, and that the appropriate amount of test ballots were in the machine's side pocket and marked as test. This process was not completed until later in the day because the test ballots had been left at city hall. Although not verified timely, the device was successfully tested prior to being put in service on

election day and the testing documented in compliance with the law. In the future, this should not happen and the test ballots should be properly marked as test and not cancelled or spoiled.

- A Ward 3 absentee ballot was received instead of Ward 6. As the voter was on the Ward 6 checklist, it was determined they were inadvertently mailed a Ward 3 ballot. As the machine was not programmed to read a Ward 3 ballot, it rejected it and the ballot was placed in the side hand count pocket to be fully hand counted. When a qualified voter submits the wrong ballot for the polling place and is not present to spoil the wrong ballot and mark the proper ballot, correct procedure is to give effect to the voter's intent. Hand count all offices and questions that appear on both the marked ballot and the correct ballot. For this election both ballots had the same offices. The correct procedure was followed.
- The Moderator or her assistant walked handicapped voters out of the polls through the ballot clerks and out the front door. This is because the exit from the voting area has a stairway and there is no other exit for the mobility impaired. This is not a bad practice except in some instances the ballot counting device was left unattended. I coached the Moderator and Assistant Moderator not to leave the device unsupervised and did not witness any further instances.
- A gentleman walked in right through the ballot clerks, past the guardrail to talk to the Moderator. I watched and later explained that this was not legal (RSA 659:21) – admittance behind the guardrail is prohibited except for the voter to vote, assisting a voter, election officers, and the police if necessary to maintain order. He returned a while later and requested to speak to the Moderator who met him outside the chains for a discussion.
- A Challenger also came inside the guardrail to retrieve her party letter since she was being moved to a different ward. She was not stopped by a poll worker. Also, a voter in the wrong ward was allowed to cross the guardrail and into the voting area and exit with voters. I discussed this with the Moderator.
- Ward 6 could use more staff at an election. There were not sufficient people on staff to address many peripheral chores like checking the booths for pens and debris left behind, to relieve the ballot clerks for breaks, to control stray people who wanted to speak to the Moderator, to keep non-voters from entering the voting area, to staff the return to undeclared book and so forth. Two or three extra people could be put to good use.
- The ballot clerks were not consistently announcing the voters' names, addresses, and party affiliations. Additionally, voters were not consistently required to do the same. I discussed this with the Moderator and noted improvement.
- I noted on several occasions the ballot clerk did not write AV in red ink next to the absentee voter's name. The checklist was marked correctly once coached to do so.
- A voter needing assistance in marking his ballot brought his wife to help him. I instructed the Moderator to administer an oath to them separately. He must swear he needed assistance. She must swear to mark the ballot as instructed and to never speak of it again, helping to keep his vote secret.
- During the day, we made ourselves available to the Moderator for assistance, including answering outdoor electioneering questions. We also did some training with the other election staff members and listened to some of the concerns that they had.

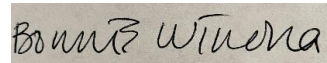
The polls closed at 7 PM as the voting line was fully accommodated just before 7 PM. I showed the Moderator how to close out the ballot counting machine; find the instruction sheet; put the ender card

through the machine; answer the various questions yes or no; print out 4 copies of the long report; and then to empty the machine keeping the three sorted types of ballots separated on three different and labeled tables. The ballot counting machine was double checked by the Assistant Moderator within view of poll observers to ensure all compartments were empty of ballots.

With some coaching from us, the Moderator oversaw teams of election workers separate the pink and blue ballots; count the write-ins; count the hand count ballots; look through the machine counted ballots for any markings which would indicate a write in was missed. Meanwhile the checklist was being counted for the number of voters which did not initially match the number of ballots. I had the workers recount the ballots. They soon did match. The Moderator reconciled two races before announcing the results to poll observers. The results had been publically announced when I left at 10:55 pm leaving Deputy Hennessey to oversee the ballots being properly sealed into boxes.

Although I noted a few issues throughout the day, Ward 6 did not repeat any of the election day significant deficiencies from previous elections noted by the Attorney General's office. Both the Moderator and her assistant were very positive and open to coaching and learning the process. I recommend the Ward 6 poll workers take advantage of the in person and online trainings offered by the Secretary of State's office and that the City Clerk ensure that all poll worker contact information is in ElectioNet.

Respectfully submitted,

A handwritten signature in cursive script that reads "Bonnie Winona". The signature is written in black ink on a light-colored background.

Bonnie Winona MacKinnon