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Congress

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JUL 5 1996

**NEW HAMPSHIRE
SECRETARY OF STATE**

BY HAND

New Hampshire Ballot Commission
Secretary of State William M. Gardner
The State House
Concord, New Hampshire 03301

To the Members of the New Hampshire State Ballot Commission
and Secretary of State Gardner:

Attached is a formal petition concerning the primary
petitions submitted on behalf of the campaign of Deborah
Arnie Arnesen. We have proceeded to file it today because
of informal advice of counsel that we may forfeit our rights
if we delay past today's date.

As the petition states, it is not our goal to remove
Mrs. Arnesen from the ballot, and we would vigorously oppose
such a remedy. Rather, it is our goal that Arnie Arnesen
and Mike Hammond both be bound by the same spending limit in
the general election: \$250,000.

Furthermore, it is our desire to resolve this matter
amicably and in the spirit of cooperation. If Mrs. Arnesen
is willing to commit publicly to the voters of New Hampshire
that she will voluntarily comply by the \$250,000 spending
limit in the general election after Mike Hammond wins the
primary, it would be our intention to withdraw this
petition. It is our understanding that this process of
conciliation would be welcomed by the Ballot Commission, the
Secretary of State, and, we expect, the people of New
Hampshire.

We stand ready to answer any questions you may have,
and may be reached in Dunbarton at 774-3113 or in Nashua at
889-3000.

Sincerely,



Friends of Mike Hammond
BY: Michael E. Hammond

1 Stark Highway South, Dunbarton, New Hampshire 03045 (603) 774-3113 (603) 774-3114 Fax

Paid for by Friends of Mike Hammond

889-0872

STATE OF NEW HAMPSHIRE

SECRETARY OF STATE AND/OR
BALLOT LAW COMMISSION

PETITION OF
FRIENDS OF MIKE HAMMOND

NOW COMES Friends of Mike Hammond and states as follows:

INTRODUCTION

1. Candidates seeking to have their names placed on the New Hampshire Congressional Primary ballot must take one of two paths. If the candidate agrees to abide by the voluntary campaign spending limits, currently set at \$250,000 for the primary and \$250,000 for the general election, the candidate need only file a declaration of candidacy with the New Hampshire Secretary of State and pay an administrative assessment of \$50.00. The filing of primary petitions can be substituted for the \$50.00 assessment.

2. If a candidate chooses not to agree to the voluntary campaign spending limits, he must do the following:

- (a) File a declaration of candidacy;

- (b) Pay a \$5,000.00 filing fee;
- (c) Submit 1,000 petitions signed by members of his party in a form required by law;
- (d) Pay a \$50.00 administrative assessment or file additional petitions.

3. Candidate Deborah Arnie Arnesen chose the second path and refused to accept the voluntary spending cap. Specifically, Mrs. Arnesen filed 49 duplicates, petitions signed by 51 Republican signatories, petitions signed by 47 Independent signatories, petitions signed by 104 signatories not on the checklist, petitions signed by 3 signatories not residing in the district, 345 petitions with missing information, and hundreds of additional petitions which appear to be improperly notarized.

FACTS

4. Mike Hammond is a candidate for the Republican congressional nomination in the Second District. Mr. Hammond chose to agree to the voluntary campaign spending limits and therefore perfected his right to have his name on the primary ballot by simply filing his declaration of candidacy with the New Hampshire Secretary of State on June 14, 1996, and paying the administrative assessment of \$50.00.

5. Deborah Arnie Arnesen, the only congressional candidate in the Second District who chose not to agree to voluntary campaign spending limits, also filed her declaration of candidacy with the Secretary of State on June 14, 1996. Along with her declaration, Mrs. Arnesen filed 1,192 primary petitions and paid a \$5,000.00 filing fee.

6. Friends of Mike Hammond has reviewed a number of Mrs. Arnesen's petitions, and gross irregularities are apparent:

(1) Three petitions are signed by residents of Goffstown or Pittsfield, neither of which lies within the Second District.

(2) Two petitions have no address, town, or county for the signatory.

(3) 235 petitions lack at least an entire line of information, including lack of address, lack of precinct (where a precinct exists), lack of town, lack of county, or lack of date.

(4) An additional 110 petitions lack a street number on the address.

(5) 49 petitions are duplicates.

(6) 51 signatories are registered Republicans.

(7) 47 signatories are registered Independents.

(8) 104 signatories are not on the checklist.

(9) In addition, the following apparent irregularities in notarization reflect a pervasive and underlying trend of notarization of petitions which were not personally witnessed by the notary public or justice of the peace:

(A) On May 12, 1996, Matthew Pappas attested that he had, on that day, witnessed signatures of:

-a resident of Berlin WHILE IN COOS COUNTY;

-residents of Berlin and Randolph (Coos County) while in Merrimack County;

-residents of Thornton, Grafton, Woodstock, Sugar Hill, and Ashland, two residents of Groton and Alexandria, and three residents of Orford (Grafton County);

-three residents of Hudson (Hillsborough County);

-two residents of Goshen and two residents of Unity (Sullivan County);

-two residents of Nelson (Cheshire County).

From this information, it appears that Mr. Pappas signed petitions at some central location for signatures which he did not witness or verify.

Mr. Pappas notarized at least 70 signatures.

B. Mr. William Riley, while in Cheshire County on June 13, 1996, attests that he witnessed signatures of residents of Concord (20 persons), Campton (Grafton County), Warner (Merrimack County), New Boston (Hillsborough County), Allenstown (2 persons), Nashua (Hillsborough County), Canaan (Grafton County), Newport (Sullivan County), Dunbarton (2 persons), Hopkinton (2 persons), Henniker (Merrimack County), Weare (Hillsborough County), and Canterbury (Merrimack County).

From this information, it appears that Mr. Riley signed petitions for signatures which he did not witness or verify.

When these invalid petitions are disregarded, the total number submitted falls substantially below the number 1,000 required by law.

7. To date, petitioner has examined many of Mrs. Arnesen's petitions and has found that at least 400 -- and probably considerably more -- appear invalid. At least 205 were not signed by Democrats within the Second District; at least 49 duplicate petitions exist; at least 345 show other facial irregularities; and hundreds appear to have been improperly notarized. Accordingly, substantially fewer than

the required 1,000 petitions were filed by the Arnesen campaign. The petitioner's examination continues and supplemental pleadings will be filed as necessary.

8. The numerous irregularities found in the petitions examined to date raise serious questions regarding who acknowledged the signatures of the voters in question. The statutory petition form requires a notary to attest that he or she personally observed the signing and had the signatory subscribe under oath that the information in the petition was true. See R.S.A. 655:21.

DISCUSSION

9. The deadline for completing the filings required to place a candidate's name on the primary ballot is the second Friday in June. R.S.A. 655:14. The law specifies no clear deadline for challenging the validity of petitions.

10. Because Mrs. Arnesen refused to agree to the voluntary spending limitations limiting her to \$250,000 in the general election, she was required to submit 1,000 valid primary petitions by Friday, June 14, 1996. See, e.g., R.S.A. 655:14 (with respect to the deadline) through R.S.A. 655.22.

11. It is a mandatory requirement that each petition Mr. Arnesen filed had to have been signed by a member of the

Democratic party in the form required by R.S.A. 655:21 (Supp. 1995). See R.S.A. 655:20, II (Supp. 1995).

12. While Mrs. Arnesen filed 1,192 petitions on June 14, 1996, at least 400 (3 not in district, 49 duplicates, at least 345 with facial irregularities, over a hundred not properly notarized, 51 Republican signatories, 47 Independent signatories, 104 signatories not on checklist) are invalid because they fail to conform to the statutory requirements. Therefore, at most, only 792 valid petitions were filed.

13. Arnie Arnesen's failure to file 1,000 valid petitions by June 14, 1996, in conjunction with the notarial irregularities apparent in the petitions she did file, cast serious doubts on the legal sufficiency of her filings.

WHEREFORE, the petitioner respectfully requests that this Honorable Commission:

A. Schedule a hearing on this matter at the Commission's earliest possible convenience;

B. Rule that Deborah Arnie Arnesen violated the election laws when she failed to produce 1,000 primary petitions in the form prescribed by statute;

C. Order Deborah Arnie Arnesen to comply with the voluntary campaign spending limits of \$250,000 in the general election and order the Secretary of State to return

the \$5,000 paid by Mrs. Arnesen in connection with her filing;

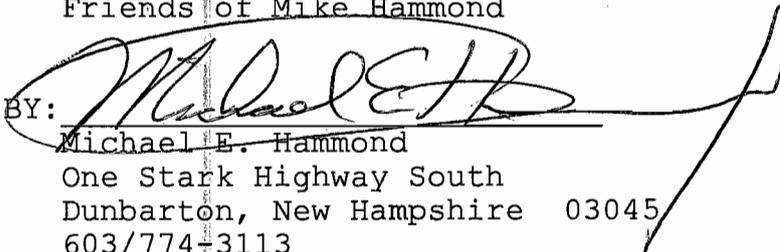
D. Investigate the notarial irregularities apparent in the defective petitions.

Respectfully submitted,

Friends of Mike Hammond

DATED: July 5, 1996

BY:


Michael E. Hammond

One Stark Highway South

Dunbarton, New Hampshire 03045

603/774-3113