

STATE OF NEW HAMPSHIRE

BALLOT LAW COMMISSION

Petition of Peter Bearse

BLC 2008-2

ORDER

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NEW HAMPSHIRE
DEPARTMENT OF STATE

On September 16, 2008, the Secretary of State received a faxed written request from Peter Bearse (“the Petitioner”) stating he wished to “appeal the denial by the Secretary of State’s Office of his having the requisite number of nomination petitions in order to be placed on the general election ballot as a candidate for the United States House of Representatives, pursuant to RSA 655:40 through :45.” In his written letter, the petitioner alleged that there were missing petitions, counting errors, and that a number of individuals who signed the petition were incorrectly disqualified by the Supervisors of the Checklist.

The Ballot Law Commission (“the Commission”) held a hearing on September 26, 2008. At the hearing, the petitioner appeared *pro se* and the Secretary of State’s Office was represented by Assistant Attorney General James Kennedy. The Secretary of State, through Attorney Kennedy, filed a written Motion for Summary Judgment.

In addition to submitting written testimony, the Petitioner testified the irregularities he was alleging required the Commission to rule that he should be permitted to have his name on the general election ballot in November. These arguments included that there were discrepancies between the Secretary of State’s count and his as to the number of petitions submitted to the Secretary of State’s Office as well as the number which were properly and/or improperly certified or rejected by either the Secretary of

State or the Supervisors of the Checklist. The key factor in Mr. Bearse's testimony, however, was when he admitted that even by his own calculations he only had 1,330 qualified petition nominations and therefore did not have the requisite 1,500 nominations needed to be placed on the ballot.

Assistant Attorney General James Kennedy spoke on behalf of the Secretary of State's Office with respect to Mr. Bearse's comments and Attorney Kennedy's Motion for Summary Judgment. Attorney Kennedy stated that RSA 655:42, II requires that 1,500 voters' signatures are required in order to be placed on the ballot as a candidate for the United States Representative. Attorney Kennedy correctly noted that Mr. Bearse stated under oath that he did not have the 1,500 signatures and only had 1,330 signatures. Attorney Kennedy then moved that Mr. Bearse's petition be dismissed and that the Commission approve the action taken by the Secretary of State.

After hearing the testimony from both parties the Commission voted unanimously, 5-0, to deny the Petitioner's appeal because he had not provided the Commission with evidence showing he had 1,500 valid signatures as required under RSA 655:42, II and in fact, admitted he did not have the required number of petitions.

Wherefore, the Ballot Law Commission hereby denies the Petitioner's appeal and request to placed on the November 2008 ballot.

SO ORDERED.

New Hampshire Ballot Law Commission

Date: 10/14/08



Gary Francoeur, Chairman
Charles Chandler
Bradford E. Cook
Paul McGuirk
Gregory Martin