

Pursuant to Section 5 of the Keene City Charter, a special meeting of the City Council was held Thursday, November 9, 2017 for the purpose of canvassing the votes cast at the November 7, 2017, Municipal General Election. In the absence of the Mayor, the meeting was called to order at 6:15 PM by the City Clerk. A motion by Councilor Powers to appoint Councilor Greenwald as the temporary chair was duly seconded. The City Council voted unanimously to appoint Councilor Greenwald as Temporary Chair. Councilor Greenwald assumed the Chair. Roll called Carl B. Jacobs, Janis O. Manwaring, Robert J. O'Connor, Terry M. Clark, Thomas F. Powers, Robert B. Sutherland, George S. Hansel, Gary P. Lamoureux, Bettina A. Chadbourne, and Mitchell H. Greenwald were present. Bartolmiej K. Sepeta, Randy L. Filiault, Stephen L. Hooper, Philip M. Jones and David C. Richards were absent. Councilor Greenwald led the pledge of allegiance.

Councilor Greenwald requested that the Clerk review her memorandum relative to the results of the election. The Clerk identified the various reports that had been included in the agenda packet. Specifically, the Councilors were provided with the Return of Votes and the Return of Votes for Write-ins for all five wards. In addition, a statistical spreadsheet showing votes cast across the wards as well as voter participation was included. The Clerk noted that the voter activity of 16% citywide had exceeded the Department's expectation of a 12% turnout. She continued that this required that photocopies of the actual ballots be put into circulation at the polls. 355 photocopies of ballots were cast city-wide.

The Clerk continued that although ward officials are accustomed to counting paper ballots, the race for the Ward Three Councilor position between Terry M. Clark and Mike Giacomo required 165 photocopied ballots to be used. The Clerk referred to the table in her memorandum which identified a recording error in the Ward Councilor race. She identified that when the hand count of paper ballots were tabulated for both candidates – along with the write-ins and blank ballots, the number of votes for this race exceeded the number of photocopied ballots.

The Clerk noted that she was not certain what the actual error was because the ballots had been sealed. The only way to ascertain the nature of the mistake was by opening the ballots through a recount process. She noted that there were both provisions in the City Charter and State Law as to a recount process.

The City Attorney stated that he and the City Clerk had spoken with the Secretary of State's Office, which advised that because the office in question was a ward councilor and because – under State Law - wards are considered towns, that they were recommending that RSA 44:12 be used as the process for the recount. The Ward Three elected officials (Moderator, Clerk and 3 Selectmen) would constitute the Board of Recount.

Councilor Greenwald recognized Ward Three Councilor Mike Giacomo who indicated that he had verbally indicated to the City Clerk's office his desire to seek a recount. He noted that he did not believe any fraud had occurred in the tabulation, but rather a recording error. He noted that he wanted to have an accurate recording of the votes cast for the office. Councilor Greenwald noted that because Friday was a holiday, Mr. Giacomo should submit a written request to the City Clerk at the close of the meeting.

A motion by Councilor Powers to move that the City Council canvass the votes cast at the November 7, 2017, Municipal General Election and declare those candidates receiving the

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highest number of votes for the respective offices be declared elected was duly seconded. The motion carried unanimously. The term of office would begin January 1, 2018.

A motion by Councilor Powers to move that pursuant to NHRSA 44:12, to authorize the Ward Three election officials to serve as a Board of Recount for the purpose of any recount process that may be requested and further to authorize the City Clerk as the Chief Election Official to establish the rules of recount was duly seconded. The motion carried with Councilor Clark in opposition.

As there was no further business, the meeting adjourned at 6:32 PM.

Attest:

A handwritten signature in cursive script that reads "Patricia Castle".

City Clerk