

Bill as Introduced

HB 1188 - AS INTRODUCED

2010 SESSION

10-2424
03/09

HOUSE BILL **1188**

AN ACT relative to nominating a political organization by nomination papers.

SPONSORS: Rep. Jasper, Hills 27

COMMITTEE: Election Law

ANALYSIS

This bill changes the number of names required to nominate a political organization by nomination papers.

Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to nominating a political organization by nomination papers.

Be it Enacted by the Senate and House of Representatives in General Court convened:

- 1 1 Nomination by Nomination Papers; Number. Amend RSA 655:42, III to read as follows:
- 2 III. It shall require the names of registered voters equaling [3] *1-1/2* percent of the total
- 3 [~~votes-east~~] *number of registered voters* at the previous state general election to nominate by
- 4 nomination papers a political organization.
- 5 2 Effective Date. This act shall take effect 60 days after its passage.

Amendments

Amendment to HB 1188

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to nominating a political organization by nomination papers and relative
4 to the definition of "party" for election purposes.
5

6 Amend the bill by replacing all after the enacting clause with the following:

7

8 1 Nomination by Nomination Papers; Number. Amend RSA 655:42, III to read as follows:

9 III. It shall require the names of registered voters equaling [3] **1** percent of the total [votes
10 east] **number of registered voters** at the previous state general election to nominate by nomination
11 papers a political organization.

12 2 Terms and Definitions; Party. Amend RSA 652:11 to read as follows:

13 652:11 Party.

14 ***I. For purposes of laws relating to primary elections, including, but not limited to,***
15 ***RSA 653:5, RSA 653:6, RSA 655, RSA 656:25 through RSA 656:31, RSA 657, RSA 659:14, RSA***
16 ***659:29, RSA 659:69, RSA 659:86 through RSA 659:94, RSA 660:7 through RSA 660:9-a, RSA***
17 ***662:6, RSA 665:8, and RSA 667:21 through RSA 667:23,*** "party" shall mean any political
18 organization which at the preceding state general election received at least 4 percent of the total
19 number of votes cast for any one of the following: the office of governor or the offices of United States
20 Senators.

21 ***II. For all other purposes, "party" shall mean any political organization which:***

22 ***(a) At the preceding state general election received at least 4 percent of the total***
23 ***number of votes cast for any one of the following: the office of governor or the offices of***
24 ***United States Senators; or***

25 ***(b) Has its name placed on the state general election ballot by submitting***
26 ***nomination papers in accordance with RSA 655:40-a.***

27 3 Effective Date. This act shall take effect January 1, 2011.



2010-0721h

AMENDED ANALYSIS

This bill changes the number of names required to nominate a political organization by nomination papers. This bill also establishes alternative methods for political organizations to be recognized as parties for election purposes other than primary elections.

Rep. Pierce, Graf. 9
February 16, 2010
2010-0726h
03/10

Amendment to HB 1188

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to nominating a candidate or political organization by nomination papers.

4

5 Amend the bill by replacing all after the enacting clause with the following:

6

7 1 Nomination by Nomination Papers; Number. Amend RSA 655:42 to read as follows:

8

655:42 Number.

9

I. It shall require the names of [~~3,000~~] **2,000** registered voters [~~, 1,500 from each United States congressional district in the state,~~] to nominate by nomination papers a candidate for president, United States senator, or governor.

10

11

12

II. It shall require the names of [~~1,500~~] **1,000** voters registered in the district to nominate by nomination papers a candidate for United States representative; [~~750~~] **500** to nominate a candidate for councilor or state senator; [~~and 150~~] **100** to nominate a candidate for [~~state representative or~~] county officer; *and 50 to nominate a candidate for state representative.*

13

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16

III. It shall require the names of registered voters equaling [~~3~~] **1-1/2** percent of the total [~~votes cast~~] *number of registered voters* at the previous state general election to nominate by nomination papers a political organization.

17

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2 Effective Date. This act shall take effect upon its passage.

Amendment to HB 1188
- Page 2 -

2010-0726h

AMENDED ANALYSIS

The bill reduces the number of names required to nominate a candidate by nomination papers.



Amendment to HB 1188

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to nominating a political organization by nomination papers and
4 authorizing voters to register as affiliates of political organizations.
5

6 Amend the bill by replacing all after section 1 with the following:

7

8 2 Terms and Definitions; Undeclared Voter. Amend RSA 652:16-a to read as follows:

9 652:16-a Undeclared Voter. The term "undeclared voter" shall mean a voter who is registered as
10 a member of no political party *or political organization*.

11 3 Voter Registration Form. Amend RSA 654:7 to read as follows:

12 654:7 Voter Registration Form. A standard registration application form shall be used
13 throughout the state. The registration form shall be no larger than 8½ inches by 11 inches. The
14 secretary of state shall prescribe the form of the voter registration form, which shall be in
15 substantially the following form:

16 Date _____

17

VOTER REGISTRATION FORM

18

(Please print or type)

19

1. Name _____

20

Last (suffix) First Full Middle Name

21

2. Address _____

22

Street Ward Number

23

24

Town or City Zip Code

25

3. Mailing Address _____

26

if different than in 2 Street Ward Number

27

28

Town or City Zip Code

29

4. Place and Date of Birth _____

30

Town or City State

31

Date

32

Amendment to HB 1188

- Page 2 -

1 5. If a naturalized citizen, give name of court where and date when naturalized

2 _____

3 6. Place last registered to vote _____

4 Town or City

5 _____

6 Street Ward Number

7 7. Name under which previously registered, if different from above

8 _____

9 8. **Political Organization**/Party Affiliation (if any) _____

10 9. Driver's License Number _____ State _____

11 If you do not have a valid driver's license, provide the last four digits of your social security
12 number _____

13 My name is _____. I am today registering to vote in the city/town of
14 _____, New Hampshire.

15 I understand that to vote in this city/town, I must be at least 18 years of age, I must be a
16 United States citizen, and I must be domiciled in this city/town.

17 I understand that I can claim only one city/town as my domicile at a time. A domicile is that
18 place, more than any other, where I sleep most nights of the year, or to which I intend to return after
19 a temporary absence. By registering or voting today, I acknowledge that I am not registering to vote
20 or voting in any other city/town.

21 I acknowledge that I have read and understand the above qualifications for voting and do hereby
22 swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-
23 stated city/town, and, if registering on election day, that I have not voted and will not vote at any
24 other polling place this election.

25 _____

26 Date Signature

27 In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false
28 information when registering to vote or voting is a class A misdemeanor with a maximum sentence
29 of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to
30 vote or voting is subject to a civil penalty not to exceed \$5,000.

31 4 Party or Political Organization Registration. Amend RSA 654:15 to read as follows:

32 654:15 Party **or Political Organization** Registration. Whenever names are added to the
33 checklist the supervisors shall register the party **or political organization** membership of the
34 voter [~~if he desires such membership registered~~] **to match the voter registration form**. The party
35 **or political organization** membership of each voter may be registered by writing in ink, printing,
36 or rubber stamping after the name of such voter the first 3 letters of the name of the party **or**
37 **political organization** with which [he] **the voter** registers.

Amendment to HB 1188

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1 5 Overseas Citizens Voting; Affidavit. Amend RSA 654:20 to read as follows:

2 654:20 Overseas Absentee Registration Affidavit. Any person qualified to vote as an overseas
3 voter in a city or town as provided in RSA 654:3, because he or she is domiciled outside the United
4 States, may apply to the city or town clerk or to the secretary of state for an overseas citizens federal
5 election absentee registration affidavit. Such affidavit shall be prepared by the secretary of state
6 and shall be in substantially the following form:

7 Overseas Absentee Registration Affidavit

8 I, _____, do hereby swear or affirm, under the penalties for voting fraud set forth below, the
9 following:

10 1) That I am a United States citizen; Place of birth: City: _____
11 State: _____ Country: _____

12 2) That I have been domiciled in a country outside the boundaries of the United States since
13 _____;
14 (month) (year)

15 3) That I hold a valid passport or card of identity with Registration No.
16 _____ issued by the United States Secretary of State;

17 4) That, immediately prior to my departure from the United States, I was legally domiciled in
18 the state of New Hampshire at the following address:

19 _____
20 _____
21 Street and Number or Rural
22 Route, etc.

23 _____
24 _____
25 City or Town

26 5) That I will be of the age of 18 years or older on election day, have complied with all applicable
27 qualifications and requirements of the state of New Hampshire, and am entitled to vote in the next
28 subsequent federal election to be held in said state; Date of Birth: ____ (mm) / ____ (dd) / ____ (yyyy);

29 6) That I do NOT maintain a domicile, am NOT registered to vote and am NOT voting in any
30 other state, territory, or possession of the United States, or election district thereof;

31 7) That my party *or political organization* affiliation (if any) is
32 _____

33 8) That my permanent address outside the boundaries of the United States is:
34 _____
35 _____
36 Street or Route Number

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City, Province, County
9) That I hereby make application for the addition of my name to the checklist of
_____, New Hampshire, as an overseas citizen living outside the boundaries of
the United States entitled to vote in any federal election held therein.

Signature of Applicant

Date

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

6 Preparing Checklist. Amend RSA 654:25 to read as follows:
654:25 Preparing Checklist. The secretary of state shall issue and distribute guidelines for the composition and style of checklists and for the maintenance of data related to checklists by which the supervisors of the checklist shall compile and correct the checklist. Such guidelines shall specify the information which will be maintained and updated by the supervisors. The secretary shall establish standard forms and procedures for the use of the supervisors for the maintenance of such information. The information to be maintained and updated shall include the full name, address, and party *or political organization* affiliation, if any, of each voter on the checklist and such other information as the secretary requires. Every checklist used at any election shall contain the full name, address, and party *or political organization* affiliation, if any, of each voter on the checklist. The name and address of a voter shall not appear on the checklist at the request of the voter if the voter presents to the supervisors of the checklist a valid protective order pursuant to RSA 173-B. The name, address, and mailing address, if different, of such a voter shall be maintained on a separate list of voters, which shall be nonpublic and not subject to RSA 91-A. If it is necessary to establish such a nonpublic list, the public checklist shall be marked at the end with a notation of the number of voters whose names are maintained on the nonpublic list.

7 Right to Know Exemption. Amend RSA 654:31-a to read as follows:
654:31-a Right to Know Exemption. The information contained on the checklist of a town or city, specifically, the name, street address, mailing address, town or city, and party *or political organization* affiliation, if any, of registered voters, except as otherwise provided by statute, is public information subject to RSA 91-A. All other information on the voter registration form, absentee registration affidavit, qualified voter and domicile affidavits, and application for absentee



1 ballot shall be treated as confidential information and the records containing this information shall
2 be exempt from the public disclosure provisions of RSA 91-A, except as provided by statutes other
3 than RSA 91-A. Notwithstanding the foregoing, qualified voter and domicile affidavits are public
4 records subject to RSA 91-A for the sole purpose of challenging an individual registering to vote or
5 voting, challenging ballots to be recounted, to the extent that such ballot challenges are specifically
6 authorized by law, or determining the accuracy of any qualified voter or domicile affidavit. Election
7 officials and law enforcement personnel in furtherance of their official duties may access and may
8 disclose information from the voter registration form, qualified voter and domicile affidavits,
9 absentee registration affidavits, and applications for absentee ballots, if necessary to resolve a
10 challenge to an individual registering to vote or voting, or if necessary to investigate or prosecute
11 election law violations or any crime. Law enforcement access and use of such records for the
12 investigation or prosecution of crimes unrelated to election law violations shall be limited to the
13 records of the specific individuals who are the subject of the investigation or prosecution.

14 8 Posting Copies; Notice of Sessions. Amend RSA 654:33 to read as follows:

15 654:33 Posting Copies; Notice of Sessions. The supervisors shall post copies of the checklist,
16 showing the persons in the town or ward entitled to vote, with their party *or political*
17 *organization* registration, so far as such registration has been made, at the office of the town or city
18 clerk or at the town hall at least 10 days prior to any session provided for in RSA 654:32; and notice
19 of the date, hour, and place of the session or sessions to revise such registration shall be given upon
20 such checklist.

21 9 Change of Registration. Amend RSA 654:34 to read as follows:

22 654:34 Change of Registration.

23 I. Change of registration of a voter whose party *or political organization* membership has
24 been previously registered.

25 (a) Any legal voter whose party *or political organization* membership has been
26 registered may change such registration by appearing in person before the supervisors of the
27 checklist for his *or her* town or ward any time they meet, except as prohibited by paragraph IV, and
28 stating to them under oath or affirmation, if required, that:

29 (1) He *or she* intends to affiliate with and generally supports the candidates of the
30 party *or political organization* with which he *or she* offers to register, in which case [he] *the*
31 *voter* shall be registered as a member of such party *or political organization*; or

32 (2) He *or she* does not wish to be registered as a member of any party *or political*
33 *organization*, in which case his *or her* party *or political organization* designation shall be
34 removed from the checklist.

35 (b) [He] *A voter* may also change such registration at any primary, upon making oath or
36 affirmation to the same effect, but he *or she* shall not be permitted in such case to vote the ballot of
37 any party at such primary.

1 II. Change of registration of a voter who has been registered as an undeclared voter.

2 (a) Any legal voter who has been registered as an undeclared voter may register as a
3 member of the party *or political organization* of the voter's choice by appearing before the
4 supervisors of the checklist for the voter's town or ward any time they meet, except as prohibited by
5 paragraph IV, and stating to them, under oath or affirmation, if required, that the voter intends to
6 affiliate with and generally supports the candidates of the party *or political organization* with
7 which the voter offers to register, in which case the voter shall be registered as a member of such
8 party *or political organization*.

9 (b) A voter may also register as a member of a party at any primary by requesting to be
10 registered as a member and voting the ballot of the party of the voter's choice. A voter may also
11 register once again as an undeclared voter after voting in a primary as a registered member of a
12 party by returning the card provided for in paragraph V to the person at the polls designated by the
13 town or city clerk to accept the card. All such cards shall be in the possession of the supervisors of
14 the checklist at the close of the polls on election day.

15 III. Notwithstanding any provision of paragraphs I and II to the contrary, no person who has
16 voted in a primary may thereafter on the day of said primary change the person's party *or political*
17 *organization* registration, unless, prior to voting in the primary, the person was registered as an
18 undeclared voter, in which case the person may once again register as an undeclared voter, as
19 provided in subparagraph II(b).

20 IV. No person, who is already registered to vote, whether his *or her* party *or political*
21 *organization* membership has been previously registered or not, shall affiliate with a party *or*
22 *political organization* or disaffiliate from a party *or political organization* between the first
23 Wednesday in June and the day before the state primary election.

24 V.(a) At any primary, the supervisors of the checklist shall make available within the polling
25 place a card to enable a voter who was registered as an undeclared voter but who changed
26 registration on the day of the primary in order to vote as a registered member of a party to change
27 registration so that the voter is registered once again as an undeclared voter. The card shall be in
28 substantially the following form:

29 Name _____

30 (Print)

31 Address _____

32 _____

33 _____

34 I hereby request that my political party registration be changed as follows:

35 From: Democrat [] or Republican [] or ~~Libertarian~~ []

36 To: Undeclared []

37 Signed under the pains and penalties of perjury.



1
2 (b) The supervisors of the checklist, upon receipt of such a card, shall keep it until their
3 next session of supervisors of the checklist for changing party *or political organization*
4 registration at which time the sender's party registration shall be changed as indicated on the card.

5 10 Application to Town or City Clerk; Changes to be Forwarded. Amend RSA 654:34-a to read
6 as follows:

7 654:34-a Application to Town or City Clerk; Changes to be Forwarded.

8 I. A town or city shall permit changes in party *or political organization* affiliation to be
9 registered with a town or city clerk.

10 II. In addition to the methods of changing party *or political organization* affiliation
11 provided in RSA 654:34, any person whose name appears on the checklist of a town or ward may
12 apply to the town or city clerk for the purpose of having his *or her* party *or political organization*
13 affiliation changed. A person desiring to change his *or her* party *or political organization*
14 affiliation shall state to the town or city clerk under oath or affirmation that:

15 (a) He *or she* intends to affiliate with and generally supports the party *or political*
16 *organization* with which he *or she* offers to register; or

17 (b) He *or she* does not wish to be registered as a member of any party *or political*
18 *organization*.

19 III. No application for a change of party *or political organization* affiliation shall be
20 accepted on the day of a primary election, except as provided in RSA 654:34, I and II.

21 IV. Any application made under the provisions of this section shall be made during the
22 regular office hours of the town or city clerk.

23 V. Town and city clerks shall have power to administer oaths to the applicants that appear
24 before them for the purposes of this section.

25 VI. Any application made under the provisions of this section shall be signed and dated by
26 the applicant.

27 VII. The town or city clerk shall present to the next meeting of the supervisors of the
28 checklist, in accordance with the checklist guidelines as provided by RSA 654:25, the name of any
29 person who made application to him *or her* for a change of party *or political organization*
30 affiliation and the name of the party *or political organization* with which [he] *the applicant*
31 desires to be affiliated or that [he] *the applicant* desires to be affiliated with no party *or political*
32 *organization*. The supervisors of the checklist shall cause the party *or political organization*
33 affiliation of the applicant to be changed on the checklist. Any change submitted which is prohibited
34 by the provisions of RSA 654:34, IV shall be retained by the supervisors; and the change shall be
35 made as soon as permitted by law.

36 11 Verification of Checklists. Amend RSA 654:38, I to read as follows:

37 I. Between April 1 and August 1 in the next even-numbered year, the supervisors shall



1 advertise notice of their sessions at least twice in a newspaper of general circulation in the town or
2 city and hold sufficient sessions for verification of the checklist as in their opinion will enable all
3 eligible voters in said town or ward to appear before them and register or reregister as the case may
4 be. Whenever a person is reregistered, his *or her party or political organization* designation, if
5 any, on the checklist undergoing revision shall not be changed except as provided in RSA 654:34.

6 12 Verification Every 10 Years. Amend RSA 654:39, II to read as follows:

7 II. Between April 1 and August 1 of 1981 and thereafter in each year ending with a one, the
8 supervisors shall advertise and post notice of their sessions at least twice in a newspaper of general
9 circulation and at the office of the town or city clerk or at the town hall and hold sufficient sessions
10 for verification of the checklist as in their opinion will enable all eligible voters in said town or ward
11 to appear before them and register or reregister as the case may be. Whenever a person is
12 reregistered, his *or her party or political organization* designation, if any, on the checklist
13 undergoing revision shall not be changed except as provided in RSA 654:34.

14 13 Certification of Nomination Papers. Amend RSA 655:41, I to read as follows:

15 I. Each nomination paper shall be submitted to the supervisors of the checklist of the town
16 or ward in which the signer is domiciled or is registered, and a majority of the supervisors shall
17 certify whether or not the signer is a registered voter in said town or ward. The supervisors of the
18 checklist shall certify nomination papers under this section in a timely fashion, so that their
19 certification shall be complete for each candidate *or political organization*, together with any
20 objections to the nomination papers submitted, no later than 5:00 p.m. on the Wednesday 2 weeks
21 before the primary. Each nomination paper shall be submitted to the supervisors of the checklist no
22 later than 5:00 p.m. on the Wednesday 5 weeks before the primary.

23 14 Effective Date. This act shall take effect upon its passage.



2010-0730h

AMENDED ANALYSIS

This bill changes the number of names required to nominate a political organization by nomination papers. This bill also authorizes voters to register as affiliates of political organizations.

Amendment to HB 1188

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to nominating a political organization by nomination papers and relative
4 to the definition of "party" for election purposes.
5

6 Amend the bill by replacing all after the enacting clause with the following:

7

8 1 Nomination by Nomination Papers; Number. Amend RSA 655:42, III to read as follows:

9 III. It shall require the names of registered voters equaling [3] **1** percent of the total [votes
10 east] **number of registered voters** at the previous state general election to nominate by nomination
11 papers a political organization.

12 2 Terms and Definitions; Party. Amend RSA 652:11 to read as follows:

13 652:11 Party.

14 ***I. For purposes of laws relating to primary elections, including, but not limited to,***
15 ***RSA 653:5, RSA 653:6, RSA 655, RSA 656:25 through RSA 656:31, RSA 657, RSA 659:14, RSA***
16 ***659:29, RSA 659:69, RSA 659:86 through RSA 659:94, RSA 660:7 through RSA 660:9-a, RSA***
17 ***662:6, RSA 665:8, and RSA 667:21 through RSA 667:23,*** "party" shall mean any political
18 organization which at the preceding state general election received at least 4 percent of the total
19 number of votes cast for any one of the following: the office of governor or the offices of United States
20 Senators.

21 ***II. For all other purposes, "party" shall mean any political organization which:***

22 ***(a) At the preceding state general election received at least 3 percent of the total***
23 ***number of votes cast for any one of the following: the office of governor or the offices of***
24 ***United States Senators; or***

25 ***(b) Has its name placed on the state general election ballot by submitting***
26 ***nomination papers in accordance with RSA 655:40-a.***

27 3 Effective Date. This act shall take effect January 1, 2011.



2010-0737h

AMENDED ANALYSIS

This bill changes the number of names required to nominate a political organization by nomination papers. This bill also establishes alternative methods for political organizations to be recognized as parties for election purposes other than primary elections.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 1188

BILL TITLE: relative to nominating a political organization by nomination papers.

DATE: January 12, 2010

LOB ROOM: 308 **Time Public Hearing Called to Order:** 1:00 pm

Time Adjourned: 1:28 pm

(please circle if present)

Committee Members: Reps. Clemons, Pierce, Splaine, C. Chase, Perry, Levesque, Bartlett, Caron, Hodges, Horrigan, Kom, Brisko, Jasper, Maybeck, Goelzer, Bates, Comerford, Doherty, Scala and Garcia.

Bill Sponsors: Rep. Jasper, Hills 27

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Jasper, sponsor, introduced bill.

Changes required signatures to nominate party from 3 to 1 ½ percent of the total of number of registered voters. This is an attempt to require the same number of nominating papers for each election cycle. 1 ½ percent appears to be the medium number.

Howard Wilson* (opposes to bill): Flawed legislation.

Rich Tomasso* (supports): Should clarify that the count is for when the election starts. There is deadwood in the checklist, which would increase the required number of signatures. Luke warm support but would be much stronger with an amendment.

Jerome Holden representing Committee for Fair and Open Elections. (supports bill)

Paul Twomey (supports bill): Soothing out peaks and values so there aren't huge variations in the number of signatures required. We may be the only state in the country that has only two parties. The two parties here have claimed ownership of democracy. If you drop the numbers you can get maybe three or four parties. New ideas come from the third and fourth parties.

Claire Ebel, representing NH Civil Liberties Union. (opposes bill) This bill is going to significantly reduce the possibility of any minority party to attain ballot status. This could double or triple the number of signatures required. If we pass this bill we will virtually guarantee that there will be no third or fourth parties on the ballot. Access to the ballot should be free and open, not limited and contrived. A lower percentage would be a good idea but when coupled with registered voters versus actual turnout, it doesn't work.

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January 12, 2010
Page 2

We should come up with an absolute number in each congressional district which is the smallest number the legislature can agree on to give the greatest access.

David Scanlan*, Dept. of State (supports bill): Believes this is an improvement on the current process. Handout demonstrates that fewer signatures would be required with if this new system were implemented. What about using set numbers? As the population of NH grows that number would have to be adjusted.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Claudia A. Chase', with a long horizontal flourish extending to the right.

Rep. Claudia A. Chase, Clerk

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 1188

BILL TITLE: relative to nominating a political organization by nomination papers.

DATE: 1/12/10

LOB ROOM: 308

Time Public Hearing Called to Order: 1:00 P.M.

Time Adjourned: 1:28 P.M.

(please circle if present)

Committee Members: Reps. Clemons, Pierce, Splaine, C. Chase, Perry, Levesque, Bartlett, Caron, Hodges, Horrigan, Komi, Drisko, Jasper, Maybeck, Hoelzel, Bates, Comerford, Doherty, Scala and Garcia.

Bill Sponsors: Rep. Jasper, Hills 27

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

HB 1188:): relative to nominating a political organization by nomination papers.

Rep. Jasper (prime sponsor)

Changes required signatures to nominate party from 3 to 1 ½ percent of the total of number of registered voters.

This is an attempt to require the same number of nominating papers for each election cycle. 1 ½ percent appears to be the medium number.

Howard Wilson* (opposes to bill):

Flawed legislation.

Rich Tomasso *(supports): Should clarify that the count is for when the election starts. There is deadwood in the checklist, which would increase the required number of signatures. Luke warm support but would be much stronger with an amendment.

Jerome Holden (committee for fair and open elections) (supports)

Paul Twomey (supports bill): Soothing out peaks and valleys so there aren't huge variations in the number of signatures required. We may be the only state in the country that has only two parties. The two parties here have claimed ownership of democracy. If you drop the numbers you can get maybe three or four parties. New ideas come from the third and fourth parties.

Claire Ebel (NHCLU) opposes bill:

This bill is going to significantly reduce the possibility of any minority party to attain ballot status. This could double or triple the number of signatures required. If we pass this bill we will virtually guarantee that there will be no third or fourth parties on the ballot. Access to the ballot should be free and open, not limited and contrived.

A lower percentage would be a good idea but when coupled with registered voters versus actual turnout, it doesn't work.

We should come up with an absolute number in each congressional district which is the smallest number the legislature can agree on to give the greatest access.

David Scanlan*, Dept. of State (supports bill):

Believe this is an improvement on the current process.

Handout demonstrates that fewer signatures would be required with if this new system were implemented.

What about using set numbers? As the population of NH grows that number would have to be adjusted.

Testimony

Testimony on HB1188

I am here today to speak in favor of HB1188. I think it is a good bill, though not a great bill. Given New Hampshire's historically high voter turnout rate, as much as 80% in a presidential election, halving the percentage and changing the basis of party petitioning from votes cast to the number of voters will result in fewer signatures needed, thus providing a somewhat easier burden for new political parties to get on the ballot.

If this bill only halved the percentage, it would be better. Unlike the vote total, registrations are constantly increasing, but as I said before, thanks to our high turnout the net result is positive for small parties. Though even if this bill were to pass immediately, it would have no effect on the 2010 election cycle as there is insufficient time to collect the 13,000 validated signatures that would be needed.

I do have one main concern. I can't tell from this bill if the count of registered voters is as of the start of election day or the after all the same-day registrants, which could vary significantly. There were 25K same-day registrants in 2006, and 76K in 2008. This would increase the number of signatures needed by approximately 1140. I would ask the committee and sponsor to extend new the language to say "...voters at the start of the previous election" or "...voters as of the monday before the previous election" to clarify.

A secondary issue I have is the deadwood in the voter checklist, which inflates the number of signatures needed. The best way to deal with that is to amend RSA 654:39 to require reviews of the checklist more often than once every 10 years. As an alternative, we ask the committee to consider lowering the percentage change in this bill slightly, to say 1% to account for this or even change it to a flat number, like 5000 signatures.

This RSA has only been used once since enacted, so in practical terms it effectively doesn't exist. Due to a new law passed last year which eliminated 2/3 of our petitioning time, lowering the threshold in this manner moves it from impossible to theoretically feasible with a massive effort. Given that candidate-based petition access is still so much easier, I really don't see any new party using this method, especially outside of a presidential election year. Restoring the petitioning window to start at the end of the previous general election would make this option something a new party might actually consider doing.

Overall, we do like this bill and ask the committee to recommend OTP. With amendment, it would be a better bill and we would give it a stronger endorsement.

Thank you,
Rich Tomasso
Libertarian Party

Coalition for Free & Open Elections
NH Coordinator
Howard L. Wilson
57 Agony Hill Road
Andover, NH 03216
stoneanarch@tds.net
603-735-5427

Election Law Committee
308 LOB January 12, 2010 1PM

Re: HB 1188

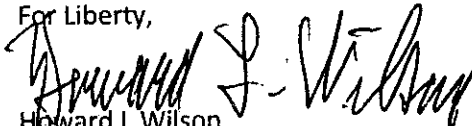
A fraud is being perpetrated in this legislation. Seemingly, the numbers needed, to petition using the Whole Party process, of RSA 655:42, III, are reduced. Sadly, and this is where the fraud originates, changes to the parameters of what body is counted, as defining the numbers to be counted, and then discounted.

Formerly, if legislation is read, was a percentage of the voters at a general Election: Now, with the number reduced, yet the body counted increased, due to the difference between Registered Voters, and actual Registered Voters, who VOTE.

The parameters in HB 1264, in this issue, are a better mix, for use. A flat number of registered voters, as 5000, rather than a floating number, per HB 1188, or current law. One would be well used to being screwed, without lubricant.

HB 1188, as flawed and noted, should be found as Inexpedient to Legislate.

For Liberty,


Howard L. Wilson
Libertarian for US House, 2nd district

	Names on Checklist	1.50%	Ballots Cast	3%
2006	850,836	12,763	417,436	12,523
2008	958,528	14,378	719,403	21,582

		<u>2008</u>	<u>2006</u>	<u>2004</u>	<u>2002</u>	<u>2000</u>	<u>Average</u>	<u>Median</u>
Total Votes Cast								
Governor		682,584	403,679	666,280	442,976	564,340	551,972	564,430
US Senator		694,357	N/A	657,086	447,135	N/A	599,526	657,086
All Votes Cast		719,403	417,436	683,672	453,078	578,656	570,449	578,656
Registered Voters		958,528	850,836	855,861	690,159 *	854,695	842,016	854,695
Vote Threshold								
Current Law:	4.0%	27,303	16,147	26,283	17,719	22,574	22,005	22,574
Amendment:	3.0%	20,478	12,110	19,713	13,289	16,930	16,504	16,930
Petition Threshold								
Current Law:	3.0% x # votes cast	21,582	12,523	20,510	13,592	17,360	17,113	17,360
HB 1188:	1.5% x # reg voters	14,378	12,763	12,838	10,352	12,820	12,630	12,820
Amendment:	1.0% x # reg voters	9,585	8,508	8,559	6,902	8,547	8,420	8,547
HB 1264:	5,000 petitions	5,000	5,000	5,000	5,000	5,000	5,000	5,000
Party Member Threshold								
Current Law:	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
HB 1264:	3,000 members	3,000	3,000	3,000	3,000	3,000	3,000	3,000
Amendment:	5,000 members	5,000	5,000	5,000	5,000	5,000	5,000	5,000

* after 10-year purge of checklist

Voting Sheets

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 1188

BILL TITLE: relative to nominating a political organization by nomination papers.

DATE: February 9, 2010

LOB ROOM: 308

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.) WITHDRAWN

Moved by Rep. Perry

Seconded by Rep. Pierce

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.) RECONSIDERATION

Moved by Rep. Comerford

Seconded by Rep. Jasper

Vote: Voice Vote (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: LAID ON TABLE

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Claudia Chase, Clerk

REMOVED FROM TABLE

**Pierce
Splaine**

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 1188

BILL TITLE: relative to nominating a political organization by nomination papers.

DATE: 2/9/2010

LOB ROOM: 308

Amendments:

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Perry*
 Seconded by Rep. *Pierce*
 Vote: (Please attach record of roll call vote.)

motion withdrawn

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. ~~*Cameron*~~ *Cameron*
 Seconded by Rep. *Jasper*
 Vote: *yes* (Please attach record of roll call vote.)

reconsideration

laid on table

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Claudia Chase, Clerk

*removed from table
Pierce
Splane*

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 1188

BILL TITLE: relative to nominating a political organization by nomination papers.

DATE: February 16, 2010

LOB ROOM: 308

Amendments:

Sponsor: Rep. Pierce/Cummerford	OLS Document #:	2010	0730h 4/9
Sponsor: Rep. Pierce/Comerford	OLS Document #:	2010	0726h 9/4
Sponsor: Rep. Pierce	OLS Document #:	2101	0737h 7/7

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Pierce

Seconded by Rep. Scala

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Pierce

Seconded by Rep. Scala

Vote: 8/6 (Please attach record of roll call vote.) **0726h only amendment passed**

CONSENT CALENDAR VOTE: NO

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Claudia Chase, Clerk

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on

BILL TITLE: relative to nominating a political organization by
DATE: 2/16/2010 nomination paper.

LOB ROOM: 308

Amendments:

(fails) Sponsor: Rep. *Pierce / Conrad* OLS Document #: 2010-0730h ⁴⁰¹ 4 | 9

(passes) Sponsor: Rep. ~~Pierce~~ *Pierce / Conrad* OLS Document # *0726H* ~~0730h~~ 9 | 4

~~Sponsor: Rep. _____ OLS Document #: *0721H*~~

(fails) ~~Sponsor: Rep. *Pierce*~~ OLS Doc #: *0737H*

~~Sponsor: Rep. _____ OLS Doc #: _____~~

Motions: OTP OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Pierce*
Seconded by Rep. *Scala*
Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.) *0726H - only passed amendment*

Moved by Rep. *Pierce*
Seconded by Rep. *Scala*
Vote: *8/6* (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: *No*

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep., Acting Clerk

ELECTION LAW

Bill #: HB 1188 Title: relates to nominating a political organization
by nomination paper.
 PH Date: 1 / 12 / 2010 Exec Session Date: 2 / 16 / 2010

Motion: OTP (A) Amendment #: 0730h

MEMBER	YEAS	NAYS
Clemons, Jane A, Chairman		X
Pierce, David M, V Chairman	X	
Splaine, James R	X	
Chase, Claudia A, Clerk	X	
Perry, Robert J		X
Levesque, Melanie A	X	
Bartlett, Michael J		
Caron, June M		
Hodges, Kevin D	X	
Horrigan, Timothy	X	
Komi, Richard N	X	
Drisko, Richard B		X
Jasper, Shawn N		X
Maybeck, Margie L		X
Hoelzel, Kathleen M		
Garcia, Marilinda J		
Bates, David		
Comerford, Timothy P	X	
Doherty, Shaun S		
Scala, Dino A		X
TOTAL VOTE:		

ELECTION LAW

Bill #: HB 1188 Title: relative to nominating a political organization by nomination papers
 PH Date: 1/12/2010 Exec Session Date: / /

Motion: FTL Amendment #:

MEMBER	YEAS	NAYS
Clemons, Jane A, Chairman	✓	
Pierce, David M, V Chairman	✓	
Splaine, James R	✓	
Chase, Claudia A, Clerk	✓	
Perry, Robert J	✓	
Levesque, Melanie A	✓	
Bartlett, Michael J	✓	
Aron June M <u>Murray, Ly H</u>	✓	
Hodges, Kevin D		✓
Horrigan, Timothy	✓	
Komi, Richard N		
Drisko, Richard B	✓	
Jasper, Shawn N		✓
Maybeck, Margie L		✓
Hoelzel, Kathleen M		✓
Garcia, Marilinda J	✓	
Bates, David		✓
Comerford, Timothy P	✓	
Doherty, Shaun S		✓
Scala, Dino A		✓

TOTAL VOTE: 12/7
 Printed: 12/18/2009

Committee Report

REGULAR CALENDAR

February 17, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Majority of the Committee on ELECTION LAW to
which was referred HB1188,**

**AN ACT relative to nominating a political organization
by nomination papers. Having considered the same,
report the same with the following amendment, and the
recommendation that the bill OUGHT TO PASS WITH
AMENDMENT.**

Rep. David M Pierce

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee: **ELECTION LAW**
Bill Number: **HB1188**
Title: **relative to nominating a political organization
by nomination papers.**
Date: **February 17, 2010**
Consent Calendar: **NO**
Recommendation: **OUGHT TO PASS WITH AMENDMENT**

STATEMENT OF INTENT

Easier access to the ballot is important for our elections. HB 1188 is a small step to get us there because it opens up the ballot. First, HB 1188 keeps the sponsor's bill completely intact by changing the number of petitions that a political organization must collect to be recognized as a party. Second, HB 1188 reduces the number of petitions that individual candidates must collect to get on the ballot.

Vote 8-6

Rep. David M Pierce
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

ELECTION LAW

HB1188, relative to nominating a political organization by nomination papers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David M Pierce for the **Majority** of ELECTION LAW. Easier access to the ballot is important for our elections. HB 1188 is a small step to get us there because it opens up the ballot. First, HB 1188 keeps the sponsor's bill completely intact by changing the number of petitions that a political organization must collect to be recognized as a party. Second, HB 1188 reduces the number of petitions that individual candidates must collect to get on the ballot. **Vote 8-6.**

Original: House Clerk
Cc: Committee Bill File

Welch, Gail

From: Rep. David Pierce [david.pierce@leg.state.nh.us]
Sent: Wednesday, February 17, 2010 10:01 AM
To: Welch, Gail
Cc: Clemons, Jane
Subject: revised HB1188 majority blurb
Attachments: hb 1188 v.2.doc

Gail,

Jane approved the attached.

David

Election Law

HB 1188

Relative to nominating a political organization by nomination papers.

Date: February 16, 2010

Consent Calendar: No

OTP/A

Amendment No. (please see clerk's notes)

Statement of Intent

Easier access to the ballot is important for our elections. HB 1188 is a small step to get us there because it opens up the ballot. First, HB 1188 keeps the sponsor's bill completely intact by changing the number of petitions that a political organization must collect to be recognized as a party. Second, HB 1188 reduces the number of petitions that individual candidates must collect to get on the ballot.

Committee Vote: 8-6

Submitted by Rep. David M. Pierce

REGULAR CALENDAR

February 17, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Minority of the Committee on ELECTION LAW to
which was referred HB1188,**

**AN ACT relative to nominating a political organization
by nomination papers. Having considered the same,
and being unable to agree with the Majority, report
with the following recommendation that the bill be
REFERRED FOR INTERIM STUDY.**

Rep. Shawn N Jasper

FOR THE MINORITY OF THE COMMITTEE

MINORITY COMMITTEE REPORT

Committee: ELECTION LAW
Bill Number: HB1188
Title: relative to nominating a political organization
by nomination papers.
Date: February 17, 2010
Consent Calendar: NO
Recommendation: REFER TO COMMITTEE FOR INTERIM STUDY

STATEMENT OF INTENT

This bill as introduced was intended to remove the "hills and valleys" that a political organization filing nomination papers faces. The number of signatures required varies greatly, depending on how many people voted in the election previous to the papers being filed. Last year the committee recognized that fairness demanded that a change be made. This bill was filed based on that realization. The number chosen represented the approximate average of what have previously may have been required. While the original intent was kept in place the amendment makes other changes which the minority feels needs to be more thoroughly debated and the ramifications of explored with the department of state and the office of the attorney general. The change that the minority objects to the most strenuously, had no public hearing and was introduced just prior to the actual vote being taken. This change would allow anyone who collects 50 votes, down from the current 150, to have his or her name placed on the ballot in November for the office of state representative. The minority believes that wider ballot access is a laudable goal, but as the bill would not take effect until the 2012 election, it is more important to get this legislation "right" than to send a message.

Rep. Shawn N Jasper
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

ELECTION LAW

HB1188, relative to nominating a political organization by nomination papers. **REFER TO COMMITTEE FOR INTERIM STUDY.**

Rep. Shawn N Jasper for the **Minority** of ELECTION LAW. This bill as introduced was intended to remove the "hills and valleys" that a political organization filing nomination papers faces. The number of signatures required varies greatly, depending on how many people voted in the election previous to the papers being filed. Last year the committee recognized that fairness demanded that a change be made. This bill was filed based on that realization. The number chosen represented the approximate average of what have previously may have been required. While the original intent was kept in place the amendment makes other changes which the minority feels needs to be more thoroughly debated and the ramifications of explored with the department of state and the office of the attorney general. The change that the minority objects to the most strenuously, had no public hearing and was introduced just prior to the actual vote being taken. This change would allow anyone who collects 50 votes, down from the current 150, to have his or her name placed on the ballot in November for the office of state representative. The minority believes that wider ballot access is a laudable goal, but as the bill would not take effect until the 2012 election, it is more important to get this legislation "right" than to send a message.

Original: House Clerk

Cc: Committee Bill File

MINORITY REPORT

COMMITTEE: E.L.

BILL NUMBER: HB 1188

TITLE: _____

DATE: _____ CONSENT CALENDAR: YES NO

OUGHT TO PASS

OUGHT TO PASS W/ AMENDMENT

INEXPEDIENT TO LEGISLATE

INTERIM STUDY (Available only 2nd year of biennium)

Amendment No. _____

HB 1188

Shawn N. Jasper for the minority; refer for interim study

HB 1188 as introduced was intended to remove the "hills and valleys" that a political organization filing nomination papers faces. The number of signatures required varies greatly, depending on how many people voted in the election previous to the papers being filed. Last year the committee recognized that fairness demanded that a change be made. This bill was filed based on that realization. The number chosen represented the approximate average of what have previously may have been required. While the original intent was kept in place the amendment makes other changes which the minority feels needs to be more thoroughly debated and the ramifications of explored with the department of state and the office of the attorney general. The change that the minority objects to the most strenuously, had no public hearing and was introduced just prior to the actual vote being taken. This change would allow anyone who collects 50 votes, down from the current 150, to have his or her name placed on the ballot in November for the office of state representative. The minority believes that wider ballot access is a laudable goal, but as the bill would not take effect until the 2012 election, it is more important to get this legislation "right" than to send a message.

HB 1367-FN

• Copy to Committee Bill File

Rep. Shawn N. Jasper
Jane Clemons
For the Minority