

STATE OF NEW HAMPSHIRE
BALLOT LAW COMMISSION

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Petition of
Ken Blevens
BLC-2004-7

OCT 8 2004

NEW HAMPSHIRE
SECRETARY OF STATE

ORDER

On September 3, 2004, Ken Blevens (the "Petitioner") filed an addendum to his original petition of August 20, 2004¹ requesting a hearing before the Ballot Law Commission (the "Commission").

In his addendum, the Petitioner states that he disagrees with the Secretary of State's result regarding the nomination papers which he filed pursuant to RSA 655:40, in his quest to be placed on the November ballot as a candidate for the United States Senate.

On September 24, 2004, a hearing was held. The Petitioner requested that the Commission order that his name be placed on the November ballot as the Libertarian candidate for United States Senate, despite not having the statutorily required number of nominating signatures.

The Petitioner claims that the only reason he was unable to submit the requisite number of nominating signatures was because the Nashua Police violated his rights pursuant to RSA 31:102-a and Article 11 of the New Hampshire Constitution, by arresting a member of his committee who was at the United States Post Office collecting signatures for the Petitioner.

¹ This petition was dismissed by the Ballot Law Commission on September 7, 2004 for lack of jurisdiction.

As stated in the Commission's order of September 7, 2004, the Commission does not have jurisdiction over the conduct complained of by the Petitioner and as such, can take no position on whether a violation of RSA 31:102 has occurred. The Commission takes note, however, of the Secretary of State's response to the petition in which it cites United States v. Kokinda, 497 US 720 (1990) as holding that the United States Postal Service regulations of prohibitory solicitation on postal premises are not unconstitutional.

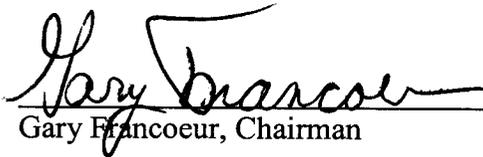
The Commission does not have the jurisdiction to order the relief the Petitioner requests. The number of signatures required to be placed on the ballot is dictated by statute. The law makes no provision for the Commission to interfere with this.

Therefore, the Commission denies Petitioner's request.

New Hampshire Ballot Law Commission

Dated: _____

10/7/04



Gary Francoeur, Chairman