

**STATE OF NEW HAMPSHIRE  
BALLOT LAW COMMISSION**

**Challenge of Robert Heaps to Candidacy Filing of Daniel Hynes**

**BLC 2018-4**

**BACKGROUND:** Daniel Hynes, of Bedford, New Hampshire, filed his Declaration of Candidacy to run in the Republican Primary for New Hampshire Senate, District 9, stating in the declaration that he is domiciled in Bedford, one of the towns in District 9, is a registered member of the Republican Party, has lived in New Hampshire for the requisite number of years (7) and is of the requisite age (30). His Declaration was accepted by the Secretary of State.

By letter dated June 29, followed up by an affidavit dated July 6, Robert Heaps, of Bedford, challenged the filing by Daniel Hynes, stating that based on registration data, information he had received from a realtor, and other data of record, Mr. Hynes was not a resident of Bedford, as he had only a purchase and sale agreement to purchase property there, when he filed his declaration, and therefore the candidacy should be rejected and Mr. Hynes' name not be placed on the ballot. An additional communication was received from Bill Greiner, also of Bedford, raising the same issues which questioned Mr. Hynes' declaration.

The Ballot Law Commission held a hearing on the matter in Concord on July 9. At the hearing, the contents of the affidavit and other communications received were reviewed, although neither Mr. Heaps nor Mr. Greiner was present, as they had informed the Commission earlier they could not be. Mr. Hynes was present. He presented the Commission with written materials and oral testimony, under oath, concerning his domicile, stating that he had moved to Bedford under a written, lease agreement for property at 41 Palomino Lane, which was part of his purchase and sale agreement to purchase that property. He testified that he had moved into the property prior to registering to vote in Bedford, and filing his declaration. He produced rent checks, his driver's license, and the purchase and sale agreement, as well as the subsequent deed to the property, delivered when he closed on it. He also testified that he resigned his New Hampshire House seat from Merrimack, when he moved to Bedford, and produced a written copy of the resignation.

Mr. Hynes also asserted a number of legal arguments why the challenge to his filing should be dismissed by the Commission.

**DECISION**

New Hampshire RSA 655:17 sets the criteria for declaring candidacy for office. On its face, Mr. Hynes' filing complied with the requirements for New Hampshire Senate. There was no question that he is thirty years of age, has lived in New Hampshire for seven years, or is a registered Republican. The challenge to his declaration of candidacy in District 9 is based on his domicile in the district. That also could be deemed to challenge the action of Bedford officials to allow him to register to vote there. This Commission notes that it will not look behind the action

of Bedford officials to accept the registration. However, the Commission may inquire about the accuracy of the declaration's statement that the candidate's domicile is in District 9. Testimony at the hearing established clearly that Mr. Hynes, prior to filing, took all steps required to establish his domicile in Bedford, had a written agreement for renting a residence, paid the rent, resided in the property, resigned his House seat in Merrimack, registered to vote, changed his driver's license address, and was careful to qualify to declare his candidacy.

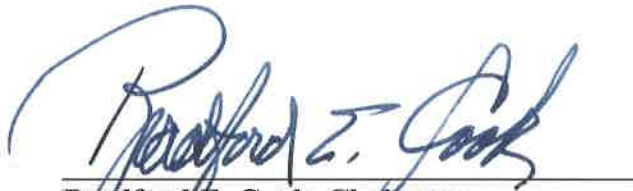
Therefore, based on the facts of the situation, the Commission unanimously found that the challenge to his filing should be rejected and his name should be printed on the ballot as a candidate in the Republican New Hampshire Senate District 9 primary election. The Commission need not, and therefore declines, to rule on any questions of law contained in any of the materials presented to it by the parties.

### **ORDER**

The Ballot Law Commission denies the challenge to the Declaration of Candidacy filed by Daniel Hynes, with the result that his name will be printed on the ballot as a candidate in the Republican New Hampshire Senate District 9 primary election.

**SO ORDERED.**

**July 9, 2018**

A handwritten signature in blue ink, reading "Bradford E. Cook", is written over a horizontal line.

**Bradford E. Cook, Chairman**

**Michael Eaton**

**David Campbell**

**Eugene Van Loan III**

**James Normand**