

**STATE OF NEW HAMPSHIRE
BALLOT LAW COMMISSION**

Appeal of Robert Joseph, Jr.

BLC 2020-2

BACKGROUND

Robert Joseph, Jr., of New Hampton, New Hampshire was informed of the fact that there were no Democratic candidates for state representative running from Belknap District 1, on the last day of the filing period, June 12. He went to the town clerk's office and filled out the Declaration of Candidacy form which was forwarded to the Secretary of State, and he was placed on the ballot. In August, after inquiry was made of the Secretary of State about another candidate in another district, an examination of all those who declared was made, to be sure they qualified, as registered voters in the political party in which they declared for office. Mr. Joseph was not listed as a registered Democrat, according to the state records, and his candidacy was declared invalid and the Secretary of State forwarded the matter to the Ballot Law Commission for review, along with the candidate who was the subject of the inquiry, and one other candidate.

A hearing was held on the matter on August 20, 2020, at which Mr. Joseph, represented by counsel, produced an affidavit, required by the provisions of Emergency Order 43, issued by Governor Sununu, which stated that if a voter changed party registration by mail, and signed an affidavit that the voter had filled out the requisite form and mailed it in time to be received prior to the deadline of June 2, the voter's party registration change would be valid, whether the form arrived in time to meet the deadline, or not. This order loosened the statutory requirements, due to the Covid-19 State of Emergency.

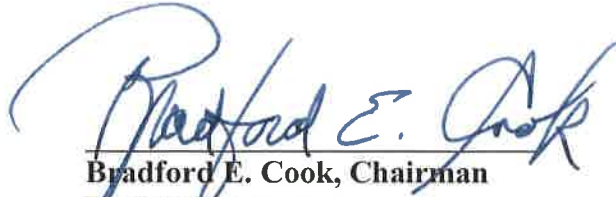
At the hearing, Mr. Joseph gave unrefuted testimony that he obtained the correct form for declaring his party on May 28, and sent it to the town clerk by mail. This supported his statements in the affidavit. Although the affidavit was not produced or signed until the date of the hearing, and had not yet been filed with the town, that was explained by the fact that Mr. Joseph had not known of the issue until the week prior to the hearing, and had just had the process for addressing it explained to him.

DECISION

The Commission heard the evidence and is aware that no complaint was made concerning Mr. Joseph's declaration, which only was discovered after an unrelated inquiry was made. There is unrefuted testimony from Mr. Joseph under oath, that he signed the form for changing party registration and mailed it in time for it to be received by the June 2 deadline. His affidavit was signed in conformity with the Emergency Order, and it is understandable that he did not sign it earlier, as he neither knew of the issue or the mechanism to address the issue. He and his counsel assured the Commission that he would file the affidavit with the town clerk directly and promptly. For all these reasons, the Commission finds that Mr. Joseph complied

with the law as modified by the Emergency Order, and should remain eligible for inclusion on the ballot as a candidate for state representative in the Democratic Party in Belknap District 1. His name will remain on the ballot and he is eligible for voters to vote for him in the Primary.

SO ORDERED.

A handwritten signature in blue ink, reading "Bradford E. Cook". The signature is written in a cursive style with a large, looping initial "B".

Bradford E. Cook, Chairman

David Campbell

Michael R. Eaton

Kathleen Sullivan

Robert LeTourneau, member, dissented