STATE OF NEW HAMPSHIRE
BALLOT LAW COMMISSION

BLC 2012-2

Appeal of Joseph S. Haas

This matter is an appeal by Joseph S. Haas, of Gilmanton, New Hampshire from the action of the Secretary of State disqualifying him from running for the Republican nomination for United States Congress from New Hampshire. The Secretary of State was represented at the hearing by Deputy Secretary of State David M. Scanlon and Attorney Matthew Mavrogeorge of the office of the Attorney General. The petitioner represented himself.

FACTS: The facts are that petitioner appeared at the office of the Secretary of State on the first day of the filing period for the September, 2012 primary election, and sought to file as a candidate for U. S. Congress. As it is petitioner's belief that New Hampshire is entitled to fewer than the allotted two representatives, since it does not elect judges and therefore, in his view, is in violation of the 14th Amendment to the Constitution, he refused to indicate whether he was filing in the first or second Congressional District. Upon questioning at the hearing, his request of the Commission was explained to be the disqualification of candidates Frank Guinta in the Republican primary for the 1st District and Charles Bass in the Republican primary for the 2nd District, the incumbent Congressmen in both districts, and not for petitioner's name to be included on the ballot, although for what office it would be listed if it were, was never made clear.

DISCUSSION: The Ballot Law Commission is a creature of statute and its jurisdiction is limited by that statute. The number of Congressional Districts and their allocation among the states is dictated by the United States Constitution and recalculated after the decennial census is conducted. The state legislature determines the composition of the districts. New Hampshire has two Congressional districts as determined under this system. Neither the Secretary of State nor the Commission has jurisdiction over these matters, or the power to change them. The Deputy Secretary of State testified that candidates Guinta and Bass filed their candidacies in accordance with the law. The petitioner did not file for an office that exists, since he did not indicate the intention to run either in the 1st or 2nd Congressional Districts. The Commission has no jurisdiction over the matters petitioner asserts support his action, being subjects either for the Congress or the Federal Courts.

DECISION: Therefore, the Ballot Law Commission holds that Frank Guinta and Charles Bass are duly qualified to be on the respective ballots in the 1st and 2nd Congressional District Republican primaries on September 11, 2012, that Joseph S. Haas did not file for any office for which an election will be held, and the actions and decisions of the Secretary of State in this matter are upheld.

So ordered.

7/11/12

Bradford E. Cook, Chairman

Commissioners Cook, Clemons, Van Oot, Shumaker and Eaton voting yes.