



N.H. Secretary of State: No Legal Basis to Keep Trump off Ballot

As a growing number of states look to keep former President Donald Trump out of the 2024 presidential election, New Hampshire Secretary of State David Scanlan has announced that he doesn't have the power to decide such a thing. Scanlan made the comments on Wednesday at a news conference in answer to a September 12 letter from dozens of state representatives encouraging him to ensure that Trump is allowed on the ballot.

The [letter](#) stated: "There is no legal basis for these claims [of Trump's disqualification] to hold up in any legitimate court of law. The opinions of those perpetuating this fraud against the will of the people are nothing more than a blatant attempt to affront democracy and disenfranchise all voters and the former President. These individuals who are seeking to deny voters access to support their candidate of choice are nothing more than political pawns of the Left doing their bidding, which is disappointing since the Democrat Party has continually tried to strip New Hampshire of its First-in-the-Nation status."



AP Images
David Scanlan

There are efforts underway in several states to keep former President Trump off the ballot under Section Three of the Fourteenth Amendment, which prohibits officials from assuming public office if they "engaged in insurrection or rebellion against" against the nation. Proponents of the efforts say that Trump's actions on January 6, 2021 disqualify him from another chance at the presidency.

But, according to Scanlan, it's not up to him — or any secretary of state — to make such a determination.

"The United States Supreme Court is the authority that could make a determination on a disqualification challenge regarding a presidential candidate that would apply to all states," Scanlan said.

"At a time when we need to ensure transparency and build confidence among voters around the country, the delegate selection process should not be the battleground to test this constitutional question," he added.

He warned the other states that are exploring restricting Trump from the ballot that, "in a situation



Written by [James Murphy](#) on September 16, 2023

where some states permit a name to appear on the ballot and other states disqualify it, chaos, confusion and anger will be the result.”

New Hampshire’s Attorney General John Formella appears to agree with Scanlan. After Scanlan requested guidance on the Fourteenth Amendment issue, Formella [explained](#), “In circumstances where a presidential primary candidate has not been convicted or otherwise adjudicated guilty of conduct that would disqualify that candidate under section Three, I conclude that New Hampshire law does not give the Secretary of State the discretion to decline to place a presidential candidate’s name on the ballot based on alleged Section Three disqualification.”

It was all welcome news to New Hampshire GOP Chairman Chris Ager.

“I am very happy that the ambiguity over the 14th Amendment has been put to bed and now we can just focus on the retail campaigning and let the people choose who they want to choose,” Ager said. “It’s a decision based on the law and our constitution and so it is a very well-reasoned, definitive response and that is good for the residents of New Hampshire.”

A [Minnesota lawsuit](#) intended to keep Trump off the ballot says, “Donald J. Trump, through his words and actions, after swearing an oath as an officer of the United States to support the Constitution, engaged in insurrection or rebellion, or gave aid and comfort to its enemies, as defined by Section 3 of the Fourteenth Amendment.”

Trump’s campaign has called the efforts to remove him from the ballot “absurd.”

“The people who are pursuing this absurd conspiracy theory and political attack on President Trump are stretching the law beyond recognition,” said Trump campaign spokesman Steven Cheung. “There is no legal basis for this effort except in the minds of those who are pushing it.”

It now makes sense why so many referred to the unrest at the Capitol on January 6, 2021 as an “insurrection.” They were hoping to disqualify Trump from any future run by equating those events with some sort of treason.

“By any means necessary” seems to be the rallying cry of the anti-Trump forces in America. The 45th president has endured two impeachment efforts, four indictments looking to imprison him, and, now, these efforts to remove him from the ballot in 2024. You can tell how effective someone has been by the zeal of those looking to stop him.

Unfortunately, for those anti-Trump zealots, Trump seems to enjoy a good fight.



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