

**STATE OF NEW HAMPSHIRE
BALLOT LAW COMMISSION**

Decision BLC 2022-6

Appeal of Hon. Jack Flanagan

BACKGROUND

Jack Flanagan, of Mason, New Hampshire, declared his candidacy for the New Hampshire House of Representatives, in Hillsborough District 45, a so-called “floterial district” which contains four towns, and therefore four ballots on which his name would appear on the ballot. There is no issue with his filing or qualification for candidacy in his district. When the ballots were prepared by the Secretary of State, it was apparent that his name appeared second on each ballot, when the Secretary complied with law on placement of names, with the other candidate for nomination on the Republican ballot, appearing first on each of the four. This was done on the basis of the requirements of NHRSA 656:24 which required, “with the exception of the office of state representative” that candidates’ names be listed in alternating order so each candidate is in each position to the extent possible. Citing NHRSA 656:5-a and the general intent of the statutes, Mr. Flanagan appealed to the Ballot Law Commission, asking that his name be first on two of the four ballots in the four towns in which he is running, alleging that ballot position is known to influence results, the reason for the rotation requirement. The Ballot Law Commission heard his appeal on August 24, 2022.

DECISION

Mr. Flanagan, an experienced public servant, and candidate for office this year, argues the general policy of New Hampshire statute in favor of name rotation. Against his argument is the clear statements of statute, which exempt the office of state representative from the requirement of rotation of names on ballots. While this Commission might sympathize with Mr. Flanagan on what he wishes the legislature had specified in the law, it did not. The clear provisions of law set forth in NHRSA 656:24 and other statutes, exempt the office of state representative from the rotation requirement, so the action taking by the Secretary of State in setting up the ballot in Hillsborough District 45 is correct, and his appeal is denied.

So ordered

**Bradford E. Cook, Chairman
David Campbell
Michael Eaton
Robert Letourneau
Eugene Van Loan, III**