

Thursday, August 4, 2022

**From: Benjamin Weir**  
Merrimack County Sheriff Candidate

**To The Ballot Law Commission:**

I recently received an email from Elections Assistant Karen Ladd stating that I am disqualified from participating in the Merrimack County Sheriff race. The email alleged that I am not a registered voter, and therefore not a qualified candidate for office, despite acknowledging that I registered to vote with the Town Clerk in my domicile town of Pittsfield on June 9, 2022. As you know, the candidate filing deadline was June 10, 2022.

Ms. Ladd's email stated that my Declaration of Intent was nonetheless untimely because the last meeting of the supervisors of the checklist occurred on May 31, which, according to Ms. Ladd, was "the statutory deadline for changing party affiliation prior to the primary election." The RSA statute Ms. Ladd cited as the basis for this claim is NH Rev. 654:32 which states that, "[b]efore each state or presidential primary election, the supervisors of the checklist shall be in session before each primary for the change of registration of legal voters as provided in RSA 654:34 or 654:34-a or both." Respectfully, Section 654:32 does not warrant my disqualification.

*First*, Section 654:32, by its terms, only applies to "the change of registration of legal voters." I moved to New Hampshire in March 2022 the first time I registered to vote in this state was on June 9. Thus, my June 9 registration did not "change" my registration or change my party affiliation.

*Second*, Section 654:32 refers to the meeting of the supervisors of the checklist before "state or presidential primary elections." I am an undeclared voter with the party preference Libertarian. The Libertarian Party does not have ballot access in New Hampshire, and thus has no primary. For this additional reason, Section 654:32 does not disqualify me from running for office.

*Third*, under New Hampshire law, it is not necessary for the supervisors of the checklist to approve my registration for me to qualify as a registered voter

NH Rev. Stat. 654:7, lists the requirements for voter registration. In relevant part, the statute requires that a voter be “[a]t least 18 years of age on the day of the election,” “[a] United States citizen,” and “[d]omiciled in the town or city in which the applicant is registering to vote and not otherwise disqualified to vote.” Section 654:7 nowhere states that the supervisor of the checklist needs to approve a voter’s registration, or that they have discretion as to whether to do so.

The materials I submitted to the Town of Pittsfield on June 9, 2022, established that I met all of the Section 654:7 requirements. Accordingly, under New Hampshire law, I was duly registered to vote on June 9, 2022, which, as discussed, was the day before I submitted my Declaration of Intent.

I have collected nearly 250 nomination signatures from Merrimack County residents who wish to see my name on the ballot this November. I hope that this commission will honor the will of those residents and overturn the decision to disqualify me from participating in the election.

Thank you for your time and consideration.

In Liberty,

Benjamin Weir