



NEW HAMPSHIRE
SUPREME COURT
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THE STATE OF NEW HAMPSHIRE

SUPREME COURT

Docket No. 2012-0338

City of Manchester, *et al.*

v.

William M. Gardner, in his official capacity as Secretary of State of the State of New Hampshire

City of Concord

v.

William M. Gardner, in his official capacity as Secretary of State of the State of New Hampshire

Hon. Mary Jane Wallner, *et al.*

v.

William M. Gardner, in his official capacity as Secretary of State of the State of New Hampshire

Town of Gilford, *et al.*

v.

William M. Gardner, in his official capacity as Secretary of State of the State of New Hampshire

Hon. Marshall E. Quandt, *et al.*

v.

William M. Gardner, in his official capacity as Secretary of State of New Hampshire

Interlocutory Transfer Pursuant to Rule 9

RESPONDENT'S AND ATTORNEY GENERAL'S REPLIES TO QUESTION A

Respondent, William M. Gardner, Secretary of State, ("the Secretary"), by and through his counsel, the Office of the New Hampshire Attorney General, and Michael A. Delaney, Attorney General, respond as directed by the Court's May 14, 2012 Order to Question A.

1. It is the Legislature's constitutional role to make an apportionment of representatives in accordance with the latest census. *See* NH Const. Pt. II, Art. 9.
2. The Secretary is the chief election officer for the State. RSA 652:23.

3. The Secretary is responsible for establishing the political calendar for state elections setting forth the dates when actions required under the election laws must be taken. RSA 652:21.
4. A person seeking a nomination must file between the first Wednesday of June and the Friday of the following week. RSA 655:14.
5. The Secretary is party to this action solely in his official capacity. He takes no specific position with respect to the constitutionality of RSA 662:5 (2012).
6. The Attorney General is the attorney for the State in all civil cases before this Court. RSA 7:6.
7. The Attorney General has a dual role in this case in that he represents the Secretary and has the separate role of defending the constitutionality of a duly enacted law. *See generally State v. Swift*, 101 NH 340, 342 (1958); *see also* Supreme Court Rule 31.
8. In his capacity as Attorney General on behalf of the State, Attorney General Delaney concurs with the Brief filed by the Speaker of the New Hampshire House of Representatives.

WHEREFORE the Attorney General respectfully moves that this honorable Court:

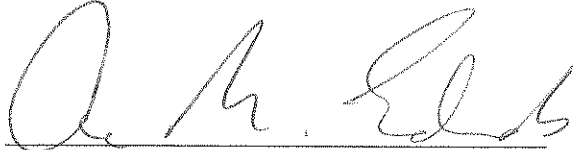
- A. Grant the relief sought in the Speaker's Brief ; and,
- B. Grant such further relief as may be just and equitable.

Respectfully submitted,

WILLIAM M. GARDNER
SECRETARY OF STATE
STATE OF NEW HAMPSHIRE

And

MICHAEL A. DELANEY
ATTORNEY GENERAL



Anne M. Edwards, Bar #6826

Associate Attorney General

Stephen G. LaBonte, Bar #16178

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Date: May 17, 2012

Certification

I certify that a copy of the foregoing was sent this day via email and first class postage prepaid to: Thomas J. Donovan, Esquire, Richard J. Lehmann, Esquire, David A. Vicinanza, Esquire, Anthony J. Galdieri, Esquire, Peter V. Millham, Esquire, Danielle L. Pacik, Esquire, Martin P. Honigberg, Esquire, Jay Surdukowski, Esquire, Tony F. Soltani, Esquire, Jason B. Dennis, Esquire; Allan B. Krans, Sr., Esquire.



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Date: May 17, 2012