

Town of Rye Selectmen  
Bill Epperson  
Bob McGrath  
Tom King

January 18, 2024

Town Moderator  
Bob Eaton

Gentlemen, enclosed, please find communications addressed to the Secretary of State, NH AG, and Rye Town Moderator, Bob Eaton concerning the inability to test folded (absentee) ballots during the January 12, 2024 EBCD public testing at town hall. Since no testing was capable or performed on folded ballots, required testing per RSA 656:42 VIII e 11 was not satisfied and hence no absentee ballot should be passed through a machine during the Presidential Primary Election.

Further, I've included a Notice of Trespass relative to case 2023-0097 now before the Supreme Court, addressing among other things, the constitutionality of EBCD's and Absentee Ballots. Per the NH Secretary of State and the NH Attorney General, towns are solely responsible for deciding to use, maintain, and oversee the use of machines. Hence, the decision to not use EBCD's rests with you.

Note: The SOS Election Manual instructs the individual towns that they alone are responsible for the use of EBCD's and when questions arise, they should consult town counsel for advice.

If further documentation is required or questions for me arise, I can be reached at:  
978-479-1135

Respectfully,  
Michael Bean  
112 Grove Rd  
Rye, NH