

# Bill as Introduced

HB 466-FN - AS INTRODUCED

2011 SESSION

11-0390  
03/10

HOUSE BILL        **466-FN**  
AN ACT            eliminating the ballot law commission.  
SPONSORS:        Rep. Vaillancourt, Hills 15  
COMMITTEE:       Election Law

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ANALYSIS

This bill eliminates the ballot law commission.

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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                   eliminating the ballot law commission.

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

1           1 Reference Deleted. Amend RSA 5:13 to read as follows:

2           5:13 Commissions and Boards Functioning Within Department. The ~~[ballot-law-commission,~~  
3 ~~the]~~ boxing and wrestling commission, the board of accountancy, and the joint board of licensure and  
4 certification shall each function within the department of state as a separate organizational entity  
5 and with all the powers and duties as heretofore provided, except as otherwise provided by law.

6           2 Vacancy. Amend RSA 652:12, V to read as follows:

7           V. Has his or her election voided by court decision ~~[or ballot-law-commission-decision];~~ or

8           3 References Changed. Amend the introductory paragraph of RSA 654:38 to read as follows:

9           654:38 Verification of Checklists. On petition of 50 registered voters or 5 percent of the registered  
10 voters in any town or ward, whichever is less, or on petition of a majority of the board of supervisors of  
11 the checklist filed with the secretary of state no later than the fifth Friday after a state election, the  
12 ~~[ballot-law-commission]~~ **secretary of state** shall conduct an investigation to determine whether or not  
13 there should be a revision and verification of the checklist of said town or ward. At least one public  
14 hearing duly advertised in a newspaper of general circulation in said town or city shall be held by the  
15 ~~[commission]~~ **secretary of state** at such time and place ~~[it]~~ **he or she** may determine. In the event of an  
16 affirmative decision, the ~~[commission]~~ **secretary of state** shall direct the supervisors to revise and verify  
17 such checklist. Thereupon the supervisors shall revise and verify such checklist in the following manner:

18           4 Reference Changed. Amend RSA 654:38, III to read as follows:

19           III. Upon completion of verification of the checklist, but, in no event later than September 1,  
20 the supervisors shall file with the secretary of state the following certificate: We, the supervisors of  
21 the checklist of the town (or ward \_\_\_) of \_\_\_, do hereby certify that we have verified the checklist of  
22 registered voters in the town (or ward \_\_\_\_\_ of the city) of \_\_\_\_\_ as directed by the  
23 ~~[ballot-law-commission]~~ **secretary of state**.

24           5 Reference Changed. Amend RSA 655:14-b, IV to read as follows:

25           IV. If the appropriate official with whom the declaration of candidacy, declaration of intent,  
26 primary petitions, or assents to candidacy are filed does not accept them and returns them to the  
27 candidate because in the opinion of the official they do not conform to the provisions of this section,  
28 the candidate may appeal to the ~~[ballot-law-commission-as-provided-in-RSA-665:9]~~ **superior court**.

29           6 Straw Candidates. Amend RSA 655:31 to read as follows:

30           655:31 Straw Candidates. No person shall be a candidate for nomination at any primary unless  
31 his **or her** candidacy is bona fide and is filed for the actual purpose of personally seeking the

1 nomination. Any candidate for nomination whose name is to be voted upon at primary election may,  
 2 no later than the Wednesday after the last day for filing declarations of candidacy and primary  
 3 petitions, file a petition with the ~~[ballot-law-commission]~~ **secretary of state** alleging that one or  
 4 more candidates for the same nomination is not a bona fide candidate. Upon receipt of such a  
 5 petition, the ~~[commission]~~ **secretary of state** shall notify in writing all candidates of that party for  
 6 the same nomination of the time and place for ~~[its]~~ **the** hearing. After such hearing, the ~~[ballot-law-~~  
 7 ~~commission]~~ **secretary of state** shall have the power and duty to order stricken forthwith from the  
 8 primary ballot the name or names of any candidate or candidates for said nomination if the  
 9 ~~[commission]~~ **secretary of state** finds that such candidate or candidates is obviously not a bona fide  
 10 candidate, obviously having filed not primarily for the purpose of seeking the nomination but  
 11 primarily for the purpose of drawing votes which might otherwise be cast for some other candidate  
 12 for the same nomination. The decision of the ~~[commission shall be final as to questions both of law~~  
 13 ~~and fact, and no court shall have jurisdiction to review such decision]~~ **secretary of state may be**  
 14 **appealed to the superior court.**

15 7 Reference Changed. Amend RSA 656:40 to read as follows:

16 656:40 Adoption. The mayor and aldermen of any city or the selectmen of any town, subject to  
 17 the approval of the ~~[ballot-law-commission]~~ **secretary of state**, may authorize the use of one or more  
 18 electronic ballot counting devices for the counting of ballots in such city or town on a trial basis for  
 19 any regular or special election and pay the expense of such trial from any available funds. The use of  
 20 such devices so authorized shall be valid for all purposes. Any town, or the mayor and aldermen of  
 21 any city, may vote to lease or purchase electronic ballot counting devices for the elections held in said  
 22 town or city. Any town, or the mayor and aldermen of any city, so acting shall notify the secretary of  
 23 state of the action taken in regard to electronic ballot counting devices; and, after said action,  
 24 electronic ballot counting devices shall be used in said town or city in accordance with said vote or  
 25 authorization.

26 8 References Changed. Amend RSA 656:41 to read as follows:

27 656:41 Approval by ~~[Ballot-Law-Commission]~~ **Secretary of State**. The ~~[ballot-law-commission~~  
 28 ~~shall act as a board to]~~ **secretary of state** examine devices for the electronic counting of ballots. The  
 29 ~~[commission]~~ **secretary of state** shall, whenever requested, examine any device which may be  
 30 capable of meeting the requirements for elections held in this state. The ~~[commission]~~ **secretary of**  
 31 **state** shall approve such device in ~~[its]~~ **his or her** discretion, and no device shall be used in any  
 32 election in this state unless it reads the voter's choice on a paper ballot and is of a type so approved  
 33 by the ~~[ballot-law-commission]~~ **secretary of state**. Any device that is altered must be re-approved  
 34 before it is used in any election in this state. For the purposes of this section, a device shall be  
 35 considered altered if any mechanical or electronic part, hardware, software, or programming has  
 36 been altered.

37 9 References Changed. Amend RSA 656:42, I-II to read as follows:

1 I. The ~~[ballot law commission]~~ **secretary of state** shall make such rules as may be necessary  
2 to ensure the accuracy of electronic ballot counting devices, including rules for the testing of  
3 electronic ballot counting devices prior to each election and the submission of testing records to the  
4 secretary of state. The ~~[ballot law commission]~~ **secretary of state** shall make such rules as may be  
5 necessary in order that electronic ballot counting devices may be used in this state in such a manner  
6 that the election laws may be complied with as far as possible. ~~[Said commission]~~ **The secretary of**  
7 **state** shall have the power and authority in making rules to declare certain laws relative to  
8 distribution and marking of ballots and other requirements inconsistent with the use of electronic  
9 ballot counting devices ineffective in towns and cities adopting such a method of voting. The  
10 presiding officer at each polling place shall enforce the rules of the ~~[ballot law commission]~~ **secretary**  
11 **of state** made under the authority of this section.

12 II. Consistent with the rules ~~[of the ballot law commission]~~, the secretary of state shall  
13 include protocols for the testing of electronic ballot counting devices in the election manual  
14 authorized by RSA 652:22. Each device shall be tested after installation and prior to each election.

15 10 Reference Changed. Amend RSA 656:42, VI to read as follows:

16 VI. Any person who knowingly violates the testing procedures established under this section  
17 or the rules of the ~~[ballot law commission]~~ **secretary of state** shall be guilty of a misdemeanor if a  
18 natural person, or guilty of a felony if any other person.

19 11 Reference Changed. Amend RSA 659:77, III to read as follows:

20 III. If a return of votes is not timely submitted or is submitted with significant defects, if a  
21 recount discloses that the election night vote count was significantly inaccurate, or if other  
22 significant deficiencies in the conduct of an election are documented the secretary of state shall  
23 report the same to the attorney general. Upon a finding by the attorney general that the late  
24 submission, miscount, or other significant deficiency was due to lack of training, lack of established  
25 procedures, negligence, or misconduct, the secretary of state in consultation with the attorney  
26 general shall appoint an election monitor who shall be an individual trained in the conduct of  
27 elections and who shall attend portions of the ballot casting and all of the ballot counting to monitor  
28 the next election conducted in that town or ward. The finding of the attorney general may be  
29 appealed to the ~~[ballot law commission]~~ **superior court**.

30 12 Reference Deleted. Amend the introductory paragraph of RSA 659:84 to read as follows:

31 659:84 Certificates of Election. When the time for any recount or appeal to the ~~[ballot law~~  
32 ~~commission or]~~ superior court has expired or when all candidates for an office whose names were  
33 placed on the official state general election ballot have waived in writing a recount and an appeal,  
34 whichever is first:

35 13 Reference Changed. Amend RSA 660:3 to read as follows:

36 660:3 Number of Recounts. Any candidate for whom a vote was cast for any office at a state  
37 general election, provided that the difference between the votes cast for the applying candidate and a

1 candidate declared elected is less than 20 percent of the total votes cast in the towns which comprise  
 2 the office to be recounted, shall be entitled to apply for only one recount under this chapter, and the  
 3 declaration made by the secretary of state under RSA 660:6 shall be final, subject to a change in the  
 4 result following an appeal to the ~~[ballot law commission, as provided in RSA 665:8, II]~~ **superior**  
 5 **court**. If more than one candidate for the same office in the same district applies for a recount under  
 6 this chapter, and a recount is completed, such applications shall not result in a second recount.

7 14 Reference Changed. Amend RSA 660:6, I to read as follows:

8 I. If the recount shall show that some candidate other than the one declared elected upon the  
 9 original canvass of votes has the greatest number of votes cast for the office, the secretary of state  
 10 shall declare said candidate to be elected; and, unless the result is changed upon an appeal taken to  
 11 the ~~[ballot law commission, as provided in RSA 665:8, II]~~ **superior court**, such candidate shall be  
 12 entitled to a certificate of election.

13 15 Reference Changed. Amend RSA 660:9 to read as follows:

14 660:9 Declaration of Result, State Primary. If the recount after a state primary election shall  
 15 show that some candidate other than the one declared nominated upon the original canvass of votes  
 16 has the greatest number of votes cast for the nomination, such candidate shall be declared  
 17 nominated and shall be placed upon the official ballot at the following election unless appeal is taken  
 18 to the ~~[ballot law commission in accordance with RSA 665:6, I]~~ **superior court**. If the person who  
 19 applied for the recount was thereby shown to be the one chosen as the candidate of the party, the  
 20 person shall also have any fee paid returned.

21 16 Reference Changed. Amend RSA 660:9-a to read as follows:

22 660:9-a Declaration of Result, Presidential Primary. If the recount after a presidential primary  
 23 election shall show that the applying candidate qualified under RSA 659:93 for at least one more  
 24 delegate than the original count indicated or that such candidate did qualify for federal election  
 25 funding, such candidate shall receive such funding or shall be apportioned delegates to the national  
 26 party convention in accordance with RSA 659:93 unless appeal is taken to the ~~[ballot law commission~~  
 27 ~~in accordance with RSA 665:6, I]~~ **superior court**. If the person who applied for the recount was  
 28 thereby shown to be entitled to federal funding or at least one more delegate under RSA 659:93, the  
 29 person shall also have any fee paid returned.

30 17 Reference Changed. Amend RSA 660:15 to read as follows:

31 660:15 Declaration of Result. If after the recount it shall appear that the result of the voting on  
 32 said question is other than that announced by the moderator at the election, the secretary of state  
 33 shall declare said result which shall be final unless the result is changed because of an appeal taken  
 34 within 10 days to the ~~[ballot law commission]~~ **superior court**.

35 18 References Changed. Amend RSA 660:16, I to read as follows:

36 I. Upon the conclusion of every recount, the secretary of state shall replace the unprotested  
 37 ballots and absentee voter envelopes in a suitable container for storage. The secretary of state shall

1 retain the ballots and the absentee envelopes for at least 60 days following the recount. Upon an  
2 order of the ~~[ballot law commission]~~ *superior court*, the secretary of state shall produce the ballots  
3 for the inspection of the ~~[commission]~~ *superior court*. Following the ~~[commission's]~~ *court's*  
4 inspection, the secretary of state shall replace the ballots and envelopes, seal them, and certify the  
5 contents and the date when they were examined by the ~~[commission]~~ *superior court*. The envelopes  
6 and ballots shall be subject to the order of the body to which such person claims to be elected or of  
7 the officers required by law to examine the records and to issue certificates of election to such office  
8 or of any court having jurisdiction over them.

9 19 Reference Changed. Amend RSA 666:14 to read as follows:

10 666:14 Administrative Complaint Procedures. The attorney general may establish an  
11 administrative complaint procedure for the resolution of complaints of federal voting law violations,  
12 pursuant to the Help America Vote Act of 2002, Public Law 107-252. The attorney general may  
13 adopt administrative rules under RSA 541-A to implement the complaint resolution procedures. The  
14 ~~[ballot law commission]~~ *secretary of state* is hereby designated as the ~~[body]~~ *person* providing  
15 alternative dispute resolution as required by section 402(a)(2)(I) of the Help America Vote Act of  
16 2002, Public Law 107-252.

17 20 Reference Deleted. Amend RSA 669:61, II to read as follows:

18 II. Nothing in this section shall be deemed to empower a town to find that a vacancy exists,  
19 in the case of a contested election or recount, until the rendering of a final judgment by a court of  
20 competent jurisdiction ~~[or by the ballot law commission]~~ as to such contested election in accordance  
21 with RSA 652:12, V, or until the recount has been concluded.

22 21 Repeal. RSA 665, relative to the ballot law commission, is repealed.

23 22 Effective Date. This act shall take effect January 1, 2012.

LBAO  
11-0390  
01/19/11

**HB 466-FN - FISCAL NOTE**

AN ACT           eliminating the ballot law commission.

**FISCAL IMPACT:**

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.



# Amendments

NOT  
ADOPTED

Amendment to HB 466-FN

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

2

3 AN ACT relative to the ballot law commission.

4

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

6

7 1 Ballot Law Commission; Membership. Amend RSA 665:1 to read as follows:

8

665:1 Organization.

9

I. There shall be a ballot law commission consisting of ~~[5]~~ 4 members. ~~[Two members]~~ *One member* shall be appointed by the speaker of the house of representatives, one ~~[from each of the 2 major political parties in the state based on votes cast for governor in the most recent state general election. Two members]~~ *member shall be appointed by the minority leader of the house of representatives, one member* shall be appointed by the president of the senate, and one ~~[from each of the 2 major political parties in the state based on votes cast for governor in the most recent state general election. One member shall be appointed by the governor with the advice and consent of the council, and shall be a person particularly qualified by experience in election procedure]~~ *member shall appointed by the minority leader of the senate.* No person shall be appointed to the commission who holds an elected office or who is an election official. The terms of all commissioners shall be for 4 years, except that the first appointments shall be as follows: the ~~[members]~~ *member* appointed by the speaker of the house of representatives shall be appointed for ~~[terms]~~ *a term* of 2 years, *the member appointed by the minority leader of the house of representatives shall be appointed for a term of one year,* the ~~[members]~~ *member* appointed by the president of the senate shall be appointed for ~~[terms]~~ *a term* of 3 years, and the member appointed by the ~~[governor]~~ *minority leader of the senate* shall be appointed for a term of 4 years. A member may be re-appointed upon the expiration of his or her term. The members shall elect annually a chairperson from among the members. Members shall be appointed and terms of office shall expire on July 1. Vacancies shall be filled in the same manner for the unexpired term. The secretary of state shall be recording officer and clerk of the commission, but shall have no vote in its decisions.

30

II. There shall be ~~[5]~~ 4 alternate members for the ballot law commission. ~~[Two]~~ *One* alternate ~~[members]~~ *member* shall be appointed by the speaker of the house of representatives, one ~~[from each of the 2 major political parties in the state based on votes cast for governor in the most~~

31

32

1 ~~recent state general election. Two] alternate [members] member shall be appointed by the~~  
2 ~~minority leader of the house of representatives, one alternate member shall be appointed by~~  
3 ~~the president of the senate, and one [from each of the 2 major political parties in the state based on~~  
4 ~~votes cast for governor in the most recent state general election. One] alternate member shall be~~  
5 ~~appointed by the [governor with the advice and consent of the council, and shall be a person~~  
6 ~~particularly qualified by experience in election procedure] minority leader of the senate. The~~  
7 ~~alternate members [appointed by the speaker of the house of representatives and the president of the~~  
8 ~~senate] shall not be members of the general court. The terms of all alternate members shall be for 4~~  
9 ~~years, except that the first appointments shall be as follows: the alternate [members] member~~  
10 ~~appointed by the speaker of the house of representatives shall be appointed for [terms] a term of 2~~  
11 ~~years, the alternate member appointed by the minority leader of the house of~~  
12 ~~representatives shall be appointed for a term of one year, the alternate [members] member~~  
13 ~~appointed by the president of the senate shall be appointed for [terms] a term of 3 years, and the~~  
14 ~~alternate member appointed by the [governor] minority leader of the senate shall be appointed for~~  
15 ~~a term of 4 years. The term of each new alternate member shall begin on July 1.~~

16 2 Alternate Member. Amend RSA 665:2 to read as follows:

17 665:2 Alternate Member. There shall be [5] 4 members present in person at all meetings. In  
18 case any member of the commission is absent from any meeting or unable to perform his or her  
19 duties or disqualifies himself or herself as commissioner, an alternate member who shall have the  
20 same qualifications as those of the commissioner whose place he or she is temporarily filling shall  
21 perform the duties of the commissioner.

22 3 Procedures. Amend RSA 665:11 to read as follows:

23 665:11 Evidence. In any hearing, the commission shall not be bound by the technical rules of  
24 evidence; but its findings must be supported by reliable, probative, and substantial evidence. A  
25 stenographic transcript shall be made of all oral testimony submitted to the commission; and such  
26 transcript together with the exhibits, ballots, and papers filed in the proceedings shall be the  
27 exclusive record for its decision. **All decisions and other official acts of the commission shall**  
28 **require the affirmative vote of a majority of the members of the commission. If a review of**  
29 **a decision or act of the secretary of state or other official or officials results in a tie vote of**  
30 **the commission, the decision or act shall be deemed affirmed.** Decisions of the commission  
31 shall be made in writing and filed with the secretary of state. Reasonable notice of all hearings  
32 before the commission shall be given by the secretary of state by registered mail. In cases of recount  
33 appeals under RSA 665:8, notice shall be given to all candidates for the particular nomination or  
34 office in question. In cases arising under RSA 665:6, notice shall be given to the person or persons  
35 filing objections and to the candidate or candidates to whose nomination objections have been filed.  
36 At all hearings, interested parties may appear, present relevant evidence, be represented by counsel,  
37 and cross-examine opposing witnesses. The records of the commission in any proceeding before it



Amendment to HB 466-FN

- Page 3 -

1 shall be preserved for at least 6 months after the election in question.

2 4 Ballot Law Commission; Membership. The terms of all members and alternate members of  
3 the ballot law commission shall expire on the effective date of this act and new members and  
4 alternate members shall be appointed in accordance with RSA 665:1, as amended by section 1 of this  
5 act.

6 5 Effective Date. This act shall take effect July 1, 2011.



2011-0672h

AMENDED ANALYSIS

This bill reduces the membership of the ballot law commission from 5 members to 4 members and changes the appointing authority for members. This bill also requires the affirmative vote of 3 members of the commission for all decisions and other official acts.

# Hearing Minutes

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 466-FN

**BILL TITLE:** eliminating the ballot law commission.

**DATE:** 2/15/11

**LOB ROOM:** 308      **Time Public Hearing Called to Order:** 4:40 pm

**Time Adjourned:** 5:04 pm

(please circle if present)

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

**Bill Sponsors:** Rep. Vaillancourt, Hills 15

TESTIMONY

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

Rep. Steve Vaillancourt – “joke” – referring to the Ballot Law Commission. Massachusetts is the only other state “partisan hacks”. He trusts the Secretary of State decisions far more than the “Ballot Law Commission”. He feels that they do not follow the laws of the State of New Hampshire. The commission use to have a membership of 3 and now has 5. Last election – 21 recounts and only one ballot was brought to the ballot law commission. The issue is “We don’t need them because they are frivolous”. He cited issues of partisanship.

1. There is a question about what other states do regarding questionable ballots.
2. What is the statutory authority of the Ballot Law Commission.

**Attorney Paul Twomey – Opposed**

Page 3 – line 12

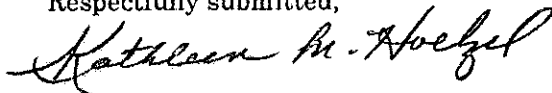
Members and how appointed is an issue.

There are 50 states and 50 different systems; mostly counties

Don’t leave it to one party

Cost to go to Superior Court instead of Ballot Law Commission is questionable

Respectfully submitted,



Kathleen Hoelzel, Clerk

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 466-FN

BILL TITLE: eliminating the ballot law commission.

DATE: 2/15/11

LOB ROOM: 308

Time Public Hearing Called to Order:

Time Adjourned:

4:40 PM  
5:04 PM

(please circle if present)

Committee Members: Reps. (Bates, Scala, Drisko, Jasper, (Hoelzel, Doherty, Eaton, Birdsall, Byrnes, DeJong, DeLemus, Erickson, Reilly, Thomas, Cote, Pierce, Brunelle and Gimás)

Bill Sponsors: Rep. Vaillancourt, Hills 15

TESTIMONY

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

*referring to the*  
 Rep. Steve Vaillancourt - "joke" A ballot law Commission  
 Massachusetts is only other state  
 "partisan packs" He trusts the Secretary of State  
 decisions far more than the "ballot law commission".  
 He feels that they do not follow the laws of  
 the State of N.H. The Commission used to ~~be~~  
 have a membership of 3 and now had 5  
 Last election - 21 recounts and only one ballot was  
 brought to the Ballot Law Commission.  
 The issue is - "We don't need them because they  
 are frivolous". He cited issues of partisanship.  
 Committee question  
 1. There is a question about what other states do regarding  
 questionable ballots.  
 2. ~~The~~ What is the Statutory Authority of the Ballot Law  
 Commission.  
 Love



Attorney Paul Twomey - opposed.

~~Substitute~~ page 3 line 12 -

Members and how appointed is an issue.

There are 50 states + 50 different systems, mostly counties.

Don't leave it to one party

Cost to go to Superior Court instead of ballot Law Commission is questionable.

# Voting Sheets

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 466-FN

**BILL TITLE:** eliminating the ballot law commission.

**DATE:** 3/9/11

**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. Drisko

Seconded by Rep. Jasper

Vote: 14-2 (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:** No

(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 466 FN Title: Election Law

PH Date: 1/1/1

Exec Session Date: 03/09/2011

Motion: OTP

Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Bates, David, Chairman	✓	
Scala, Dino A, V Chairman	✓	
Drisko, Richard B	✓	
Jasper, Shawn N	✓	
Hoelzel, Kathleen M	✓	
Doherty, Shaun S	✓	
Eaton, Stephanie	✓	
Birdsell, Regina M	✓	
Byrnes, John J	✓	
DeJong, Cameron W	✓	
DeLemus, Susan C	✓	
Erickson, Duane H		
Reilly, Harold T	✓	
Thomas, Joseph D	✓	
Cote, David E		✓
Pierce, David M		✓
Brunelle, Michael D		
Gimas, John G <i>Keans</i>	✓	

TOTAL VOTE:  
Printed: 1/4/2011

*14*

*2*

# Committee Report

**REGULAR CALENDAR**

**March 10, 2011**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

The Majority of the Committee on ELECTION LAW to  
which was referred HB466-FN,

AN ACT eliminating the ballot law commission. Having  
considered the same, report the same with the  
recommendation that the bill OUGHT TO PASS.

**Rep. Richard B Drisko**

**FOR THE MAJORITY OF THE COMMITTEE**

**MAJORITY  
COMMITTEE REPORT**

Committee: **ELECTION LAW**  
Bill Number: **HB466-FN**  
Title: **eliminating the ballot law commission.**  
Date: **March 10, 2011**  
Consent Calendar: **NO**  
Recommendation: **OUGHT TO PASS**

**STATEMENT OF INTENT**

The purpose of this bill is to eliminate the ballot law commission and transfer its responsibilities to the Secretary of State. For many years the duties of the ballot law commission were performed by the Secretary of State. Some of those duties are beyond the expertise of the commission's members. The committee decided that these duties are best performed by the Secretary of State with any appeals being decided in superior court. The committee's conclusion is that the ballot law commission is too partisan and should be eliminated.

Vote 14-2

Rep. Richard B Drisko  
FOR THE MAJORITY

Original: House Clerk  
Cc: Committee Bill File



## REGULAR CALENDAR

### ELECTION LAW

**HB466-FN**, eliminating the ballot law commission. **OUGHT TO PASS.**

Rep. Richard B Drisko for the **Majority** of **ELECTION LAW**. The purpose of this bill is to eliminate the ballot law commission and transfer its responsibilities to the Secretary of State. For many years the duties of the ballot law commission were performed by the Secretary of State. Some of those duties are beyond the expertise of the commission's members. The committee decided that these duties are best performed by the Secretary of State with any appeals being decided in superior court. The committee's conclusion is that the ballot law commission is too partisan and should be eliminated. **Vote 14-2.**

Original: House Clerk  
Cc: Committee Bill File

HB 466 – Majority Report

The purpose of this bill is to eliminate the ballot law commission and transfer its responsibilities to the Secretary of State. For many years the duties of the ballot law commission were performed by the Secretary of State. Some of those duties are beyond the expertise of the commission's members. The committee decided that these duties are best performed by the Secretary of State with any appeals being decided in superior court. The committee's conclusion is that the ballot law commission is too partisan and should be eliminated.

Rep. Richard Drisko for the Committee

*David Bates*

# COMMITTEE REPORT

COMMITTEE: ELECTION LAW

BILL NUMBER: HB 466

TITLE: \_\_\_\_\_

DATE: March 9, 2011 CONSENT CALENDAR: YES  NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No. _____
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### STATEMENT OF INTENT:

THE INTENT OF THIS BILL IS TO ELIMINATE THE  
BALLOT LAW COMMISSION AND TRANSFER  
THOSE RESPONSIBILITIES TO THE SECRETARY OF  
STATES OFFICE. FOR MANY YEARS THE  
DUTIES OF THE BALLOT LAW COMMISSION  
HAVE BEEN PERFORMED BY THE SOS. IN  
ADDITION THE COMMISSION HAS HAD  
INCREASED DUTIES THAT HAVE BEEN  
BEYOND THEIR CHARTER AND EXPERTISE.  
THOSE DUTIES WERE PERFORMED BY  
THE SECRETARIES OF STATE. (COVER)

COMMITTEE VOTE: 14-2

RESPECTFULLY SUBMITTED,

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

Rep. RICHARD B DRISKO  
For the Committee

IT IS THE OPINION OF THE COMMITTEE  
THAT THIS DUPLICATION OF DUTIES  
SHOULD PROMPT THE ELIMINATION  
OF THE BALLOT LAW COMMISSION.

**REGULAR CALENDAR**

**March 10, 2011**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Minority of the Committee on ELECTION LAW to  
which was referred HB466-FN,**

**AN ACT eliminating the ballot law commission. Having  
considered the same, and being unable to agree with  
the Majority, report with the following Resolution:**

**RESOLVED, That it is INEXPEDIENT TO LEGISLATE.**

**Rep. David E Cote**

**FOR THE MINORITY OF THE COMMITTEE**

**MINORITY  
COMMITTEE REPORT**

Committee: **ELECTION LAW**  
Bill Number: **HB466-FN**  
Title: **eliminating the ballot law commission.**  
Date: **March 10, 2011**  
Consent Calendar: **NO**  
Recommendation: **INEXPEDIENT TO LEGISLATE**

**STATEMENT OF INTENT**

The minority is concerned that the elimination of the ballot law commission will place an unnecessary financial burden on a candidate seeking to appeal a decision of the Secretary of State, as they would have no alternative but to appeal to the Superior Court. The minority believes that a change this significant to a structure that has been in place for decades should be undertaken, if at all, only after greater consideration than is possible under current deadlines. The fiscal note states, in part, that: "The judicial branch states this bill would eliminate the ballot law commission and replace its adjudicatory function with appeals to the superior court. The branch does not have information on which to estimate how many new appeals to the superior court will be brought pursuant to this proposed bill. The branch states the average cost of a complex equity case in superior court will be \$598.85 in FY 2012 and \$595.70 in FY 2013".

Rep. David E Cote  
FOR THE MINORITY

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

### ELECTION LAW

**HB466-FN**, eliminating the ballot law commission. **INEXPEDIENT TO LEGISLATE.**

Rep. David E Cote for the **Minority** of ELECTION LAW. The minority is concerned that the elimination of the ballot law commission will place an unnecessary financial burden on a candidate seeking to appeal a decision of the Secretary of State, as they would have no alternative but to appeal to the Superior Court. The minority believes that a change this significant to a structure that has been in place for decades should be undertaken, if at all, only after greater consideration than is possible under current deadlines. The fiscal note states, in part, that: "The judicial branch states this bill would eliminate the ballot law commission and replace its adjudicatory function with appeals to the superior court. The branch does not have information on which to estimate how many new appeals to the superior court will be brought pursuant to this proposed bill. The branch states the average cost of a complex equity case in superior court will be \$598.85 in FY 2012 and \$595.70 in FY 2013".

Original: House Clerk  
Cc: Committee Bill File

HB 466 – Minority

The minority is concerned that the elimination of the ballot law commission will place an unnecessary financial burden on a candidate seeking to appeal a decision of the Secretary of State, as they would have no alternative but to appeal to the Superior Court. The minority believes that a change this significant to a structure that has been in place for decades should be undertaken, if at all, only after greater consideration than is possible under current deadlines. The fiscal note states, in part, that: "The judicial branch states this bill would eliminate the ballot law commission and replace its adjudicatory function with appeals to the superior court. The branch does not have information on which to estimate how many new appeals to the superior court will be brought pursuant to this proposed bill. The branch states the average cost of a complex equity case in superior court will be \$598.85 in FY 2012 and \$595.70 in FY 2013".

Rep. David E. Cote for the Committee

A handwritten signature in cursive script, appearing to read "David Bates", is written in black ink. The signature is slanted upwards to the right and is positioned to the right of the typed name "Rep. David E. Cote for the Committee".



## Minority Report-- HB 466

From: **David E. Cote** (decote@aol.com)  
Sent: Wed 3/09/11 9:29 PM  
To: Hon. David Bates (rep.bates@live.com)  
Cc: David Pierce (dmpla@yahoo.com)

The minority is concerned that the elimination of the BLC will place an unnecessary financial burden on a candidate seeking to appeal a decision of the Secretary of State, as they would have no alternative but to appeal to the Superior Court.

The minority believes that a change this significant to a structure that has been in place for decades should be undertaken, if at all, only after greater consideration than is possible under current deadlines. The fiscal note states, in part, that:

"The Judicial Branch states this bill would eliminate the ballot law commission and replace its adjudicatory function with appeals to the superior court. The Branch does not have information on which to estimate how many new appeals to the superior court will be brought pursuant to this proposed bill. The Branch states the average cost of a complex equity case in superior court will be \$598.85 in FY 2012 and \$595.70 in FY 2013."

MINORITY REPORT

COMMITTEE: Election LAW

BILL NUMBER: HB 466

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_ CONSENT CALENDAR: YES  NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No. _____
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STATEMENT OF INTENT:

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COMMITTEE VOTE: \_\_\_\_\_

• Copy to Committee Bill File
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RESPECTFULLY SUBMITTED,

Rep. \_\_\_\_\_  
For the Minority