STATE OF NEW HAMPSHIRE BALLOT LAW COMMISSION

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NEW HAMPSHIRE

SECRETARY OF STATE

Petition

Of

Joseph S. Haas, Jr.

ORDER ON MOTION TO DISQUALIFY

On September 12, 2002, and September 13, 2002, Joseph S. Haas, Jr. filed three Petitions with the Ballot Law Commission ("the Commission"). With all three Petitions, Petitioner Haas also filed a Motion to Disqualify.

In his written Motion to Disqualify, Petitioner Haas alleges that none of the Ballot Law Commissioners ("Commissioners") have properly taken the oath required at Part 2, Article 84, of the New Hampshire Constitution and by RSA 92:2, and therefore must be disqualified from hearing any petitions brought before the Ballot Law Commission.

As to Commissioners Gregg and Rice, the Petitioner claims they cannot hear Ballot Law Commission cases because they have not been properly sworn. Petitioner states that because the written oath which they took does not have an "s" after the word "constitution" nor an "s" after "United State", it is invalid.

Petitioner Haas further claims that Chairman Gary Richardson also cannot properly hear Ballot Law Commission cases because he has never taken an oath.

As statutorily required by RSA 665:6-a, on September 27, 2002, the Commission met in public session. Present were Chairman Richardson, Commissioner Hugh Gregg and Alternate Commissioner Margaret-Ann Moran, sitting in for Commissioner Emily Gray Rice.

The Commission heard testimony from Petitioner Haas on his Motion to Disqualify.

The Commission finds Petitioner Haas' claim against Chairman Richardson moot. On September 23, 2002, without conceding an oath is statutorily or constitutionally required, Chairman Richardson took the oath set forth at Part 2, Article 84 of the New Hampshire Constitution. The Petitioner was presented a copy of the oath just prior to the commencement of the September 27, 2002 hearing.

Petitioner Haas' argument with respect to Commissioner Gregg and Rice's oaths also fails. To begin with, different versions of the oath contained at Part 2, Article 84, New Hampshire Constitution have been discovered. In at least one document (the New Hampshire Constitution contained in Title 1 of the NH Revised Statutes Annotated), the word constitution as referred to by Petition of Haas, is plural ("constitutions"), and in some documents") (the New Hampshire Constitution distributed by the Secretary of State's office in 1985) it is not plural ("constitution. Copies of the different versions are attached. In any event, when reading the oath in its entirety, the reference to both Constitutions can be interpreted whether the "s" is present or not. The oaths taken by Commissioners Gregg and Rice, which reflect "constitution" as opposed to "constitutions" and United "State" as opposed to "States" remain valid oaths. The missing "s"s are not fatal to the oath taken by the Commissioners and, as such, the Petitioner's Motion to Disqualify is denied.

NEW HAMPSHIRE BALLOT LAW COMMISSION

10/2/02

Date

Gary B. Richardson, Chairman

Hugh Gregg, Commissioner

Margaret-Ann Moran, Alternate Commissioner

¹ The Commission also notes that the written oath taken by Alternate Commissioner Moran, contains the "s"s complained of by Petitioner Haas. The Petitioner had inquired as to the validity of her oath as well.