

**The State of New Hampshire
Ballot Law Commission**

In the case of Kristi St. Laurent

Motion to Dismiss

The New Hampshire Republican State Committee ("**NHRSC**") and Representatives-Elect Julius F. Soti, Mary E. Griffin, Bob Lynn, and Charles E. McMahon (the "**Prevailing Candidates**") move to dismiss the above referenced matter for lack of jurisdiction.

1. On Tuesday November 16, 2020 Kristi St. Laurent ("**Appellant**") filed a letter with the Secretary of State making a series of requests stemming from her recount of November 12, 2020.
2. The relief Appellant is seeking is presumed to be as quoted.

Accordingly, we ask in the first instance that you preserve all voting machines in the state they currently are by immediately advising all local election officials that they must not engage in the erasure of data from the recent election until such time as a full review of this matter has occurred....

... I will be asking the Ballot Law Commission to order the Secretary to allow the candidates involved to inspect the rejected absentee ballots, as is their absolute right under statute, in order to determine whether there exist sufficient numbers of wrongly rejected absentee ballots as to change the results.

3. The commission's jurisdiction for the review of recounts is prescribed by statute. RSA 665:8, II, provides that the commission has jurisdiction over the following subject matter on appeals from recounts:

II. In case of an election recount as provided in RSA 660:1-6, any candidate who, by declaration of the secretary of state upon recount, did not have the greatest number of votes may, within 3 days after said declaration, appeal therefrom to the ballot law commission by filing his written appeal with the secretary of state. The ballot law commission shall forthwith meet, hear, and decide such appeal *and shall, on such appeal, consider and review all the rulings of the secretary of state on ballots protested during the recount.* In no case may the ballot law commission order a second recount. If, after the review, it shall appear that the appellant had the greatest number of votes, the commission shall change the declaration of the secretary of state and issue a certificate of such changed declaration to the appellant.

Emphasis supplied.

4. The above request is outside the scope of the ballot commission which has the ability to review the protested ballots and there are not enough protested ballots to overcome the count margin.

5. All other requests made in the letter of Monday November 16, 2020 are outside the purview of the commission.

6. Additionally, the Appellant admits that there was a not a computational error during the recount of the ballots therefore it is even further outside the purview of this body.

THEREFORE, the NHRSC and the Prevailing Candidates respectfully request:

- A. The above matter be dismissed for lack of jurisdiction; and
- B. for such other and further relief within its jurisdiction as the commission deems just and proper

NHRSC and the Prevailing Candidates
through their representation
Joseph W. Conti

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