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**PRESENT:** L. M. Smith, Chairman; R. P. McDermott, Vice Chairman; J. E. Ziolkowski, Selectman

This Public Hearing was recorded and live-streamed by Zach Lamare, LAS Information Technician.

The Chairman opened the Public Hearing at 6:30 PM, introducing himself and the rest of the Board, and acknowledged the presence of Moderator JP Pontbriand and Police Chief Robbie Dirsra. L. Smith outlined the purpose of the Public Hearing: “(i) Communicating with the public the actions of various town officials on March 13 and March 14, and other actions relating to absentee ballots, with respect to the March 2017 elections, (ii) sharing the findings and opinions of town counsel, if such are available at the time of the hearing, and (iii) hearing public comment and testimony concerning the subject matter outlined in “i” and “ii.”

The Chairman read from the March 17, 2017 New Hampshire Municipal Association (NHMA) bulletin, which outlined events leading up to the decisions to postpone or not postpone voting in the state. He then reviewed the timeline of meetings and decisions in Hampton Falls.

J. Ziolkowski countered the views of the NHMA and Town Counsel and said that the Secretary of State’s opinion is that Towns do not have the power to move Election Day. He said that Town Clerk Holly Knowles contended from the beginning that the election should go forward on the appointed day. He said that there is an amendment to be debated at a State legislative session on April 20 which may provide guidance for Towns in ratifying the election, but that it will not set precedent.

J. Ziolkowski reviewed the timeline of events and contended that subsequent to the 2:00 PM phone call with the Governor, several officials and employees remained to discuss various aspects of the election postponement. He said he had not been notified of the 2:00 PM meeting, but that both of the other two Selectmen were present, which constituted a quorum, and minutes should have been taken. He said he would like to know what was discussed at that time.

JP Pontbriand said that there were two differing opinions on whether voting could be postponed by the Moderator, as there are opposing RSAs (40:4 and 669:1).

Addressing the question of what was discussed after 3:00 PM on Monday, the Moderator said that it principally centered on preparations for the postponed voting. It had been decided earlier to open the Town Hall on Wednesday to receive absentee ballots, but it was not determined to provide the option on Tuesday at the Public Safety Building (PSB) until after Governor Sununu stated provision should be made.

Asked about whether the option of reversing the decision to postpone voting was discussed, JP Pontbriand said that as he recalled, he brought it up himself but immediately rejected the idea as it would only cause further confusion. The Moderator also said that two neighboring towns, Exeter and Kensington, postponed their voting, while two other local towns, Hampton and Seabrook, did not. He said this was representative of the state as a whole.

J. Ziolkowski questioned the decision to move absentee ballot intake to the PSB. L. Smith said this discussion came about because the PSB has a backup generator, and the forecast included possible

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power outages; also, the Assistant Town Clerk was scheduled to be at the PSB that day, and together with Fire Chief Jay Lord (sworn in as acting Assistant Town Clerk) could be available for Town Clerk duties. J. Ziolkowski questioned if all proper absentee balloting procedures were followed as they would have been at the Town Hall, with the 6 ballots received that day. JP Pontbriand said that if they had been mishandled, this would have been discovered when the votes were cast.

The Chairman opened the floor to questions and comments, noting that each person should step to the microphone, stay on the topic of the election, and limit their remarks to 3 minutes.

A lengthy question/answer/comment period took place, including the following topics:

- The reasons why then Vice-Chairman J. Ziolkowski was not present at the 12:00 PM meeting on Monday and subsequently missed the 2:00 PM meeting as well were questioned. J. Ziolkowski said he had not been notified of the first meeting until 11:50 AM and was more than 10 minutes away from Town Hall. L. Smith noted that the 12:00 conference call had been announced at the end of the 9:30 meeting. J. Ziolkowski said that he was not notified of the 2:00 meeting but that the Moderator was.
- It was debated whether the objections to the election postponement were related to the fact that the Selectmen's race was so close. Several residents, including Todd Santora, spoke to say that their desire to investigate the election process was not about the Selectmen's or School bond vote, but about protecting the electoral process and seeing that all residents have the opportunity to vote.
- Several residents voiced concern about absentee ballots being accepted at the PSB on Tuesday, and that the public was not sufficiently notified of this option.
- Answering questions regarding the presence of a quorum of Selectmen at the 2:00 meeting and afterwards, L. Smith noted that the meeting was a conference call with the Governor, called by Emergency Management and not the Board of Selectmen. The 12:00 call was a teleconference with the Governor relating to storm matters to include input from the Secretary of State; this was continued to 2:00 as the Secretary of State was unavailable. The Secretary of State was not present for the 2:00 call.
- Notifications of postponement of voting and Town Hall being closed were discussed, as well as the notification that absentee ballots would be accepted at the PSB on Tuesday. It was noted that absentee balloting does not need to be noticed in the same way as a change of polling place, and that it was not meant to invite people out during the storm, but rather to cover the contingency of people showing up at Town Hall to vote who might be eligible for an absentee ballot. Several residents felt the notification was insufficient and that there were several voters who could not come in on Wednesday or Thursday who would have come in Tuesday if they had known. It was noted that the OneHamptonFalls online notifications of Tuesday's absentee balloting reached many people, but there was no formal notification on the Town website.
- Voter turnout was larger than in recent years, and while statewide turnout averaged 20%, Hampton Falls' turnout was around 50%. This was seen by some as evidence that voters were not turned away.
- There was a debate about whether Town Counsel was able to be impartial in investigating alleged problems with the election or if an independent investigation was needed. Two

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residents, Alex Dittami, Fieldstone Lane, and Brian O'Hara, River Road, agreed to start a committee of concerned residents on both sides of the debate to join a volunteer committee to review what happened and bring recommendations to the Board of Selectmen. They said that if this review, which would be shared with the public, was deemed thorough enough, a third-party investigation will not be necessary.

- The correspondence from Town Counsel answering questions sent following the Selectmen's meeting of April 5 had not been received until 5:00 PM this evening, and therefore the Board was not prepared to discuss it. J. Ziolkowski shared portions of the letter in which he said Counsel was defending the Town government. Request was made that the letter be shared on the Town website.
- In the instance of a Town employee having accepted an absentee ballot in the Town Clerk's absence, Shelley Parish, Towle Farm Road, asked if Town Hall employees should be trained to know what is required when accepting a ballot. Town Clerk Holly Knowles said that she had advised all Town Hall employees that no one but she and her staff can accept ballots. She also said that the responsibility rests with the voter, and that the instructions provided with the absentee ballots clearly state that they must be returned to the Town Clerk in person, or if by another party, a return form must be filled out and signed. H. Knowles and the Moderator both expressed that they regret ever having to disallow a vote, but that the laws must be followed.
- Many residents agreed that communication is key to avoiding misunderstandings and ensuring all voters are well informed.

The Public Hearing was closed by the Chairman at 9:20 PM.