

**STATE OF NEW HAMPSHIRE
BALLOT LAW COMMISSION**

Petition

Of

Joseph S. Haas, Jr.

(RSA 655:19-c)

(Challenge as to Gubernatorial Candidates
and Candidate John Babiartz)

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NEW HAMPSHIRE
SECRETARY OF STATE

ORDER DISMISSING PETITION

On September 12, 2002, Joseph S. Haas, Jr. filed a Petition with the Ballot Law Commission ("the Commission") alleging that gubernatorial candidates Craig Benson, Bruce Keough, Gordon Humphrey, Robert Kingsbury, Mark Fernald and Beverly Hollingworth, were not properly on the ballot as candidates for Governor in the Primary Election because they did not comply with the statutory requirement of RSA 655:19-c because they paid their assessment fee by either cash or check.

The Petitioner filed a second Petition making the same claim against candidate John Babiartz.

RSA 655:19-c requires that each candidate pay an administrative assessment fee of one hundred dollars (\$100) to the Secretary of State at the time the candidate files his Declaration of Candidacy.

On September 27, 2002, a Public Hearing was held. The Petitioner was given the opportunity to supplement his written Petition and prior arguments he has made on this subject to the Commission.

The Petitioner has twice previously filed Petitions with the Ballot Law Commission on the same issue. In both instances (Orders dated 12/21/99 and 7/12/02), the Commission denied the Petitions.

In its December 21, 1999, Order, the Commission ruled that candidates who declared their candidacy for President of the United States or Vice President of the United States did comply with RSA 655:48 by paying a one thousand dollar (\$1,000) filing fee by check. The Commission ruled that tendering payment by check is recognized as payment.

As recently as July 12, 2002, the Commission, again, ruled on this matter on a complaint filed by this Petitioner. In that Complaint it was alleged that the candidates for Governor did not comply with the statutory requirement of RSA 655:19-c by their form of payment of the Administrative Assessment Fee being by check. In its July 12, 2002 Order, the Commission ruled that no arguments were presented which would persuade the Commission to overturn its December 21, 1999, ruling on this same issue.

The Commission notes that on December 27, 1999, the Petitioner filed an Appeal of the Commission's December 21, 1999, ruling. On March 14, 2000, the New Hampshire Supreme Court, in case No. 99-808, declined to hear the Petitioner's Appeal.

Because the Petitioner has raised no new arguments which would persuade the Commission to overturn its two prior Decisions on this matter, the Petition is hereby dismissed.

NEW HAMPSHIRE BALLOT LAW COMMISSION

Date: 10/2/02

By: 

Gary B. Richardson, Chairman
Hugh Gregg, Commissioner
Margaret-Ann Moran, Alternate Commissioner