

No. 25-1390

In the
Supreme Court of the United States

Daniel Richard, *pro se*,

Petitioner,

v.

Governor, State of New Hampshire, et al.,

Respondents.

On Petition for a Writ of Certiorari to the Supreme
Court of New Hampshire

PETITIONER'S REPLY BRIEF

Daniel Richard, *pro se*

Hereinafter Petitioner

95 Rockingham Road Auburn, NH 03032

(603) 315-5755

July 27, 2026

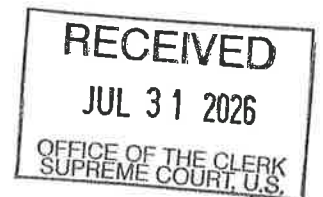


TABLE OF CONTENTS

Argument	2
I. The Decisions Below Do Not Rest on Independent and Adequate State Grounds	3
II. The Local-Election Distinction Is Irrelevant to the Federal Questions Presented	6
III. The Vote-Dilution Claim Is Justiciable and Presents a Substantial Federal Question	8
IV. Conclusion	9

ARGUMENT

Respondents' Brief in Opposition (BIO)

mischaracterizes the petition and the decisions below. It contends that the New Hampshire Supreme Court's rulings rest on independent and adequate state grounds, that the underlying election was merely local (and thus outside the Elections Clause), and that Petitioner's claims amount to non-justiciable generalized grievances. Each contention fails.

I. The Decisions Below Do Not Rest on Independent and Adequate State Grounds

The BIO asserts that this Court lacks jurisdiction under 28 U.S.C. § 1257(a) because the New Hampshire Supreme Court decided the case under the State Constitution. BIO at 6, 12–16. That is incorrect.

Where a state-court decision implicates federal constitutional limits on state regulation of elections—particularly the Elections Clause (U.S. Const. art. I, § 4, cl. 1), the Qualifications Clauses, and the Equal Protection Clause—the independent-and-adequate-state-ground doctrine does not bar review. *Michigan v. Long*, 463 U.S. 1032, 1040–42 (1983); *Moore v. Harper*, 600 U.S. 1, 29–36 (2023). The state courts’ treatment of Part II, Article 32 of the New Hampshire Constitution as “silent” on the method of counting ballots, and their dismissal of the

equal-protection/vote-dilution claim as a non-justiciable generalized grievance, directly engage those federal constraints.

- I. In *Moore*, this Court held that state courts may not “transgress the ordinary bounds of judicial review” in a manner that effectively insulates state election rules from meaningful scrutiny under the Federal Constitution. 600 U.S. at 36. Declaring a state constitutional provision that expressly addresses the duties of moderators and the counting of ballots to be silent on the method of counting, while upholding statutes authorizing electronic machines and expanded absentee processes with weaker verification, is precisely the sort of review that raises federal Elections Clause concerns. The same is true of the equal-protection analysis: the state courts

treated the federal claim as coextensive with (and no more protective than) the state equal-protection claim and then dismissed it without independent federal analysis. Pet. App. __; BIO at 10–11. That approach renders the federal question inextricably intertwined with the state-law ruling and insufficiently independent to preclude jurisdiction. *Long*, 463 U.S. at 1040–42.

Respondents cite *Florida v. Powell*, 559 U.S. 50 (2010), for the proposition that state courts are free to interpret their own constitutions. BIO at 13. That principle is uncontroversial—but it yields when the state-court interpretation implicates or dilutes federal constitutional protections in the administration of elections. The petition does not ask this Court to re-interpret New Hampshire’s

Constitution in the abstract; it asks whether the state courts' handling of that Constitution denied meaningful judicial review under *Moore* and produced unequal treatment of ballots in violation of *Bush v. Gore*, 531 U.S. 98 (2000), and *Reynolds v. Sims*, 377 U.S. 533 (1964).

II. The Local-Election Distinction Is Irrelevant to the Federal Questions Presented

The BIO repeatedly emphasizes that the March 2022 election at issue was a local election. BIO at 9, 13. That fact does not dispose of the federal questions.

First, the structural claims under the Elections and Qualifications Clauses concern the constitutional framework that governs how New Hampshire conducts elections, including those that affect federal offices. The same statutes, machine-counting procedures, and absentee rules apply across

elections. Second, the equal-protection/vote-dilution claim does not depend on the election being federal. *Bush v. Gore* and *Reynolds* apply to the dilution of the weight of a citizen's vote through disparate standards of counting and verification, regardless of whether the particular contest is local or federal. A system that subjects in-person, hand-counted ballots cast under strict verification to the same tally as large numbers of machine-counted and absentee ballots processed under materially weaker standards raises precisely the uniformity and equality concerns those cases address.

Moreover, the New Hampshire Supreme Court itself recognized standing as to the equal-protection count in the first appeal and remanded for further proceedings. *Richard v. Governor*, 2024 N.H. 53, ¶¶ 19–21. The subsequent dismissal of that claim as a

generalized grievance, without independent federal analysis, is the decision now under review.

III. The Vote-Dilution Claim Is Justiciable and Presents a Substantial Federal Question

Respondents characterize Petitioner's claims as non-justiciable generalized grievances. BIO at 14–16.

That characterization is inconsistent with this Court's precedents.

A qualified voter who alleges that his ballot was subjected to one set of verification and counting standards while hundreds of thousands of other ballots were processed under weaker standards states a concrete, particularized injury under the Equal Protection Clause. *Baker v. Carr*, 369 U.S. 186 (1962); *Reynolds*, 377 U.S. at 555–61; *Bush*, 531 U.S. at 104–05. The injury is not abstract disagreement with election policy; it is the dilution of the relative

weight of Petitioner's vote. The New Hampshire Supreme Court's initial recognition of standing on the equal-protection count confirms that the claim is not a generalized grievance under even state standing principles. The later dismissal of the claim without addressing the federal equal-protection standards independently cannot convert a justiciable injury into a non-justiciable one.

The questions presented are therefore substantial, squarely presented, and free of procedural obstacles. They warrant this Court's review under Rule 10.

CONCLUSION

For the foregoing reasons and those stated in the petition, the petition for a writ of certiorari should be granted.

Respectfully submitted,

By: __/s/ Daniel Richard__

Daniel Richard *pro se* Petitioner

95 Rockingham Road

Auburn, NH 03032

(603) 315-5755

1danielrichard@protonmail.com

July 27, 2026