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October 19, 2018

William E. Christie, Esquire  
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PO Box 2703  
Concord, NH 03302-2703

Re: NH Democratic Party Complaint Regarding Absentee Ballot Errors

Dear Attorney Christie:

I write in regards to the election law complaint that you filed on behalf of the New Hampshire Democratic Party on October 8, 2018. You alleged that the ballots for the towns of Bedford, Londonderry, Auburn, Sandown, and Chester contained errors. In follow up to your complaint, this Office initially identified 126 individual voters who had received affected ballots. Based on additional information received to date, we have now identified a total of 146 voters across these five towns who have received a ballot that contained an error.

We have determined that the errors resulted from three separate and inadvertent data entry mistakes made by the Department of State. By way of background, the Secretary of State is responsible for tabulating the results of the State Primary Election and producing several types of distinct ballots for approximately 300 polling locations around the State, three of which include: the ballot for Uniformed and Overseas Citizens Absentee Voting Act (referred to as the "UOCAVA voters"), the official absentee ballot, and the official ballot for those voters who vote on election day.

The UOCAVA ballots are prepared first and are sent electronically to town and city clerks. The State Primary Election occurred on September 11, 2018. Under federal law, UOCAVA voters who have requested an absentee ballot must be sent their ballot no later September 22, 2018, which permits the Department of State only 11 days (8 business days) to prepare and send these ballots to over 300 jurisdictions, each with unique offices and candidates appearing on the ballots in the proper name order and column rotations. The confluence of these events places an extraordinary time burden, initially on the Department's staff to create each unique ballot, but also on the town and city clerks who are required to send them out.

Next, the absentee ballots are printed to ensure that they are delivered to the town and city clerks with sufficient time for them to permit them to be mailed to and returned by each voter. Finally, once all of the absentee ballots have been printed and delivered, the official ballots that are used on Election Day are printed and sent by the Department of State to the Town

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and City Clerks. At each stage, every ballot template undergoes a separate and successive review prior to being printed. After the Secretary of State delivers the ballots, town and city clerks are required to inspect the ballots "to verify that the ballots in the package are all the proper ballots for that town or city." RSA 656:20, II.

In Bedford and Londonderry, the ballots of only UOCAVA voters' were affected. These errors were the result of two separate data entry errors by the Department of State. In Londonderry, the initial UOCAVA ballot identified Tammy M. Siekmann incorrectly as a Libertarian candidate, rather than a Democratic candidate. In Bedford, Grey Chynoweth was listed incorrectly as a Libertarian, rather than a Democrat. Both of these errors were identified and corrected by the Department of State well before our office received your complaint. The corrected ballots were sent by the Department of State to Bedford on September 27, 2018, and to Londonderry on October 4, 2018. In both of these jurisdictions the errors were identified and corrected prior to printing the absentee and official ballots.

In Auburn, Sandown and Chester, both UOCAVA ballots and absentee ballots contained a mistake that was sourced to a single data entry error. The wrong Democratic Party Primary winner was listed as a candidate for the State House Representative. As of the moment that our office received your complaint in mid-afternoon on October 8, 2018, the Department of State had already delivered corrected UOCAVA ballots to the town clerks. Additionally, the corrected absentee ballots were reprinted and delivered to these three towns on October 10, 2018.

It is important to emphasize that no voter should be disenfranchised as a result of this error. Our office has reviewed the processes implemented by the affected town clerks in order to ensure this. The town clerks from Bedford, Sandown, Londonderry, Auburn, and Chester quickly identified the affected voters, notified them, and ensured that they each received a corrected ballot. Likewise, the Department of State staff quickly identified and corrected the source of the error and then quickly reprinted and delivered corrected ballots. As of October 12, 2018, every affected voter was sent a corrected ballot.

Errors of this nature do occur from time to time due to the high volume of offices, candidates, and ballots that need to be reviewed and prepared within a tight timeframe. In this case, the mistakes were quickly identified and corrected and each voter has been provided a corrected ballot. If you have any further questions or concerns, please do not hesitate to contact me.

Sincerely,



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cc: William M. Gardner, Secretary of State