

STATE OF NEW HAMPSHIRE

BALLOT LAW COMMISSION

-----  
 JOHN RAUH )  
 )  
 Petitioner )  
 )  
 v. )  
 )  
 BOB SMITH )  
 )  
 Respondent )  
 -----

Docket BLC #96-2

PETITION OF JOHN RAUH

**NOW COMES** John Rauh, by and through his attorneys, Sanders and McDermott, and requests that the Ballot Law Commission declare and determine that Bob Smith, Republican Party candidate for the United States Senate, failed to comply with New Hampshire's statutory requirements for appearing on the Primary Ballot and, as a result, prohibit Bob Smith from appearing on the official ballot as a candidate for United States Senate or, alternately, order that Bob Smith abide by the voluntary spending limits.

In support thereof, the petitioner states as follows:

1. In order for a candidate to have her/his name placed on the Primary ballot as a candidate for United States Senate, the candidate must do the following:

- (a) File a declaration of candidacy;
- (b) Pay a \$5,000 filing fee;
- (c) Submit 2,000 notarized petitions signed by members of the candidate's party in a form required by law;

- (d) Pay a \$100 administrative assessment or file 200 additional administrative petitions.

RSA 655:14; 655:19; 655:19-b; 655:19-c; 655:22.

2. However, the law waives the foregoing filing fee and requirement of petitions if the candidate agrees to abide by the voluntary campaign spending limits set forth in RSA 664:5-b. RSA 655:19-b. The candidate may agree to so abide by filing an affidavit to that effect at the time of filing his/her declaration of candidacy or within three days of that event. RSA 664:5-a. Accordingly, if the candidate agrees to the spending limits and files the requisite affidavit, s/he need only file a declaration of candidacy, and either pay the \$100 administrative assessment or file 200 primary petitions to appear on the Primary Ballot.

3. Petitioner John Rauh, of 11 Clearview Dr., Sunapee, New Hampshire, is a resident of the town of Sunapee. He is a candidate for the United States Senate from the State of New Hampshire. He has complied with the requirements set forth in paragraph 2, above.

4. Bob Smith has chosen to not abide by the voluntary spending limits. He therefore must comply with the requirements specified in paragraph 1, above, in order to appear on the Primary Ballot.

5. The deadline for submitting petitions was Friday, June 14, 1996. RSA 655:14. Bob Smith timely submitted 2386 petitions in support of including his name on the Primary Ballot.

6. Many of Bob Smith's petitions violate various requirements of New Hampshire's election laws and are therefore void.

7. RSA 655:21, requires petitions to be properly acknowledged by a justice of the peace or notary public. Numerous violations of this statute have been found, some so egregious as to constitute possible fraud.

8. Christina Worcester, who appeared before the Ballot Law Commission on Tuesday, July 2, 1996, notarized at least 390 Smith petitions. In Ms. Worcester's testimony, she revealed that **she notarized petitions that she did not personally witness**, as required by law. She also revealed that on several occasions, she collected signatures for both the Zelif campaign and the Smith campaign simultaneously. Ms. Worcester also testified that she is employed by the Smith campaign. The Zelif campaign disqualified all of Ms. Worcester's petitions gathered on behalf of its campaign. The 390 petitions acknowledged by Ms. Worcester should be stricken.

9. Petitions notarized by Justice of the Peace Hillary S. Wehner also show significant irregularities. Ms. Wehner notarized a total of more than 650 petitions. **Three different and distinct signatures** appear along with Ms. Wehner's official stamp. Three petitions are filled out with all the information from the voter and with Ms. Wehner's stamp but **no signature** from her. Five petitions notarized and signed by Ms. Wehner lack critical information such as the name and address of the voter. Petitions acknowledged by Ms. Wehner should also be voided.

10. Muriel T. McNulty notarized 191 petitions for the Smith campaign. On February 2, 1996, Ms. McNulty notarized signatures in six New Hampshire counties. Belknap, Merrimack, Strafford, Carroll, Rockingham and Hillsborough. On April 29, 1996, Ms. McNulty notarized signatures in **five** New Hampshire counties: Merrimack, Strafford, Rockingham, Hillsborough and

Grafton. On April 30, 1996, Ms. McNulty notarized signatures in **four** New Hampshire counties: Merrimack, Rockingham, Sullivan and Hillsborough. On May 21, 1996, Ms. McNulty notarized signatures in **four** New Hampshire counties: Merrimack, Rockingham, Hillsborough and Carroll. Most, if not all, of these petitions should be stricken.

11. Additionally, at least 18 petitions were improperly notarized. Of these, 5 are not notarized at all, 7 are incompletely notarized and 6 bear stamps of a notary or Justice of the Peace that do not match the name of the person signing in that capacity.

12. RSA 655:20 requires petitions to be signed by members of the candidate's political party. Despite this law at least 153 petitions were signed by individuals who are **not** registered Republicans:

(a) at least 72 petitions were signed by persons not registered to vote.

(b) at least 37 petitions were signed by registered democrats.

(c) at least 42 petitions were signed by registered independents or undeclared voters.

(d) at least 2 petitions were signed by registered libertarians

13. RSA 655:23 was also violated by Bob Smith. RSA 655:23 requires that no voter sign more than one primary petition for any candidate. At least 170 petitions violate that provision:

(a) At least 158 petitions are **duplicates**. That is, at least 79 voters signed two petitions each.

(b) At least 12 petitions are **triplicates**, 4 voters signing three petitions each.

14. RSA 655:21, requires petitions to be of a certain form and certain voter identification information, such as full a address, to be complete. Despite this clear instruction, and indeed a sample form in the law itself, at least 132 petitions are **defective** in that regard:

- (a) 49 petitions have incomplete addresses;
- (b) 13 carry no street, city/town or county information;
- (c) 9 carry no city/town information;
- (d) 27 provide no street address; and
- (e) 34 petitions bear voter addresses which differ from the voter's registered address.

15. Of the 2386 petitions submitted by Bob Smith at least 1655 do not conform to New Hampshire's election laws.

16. When all, or even a portion of these petitions are declared invalid, Bob Smith submitted far fewer valid petitions than is required by law.

**WHEREFORE** John Rauh respectfully requests that the Ballot Law Commission:

- A. Rule that Bob Smith has failed to submit the requisite petitions in the form prescribed by law in violation of New Hampshire's election laws;
- B. Order that Bob Smith's name is barred from appearing on the primary election ballot or, in the alternative,
- C. Order that Bob Smith must abide by the voluntary spending limits; and
- D. Order such other and further relief as is just and equitable.

Respectfully submitted,

JOHN RAUH  
By his attorneys,  
SANDERS AND McDERMOTT

Date: July 11, 1996

By:

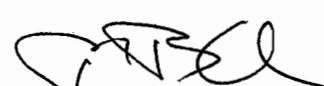
  
WILFRED J. SANDERS, JR.

  
MICHAEL B. KING  
234 Lafayette Road  
P.O. Box 5070  
Hampton, NH 03842-5070  
(603) 926-8926

CERTIFICATE OF SERVICE

I hereby certify on this 11<sup>th</sup> day of July, 1996, a copy of this Appearance was hand delivered to the New Hampshire Ballot Law Commission, c/o the New Hampshire Department of State, Secretary of State's Office; mailed postage pre-paid to Peter Tamposi, Esquire, counsel for Bob Smith; and Attorney Christopher Reid, Assistant Attorney General. Further, copies were faxed on this date to Ballot Law Commission Standing Members Chairman Gary Richardson, Esquire; the Honorable Hugh Gregg; Attorney Emily Rice; as well as Peter Tamposi, Esquire, counsel for Bob Smith.

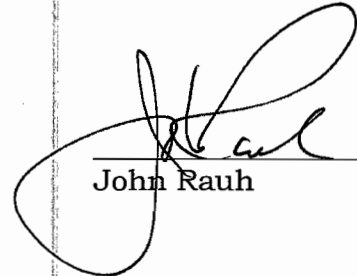
Dated: July 11, 1996

  
Michael B. King

VERIFICATION

I, John Rauh, having been duly sworn, do state on my oath that I have read this Petition and to the best of my knowledge, information and belief, there are good grounds to support it and the factual allegations contained therein are truthful.

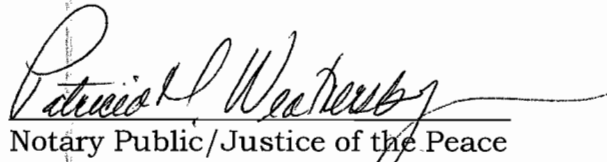
Dated: July 11, 1996

  
John Rauh

STATE OF NEW HAMPSHIRE  
COUNTY OF ROCKINGHAM

Personally appeared before me, the undersigned officer, this 11<sup>th</sup> day of July, 1996, John Rauh, and after having been duly sworn did state on his oath that he read this Petition and to the best of his knowledge, information and belief, there are good grounds to support it and the factual allegations contained therein are truthful.

Dated: July 11, 1996



Notary Public/Justice of the Peace

**PATRICIA M. WEATHERSBY, Notary Public**  
**My Commission Expires December 20, 2000**

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