

BLC 2018-5

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DEPARTMENT OF STATE

From the Desk of Senator William Gannon

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To: The NH Ballot Law Committee

Care of the NH Secretary of State

11/08/2018

Dear Committee Members

It was first brought to my attention from answers made by Jon Morgan at a debate in Brentwood NH in mid to late October that he may not meet the residency requirement of seven years to be a NH State Senator I have spoken with legal counsel as well as the Secretary and Assistant Secretary of State and they have concurred Mr. Morgan's meeting the residency requirement is in question. Many of my constituents and district 23 state representatives have also contacted me claiming that Jon Morgan of the town of Brentwood, who has run for the district #23 state senate seat, does not meet the constitutional requirements required to fill that position and they have asked that I pursue this issue before an injustice to the voters of district 23 could occur. Specifically, that Jon Morgan does not now, nor did he meet the 7-year residency requirement required to run for the office. I believe that when he filed to run for office in June of 2018, he did not reside in the district for the required continuous seven-year period. I believe that when he ran for the primary on September 11<sup>th</sup>, 2018, He again did not meet the 7-year residency requirement. I also believe that in the recent November 6<sup>th</sup>, 2018 election he did not reside in the district for the seven-year residency requirement. It has been brought to my attention that Jon Morgan did not actually reside in Brentwood until at least sometime during 2012 so if Mr. Morgan's residency started tolling sometime in 2012 his residency requirement would not be met until sometime in 2019.

Alternately three other issues are in question. First Mr. Morgan has in photographs, publicly displayed what he says was his voter registration card from September 14<sup>th</sup>, 2011. Based on Mr. Morgan's claim he would not have been eligible to file for office in June of 2018, nor would he have been edible to run in the primary this past September 11<sup>th</sup>. The primary date was three days before Mr. Morgan would have met the seven-year requirement if his residency is argued to have started tolling when registered to vote. (see title LXIII chapter 655 qualifications for office The third issue in question is whether Jon Morgan was a resident of Brentwood NH when he registered to vote September 14<sup>th</sup>, 2011 as he did not purchase his Brentwood home until 2012.

Before Mr. Morgan could assume office, I would request a finding of fact by this committee on the above questions and request a ruling of law and or whatever form of remedy this committee has the authority to deliver, or alternatively that this committee forward this to the appropriate State Committee or agency that might take the appropriate action on this matter.

- 1) title LXIII Chapter 655 Nominations qualifications by Office Sec 655:7 State Senator shall have been an inhabitant of this state for 7 years immediately preceding the primary or general election
- 2) Nominations by Primary Chapter 655:17 Declaration of candidate that he qualified to assume the duties of Office.

Sincerely

Senator William (Bill) Gannon D-23

Cc/ Secretary of State William Gardner, Governor Chris Sununu, Senate President Chuck Morse,  
NH Hampshire Attorney General

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