ATTORNEY GENERAL STATE OF NEW HAMPSHIRE

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September 21, 2000

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SEP 2 1 2000 NEW HAMPSHIRE SECRETARY OF STATE

William M. Gardner Secretary of State 107 North Main Street Concord, NH 03301-4989

Dear Bill:

You have asked this office for an interpretation of RSA 655:40-a. Specifically you have asked whether a political party that gains "party" status pursuant to RSA 655:40-a is a party for purposes of provisions such as those of RSA 656:10 (straight ticket voting) and those of RSA 659:91-a (the so-called "sore-loser" statute) and whether those provisions apply to the same extent to a party that gains "party" status pursuant to RSA 652:11.

As I explained to Deputy Secretary of State, Bob Ambrose on September 19, 2000, we have determined that if a political party complies with the provisions of RSA 655:40-a, setting forth the nominating paper method for becoming a political party so that the party may have its name placed on the ballot for the state general election, then that party is a political party within the meaning of the ballot provisions of New Hampshire law. The statutory provision's concerning ballot status that apply to political parties gaining party status under RSA 652:11 apply with equal force to the party gaining status pursuant to RSA 655:40 a. Accordingly, any party gaining party status under RSA 655:40-a is subject to the provisions of RSA 659:91-a, the "sore loser" statute and has the same right under RSA 656:10 to straight ticket voting as other political parties.

You have also asked for an interpretation of how to apply the provisions of RSA 659:91-a ("sore-loser" statute). Based on the language of the statute and its legislative history, we have determined that if a person is a candidate on one party's state primary election ballot, that person may not run for any office as the nominee of a different party in the state general election. For example, if a person was a

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candidate for the New Hampshire Senate on the Democratic ballot in the primary election, that person may not be on the Republican ballot or the ballot of any other party gaining party status under RSA 655:40-a for the State Senate, State House of Representatives or any other office in the state general election.

I trust this is responsive to your inquiry. Please do not hesitate to call if you have further questions.

Very truly yours,

Ann F. Larney

Senior Assistant Attorney General

Chief, Civil Bureau

AFL/mp #149826