

THE STATE OF NEW HAMPSHIRE SUPREME COURT

No. 2023-0097

Daniel Richard

v.

Christopher Sununu, et al.

Motion for Leave of the Court to File New Late Authorities

Now comes, the Plaintiff Daniel Richard, pro se, pursuant to Supreme Court Rule 16 (7), respectfully gives notice of a new compelling authority from the recent decision by the Supreme Court of the United States “SCOTUS”, decided on June 27, 2024 in *SECURITIES AND EXCHANGE COMMISSION v. JARKESY ET AL* No. 22—859. (2024) (SEC v. Jarkesy) and the, *LOPER BRIGHT ENTERPRISES, ET AL., v. GINA RAINONDO, SECRETARY OF COMMERCE, ET AL. (LOPER BRIGHT et al. v. RAINONDO et. al.)* decided on June 28, 2024; where the Appellant here argues as compelling precedent applicable to the case at bar.

1. Accordingly, I respectfully submit to the honorable court, these new binding precedents of *SEC v. Jarkesy* (2024), and on *LOPER BRIGHT et al. v. RAINONDO et. al.* (2024), reaffirm the Appellants claims in this instant case that the New Hampshire Ballot Law Commission, and all of its statutory authority are in fact un-constitutional, and also the statutory scheme complained of in this case

is a violation of the separation of powers the Const. N.H. Part I, art. 37, as claimed in this instant case.

2. The Defendants' statutory scheme (N.H. RSA 656:40, RSA 656:41, RSA 656:42, RSA 656:42, RSA 656:43) relied upon by the NH Ballot Law Commission directly effects Federal Elections, as the state statutory scheme is also used in tandem to sort and count ballots in state and federal elections together.
3. Therefore, under the Supremacy Clause Article 6, and *MOORE V. HARPER ET AL. (2023)* this court has duty to ensure that when the N.H. Legislature exercises its law making powers under the Federal Elections Clause (Article 1, Section 4, clause 1), that such exercise of power is done pursuant to the authority granted by the people, as the Constitution of N.H. so provides for.
4. The Federal Elections Clause (Article 1, Section 4, clause 1.) of the United States Constitution (U.S. Const) requires the legislatures of the several states to establish the Time, Place, and Manner of conducting Federal Elections, and such regulations must be written pursuant to the authority of the Constitutions of the several states. *MOORE V. HARPER ET AL. (2023)*.
5. Under *MOORE V. HARPER ET AL. (2023)*, and the new binding precedents, the Ballot Law Commission and all of its statutory authority (N.H. RSA 656:40, RSA 656:41, RSA 656:42, RSA 656:42, RSA 656:43.) is now void as unconstitutional, and should be declared void ab initio, as such statutes are repugnant and contrary to such precedent, and the Constitution of New Hampshire, Part II, article 22 and article 35.

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859. (2024) (SEC v. Jarkesy),

6. The *SEC v. Jarkesy* decision re-enforces a fundamental fact in law, that a person cannot be deprived of life, liberty, or property with due process of law, and jury of their peers. Administrative agencies are not are not courts, and they do not proceed under the common law.
7. The second issue, under the U.S. Const. is that the people elect congress to make laws not administrative bodies. The same principle applies under the Const. N.H. the people of New Hampshire elect representatives to General Court to make law, not administrative bodies.
8. The third issue is that the government cannot rename a legal proceeding to try to “justify” and legitimize an improper (void) an administrative judicial proceeding in order to replace the rights of the people in legal proceedings in the Court of Record, as though proceeding in the course of the common law.

LOPER BRIGHT et al. v. RAINONDO et. al. (2024) Also, the new decision (*LOPER BRIGHT et al. v. RAINONDO et. al.*) which has repealed the legal doctrine of Chevron deference, which has now overturns that legal tactic. Therefore, the administrative state can no-longer make “rules” enforced as law, nor can it act in a judicial capacity in the examination of or enforcement of its own rules.

9. The Appellant claimed from the beginning of this case that the N.H. Legislature had exercised undelegated powers, by the creation of a statutory scheme, which was un-constitutional. Under the non-delegation doctrine, the legislature cannot

delegate its law-making powers to an un-constitutional body of unelected bureaucrats, by establishing the N.H. Ballot Law Commission (BLC) by statute, in direct violation of the Const. N.H. Part II, art 22:

“The House of Representatives” ... shall be judge of the returns, elections, and qualifications, of its members, as pointed out in this Constitution.

And Part II, art. 35:

“The senate shall be final judges of the elections, returns, and qualifications, of their own members, as pointed out in this constitution.”

WHEREFORE, THE APPELLANT respectfully submits these New Authorities for additional consideration in this case forthwith.

Respectfully submitted,

/s/ Daniel Richard

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Certificate of Service

I hereby certify that a copy of the foregoing was served through the Court’s e-filing system to all parties of record

July 16, 2024

/s/ Daniel Richard

Daniel Richard