

STATE OF NEW HAMPSHIRE  
BALLOT LAW COMMISSION

BLC 2004-07

Petition of  
Ken Blevens et al

ORDER

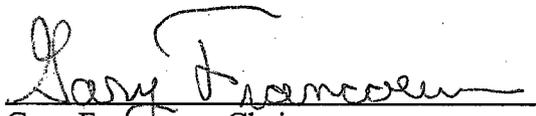
On August 20, 2004, the Secretary of State received a request for hearing from Ken Blevens, ("the Petitioner"). Petitioner prayed the Ballot Law Commission ("the Commission") to "instruct the Secretary of State William Gardner to place the names of [certain] candidates on . . . nomination papers on the ballot for the November 2004 general election regardless of the number of petitions submitted. This request is made on the basis that if the commission has the right to remove names from the ballot for violation it must therefore be authorized the reverse as in this instance." Petitioner stated that the City of Nashua Police, on an undetermined date, arrested an individual for trespass at the United States Post Office parking lot while this individual "was in the process of collecting signatures on nomination papers under RSA 655:40;" that the "City of Nashua Police did interfere with petitioner's equal right to be elected into office by violating Section 31:102-a State Statute and [Art.] 11 New Hampshire Constitution," which petitioner appears to believe impliedly warrants the requested relief.

This Commission takes no position on whether a violation of RSA 31:102-a has occurred, as the Commission does not have jurisdiction in this matter. RSA 665:6, RSA 665:9-a. The Commission's Statute, as amended effective January 1, 2004, limits the Commission jurisdiction to hearing and deciding:

- a. Objections to nominations made at a primary. RSA 665:6, I.
- b. Objections to nomination papers or the filling of vacancies in nominations occurring after the primary. RSA 665:6, II.
- c. Disputes arising over whether nomination papers or declarations of candidacy filed with the Secretary of State conform with the law. RSA 665:7.
- d. Appeals from certain recounts. RSA 665:8.
- e. Disputes regarding the form of a candidate's name to be used on a ballot. RSA 665:9.
- f. Administrative complaints of federal law violations pursuant to the Help America Vote Act. RSA 665:9-a; RSA 666:14.
- g. Disputes over straw candidates. RSA 655:31
- h. Petitions for revision and verification of a checklist. RSA 654:38.
- i. Applications for certification of voting machines. RSA 656:41.

The Commission therefore DENIES Petitioner's request.

**New Hampshire Ballot Law Commission**

  
\_\_\_\_\_  
Gary Francoeur, Chairman

Dated: 9/7/04

STATE OF NEW HAMPSHIRE

BALLOT LAW COMMISSION

**RECEIVED**

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, 2004<sup>1</sup> 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.

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<sup>1</sup> 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.

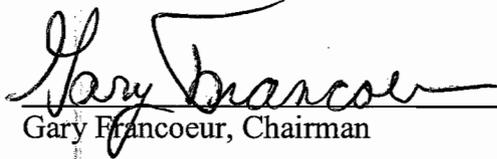
The Commission does not have the jurisdiction to order the relief the Petitioner requests. The number of signatures required to be placed on the ballot is dictated by statute. The law makes no provision for the Commission to interfere with this.

Therefore, the Commission denies Petitioner's request.

**New Hampshire Ballot Law Commission**

Dated: \_\_\_\_\_

10/7/04

  
\_\_\_\_\_  
Gary Francoeur, Chairman

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NH DOJ