

STATE OF NEW HAMPSHIRE
BALLOT LAW COMMISSION

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NEW HAMPSHIRE
#2000-1
SECRETARY OF STATE

Petition

Of

Tom Stawasz

DECISION

On September 8, 2000, pursuant to RSA 665, Tom Stawasz, through his attorney, Patrick E. Donovan, filed a complaint with the Ballot Law Commission ("the Commission"). The basis of Mr. Stawasz' claim was that Secretary of State William Gardner's refusal to accept 47 of his nomination papers was without legal authority.

On September 22, 2000, the Commission held a public hearing on this matter.


Mr. Stawasz argued through counsel that Secretary of State Gardner did not have the authority to overrule the local Checklist Supervisors. (See attached). Counsel further argued that even if he did, Secretary of State Gardner's reasoning for refusing the papers is flawed. Mr. Stawasz takes the position that, pursuant to RSA 655:40, nomination papers may be signed by anyone who is qualified to vote and is not limited to persons who have registered to vote. However, RSA 655:41 requires the supervisors of the checklist to certify whether the signer is a "legal voter."

According to the testimony at the hearing, a total of 47 nomination papers filed by Mr. Stawasz, were rejected by Secretary of State Gardner. Of those 47 nomination papers, 27 of them were not certified by the Supervisors of the Checklist. In each of these 27 papers, the Supervisors of the Checklist stated that the signer was not a

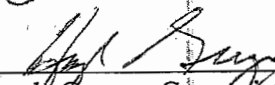
registered voter and that the residence of the voter was unknown. Thus, even if the Commission was to accept Mr. Stawasz's argument, he fails with respect to these 27 nominations. Without these 27 nomination papers, Mr. Stawasz lacks sufficient petitions to have his name placed on the ballot even if the Commission ruled in favor that unregistered voters are qualified to sign nomination petitions. Because Mr. Stawasz lacks the required number of nominations, the Commission need not address whether a person needs to be registered or simply qualified to vote in order to validly sign a nomination paper.

Therefore, with respect to the 27 nomination papers which do not certify the signers as either being registered or domiciled in that town, Secretary of State Gardner's ruling is upheld. Because of this the issue, with respect to the other nomination papers, is moot.

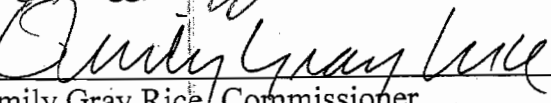
NEW HAMPSHIRE BALLOT LAW COMMISSION

By: 

Gary B. Richardson, Chairman

By: 

Hugh Gregg, Commissioner

By: 

Emily Gray Rice, Commissioner