Bill as Introduced

2012 SESSION

12-2004
03/09

HOUSE BILL   *1126*

AN ACT   relative to nomination of candidates for United States senator.

SPONSORS: Rep. Kingsbury, Belk 4; Rep. DeLemus, Straf 1; Rep. L. Vita, Straf 3; Rep. Davenport, Rock 12; Rep. D. McGuire, Merr 8

COMMITTEE: Election Law

ANALYSIS

This bill requires members of the general court to nominate candidates for United States senator.

- -

Explanation: Matter added to current law appears in **bold italics**.

Matter removed from current law appears [in brackets and struckthrough.]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

12-2004
03/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twelve

AN ACT   relative to nomination of candidates for United States senator.

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

1   1 New Section; Nominations for United States Senator. Amend RSA 655 by inserting after

2   section 13 the following new section:

3   655:13-a Nominations for United States Senator.

4   I. In each year in which a United States senator is to be elected, the members of each party

5   in the New Hampshire house of representatives shall select a candidate for the office of

6   United States senator. The party leader in such chamber shall forward the name of the candidate to

7   the secretary of state for placement on the party's primary ballot.

8   II. In each year in which a United States senator is to be elected, the members of each party

9   in the New Hampshire senate shall select a candidate for the office of United States senator. The

10   party leader in such chamber shall forward the name of the candidate to the secretary of state for

11   placement on the party's primary ballot.

12   III. No person may file for the office of United States senator for the state primary election

13   unless he or she has been selected pursuant to paragraph I or II of this section. This section shall

14   not prohibit a person from being nominated for the office of United States senator by write-in votes.

15   2 Effective Date. This act shall take effect 60 days after its passage.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 1126   Date 1/19/12

Committee Election Law

** Please Print All Information **

Name	Address	Phone	Representing	Pro	Con
Rep. D.J. Bettencourt			Majority Office		X
Rep Robert Kingsbury			Sponsor	X	
Sam Langley	237 Water St Boscawen		Myself		X
Jillian Dubois	NH Citizens Alliance 4 Park St. Concord, NH			X	
Karen Kelly	30 Spruce St. Concord Ward 7			X	

Hearing Minutes

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 1126

BILL TITLE: relative to nomination of candidates for United States senator.

DATE: 1/19/2012

LOB ROOM: 308   **Time Public Hearing Called to Order:**   12:45

Time Adjourned:

(please circle if present)

Committee Members: Reps. Bates, Scala, Drisko, Jasper, Hoelzel, Doherty, Eaton, Birdsell, Byrnes, DeJong, DeLemus, Erickson, Reilly, Thomas, Cote, Pierce, Perry, Gimas and Leishman.

Bill Sponsors: Rep. Kingsbury, Belk 4; Rep. DeLemus, Straf 1; Rep. L. Vita, Straf 3; Rep. Davenport, Rock 12; Rep. D. McGuire, Merr 8

TESTIMONY

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

Dan McGuire – speaking for prime sponsor. Motivation for Bill. Today the Federal Government is much larger, Federal Government was 10% involved in state business, now its more like 75% of states business is Federal Government. DOE Structure is weighted toward the governor. Competition is the way to quality. Intention of Gov't states that is what is intended. States were restrained by themselves so the Federal Government took over. Then the progressive movement. Senators are creatures of the state. The representatives of the states. Now we have Senators who are voted in by the people. Instead, if Senators were controlled by the state's legislatures instead of directly by the people it wood keep Federal Government contained. One way to control states was state chosen Senators.
Rep. David Pierce – Line 4

Rep. Dan McGuire – Not ready to answer specifics

Rep. David Bates – Explain how Senators would be chosen

Rep. Dan McGuire – Senators would be nominated by Legislators. To return to the government structure we had prior to 17th amendment.

Rep. David Bates – Competition between states

Rep. D. McGuire – Federal government imposes on State Government. Specifics what we have to do as states. Senator chosen by legislature would want to keep job. So the legislature would keep a better eye on the regulations over the states.

Rep. David Bates – The way it is now is bad.

Rep. Thomas – Would I have to go to legislatures to run for Senate

Rep. D. McGuire – yes

Rep. Richard Drisko – Would this be better to be a CACR

Rep. Dan McGuire – No

Rep. Robert Kingsbury - So each party in house would nominate and candidates would run. Small parties could get written in.

Rep. David Pierce – Line 4 party defined?

Rep. Robert Kingsbury – Republican or Democrat (as seated in house)

Rep. David Pierce – If 3rd party get a representative in the house can they nominate as well.

Rep. Robert Kingsbury – yes – Caucus nominate one person

Rep. Thomas – 2 people on ballot one from each party.

Rep. Robert Kingsbury – Write in on ballot would be there as well

Rep. Thomas – What about a primary? General election for house and Senate would be gone? The caucus determines.

Rep. David Pierce – Line 12, Part I, Article II does this comply with state constitution.

Rep. Robert Kingsbury – All elections are to be free every person .

Rep. David Pierce – does bill comply with last sentence.

Rep. Robert Kingsbury – No

Rep. Kathleen Hoezel – Can anyone write in on ballot

Rep. Robert Kingsbury – all who are written in.

Rep. Kathleen Hoezel – a person would be limited by bill

Rep. Robert Kingsbury – Yes. 17th amendment only touches the election process

Rep. David Pierce – 17th says elected by the people

Rep. Robert Kingsbury – People are able to run by write in for primary.

Rep. Shawn Jasper – opposes. Republicans want to do this and that he wants all to both parties to be named. Political death by suicide to try to take away rights of the people of NH to take away the rights of the people to run. No one alive today don't remember 17th amendment should be free to run for all offices. Need to be a governor on who can run. Wants ITL. Majority office would be against that.

Rep. David Pierce – is this unconstitutional

Rep. Shawn Jasper - Yes

Josh Davenport – power map of constitution 2004 – federalist papers had ?? mathmatics for balance. Since 17th amendment does not have a "power wrap" we need structural change agreed to by Madison. The 17th removes check on power. The 17th removes power. Unable to show demonstration. The Constitution is a central ring around that is the states then elect from state the 1st ring is the state house (lower house) then executive is the high power with concentration of power. King George was not constrained then constitution has war powers. The low ring policing but can't go high – to tension system. Each state has house that squat to the people and good for local the central federal house is better for interstate ?? and deal with state while states deal with people. The Senator is the string/rubber band the controller is the Senate goes between the highest office. 16th, 17th and federal reserve act. Since then there is nothing to constrain the government. There is no structural construction that checks the government and keeps it responses to the people. Wants to have his presentation to be viewed and has worked at it for 5 years and has determined it to be detrimental to the constitution.

Rep. David Pierce - ?? first part Art II ?

Rep. Josh Davenport – The ?? does not violate any of the constitution.

Rep. Will Smith – State Senate?

Rep. J. Davenport – Full legislature

Rep. Regina Birdsell – How does this change spiraling up.

Rep. Josh Davenport – Positive sovereign – King was sovereign and could do what he wanted. People sick of king so gave to people and Sovereign in house. Left Part, Right party 51% - 100% of power. Square functure. The thing is positive sovereign don't want to give up power the 17th broke the balance 1 – 1 of the positive and negative. The federal constitution allows for jostling between branches of government.

Rep. David Perry – Does this use Trig?

Rep. Josh Davenport – Yes, so he used the graphics and then as he read the Federalist papers they were using Trig and polar coordinates and it matches how the founders designed liberty.

Rep. David Perry - ?? meant to be humorous

Claire Ebel – NHCLU – Drisko asked? House Resolution not empowered to change constitution by legislation, she wants CACR? From chair the primary is 1126 does not have power to amend the constitutions.

Sam Langley, Boscawen – Opposition to bill, no longer present

Respectfully Submitted,

Susan C DeLemus
Rep. Susan DeLemus

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 1126

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LOB ROOM: 308   **Time Public Hearing Called to Order:**

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TESTIMONY

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

Open @ 12:45

Dan McGuire - speaking for prime sponsor -
motivation for Bill - Today fed government is much larger.
Government 10% while states are 90% of government. 3/4 75% empl.
now in federal DOE so structure is now weighted to gov.
Competition - way to quality. Intention of gove. 11 States
is what was intended. States were restrained by themselves
so the fed took over. Then the progressive movement.
Senators creatures of the state. The reps of the states
now we have Senators are reps of the people. Instead
if Senators were in control of States instead of people
it would keep fed gov. contrained. One way to control
States was state chosen Senators

Pierce - line 4
McGuire - not ready to answer specifics
Bates - explain how Senators would be chosen.

McGuire - Senators would be nominated by Legislators.
     to return to prior to 17th amend

Bates - Competition M states

McGuire - Fed imposes on State gov. Specifies what we have
    to do as states. Senator chosen by legislature
    would want to keep job. So the legislature would
    keep a better eye on the regs over the states.

Bates - the way it is now is ~~bad~~

Thomas - Would I have to go to legislators to ~~be~~ run
    for Senate

McGuire - yes

Drisko - would this be better to be a (CACR)?

McGuire - no

Kingsbury - Co Each party in house would nominate +
Statement candidates would run. Small parties could get
    written in.

    Pierce - Line 4 party defined?

    Kingsbury - Republican or democrat (as seated in house)

    Pierce - If 3rd party gets a rep in the house can they
    nominate as well.

    King - yes

    Gimas -

    King - caucus nominate one person

    Gimas -

    Kings -

    Thomas - 2 people on ballot one from each party

Kings - write in on ballot would be there as well

Thomas - What about primary house and senate would be gone?

_____ the caucus determines.

Pierce
line 12 - Part 1 Art 11 does this comply w/ state constitution

Kings - all elections are to be free every person
         last sentence

Pierce does bill comply w/ last sentence

   Kings ————— NO

   Hoezel - can anyone write in on ballot

    Kings all who are written in

   Hoezel - a person would be limited by bill

    King - yes

17th amendment only touches the election process

Pierce - 17th says elected by the people

   King: people are able to run by write in for primary

_____ Jasper in opposition to bill.

— Republicans want to do this & that & he wants all to both parties
to be named. "Political death by suicide to try to
take away rights of the people of NH to take away the
rights of the people to run. No one alive today don't
remember 17 amendment should be free to run for
all offices. Need to be a governor on who can own.
Wants ITL. majority office would be against that.

Pierce - is this unconstitutional

Jasper - yes

Election Law

JANUARY 19, 2012

ROOM 308

12:30 p.m. **HB 1291** prohibiting compelled speech.
PUBLIC HEARING

12:45 p.m. **HB 1126** relative to nomination of candidates for United States senator.
PUBLIC HEARING

1:30 p.m. **HB 1559** relative to political committees..
PUBLIC HEARING

2:00 p.m. **HB 1683-FN** relative to political advertising by business organizations.
PUBLIC HEARING

2:30 p.m. **HB 1676-FN-A** relative to campaign contributions and expenditures.
PUBLIC HEARING

3:00 p.m. **HB 1684-FN-A** relative to campaign contributions and expenditures.
PUBLIC HEARING

HB 1126

Josh Davenport - power map of constitution
2004 - federalist papers had used
mathmatics for balance. Since 17th amendment
does not have a "power wrap" we need structural
change agreed to by Madison. The 17th remove
check on power. The 17th removes power.
unable to show demonstration.

the Constitution is a central ring around
that is the States then elect from state the ring (1st.)
is the state house (lower house) then executive is
~~forms a case~~ the High power w/ concentration
of Power. King George was not contrained then
const. ~~the~~ has war powers. The low ring policing
but can't go high - to tension system.
Each state has houses that squat to the people
+ good for local ~~the poor~~ + central fed house is
better for interstate ~~trate~~ + deal w/ state while
states deal w/ people the senate is the string/
rubber band the controler is the senate goes between
the Highest office. 16th 17th + fed reserve act.
since then there is nothing to contrain the govern
there is no structual construction that checks
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Davenport — Yes so he used the graphics + then as he
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+ polar coordinats + it matches how the
founders designed liberty

Perry — ? meant to be humorous

Claire Ebel — NHCLU

   + Drisko asked ? HB   House Resolution
        not empowered to change constitution by

Legislation - She wants CACR. ? from chair
the primary is ~~not primary~~ '1126 does not have
power to amend the constitutions
Langley- Opposition to bill no longer present

Susan C. DeLemus

Testimony

ARTICLE XVII

Election of United States Senators; filling of vacancies; qualification of electors — 1. The Senate of the United States will be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

2. When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies; Provided, that the legislature of any State may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the legislature may direct.

UNITED STATES CONSTITUTION   25

3. This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

Voting Sheets

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 1126

BILL TITLE: relative to nomination of candidates for United States senator.

DATE: 2/14/2012

LOB ROOM: 308

Amendments:

   Sponsor: Rep.   OLS Document #:

   Sponsor: Rep.   OLS Document #:

   Sponsor: Rep.   OLS Document #:

Motions: Recommended or Not Recommended for Future Legislation (Please circle one.)

   Moved by Rep. Thomas

   Seconded by Rep. Pierce

   Vote: 14-1 (Please attach record of roll call vote.)

Motions: Recommended or Not Recommended for Future Legislation (Please circle one.)

   Moved by Rep.

   Seconded by Rep.

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

CONSENT CALENDAR VOTE: YES

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Susan C. DeLemus, Clerk

EXECUTIVE SESSION on HB 1126

BILL TITLE: relative to nomination of candidates for United States senator.

DATE: 2/14/12

LOB ROOM: 308

Amendments:

Sponsor: Rep.   OLS Document #:

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Sponsor: Rep.   OLS Document #:

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

Moved by Rep. *Thomas*

Seconded by Rep. *Pierce*

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

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

Moved by Rep.

Seconded by Rep.

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

CONSENT CALENDAR VOTE:

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Kathleen Hoelzel, Clerk

ELECTION LAW

Bill #: HB 1126   Title: relative to nomination of candidates for United States senator

PH Date: 1/19/12   Exec Session Date: 2/14/12

Motion: ITL   Amendment #:

MEMBER	YEAS	NAYS
Bates, David, Chairman	✓	
Scala, Dino A, V Chairman	✓	
Drisko, Richard B		
Hoelzel, Kathleen M, Clerk	✓	
Doherty, Shaun S	✓	
Eaton, Stephanie		
Baldasaro, Alfred P	.	
Smith, William B	✓	
Birdsell, Regina M	✓	
Byrnes, John J	✓	
DeJong, Cameron W		
DeLemus, Susan C		✓
Erickson, Duane H	✓	
Reilly, Harold T		
Thomas, Joseph D	✓	
Cote, David E	✓	
Perry, Robert J	✓	
Pierce, David M	✓	
Leishman, Peter R		
Gimas, John G	✓	
Daler	✓	

TOTAL VOTE: 14   1
Printed: 1/27/2012

Committee
Report

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on **ELECTION LAW** to which was

referred HB1126,

AN ACT relative to nomination of candidates for United

States senator. Having considered the same, report the

same with the following Resolution: RESOLVED, That it

is INEXPEDIENT TO LEGISLATE.

Rep. Joseph D Thomas

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	ELECTION LAW
Bill Number:	HB1126
Title:	relative to nomination of candidates for United States senator.
Date:	February 14, 2012
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill establishes a new procedure for selecting candidates for the United States Senate. The State Senate and the House of Representatives would meet by party to select their primary candidates for the general election for U.S. Senate. The purpose for this is to make the Senator more responsible to his or her state. The XVII amendment establishes a procedure for the electorate to do this function. The majority of the committee believes this to be unconstitutional. Therefore the committee recommends ITL.

Vote 14-1.

Rep. Joseph D Thomas
FOR THE COMMITTEE

Original: House Clerk
     Cc: Committee Bill File

ELECTION LAW

HB1126, relative to nomination of candidates for United States senator. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph D Thomas for ELECTION LAW. This bill establishes a new procedure for selecting candidates for the United States Senate. The State Senate and the House of Representatives would meet by party to select their primary candidates for the general election for U.S. Senate. The purpose for this is to make the Senator more responsible to his or her state. The XVII amendment establishes a procedure for the electorate to do this function. The majority of the committee believes this to be unconstitutional. Therefore the committee recommends ITL. **Vote 14-1.**

Original: House Clerk
    Cc: Committee Bill File

HB 1126
ITL
14-1
Consent Calendar

This bill establishes a new procedure for selecting candidates for the United States Senate. The State Senate and the House of Representatives would meet by party to select their primary candidates for the general election for U.S. Senate. The purpose for this is to make the Senator more responsible to his or her state. The XVII amendment establishes a procedure for the electorate to do this function. The majority of the committee believes this to be unconstitutional. Therefore the committee recommends ITL,

Rep. Joseph Thomas

COMMITTEE REPORT

COMMITTEE: Election Law

BILL NUMBER: 1126

TITLE: relative to nomination of candidates for United States Senator

DATE: 2/14/12   **CONSENT CALENDAR:** YES ☐   NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS W/ AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ INTERIM STUDY (Available only 2nd year of biennium)

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┌─────────────────────────┐
│     Amendment No.       │
│  _____    │
└─────────────────────────┘
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STATEMENT OF INTENT:

This Bill establishes a new procedure for selecting candidates for The United States Senate.
The ~~Representatives~~ State Senate and of the House of Representatives would ~~will~~ meet by party To select their primary candidates for The General Election for U.S senate.
The purpose for This is to make The senator more Responsible To His or Her state

The XVII Amendment establishes a procedure for The Electorate To do This function.
The majority of the Committee believes ~~rules~~ This to be unconstitutional. Therefore The committee recommends ITL ~~by a vote of 14-1~~

COMMITTEE VOTE: 14-1

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┌──────────────────────────────────────┐
│ • Copy to Committee Bill File        │
│ • Use Another Report for Minority Report │
└──────────────────────────────────────┘
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RESPECTFULLY SUBMITTED,

Rep. _[signature]_

For the Committee

Rev. 02/01/07 - Yellow