

NEW HAMPSHIRE
DEPARTMENT OF STATE

FEB 08 2010

RECEIVED

New Hampshire Secretary of State
State House
Concord NH 03301

February 8, 2010

Dear Secretary of State William Gardner:

Enclosed please find six copies of a petition to the Ballot Law Commission. As you can understand time is of the essence on this issue, therefore I would like to request a hearing as soon as possible.

Thank you for your help in this matter.



Libertarian Candidate for U. S. Senate
Ken Blevens
2 Valley Road
Bow, New Hampshire 03304
Tel: 603-225-5547

New Hampshire Ballot Law Commission
State House
Concord, New Hampshire 03301

PETITION OF LIBERTARIAN KEN BLEVENS ET AL

WHEREAS: CHAPTER 655:40 Nomination by Nomination Papers General Provisions as amended 9/9/09. reads in part; ... Each voter shall sign *and date* an individual nomination paper. **Nomination papers shall be dated in the year of the election** and;

WHEREAS: CHAPTER 655:40 Nomination by Nomination Papers General Provisions prior the amendment 9/9/09 the statute did not have the requirement highlighted. Each voter shall sign **and date** an individual nomination paper. **Nomination papers shall be dated in the year of the election** and;

WHEREAS: Libertarian Candidate for U.S. Senate collected two hundred and seventy six “certified” nominations prior to 9/9/09. The nominations collected from the registered voters of Dundarton were therefore in conformity with the then present law (Affidavits attached) and;

WHEREAS: Secretary of State William Gardner has made the decision that he will not count nomination obtained prior to 1/1/10. (See e-mail attached) and;

WHEREAS: The two hundred seventy six voters of Dunbarton have been denied their right to participate in the 2010 elections as nominators without now violating RSA 655:40 that reads in part; ... **No voter shall sign more than one nomination paper for each office to be voted for,.....** and;

WHEREAS: Secretary of State William Gardner himself violated RSA 655:45 by suppressing two hundred seventy six legally obtained nominations. **655:45 Nomination Papers Protected** reads in part to be falsely made or suppress any nomination paper, or any part thereof, which has been duly filed and;

PETITION OF LIBERTARIAN KEN BLEVENS ET AL

WHEREAS: Secretary of State William Gardner also violated the candidates and the Dunbarton voters constitutional rights by retrospectively implementing RSA 655:40 voiding a signed contractual agreement. **Part 1 Article 23 {Retrospective Laws Prohibited.}** Retrospective laws are highly injurious, oppressive, and unjust. No such laws, therefore, should be made, either for the decision of civil causes, or the punishment of offenses. June 2, 1784. and;

WHEREAS: Secretary of State William Gardner violated Part 1 [Art.] 11. [Elections and Elective Franchises.] that reads in part..... Every inhabitant of the state, having the proper qualifications, has equal right to be elected into office..... By allowing nominations signed for a State Senate candidate after 9/9/09 and before 1/1/10 for an election on 2/16/10 thus setting a unequal standard for different candidates. (email copy attached)

WHEREFORE:

Libertarian Candidate Ken Blevens for the reason enumerated in this petition prays the New Hampshire Ballot Law Commission overturn the Secretary of State William Gardner's decision and allow the two hundred seventy six voters/nominators and the two candidates to apply the two hundred seventy six nominations questioned to their final count or do nothing.

What ever other action the Ballot Law Commission demes just.

Respectfully submitted this 2/8/2010



Libertarian Candidate for U.S. Senate
Ken Blevens
2 Valley Road
Bow, New Hampshire 03304

9/8/09 Infirmation

----- Original Message -----

Subject: RE: petition Collection, to date?

Date: Tue, 8 Sep 2009 10:02:31 -0400

From: Karen Ladd <kladd@SOS.STATE.NH.US>

To: <stoneanarch@tds.net>, "Ken Blevens" <kblevens@comcast.net>, "Paul Twomey" <twomeylawoffice@verizon.net>, "Richard Winger" <richardwinger@yahoo.com>

CC: <James.Kennedy@doj.nh.gov>, "David Scanlan" <DScanlan@SOS.STATE.NH.US>

Following is the new law regarding nomination papers which is effective September 13, 2009 and will be the law when nomination papers are due to be filed in 2010.

655:40 General Provisions. As an alternative to nomination by party primary, a candidate may have his or her name placed on the ballot for the state general election by submitting the requisite number of nomination papers. Such papers shall contain the name and domicile of the candidate, the office for which the candidate is nominated, and the political organization or principles the candidate represents. Nomination papers shall be signed by such persons only as are qualified to vote at the state general election. No voter shall sign more than one nomination paper for each office to be voted for, and no nomination paper shall contain the names of more candidates than there are offices to be filled. Each voter shall sign and date an individual nomination paper. Nomination papers shall be dated in the year of the election.

Karen Ladd

Assistant Secretary of State

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS

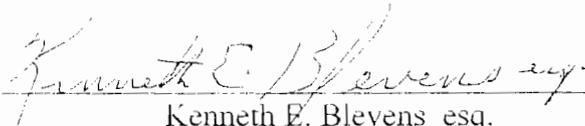
AFFIDAVIT OF

Kenneth E. Blevens esq.

NOW COMES Kenneth E. Blevens and being duly sworn under oath states as follows:

1. I am over 18 years of age and provide this affidavit based on my personal knowledge.
2. I personally collected 332 signatures on nominations for the 2010 election.
3. All 332 nominations were collected prior to 9/13/09.
4. All 332 nominations were for two Libertarian Candidates Ken Blevens, myself, and Howard Wilson.
5. Town of Dunbarton residences signed all 332 nominations in my presence.

FURTHER AFFIANT SAYETH NOT.

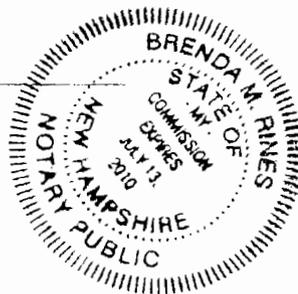

Kenneth E. Blevens esq.

STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK

Personally appeared the above-named Kenneth E. Blevens esq. and acknowledged the foregoing before me, this 24th day of October, 2009.



Notary Public/Justice of the Peace



THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS

AFFIDAVIT OF

Diane L. Dean

NOW COMES Diane L. Dean and being duly sworn under oath states as follows:

1. I am over 18 years of age and provide this affidavit based on my personal knowledge.
2. I personally alphabetically compiled 332 signed nominations from the town of Dunbarton.
3. I personally counted 332 signed nominations for Libertarians Ken Blevens and Howard Wilson from residences of Dunbarton.
4. All 332 signed nominations were arranged alphabetically and counted prior to 9/13/09

FURTHER AFFIANT SAYETH NOT.

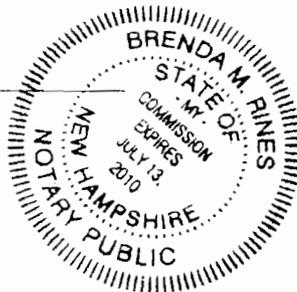
Diane L. Dean

Diane L. Dean

STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK

Personally appeared the above-named Diane L. Dean and acknowledged the foregoing before me, this 24th day of October, 2009.

Brenda M. Rines
Notary Public/Justice of the Peace



From: "JR Hoell" <jr@bezaleldesign.com>
Subject: **FW: Special Election Senate District 16**
Date: December 20, 2009 8:24:02 PM EST
<kblevens@comcast.net>

Ken,

Here is the complete email. As we discussed on the phone, this (NH Senate district 16) is a special election with an extremely short period between the beginning of the year and the filing deadline of 1/12/10. I don't think this applies to the US Senate campaign.

JR

From: Karen Ladd [mailto:kladd@SOS.STATE.NH.US]
Sent: Thursday, December 10, 2009 8:45 AM
To: JR Hoell
Subject: RE: Special Election Senate District 16

JR:

I discussed this issue with Dave Scanlan, Deputy Secretary of State, who spoke with Bud Fitch, Deputy Attorney General. It is agreed that the requirements under RSA 655:40 were intended for nomination papers filed for a general election to be held in November.

Therefore, this section of law does not apply to special elections. Any nomination papers you have signed by registered voters may be dated from the date you entered the state senate race.

If you have any further questions, please do not hesitate to contact this office.

Karen Ladd
Assistant Secretary of State