

**STATE OF NEW HAMPSHIRE
BALLOT LAW COMMISSION**

Case Number BLC 2014-6

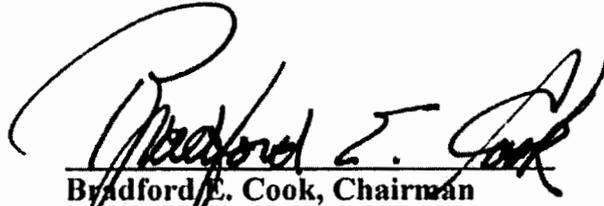
Appeal of Christopher E. Rietmann

Christopher E. Rietmann, of Alstead, New Hampshire, filed to run as an independent candidate for Cheshire County Sheriff. He filed his Statement of Intent with the Secretary of State's Office in June and paid the required filing fee. In order to qualify to run as set forth in state statute, he was required to file 150 signatures on nomination papers provided by the Secretary of State, implementing the requirements of New Hampshire RSA Chapter 655. He began the process of obtaining these signatures, which are required to be from registered voters living within the district, in this case the towns and cities of Cheshire County. He obtained 161 such signatures, and submitted them to the various town supervisors of the checklist or city clerks, as required by statute, to have the signatures verified as being those of registered voters. This is done prior to submitting the signature papers to the Secretary of State, who relies on the local officials to verify the signatures. As stated in his petition, a number of problems arose, including having the papers returned by one town since it alleged he had submitted them to the town in an untimely manner, having the action in the City of Keene taken by the deputy city clerk and not the clerk, and other complications. These resulted in only 129 of the signatures being deemed valid by the Secretary of State, 21 fewer than the required 150. Petitioner claims that his name should be placed on the ballot notwithstanding this total, both because of errors in the process, and because the process required of independent candidates is unfair and unconstitutionally discriminatory.

The Ballot Law Commission heard the appeal on September 18, 2014. At the hearing, Petitioner was candid in admitting that even if all the signatures that had not been counted because they were returned by town officials were counted, his total signatures would not reach the required 150. The Commission members expressed their understanding of the extra requirements put on independent candidates, but are required to follow the law, and the remedy would be to ask the legislature to change the statute. Further, the Secretary of State's Office representatives pointed out that signature requirements for the office of sheriff are relatively low, and signatures can be submitted at any time during the process up to the last date, and Petitioner may have caused some of his own problem in this case by waiting until the last day to submit them to all the municipalities involved. Finally, the statutory requirements have been upheld by the New Hampshire Supreme Court in Libertarian Party New Hampshire v. The State of New Hampshire, 154 N.H. 910 (2006).

For all these reasons, the Commission votes unanimously to deny the appeal and not grant the requested relief.

So ordered.

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

Bradford E. Cook, Chairman
Michael Eaton
Dean Eggert
Beverly Hollingworth
Roger Wellington

September 18, 2014