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OCT 10 2000

STATE OF NEW HAMPSHIRE
NEW HAMPSHIRE BALLOT LAW COMMISSION

NEW HAMPSHIRE
SECRETARY OF STATE

IN THE MATTER OF:

THE MANCHESTER REPUBLICAN CITY COMMITTEE
AND
TONI PAPPAS

v.

LEONA DYKSTRA

Petition To Remove Leona Dykstra as Libertarian Candidate For Hillsborough County
Commissioner District 1 for Failure to Comply with NH RSA 655

NOW COMES the Manchester Republican City Committee and Toni Pappas, the Republican Candidate for Hillsborough County Commissioner District 1 and on an Emergency Basis Objects to the Libertarian Candidacy of Leona Dykstra for County Commissioner for District 1 and Petitions the Ballot Law Commission for the State of New Hampshire to remove Leona Dykstra from the ballot as a candidate for position of Hillsborough County Commissioner District 1 and in support of said petition states as follows:

Factual Background:

1. That in this year's primary, Leona Dykstra registered as a Republican and ran in the Republican primary and was defeated by her fellow Republican Toni Pappas.
2. That Leona Dykstra is known as a Republican and a former Chair of the Manchester City Republican Committee.
3. That in the past two elections she has been the Republican nominee for Hillsborough County Commissioner District 1.
4. That after her loss in the Republican Primary for Hillsborough County Commissioner, Leona Dykstra announced that she would put her name in nomination to be on the ballot as a Libertarian in the general election.
5. That the Ballot Law Commission on or about September 29, 2000 issued an opinion relative to the status of the Libertarian Party and whether or not Libertarian candidates could be nominated to the ballot in the general election in November.

6. That in its opinion dated on or about September 29, 2000, the Ballot Law Commission found NH RSA 658:91-a did not apply and authorized the Secretary of State "to include on the ballotany Libertarian candidate otherwise qualified."

7. That Petitioners assert that Leona Dykstra has not complied with the standards and dictates of New Hampshire Statute entitled Nominations Namely NH RSA 655 and that her name should not be put on the ballot as a Libertarian for the general election.

8. That Leona Dykstra despite intending to run as a Libertarian and presumably to be listed on the ballot in the general election as a Libertarian has retained her Republican party status for purposes of her party affiliation and registration.

9. That Leona Dykstra, as a former chair of the Manchester Republican City Commission and a former candidate in Hillsborough County for County Commissioner as the Republican nominee has become synonymous as a Republican candidate and her candidacy as a Libertarian still registered Republican will have the immediate effect and harm upon the Republican nominee Toni Pappas and will have the practical effect of distorting this year's election process established by the State Legislature namely to have the Republican party nominate it's candidate for the general election.

APPLICABLE STATUTORY LAW

10. That Leona Dykstra is not in compliance with NH RSA 655:43 III in that she was a candidate in the Primary Election this election cycle.

11. That NH RSA 655:43 III states in pertinent part

"No person who filed as a candidate in the State Primary election shall be eligible to have his name placed on the Ballot for the State general election by submitting nomination papers as provided in this subdivision."

12. That it was not until October 9, 2000 that the Manchester Republican City Committee and Toni Pappas were notified by the Secretary of State that he was of the opinion that Leona Dykstra complied with the statutory prerequisites of NH RSA 655:43.

13. That the Legislative history of NH RSA 655:43 states that the section is subject to a severability clause.

ARGUMENT

14. That Leona Dykstra's candidacy as a libertarian circumvents the clear legislative intent that no person who is a candidate in the primary be allowed to run again in the general election.

15. That the effect of the Secretary of State's determination is to create a legal precedent in the State of New Hampshire that would in effect nullify the primary process and send a message to all candidates who lose a primary race that there is a second chance at winning an election.

16. That to allow Leona Dykstra to run as a Libertarian Candidate while still registered as a Republican, while she is widely recognized as a Republican and specifically where she has unsuccessfully sought a party nomination in the Primary is to allow a candidate to circumvent the clear intent of the legislature as stated in NH RSA 659:91-a and NH RSA 655:43 III, provisions crafted to prevent the result arrived at by the Secretary of State.

PRAYER FOR RELIEF

Wherefore the Petitioners Request the Ballot Law Commission find as follows:

- A. That the Ballot Law Commission find the Secretary of State in error in his determination that Leone Dykstra complies with the provisions of NH RSA 655,
- B. That the Ballot Law Commission find that NH RSA 655:43 III bars Leona Dykstra an unsuccessful Primary Candidate from appearing on the General Election Ballot in November,
- C. That the Ballot Law Commission Order Leona Dykstra's name be removed from Ballots for Hillsborough County Commissioner District 1 for this year's General Election, and
- D. For such further relief as it deems just and appropriate.

Respectfully Submitted
Manchester Republican City
Committee

by its Chair
Frank Cartier



Toni Pappas
Republican Nominee
Hillsborough County Commissioner
District 1



Toni Pappas

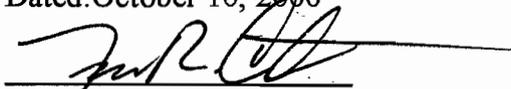
October 10, 2000

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Bal 204.02 Certification

I hereby certify that I have read the above Petition To Remove Leona Dykstra as Libertarian Candidate For Hillsborough County Commissioner District 1 for Failure to Comply with NH RSA 655, That I have been authorized to file this Petition, That to the Best of my knowledge, information and belief there are good grounds to support it and the factual allegations contained therein are truthful and the document has not been filed for purposes of delay or harassment.

Dated: October 10, 2000



Frank Cartier, Chair
Manchester Republican City Committee
41 Ray Street
Manchester, NH 03104



Toni Pappas, Republican Nominee
Hillsborough County Commissioner
District One
432 Hanover Street
Manchester, NH 03104

Bal 204.03 Certification of Service

I hereby certify that a copy of the above Petition To Remove Leona Dykstra as Libertarian Candidate For Hillsborough County Commissioner District 1 for Failure to Comply with NH RSA 655 has this day been served via first class mail on Leona Dykstra, Libertarian Nominee for Hillsborough County Commissioner, the Chair of the Libertarian Party for the State of New Hampshire, John J. McDonough, Democratic Nominee for Hillsborough County Commissioner District One, Kathleen Sullivan Chair of the Democratic Party for the State of New Hampshire, Steve Duprey Chair for the Republican Party for the State of New Hampshire, Leo Bernier, Town Clerk for The City of Manchester, and Wanda L. Jenkins, Town Clerk for the Town of Bedford.

Dated: October 10, 2000



Frank Cartier, Chair



Toni Pappas, Republican Nominee