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### **SIX PROBLEMS UNIQUE TO 2012 NEW HAMPSHIRE ELECTIONS:**

1. Removed safeguards for its same-day registration system.
2. Ignores the law on ballot-stuffing safeguards.
3. Breaks the chain of custody.
4. Conceals vote-counting from the public, in violation of Article 32 of its own Constitution.
5. Removed candidate recount rights (2009).
6. Made it illegal for public citizens or members of the press to examine the ballots after the election is over (2003)

### **TWO THINGS YOU CAN DO**

1. Get involved with Protect the Count NH or Watch the Vote 2012 (links below).
2. Monitor the trap doors **WHAT'S GOOD ABOUT NEW HAMPSHIRE'S**

#### **FIRST-IN-NATION PRIMARY?**

Like the Iowa caucus system, it forces candidates to answer real questions from actual people. Political strategists like their candidates to plan their media (setting up media ops that are nothing short of laughable; placing their candidates in cornfields, in tanks, on factory assembly lines, donning catcher's mitts and plaid shirts and baseball caps.) Unscripted moments are forced on candidates in Iowa and New Hampshire, where locals won't vote-ya if you hide behind photo ops.

**WHAT'S BAD ABOUT NEW HAMPSHIRE'S FIRST-IN-NATION PRIMARY?** As you may know by now, Romney apparently did NOT win Iowa. Alert public citizen Edward True took pictures at his caucus location (exactly as Black Box Voting advised). He discovered that instead of two votes for Romney (the correct total), his caucus reported 22 votes to the state. This would mean Romney lost by 14, and Santorum won. Unlike Iowa (where the public could spot errors or malfeasance so well that mistakes actually saw the light of day), New Hampshire has become the Deception of transparent elections.

### **HERE ARE NEW HAMPSHIRE'S TRAP DOORS:**

## **TRAP DOOR #1 - (WHO CAN VOTE):**

Democrats have been clamoring for same-day registration, and we saw Republicans take advantage of it in Iowa's 2012 Caucus. A keen idea, but not when you remove its safeguards.

The safeguard for same-day registration is the ability for any person to see and authenticate same-day registration applications. New Hampshire allows same-day registration, but excludes the registration applications from public inspection. What you're left with is a checklist (New Hampshire's name for a poll list) which contains a list of names appended to it by a poll worker.

In 2008, the presidential primary checklist for a northern New Hampshire town called Woodstock was spotted on the floor of a white cargo van by an alert citizen. This van was speeding around southern New Hampshire, driven by file clerks Peter "Hoppy" Falzone and Butch Dubois. Ballot pickup schedules showed that they hadn't been to Woodstock. Appended to the Woodstock checklist were a motley list of hand-written names, lacking addresses, purporting to be same day registrants.

Susan Pynchon, the citizen who spotted the checklist and later examined it, asked to examine the Election Day registration forms that must accompany same-day registrants. But in New Hampshire, that's against the law.

No member of the public or the media can examine any of the documents which authenticate same-day registrants. No one knows if the names appended to the checklist are real or copied from a phone book during lulls in voting.

**TRAP DOOR #2 - (WHO DID VOTE):** A telltale sign for ballot box stuffing is when votes exceed voters. Here are voter/vote totals from Swanzey in New Hampshire's 2008 presidential primary:

1,591 votes - 1,333 voters = 258 impossible Democratic votes

1,092 votes - 951 voters = 141 impossible Republican votes

Documentation: <http://www.bbvforums.org/forums/messages/157/Swanzey-72828.pdf>

The total number of impossible votes in Swanzey alone were  $258 + 141 = 399$

The "Swanzey Stuffing" does have a positive side: At least Swanzey reported their impossible numbers promptly to the Secretary of State. A citizen caught it, and (one would hope), the secretary of state had an opportunity to investigate the incident. But they didn't.

In 2010, though it is required by law to report to the secretary of state the number of votes and voters, towns did not report it. An alert public citizen, Deborah Sumner, noticed the absence of this required ballot-stuffing safeguard and brought it to the attention of the secretary of state, the Ballot Law Commission, the attorney general, and the media. Though the attorney general did issue a written opinion confirming that the report is required by law, no one did anything about it.

Here is the law: RSA 659:73 (f) and (g). Subsection (f) is the number of voters who show up at

the polls; subsection(g) is the number who vote absentee; add the two together and you know how many warm bodies actually cast a vote. Compare that to the number of votes and if there are more votes than voters, someone stuffed the ballot box (or can't prove they didn't).

In 2012, since nothing was done about 2008's impossible numbers, and nothing was done about 2010's willful noncompliance with RSA 659:73, we have every reason to believe that this trap door is still ready and waiting for anyone who wants to exploit it.

**TRAP DOOR #3 - (CHAIN OF CUSTODY):** It seems like every time New Hampshire has a major election, someone is ducking in and out of its computer-counted voting locations switching out memory cards. Sometimes the ballots are switched out too, citing pens that the machines thought were invisible. And in New Hampshire's 2008 presidential primary recount, ballots from one location (Manchester Ward 5) arrived in the sealed, signed ballot box for Manchester Ward 6, and vice versa. Ballots arrived in boxes that were open; in Christmas tree ornament boxes, and battered corrugated brown with slits in the side.

So, you might think, New Hampshire would clean up its act. They would no longer swap memory cards in the middle of Election Day (the votes reside on memory cards. Exchanging a memory card midday is akin to having someone bring in a different ballot box from who-knows-where and swap it out in the middle of the election.) There is no reason to believe we won't see memory card swaps, and even exchanges of entire voting machines, in 2012. No one at the New Hampshire secretary of state's office seems concerned, claiming that the towns are responsible for their own elections.

You might think that we won't see ballots for Ward 5 showing up in a Ward 6 box if there's a recount this time, and we probably won't. That's because in 2009, New Hampshire changed its recount law to reduce candidate access to recounts.

**TRAP DOOR #4 - (THE VOTE COUNT):** New Hampshire used to brag that its machines were trustworthy (even though they are programmed by LHS Associates, a sole-source, no-bid vendor based in Massachusetts with a convicted narcotics trafficker at the helm, see this article):

<http://www.bbvforums.org/forums/messages/1954/71236.html>

The idea of having two guys working out of Massachusetts pick up and deliver memory cards, which contain both programming for the results report and hold the vote totals themselves, is a little creepy. No let me say that a different way: It's foolish. It's also unconstitutional.

According to the New Hampshire Constitution, ballots must be counted "in public meeting." Under no stretch of the imagination can the private workshop of John Silvestro and Kenny Hajjar be considered "a public meeting"; worse, (back to chain of custody again), Hajjar has admitted that he sometimes drives around the state with extra memory cards in his trunk. You know. Just in case someone needs one while the election is taking place.

Article 1. [Equality of Men; Origin and Object of Government.] All men are born equally free and independent; therefore, all government of right originates from the people, is founded in

consent, and instituted for the general good.

Article 32, Part II of the NH Constitution states vote counting "will be public and monitored at the local level.

[Art.] 32. [Biennial Meetings, How Warned, Governed, and Conducted; Return of Votes, etc.] The meetings for the choice of governor, council and senators, shall be warned by warrant from the selectmen, and governed by a moderator, who shall, in the presence of the selectmen (whose duty it shall be to attend) in open meeting, receive the votes of all the inhabitants of such towns and wards present, and qualified to vote for senators; and shall, in said meetings, in presence of the said selectmen, and of the town or city clerk, in said meetings, sort and count the said votes, and make a public declaration thereof, with the name of every person voted for, and the number of votes for each person; and the town or city clerk shall make a fair record of the same at large, in the town book, and shall make out a fair attested copy thereof, to be by him sealed up and directed to the secretary of state, within five days following the election, with a superscription expressing the purport there of.

One might at least hope to check on the count after the fact, like a consortium of reporters did in Florida in 2000, by waiting until the election is over and then requesting a look at the ballots under New Hampshire's Right to Know law.

Chain of custody issues aside, that's not a terrible idea. Ballot boxes are held in approximately 300 different locations, and if you showed up by surprise with a request to inspect, you might learn something. Except that you can't: In an exceptionally murky legislative process, in 2003 an amendment was slipped into legislation about a different issue (and to be technical about it, that is not allowed under New Hampshire law either). The amendment was removed. Nothing in the record shows it being put back in, and the notes from committee are now missing from the New Hampshire State Archives. (I checked.) When the law was published, that mysterious little amendment was stuck in there again.

The bottom line is, in a hidden amendment that most legislators never even knew was in the bill, in 2003, ballots were excluded from public right to know.

<http://www.bbvforums.org/forums/messages/8/81673.html>

No reporter and no member of the public is allowed to look at any ballot in New Hampshire. You are to trust John and Kenny exclusively, because unless the ballots are looked at, not even local election officials can know whether the vote count is real.

## **WHAT TO DO**

1. Those wishing to protect the vote count in New Hampshire can contact Protect The Count NH at the Facebook page:

<https://www.facebook.com/pages/Protect-the-Count-NH/147647385280182>

They will be happy to provide you with tips and lessons learned from previous protect the

count-nh activities. You can also view some protect the count videos at the handsonelections youtube page here:

<http://www.youtube.com/HANDSONELECTIONS>

2. I also encourage you to get your group organized and pry open some of their election secrets:

**a. WHO CAN VOTE:** You can go to the town clerk's office and inspect the Checklist, which should contain the names of same-day registrants. At least, look them up to see if there is such a person.

**b. WHO DID VOTE:** March yourself into the secretary of state's office 2 days after the election. Ask to see the written record for # of voters and # of votes. Document missing records and report locations that failed to report the numbers needed to detect vote-stuffing.

You can also go to each town and count the names on the checklist, with the following caveat, which extends to point (a) above as well: Several New Hampshire clerks have an odd habit of leaving on vacation right after an election, closing their office. Also, New Hampshire public officials sometimes refuse to honor your right to inspect documents under Right to Know laws, even if you bring a copy of the law with you. You have no remedy under the law except to fork out \$50,000 or so to sue, and you cannot recover your legal expenses even if you win.

**c. CHAIN OF CUSTODY:** If you have poll watchers set up (Manchester, Nashua, Londonderry, Exeter, and Laconia are advisable for starters), record and video and photograph any technician who arrives with a replacement memory card, an order to "service" a machine, or a replacement voting machine.

**d. THE COUNT:** Not that it proves anything, but you might get lucky. Capture a photo of the voting machine results tape at the polling place. This will give the results of machine-counted ballots. A videotape for other telltale signs to look for can be seen here:

<http://www.blackboxvoting.org/video.html#protect-the-count-3>

**e. DON'T DISAPPEAR AFTER THE ELECTION:** Politicians believe they can get away with anything, if they can just stall off accountability for the 10 days or so needed to certify the election.

One of my favorite quotes: "I'm a historian. I have all the time in the world." -- Richard Hayes Phillips, author of Witness to a Crime: A Citizen's audit of an American Election

<http://witnessstoacrime.com/>

It's time they learn that we are not going away.

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