

STATE OF NEW HAMPSHIRE
BALLOT LAW COMMISSION

Petition of David J. Lovejoy to be Placed on Ballot

BLC 2018-3

BACKGROUND: David J. Lovejoy, of Portsmouth, New Hampshire, filed a request with the Ballot Law Commission that his name be placed on the primary ballot for sheriff of Rockingham County, notwithstanding the fact he had not filed a declaration of candidacy during the filing period which ended on June 15. He presented a written commentary on the difficulty he encountered in trying to drive from the Seacoast region to Concord that day, in order to get to the office of the Secretary of State by 5 p.m., the deadline for filing, due to heavy traffic, and accidents.

The Ballot Law Commission held a hearing on the matter in Concord on June 25. At the hearing, Mr. Lovejoy presented the same arguments as set forth in the written communication. He testified that he had been out of state for most of the ten day filing period, and returned the evening of June 14, had driven to Concord many times, and had been in telephonic communication with the Secretary of State's office when he encountered the traffic. He admitted, that upon arrival, since it was after 5 p.m., he did not go to the office. David Scanlan, Deputy Secretary of State, confirmed Mr. Lovejoy's account, and stated that the office was open until 5 p.m.

DECISION

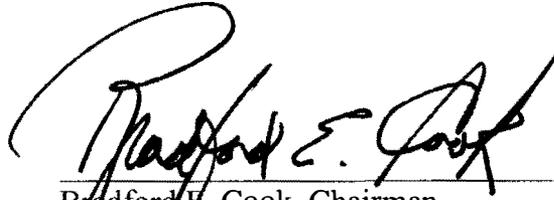
New Hampshire RSA 665:14 sets the filing period as "between the first Wednesday in June and the Friday of the following week..." RSA 652:20 states, "Whenever the election laws require filing with or an action by an official, such filing or action shall be performed before 5 o'clock in the afternoon of the stipulated day..." The 2018 filing period extended for the required days, and ended at 5 p.m. on June 15. Mr. Lovejoy chose to wait until the very end of the filing period, which was his right to do. The Secretary of State's office was open and available for filing for the entire time prescribed by statute. The Ballot Law Commission is sympathetic with the frustration the traffic encountered created, but has no power to rewrite the statutes, or find extenuating circumstances such as impossibility created by governmental action which made it impossible for Mr. Lovejoy to file. Therefore, it is unable to require his name be placed on the primary ballot.

ORDER

The Ballot Law Commission denies the request of David J. Lovejoy asking that his name be placed on the primary ballot for Rockingham County Sheriff.

SO ORDERED.

June 25, 2018

A handwritten signature in black ink, appearing to read "Bradford E. Cook". The signature is written in a cursive style with a large, looping initial "B".

Bradford E. Cook, Chairman
Michael Eaton
Bobby Stephen
David Campbell
Eugene Van Loan III