

**State of New Hampshire**

**Ballot Law Commission**

**Petition**

NOW COMES the Office of the Attorney General (“Petitioner”), and pursuant to RSA 665:7, hereby requests the Ballot Law Commission (“the Commission”) determine whether eight candidates for New Hampshire State Representative are qualified to be on the 2006 Primary Ballot and states as follows:

**I. Jurisdiction of the Ballot Law Commission**

RSA 665:7 provides:

The ballot law commission shall hear and determine disputes arising over whether nomination papers or declarations of candidacy filed with the secretary of state conform with the law. The decision of the ballot law commission in such cases shall be final as to questions both of law and fact, and no court shall have jurisdiction to review such decision.

**II. Statement of Facts**

In July and August 2006, the Secretary of State, using the Statewide Voter Registration System (“SVRS”) conducted an inquiry to determine whether every candidate in New Hampshire was a registered voter and otherwise qualified to be a candidate for the Political Party and office sought by that candidate.<sup>1</sup> As a result of this inquiry, the Secretary of State preliminarily determined that eighty three (83) candidates were not, according to the SVRS, properly registered to be candidates for the Party and office for which they seek. The Secretary of State conducted a follow-up inquiry with the applicable town officials to determine if the SVRS information was accurate. Following that inquiry

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<sup>1</sup> The SVRS is a statewide checklist of all registered New Hampshire Voters, which contains the names, address, and party affiliation of all registered New Hampshire voters who by law are to be listed on a checklist available to the public. See RSA 654:25; RSA 654:45.

the Secretary of State identified nine candidates who are not properly registered in their respective town to be candidates for the Party and office they seek.

On August 25, 2006, the Secretary of State provided the Attorney General with a list of nine candidates, who according to the SVRS and the Secretary of State's follow-up inquiry are not qualified, due to their registration status, to be candidates for the upcoming Primary election.

Pursuant to the Attorney General's authority to enforce New Hampshire's election laws under RSA 7:6-c, the Attorney General's office conducted an investigation of the nine candidates the Secretary of State identified to further assess their qualification status and to determine if any criminal act was committed by any of the named candidates with respect to the declaration of candidacy forms they filed with the Secretary of State.

The investigation yielded that eight individual candidates do not meet the candidate qualification criteria set forth in RSA 655:14. The eight candidates, their voter registration status and candidacy for office are listed below:

1. **Fran Defeo**

Registered in Conway, N.H. as Undeclared. Mr. Defeo is a candidate for State Representative, first district, Carroll County, for the Democratic Party.

2. **Robert Ordonez**

Not registered to vote in any New Hampshire town. Mr. Ordonez is a candidate for State Representative, nineteenth district, Hillsborough County, fourteenth district, Rockingham County, for the Democratic Party.

3. **Maureen Baxley**

Registered in Andover, N.H. as Undeclared. Ms. Baxley is a candidate for State Representative, sixth district, Merrimack County, for the Democratic Party.

4. **James W. Danforth**

Registered in Andover N.H. as a Democrat. Mr. Danforth is an incumbent State Representative of the Republican Party. He is a candidate for State Representative, sixth district, Merrimack County for the Republican Party.

5. **Matthew B. Preston**

Registered in Seabrook, N.H. as Undeclared. Mr. Preston is a candidate for State Representative for the Democratic Party.

6. **Greta M. Cocco**

Registered in Somersworth, N.H. as Undeclared. Ms. Cocc is a candidate for State Representative, second district, Strafford County, for the Democratic Party.

7. **Ron Peddle**

Registered in Danville, N.H. as Undeclared. Mr. Peddle is a candidate for State Representative, seventh district, Rockingham County, for the Republican Party.

8. **Matthew Covey**

Registered in Carroll, N.H. as Undeclared. Mr. Covey is a candidate for State Representative, second district, Coos County, for the Republican Party.

**III. Legal Basis to Remove Candidate from the Primary Ballot**

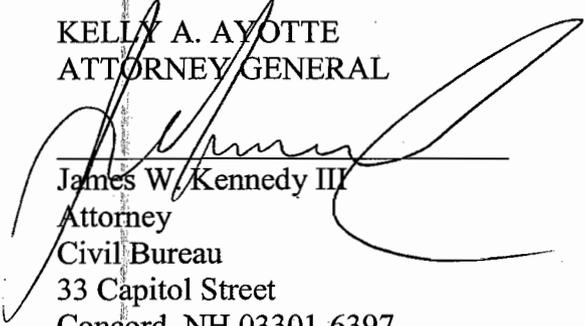
Part I, Article 11 of the New Hampshire Constitution provides that "Every inhabitant of the state, having the proper qualifications, has an equal right to be elected into office." However, with respect to a candidate's qualification to be placed on a primary ballot, RSA 655:14 provides in pertinent part "[t]he name of any person shall not be printed upon the ballot of any party for a primary unless he is a registered member of that party . . . ."

WHEREFORE, the Petitioner respectfully requests that this Honorable Commission:

- A. Determine whether the eight identified candidates shall remain on the September 12, 2006 New Hampshire Primary ballot; and
- B. If it is determined that any of the candidate's names will remain on the primary ballots, determine whether those candidates will be placed on the general election ballot if they win the primary nomination.
- C. Grant such other and further relief as justice may require.

Respectfully Submitted,

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