

**STATE OF NEW HAMPSHIRE
BALLOT LAW COMMISSION**

Case Number BLC 2014-5

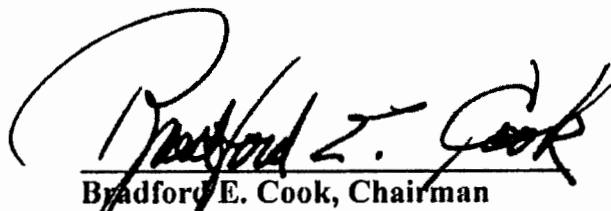
Appeal of Thomas P. Stawasz

Thomas P. Stawasz filed to run as an independent candidate for the District 5 Executive Council seat. As such, he was required to comply with the provisions of New Hampshire RSA Chapter 655 and pay a \$25 filing fee and obtain 750 signatures on forms provided by the New Hampshire Secretary of State. The provisions of RSA 655:40 restrict the signatures to registered voters who reside in the district. After signatures are obtained, the forms have to be submitted to the town or city for verification by a majority of the supervisors of the checklist, or city clerk. Petitioner failed to obtain the required number of signatures. He brought this appeal on the basis that the process for independent and minor party candidates is different from those of the major parties, and, he argues, this is unfair, complex and discriminatory, and that it violates the equal protection provisions of the United States and New Hampshire constitutions, and the constitutional protection of the right to run for office.

Petitioner provided information and argument at a hearing on September 18. He admitted having not obtained the requisite number of signatures, and argued straightforwardly that he sought to have the statutory requirements by-passed since they were unfair. Unfortunately, the Commission is required to follow statutes, and the constitutionality of the statutory requirements, no matter how complex and onerous they may or may not be, has been upheld by the New Hampshire Supreme Court in Libertarian Party New Hampshire v. The State of New Hampshire, 154 N.H. 910 (2006).

Because the Commission is required to follow the statute, and does not have the power to declare statutes unconstitutional, notwithstanding the cited case, the Commission unanimously votes to dismiss the petition.

So ordered.



Bradford E. Cook, Chairman

Michael Eaton

Dean Eggert

Beverly Hollingworth

Roger Wellington

September 18, 2014