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OCT 16 2000

**NEW HAMPSHIRE
SECRETARY OF STATE**

**STATE OF NEW HAMPSHIRE
NEW HAMPSHIRE BALLOT LAW COMMISSION**

IN THE MATTER OF:

THE LIBERTARIAN PARTY OF NEW HAMPSHIRE

v.

SECRETARY OF STATE, WILLIAM GARDNER

Petition to instruct the Secretary of State to comply with NH RSA 656:10 and thereby provide "straight ticket" voting for the Libertarian Party of New Hampshire on the 2000 general election ballot.

NOW COMES the Libertarian Party of New Hampshire, on an emergency basis, to add the straight ticket voting option on 2000 general election ballot and in support of said petition states as follows:

Factual Background:

1. The Libertarian Party of New Hampshire fulfilled the ballot access requirements of NH RSA 655:40-a
2. On or about September 29, the Ballot Law Commission ruled that the Libertarian Party of New Hampshire is "not a political party within the statutory definition."
3. On or about September 29, the Ballot Law Commission determined that "although the 'party' has many different meanings under New Hampshire law, 'party' is used interchangeably within a number of election law statutes."

Applicable Statutory Law

4. NH RSA 655-40-a provides "a political party may have its name placed on the ballot for the state general election by submitting the requisite number of nomination papers..."
5. NH RSA Chapter 656 provides for the preparation of voting materials including listing of candidates on the ballot, designation of office, order of offices, order of representative districts, party designation, straight ticket voting, party emblem, write-in blanks, and more.

Argument

6. NH RSA 655:40-a use of the term "political party" is an example of "political party" being used interchangeably as recognized by the Ballot Law Commission's decision on or about September 29, 2000.
7. NH RSA 655:40-a provides that "a political party may have its name placed on the ballot." A political party's name on the ballot differs from having a party's designation printed near a candidate's name as provided in NH RSA 656:9.

8. The Libertarian Party of New Hampshire is legally bound by all provisions in Chapter 656 of the New Hampshire Election Laws. However, the Secretary of State has arbitrarily determined that all ballot provisions outlined in Chapter 656 apply except one, NH RSA 656:10, "straight ticket" voting.

9. A political party, as defined in NH RSA 652:11, is afforded its own set of perks such as free access to party primaries, voters' ability to register as party supporters at their respective town/city halls, and free access to the general election ballot..

10. A political party/organization not meeting the definition of "party" in NH RSA 652:11 is not afforded the same set of perks as a statutory 'party.'

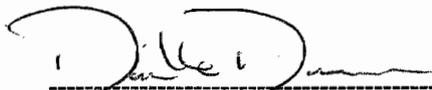
11. There is only one set of ballot access rules (Chapter 656) for all political parties and/or political organizations. Chapter 656 draws absolutely no distinctions between a political party and a political organization and that includes NH RSA 656:10, straight ticket voting.

Prayer for Relief:

Therefore the petitioners request the Ballot Law Commission finds as follows:

- A. The Secretary of State is in error in his determination to deny the Libertarian Party of New Hampshire access to the straight ticket provisions of NH RSA 656:10
- B. The Secretary of State be instructed to include straight ticket voting for the Libertarian Party of New Hampshire on the November 2000 general election ballot.
- C. The Libertarian Party of New Hampshire be provided further relief as the Ballot Law Commission deems just and appropriate

Respectfully Submitted
Libertarian Party of New Hampshire
by its Chair, Danielle Donovan

 10/16/00

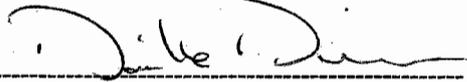
Signature Date

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Bal 204.02 Certification

I hereby certify that I have read the above Petition to instruct the Secretary of State to comply with NH RSA 656:10 and thereby provide "straight ticket" voting for the Libertarian Party of New Hampshire on the 2000 general election ballot. And, I have been authorized, by a majority of the Executive Committee of the Libertarian Party of New Hampshire, to file this petition. That, to the best of my knowledge, information, and belief, that there are good grounds to support the petition and the factual allegations contained therein are truthful and the petition has not been filed for purposes of delay or harassment.

Date: October 16, 2000



Danielle Donovan, Chair
Libertarian Party of New Hampshire
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Bal 204.03 Certification of Service

I hereby certify that a copy of the above Petition to instruct the Secretary of State to comply with NH RSA 656:10 and thereby provide "straight ticket" voting for the Libertarian Party of New Hampshire on the 2000 general election ballot has, this day, been hand delivered to the Secretary of State.

Date: October 16, 2000



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