

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

ANALYSIS

This bill eliminates the ballot law commission.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

HB 466-FN - AS AMENDED BY THE HOUSE

15Mar2011... 0834h

2011 SESSION

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03/10

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

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

25 5 Reference Changed. Amend RSA 655:14-b, IV to read as follows:

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

30 6 Straw Candidates. Amend RSA 655:31 to read as follows:

1 655:31 Straw Candidates. No person shall be a candidate for nomination at any primary unless
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3 nomination. Any candidate for nomination whose name is to be voted upon at primary election may,
4 no later than the Wednesday after the last day for filing declarations of candidacy and primary
5 petitions, file a petition with the ~~[ballot-law-commission]~~ *secretary of state* alleging that one or
6 more candidates for the same nomination is not a bona fide candidate. Upon receipt of such a
7 petition, the ~~[commission]~~ *secretary of state* shall notify in writing all candidates of that party for
8 the same nomination of the time and place for ~~[its]~~ *the* hearing. After such hearing, the ~~[ballot-law~~
9 ~~commission]~~ *secretary of state* shall have the power and duty to order stricken forthwith from the
10 primary ballot the name or names of any candidate or candidates for said nomination if the
11 ~~[commission]~~ *secretary of state* finds that such candidate or candidates is obviously not a bona fide
12 candidate, obviously having filed not primarily for the purpose of seeking the nomination but
13 primarily for the purpose of drawing votes which might otherwise be cast for some other candidate
14 for the same nomination. The decision of the ~~[commission shall be final as to questions both of law~~
15 ~~and fact, and no court shall have jurisdiction to review such decision]~~ *secretary of state may be*
16 *appealed to the superior court.*

17 7 Reference Changed. Amend RSA 656:40 to read as follows:

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

28 8 References Changed. Amend RSA 656:41 to read as follows:

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

1 been altered.

2 9 References Changed. Amend RSA 656:42, I-II to read as follows:

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

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

17 10 Reference Changed. Amend RSA 656:42, VI to read as follows:

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

21 11 Reference Changed. Amend RSA 659:77, III to read as follows:

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

32 12 Reference Deleted. Amend the introductory paragraph of RSA 659:84 to read as follows:

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

37 13 Reference Changed. Amend RSA 660:3 to read as follows:

1 660:3 Number of Recounts. Any candidate for whom a vote was cast for any office at a state
 2 general election, provided that the difference between the votes cast for the applying candidate and a
 3 candidate declared elected is less than 20 percent of the total votes cast in the towns which comprise
 4 the office to be recounted, shall be entitled to apply for only one recount under this chapter, and the
 5 declaration made by the secretary of state under RSA 660:6 shall be final, subject to a change in the
 6 result following an appeal to the ~~[ballot law commission, as provided in RSA 665:8, II]~~ *superior*
 7 *court. The appellant shall not be subject to any fees for the appeal and the superior court*
 8 *shall expedite the appeal.* If more than one candidate for the same office in the same district
 9 applies for a recount under this chapter, and a recount is completed, such applications shall not
 10 result in a second recount.

11 14 Reference Changed. Amend RSA 660:6, I to read as follows:

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

17 15 Reference Changed. Amend RSA 660:9 to read as follows:

18 660:9 Declaration of Result, State Primary. If the recount after a state primary election shall
 19 show that some candidate other than the one declared nominated upon the original canvass of votes
 20 has the greatest number of votes cast for the nomination, such candidate shall be declared
 21 nominated and shall be placed upon the official ballot at the following election unless appeal is taken
 22 to the ~~[ballot law commission in accordance with RSA 665:6, I]~~ *superior court. The appellant*
 23 *shall not be subject to any fees for the appeal and the superior court shall expedite the*
 24 *appeal.* If the person who applied for the recount was thereby shown to be the one chosen as the
 25 candidate of the party, the person shall also have any fee paid returned.

26 16 Reference Changed. Amend RSA 660:9-a to read as follows:

27 660:9-a Declaration of Result, Presidential Primary. If the recount after a presidential primary
 28 election shall show that the applying candidate qualified under RSA 659:93 for at least one more
 29 delegate than the original count indicated or that such candidate did qualify for federal election
 30 funding, such candidate shall receive such funding or shall be apportioned delegates to the national
 31 party convention in accordance with RSA 659:93 unless appeal is taken to the ~~[ballot law commission~~
 32 ~~in accordance with RSA 665:6, I]~~ *superior court. The appellant shall not be subject to any fees*
 33 *for the appeal and the superior court shall expedite the appeal.* If the person who applied for
 34 the recount was thereby shown to be entitled to federal funding or at least one more delegate under
 35 RSA 659:93, the person shall also have any fee paid returned.

36 17 Reference Changed. Amend RSA 660:15 to read as follows:

37 660:15 Declaration of Result. If after the recount it shall appear that the result of the voting on

1 said question is other than that announced by the moderator at the election, the secretary of state
2 shall declare said result which shall be final unless the result is changed because of an appeal taken
3 within 10 days to the ~~[ballot law commission]~~ *superior court*. *The appellant shall not be subject*
4 *to any fees for the appeal and the superior court shall expedite the appeal.*

5 18 References Changed. Amend RSA 660:16, I to read as follows:

6 I. Upon the conclusion of every recount, the secretary of state shall replace the unprotested
7 ballots and absentee voter envelopes in a suitable container for storage. The secretary of state shall
8 retain the ballots and the absentee envelopes for at least 60 days following the recount. Upon an
9 order of the ~~[ballot law commission]~~ *superior court*, the secretary of state shall produce the ballots
10 for the inspection of the ~~[commission]~~ *superior court*. Following the ~~[commission's]~~ *court's*
11 inspection, the secretary of state shall replace the ballots and envelopes, seal them, and certify the
12 contents and the date when they were examined by the ~~[commission]~~ *superior court*. The envelopes
13 and ballots shall be subject to the order of the body to which such person claims to be elected or of
14 the officers required by law to examine the records and to issue certificates of election to such office
15 or of any court having jurisdiction over them.

16 19 Reference Changed. Amend RSA 666:14 to read as follows:

17 666:14 Administrative Complaint Procedures. The attorney general may establish an
18 administrative complaint procedure for the resolution of complaints of federal voting law violations,
19 pursuant to the Help America Vote Act of 2002, Public Law 107-252. The attorney general may
20 adopt administrative rules under RSA 541-A to implement the complaint resolution procedures. The
21 ~~[ballot law commission]~~ *secretary of state* is hereby designated as the ~~[body]~~ *person* providing
22 alternative dispute resolution as required by section 402(a)(2)(I) of the Help America Vote Act of
23 2002, Public Law 107-252.

24 20 Reference Deleted. Amend RSA 669:61, II to read as follows:

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

29 21 Repeal. RSA 665, relative to the ballot law commission, is repealed.

30 22 Effective Date. This act shall take effect January 1, 2012.

LBAO
11-0390
Revised 01/27/11

HB 466 FISCAL NOTE

AN ACT eliminating the ballot law commission.

FISCAL IMPACT:

The Judicial Branch states this bill may increase state expenditures by an indeterminable amount in FY 2012 and in each fiscal year thereafter. There will be no fiscal impact on state revenues, or county and local revenues or expenditures.

METHODOLOGY:

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.

The Department of State states this bill would eliminate the ballot law commission and transfer its duties to the Department and to the Judicial Branch. The Department states as it already absorbs the costs incurred by the ballot law commission, there would be no fiscal impact as a result of this bill.

HB 466 FISCAL NOTE

AN ACT eliminating the ballot law commission.

FISCAL IMPACT:

The Department State states this bill, as amended by the House (Amendment #2011-0834h), will have no impact on state revenues and expenditures in fiscal year 2012 and each year thereafter. There will be no impact on county or local revenues or expenditures.

The Office of Legislative Budget Assistant is awaiting information from the Judicial Branch relative to the potential fiscal impact of this bill. The Branch was initially contacted on 03/21/11 and most recently contacted on 06/12/11.

METHODOLOGY:

The Department of State states this bill would eliminate the ballot law commission and transfer its duties to the Department and to the Judicial Branch. The Department states as it already absorbs the costs incurred by the ballot law commission, there would be no fiscal impact as a result of this bill.

Amendments

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

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

31 II. There shall be ~~[5]~~ **4** alternate members for the ballot law commission. ~~[Two]~~ **One**
32 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~~

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.

Committee Minutes

ATTENDANCE

**SENATE CALENDAR NOTICE
PUBLIC AND MUNICIPAL AFFAIRS**

- ✓ Senator John Barnes, Jr. Chairman
- ✓ Senator Jeanie Forrester V Chairman
- ✓ Senator David Boutin
- ✓ Senator Amanda Merrill
- ✓ Senator Nancy Stiles

START : 10:52 AM
STOP : 11:32 AM
(40)

For Use by Senate Clerk's Office ONLY

Bill Status

Docket

Calendar

Proof: Calendar Bill Status

Date: April 20, 2011

HEARINGS

Tuesday

4/26/2011

PUBLIC AND MUNICIPAL AFFAIRS

LOB 101

9:00 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

- 9:00 AM HB257 relative to removal of political advertising.
- 9:10 AM HB487-FN relative to election day registrants.
- 9:30 AM HB258 eliminating certain unenforced election laws.
- 9:45 AM HB358 relative to the maintenance, repair, and preservation of burial grounds.
- 10:00 AM HB411 relative to distributing campaign materials at the polling place.
- 10:20 AM HB466-FN eliminating the ballot law commission.

Sponsors:

HB257

Rep. David Bates

HB487-FN

Rep. Shawn Jasper

Rep. Susan DeLemus

Rep. Richard Drisko

Sen. David Boutin

HB258

Rep. David Bates

HB358

Rep. David Watters

Rep. James Sullivan

Sen. Bob Odell

Sen. Amanda Merrill

Rep. Christine Hamm

Rep. Dorothea Hooper

Rep. Daniel Carr

HB411

Rep. John Hikel

HB466-FN

Rep. Steve Vaillancourt

Debra Martone 271-3092

Sen. John Barnes, Jr.

Chairman

Public and Municipal Affairs Committee

Hearing Report

TO: Members of the Senate

FROM: Deb Martone, Legislative Aide

RE: Hearing report on HB 466-FN – **eliminating the ballot law commission.**

HEARING DATE: April 26, 2011

MEMBERS OF THE COMMITTEE PRESENT: Senators Barnes, Forrester, Merrill, Boutin and Stiles.

MEMBERS OF THE COMMITTEE ABSENT: No one.

Sponsor(s): Representative Vaillancourt.

What the bill does: eliminates the Ballot Law Commission.

Who supports the bill: Representative Vaillancourt; Representative Bates (supported the bill and worked on amendment).

Who opposes the bill: Representatives Horrigan and Pierce; Former Representative Bob Perry; Melissa Bernardin, America Votes; Claire Ebel, NH Civil Liberties Union; Paul Twomey.

Summary of testimony received:

•Senator Barnes opened the hearing at 10:52 am and introduced the prime sponsor, Representative Vaillancourt, who explained the bill is a serious piece of legislation. The Ballot Law Commission has become an embarrassment to the state of New Hampshire. It serves no purpose that could not be served in another form.

•The Ballot Law Commission was altered after the 2002 election, after it “broke” the law. The law states you may have only one recount. But the Commission allowed a second recount on a race for a State Representative in Hopkinton.

- We all have confidence that the Secretary of State handles recounts very well.

- In 2010 the Commission allowed a Strafford County candidate's name removed from the ballot without that candidate fulfilling the requirement to do so.

- Games were played by the Ballot Law Commission. People have to have absolute confidence in the system.

- Members of the Commission are appointed, and tend to be partisan. There should be no partisanship on the Commission.

- Recounts for the 2010 election were handled like "Saturday Night Live" skits. For example, one individual appealing a Cheshire County decision suggested a possible conspiracy to defraud with approximately 60 ballots, which contained pencil marks made by someone counting the votes. Obviously, the ballots should not have been marked. When the Ballot Law Commission Chairman pointed out that not all marks were identical, the individual backed down. This example typifies the partisanship of the Ballot Law Commission.

- We end up having a Ballot Law Commission that is unnecessary and dominated by non-elected, partisan people. Do we really need a Ballot Law Commission? This process could be handled by the Secretary of State.

- This bill would allow for a challenge to the court system on an expedited basis, if it is a serious challenge.

- Eliminating the Ballot Law Commission will eliminate frivolous election result challenges.

- Representative Vaillancourt welcomed any changes committee members might make to the bill to solve the existing problem.

- Representative Pierce opposes, and along with Representative Bates, has drafted an amendment to the bill, #2011-0672h. The amendment takes a completely different approach in trying to address the extreme partisanship that exists on the Ballot Law Commission. It might be better to consider a less drastic approach than abolishing the Commission.

- Senator Barnes expressed concern with not holding a public hearing on the proposed Pierce/Bates amendment. Representative Bates indicated the amendment was an alternative for the committee's consideration.

- Representative Pierce explained the majority members of the Commission can make election decisions, and the Commission has lent itself to partisanship in the past.

- The Ballot Law Commission has responsibilities in addition to recounts, such as determining if our vote-counting machines are appropriate for New Hampshire, or if software updates should be adopted. If the Commission is eliminated, these types of procedures are eliminated.

- By eliminating the Ballot Law Commission we are investing in the Secretary of State's Office the sole authority over elections.

- The original bill is too extreme for the problem that is cited. The amendment reduces the membership from five to four. The four members will be appointed by each party, i.e., two Republicans and two Democrats. The opportunity for partisanship would be eliminated. If the Commission is deadlocked 2-2, the Secretary of State's decision would stand.

- Senator Stiles inquired as to the other responsibilities of the Ballot Law Commission. Representative Bates indicated the original bill as introduced lists the responsibilities.

- Representative Bates stated he is agreeable to either abolishing the Commission or amending the bill.

- Senator Barnes related past instances with the Ballot Law Commission where he felt they were violating the law.

- Senator Forrester asked if Representative Vaillancourt was aware of the amendment, to which Representative Bates indicated he was. Senator Barnes then remarked that Representative Vaillancourt did not mention the amendment. Senator Forrester asked about Representative Vaillancourt's opinion on the amendment. Representative Bates indicated Representative Vaillancourt would prefer to see his own bill passed. Senator Forrester then inquired as to whether or not the Secretary of State had weighed in on the amendment. Representative Bates indicated they had developed the concept for the amendment while in the Secretary of State's office during discussions. Senator Barnes indicated the Secretary of State's Office has not contacted him concerning the bill.

- Senator Barnes stated this bill was a very important piece of legislation. It is not frivolous. People of the state should have an opportunity at a public hearing to weigh in on the proposed amendment. He reiterated his concern that committee members are seeing the amendment for the first time with no previous knowledge of it. He suggests perhaps the bill should be re-referred to committee. He indicated the Ballot Law Commission process is an avenue

that can be explored, in addition to the Secretary of State.

- Former Representative Bob Perry, a retired court reporter, opposed the bill. He expressed concern with docket overload at the Superior Court. The court is going through significant change, underfunded, understaffed and behind in adjudicating cases. Adding another dimension of litigation to the court will only exacerbate its troubles. Mandating an expedited response from the court may be easier said than done. It can be argued that the Ballot Law Commission is the most efficient and appropriate forum to hear election law appeals.

- Claire Ebel, Executive Director of the NH Civil Liberties Union urged committee members to re-refer the bill to committee. This bill has a very significant impact upon individuals and their fundamental right in terms of casting votes. It is important to have the opportunity to have input on the amendment.

- The perceived partisanship of the Commission is a problem. It can be addressed with this bill. To eliminate the Commission, however, is not to eliminate the problem of partisanship. It is simply to get rid of an agency that has significant duties, most of which are performed quite apart from whatever the partisan opinions of the members are.

- Paul Twomey, who does pro bono election law work, has appeared before the Ballot Law Commission a number of times. He agrees that the Commission is partisan. The changes to the Commission in 2002 were very unfortunate. However, the cure of abolishing the Commission is worse than the disease. It leaves almost all power over elections to one person, the Secretary of State, whose position is susceptible to partisan control. The Secretary of State serves at the pleasure of the House of Representatives, for all intents and purposes. Mr. Twomey suggest the Committee retain the bill to look at alternatives, such as the proposed amendment.

- Senator Barnes closed the hearing at 11:32 am.

Action: Senator Forrester made a motion of Re-Refer to Committee on HB 466-FN. Senator Stiles seconded the motion. The vote was 5-0 in favor. Senator Barnes will report the bill out of committee.

dam

[file: HB 466-FN report]

Date: April 26, 2011

**SENATE CALENDAR NOTICE
PUBLIC AND MUNICIPAL AFFAIRS**

Senator John Barnes, Jr. Chairman
 Senator Jeanie Forrester V Chairman
 Senator David Boutin
 Senator Amanda Merrill
 Senator Nancy Stiles

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

Date: August 1, 2011

EXECUTIVE SESSIONS

Tuesday 9/20/2011

PUBLIC AND MUNICIPAL AFFAIRS	LOB 101	9:00 AM
(Name of Committee)	(Place)	(Time)

EXECUTIVE SESSION ON PENDING LEGISLATION

- | | |
|----------|--|
| HB186-FN | (New Title) relative to the definition of political communication. |
| HB382 | (New Title) relative to the maintenance of municipal public cemeteries. |
| HB466-FN | eliminating the ballot law commission. |
| HB588 | relative to polling hours and location of polling places. |
| SB83-FN | enabling municipalities to create other post-employment benefits (OPEB) trusts. |
| SB94 | relative to state certification of community residences in municipalities with zoning ordinances which accommodate certified community residences. |

Sponsors:

- | | | | |
|---|--|-----------------------|-----------------------|
| HB186-FN
Rep. David Bates
Sen. David Boutin | Rep. Timothy Comerford | Rep. Timothy Horrigan | Rep. Dan McGuire |
| HB382
Rep. G. Brian Seaworth | Rep. John McDonnell | | |
| HB466-FN
Rep. Steve Vaillancourt | | | |
| HB588
Rep. David Pierce | Rep. Timothy Comerford | | |
| SB83-FN
Sen. Amanda Merrill
Rep. Donald Andolina | Rep. David Watters
Rep. Dorothea Hooper | Rep. Peter Schmidt | Rep. Marsha Pelletier |
| SB94
Sen. Jeb Bradley | Rep. Christopher Ahlgren | Rep. J. David Knox | |

Speakers

Testimony

AMERICA VOTES

April 26, 2011

SENATE PUBLIC & MUNICIPAL AFFAIRS COMMITTEE

Re: **House Bill 466-FN**, an act eliminating the ballot law commission

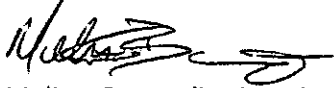
Dear Chairman Barnes and members of the committee:

America Votes is an organization that supports and coordinates nonpartisan voter outreach and education statewide and works to protect voter rights and voter access to the ballot. We are here today to urge your opposition to HB 466.

While the sitting Secretary of State is extremely trustworthy and is highly regarded among members of both political parties, shifting majorities can mean changes in the individuals to whom this bill grants sole authority over our elections.

It would be in the best interest of democracy for an independently appointed body to balance out the influence of the Secretary of State in the various areas of elections oversight. We urge the legislature to look at ways to fix the commission to make it work more effectively for all of its roles and responsibilities, rather than make such a drastic change as abolishing it as an entity.

Sincerely,



Melissa Bernardin, America Votes

H.B. 466 10:20 A.M., April 26.

I speak in opposition to HB 466, a bill that eliminates the ballot-law commission.

One of my concerns rests in the current state of docket overload of the Superior Court. It is currently undergoing significant change, is arguably understaffed, underfunded, having to prioritize the types of cases it deals with first, and is seriously behind in its ability to adjudicate the growing number of cases. Perhaps the same could be said for the Secretary of State's office in terms of workload, funding and staffing. Adding another dimension of litigation to the court will only exacerbate its troubles. Mandating an expedited response from the court per 660:3 and 9 may be easier said than done. And while 660:3 and 9 also indicates the appellant shall not be subject to any fees for the appeal, I don't know whether statute related to waiver of all fees trumps Superior Court Rules.

I am also concerned that an appeal to the Superior Court will require conformity with the Rules of Evidence and Rules of Procedure in this much more formal setting; thus, an appellant would be less capable of perfecting the appeal on a pro-se basis, and more obligated, instead, to seek the aid of an attorney, raising costs to the appellant significantly.

Lastly, the ballot-law commission is a body dealing specifically with election laws, currently consisting of at least one attorney, perhaps two as its core membership, and it can be argued, therefore, that it is the most efficient and appropriate forum to hear election-law appeals.

Bob Perry
Strafford, NH

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: April 26, 2011

THE COMMITTEE ON Public and Municipal Affairs
to which was referred House Bill 466-FN

AN ACT eliminating the ballot law commission.

Having considered the same, the committee recommends that the Bill:

BE RE-REFERRED TO COMMITTEE

BY A VOTE OF: 5-0

AMENDMENT # s

Senator John S. Barnes, Jr.
For the Committee

Debra Martone 271-3092

New Hampshire General Court - Bill Status System

Docket of HB466

Docket Abbreviations

Bill Title: eliminating the ballot law commission.*Official Docket of HB466:*

Date	Body	Description
1/21/2011	H	Introduced 1/6/2011 and Referred to Election Law; HJ 11 , PG. 187
2/8/2011	H	Public Hearing: 2/15/2011 4:00 PM LOB 308
3/2/2011	H	Executive Session: 3/9/2011 10:30 AM LOB 308
3/10/2011	H	Majority Committee Report: Ought to Pass for Mar 15 (Vote 14-2; RC); HC 22 , PG.552-553
3/10/2011	H	Minority Committee Report: Inexpedient to Legislate; HC 22 , PG.552-553
3/15/2011	H	Floor Amendment #2011-0834h (Rep Jasper) Adopted, VV; HJ 26 , PG.797-798
3/15/2011	H	Ought to Pass with Amendment #0834h: MA VV; HJ 26 , PG.797-798
3/30/2011	S	Introduced and Referred to Public and Municipal Affairs; SJ 12 , Pg.243
4/20/2011	S	Hearing: 4/26/11, Room 101, LOB, 10:20 a.m.; SC21
4/27/2011	S	Committee Report: Rereferred to Committee, 5/4/11; SC22
5/4/2011	S	Rereferred to Committee, MA, VV; SJ 15 , Pg.307

NH House

NH Senate

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: September 20, 2011

THE COMMITTEE ON Public and Municipal Affairs
to which was referred House Bill 466-FN

AN ACT eliminating the ballot law commission.

Having considered the same, the committee recommends that the Bill:
IS INEXPEDIENT TO LEGISLATE

BY A VOTE OF: 5-0

AMENDMENT # s

Senator Jeanie Forrester
For the Committee

Debra Martone 271-3092

Other Referrals

COMMITTEE REPORT FILE INVENTORY

HB 466-FN ORIGINAL REFERRAL & HB 466-FN RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

X DOCKET (Submit only the latest docket found in Bill Status)

XX COMMITTEE REPORT

XX CALENDAR NOTICE

X HEARING REPORT

X PREPARED TESTIMONY AND OTHER SUBMISSIONS HANDED IN AT THE PUBLIC HEARING

X SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

X - AMENDMENT # 2011-0672A - AMENDMENT # _____
____ - AMENDMENT # _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

X AS INTRODUCED X AS AMENDED BY THE HOUSE
____ FINAL VERSION _____ AS AMENDED BY THE SENATE

X OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

AMENDED FISCAL NOTE - 08/24/11

DATE DELIVERED TO SENATE CLERK

12/13/11

BY:

Debra Q. Martore
COMMITTEE AIDE