

**STATE OF NEW HAMPSHIRE
BALLOT LAW COMMISSION**

Case Number 2015-5

Fergus Cullen v. Donald J. Trump

This matter comes before the Ballot Law Commission (BLC) as the result of a letter received by it on November 23, 2015 at approximately 4:20 p.m. The BLC had announced a November 24, 2016, 9:00 a.m. hearing to consider challenges to candidate filings for the New Hampshire Presidential Primary, the filing period for which closed on Friday, November 20, 2015.

Fergus Cullen, of Dover, New Hampshire, the former Chair of the New Hampshire Republican State Committee, wrote the letter challenging the candidacy filing of Donald J. Trump for the Republican Primary. Among other things, Cullen states that Trump has at times been other than a Republican, has contributed to candidates of other political parties, and has views which do not conform to the Republican platform or typical Republican positions. These, the letter asserts, should have led the Secretary of State to question Trump's assertion, in his filing, that he is a member of the Republican Party.

New Hampshire statute regarding filing for the "Presidential Nominations," RSA 655:47 "Declaration of Candidacy," provides the following:

"I. The names of any persons to be voted upon as candidates for president at the presidential primary shall be printed on the ballots upon the filing of declarations of candidacy with the secretary of state in the following form and signed by the candidate: "I, _____, swear under penalties of perjury that I am qualified to be a candidate for president of the United States pursuant to article II, section I, clause 4 of the United States Constitution, which states, 'No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.' I further declare that I am domiciled in _____, in the city (or town or unincorporated place) of _____, county of _____, state of _____; that I am a registered member of the _____ party; that I am a candidate for the nomination for the office of president to be made at the primary election to be held on the _____ day of _____; and I hereby request that my name be printed on the official primary ballot of said _____ party as a candidate for such nomination."

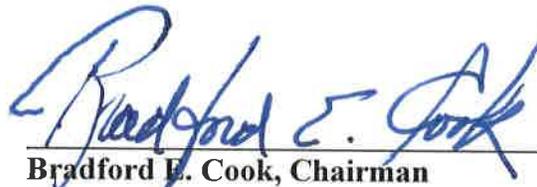
David Scanlon, Deputy Secretary of State, testified that Donald J. Trump duly filed his candidacy papers with the Secretary of State, paid his filing fee, and the papers were accepted by the Secretary of State as there was no obvious defect in them. He also stated that his office did

no investigation into any of the facts asserted by the candidate in the filing to verify their accuracy.

Mr. Cullen, upon inquiry, stated that he had no information contesting the fact that candidate Trump was a registered Republican, but felt he was not a "real" Republican. When confronted with the on-line voter registration record from the New York Secretary of State (attached), Mr. Cullen stated that he could not contest or offer information that would indicate the record was inaccurate, nor could he contest any of the other information in the filing.

Upon motion duly made and seconded, the Commission unanimously voted to dismiss the challenge to the candidacy of Donald J. Trump and to uphold the decision of the Secretary of State to accept the nomination papers and place Mr. Trump's name on the Republican Primary ballot. The Commission cannot and will not inquire into the seriousness of belief in, length of membership in, or ideological or position consistency of any candidate with the platform or beliefs of, any political party. The Commission's task is to determine the reasonableness of the action of the Secretary of State in accepting a filing, and whether there is any obvious or other clear error. In this case, no evidence was presented that there is any defect in the filing, and it therefore was accepted properly.

So ordered.

A handwritten signature in blue ink, appearing to read "Bradford E. Cook", written over a horizontal line.

Bradford E. Cook, Chairman

Michael Eaton

Dean Eggert

Beverly Hollingworth

Roger Wellington

Date: November 24, 2015