

**STATE OF NEW HAMPSHIRE
BALLOT LAW COMMISSION**

In Re: Diane Kelley

BLC 2020-5

BACKGROUND

By letter to the Ballot Law Commission dated September 11, 2020, Honey Hastings, Camilla Lockwood and Peter von Sneidern, all of Temple, New Hampshire, challenged the eligibility of Ms. Diane Kelley, also of Temple, to be a candidate for state representative in Hillsborough House District 25. They indicated they were “concerned” that she did not meet the residency requirement set forth in the New Hampshire Constitution and in NHRSA 654:1, being the requirement that to elected to the New Hampshire House, a person have been a resident of the state for two years as of the date of the general election in which the person is a candidate. They offered no evidence other than a “belief” that Ms. Kelley “established domicile after November 3, 2018.”

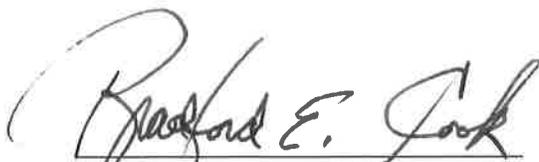
The Secretary of State accepted Diane Kelley’s filing for office during the filing period, and placed her name on the ballot for the September primary election.

The Ballot Law Commission considered the matter at its meeting held September 17, 2020. The authors of the letter did not attend, nor did they produce any evidence to support their “concern” and “belief.” Candidate Kelley did attend. She provided the Commission sworn testimony and documentation of when she purchased her property in Temple, when she moved into it, in the form of copies of the recorded deed, and various receipts from businesses and her pet’s veterinarian, showing that she not only owned property, but also was living in and conducting her life from Temple prior to November 3, 2018, two years prior to the 2020 general election date.

DECISION

New Hampshire law requires a person be a resident of the state, not the legislative district, for two years prior to the general election in which a person is a candidate for election to the New Hampshire House of Representatives. Part II, Article 14, NH Constitution. Diane Kelley produced ample evidence that she had moved to Temple, New Hampshire, more than two years prior to November 3, 2020. No evidence to the contrary was presented to the Commission by the three residents stating their “concern.” Therefore, the Commission finds that the decision of the Secretary of State to place Diane Kelley’s name on the ballot was appropriate, and there is no matter of fact or law to over-turn that decision. Therefore, Diane Kelley’s name will remain on the ballot.

SO ORDERED.

A handwritten signature in black ink, appearing to read "Bradford E. Cook". The signature is written in a cursive style with a large initial "B".

Bradford E. Cook, Chairman

David Campbell

Michael R. Eaton

Kathleen Sullivan

Robert LeTourneau

9-21-2020