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JAN 09 2004

**NEW HAMPSHIRE
SECRETARY OF STATE**

BLC 2004-2

Secretary of State William Gardner
State House
Concord, New Hampshire 03301

January 8, 2004

Re: RSA 31:102-a

Dear Secretary of State Gardner,

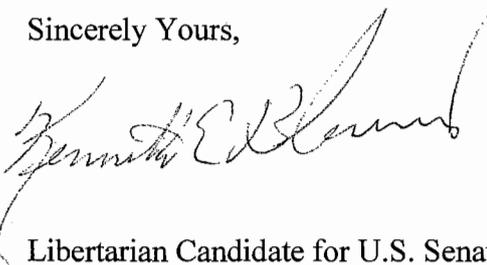
Please find enclosed five copies of a letter to yourself and the Town of Bow Moderator. Also a copy of the statute RSA 31:102-a. I would like at this time to request a hearing before the Ballot Law Commission to resolve the issue. As the primary election is only three weeks away, I am requesting a hearing as soon as possible. I will make myself available on short notice as I am right in the Concord Area. The questions raised would be as follows for the Ballot Law Commission:

Is the Town of Bow Moderator, by being elected to the position, part of " A city, town or village district"....according to the statute?

Does the enabling statute.... "shall be specifically prohibited, however, from licensing or regulating".... mean the person obtaining signatures on nomination papers as per RSA 655:40 may be licensed or regulated ?

If so, by whom, when and where?

Sincerely Yours,



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

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DEC 29 2003

NEW HAMPSHIRE
SECRETARY OF STATE

Secretary of State William Gardner
State House
Concord, New Hampshire 03301

December 26, 2003

Re: RSA 31:102-a

Dear Secretary of State Gardner,

I am looking for some clarification regarding constitutional rights to petition and the above statute copy attached and the wording that follows;

A city, town, or village district shall be specifically prohibited, however, from licensing or regulating a candidate for public office in the process of obtaining signatures on nomination papers, who seeks to have the candidate's name placed on the ballot for the state general election by submitting nomination papers under RSA 655:40.

The key words are "specifically prohibited, however, from licensing or regulating" and even more specific the words "prohibited, however, from regulating".

With this in mind, I ask for your opinion regarding the obtaining of signatures within the voting place at the primary election in January.

The reasoning behind the request is that this is not a general election. Voters are not electing anyone, only choosing a candidate to represent a party in the general election. Others have access to the area inside, not just election officials. Having third party candidates would be informative to the voters regarding other candidates, besides it's very cold outside in January. I understand the dilemma this would pose in the general election and would not make such a request for that election.

I am making this request as the moderator for the Town of Bow Peter Imse has informed me that I would not be able to petition at this coming primary election 2004. I would request a quick response in writing and I thank you for your time and consideration.

I have sent a copy of this request to the Town of Bow requesting it be brought to the attention of the town moderator Peter Imse.

Sincerely Yours,



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2 Valley Road
Bow, New Hampshire
Tel 225-5547

Received at Town Offices



JAMES C. PITT
TOWN MANAGER

DEC 29 2003

TITLE III
TOWNS, CITIES, VILLAGE DISTRICTS, AND
UNINCORPORATED PLACES

CHAPTER 31
POWERS AND DUTIES OF TOWNS

Miscellaneous

Section 31:102-a

31:102-a Hawkers, Peddlers and Vendors. – The governing board of a city, town or village district may adopt, by ordinance or regulation, provisions for the licensure and regulation of itinerant vendors, hawkers, peddlers, traders, farmers, merchants, or other persons who sell, offer to sell, or take orders for merchandise from temporary or transient sales locations within a town or who go from town to town or place to place within a town for such purposes. Any person who violates any provision of such ordinance or regulation shall be guilty of a violation, and each continuing day of violation after notice shall constitute a separate offense. A city, town, or village district shall be specifically prohibited, however, from licensing or regulating a candidate for public office in the process of obtaining signatures on nomination papers, who seeks to have the candidate's name placed on the ballot for the state general election by submitting nomination papers under RSA 655:40. Provisions adopted under this section shall be in addition to any requirements imposed by the state under either RSA 320 or RSA 321 and may include, but shall not be limited to:

- I. Classification of licensees consistent with constitutional requirements of equal protection;
- II. Imposition of reasonable requirements, including fees, for the issuance of a license;
- III. Restrictions as to the areas of the municipality open to licensees and the hours and days of their operation; and
- IV. Other reasonable conditions and terms deemed necessary for public convenience and safety as the governing board determines.

Source. 1973, 558:9. 1981, 515:1. 1993, 164:1, eff. July 23, 1993. 2001, 274:2, eff. Jan. 1, 2002.