

STATE OF NEW HAMPSHIRE

BALLOT LAW COMMISSION

Roger Francoeur

v.

Secretary of State

Commissioner Emily Gray Rice recused herself from this appeal. All interested parties consented to proceed with only two commissioners.

This is an appeal of the ruling of the Secretary of State that Roger Francoeur was not a registered voter in Goffstown on the date that he filed his declaration of candidacy to the New Hampshire State Senate and therefore was ineligible to appear on the primary ballot as a Democratic candidate for State Senate. Mr. Francoeur did not appear at the hearing, but was represented by Michael B. King, legal counsel to the New Hampshire Democratic Party, and a campaign worker who did not testify. Attorney Paul Alfano, representing Senator Richard Danais, spoke in opposition to the appeal.

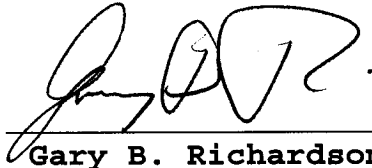
Part II, Article 29 of the New Hampshire Constitution sets forth the qualifications for the election of state senators and provides that "at the time thereof he shall be an inhabitant of the district for which he shall be chosen".

However, the criteria for a candidate to have his name printed on a primary ballot as opposed to being elected in a general election are set forth in RSA 655.

RSA 655:17 requires a candidate to sign a Declaration of Candidacy that certifies among other things that the candidate is "a qualified voter" in the town or district from which he seeks to be elected. Although Mr. Francoeur did not testify before the Commission, counsel for the Petitioner alleges that Mr. Francoeur became an inhabitant of the Town of Goffstown in May of 1996. However, Mr. Francoeur did not apply to become a registered voter in the Town of Goffstown until July 8, 1996 and the Supervisors of the Checklist have not met as of this date to act on his application.

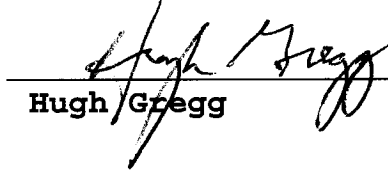
Based on this information, the Commission finds that notwithstanding the certification contained therein, Mr. Francoeur was not a qualified voter in Senate District 20 when he filed his Declaration of Candidacy nor will he become a qualified voter therein until such time as the supervisors of the checklist have approved his application. Having failed to meet the statutory requirements to appear on the primary ballot, Mr. Francoeur's appeal is accordingly denied.

N.H. BALLOT LAW COMMISSION



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Gary B. Richardson, Chairman



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Hugh Gregg

DATE: *August 2,*  
~~July~~ \_\_, 1996