

**STATE OF NEW HAMPSHIRE  
BALLOT LAW COMMISSION**

**Decision BLC 2022-5**

**Appeal of Benjamin Weir**

**BACKGROUND**

Benjamin Weir, of Pittsfield, New Hampshire, moved to New Hampshire earlier this year. Once here, he decided to run for sheriff of Merrimack County as an unaffiliated (Independent) candidate. In order to do so, he completed a voter registration form on June 9, 2022 with the Pittsfield Town Clerk, and filed his declaration of intent on June 10, 2022 with the Secretary of State's Office. The filing deadline was that day. The Secretary of State's Office compared his filing with the list of registered voters, and, not finding him on the list, rejected his filing. He appealed that finding to the Ballot Law Commission. The Commission heard his case on August 24, 2022.

**DECISION**

From testimony received, it is clear that Mr. Weir did everything he needed to do to qualify for placement on the ballot in November as an independent candidate. There is no issue with his supporting documentation, or his declaration of intent. However, his status as a registered voter, which he is required to be, was the reason for his rejection. The Commission has considered his arguments, that he did all he was required to do, submitted his form, and his declaration of intent, and it is only due to the circumstances of when the Supervisors of the Checklist were to meet, which kept him from being on the list of registered voters. Indeed, later, the supervisors met, found him to be a qualified voter, added him to the voter list, and did so retroactively to the date of his filing (which apparently they cannot do). As his registration was pending, his candidacy was rejected.

This is a close case. A strict reading of the law would prohibit Mr. Weir from running for office, even though he did everything he could to qualify. The statutes relating to "registration" as a voter do not appear to prescribe that the applicant need do anything more than complete and submit his/her registration form to the Town Clerk in a timely manner, which Mr. Weir did. It is only the happenstance of when the Supervisors of the Checklist meet in his town which resulted in his being denied the opportunity to run. In the limited circumstances of his case, and not as precedent for future cases, each of which depends on its own facts, the equities of this situation dictate that he be allowed to be on the ballot. As can be seen from the vote on this case, two of the Commissioners believe that a strict reading of the law would prohibit Mr. Weir from running. While the majority disagrees with this analysis in this case, it is not an unreasonable reading of the law.

Benjamin Weir's request to be placed on the November ballot as an independent candidate for Merrimack County Sheriff is allowed and his name shall be placed on the ballot.

**So ordered.**

**Bradford E. Cook, Chairman  
David Campbell  
Eugene Van Loan, III**

**Dissenting: Robert Letourneau and Michael Eaton**