

STATE OF NEW HAMPSHIRE

BALLOT LAW COMMISSION

IN RE:
Complaint of Richard Marple

By letter dated October 1, 1990 filed with the Secretary of State's Office on that same date and received by the Ballot Law Commission on October 5, 1990, Richard Marple of Hooksett, New Hampshire, complained of precisely the same set of circumstances set forth in the Christie complaint. Mr. Marple, in fact, testified at the Christie hearing.

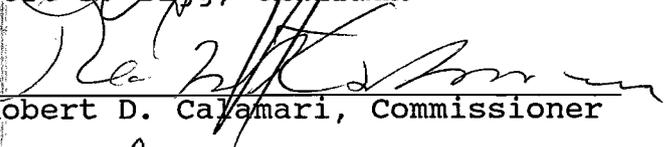
Mr. Marple, however, has asked that the Commission "remove Lowell Apple and Terence Pfaff from consideration of the republican nomination as per Supreme Court Ruling of 1985 (126 NH 554, 493 A.2d 1182) and RSA 659:58". Mr. Marple's statutory citation is accurate in that it relates to the prohibition against candidates counting ballots. His citation to the May 24, 1985 opinion of the Justices does not appear to relate in any way to the relief which he requests of this Commission.

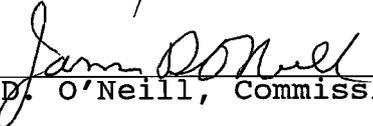
The substance of the Complaint has been ruled upon in the Christie decision. This Commission declines to "remove [the candidates] from consideration of the republican nomination".

SO ORDERED.

BALLOT LAW COMMISSION


Dort S. Bigg, Chairman


Robert D. Calamari, Commissioner


James D. O'Neill, Commissioner

DATED: October 9, 1990

Mr. Christie did not claim fraud and no evidence was presented to suggest that Mr. Apple or Mr. Pfaff took advantage of their position to falsify votes. Nevertheless, it is the feeling of the Commission that the violation is so gross that it wholly tainted the election in question and we therefor declare a vacancy to exist on the Democratic side of Representatives to the General Court. This vacancy may be filled if desired by the Democratic committee in accordance with statute provided this can be accomplished by Monday, October 1, at noon so that ballots may be printed.

SO ORDERED.

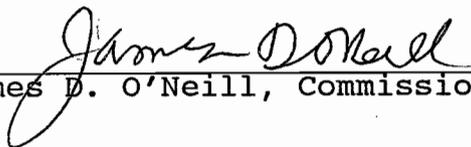
BALLOT LAW COMMISSION



Dort S. Bigg, Chairman



Robert D. Calamari, Commissioner



James D. O'Neill, Commissioner

DATED: October 9, 1990