

STATE OF NEW HAMPSHIRE

BALLOT LAW COMMISSION

Petition of:

Andy Martin, Petitioner re Bernie Sanders, Respondent

BL 2015- \_\_\_\_\_

Motion to Reschedule Hearing in this Matter

1. Factual Basis for Recusal

Petitioner requested a two working days extension of the hearing date (the state is closed on November 26-27) and Chairman Cook responded with two false claims: (a) the hearing date was "set by law" and (2) there was urgency to print ballots.

Petitioner has read the relevant statute and there is no legal date required for the hearing in this matter. The statute has time limits for "general election years." Cook either misunderstood or misstated the applicable law. Moreover, there is no urgency to print ballots at a time when Petitioner believes the exact date of the presidential primary has not yet been set. Chairman Cook's law firm and petitioner have a history of Cook's firm making malicious and unfounded attacks on Petitioner.

## 2. New Hampshire law

"It is well established that due process guarantees also apply to administrative agencies." Appeal of Lathrop, 444 A.2d 505, 122 N.H. 262, 265 (N.H. 1982). "The board may not abuse its discretion, even in matters of the manner and timing of a hearing...One element of this requirement is the opportunity to present one's case...before an impartial fact finder." Appeal of Morin, 669 A.2d 207, 140 N.H. 515, 518 (N.H. 1995) See also Petition of Sprague, 564 A.2d 829, 132 N.H. 250, 266 (N.H. 1989). Chairman Cook's refusal to reschedule a hearing by two working days is both a refusal to exercise discretion and a failure to exercise proper and reasonable discretion.

## 3. Conclusion

Given his law firm's history of making malicious and unfounded personal attacks on petitioner there is no way Brad Cook's refusal to reschedule a hearing by two working days (the state is closed November 26-27) satisfies the appearance of justice to be a neutral and detached member of the BLC.

The BLC is about to make one of the most constitutionally significant rulings in New Hampshire legal and political history. The result should not be undermined or tainted by Chairman Cook's law firm's history of biased and malicious attacks towards petitioner.

Petitioner asks that the hearing in this matter be rescheduled for the week of November 30, 2015.

Respectfully submitted,

Andy Martin, J.D.

Petitioner would appreciate all responses, communications and correspondence by fax or email as he is traveling on a nationwide basis in his own presidential campaign and regular mail takes time to catch up.

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