

THE STATE OF NEW HAMPSHIRE

BALLOT LAW COMMISSION

BLC-2011-4

COMPLAINT OF DR. ORLY TAITZ, ESQ. AGAINST BARACK OBAMA

DECISION AND ORDER

On November 18, 2011, the Ballot Law Commission (“the Commission”) held a public hearing, pursuant to RSA 665:7 to hear and determine disputes arising over whether nomination papers or declarations of candidacy filed with the Secretary of State conform with the law. Specifically, the above-captioned complaint alleged that President Barack Obama’s name should not appear on the Presidential Primary Ballot as a candidate for the nomination of the Democratic Party and that the Secretary of State had inappropriately ruled that the President’s name should be included. The complainant appeared and testified at the hearing, as did a number of other witnesses, including elected members of the New Hampshire legislature.

The complainant testified that she has been engaged full-time over the last three years in an investigation into the President’s birth certificate and social security number. She requested that the Commission overturn the decision of the Secretary of State and remove the President’s name from the ballot, or, in the alternative, require the President to provide to the Commission a copy of his original birth certificate and application for his social security number. She testified on a number of issues, including those cited

above and the question of how long the President attended Columbia University. The Commission notes that there is no provision of the Constitution that involves Social Security numbers or attendance at Columbia University or graduation from that institution as a requirement for becoming President of the United States.

RSA 655:47 requires the filing of a declaration of candidacy with the Secretary of State in a form prescribed by that statute, and signed under penalties of perjury. RSA 655:48 requires the payment to the Secretary of State at the time of filing the declaration of candidacy a fee of \$1,000. Assistant Secretary of State Karen Ladd provided the Commission with a signed copy of the President's declaration of candidacy, as well as a copy of the check in payment of the fee. She testified that Vice President Joseph Biden filed the President's declaration of candidacy.

In making its decision, the Commission notes, as a preliminary matter, that the candidate in question is the incumbent President of the United States. The matters asserted before the Commission are not new, and have been raised in a number of forums, both before and after the election of the President in 2008 and his inauguration in 2009. The Commission well could have declared the entire question moot or stale, given the fact that no federal determination about the eligibility of candidate and President-elect Obama questioned his eligibility under the Constitution when he was elected. The Commission did not do so, giving the complainant the opportunity to provide evidence.

In answer to a direct question, the complainant admitted that no adjudicatory body has ever sustained any of the theories advanced which question President Obama's eligibility to be elected to that office.

As counsel advised the Commission at its hearing, the jurisdiction of the New Hampshire Ballot Law Commission is limited to that afforded it by the legislature in its enabling legislation. That does not include investigation of asserted criminal activity, conspiracy or other matters. The Commission has no staff, no budget and receives no compensation for the service members provide the state. Even if there were facts asserted which deserve investigation, those allegations should be investigated by federal law enforcement or election officials. Absent an obvious defect in a filing for office (such as residency in a district different from that in which a candidate has filed, etc.), the Commission is limited to a review of the sufficiency of the filing of a candidate. After such review, and absent such a showing, there is absolutely no basis to reject President Obama's declaration of candidacy or to deny him a place on the 2012 Presidential Primary Ballot.

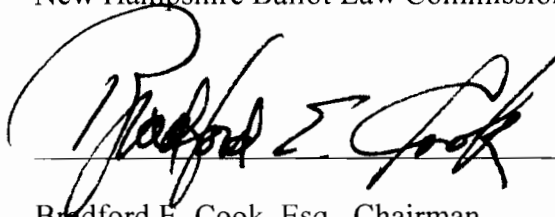
The Commission voted, unanimously, to uphold the decision of the Secretary of State to include the name of Barack Obama on the ballot.

So ordered,

New Hampshire Ballot Law Commission

Date: _____

11/30/11



Bradford E. Cook, Esq., Chairman
Jane Clemmons
Margaret-Ann Moran
Martha Van Oot
Jameson French