

**STATE OF NEW HAMPSHIRE  
BALLOT LAW COMMISSION**

**Case Number BLC 2016-1**

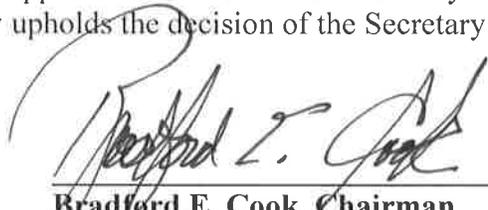
**Appeal of Andrew Freund**

Andrew Freund filed to run for County Commissioner in Hillsborough County by filling out the declaration of candidacy form in which he stated he was a resident of Ward 3 in Manchester. He did not indicate which of the three districts in Hillsborough County he was seeking to represent, but upon inquiry, stated to the Deputy Secretary of State that he intended to run in the district representing the towns of Hillsborough County, District 3. On his form, he listed a Merrimack address as his mailing address. Merrimack is in District 3. Upon further inquiry, he indicated to Deputy Secretary of State David Scanlon, that he intended to move to District 3 before the election, although he gave no proof of this or any particular address to which he was going to move. Since he was not deemed qualified to run for office in District 3, since he was not a resident there, the Secretary of State disqualified him and rejected his filing. He appealed that decision to the Ballot Law Commission which held a hearing on June 23, 2016. Mr. Freund did not attend the hearing.

RSA 655:17 requires that those filing for office declare that they are domiciled in the district in which they seek to run for office at the time of filing the declaration. RSA 655:9 provides that several counties, including Hillsborough County, have separate districts, with commissioners elected by those districts, one commissioner in each district. That statute also states that “to hold the office of county commissioner... a person must have a domicile in the district from which he is elected at the district from which he is elected at the time of his election.” While these statutes could be read to be inconsistent, the Commission does not need to reach that issue, as it has no proof of where Mr. Freund is going to live, if other than in Ward 3 in Manchester, which clearly is not in the district he claims to seek to represent, notwithstanding the fact that his filing is defective in not specifying the district as well as the county in which he sought to run for commissioner.

Because the facts support the decision of the Secretary of State to reject the filing, the Commission unanimously upholds the decision of the Secretary of State and denies the appeal.

**So ordered.**



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**Bradford E. Cook, Chairman**

**Michael Eaton**

**Sheila Francoeur**

**Beverly Hollingworth**

**Bobby Stephen**

6/27/16