

STATE OF NEW HAMPSHIRE
BALLOT LAW COMMISSION

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NEW HAMPSHIRE
SECRETARY OF STATE

Petition of
Richard P. Bosa
Request for Re-Hearing

ORDER

On June 29, 2004, the Secretary of State's Office received a request for re-hearing from Richard P. Bosa, ("the Petitioner") following upon the Commission's hearing of June 25, 2004. The matter before the Commission on June 25, 2004 was the Petitioner's appeal of the ruling of the Secretary of State that the Petitioner was not a registered voter affiliated with the Democratic party on June 11, 2004, and that therefore he was ineligible to appear on the primary ballot as a Democratic candidate.

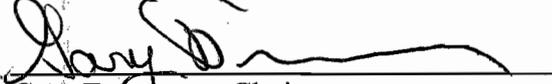
The Petitioner now contends that the hearing of June 25 must be voided and a new hearing held. Petitioner alleges that certain Commissioners are not appointed in compliance with RSA 665:1, in that the President of the Senate is to appoint two members, one from each party, and "[t]here are 2 Republicans and no Democrats from the Senate President." Petitioner further contends that, pursuant to RSA 665:2, "an alternate member who shall have the same qualifications as those of the commissioner whose place he or she is temporarily filling. Ann Coughlin was an alternate from the House for a vacant Democrat from the Senate. She was not a Senator."

Even if the Petitioner's objections were material, the doctrine of the Rule of Necessity requires that as the Commission is the only state body empowered to hear the

matters raised by the Petitioner, it is to the Commission as constituted the Petitioner must return. *See, e.g.* Appeal of Jeffrey Lathrop & a.; Appeal of the Appalachian Mountain Club 122 N.H. 262 (1982); Grinell v. The State of New Hampshire 122 N.H. 823 (1981). Not all positions of the Commission and alternates have to date been filled, and the positions to date have been filled with the appointees present at the hearing of June 25, 2004.

The Commission therefore denies Petitioner's request for a new hearing.

New Hampshire Ballot Law Commission



Gary Francoeur, Chairman

Steve Duprey *SD*

Warren C. Henderson *WCH*

Charles Chandler *CWC*

Anne Coughlin

Dated: July 22, 2004