

**STATE OF NEW HAMPSHIRE
BALLOT LAW COMMISSION**

Case No. BLC 2014-3

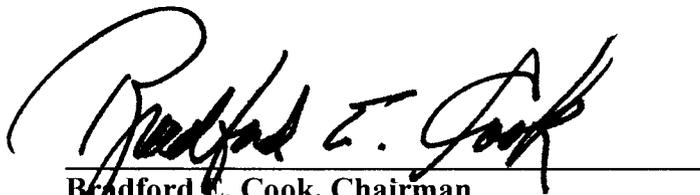
Allan Levene for Representative in Congress District 1

This matter comes before the Commission at the request of Allan Levene of the town of Kennesaw, Cobb County, Georgia, who attempted to file his candidacy for United States Representative in District Number 1 in the September 2014 Primary election. Mr. Levene indicated that he was not a New Hampshire citizen at the time of filing, and failed to indicate in his filing in which party primary he wished to run. The Secretary of State's Office refused the filing, citing New Hampshire Revised Statutes Annotated Chapter 655:17 which requires residency in New Hampshire and identification of party, by letter dated June 11, 2014. Mr. Levene appealed this decision to the Ballot Law Commission, indicating that the United States Constitution requires only residency when taking office, and stating that after winning the primary, he intended to establish residency in New Hampshire. The Commission heard the case at a hearing held June 30, 2014. Mr. Levene was not present or represented. The Secretary of State's Office verified the facts and its action and the basis therefor.

DECISION

While the Constitution of the United States contains the language cited by appellant, states are allowed to impose additional conditions on the election process, such as residency at the time of filing, selection of party in which to run, etc. The New Hampshire requirements are legal and Mr. Levene did not meet them. The Commission therefore upholds the decision of the Secretary of State to disallow the filing by Allen Levene. The decision is unanimous.

So ordered.



Bradford E. Cook, Chairman

Martha Van Oot

Michael Eaton

Roger Wellington

Donald Manning

June 30, 2014