

**Notice & Demand to Comply with the New Hampshire Constitution to  
New Hampshire Secretary of State David Scanlon - Absentee Voting & Ballot Procedures**

**To:**

New Hampshire Secretary of State David Scanlon  
State of New Hampshire Department of State  
107 North Main Street  
Concord NH 03301  
david.Scanlon@sos.nh.gov

Representative Sandra Panek  
Representative Emily Phillips  
Representative Kristine Perez

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**Notice to Agent is Notice to Principal and Notice to Principal is Notice to Agent**

I, \_\_\_\_\_, one of the people as seen in New Hampshire Constitution Part 1 Articles 1, 2, 7, 8, 10, 12, 32, and 38, Sui Juris, do now present you with this lawful command to follow my instructions, (as you are specifically bound to do under my powers found in Part 1 Article 8, 32, and 38) that you may provide due care to immediately redress the following grievance:

**Take notice** that the New Hampshire Department of State personnel have been and are continuing to operate outside of the terms of agreement found within the Express Trust Indenture known as the New Hampshire State Constitution. The "Express" portion of the phrase "Express Trust Indenture" means that only what is expressly written is granted authority; What is not expressly written is forbidden.

New Hampshire Constitution Part 1 Art 11 contains the expressly written grants regarding who is authorized to vote by absentee ballot in New Hampshire and guarantees equal protection in his right to vote. Only what is expressly granted there is authorized, and what is not expressly granted is forbidden. See evidence below:

**Maxim:** That which is granted or reserved in a certain specified form must be taken as it is granted, and will not be permitted to be made the subject of any adjustment or compensation on the part of the grantee. Ex. parte Miller. 2 Hill (NY) 423; Bacon, Max. 26, reg.4.

**Take notice** that the Secretary of State is charged per the New Hampshire Constitution Part 2 Art 33 with examining fair and attested records constituting results of votes in elections from New Hampshire towns, wards, or unincorporated places. The Secretary of State has permitted and continues to permit an unequal right to vote, through issuance of summons and notice to persons allegedly elected, by accepting for examination attested-to-as-fair records and declarations from towns and wards, by knowingly accepting for examination such records which include absentee ballots within those resultative counts:

1. from voters not meeting the qualifying exception as prescribed by Part 1 Art 11 as those *"...who are absent from the city or town of which they are inhabitants, or who by reason of physical disability are unable to vote in person;"*
2. from affidavit envelopes lacking properly executed affidavits ensuring that a process for an equal protection standard had been met for similarly situated qualified voters, as required
  - a. in Part 1 [Art 10] *"Government being instituted for the common benefit, protection, and security, of the whole community, and not for the private interest or emolument of any one man, family, or class of men; therefore, whenever the ends of government are perverted, and public liberty manifestly endangered..."*
  - b. and guaranteed in Part 1 Art 11; *"...shall have an equal right to vote in any election."*

Such actions are not in the express written grant found within the original general grant of authority which the people of New Hampshire through their consent, entrusted to all magistrates and officials to carry out under the constraints of New Hampshire Constitution Part 1 Article 38: "...and they have a right to require of their lawgivers and magistrates, an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of government."

Any language within current statutes or process being followed that is repugnant to this aforementioned mandate violates Part 2 Article 90:

*"...All the laws which have heretofore been adopted, used, and approved, in the Province, colony, or State of New Hampshire, and usually practiced on in the Courts of Law, shall remain and be in full force, until altered and repealed by the Legislature; such parts thereof only excepted, as are repugnant to the rights and liberties contained in this Constitution."*

**Take notice** that the Express Trust Indenture called the New Hampshire Constitution has clear and detailed expressly written grants concerning elections in towns, wards, and unincorporated places. Part 1 Article 11 clearly defines the intent of the right to vote to be equal. Any process practiced that creates an unfair or unequal requirement between similarly situated qualified voters does not serve any purpose toward preserving the equality of the right to vote in any election. Under the Historical Analysis Test, (the customs and usages at the time of the writing of the original law found in Part 1 Article 11, Part 2 Articles 32, 33, & 42) not one of these

words was found to contain any meaning whatsoever related to practices permitting different sets of standards of voting processes for similarly situated voters, a matter which was addressed by the legislature in 1942 where for mailed or otherwise delivered ballots requiring physical presence of a witness certification by affidavit attesting to a five-part requirement which more closely ensured the equal protection of the right to vote, incorporating the following procedure in absentee voting:

1. *He shall mark said ballot in the presence of an official authorized by law to administer oaths, and of no other person, and, except in the case of a voter physically disabled, in a city or town which is separated by at least one city or town from the city or town wherein the voter is registered.*
2. *He shall deliver the official ballot to said official for examination, who shall satisfy himself that the ballot is unmarked and the voter shall not allow said official to see how he marks it.*
3. *Said official shall hold no communication with the voter, nor he with said official, as to how he is to vote.*
4. *After marking the ballot, the voter shall enclose and seal the same in the envelope provided for in paragraph III of section 61.*
5. *He shall then execute before said official the affidavit on said envelope as set forth in said paragraph, and shall enclose and seal the envelope containing the ballot in the envelope provided for in paragraph IV of section 61, endorse thereon his name, address, and voting place, and shall mail the envelope, postage prepaid, or cause it to be delivered.*

Therefore, the express grant that the people of this state originally entrusted to the Secretary of State has solely to do with the aforementioned subject matter. Conversely, there is no express grant contained in the article that permits different standards for similarly situated voters; this means that the founders expressly forbade, by way of omission, the subject matter currently in controversy in the current practices which permit the casting of absentee ballots by voters with unqualified exceptions and through the use of unequal processes. The founders clearly reserved this private topic back to the people. Therefore, (by virtue of the state constitution's two-part construction and formation as an Express Trust Indenture – see reference to *Wooster v Plymouth* below) there exists nowhere in New Hampshire Constitution Part 1 Article 11, Part 2 Articles 32, 33, & 42 a general grant to take exercise in matters reserved back to the people. See evidence below:

**Maxim:** As usurpation is the exercise of power, which another has a right to; so tyranny is the exercise of power beyond right, which no body can have a right to. Locke, Second Treatise of Government, Chapter XVIII, Section 199.

**Take notice** that in New Hampshire Supreme Court Case *Wooster v. Plymouth*, the justices stated the following to illuminate the intent of the framers of the state constitution:

“The division of the constitution into two parts was not made without a purpose, and the name of each part is not without significance. The first is a ‘bill of rights.’ The second is, in general, a grant of powers, made by the people to ‘magistrates and officers of the government,’ who are declared (in Part 1, Art. 8) to be the grantor’s ‘agents.’ The first contains a list of rights not surrendered by the people when they formed themselves into a state. Parts 1, Arts. 1,2,3; Part 2 art. 1. By the reservation of these, they limited the powers they granted in the second part, and exempted themselves, to the stipulated extent, from the authority of the government they created.”

**Take notice** that New Hampshire RSA 657:1 has no bearing whatsoever on the ability of the Secretary of State to summarily order an immediate cease and desist notice to all moderators and clerks of the towns and wards of New Hampshire from permitting any inclusion of declared and attested-to resultative counts and records which violative of equal protections and rights, and other than what has been included in the plain language of the New Hampshire Constitution Part 1, Art 11 (which contains no language permitting an otherwise qualified voter to obtain and cast an absentee ballot for religious, certain victims, confinement, employment, care of children or infirm adults, or weather-related reasons). This lawful order, issued by me, is an order to immediately return to the required good-faith fulfillment of your agreed-upon duty to never trespass the people by allowing the public government to interfere with the private people and what they have reserved back to themselves by way of Part 1 of the State Constitution and by way of expressly granting you specific instructions in Part 1 Art 11, Part 2, Art 32, 33 and 42, and by way of omitting, and thereby forbidding you from accepting for examination any improperly or unfairly attested-to records of any election counts. See evidence below:

**Maxim:** An affirmative statute does not take away from the common law. Jenk. Cent. 24.

**Maxim:** Good faith demands that what is agreed upon shall be done. Dig. 19, 20, 21; Id. 19, 1, 50; Id. 50, 8, 2, 13.

**Maxim:** The government is to be subject to the law, for the law makes the government. C.L.M.

**Maxim:** The government cannot load a citizen with imposition against his will or consent. 2 Coke, 61.

**Maxim:** Constitutions and Law precede the Judiciary. *Luther v Borden*, 7 How. (48 U.S.) 1, 52.

**Take notice** that it is exceedingly well established: that the state constitution is, in fact, a Trust Indenture; that all government officials' primary duty is to follow the instructions of the Grantors of the Trust; and that their secondary duty is to carry out their duties in accordance with the law. The law is the New Hampshire Constitution, and it is clear; The people have a guaranteed right to give instructions as seen in Part 1 Article 8, 32, and 38; and the law pertaining to the matter at hand is clearly seen in Part 1 Article 11 with equal protections guaranteed, express grants listed, and absentee reasons of religion, employment and weather omitted and thereby expressly forbidden.

**Take notice** that it is evident that the New Hampshire Constitution is an Express Trust Indenture by way of the phrase “accepting the trust” as seen in Part 2 Article 84, and the word “Agent” appearing in Part 1 Article 8 (Black's Law 4th defines “Trustee” and includes “Agents”), as well as other factors not listed here.

**Please take further notice:** It is my wish and demand that you, Mr. David Scanlan, New Hampshire Secretary of State, shall immediately upon receipt of this notice, utilize the authority vested in you by the seat of your office (which the people created) to order that all personnel in your charge to:

1. Print absentee affidavit with witness of public official authorized by law to administer an oath for execution as statutorily mandated in RSAs 659:30 & required in 659:50, reflecting the 1942 standards from P.L 26:65, which protected the equal rights of voters at the time of the amendment through 1979.
2. Remove any statutorily granted privileges achieved without required consent from Part 1, Article 100 - to claim exemption specifically not contained in New Hampshire Constitution Part 1 Art 11 from the inner envelope. Part 2, Article 90 has made non-consented parts void (Marbury v Madison, 5 U.S. 137 (1803) Nort v Shelby County, 118 U.S. 425 (1886), Merrill v Sherburne, 1 NH 199,8 Am. Dec. 52 (1818).
3. Modify any election procedures documentation in a manner preventing any issuance or acceptance of absentee ballots for reasons specifically not contained in New Hampshire Constitution Part 1 Art 11.
4. Modify any election procedures documentation in a manner preventing the inclusion in any election results or attested-to records of any absentee ballots that do not have a certified inner envelope consistent with the requirements as statutorily provided for in 1942, which enforce equal protections among similarly situated qualified voters.
5. Instruct all moderators, clerks, and other election officials of afore discussed modification with directions on the appropriate issuance and inclusion of absentee ballots.
6. Establish a weekly progress report with the New Hampshire House Representatives below, whom I now also command to undertake this task of overseeing your fulfillment of good faith duty to restrain your staff from violating the New Hampshire Constitution, and the logistical operation required to bring the New Hampshire Department of State back into compliance.
7. Utilize the notice that we present for your use (see attached Cease and Desist notice. You may add specifics such as time and place etc.) to place on your letterhead, as the general command to your charges, and then you may engage the below-listed representatives, particularly Sandra Panek, Kristine Perez, & Emily Phillips, for suggestions and oversight of the logistics involved with bringing any election-related materials in controversy into constitutional compliance.
8. Ensure that no Department of State employees, appointees, volunteers, contractors, or any persons whatsoever who hold any title or color of law within the Department of State interfere with this effort.
9. Provide to the below-listed New Hampshire House Representatives a written report of any personnel in your charge who attempt to interfere with this lawful command that I have issued to you. You shall provide a written report of any other government official, who is a Trustee of mine, that attempts to interfere with my guaranteed right to require of you an exact and constant observance of the law (New Hampshire Constitution Part 1 Article 8, 32, and 38). Anything less than what is outlined here shall be considered maladministration and the several people will issue sworn and notarized affidavits attesting to your insubordination.

**My final wish and demand:** If you believe you have been granted authority anywhere in the State Constitution to block my guaranteed rights to an equal right to vote or that any of the foregoing statements in this Notice are untrue, or that any one of my other government Trustees outranks me in this chain of command established by the Trust Indenture, then rebut this notice point-by-point by way of sworn and notarized affidavit under penalty of perjury within 7 business days. You shall deliver your rebuttal by certified mail to the New Hampshire House Representatives listed below at their State House mail addresses. If you should fail to respond with Constitutional authority showing how you can block or infringe Constitutionally guaranteed rights of your Grantors, then you agree, by acquiescence, that you are bound to execute my instructions and you further agree that this notice shall stand as evidence, truth, and fact, in law in all courts of record. Should you desire to be a good and faithful Trustee, then I will greatly appreciate you and you shall inform New Hampshire House Representatives Sandra Panek, Kristine Perez, and Emily Phillips within 7 business days that you intend to comply with my lawful orders duly issued by way of this Notice. If you intend to comply, you shall notify the above-listed representatives immediately by their state house email addresses to ensure that this instruction is carried out. In the event that Secretary Scanlan does not comply within the time specified of receiving this notice, I further instruct said Representatives to form an investigatory committee and begin impeachment proceedings, by the authority vested in them in NH Constitution Part 2 Articles 17 and 38.

This notice is delivered to you in the Peace and Love of Christ under a desire to reconcile Trustees back to their contracts on good terms with their Grantors.

**Take notice** that any person found suppressing this lawful communication between the people/grantors and government agents/trustees is engaging in tortious interference of contract and agrees to pay the sum of five thousand dollars per count or infraction.

Autograph

11-21-2023

Date

THIS PAGE CONTAINS THE CEASE-AND-DESIST NOTICE  
TO BE SENT BY THE SECRETARY OF STATE

To: \_\_\_\_\_

From: David Scanlan, New Hampshire Secretary of State

**Cease and Desist**

**Please take notice that** the New Hampshire State Constitution is a trust indenture from the People granting authority to the persons in government, giving them general authority to handle certain issues within the People's business;

**Part First, New Hampshire Constitution Article 1; Equality of Men; Origin and Object of Government** All men are born equally free and independent; therefore, all government of right originates from the people, is founded in consent, and instituted for the general good.

**Please take notice that** in order for government servants to obtain a power, the People must first possess that power. The People then must grant a portion of this power within the constitution of the state;

**Maxim 51o.** All political power is inherent in the people by decree of God, thus none can exist except it be derived from them. *American Maxim*

**Please take notice that** government servants found to be exercising duties and taking power independent of those indicated in the constitution, go against the fundamental principles upon which this State and Nation were created.

As servants to the People, you have no power that has not been granted to you. (see evidence below):

**Maxim 51r.** As usurpation is the exercise of power, which another has a right to; so tyranny is the exercise of power beyond right, which no body can have a right to. Locke, *Treat*, 2, 18, 199. (verified)

**Please take notice that** fundamental principles of law demand that government servants, in the State and Political Subdivisions, take only the power that is given in the form and measure given. I wish to clarify the purpose of elections, as declared by the People who created the New Hampshire State Constitutional provision dealing with elections (See evidence below):

**New Hampshire Constitution Part First Text of Article 38: Social Virtues Inculcated** A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to justice, moderation, temperance, industry, frugality, and all the social virtues, are indispensably necessary to preserve the blessings of liberty and good government; the people ought, therefore, to have a particular regard to all those principles in the choice of their officers and representatives, and they have a right to require of their lawgivers and magistrates, an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of government. (Underline added for emphasis) (provision verified)

**Please take notice that** in order to keep a free state, the People have a guaranteed right to require lawgivers and government workers to keep an exact and constant observance of the fundamental principles of the constitution. Furthermore, the purpose of a frequent recurrence to fundamental principles in the constitution, is to preserve the blessings of liberty and good government **by** keeping the body politic free as seen below:

**New Hampshire Constitution Part First Text of Article 10: Right of Revolution** Government being instituted for the **common benefit**, protection, and security, of the whole community, and **not for the private interest or emolument** of any one man, family, or **class of men**; therefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to reform the old, or establish a new government. The doctrine of nonresistance against arbitrary power, and oppression, is absurd, slavish, and destructive of the good and happiness of mankind.

**New Hampshire Constitution Part First Text of Article 11: Elections and Elective Franchises.** All elections are to be free, and every inhabitant of the state of 18 years of age and upwards shall **have an equal right** to vote in any election. Every person shall be considered an inhabitant for the purposes of voting in the town, ward, or unincorporated place where he has his

domicile. No person shall have the right to vote under the constitution of this state who has been convicted of treason, bribery or any willful violation of the election laws of this state or of the United States; but the supreme court may, on notice to the attorney general, restore the privilege to vote to any person who may have forfeited it by conviction of such offenses. The general court shall provide by law for voting by qualified voters who at the time of the biennial or state elections, or of the primary elections therefor, or of city elections, or of town elections by official ballot, are absent from the city or town of which they are inhabitants, or who by reason of physical disability are unable to vote in person, in the choice of any officer or officers to be elected or upon any question submitted at such election. Voting registration and polling places shall be easily accessible to all persons including disabled and elderly persons who are otherwise qualified to vote in the choice of any officer or officers to be elected or upon any question submitted at such election. The right to vote shall not be denied to any person because of the non payment of any tax. Every inhabitant of the state, having the proper qualifications, has equal right to be elected into office.

**Maxim 51q.** A frequent recurrence to fundamental principles, and a firm adherence to justice, virtue, and original law, are indispensably necessary to preserve the blessings of liberty and good government. *American Maxim*

**Maxim 47e.** Liberty is more favored than all things [anything.] *Dig. 50, 17, 106.*

**Please take notice that** preserving the equal and unprejudiced right to vote and adhering to the strict requirements for voters eligible to cast absentee ballots under the New Hampshire Constitution are essential to the preservation of a free government and the common benefit and protection of the rights of men – the only desired ends declared and the intended purpose for the grant of power to the elected government servants. The constitutional provision, New Hampshire Constitution Part First Text of Article 10, declares that it is highly conducive to promote this end. It is the **DUTY of ALL LEGISLATORS AND MAGISTRATES,** in all present and future periods of this government to cherish the grants made by the people of New Hampshire and honor their consent. It is also their duty **to protect personal rights, private property and public liberties, while upholding the law of God.**

**Maxim 51p.** The main object of government is the protection and preservation of personal rights, private property, and public liberties, and upholding the law of God. *American Maxim*

**Please take notice that,** in the New Hampshire Constitution, there is no grant found, written by the People, which allows any issuance or acceptance of absentee ballots for reasons of religion, employment or weather; nor is there any grant found that permits any

class of voters of similar situation to have different standards for ensuring a ballot is properly cast; nor is there any historical usage of the same in order to keep a state free.

**Please take further notice that** the New Hampshire State Constitution is the document created to keep a free state, that which preserves the People's power. Meanwhile, persons or entities with no grant of authority, who continue these prohibited practices go against fundamental principles declared in the same State Constitution;

It is for this cause that it is my immediate demand and order that all employees, under my authority, remove from ALL public offices ALL relevant election materials and instructions that permit implicitly or explicitly the issuance or acceptance of absentee ballots for religious, employment or weather related reasons or for any other reason other than as specifically described in Part I Article 11. In addition, under no circumstances shall an absentee ballot be accepted without a proper process equivalent to similarly situated "same-day" voters, physically witnessed by a sworn personal verification by an authorized person. If there is no grant of authority showing through the consent of The People of New Hampshire that these materials are necessary and proper, to keep a free government and state and promote the equal preservation of personal rights, they must be immediately removed.

Autograph\_\_\_\_\_ Date\_\_\_\_\_