



NEW HAMPSHIRE HOUSE REPUBLICAN ALLIANCE



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**Contacts: Representative William O'Brien
Phone: 673-6610
Fax: 673-8711
E-mail: District4Repr@aol.com**

**Representative: Paul Mirski
Phone: 632-5555
Fax: 632-4747
Email: Pmirski@mindspring.com**

Special Legislative Session Possible

The New Hampshire House Republican Alliance (HRA) is in the process of gathering signatures in preparation for the calling of a special session of the state legislature to deal with the confusion and possible voter disenfranchisement caused by the Supreme Court's recent ruling. Last week the Court struck down as discriminatory the Secretary of State's practice of alphabetizing the names of candidates as well as the law requiring candidates of the party winning in the previous election to be listed first on the ballot in the next election. In a novel approach to cases of this nature, the Court said that even though the benefit of going first was small, the potential existed for the results to be altered. The Supreme Court remanded the issue back to a lower court to address these ballot issues.

The HRA believes that every candidate ought to be given a fair chance of achieving elective office. If the present general election ballot fails to promote this end, then the ballot ought to be revised accordingly. It violates the constitutional division of powers, however, for the Supreme Court to direct a lower court to perform the legislative function of adopting appropriate election ballots.

The HRA believes that any attempt by the courts to craft a ballot for the November elections to be a violation of the separation of powers provisions of the NH Constitution, since Part II, Articles 22 and 35 of the Constitution clearly gives the House of Representatives and the Senate the sole authority to be the final judge of the returns, elections, and qualifications of legislators. As stated by Representative William O'Brien, a member of the House Election Law Committee, "The legislature alone has the responsibility to address these ballot issues. The continued intervention of the Court will only further interrupt the electoral process, invites further litigation and, if allowed to stand, could delay New Hampshire's upcoming general election and throw our electoral process into confusion."

For these reasons, it is the determination of the HRA that, absent an immediate and appropriate response by the Court to the request of the Secretary of State to clarify its ruling, such as by allowing the current ballot to be used for the upcoming election, a special session of the legislature must be called to deal with the matter of developing a new ballot for voting in November. Under these circumstances, the HRA will ask the Senate to join with the House to ensure that the legislature fulfills its constitutional mandated responsibilities and not again defer to the judiciary in another of its efforts to direct how the legislative function of New Hampshire should be conducted.

The NHHRA is comprised of members of the NH House of Representatives striving for legislative support for bills supporting the NH and U.S. Constitutions and NH Republican party platform. For more information, please log onto <http://www.nhhouse republicanalliance.org>.###