STATE OF NEW HAMPSHIRE
BALLOT LAW COMMISSION

BLC 2012-3

David Carleton Boyle

This matter is the request by David Carleton Boyle, the petitioner, for the Commission to over-rule the Secretary of State and return the $100 filing fee Mr. Boyle submitted with his filing to run for Governor. The Secretary of State was represented by Deputy Secretary of State David M. Scanlan and Matthew Mavrogeorge, Esq. of the office of the Attorney General, his counsel. Mr. Boyle did not attend or submit any evidence.

Mr. Scanlon testified that the fees paid with declarations of candidacy are non-refundable and are administrative processing fees. He cited the Commission to the provisions of New Hampshire RSA 655:19-c which states in part that such fees, denominated "Administrative Assessment", are non-refundable under analogous circumstances to petitioner's.

The Commission voted unanimously to deny the refund and to uphold the decision of the Secretary of State, as there is no legal provision for refunding such fees which are paid to partially off-set the cost of handling the filing, regardless of its subsequent denial or withdrawal.

So ordered.

7/11/12

Bradford E. Cook, Chairman

Commissioners Van Oot, Clemons, Shumaker and Eaton also voting to support the decision.