

To: The Voters of Hampton, New Hampshire
David Scanlan, New Hampshire Secretary of State
John Formella, New Hampshire Attorney General

From: Patricia Lovejoy, Senior Deputy Secretary of State and Election Co-Monitor
Bonnie Winona MacKinnon, Election Co-Monitor

Date: October 8, 2024

RE: Report Prepared Pursuant to RSA 659:77 Regarding the September 10, 2024
State Primary Election in Hampton

The Attorney General's Office received information indicating that the now former town clerk failed to follow several election laws during the January 23, 2024 Presidential Primary Election (the "Primary Election") and the March 12, 2024 Hampton Town Election (the "Town Election"). Following an investigation, the Attorney General's Office determined that she failed to follow numerous election laws by: (1) omitting the affidavit envelope when sending absentee ballot materials to 79 voters for the Primary Election, contrary to RSA 657:15; (2) processing and casting approximately 10-25 of these absentee ballots despite the ballots not being sealed in an affidavit envelope, contrary to RSA 659:53; and (3) improperly signing the activity logs for ballot counting devices used in the Town Election, contrary to RSA 656:40, VIII(d); and (4) failing to seal boxes of uncast absentee ballots following the Town Election, contrary to RSA 659:95 and RSA 669:25. Additionally, the Town Clerk's Office made multiple errors when preparing ballots for the Town Election and the March 12, 2024 Hampton School District Election (the "School District Election"). These errors resulted in the Town having to reprint the ballots multiple times and to resend corrected absentee ballots to some residents, which created voter confusion and delayed the absentee voting process.

In accordance with RSA 659:77, the Attorney General's Office recommended that the Secretary of State's Office appoint an election monitor to monitor the State Primary Election that Hampton held on September 10, 2024. Patricia Lovejoy, Senior Deputy Secretary of State, and Bonnie Winona MacKinnon, former town moderator of Nottingham, were appointed to monitor Hampton's State Primary Election. This is their report.

Assistant Attorney General Brendan A. O'Donnell's letter to the Town of Hampton is attached.

Election Monitor Report

Hampton began its September primary with a new town clerk and a new town moderator.

We attended the September 29, 2024, testing of the AccuVote machines. The Town Moderator, Marc Gorayeb, and the Town Clerk, Tracy Hamilton, were present. The clerk had properly marked 50 test ballots including 15 absentee ballots. Hampton owns seven AccuVote ballot tabulating machines. Each machine's seals were checked and properly recorded. Tests were conducted on six of the seven machines. Machines 1 and 3 did not record accurate results and therefore were excluded for use at the Primary Election. The moderator intended to use four machines at the Primary Election.

Discussions regarding procedures to be used at the election revealed that Hampton had not previously been utilizing two ballot clerks at each voter check-in station. The moderator agreed to utilize two ballot clerks, one Democrat and one Republican, at each voter check-in station.

Hampton has a single polling place: Winnacunnet High School, 1 Alumni Drive in Hampton. The polls opened at 7 AM and closed at 8 PM. One of the co-monitors were always present from 6:30 AM until all ballots were counted, results announced, and all ballots and election materials were properly sealed in the appropriate boxes and numbered.

Pursuant to the letter of appointment and RSA 659:77(IV) we were given full access to the polling place, including authority to directly observe the registration of voters on election day, the checking in of voters by inspectors of elections, assistance to voters with disabilities, the use of the accessible voting system, the receipt of ballots, the processing of absentee ballots, and the counting of ballots, and were given authority to handle marked ballots for the purposes of instruction during the counting and tabulating process.

Observations:

- This was the first election for both the moderator and town clerk in their official positions, though both had worked at elections previously and were familiar with the process.

- Outside, there were no "VOTE HERE" signs with arrows to bring voters to the appropriate entrance for the polls. Winnacunnet High School has multiple buildings and complex driveways. There were no signs indicating where to park for voting. The moderator and selectmen explained that the Public Works Department had deployed all sign machines to the Hampton Beach Seafood Festival the previous weekend. The moderator remedied this by mid-morning by calling the BPW.
- All pre-election procedures including running "Zero Tapes" and completing the pre-election certificate were properly completed prior to the opening of the polls at 7 AM.
- Electronic poll books were used for the first time in a Hampton election at this Primary Election. The process of using the E-poll books went smoothly and was well accepted by the voters. The moderator noted that more election workers will be necessary at the General Election to simultaneously mark the paper checklist.
- Voters were efficiently processed throughout the day. The wait to receive a ballot never exceeded five minutes and was generally shorter. There was an adequate number of voting booths. The one4all booth was properly set up and there was evidence of proper testing of the machine.
- The guardrail was properly set up, allowing for observers to hear the check-in process and to observe the processing of absentee ballots. At no time did the Monitors observe anyone improperly crossing the guardrail.
- Processing of absentee ballots began shortly after 10 AM – the time posted for processing of absentee ballots. It was noted that the two individuals who were originally scheduled to process the absentee ballots were a registered Democrat and an undeclared voter who generally pulled a democrat ballot at primaries. The moderator replaced the undeclared voter with a Republican registered voter prior to commencing the processing of the absentee ballots. The number of processed absentee ballots was reconciled to the number of absentee ballots received per the Statewide Voter Registration System.
- The moderator had intended to use the fourth AccuVote machine solely for the absentee ballots. After accepting one ballot, the AccuVote machine rejected all other ballots. The moderator had all the remaining absentee ballots processed through one of the other three machines.
- The town clerk was in her office at 5 PM to check for any absentee ballots that were received by 5 PM on election day.
- The moderator was reminded that only one voter is allowed in the voting booth. A voter needing assistance must declare to the moderator at check-

in that assistance is needed. The voter's assistant must mark the ballot as the voter directs and keeps the ballot choices confidential. (RSA 659:20) Both must take an oath that provides for the same.

- The polls closed at 8 PM. The process of reconciling the votes took longer than anticipated partly because of the large number of write-in votes on the Republican ballots. The moderator had prepared a worksheet to assist in the reconciliation. It was discovered that a line for write-ins needed to be added. Once write-ins were accounted for the sum of all votes equaled the number of ballots cast with minor discrepancies. The e-poll book system simplified the reconciliation of the ballot inventory.
- All boxes were taped up, numbered , properly sealed and their labels signed by all required parties prior to the local police department's transfer of the boxes to the town hall for storage in the vault.

There was only one request for a recount of any primary election in the state and it happened to be for Republican State Representative Rockingham District 40 that included the towns of Hampton and Seabrook. The result of the recount confirmed the result of the election as announced on Primary Election night.

We would like to commend both the moderator and town clerk for planning and conducting a smooth, accurate election. Their attention to detail and hard work was evident. At the end of the election, they were already planning improvements to their layout and process to ensure that the General Election on November 5th, which will have significantly more voters, will go smoothly and be a positive experience for Hampton voters.

Respectfully submitted,

Patricia Lovejoy

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Bonnie Winona

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