

STATE OF NEW HAMPSHIRE
BALLOT LAW COMMISSION

RECEIVED

DEC 5 2003

Petition of Joseph S. Haas, Jr.

**NEW HAMPSHIRE
SECRETARY OF STATE**

DECISION

On November 20, 2003, Joseph S. Haas, Jr. ("the Petitioner") filed a complaint with the Ballot Law Commission ("Commission") alleging that all of the candidates who declared their candidacy for President of the United States and paid the required filing fee by check did not comply with the statutory requirement of RSA 655:48.¹ Petitioner Haas alleges that the filing fee must be paid in coins and that payment by check is not actual payment.

The Commission has jurisdiction to hear this complaint pursuant to RSA 665:5 and/or 665:7.

The Commission has on two previous occasions, December 21, 1999 and July 12, 2002, entertained and ruled on the identical issue raised by the Petitioner in his November 20, 2003 Petition.

The Commission is not persuaded that these earlier rulings should be overruled.

Specifically, the Commission again notes that the Uniform Commercial Code (UCC) Article 3, as set forth at RSA 382-A:3 governs the presentment of and usage of checks as payment in the course of business. RSA 382-A:3-104 defines checks as negotiable instruments. A negotiable instrument is an unconditional promise or order to pay a fixed amount of money. See RSA 382-A:3-104 (a). A check is a draft which is payable on demand. See RSA 382-A:3-104 (f). And a draft is defined as an instrument that is an order. See RSA 382-A:3-104 (e).

¹ This statute requires that each candidate must pay a fee of one thousand dollars (\$1,000) to the Secretary of State at the time the candidate files his declaration of candidacy.