

STATE OF NEW HAMPSHIRE  
BALLOT LAW COMMISSION

RECEIVED

New Hampshire Democratic Party,  
By Kathleen Sullivan, Chair

SEP 24 2002

v.

NEW HAMPSHIRE  
SECRETARY OF STATE

Fergus Cullen

(State Senate, District 6)

**PETITIONER'S HEARING MEMORANDUM**

Kathleen Sullivan, as Chair of the New Hampshire Democratic Party (hereinafter "Petitioner"), submits the following Hearing Memorandum to the New Hampshire Ballot Law Commission on the issues raised by Petitioner's Objection to the nomination of Fergus Cullen (hereinafter "Mr. Cullen") for State Senate from District 6.

**I. OVERVIEW**

Mr. Cullen is not qualified to serve in the New Hampshire Senate because he was not an inhabitant of New Hampshire during the seven years preceding the November 2002 General Election. The New Hampshire Constitution specifies that State Senators must be inhabitants of New Hampshire for seven years immediately preceding their election. The New Hampshire Constitution also states that a candidate is considered an inhabitant of the place where she or he is domiciled. N.H. RSA 655:2 (amended in 2001 to deal with the circumstances presented here) establishes that a person is not domiciled in New Hampshire while they are registered to vote in another state. Mr. Cullen was registered to vote in Connecticut from October 14, 1997 to January 8, 2001, and thus is not qualified to serve in the New Hampshire Senate.

## II. FACTS: MR. CULLEN IN CONNECTICUT

On October 14, 1997 Mr. Cullen registered to vote in West Hartford, Connecticut, giving an address of 1250 Farmington Avenue, #C-22. Exhibit A. Connecticut law restricts the right to vote to "bona fide residents" of the town of registration. C.G.S.A. 9-12. "Residence, for the purpose of voting, denoted a permanent dwelling place to which the person, when absent, intended to return." 21 Opinions of Attorney General (Connecticut) 359 (1939). Connecticut also requires registrants to declare whether they were previously registered in any state. C.G.S.A. 9-20. Where prior registration in another municipality is admitted, Connecticut registrars must notify the appropriate official in that municipality of the new Connecticut registration. C.G.S.A. 9-21. Mr. Cullen's registration card contained no indication of a Previous Voting Address. Exhibit A, Section 11.

On January 8, 2001 Mr. Cullen registered to vote in Laconia, New Hampshire. Exhibit B. He gave his Farmington Avenue, West Hartford address as the place where he was last registered to vote. Exhibit B, Section 6.

Mr. Cullen describes himself as "a self-employed consultant since 1998." Exhibit F. Between October 1997 and January 2001 Mr. Cullen lived and worked as a consultant in Connecticut. He held himself out and was reported to be a citizen of Connecticut. In 1998 he was the Deputy Campaign Manager for Connecticut Governor Rowland. Exhibit E, p. 3. On April 1, 1999 the Associated Press reported that AT&T had hired "... longtime state political insider Fergus Cullen" as a lobbyist. Exhibit C. The article also reported that as Executive Director of Connecticut Citizens for Phone Choice he was paid \$3,000 per month. On May 17, 1999 the *Weekly Standard*, published Mr. Cullen's note describing himself as a "political operative," with a byline "Fergus Cullen, West Hartford, Connecticut." Exhibit D. The May

2000 issue of *Campaigns & Elections*, listed Mr. Cullen as President of Grassroots Direct, “. . . a firm specializing in voter contact and issue advocacy based in Connecticut.” Exhibit E. In 2000 he was the Campaign Manager for unsuccessful congressional candidate Mark Nielsen, who ran in Connecticut’s 5<sup>th</sup> District.

While living in Connecticut Mr. Cullen pursued his avocation of road racing, and race results regularly listed him as being from West Hartford, Connecticut, including races held outside of Connecticut. Exhibits G-N, inclusive, for races in 1997, 1998, 1999, and 2000.

### **III. MR. CULLEN FAILS TO MEET THE CONSTITUTIONAL AND STATUTORY QUALIFICATIONS FOR STATE SENATORS.**

Since its adoption in 1784 the New Hampshire Constitution has imposed a seven-year durational residency qualification for State Senators. N.H. CONST. Part 2, Art. 29; *Stark v. Sununu*, 383 F.Supp. 1287, 1291 (D.N.H. 1974)(describing unsuccessful 1964 and 1974 proposals to amend the constitution by reducing the residency requirement to four years). The state constitution and statutes also provide that a candidate’s domicile during the seven years immediately preceding the election determines the outcome of a challenge. N.H. CONST. Part 2, Art. 29 (“immediately preceding his election”) and Art.30 (stating that a person is an “inhabitant” of the place of his domicile); N.H. RSA 655:2 (statutory definition of domicile), and, N.H. RSA 655:7 (incorporating constitutional requirements as statutory qualifications for Senators).

This constitutional durational residency requirement ensures that candidates and voters are familiar with each other, and prevents political carpetbagging. *Sununu*, F.Supp. at 1290. The importance of the qualification is reflected in the requirement that prospective State Senate candidates must take an oath that they have been inhabitants of New Hampshire for the seven

years preceding the election. N.H. RSA 655:28 and 655:29III. While reasonable people can disagree about the merits of the durational residency qualification, it has survived constitutional challenges by both candidates and voters. *Sununu*, aff'd. mem. 420 U.S. 958 (1975). It has also been enforced by the New Hampshire Senate. In 1965, the Senate refused to accept two individuals (who had been elected in the general election) on the basis of the seven year requirements replacing them with the candidates who had been defeated. Brown v. Lamprey, 106 N.H. 121 (1965). As a part of our constitution it commands respect from all interested parties.

Because Mr. Cullen was registered to vote in Connecticut during a substantial part of the seven years preceding November 5, 2002, he was not then domiciled in New Hampshire. Mr. Cullen was registered to vote in West Hartford, Connecticut from October 14, 1997 to January 8, 2001, nearly one-half of the seven years preceding November 5, 2002. Under N.H. RSA 655:2 he is presumed to have forfeited his New Hampshire domicile during that time. "Registration to vote or voting in another state during the relevant time period shall create a presumption that a person does not have a domicile in this state." N.H. RSA 655:2 (Sentence added during the 2001 session of the legislature to address the circumstances presented here). Because of this gap in his New Hampshire domicile during the seven years preceding November 5, 2002, he is not legally qualified to serve as State Senator, and his name should not appear on the ballot.

A review of the legislative history behind the 2001 amendment to N.H. RSA 655:2 leaves no doubt that the legislature intended that under the circumstances presented here Mr. Cullen lost his New Hampshire domicile when he registered to vote in Connecticut. The amendment to RSA 655:2 originated as House Bill 520. The House's Election Law Committee report on HB 520 is as follows.

“This bill came about due to problems in a state senate campaign last year. There were questions as to whether . . . a candidate actually lived in the district. This bill clarifies qualifications by noting that registration to vote or voting in another state creates a presumption that a person does not have a domicile in [New Hampshire].”

Exhibit O. By a 19-0 vote the Committee recommended that the House pass the bill as amended.

Exhibit P, p. 1223, and it passed the House on a voice vote on April 25, 2001. Exhibit P, p. 1225.

Testimony of Secretary of State William Gardner before the Senate’s Committee on Public Affairs is even more pertinent to this proceeding. Testifying in support of HB 520 Secretary of State Gardner said:

“This bill simply says that if you register to vote in another state, voted in another state during those seven years that means that you do not qualify. That’s all this bill does because if you do that during those seven years—the fact that you did that means that you don’t qualify for that constitutional requirement.”

“ . . . this language is specific that if you **do** register to vote, which means you’re saying when you register to vote that that’s where you live; or if you vote in another state during those seven years that you’re supposed to be here, then you’re supposed to be here, then there’s no question—we don’t have to have hearings that last four hours and discussions—the fact that you did that would mean that you did not meet the qualifications. That’s all that this does.”

Exhibit Q, p. 3 (emphasis in original transcript). Senator Gary Francoeur’s testimony on the amendment was very succinct as to the purpose behind the bill:

I don’t see how anybody can claim you’re a resident of the State of New Hampshire and be out voting and living in another state. [Exhibit Q, p.3.]

By a 4-0 vote the Committee recommended that the Senate pass the bill, which was done by voice vote on May 31, 2001. 2001 Journal of the New Hampshire Senate, #15, p. 312.

The legislature has the right to define domicile for the purpose of candidate qualifications.

“Where the constitution has established a political right or privilege, but has not particularly designated the manner of its exercise, it is within the constitutional limits of the legislative power to adopt all necessary regulations in regard to the time and mode of exercising it, which are reasonable and uniform, and designed to secure and facilitate the exercise of such right in a prompt, orderly, and convenient manner.”

*Davis v. School District*, 44 N.H. 402, 405 (1862); *see, Opinion of the Justices*, 73 N.H. 618, 619 (1905), *Murchie v. Clifford*, 76 N.H. 99, 101 (1911), and *Felker v. Henderson*, 78 N.H. 509, 511 (1917). Moreover, it is reasonable for the legislature to apply a stricter standard for candidate qualifications than for voter qualifications. *See, Sununu*, F.Supp. at 1291-1292. N.H. RSA 655:2 applies only to candidates for office, and not to voters.

By its 2001 amendment of N.H. RSA 655:2 the legislature declared that registering to vote or voting in another jurisdiction are the only acts which preclude a claim of domicile during the relevant time period. By way of contrast, the legislature did not declare that registering a car, applying for a motor vehicle, professional or trade license, paying taxes, or any other activity precluded a claim of domicile. By registering to vote a person joins a political community. A New Hampshire citizen employed temporarily out of state can always remain an active participant in the New Hampshire political community by using the absentee voter procedure of N.H. RSA 657. Mr. Cullen chose, instead, to become active in Connecticut’s political community.

N.H. RSA 654:2 declares that New Hampshire voters do not lose their domicile by any of the activities that commonly take New Hampshire citizens out of state for prolonged periods. N.H. RSA 654:2 (creating exceptions for voters who serve the United States, work on ships, attend schools, serve a term of incarceration, or are confined to residential facilities). Persons in such situations can vote by absentee ballot. None of these exceptions apply to Mr. Cullen. He

graduated from college in 1994. Exhibit F. The public record and his own statements establish that from 1997 to 2001 Mr. Cullen was a self-employed consultant, living in Connecticut, and working in a series of political and lobbying activities. These same types of activities were abundantly available in New Hampshire during this time, including a United States Senate race in 1998, gubernatorial races in 1998 and 2000, and congressional races in 1998 and 2000, as well as the 2000 presidential primary. Mr. Cullen was familiar with those types of New Hampshire opportunities, having served as a finance director in a New Hampshire campaign in 1996 (see Exhibit E). Mr. Cullen chose to move out of New Hampshire after 1996 to work in Connecticut politics instead.

Although a person's intent can be considered in deciding questions of domicile, tribunals need not blindly accept such a statement. Even before the amendment of N.H. RSA 655:2's statutory definition of domicile, New Hampshire courts held that a person's intent to return must be specific as to time or event that will trigger a return.

"By the use of the word 'intention' in the [temporary absence] statute it is reasonably clear the legislature did not mean an undefined or undefinable purpose on the part of the voter to return to his former residence at some unknown time during the course of his life. To entertain a doubtful, vague or equivocal purpose to return does not prove the fact of 'intention' as used in the statute, when reasonably construed, in view of the legislative object and the general law on the subject of domicile."

". . . the intention to retain a former domicile is unavailing if it is vague and indefinite in respect to the event upon which the intended return is predicated and in respect to the time of its occurrence. 'If a person has actually removed to another place, with an intention of remaining there for an indefinite time, and as a place of fixed present domicile, it is to be deemed his place of domicile, notwithstanding he may entertain a floating intention to return at some future period.'(citation omitted)

". . . it is unreasonable to hold that, when it is provided by statute or by judicial decision that one may retain a former residence if he has an intention to return to it as his home, a declared intention based upon the mere happening of some indefinite and undisclosed event is sufficient evidence of a well-formed and

deliberate purpose to retain a residence which is otherwise abandoned. The law of domicile does not rest upon conjecture, speculation or personal caprice.”

*Felker*, N.H. at 512-513 (interpreting the predecessor to N.H. RSA 654:2, Temporary Absence, and holding that domicile was lost in the absence of a specific intention to return); *see also*, *McGee v. Bragg*, 94 N.H. 349 (1947)(upholding removal of voters from checklist despite their claims of intent to return).

By amending N.H. RSA 655:2 the legislature has established that registering to vote in another state results in a forfeiture of domicile in New Hampshire for the purpose of running for office for the time the prospective candidate is registered elsewhere. If the Ballot Law Commission allows prospective candidates to circumvent this law by simply declaring that they always intended to return, then the Commission will have effectively nullified the statute as amended and eliminated the constitutional durational residency requirement. As Judge Bownes observed almost thirty years ago, “[i]f the durational residency requirement for State Senator ‘is to be eliminated, it should be accomplished by the voters through the constitutional amending process.’” *Sununu*, F.Supp. at 1291, quoting *Chimento v. Stark*, 353 F.Supp. 1211, 1217 (D.N.H. 197 ). Instead, in keeping with the spirit of the amendment and the legislative history behind it, the Commission should allow the statutory presumption to be overcome only by clear and convincing evidence of an exception explicitly established under N.H. RSA 654:2, and a specific date or event triggering the candidate’s intended return to New Hampshire. Inasmuch as Mr. Cullen does not fall within any of those exceptions, the Commission must declare him ineligible to serve and direct that his name not be placed on the ballot.<sup>1</sup>

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<sup>1</sup> Removing Mr. Cullen’s name from the ballot still allows his party to designate a nominee. N.H. RSA 655:38. Also, removing his name does not mean he will be unable to run in the future, or deprive the voters of the opportunity to vote for him in a future election. *See Sununu*, F. Supp. at 1293 (concurrent opinion).

#### IV. CONCLUSION

Mr. Cullen does not meet the constitutional qualifications to serve in the New Hampshire Senate because he has not maintained a domicile in New Hampshire throughout the seven years from November 5, 1995 to November 5, 2002. He forfeited his New Hampshire domicile during the more than three years he was registered to vote in Connecticut. Removing his name from the ballot is necessary to uphold the state constitutional and statutory qualifications for Senate candidates. Although the result may seem harsh, Mr. Cullen—and Mr. Cullen alone—had full knowledge of the facts and an opportunity to read and consider the law before he took an oath that he had been an inhabitant of New Hampshire for the last seven years. Like former Governor Sununu before him, Mr. Cullen need only wait until he has maintained a New Hampshire domicile for the requisite period before he stands for election. *Sununu*, F.Supp. at 1293. At this time he is not qualified to serve and upholding the law requires removal of his name from the ballot.

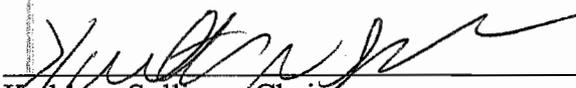
Respectfully submitted,  
New Hampshire Democratic Party,  
By its Chair,

September 23 2002

  
Kathleen Sullivan, Chair  
New Hampshire Democratic Party

#### CERTIFICATE OF SERVICE

I certify that a copy of this Objection has been mailed/hand-delivered on the date stated above to Fergus Cullen, 95 Woodland Green, Rochester, New Hampshire.

  
Kathleen Sullivan, Chair  
New Hampshire Democratic Party

STATE OF NEW HAMPSHIRE  
BALLOT LAW COMMISSION

New Hampshire Democratic Party,  
by Kathleen Sullivan, Chair

v.

Fergus Cullen  
(State Senate, District 6)

**EXHIBITS TO PETITIONER'S HEARING MEMORANDUM**  
**VOTER REGISTRATION MATERIALS**

- A. Mr. Cullen's October 14, 1997 West Hartford, Connecticut Voter Registration Card
- B. Mr. Cullen's January 8, 2001 Laconia, New Hampshire Voter Registration Card

**BUSINESS AND PROFESSIONAL ACTIVITY MATERIALS**

- C. April 1, 1999 AP article, "Skirmish in Phone Wars"
- D. May 17, 1999 *Weekly Standard* note
- E. May 2000 *Campaigns & Elections* article
- F. Mr. Cullen's 2002 Campaign Resume

**ROAD RACE RESULTS**

- G. October 4, 1997 Enfield, CT
- H. October 18, 1997 Hartford CT
- I. 1997 Triple Crown Series
- J. June 27, 1998 Stratton Mountain, VT
- K. March 7, 1999 Thompsonville, CT
- L. June 27, 1999 Anthem Blue Cross & Blue Shield of Connecticut
- M. December 12, 1999 Christopher Martin 5K
- N. April 22, 2000 Connecticut Society of CPA 5K

## LEGISLATIVE HISTORY OF AMENDMENT OF N.H. RSA 655:2

- O. Report of State of New Hampshire, House of Representatives Election Law Committee on HB 520
- P. 25 April 2001 House Record, p. 1223 and p. 1225 vote on HB 520
- Q. Minutes of May 22, 2001 New Hampshire Senate, Committee on Public Affairs Hearing on HB520 (including transcript of testimony of Rep. Kennedy, Sen. Francoeur, and Secretary of State William Gardner on intent of HB 520)

(FOLD)

PLEASE USE PEN - PRINT CLEARLY

Check boxes that apply:  New Voter Registration (includes move to a new town)  Address Change (within same town)  Name Change  Party Enrollment Change

Name of Applicant:  Mr.  Mrs.  Miss  Ms. Last Name: **CULLEN** First Name: **FERGUS** Middle Name: **P** Jr. Sr. **R**

Date of Birth (Month/Day/Year): **07/25/1922** Are you a U.S. Citizen?  YES  NO Address Where You Live (No., Street, Apt. #): **1250 FAARINGTON AVE. #C-12** Town, Zip (CONNECTICUT): **WEST HARTFORD**

Telephone Number (optional): ( ) Gender:  MALE  FEMALE

If Different, Address Where You Get Your Mail (P.O. Box, etc.): ( )

Do you wish to enroll in a political party?  YES. Name of party: **REPUBLICAN**  NO. I do not wish to enroll in a party at this time.

NOTE: Declaring a party enables you to vote in that party's primary election, which is open only to party members. You may later decide to switch enrollment to or from a political party.

Social Security Number (optional): \_\_\_\_\_

I swear or affirm that: I am a U.S. Citizen I live at the address shown in Box 5 above I am at least 17 years old I have not been convicted of a felony, or so, my voting rights have been restored The information provided here is true

Signature: *[Handwritten Signature]* Today's Date: **10/14/69**

Name Under Which Registered (if other than above): \_\_\_\_\_

NAME or ADDRESS CHANGE: Previous Voting Address (if none enter NONE) City: \_\_\_\_\_ State: \_\_\_\_\_

NOTE: The particular office at which you register is used, or whether you decline to register, remain confidential and will be used only for voter registration purposes.

WARNING: If you sign this statement even though you know it is untrue, you can be convicted and imprisoned for up to five years and fined up to \$5,000.

BELOW COMPLETED ONLY BY REGISTRAR OF VOTERS

DATE RECEIVED BY REGISTRAR: \_\_\_\_\_ DATE ENROLLMENT EFFECTIVE IF CHANGING PARTY: \_\_\_\_\_

REASON FOR REJECTION: \_\_\_\_\_

DATE NOTICE MAILED: \_\_\_\_\_

NOTICE RETURNED:  ACCEPTED  REJECTED  UNDELIVERABLE

BELOW COMPLETED ONLY BY AGENCY FOR SPECIAL ASSISTANT REGISTRAR OR TOWN CLERK (Date Received by Agency): \_\_\_\_\_

10-11 Rev. 1-61 (REV. 10-67)

**VOTER REGISTRATION CARD**

(Please type or print)

1. Name: GILLEN (Last Name) FERRIS (First Name) F (Middle Initial)

2. Address: 48 DAVENPORT DR. (Street) LAUREL (City) LA (State) 1172 (Zip)

3. Mailing Address (if different than in 2): LAUREL (City) LA (State) 03247-1614 (Zip)

4. Place and Date of Birth: LAUREL (City) LA (State) 02-17-1972 (Date)

5. If a naturalized citizen, give name of court where and date when naturalized: LAUREL (City) LA (State) 02-17-1972 (Date)

6. Place last registered to vote: LAUREL (City) LA (State) 02-17-1972 (Date)

7. Name under which previously registered (if different from above): DAVID GILLEN

8. Party Affiliation (if any): REPUBLICAN

Third party, and possibly of party, has my permanent residential domicile in it. The person who registers you for a United States citizen must will be 18 years of age or older on Election Day, and that the information above is true and correct in all respects.

SECTION: Section B; Page 10; Column 1; Metropolitan Desk

HEADLINE: Metro Business;  
Skirmish in Phone Wars

BYLINE: AP

BODY:

In the latest skirmish in the Connecticut phone wars, Southern New England Telecommunications has accused AT&T of paying a lobbying group that has been critical of Southern New England.

"AT&T is spending thousands of dollars to mislead Connecticut consumers through the use of a paid front group," Michael Phelan, Southern New England's vice president for regulatory affairs and public policy, said on Tuesday. He was speaking of Connecticut Citizens for Phone Choice. At issue is a state requirement that phone companies provide basic service to every customer who wants it.

The state allows phone companies to pay for the high cost of serving some population segments, like rural consumers, by charging higher rates for some services to customers in more heavily populated areas.

Southern New England, which is based in New Haven, is accusing AT&T of hiring a lobbyist and setting up a group trying to persuade Connecticut lawmakers to overturn that requirement of universal service.

Southern New England officials say AT&T wants to provide service to only the most lucrative segments of the population. The officials say AT&T has hired a longtime state political insider, **Fergus Cullen**, as a lobbyist. Mr. Cullen is the executive director of Connecticut Citizens for Phone Choice and is paid \$3,000 a month by AT&T.

Connecticut Citizens for Phone Choice has repeatedly criticized Southern New England in what Mr. Phelan said were misleading letters to business groups and news organizations. Mr. Cullen said Southern New England was going to "extraordinary lengths to preserve its monopoly."

An AT&T spokesman, Gary Morganstern, confirmed that Mr. Cullen works for AT&T and was executive director of the group, but he said the group was not a front for AT&T. "We are a member of this coalition because we believe there is strength in numbers," Mr. Morganstern said.

**The Weekly Standard**

May 17, 1999

SECTION: CORRESPONDENCE; Pg. 8

LENGTH: 110 words

HEADLINE: THE MYTH OF THE BIG TENT

BYLINE: **FERGUS CULLEN**, WEST HARTFORD, CT

As a Republican political operative in the Northeast, I see the damage from what Jack Cashill describes every day. Republican candidates who try to establish moderate bona fides by demonizing religious and social conservatives remind me of something Reagan once observed: It's like feeding the crocodile hoping he'll eat you last. It depresses our base while providing no protection against the inevitable Democratic charge that all Republicans are extremist Republicans.

Party leaders who speak of the big tent need to remember that inclusion goes both ways and that social and religious conservatives remain an important part of our winning coalition.

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**I** Inside

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- [Ron Faucheux: Commentary](#)
- [Book Reviews](#)
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## The Rising Stars of Politics 2000

by C&E Staff

From the May 2000 issue of Campaigns & Elections magazine.

### The Rising Stars of Politics 2000

During the Spring of every even year, Campaigns & Elections magazine selects the Rising Stars of politics.

Rising Stars are important players on the ascendancy, people who are making their mark in campaign consulting and management, party organization and issue advocacy. Nominations for prospective Rising Stars were submitted by U.S. Senators, Governors, Members of Congress and other office-holders as well as by top political consultants and party leaders. As usual, the number of nominations that was submitted is increasing – a continuing testament to the growth and increased professionalism of the political class.

Former Rising Stars include a wide array of political players. Some have attained quasi-rock star status, like James Carville and George Stephanopolous; some are familiar pundits such as Mary Matalin and Mike McCurry; some remain partisan players in the trenches of campaign warfare like former Christian Coalition director Ralph Reed; and some have attained elevated position in the government, such as Secretary of Labor Alexis Herman.

A large list of other famous, near-famous – and a few infamous – political pros have also been Rising Stars. They include, to name a few: Paul Begala, Rahm Emanuel, Dave Carney, Peter Fenn, Donna Lucas, Susan Estrich, Ed Goetas, Stan Greenberg, Rosa DeLauro, Ed Brookover, Jim McLaughlin, Mickey Ibarra, Mark Mellman, Anita Perez Ferguson, Kellyanne Fitzpatrick, Bill McInturff, Laura Ingraham, Bill Knapp, Hal Malchow, Steve Rosenthal, Celinda Lake, Alex Castellanos, Linda DiVall, Gerald Austin, Tony Fabrizio, Geoff Garin, Mike Murphy, Larry McCarthy, John Brady, Scott Reed, Neil Newhouse, Frank Greer, Craig Shirley, Frank Luntz, Jim Pinkerton, Alan Secrest, Saul Shorr, Karl Struble and David Welch.

It's time to introduce – customary drum roll, please – the Rising Stars of Politics 2000....

**Rick Asnani** is Senior Political Field Dir., National Assn. of Home Builders, where he coordinates political campaign and grassroots mobilization efforts at the federal, state and local levels. He's managed and advised numerous candidate and issue campaigns across the nation, as well as assisted in fundraising development and coalition building. BA, political science, Florida Atlantic Univ.

**Dave Beattie** is Partner, Hamilton Beattie & Staff, Democratic polling firm founded by the late Bill Hamilton. In '98, polled for Gov. Roy Barnes (D-GA), Insurance Commissioner Bill Nelson (D-FL) and U.S. Rep. David Wu (D-OR). Currently working on Nelson's U.S. Senate race, key U.S. House races and state caucus campaigns. Instructor, Univ. of Florida's graduate program in Political Campaign Communication. Bachelor's degree, George Washington Univ.; Master's degree, political science, Univ. of Florida.

**Bruce Blakeman** is Vice Pres., Wirthlin Worldwide, and Team Leader, Wirthlin's Michigan Team. Formerly managed firm's Asia/Pacific Region office and Political Team. Clients included U.S. Sen. Sam Brownback (R-KS), RNC, the International Democrat Union (global organization of center-right parties), Credit Suisse, Johnson & Johnson, CNBC, Burson Marsteller, Young & Rubican. Former Regional Political Dir., NRCC and an analyst at American Viewpoint. BS, political science, Univ. of Michigan.

**David Browne** is a media consultant at Strother, Duffy, Strother, a Democratic media and strategy firm. Formerly worked for media consultant David Heller as well as a congressional press secretary, reporter and high school teacher. Helped elect U.S. Reps. Ken Lucas (D-KY) and David Phelps (R-IL) in '98. Graduate, College of William & Mary.

**Adam Burns** is an analyst, The Mellman Group, a Democratic polling firm. Coordinated public opinion survey and ad research in numerous major candidate and issue campaigns, including Sen. Barbara Boxer's (D-CA) '98 re-election, defeat of California Prop. 226 (union dues checkoff), Heritage Forest Campaign, effort to get Congress to pay UN dues and The Campaign for Tobacco Free Kids. Graduate, Phi Beta Kappa, Univ. of North Carolina; Masters Degree, public policy, Georgetown Univ. Public Policy Institute.

**Lisa B. Cohen** served as Deputy Field Dir., Bradley for Pres. 2000. Chief of Staff, U.S. Rep. Diana DeGette (D-CO). Formerly, Senior Associate, Ridder/ Braden, Inc., a Democratic and international political consulting firm; Deputy Attorney General, Illinois; Field Dir., Roberta Achtenberg for Mayor, San Francisco. BA, sociology, DePaul Univ.; JD, DePaul Univ. Law School.

**Susan Comfort** is Executive Dir., Center for Environmental

Citizenship, a national, non-profit 501(c)(3) organization that runs Campus Green Vote, EarthNet and the National Environmental Wire for Students. Served as Field Dir., U.S. Rep. Diana DeGette (D-CO) '96 and Deputy Field Dir., Roberta Achtenberg for Mayor, San Francisco '95. Graduate, Univ. of North Carolina, Phi Beta Kappa.

**Barbara Comstock** is Research Dir., RNC, overseeing research for 2000 presidential election. Former Chief Counsel, House Government Reform Committee, during campaign finance investigation; senior aide to U.S. Rep. Frank Wolf (R-VA). Has worked on numerous GOP campaigns in Virginia and across the nation and participated in developing the '94 Contract with America. Graduate, Middlebury College and Georgetown Univ. Law School.

**Ron Crickenberger** is Political Dir. of the Libertarian Party. Former member of the Libertarian National Committee, Georgia state party Chair and Southeast Coordinator of the Ron Paul for President '88. Since he became Chair of the party's Campaign Committee, Libertarians serving in public office across the nation increased more than 400 percent - to 272.

**Fergus Cullen** is Pres., Grassroots Direct, a firm specializing in voter contact and issue advocacy based in Connecticut. Currently managing Republican Mark Nielsen's campaign for Congress in Connecticut 5. Deputy Campaign Manager, Gov. John Rowland's (R) '98 re-election; Finance Dir., Ovide Lamontagne's (R) gubernatorial campaign in New Hampshire '96. Graduate, Yale College.

**Michael Dabadie** is Vice Pres., Wirthlin Worldwide, in charge of the firm's Political Team. Has coordinated over 550 political surveys, studies and focus groups for a diverse corporate, assn. and GOP client list, including U.S. Sen. Sam Brownback (R-KS), Gov. Bill Janklow (R-SD), U.S. Reps. Paul Ryan (R-IN), Robin Hayes (R-NC) and Jerry Weller (R-IL), Florida Senate Pres. John McKay (R), National Cattlemen's Beef Assn., Australia's Liberal Party and the Council for a Better Louisiana. BS, political science, Loyola Univ.

**William DeMora** is Political Dir., Ohio Democratic Party. Pres., Ohio Young Democrats Member, Executive Committee, Young Democrats of America. Served as Field Dir., '98 coordinated campaign. Graduate, Ohio State Univ.

**Garland Doyle** is Pres., Garland Doyle Consulting. Has managed numerous local, legislative and judicial races in Michigan. Former legislative assistant, Detroit City Councilwoman Brenda Scott; Black Caucus Foundation Legislative intern for Sen. Carl Levin.

# FERGUS!

FERGUS CULLEN for STATE SENATE

## FERGUS CULLEN

Fergus Cullen, 30, lives in Rochester, New Hampshire. The son of Irish immigrants, Fergus was born in Laconia and raised in Gilford.

A small businessman, Fergus has worked as a self-employed consultant since 1998. He is also a high school cross-country and track coach, including seasons at Spaulding High in Rochester, Kingswood Regional in Wolfeboro, and Gilford High.

Fergus is state President of the Board of Directors of the Hugh O'Brian Youth Foundation, a non-profit organization dedicated to identifying and developing high school students who show leadership potential.

One of New Hampshire's top competitive distance runners, Fergus has run eight marathons with a best of 2 hours, 32 minutes. In 2002, he was New Hampshire's second-fastest finisher in the Boston Marathon, placing 145<sup>th</sup> overall. He also coached a charity training team that raised more than \$15,000 on behalf of the Muscular Dystrophy Association.

Fergus has hiked the Appalachian Trail 144 miles across New Hampshire, from Hanover to Gorham. He is a member of the Appalachian Mountain Club's New Hampshire 4,000 Footer Club, having climbed all 48 such peaks in New Hampshire.

Fergus is a proud product of New Hampshire's public schools and graduated from Gilford High in 1990. He has a Bachelor's degree in history from Yale College (1994) and a Masters in Public Administration from Harvard University's Kennedy School of Government (2002).

Exhibit F



**HARTFORD 5K****October 18, 1997****Results courtesy of Hartford Marathon Committee****Bottom of Page M/F Winners: ED SPARKOWSKI & INES QUEIROS**

PLACE	NAME	CITY	TIME	PACE
1	SPARKOWSKI EDWARD	SIMSBURY	CT 42M 0:15:27.5	4:58
2	ROBACZYNSKI MARC	GLASTONBURY	CT 22M 0:15:31.2	4:59
3	CULLEN FERGUS	WEST HARTFORD	CT 25M 0:15:35.6	5:00
4	SWIFT DAVID	CROMWELL	CT 25M 0:15:44.4	5:03
5	PAPARELLA MARK	WEST HARTFORD	CT 33M 0:16:01.2	5:09
6	FORMICA JIM	AMHERST	MA 23M 0:16:32.5	5:18
7	HERNANDEZ JOSE	SOMERSET	NJ 23M 0:16:34.1	5:19
8	THRAMANN BILL	COLLINSVILLE	CT 36M 0:16:44.0	5:22
9	MATTHEWS JOHN	CANTON	CT 40M 0:16:50.5	5:24
10	MURRAY ROBERT	RIDGEFIELD	CT 27M 0:17:02.0	5:28
11	FUSARO MICHAEL	NORWICH	CT 31M 0:17:15.4	5:32
12	RANDICH MICHAEL	WETHERSFIELD	CT 40M 0:17:25.3	5:36
13	ROJAS GUILLERMO	NEW YORK	NY 24M 0:17:58.4	5:46
14	ARMEN CHRIS	SIMSBURY	CT 43M 0:17:59.9	5:46
15	NEWMAN TOM	HEBRON	CT 39M 0:18:07.4	5:49
16	KRASZEWSKI DAVID	NEWINGTON	CT 28M 0:18:14.7	5:51
17	QUEIROS INES	MIDDLETOWN	CT 36F 0:18:30.5	5:56
18	AHERN TIM	ESSEX	CT 34M 0:18:37.6	5:59
19	HAWKINS BRENT	LITCHFIELD	CT 44M 0:18:43.8	6:01
20	THOMPSON JR JAMES	HARTFORD	CT 51M 0:18:44.2	6:01
21	DOYLE PAUL	WETHERSFIELD	CT 34M 0:18:46.1	6:02
22	PETERSON THEODORE	NEW YORK	NY 41M 0:18:52.0	6:03
23	CAARO GINO	HARTFORD	CT 36M 0:18:54.9	6:04
24	UNOFFICIAL RUNNER 9999		0:19:05.5	6:08
25	MASTERSON BILL	CENTERVILLE	MA 59M 0:19:07.3	6:08
26	ORTIZ CARLOS	SPRINGFIELD	MA 33M 0:19:15.2	6:11
27	TIRRELL MICHAEL	TOLLAND	CT 42M 0:19:25.0	6:14
28	NASSRA NICK	DANBURY	CT 31M 0:19:26.5	6:14
29	DWORKIN PAUL	WINDSOR	CT 49M 0:19:29.4	6:15
30	AUGUSTINE JERRY	MIDDLETOWN	CT 52M 0:19:32.0	6:16
31	NG WING	MATAWAN	NJ 40M 0:19:34.0	6:17
32	SZCZESIUL FRED	BALTIC	CT 40M 0:19:39.5	6:19
33	SALERNI BECKY	AVON	CT 28F 0:19:41.1	6:19
34	SCHAICH BOB	GLASTONBURY	CT 42M 0:19:43.8	6:20
35	COOGAN MARK	WETHERSFIELD	CT 36M 0:19:47.8	6:21
36	BATRES OSCAR	DANBURY	CT 37M 0:19:52.4	6:23
37	ARMILLEI WAYNE	FARMINGTON	CT 39M 0:19:53.7	6:23
38	RICCI LISA	NEW BRITAN	CT 34F 0:19:55.3	6:24
39	LARSEN CRAIG	MANCHESTER	CT 35M 0:19:55.9	6:24
40	KALBIAN LARISSA	CHESHIRE	CT 37F 0:20:00.9	6:25
41	LAUDATI JOHN	GRANBY	CT 42M 0:20:03.0	6:26
42	BIELENDA MITCH	SOUTH WINDSOR	CT 40M 0:20:06.2	6:27
43	UNOFFICIAL RUNNER 9999		0:20:10.4	6:29
44	DIERDORF ANDREW	MANCHESTER	CT 25M 0:20:14.7	6:30
45	MANNING NEIL	BLOOMFIELD	CT 24M 0:20:15.9	6:30
46	GOLDSMITH HEIDI	WEST HARTFORD	CT 35F 0:20:18.3	6:31
47	GORDEUK ALEX	ROCKY HILL	CT 33M 0:20:18.8	6:31
48	TAGLIARINI JOSEPH	FARMINGTON	CT 36M 0:20:30.6	6:35
49	QUINN DANIEL	MANCHESTER	CT 24M 0:20:32.6	6:36



# Triple Crown Road Race Series 1997

## \$ 500 Prize

The Triple Crown Road Race Series are the:

**Thompsonville 5k Road Race (in March),**

**July 4th 5k Road Race**

**Spirit of T'ville 5k Road Race**

A \$500 prize will be awarded to the overall fastest Male and Female that participated in all 3 races the same calendar year.

### Triple Crown Standings 1997

Male

End of 1997 Season

	Last Name	From	Total MIN:SEC	T'ville 5K	July 4th 5K	Spirit of T'ville	Time Diff
1	CULLEN, FERGUS	W HTFD, CT	00:48:33	00:16:10	00:16:15	00:16:08	00:00:00
2	AUGUR, CHARLIE	MIDDLEFIELD, CT	00:49:57	00:16:34	00:16:46	00:16:37	00:01:24
3	O'NEILL, STEVE	SPRINGFIELD, MA	00:51:04	00:17:01	00:17:04	00:16:59	00:02:31
4	KIRSCHBAUM, RON	SUFFIELD, CT	00:51:20	00:17:05	00:17:06	00:17:09	00:02:47
5	ALBRIGHT, PAUL	HOLDEN, MA	00:55:37	00:18:47	00:18:30	00:18:20	00:07:04
6	DENKER, JOHN	MERIDEN, CT	00:59:21	00:19:43	00:20:06	00:19:32	00:10:48
7	MUNROE, MICHAEL	MANCHESTER, CT	10:36:33	00:18:18	00:18:15	10:00:00	09:48:00
8	BYER, SHAUN	SUFFIELD, CT	10:40:07	00:18:54	00:21:13	10:00:00	09:51:34
9	METOXEN, TIM	E	10:40:12	00:19:54	00:20:18	10:00:00	09:51:39



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**BAY STATE  
RACE SERVICES**  
Computerized Timing and Scoring

## 10K Results

[10K Results](#) | [5K Results](#)

PLACE	NAME	NO.	DIV	TOWN	CLUB	TIME
1	THIERRY ICART	14	M1739	ST MARTIN	ELITE HAUT	51
2	ERIC MORSE	37	M1739	MONTPELIER VT	CMS	52
3	DAVY DUNHAM	49	M1739	BRADFORD MA	CMS	53
4	MIKE CASNER	35	M1739	KEENE NH	CMS	54
5	DAN VERRINGTON	34	M1739	BRADFORD MA	CMS	54
6	RICHARD BOLT	38	M1739	LUNENBURG MA	CMS	56
7	WAYNE JACOB	74	M4049	MYSTIC CT	CMS	57
8	FERGUS CULLEN	16	M1739	W HARTFORD CT	HARTFORD T	59
9	GEORGE ADAMS	48	M1739	KEENE NH	CMS	1:00
10	DAVID BEAULEY	92	M1739	NASHUA NH	GATE CITY	1:01
11	JESSE GALLAGHER	60	M1739	PITTSFIELD VT		1:01
12	CHARLIE GUNN	41	M4049	HENNIKER NH		1:02
13	MIKE OWENS	29	M1739	W WARDSBORO VT	ATHLETE'S	1:04
14	AMBER DUNCAN	44	F1739	CAMBRIDGE MA	BAA	1:05
15	TYLER MERRITT	2	M1739	BELMONT VT		1:06
16	ERIK FEY	79	M1739	NEW BOSTON NH		1:06
17	TODD CARUSO	32	M1739	E GREENBUSH NY		1:07
18	JIM TERRY	47	M4049	ROSLINDALE MA	CSU	1:08
19	KEVIN GAGNON	94	M1739	NASHUA NH	GATE CITY	1:08
20	MARC FRODYMA	76	M4049	SAN JOSE CA		1:09
21	WESLEY FINNEMORE	40	M1739	ROXBURY MA		1:09
22	BILL SULLIVAN	3	M4049	EASTHAM MA	BAA	1:09
23	KEVIN LEACH	87	M4049	GREENFIELD MA	RED ROVER	1:09
24	TOM BOCKUS	15	M4049	ATHOL MA	CMS	1:09
25	CHRIS MELO	20	M1739	ATKINSON NH	ROCHESTER	1:10
26	STANLEY KOLPA	75	M4049	VERNON VT	CRC	1:11
27	KEI ISHIBARA	80	M1739	BROOKLINE MA	CSU	1:11
28	LOREN BUTMAN	62	M1739	CONCORD NH	GRANITE ST	1:13
29	MARGO WEBBER	10	F1739	BOXBOROUGH MA	CMS	1:13

Exhibit J

# Thompsonville Road Race 5K

## Enfield, CT

March 07, 1999

Blustery, Windy & Cold (Snow overnight)



### OVERALL WINNERS

Fergus Cullen, West Hartford, CT - 17:10  
Beth D'Agostino, South Windsor, CT - 19:15



Timing & computerized results by:



\*\* AGE DIVISION WINNERS FOLLOW OVERALL RESULTS \*\*

Place	Name	City	Bib	Age	Age Grp	Time	Pa
1	Fergus Cullen	West Hartford, CT	179	26	M 20-29	17:10.0	5:
2	Bob Bonadies	Vernon, CT	177	44	M 40-49	17:36.8	5:
3	Mike Lemay	South Windsor, CT	169	31	M 30-39	17:42.1	5:
4	Mark Hines	Enfield, CT	99	48	M 40-49	18:09.3	5:
5	Michael Munroe	Manchester, CT	16	39	M 30-39	18:16.4	5:
6	John Bigos	Wilbraham, MA	68	45	M 40-49	18:19.3	5:
7	David Wright	East Longmeadow, MA	73	44	M 40-49	18:22.5	5:
8	Dennis Barone	West Hartford, CT	25	43	M 40-49	18:43.7	6:
9	Brian Nelson	Enfield, CT	175	18	M 0-19	18:49.2	6:
10	Doug Jackson	West Hartford, CT	123	15	M 0-19	19:01.0	6:
11	Beth D'Agostino	South Windsor, CT	171	16	F 0-19	19:15.0	6:
12	Andrew Gildersleeve	Portland, CT	164	17	M 0-19	19:20.9	6:
13	Laurie Bartnicki	Middletown, CT	101	38	F 30-39	19:24.9	6:
14	Dan Smith	Enfield, CT	33	16	M 0-19	19:29.5	6:
15	Tris Carta	Manchester, CT	188	44	M 40-49	20:03.3	6:
16	Lawrence Unicchio	West Hartford, CT	167	15	M 0-19	20:05.5	6:
17	Sydney Letendre	Northampton, MA	77	44	F 40-49	20:10.7	6:
18	Daniel Church	,	152	15	M 0-19	20:20.9	6:
19	Todd Mozzer	Manchester, CT	181	34	M 30-39	20:21.1	6:
20	Alan Garvey	Enfield, CT	44	40	M 40-49	20:27.7	6:
21	Mike Saimond	South Windsor, CT	194	44	M 40-49	20:31.5	6:
22	Joe Kidder	Manchester, CT	13	41	M 40-49	20:36.2	6:
23	Bob Caplin	Vernon, CT	21	49	M 40-49	20:47.4	6:
24	Christopher Reese	West Hartford, CT	183	37	M 30-39	21:14.7	6:

ANTHEM BLUE CROSS AND BLUE SHIELD OF CONNECTICUT  
 FAIRFIELD HALF MARATHON  
 FAIRFIELD, CT Sunday, June 27, 1999 8:30 A.M.  
 Timing by: BILL SHERRY SUPER RACE SYSTEMS (914)424-4063

PLACE NO.	NAME	AGE	S	TOWN	ST	Time	PACE
1	10 KIMONDIU BEN	21	M	KENYA		1:03:40	4:52
2	3 WAWERU JOSEPH	21	M	KENYA		1:03:41	4:52
3	5 CHEBOIBOCH CHRISTOPHE	22	M	KENYA		1:04:32	4:56
4	2 KIPRONO ISAAC	23	M	KENYA		1:04:52	4:58
5	6 NDIRANGU PETER	28	M	KENYA		1:05:52	5:02
6	9 MUTISYA GIDEON	32	M	KENYA		1:06:41	5:06
7	4 SWIFT STEVE	28	M	MIDDLETOWN	CT	1:09:19	5:18
8	13 DOS SANTOS LUIS	38	M	NEW MILFORD	CT	1:14:28	5:42
9	214 CUNNINGHAM GREG	34	M	STAMFORD	CT	1:15:25	5:46
10	1792 SWIFT DAVID	27	M	CROMWELL	CT	1:15:41	5:47
11	1801 SWIFT PATRICK	34	M	WALLINGFORD	CT	1:15:55	5:48
12	213 CULLEN FERGUS	27	M	WEST HARTFORD	CT	1:16:19	5:50
13	597 PARROT EDWARD	29	M	DERBY	CT	1:16:32	5:51
14	1836 CONWAY SHANE	20	M	NEW YORK	NY	1:17:06	5:54
15	1 KAGIRI MARGARET	30	F	KENYA		1:17:12	5:54
16	765 THRAMANN BILL	38	M	AVON	CT	1:17:38	5:56
17	2551 DICKERSON CHRIS	33	M	WOODBIDGE	CT	1:17:43	5:56
18	16 TITOVA TATIANA	33	F	RUSSIA		1:18:00	5:58
19	1905 GRIMES KEVIN	36	M	SANDY HOOK	CT	1:18:15	5:59
20	1833 SANTORO CLINT	24	M	MANCHESTER	CT	1:18:25	6:00
21	1778 SULLIVAN GERRY	24	M	BRONXVILLE RIVE	NY	1:18:31	6:00
22	169 CHARLAND RENE	45	M	SOUTH WINDSOR	CT	1:18:57	6:02
23	1461 SCHUMACHER JEROMIE	25	M	WOLCOTT	CT	1:19:16	6:04
24	1844 ZUBRITSKY EDWARD	36	M	UNCASVILLE	CT	1:19:29	6:04
25	1475 LEAL MANDEL	42	M	DANBURY	CT	1:19:38	6:05
26	12 JEPCHIRCHIR MILKA	21	F	KENYA		1:19:42	6:06
27	149 CADMAN KEVIN	25	M	NORTH HAVEN	CT	1:20:05	6:07
28	1721 MAS JIM	41	M	SHELTON	CT	1:20:15	6:08
29	1779 PANTIN DAVID	37	M	NEW HAVEN	CT	1:20:26	6:09
30	1080 DAVENPORT BOB	31	M	SOUTHINGTON	CT	1:20:29	6:09
31	1413 JAMTELID PER	34	M	NEW YORK	NY	1:20:38	6:10
32	1958 MEJIA LUIS	33	M	FREEPORT	NY	1:20:42	6:10
33	2094 VEREGOS MANRIDO	33	M	BREWSTER	NY	1:20:52	6:11
34	1722 THOMAS JOHN	18	M	FAIRFIELD	CT	1:20:58	6:11
35	11 SCHUURMANS INGE	36	F	BOULDER	CO	1:21:04	6:12
36	2594 SORIANO-AQUILAR EULOG	33	M	NEW YORK	NY	1:21:05	6:12
37	1610 AFANADOR RUDY	40	M	SHIRLEY	NY	1:21:35	6:14
38	1876 FEDER DAN	36	M	SIMSBURY	CT	1:21:41	6:15
39	14 WIECIORKOWSKA ZOFIA	36	F	STRATFORD	CT	1:21:47	6:15
40	470 LUONGO TOM	35	M	NEW ORLEANS	LA	1:22:00	6:16
41	1945 BYERLY WES	47	M	RIDGEFIELD	CT	1:22:06	6:17
42	18 CORBIN LAURIE	31	F	MORRISTOWN	NJ	1:22:07	6:17
43	1428 DICARLO JOHN	47	M	WOLCOTT	CT	1:22:23	6:18
44	2547 PERUGINI TONY	19	M	WATERTOWN	CT	1:22:40	6:19
45	1328 SHEBEST BOB	25	M	STORRS	CT	1:22:49	6:20
46	1587 MACDOUGALL ALAN	34	M	BRANFORD	CT	1:22:52	6:20
47	563 NEVOLIS JOSEPH	34	M	ORANGE	CT	1:22:59	6:21
48	1803 PARROT DANA	29	F	DERBY	CT	1:23:16	6:22
49	2043 FOLEY BRIAN	32	M	NORWALK	CT	1:23:24	6:22
50	1366 OLIVEIRA EDNALDO	30	M	DANBURY	CT	1:23:29	6:23



## 99 Christopher Martin 5K Road Race

Sunday Dec 12, 1999 | New Haven, CT | Platt Systems | Fergus Cullen & Kerry  
Arsenault

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ctrun.gif

PS RESULTS FOR: CHRISTOPHER MARTIN 5K ROAD RACE | RESULTS BY PLATT SYSTEM  
SOFTWARE DEVELOPED BY KEN PLATT - ALANTEK SPORTS | DIVISIONAL REPORT  
TOTAL REGISTERED: 1187 | 586 DAY-OF-RACE REGISTRANTS

OVERALL PLACE	LAST	FIRST	CITY	AGE/ SEX	DIV	DIV PLC/TOT	TIME	PAC
1	CULLEN	FERGUS	WEST HARTFORD	CT 27M	M1829	1/ 91	15:53	5:0
2	LAFLAMME	RODNEY	GAYLORDSVILLE	CT 37M	M3039	1/162	16:01	5:1
3	PARROT	EDWARD	DERBY	CT 29M	M1829	2/ 91	16:23	5:1
4	FEARNLEY	JON	NEW BRITAIN	CT 32M	M3039	2/162	16:34	5:2
5	HODSKA	ERIC	HUNTINGTON	CT 32M	M3039	3/162	16:55	5:2
6	MACDOUGALL	ALAN	BRANFORD	CT 34M	M3039	4/162	16:58	5:2
7	STRANZNITSKAS	ROBERT	NAUGATUCK	CT 30M	M3039	5/162	17:01	5:2
8	RINN	JOHN	NEW HAVEN	CT 23M	M1829	3/ 91	17:04	5:3
9	KALINKA	GREG	THOMASTON	CT 17M	M0017	1/ 58	17:05	5:3
10	PEATTIE	ROBERT	WEST HARTFORD	CT 43M	M4049	1/229	17:06	5:3
11	KRASZEWSKI	DAVID	NEWINGTON	CT 30M	M3039	6/162	17:08	5:3
12	ROTH	SCOTT	BRANFORD	CT 41M	M4049	2/229	17:10	5:3
13	MCSHANE	JACK	DURHAM	CT 47M	M4049	3/229	17:12	5:3
14	BARONE	CARL	BRIDGEPORT	CT 44M	M4049	4/229	17:13	5:3
15	JOHNSON	JEFFREY	WALLINGFORD	CT 34M	M3039	7/162	17:21	5:3
16	GRYSZAN	CHRIS	GUILFORD	CT 16M	M0017	2/ 58	17:23	5:3
17	PAGE	GEORGE	GUILFORD	CT 34M	M3039	8/162	17:26	5:3
18	SWIFT	GREGORY	NEW HAVEN	CT 26M	M1829	4/ 91	17:28	5:3
19	PERCIVALLE	JUSTIN	SHELTON	CT 15M	M0017	3/ 58	17:29	5:3
20	ZOLDY	JIM	WATERTOWN	CT 37M	M3039	9/162	17:30	5:3
21	HORNAK	CHARLES	HAMDEN	CT 32M	M3039	10/162	17:33	5:3
22	KNAPP	DANIEL	BRIDGEPORT	CT 25M	M1829	5/ 91	17:38	5:4
23	LOFINK	PETER	BROOKFIELD	CT 39M	M3039	11/162	17:40	5:4
24	GLAZER	LARRY	NEW YORK CITY	NY 37M	M3039	12/162	17:41	5:4
25	CUMMINGS	MIKE	CHESHIRE	CT 15M	M0017	4/ 58	17:53	5:4
26	CASEY	THOMAS	NEW HAVEN	CT 32M	M3039	13/162	17:56	5:4
27	BERSHTEIN	RICHARD	HAMDEN	CT 41M	M4049	5/229	17:57	5:4
28	BACHA	CHRISTOPHER	SEYMOUR	CT 16M	M0017	5/ 58	17:59	5:4
29	CHARRON	BRAD	WEST HAVEN	CT 45M	M4049	6/229	18:00	5:4
30	PERCIVALLE	JOHN	SHELTON	CT 46M	M4049	7/229	18:01	5:4
31	ULIASZ	MARK	OXFORD	CT 48M	M4049	8/229	18:02	5:4
32	LOFINK	JIM	FT COLLINS	CO 44M	M4049	9/229	18:05	5:4
33	LAVOIE	DANIEL	WATERTOWN	CT 48M	M4049	10/229	18:06	5:4
34	YIM	ANDREW	NEW HAVEN	CT 28M	M1829	6/ 91	18:12	5:5
35	FRANKEL	IAN	MADISON	CT 42M	M4049	11/229	18:14	5:5
36	FREEHLING	BROCK	PLANTSVILLE	CT 31M	M3039	14/162	18:15	5:5
37	ANDREWS	JOHN	SHELTON	CT 52M	M5059	1/102	18:18	5:5



"Connecticut's Largest Running Club"

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## HTC June, 2000 Race Results

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### CSCPA TAX TRACK 5-K

April 22, 2000, West Hartford, CT

USATF Course CT92007DR

Fergus Cullen was first overall in this race for the second year in a row. This is what Fergus wrote about his effort:

"Well, the plan was to run hard enough to win but that took more effort than I'd expected -- the field was better than last year's. I settled into about 5th heading up the hill and took the lead at the top of the hill before the mile mark (c. 5:36 a

I recall). Davenport hung on and he threw in a pick-up about 1.5, by the water stop, and got a couple strides ahead of me but he failed to sustain it and I was back on his heels by the downhill. I'm a weak down-hill runner but had no trouble staying with him and re-took the lead at 2M (5:13), then opened up a little and closed in 5:10 for the win. Ran 7-8 secs faster than last year after being like 10 seconds slower at the mile. I got hurt for the first time in my life back in Feb. and had to take some time off, but my foot came back quickly and this was really my first test."

The race is sponsored and organized by the Connecticut Society of Certified Public Accountants, with some race-day help from the HTC. Our own Kevin Pigeon won the "First Male CPA" award.

I, David Reik, assembled the HTC-only results below; I used a roster from early March, and the results produced by Prime Time, which I alphabetized.

16:29 M27 Fergus Cullen, West Hartford  
 17:18 M33 Kevin Pigeon, Manchester  
 18:16 M47 Steve Morse, Broad Brook  
 18:46 M45 Dennis Barone, West Hartford  
 19:24 M46 Edward Gorecki, Farmington  
 19:40 M44 David McKinley, Hartford  
 20:04 M37 Matthew Arcata, Rocky Hill  
 \*20:29 M58 Dick Ashley, Myrtle Beach, SC  
 20:30 M38 Christopher Reese, West Hartford

Exhibit N

# COMMITTEE REPORT

COMMITTEE: **Election Law**

BILL NUMBER: **HB 520**

TITLE: **relative to clarifying qualifications of candidates.**

DATE: **April 10, 2001**

CONSENT CALENDAR YES  NO

- OUGHT TO PASS
- OUGHT TO PASS WITH AMENDMENT
- INEXPEDIENT TO LEGISLATE
- REFER TO COMMITTEE FOR INTERIM STUDY  
(Available only in second year of biennium.)

## STATEMENT OF INTENT (Include Committee Vote)

This bill came about due to problems in a state senate campaign last year. There were questions as to whether or not a candidate actually lived in the district. This bill clarifies qualifications by noting that registration to vote or voting in another state creates a presumption that a person does not have domicile in the state. The amendment simply adds the phrase "during the relevant time period", in other words during the time period stated under requirements for a state senator, state representative, etc.

Vote 19-0.

Rep. Steve Vaillancourt  
FOR THE COMMITTEE

Original: House Clerk  
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

**HB 436, eliminating nomination of a party by nomination papers. INEXPEDIENT TO LEGISLATE**

Rep. Peter E. Bragdon for Election Law: This bill sought to eliminate the ability of political organizations, other than the two major parties, to be listed on the ballot by submitting petitions. The majority of the committee felt that providing this opportunity to "minor parties" was important and that other legislation supported by the committee dealt with the few minor confusions caused by the existing provisions. Vote 12-6. Rep. Stritch moved Recommit to Committee.

Adopted and recommitted to Election Law.

**HB 461, requiring all officers and officials elected by either or both houses of the legislature to file certain reports and register as political committees. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. C. Donald Stritch for the Majority of Election Law: This bill requires certain officials in either or both houses of the legislature to file certain reports and register as political committees. This subject is currently being addressed and discussed by the committee and will be reported shortly in another bill. Vote 11-8.

Rep. Christopher L. Hughes for the Minority of Election Law: The minority felt that any candidate running for political office should have to file a financial disclosure as well as accounting for all campaign funds.

On a division vote, 193 members having voted in the affirmative and 99 in the negative, the majority report was adopted.

Rep. Elliott declared a conflict of interest and did not participate.

**HB 468, relative to declaration of party affiliation in primary voting. INEXPEDIENT TO LEGISLATE**

Rep. Douglass P. Teschner for Election Law: This bill would prevent undeclared (independent) voters from participating in primary elections. If passed, this bill would be inconsistent with the committee's goal to increase voter participation. There was also concern that voters who take advantage of Election Day registration would have voting rights not available to voters on the checklist prior to the election. Additionally, there was testimony that passage of this bill would adversely impact the New Hampshire presidential primary. Vote 16-3

On a division vote, 254 members having voted in the affirmative and 43 in the negative, the report was adopted.

**HB 503, relative to incompatible offices. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Peter E. Bragdon for the Majority of Election Law: New Hampshire law currently prohibits candidates from running for more than one of the following "incompatible offices" at the same time: governor, state senator, state representative and executive councilor. This bill would add "any federal office" to this list. According to Webster's dictionary, the word "incompatible" is used for offices that make conflicting demands on the holder. The majority of the committee feels that the same principle that makes the existing list of offices incompatible also applies to federal offices - not to mention the wicked commute. Vote 12-7.

Rep. Nicholas T. Panagopoulos for the Minority of Election Law: The minority of the committee feels that this bill is not needed. The voters should be able to make the decision of whether they wish to support a candidate for both state and federal office. Furthermore, state and federal government are not incompatible in regard to policy making. The minority also strongly feels that this bill is an ad hominem attack on members of this house who seek federal office.

Rep. Panagopoulos spoke against.

Rep. Teschner spoke in favor.

On a division vote, 185 members having voted in the affirmative, 107 in the negative, the majority report was adopted.

Ordered to third reading.

Reps. Wendelboe and Martha Fuller Clark declared conflicts of interest and did not participate.

**HB 520, relative to clarifying qualifications of candidates. OUGHT TO PASS WITH AMENDMENT**

Rep. Steve Vaillancourt for Election Law: This bill came about due to problems in a state senate campaign last year. There were questions as to whether or not a candidate actually lived in the district. This bill clarifies qualifications by noting that registration to vote or voting in another state creates a presumption that a person does not have domicile in the state. The amendment simply adds the phrase "during the relevant time period", in other words during the time period stated under requirements for a state senator, state representative, etc. Vote 19-0.

**Amendment (0599h)**

Amend the bill by replacing section 1 with the following:

1 Nominations; General Qualifications; Domicile. Amend RSA 655:2 to read as follows:

655:2 Domicile. To hold any elective office in the state, a person must have a domicile in the state. *Registration to vote or voting in another state during the relevant time period shall create a presumption that a person does not have a domicile in this state.*

Adopted.

Report adopted and ordered to third reading.

**SPECIAL ORDER**

Without objection, the Speaker ordered that all remaining bills on today's calendar be made a Special Order for Thursday, April 26, 2001.

**UNANIMOUS CONSENT**

Rep. French addressed the House.

**RESOLUTION**

Rep. Scanlan offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 26, 2001 at 10:00 a.m.  
Adopted.

**LATE SESSION****Third reading and final passage**

*HB 694*, establishing a separate high school civics graduation requirement.

*HB 201*, relative to voters presenting identification to obtain a ballot.

*HB 259*, relative to holding sessions for correction of checklists.

*HB 399*, relative to proof of qualifications for voter registration.

*HB 503*, relative to incompatible offices.

*HB 520*, relative to clarifying qualifications of candidates.

*HB 579*, relative to nominating a political organization by nomination papers.

*HB 677*, relative to certification and filing of nomination papers.

*HB 698*, relative to verification of checklists.

**RECESS MOTION**

Rep. Scanlan moved that the House stand in recess for the purpose of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 5:30 p.m.

**RECESS**

Date: May 22, 2001  
Time: 2:40 PM  
Room: SH 105-A

The Senate Committee on Public Affairs held a hearing on the following:

HB 520 relative to clarifying qualifications of candidates.

Members of Committee present: Senator Roberge  
Senator O'Neil  
Senator Francoeur  
Senator Disnard

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The Chair, Senator Sheila Roberge, opened the hearing.

Senator Sheila Roberge, D. 9: Due to extenuating circumstances, I will open the hearing on House Bill 520 for the purposes to hear testimony from Representative Richard Kennedy and then recess it to it's scheduled date and time, May 29, 2001 at 2:00 pm. Representative Kennedy, welcome.

Representative Richard Kennedy, Merr. D. 7: For the record, my name ifs Richard Kennedy. I represent Merrimack 7. This bill came about upon a situation that in all honesty no honor, no credit and no responsibility to all of the three operations that were involved. You had a candidate that was selected by the democrats who had been in about four different places, registered to vote in other places, came here and claimed residence and ran for the State Senate. He was not a resident, he should not have been a resident, he never was.

There were perhaps a little mitigating circumstances. If I had to give a little mitigating circumstances, it would be the time to find a replace was virtually nit! They had to have a candidate to run.

I won't go into the individual because he's gone, there's no problem, he's out of the state, probably stay there.

The candidate was brought in; there was a complaint made to the Ballot Commission. The Ballot Commission couldn't find what they were doing or what they shouldn't do or anything else. So they simply let it go, which in my way of thinking was an aberration of their responsibility.

They then came to the Republican party who should have challenged it – if they had any ethics whatsoever they would have. The statement by the head of the party when I questioned them on it was “why bother? He’s a crippled duck.” I said it was wrong. It shouldn’t happen whether it’s us or them or anybody else. He said “besides, we didn’t want to really offend the Ballot Law Commission.” He thought he was crippled enough they’d win the seat without any trouble.

I sat and talked with Bill and Bill just shook his head and he said, “what in God’s name is going on?” I’ve never seen Bill quite so disgusted with the whole mess. I looked at him – you know, both of us love politics. We love elections. They’re fun but there’s a certain ethical behavior, moral behavior that should take place. Perhaps the candidates even go after me and I go after you and we can have a ball at it. But, the party organizations themselves should be sufficiently removed that there’s an ethical behavior and there wasn’t, in my humble opinion which is quite often stated ..... but that’s only my opinion.

I talked to Bill at length and he said to file a bill and straighten it out. So, we went down and filed a bill. You have it. It went through the House and it’s now here.

What it does is say very simply, clean this thing up and never again will we have a situation where somebody who should not be on the ballot is on it. You will stay within the rules of the game. It’s not a matter of clipping penalty; it’s you’re out. Period! It’s about time. Those of us who love the – generally stay within a broad spectrum of rules. We treat each other civilly. We behave civilly. We hope that others do the same. The ethics here – we’ll call an oversight. There’s no honor for anybody. It’s done, the question is now let’s make sure it never happens again.

I’ll try to answer any questions but I think Bill has been around longer than I.

William Gander, Secretary of State: All the bill does, when it comes to domicile or residence, it’s going to remain gray because of court decisions. But, this simply says – our constitution says that in order to be qualified to run for the Senate you must be 30 years old and you must have been an inhabitant of the State for the seven years immediately preceding the election. That constitutional issue of the seven years has gone to our Supreme Court in the past, whether it’s constitutional or not.

This bill simply says that if you register to vote in another state, voted in another state during those seven years that means that you do not qualify. That's all this bill does because if you do that during those seven years – the fact that you did that means that you don't qualify for that constitutional requirement.

Senator George F. Disnard, D. 8: Question?

Senator Sheila Roberge, D. 9: Question.

Senator George F. Disnard, D. 8: Thank you. Mr. Secretary, does it include resident's length of time in a community?

Secretary Gardner: No. It can be anywhere in the state, those seven years. Sometimes candidates use it against each other – the residence domicile issue. It doesn't get into that because that's a very – the courts have said – that's a very difficult issue. But this one – this language is specific that if you do register to vote, which means you're saying when you register to vote that that's where you live; or if you vote in another state during those seven years that you're supposed to be here, then there's no question – we don't have to have hearings that last four hours and discussions – the fact that you did that would mean that you did not meet the qualifications. That's all that this does.

Senator George F. Disnard, D. 8: Simple so I can understand it. Thank you.

Senator Sheila Roberge, D. 9: Senator Francoeur.

Senator Gary R. Francoeur, D. 14: Thank you. I think that Representative Kennedy is explaining exactly what happened in my last election. This is an individual that moved to California; went to school there; voted in one election; two years later voted in a – first voted in a presidential election; two years later changed the area that he lived; voted *again* in a local election and voted a *third* time. Two years prior to coming back to town, ran as a representative and lost. Then last year, ran for the senate against me after living in California for about five years and claimed he had been a resident of the state of New Hampshire for seven years immediately preceding this. As it went to the Ballot Law Commission and the through the rest of the process, I can't see how anybody can claim you're a resident of the state of New Hampshire and be out voting and living in another state. The Secretary of State is correct as far as now we start talking about domicile. Do you know what the definition of domicile came back as? *I always intended to move back to Hudson, so Hudson was my domicile.* (laughter) That's what domicile

became but what is an individuals intention when they're voting in another state? To me that becomes appalling that an individual could this. I'll end that with "would you believe"?

Representative Kennedy: If I might, this doesn't interfere in any way with somebody who works out of state even if they're a governmental employee or an appointed official. Say you're town manager in a town across the line in Massachusetts but you're a resident here, you've always been here, you've lived, you're resident of here. Fine. In that case, they're still a resident here, they happen to work there. But if they take out papers and they vote there, then they are a resident there. They don't belong here. It would clarify this thing so we never again run into this mess.

It's one of those things that just never should have happened. Unfortunately, there was no honor for anybody. It's sometimes hard to call things in a campaign but it should have been. It should have been! I would place more responsibility on the Ballot Law Commission by far than I would on the Democrats in this case and I place more on the Republicans for not hauling the thing into court when they should have! It was just a nasty, nasty ..... avoidance and it's just wrong.

Senator George F. Disnard, D. 8: Thank you.

Senator Sheila Roberge, D. 9: Thank you. I will recess the hearing on House Bill 520 until May 29, 2001 at 2:00 PM.

*Hearing recessed at 2:55 PM.*

Date: May 29, 2001  
Time: 2:00 PM  
Room: SH 105-A

The Chair, Senator Sheila Roberge, opened the hearing. Due to no one being here to testify on House Bill 520, I will close the hearing.

*Hearing closed at 2:10 PM.*

*Respectfully submitted,*

*Merideth A. Chandler,  
Senate Committee Secretary*