

From: James Gray <James.Gray@leg.state.nh.us>
To: JULIE SMITH <xxxxxxx>
Cc: AVARD Kevin <avardsenate@gmail.com>, Daryl Abbas <Daryl.Abbas@leg.state.nh.us>, Keith Murphy <keith.murphy@leg.state.nh.us>, Richard Lehmann <rick@nhlawyer.com>
Date: 11/20/2023 1:30 PM EST
Subject: Re: moving city recounts to the archives

The filing period for the upcoming Senate session has passed. I did speak with Senator Avard this morning about your issues and asked that he address them at one of the Senate Republican Caucus meetings.

Many of the state laws do not apply to City elections. In fact the provisions for a recount in Nashua are in the Nashua City Charter I believe. The City is where I would request a change. You could ask for an ordinance insuring that "each candidate in a race to be recounted be provided the opportunity to have a person of their choosing view and challenge each ballot". The procedure which Nashua used provided for two observers at each table and due to the limited space public observation of the ballots did not appear to be possible.

The other issue that I would like to know is the recount numbers by ward. The reason for this is to better understand the loss of votes for Bishop and the gain for Giglio. Although the numbers presented did not effect the final results it would be interesting to know if the changes were larger in a particular ward. It is unusual for a candidate to lose that many votes in a recount.

Jim
James P Gray
NH State Senate
District 6
Office (603) 271-4980
Home (603) 332-7144

On Nov 20, 2023, at 6:36 AM, JULIE SMITH <xxxxxxx> wrote:

Good morning Senator Gray.

As the election law committee chair, I would like you to sponsor a bill that addresses dysfunction in how city recounts are done. I saw you on TV in a recent story about Rochester recounts, so if being the committee chair isn't reason enough to make you the ideal sponsor, being in the local government of a community that regularly calls for recounts ought to make you want to be. Below, please bookmark the following links:

<https://www.youtube.com/watch?v=1DqQetNTHUA>

<https://www.nashuanh.gov/DocumentCenter/View/28703/20231107---Returns-for-Canvass-of-Votes-Official?bidId=>

While I don't expect you to spend 8 hours of your time watching Saturday's clown show, I want you to have access to view parts of it and how the only school candidate that I voted for was ousted by the ruling class and its operatives. Our senator is copied to this email as are some fellow election law committee members, the candidate, some participants, and some interested observers, present Saturday or not.

I would like a bill that relocates city recounts from city hall to the archives and uses their equipment(lighted cameras and magnifiers) and their protocols(2 uninterested people counting with 4 people watching) and supervised by the Secretary of State rather than the city clerk. I will comment on each part of that.

As you can see in the video, Nashua does not have said equipment, which puts observers at a disadvantage. In a time when people are desperate for transparency and Nashua has a less than noble track record of welcoming people seeking personal inspection of records and such, this is very much needed.

Another thing you can see in the video is that there are 15 tables of 4 people. What you might not know is the unbalanced cast of characters. While I can't personally identify all the participants at all 15 tables, I will point out a few things of interest. Reps Dutzy and Spier(both Ward 3 Dems that refused to stand for the Pledge of Allegiance) were paired up to count/record votes at the same table. Seated across from them were Alderman-elect Chris Thibodeau's opponent(a Dem) and an unknown(to me) woman wearing a purple shirt. I will suppose just for a moment that she's a Republican. How is she supposed to both keep her eyes on the ballot that Rep Dutzy is counting aloud AND keep an eye on the tally sheet that Rep Spier(seated diagonally from her) is updating? Also note that Rep Spier's hand is obstructing this woman's view of the tally sheet. There should be 4 people watching the 2 people; 2 people not affiliated with the local ruling class. The room is full of reps(Elberger, Linda Harriott Gathright and Amherst Rep Veilleux, for example), moderators and poll staffers among the 9 wards. Rep Elberger's husband, who was also Alderman Tyler Gouveia's opponent, was a participant. Former Ward 1 Rep Bordy is another example. Also in the video, you will note that the clerk or one of his henchmen threw the crowd a crumb by asking Ward 1 staffers to raise their hands as to supposedly ensure that they don't handle Ward 1 ballots. This was a SCHOOL recount, which is city wide, so I

don't see how paying ward-specific lip service is of any use. Perhaps someone can enlighten me.

Clerk Healey was hired by the current ruling class and is therefore not the impartial supervisor that Scanlan is better fit to be. If desired, I could go into a separate sidebar story because I was Alderman Dowd's opponent and had a few, shall I say "interesting," experiences talking to him about requesting a recount for myself. Kevin, who was his 2019 opponent, can fill you in if you want to know more about that, but back to the bill I want.

While I certainly expect the opposition to cry "local control" as they do when it suits them, NH is not a home rule state. Upshifting recounts, particularly city-wide ones such as Saturday's, would make the process uniform for all Granite Staters, whether or not they live in a "village district," as Attorney Bolton cites to our ruling class during last Tuesday's kangaroo tribunal in his advice to refuse my request for a recount as seen in the below video at 46:30

<https://www.youtube.com/watch?v=rqsq69QZc20&t=2790s>

With Daniel Richard and Daryl Abbas copied to this email, you can certainly tap them for more technical input if you wish.

Paula Johnson, the aggrieved candidate, was rightfully complaining about the chain of custody, which Ken Eyring's local Windham observer, Tom Murray, and seacoaster Al Brandano can speak more to as I was not there. Moving the recount to the archives would promote better compliance with such important things as that though I did observe Mr Bean (of the seacoast, NOT the UK) complain about procedures not being followed during Lou Gargiulo's recount. I was there for that and you might remember me talking to you in person that day about how the Secretary of State is elected. I was the one wearing the "Melanie Levesque voted for an income tax" shirt.

And speaking of Melanie, you will also see in the beginning minutes of the first video that she and Buckley were hanging out in the corner of the room. I asked Kevin why Chris Ager wasn't there watching Buckley and his answer was that Chris Ager said he wasn't notified of the recount until the recount was underway! Moving city recounts to the archives and upshifting the responsibilities for their management to the Secretary of State would provide greater visibility

and notification to all interested people inside or outside of the community. I think Chris Ager lives in Amherst and Buckley lives in Manchester. My point is that Buckley should not get a more generous timely notice than Chris Ager.

I know there are many other complaints about how public officials from a variety of offices (aldermen, clerk, reps, moderators, out of town town clerk whose name I forgot, Attorney Bolton, etc.) conducted themselves Saturday that Daniel Richard, Tom Murray, Al Brandano and Paula Johnson can intelligently speak to and I encourage you to get their eyewitness reports to consider.

And lastly, I already told Kevin yesterday I want this bill, but YOU are the election law chair and I don't know when the LSR deadline is or how long it takes to write up a bill, hence the decision to start with you and your election law peers.

Respectfully,
Julie Smith
Alderman Dowd's most recent opponent
Nashua