

A PETITION FOR REDRESS

WHEREAS the U.S. District Court in New Hampshire has recognized “under New Hampshire law, individuals have an explicit constitutional right to run for public office.” *Libertarian Party of New Hampshire, et al. v. William M. Gardner* (D.NH 2010); AND

WHEREAS Part 1 Article 11 says that “[e]very inhabitant in the state, having the proper qualifications, has an equal right to be elected into office.”; AND

WHEREAS Part 1 Article 4 says that “some [natural rights] are, in their very nature unalienable, because no equivalent can be given or received for them. Of this kind are the Rights of Conscience.”; AND

WHEREAS Part 1 Article 2 says that “Equality of rights under the law shall not be denied or abridged by this state on account of race, creed, color, sex or national origin”; AND

WHEREAS a political philosophy fits within the Merriam-Webster Dictionary definition of creed; AND

WHEREAS Part 1 Article 8 says that “All power resid[es] originally in, and [is] derived from, the people”; AND

WHEREAS Part 1 Article 10 states “Government being instituted for the common benefit, protection, and security, of the whole community, and not for the private interest or emolument of any one man, family, or class of men”; AND

WHEREAS candidates for political office who are not members of a recognized political party (see RSA 655:17-a “nonparty or other candidates”) have an unequal process for being placed on the ballot (see RSA 655:19-c; RSA 655:40; 41; 42; 43); AND

WHEREAS these laws create two distinct classes of political candidates; AND

WHEREAS on January 11, 2020 the Libertarian Party nominated candidates for public office except for President; AND

WHEREAS the Libertarian Party’s nominees began circulating nomination papers in January; AND

WHEREAS on February 27, 2020, the Centers for Disease Control issued guidance recommending, among other things, that members of the public practice “social distancing” and minimize close contact with others in order to slow the spread of COVID-19; AND

WHEREAS, on or about March 11, 2020 the World Health Organization declared COVID-19 a pandemic; AND

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency (retroactive to March 1, 2020) under the federal Stafford Act due to the spread of COVID-19; AND

WHEREAS on March 13, 2020 Governor Chris Sununu declared a State of Emergency due to Novel Coronavirus (COVID-19); AND

WHEREAS on March 16, 2020 Governor Chris Sununu issued Emergency Order #2 which restricted gatherings of 50 or more attendees; AND

WHEREAS on March 23, 2020 Governor Chris Sununu issued Emergency Order #16 which restricted gatherings of 10 or more attendees; AND

WHEREAS on March 23, 2020 the CDC issued interim guidance which included information on social distancing; AND

WHEREAS the CDC says “Social distancing is the practice of increasing the space between individuals and decreasing the frequency of contact to reduce the risk of spreading a disease (ideally to maintain at least 6 feet between all individuals, even those who are asymptomatic).”; AND

WHEREAS on March 23, 2020 Governor Chris Sununu issued Emergency Order #12 permitting state and local government bodies to conduct meetings through electronic means; AND

WHEREAS on March 26, 2020 Governor Chris Sununu issued Emergency Order #17 “Closure of on-essential businesses and requiring Granite Staters to stay at home” until at least May 4, 2020; AND

WHEREAS on March 27, 2020 Governor Chris Sununu issued Emergency Order #18 which authorized the Director of the Division Motor Vehicles to take measures to reduce in-person contact, including on-line transactions and remote services; AND

WHEREAS on April 1, 2020 Governor Chris Sununu issued Emergency Order #23 which relieved certain municipal and local governmental bodies from meet on a particular schedule or a certain number of times within a given time frame; AND

WHEREAS on April 1, 2020 Governor Chris Sununu issued Emergency Order #23 which relieved certain municipal and local governmental bodies from complying with statutory or local deadlines or deadlines set forth in a municipal charter for taking actions on applications and requests; AND

WHEREAS on April 1, 2020 Governor Chris Sununu issued Emergency Order #23 which authorized municipal and local governmental bodies to transition to phone, online, and limited appointment-only services to allow for proper social distancing as defined by the Center for Disease Control; AND

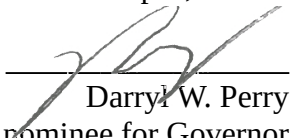
WHEREAS a candidate from a recognized political party filing in accordance with RSA 655:19-a would need to only pay a filing fee; AND

WHEREAS nonparty or other candidates filing in accordance with RSA 655:17-a must also comply with RSA 655:42 and pay a filing fee AND collect petitions; AND
WHEREAS other states have eased or eliminated petitioning requirements due to the ongoing pandemic; AND
WHEREAS at least two Secretaries of State have publicly asked their legislature to waive most petitioning requirements for the 2020 election; AND
WHEREAS Part 1 Article 32 states “The People have a right, in an orderly and peaceable manner, to assemble and consult upon the common good, give instructions to their Representatives, and to request of the legislative body, by way of petition or remonstrance, redress of the wrongs done them, and of the grievances they suffer.”; AND
WHEREAS the New Hampshire General Court has suspended all activities until May 4, 2020; AND
WHEREAS on January 30, 2013 House Speaker Terie Norelli ruled that a motion by Rep. George Lambert to refer a citizen petition to a committee was out of order; AND
WHEREAS the deadline for introducing new legislation has passed; AND
WHEREAS the House and Senate deadline for legislative action on bills from the other chamber is May 14, 2020; AND
WHEREAS the candidate filing period is June 3 through June 12; AND
WHEREAS a legislative solution before the candidate filing period is thus extremely unlikely; AND
WHEREAS nomination papers for nonparty or other candidates are to be delivered to City and Town Clerks by August 5; AND
WHEREAS collecting the requisite number of valid petitions requires interacting with tens of thousands of people; AND
WHEREAS the Libertarian Party will nominate its Presidential candidate over Memorial Day weekend; AND
WHEREAS there is no known timeline for an end to the ongoing pandemic; AND
WHEREAS a report from the Institute for Health Metrics and Evaluation estimates that by early August 337 New Hampshire residents will have died from the pandemic; AND
WHEREAS nonparty and independent candidates may not begin circulating petitions before January 1st of the election year; AND
WHEREAS it is unsafe to circulate and collect petitions during a pandemic; AND
WHEREAS it is not possible to circulate and collect petitions while also practicing safe social distancing; AND
WHEREAS even if it were legal and/or physically feasible to gather signatures during the current public health emergency, it is unlikely that petition-circulators would be able to gather signatures because there are fewer people congregating in public places and fewer people are likely to open their doors to strangers who come knocking; AND
WHEREAS even after the public-health emergency subsides, the COVID-19 outbreak is likely to have a negative effect on signature gathering for a substantial period of time; AND
WHEREAS this effectively created a truncated petitioning window; AND
WHEREAS there are several federal court decisions declaring that when a petitioning window is truncated, the burdens placed upon candidates should be reduced; AND
WHEREAS the US Supreme Court ruled “[a] burden that falls unequally on new or small political parties or on independent candidates impinges, by its very nature, on associational choices protected by the First Amendment.” *Anderson v. Celebrezze*, 460 U.S. 780 (1983)
WHEREAS in accordance with RSA 4:45, III and pursuant to Section 18 of Executive Order 2020-04, the Governor has the authority to promote and secure the safety and protection of the people of New Hampshire.

THEREFORE, I request the following relief:

- A declaration that nonparty or other candidates need only comply with RSA 655:19-c in order to be placed on the general election ballot.
- A declaration that any political organization that has placed a candidate on the general election ballot in one of the last 2 state election cycles be permitted to place their candidates on the ballot, provided the organization otherwise comply with RSA 655:43, II-IV.
- Such other and further relief as may be just and proper.

Dated April, 9 2020


Darryl W. Perry
Libertarian Party nominee for Governor