

STATE OF NEW HAMPSHIRE

BALLOT LAW COMMISSION

Petition of
New Hampshire Democratic State Committee
Re: Ralph Nadar Nominatory Petition

RECEIVED

OCT 8 2004

NEW HAMPSHIRE
SECRETARY OF STATE

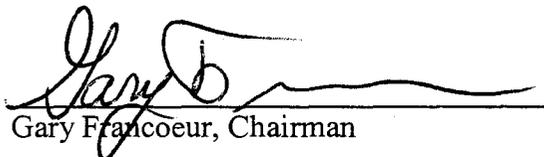
ORDER

On September, 7, 2004, a Petition was filed by the NH Democratic State Committee objecting to the nominating petitions filed on behalf of Ralph Nadar for President. A hearing on this petition has been set for September 24, 2004 at 9:00 a.m. The Petitioner also filed a Motion to Obtain Access to the Signatures on Certain Voter Registration Cards for comparison purposes.

In anticipation of the forthcoming hearing and Pursuant to RSA 654:31-a, the Ballot Law Commission hereby orders the Secretary of State to obtain copies of the voter registration cards ("the cards") of the individuals listed as Exhibit A in Petitioner's motion (a copy is attached hereto). Upon receipt of all cards, the parties shall sign a confidentiality agreement agreeing not to further disclose that information protected by RSA 654:31-a. In the event any party wishes to present a voter registration card as evidence at the hearing, they must make a copy of the card and redact that information which is not subject to public disclosure or in the alternative, request the Ballot Law Commission to seal said exhibits.

So Ordered.

New Hampshire Ballot Law Commission


Gary Francoeur, Chairman

Dated: 9/24/04

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**STATE OF NEW HAMPSHIRE
BALLOT LAW COMMISSION**

OCT 8 2004

**NEW HAMPSHIRE
SECRETARY OF STATE**

Petitions of
Kathleen N. Sullivan and the New Hampshire Democratic State Committee
and Challenge of Kathleen Sullivan, Hazel R. Tremblay, et.al.
Nomination Papers of Ralph Nader
BLC-2004-10

ORDER

On September 7, 2004, pursuant to RSA 655:44, Kathleen N. Sullivan and the New Hampshire Democratic State Committee filed a Petition and Objection to the Nomination Petitions filed by the Ralph Nader for President campaign with the Secretary of State's office. The petition claimed that more than 284 nominating petitions filed by the Nader campaign are invalid.

On September 13, 2004, a further petition was filed with the Secretary of State by Kathleen N. Sullivan, Hazel R. Tremblay, Dorey M. Grizzard, and Brian Farias. In this second related petition, Petitioners also challenged the nomination papers filed by representatives of the Ralph Nader for President campaign.

On September 22, 2004, the New Hampshire Volunteer Coordinator for Ralph Nader for President, Aaron Rizzio, filed a response to Petitioners' September 7, 2004 petition. He requested that the Commission dismiss the Petition.

The Ballot Law Commission (the "Commission") has jurisdiction over this matter pursuant to RSA 655:6 and on September 24, 2004 a public hearing was held.

At the hearing, both parties presented legal arguments, witnesses, and physical evidence. In summary, the Petitioners' claims were that Ralph Nader's ("Nader") name is ineligible to be placed on the November election ballot for the following reasons: Nader did not submit a

sufficient number of valid petitions in the Second Congressional District as required; individuals soliciting signatures to place Nader on the ballot engaged in widespread fraud and dishonesty; Nader failed to specify either the political organization or the principles he represents; and Nader failed to collect signatures for his designated running mate in New Hampshire, Jan Pierce, and has designated a different running mate in other states.

The arguments put forth as to why Nader did not have a sufficient number of valid petitions in the Second Congressional District included that some petitions were improperly certified or not certified at all by local officials; the address on the petition was no longer valid; the signers were misled as to what the petition was for; signatures were actually forged; voters signed more than one nominating petition for more than one candidate for President, contrary to state law; and a number of individuals signed more than one petition for Nader.

RSA 655:40 allows a candidate to have his or her name placed on the ballot for the State's general election by submitting a requisite number of nomination papers. In order to be placed on the ballot as a candidate for President of the United States, RSA 655:42 I requires that a total of 3,000 registered voters, 1,500 from each United States Congressional Districts sign nomination petitions. The Petitioners' claim that if the Commission invalidates the nomination petitions as identified by the Petitioners, Nader will not have the requisite 1,500 petitions required from the Second Congressional District.

The Commission begins by noting that although not intending to do so, even if the Commission were to accept the Petitioners' arguments and invalidate all the nomination petitions as requested to do so, there would remain enough valid petitions from the Second Congressional District to place Ralph Nader's name on the ballot as a presidential candidate.

After hearing testimony and reviewing the evidence presented, the Commission rejects the Petitioners' claim that Nader did not submit a sufficient number of valid nomination

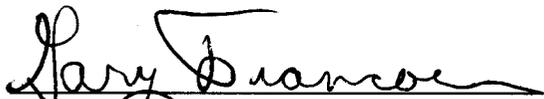
petitions. With respect to the claim of the improper certification of a number of petitions, the Commission recognizes this as a municipal inequity and would urge additional training for local election officials. The Commission is also not persuaded that there was widespread fraud and dishonesty by the petition gatherers. The Commission does, however, remain concerned with some of the petition gathering tactics and would encourage all potential candidates to provide appropriate training in this regard. The Commission found particularly far-reaching the claims that many of the addresses of the signatories were no longer valid and gives no weight to these arguments. Although the Commission is concerned about voters being misled when signing any sort of petition, it notes that ultimately the signers are responsible for any document on which they put their signature. The Commission recognizes that there does appear to be some valid forgery allegations. However, the Commission does not accept this alleged conduct as a widespread problem and finds that it did not taint the entire process and does not merit invalidation.

For the reasons stated above, the Petitioners' challenge is denied¹.

New Hampshire Ballot Law Commission

Dated: _____

10/2/04


Gary Francoeur, Chairman

¹ The Commission would like to compliment counsel from both sides for their professionalism and their well argued presentations.