

**STATE OF NEW HAMPSHIRE  
BALLOT LAW COMMISSION**

**Appeal of Moira Ryan**

**BLC 2020-3**

**BACKGROUND**

Moira Ryan, of Londonderry, New Hampshire, filed a Declaration of Candidacy as a Republican primary candidate for state representative from the Town of Londonderry, Rockingham District 5, on June 12, 2020, the last day of the filing period. In her declaration, she declared that she was a registered voter in the Republican Party, as required in order to run. The Londonderry town clerk received the declaration and forwarded it to the Secretary of State as required. Later, in August, the Secretary of State's Office received an inquiry as to whether Ms. Ryan was a registered Republican on the checklist. Upon checking, records indicated she was registered as "undeclared." The Secretary of State's office therefore informed her that her candidacy was not valid and she was not an eligible candidate. She appealed that decision to the Ballot Law Commission, which has jurisdiction under the provisions of NHRSA 665:7.

A hearing was held on the appeal on August 20, 2020. Deputy Secretary of State David Scanlan recited the facts set forth above as the reason for the action the office took. Ms. Ryan and several other witnesses testified. Ms. Ryan indicated that she considered herself to be a Republican, voted Republican, and that prior to the deadline for changing party, June 2, she had diligently attempted to locate the appropriate form for changing party, sought to contact the town clerk's office, which was closed due to the pandemic, went on the Secretary of State's web site, called that office, filled out a form which turned out to be the wrong one, and did everything she could think of to change her registration to Republican, all to no avail. Other witnesses testified about the extra workload and pressures on town officials due to the Covid-19 situation. The Commission considered of the provisions of Emergency Order 43, issued by Governor Sununu, which changed the process for changing party registration by mail, and the process for submitting an affidavit in order to comply with the deadline for filing the form, if it were mailed in time for it to be received by the town clerk, whether it was received or not. When asked if she would sign such an affidavit, Ms. Ryan initially indicated she would, but upon being reminded of the actual wording which indicated that she would be swearing that she had filled out and mailed the form, hesitated to sign and file such an affidavit.

Other testimony from one incumbent state representative was that he had been the one who inquired about Ms. Ryan's registration status, and questioned whether she was qualified.

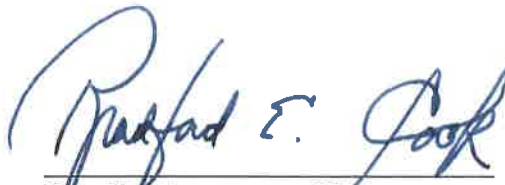
In rebuttal testimony, Deputy Scanlan reported that the registration records indicated Ms. Ryan voted in the Democratic Presidential Primary earlier in 2020, and her registration status reverted to undeclared afterwards. Ms. Ryan could not remember doing so. Mr. Scanlan also testified that the form for changing party registration, and instructions on how to do so during the pandemic, under the Executive Order, were on the web site of the Secretary of State from shortly after issuance of the Order in May.

## DECISION

The Commission has no reason to doubt Ms. Ryan's sincere desire to file as a candidate for state representative in the Republican Primary. It also does not doubt that she tried to locate the proper form to change her party prior to the deadline. The uncontested fact, however, is that she never filed the form, found the form, or mailed the form prior to the June 2 deadline, so she remained registered as an "undeclared" voter. As such, she was not qualified to file and run as a Republican candidate in the Republican Primary. NHRSA 655:17. The affidavit mechanism provided in the Executive Order 43 was not available to her, as it did not attest to "trying to find" the form and fill it out; rather, its language says that the affiant signed and mailed the form in time for it to be received by the deadline.

Therefore, while the Commission recognizes the complexities encountered by Ms. Ryan, and the extra burdens imposed on the election process and officials by the pandemic, the Commission finds no basis to reverse the decision of the Secretary of State's office, and upholds its disqualification of Moira Ryan as a candidate in the upcoming primary. Her appeal is denied.

**SO ORDERED.**

A handwritten signature in blue ink that reads "Bradford E. Cook". The signature is written in a cursive style with a large initial 'B' and 'C'.

**Bradford E. Cook, Chairman**

**David Campbell**

**Michael R. Eaton**

**Kathleen Sullivan**

**Robert LeTourneau**