

Bill as Introduced

HB 1399 - AS INTRODUCED

2012 SESSION

12-2631
03/01

HOUSE BILL **1399**

AN ACT relative to state general election ballots.

SPONSORS: Rep. Pierce, Graf 9

COMMITTEE: Election Law

ANALYSIS

This bill authorizes party columns on state general election ballots for political organizations and independent candidates and requires the rotation of names of candidates for United States senator and representative in congress within the column when 2 or more candidate lists are arranged into the same column.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to state general election ballots.

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

1 1 Party Columns. Amend RSA 656:5, I to read as follows:

2 I. The names of all candidates nominated in accordance with the election laws shall be
3 arranged upon the state general election ballot in successive party columns. Each separate column
4 shall contain the names of the candidates of one party ***or political organization or candidates***
5 ***running as independents***; except that, if only a part of a full list of candidates is nominated by a
6 political party ***or political organization***, 2 or more such lists may be arranged whenever
7 practicable in the same column. ***When arranging 2 or more lists in the same column, the***
8 ***names of candidates for United States senator and representative in congress shall be***
9 ***rotated so that each candidate shall appear an approximately equal number of times in***
10 ***each position for the applicable office within that column.*** The party columns that list the
11 names of candidates for offices that elect more than one person shall stagger the names of the
12 candidates so that they do not line up evenly in a horizontal direction. The left-most column shall
13 begin one line below the column to its right. The secretary of state shall determine the vertical
14 location of any additional columns that may appear on the ballot.

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

Amendments



Rep. Pierce, Graf. 9
January 28, 2012
2012-0313h
03/01

Amendment to HB 1399

"Not Adopted"

1 Amend the bill by replacing section 1 with the following:

2

3 1 Party Columns. Amend RSA 656:5, I to read as follows:

4 I. The names of all candidates nominated in accordance with the election laws shall be
5 arranged upon the state general election ballot in successive party columns. Each separate column
6 shall contain the names of the candidates of one party *or political organization or candidates*
7 *running as independents*; except that, if only a part of a full list of candidates is nominated by a
8 political party *or political organization*, 2 or more such lists may be arranged whenever
9 practicable in the same column. *When arranging 2 or more lists in the same column, the*
10 *names of candidates for each office listed in that column shall be rotated so that each*
11 *candidate shall appear an approximately equal number of times in each position for the*
12 *applicable office within that column.* The party columns that list the names of candidates for
13 offices that elect more than one person shall stagger the names of the candidates so that they do not
14 line up evenly in a horizontal direction. The left-most column shall begin one line below the column
15 to its right. The secretary of state shall determine the vertical location of any additional columns
16 that may appear on the ballot.



Amendment to HB 1399

- Page 2 -

2012-0313h

AMENDED ANALYSIS

This bill authorizes party columns on state general election ballots for political organizations and independent candidates and requires the rotation of names of candidates within the column when 2 or more candidate lists are arranged into the same column.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 1399

BILL TITLE: relative to state general election ballots.

DATE: 1/26/2012

LOB ROOM: 308 **Time Public Hearing Called to Order:** 10:05

Time Adjourned: 10:25

(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. Pierce, Graf 9

TESTIMONY

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

Rep. David Pierce – Introduction to Amendment 2012-0313h. Names on ballots have to be randomized. This bill puts this into our statutes. Lines 6,7,8 - also political organization or candidate ref. line 9, party committee this extends to an organization. Amendment Line 11, the original limited to Senate and Congress. The amendment doesn't limit the office and more fully complies.

Rep. Joseph Thomas – Isn't rotation of names by ballot?

Rep. David Pierce – Yes, with 656:5 no way of rotation 656:5a procedure it never specifies which imposes a burden and how it's done. It just floats.

Rep. David Pierce – 656:5a how you pick a random letter and how you come down. The bill gives the rule 656:5a methodology. 656:5a II that methodology nominated by parties and not by independents gives context to methodology.

Rep. Duane Erikson – Secretary of State?

Rep. David Pierce – Yes, Deputy Scanlon requirement for randomizing

Rep. Duane Erikson – Amendment Secretary of State?

Rep. David Pierce – No

Rep. John Gimas – In court case what was the issue that forced this case. Yes 1) The party with most votes for gave that party goes 1st. 2) No rule for how names were listed in trial court had

witnesses that said that way there's a primacy effect. Primacy effect gave 3% advantage to first on list. The Part I Article II everyone needs equal chance so the court ordered randomization.

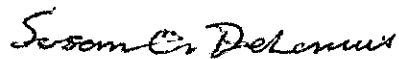
Rep. John Gimás – Will columns start to random or?

Rep. David Pierce – Now they already are randomized the ballots will indicate different party by columns.

Ken Blevens – Bow, NH – Line 9 when arranging..... who would control listing of what names go where and by what statutory ruling do the names get arranged. The column from "other" if there are two names on ballot combining candidates in other, each person running should have their own column. Under what authority can 2 names be combined in a column?

Closed, no further comments

Respectfully Submitted,

A handwritten signature in cursive script that reads "Susan DeLemus".

Rep. Susan DeLemus, Clerk

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 1399

BILL TITLE: relative to state general election ballots.

DATE: 1/26

LOB ROOM: 308

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Open 10:05

(please circle if present)

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

Bill Sponsors: Rep. Pierce, Graf 9

TESTIMONY

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

Rep Pierce intro Amendment 2012-0313h
Names on ballots have to be randomized this bill puts this into our statutes Lines 6,7,8 also political organization or candidate ^{ref.} line 9, ~~3~~ Party committee this extends to an organization. ~~In original~~ Amendment Line 11

The original limited to Senate + Congress the amendment doesn't limit the office + more fully complies.

Thomas - Isnt rotation of names by ballot

Pierce - yes 656:5 no way of rotation 656:5a procedure } it never imposes burden + how its to ^{be} done. It just floats

~~Thomas~~ Pierce - 656:5a how you pick a random letter + how you come down. The Bill gives the rule 656:5a gives methodology. 656:5a II that methodology nominated by parties + not by independents gives context to methodology

Erikson SOS

Pierce - yes, Scanlan requirement for randomizing

Erikson - Amendment SOS?

Pierce - No

Gimas - In court case what was the issue that forced this case

yes 2^o the party w/ most votes for gove that party goes 1st

2^o No. role for how names were listed. in trial court had witnesses by that way there's a primacy effect.

Primacy effect gave 3% advantage to first on list. The Part I Art 2 Everyone needs equal chance the court ordered randomization

Gimas - will columns start to random or ?

Pierce - Now they already are randomized the ballots w/ indicate different Party by columns

Ken Blevens - Bow

At Line 9 when arranging
Who would control listing of what names go where
& by what statutory ruling do the names
get arranged

The column from "Other" if there are two names
on ballot combining of candidates in other
each person running should have their
own column. Under what authority can
2 names be combined in a column?

>
> the />
> end

Close 10:25

Sub-Committee Actions

HOUSE COMMITTEE ON ELECTION LAW
SUBCOMMITTEE WORK SESSION ON HB 1399

BILL TITLE: relative to state general election ballots.

DATE: September 25, 2012

Subcommittee Members: Reps. Baldasaro, Leishman, Birdsell, DeLemus, Perry, and Bates

Comments and Recommendations: Liever vs. Gardner validates that our system is constitutional.

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. Bates

Seconded by Rep. Baldasaro

Vote: 3-0

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

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Al Baldasaro
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON ELECTION LAW
SUBCOMMITTEE WORK SESSION ON HB 1399

BILL TITLE: relative to state general election ballots.

DATE: September 25, 2012

Subcommittee Members: Reps. Baldasaro, ^{Perry Baños} ~~Leishman, Birdsall, and DeLemus~~

Lievano vs Gardner validates Tutor system is constitutional

Comments and Recommendations:

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. *Baños*

Seconded by Rep. *Baldasaro*

3-0

Vote:

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

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. *Baldasaro*
Subcommittee Chairman/Clerk

Voting Sheets

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 1399

BILL TITLE: relative to state general election ballots.

DATE: 1/26/12

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. Byrnes

Seconded by Rep. Pierce

Vote: 12-1 (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: Yes

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Kathleen Hoelzel, Clerk

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 1399

BILL TITLE: relative to state general election ballots.

DATE: 1/26

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. *Byrnes*

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: *yes*

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Kathleen Hoelzel, Clerk

ELECTION LAW

Bill #: 1399 Title: Relative to state general election Ballots

PH Date: 1/26/2012

Exec Session Date: 1/26/2012

Motion: Interim Study Amendment #: _____

MEMBER	YEAS	NAYS
Bates, David, Chairman	✓	
Scala, Dino A, V Chairman		
Drisko, Richard B		✓
Hoelzel, Kathleen M, Clerk	✓	
Doherty, Shaun S		
Eaton, Stephanie <i>Smith</i>	✓	
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	✓	
TOTAL VOTE:	12	1

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 1399

BILL TITLE: relative to state general election ballots.

DATE: October 16, 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. Baldasaro

Seconded by Rep. Gimás

Vote: 10-0 (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:

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Kathleen Hoelzel, Clerk

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 1399

BILL TITLE: relative to state general election ballots.

DATE: October 16, 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. *Baldasero*

Seconded by Rep. *Ginas*

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

10 - 0

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:

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Kathleen Hoelzel, Clerk

ELECTION LAW

Bill #: HB 1399 Title: relative to state general ballots

PH Date: / /

Exec Session Date: 10 / 16 / 2012

Motion: NOT recommended

Amendment #:

MEMBER	YEAS	NAYS
Bates, David, Chairman ✓	/	
Scala, Dino A, V Chairman		
Drisko, Richard B ✓	/	
Hoelzel, Kathleen M ✓	/	
Doherty, Shaun S		
Eaton, Stephanie		
Baldasaro, Alfred P ✓	/	
Smith, William B		
Birdsell, Regina M, <i>Barry</i>	/	
Byrnes, John J		
DeJong, Cameron W		
DeLemus, Susan C, Clerk		
Erickson, Duane H		
Reilly, Harold T ✓	/	
Thomas, Joseph D ✓	/	
Cote, David E ✓	/	
Perry, Robert J <i>Morrigan</i> ✓	/	
Pierce, David M		
Leishman, Peter R		
Gimas, John G ✓	/	
TOTAL VOTE:	<u>10</u>	<u>0</u>

Committee Report

CONSENT CALENDAR

February 8, 2012

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on ELECTION LAW to which was referred HB1399,

AN ACT relative to state general election ballots.

Having considered the same, report the same with the recommendation that the bill be REFERRED FOR INTERIM STUDY.

Rep. John J Byrnes

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	ELECTION LAW
Bill Number:	HB1399
Title:	relative to state general election ballots.
Date:	January 26, 2012
Consent Calendar:	YES
Recommendation:	REFER TO COMMITTEE FOR INTERIM STUDY

STATEMENT OF INTENT

This bill would clarify that the names of candidates must be randomized to meet the constitutional imperative that each citizen qualified for office have an equal right to be elected. The secretary of state's office expressed some concerns about ballot design and printing caused by the bill as written. The committee wants to meet the constitutional imperative but believes further study is needed to address the concerns expressed.

Vote 12-1.

Rep. John J Byrnes
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

ELECTION LAW

HB1399, relative to state general election ballots. **REFER TO COMMITTEE FOR INTERIM STUDY.**

Rep. John J Byrnes for ELECTION LAW. This bill would clarify that the names of candidates must be randomized to meet the constitutional imperative that each citizen qualified for office have an equal right to be elected. The secretary of state's office expressed some concerns about ballot design and printing caused by the bill as written. The committee wants to meet the constitutional imperative but believes further study is needed to address the concerns expressed. **Vote 12-1.**

Original: House Clerk
Cc: Committee Bill File

Statement of Intent HB 1399

This bill would clarify that the names of candidates must be randomized to meet the constitutional imperative that each citizen qualified for office have an equal right to be elected. The secretary of state's office expressed some concerns about ballot design and printing caused by the bill as written. The committee wants to meet the constitutional imperative but believes further study is needed to address the concerns expressed.

Rep. John Byrnes
Interim Study
Consent Calendar
12-1

Janid Bates

COMMITTEE REPORT

COMMITTEE: Election Law
BILL NUMBER: HB 1399
TITLE: Intram Study
Vote 12-1
DATE: 1/26/12 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.

STATEMENT OF INTENT:

This bill would clarify that the names of candidates must be randomized to meet the constitutional imperative that each citizen qualified for office have an equal right to be elected. The Secretary of State's office expressed some concerns about ballot design and printing caused by the bill as written. The committee wants to meet the constitutional imperative but believes further study is needed to address the concerns expressed.

COMMITTEE VOTE: 12 - 1
Y/N NO

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. [Signature]
For the Committee

**INTERIM STUDY
COMMITTEE REPORT**

COMMITTEE: Election Law
BILL NUMBER: HB 1399
TITLE: relative to state general election ballots.
DATE: October 16, 2012

RECOMMENDED FOR FUTURE LEGISLATION

NOT RECOMMENDED FOR FUTURE LEGISLATION

STATEMENT OF INTENT: (May be handwritten)

This bill sought to implement a new requirement to rotate the names of candidates on ballots when more than one party or political organization appears in the same column. Since this bill was introduced, a decision was issued in the Blevins vs. Gardner case that makes it clear that our current statutes dealing with ballot rotation are constitutional and there is no need to change the existing law.

COMMITTEE VOTE: 10-0 (Attach Committee Voting Sheet)

Rep. Alfred P. Baldasaro

Rev. 7/98

INTERIM STUDY
COMMITTEE REPORT.

COMMITTEE: Electio- Law

BILL NUMBER: HB 1399

TITLE: relative to the ^{States General Bill 11073} ~~Fee~~ ~~structure~~ for the ~~purpose~~
~~of ~~the~~ ~~purpose~~~~

DATE: 10/16/2012


RECOMMENDED FOR FUTURE LEGISLATION

NOT RECOMMENDED FOR FUTURE LEGISLATION

STATEMENT OF INTENT: (May be handwritten)

HB 1399 has good intentions in ensuring clarity
on a ballot But the system used today is constitutionally
proper which was validated through the Bliven's
vs Gardner case

COMMITTEE VOTE: 10-0 (Attach Committee Voting Sheet)

Rep. 
For the Committee