

Committee Report

REGULAR CALENDAR

February 17, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Election Law to which was referred
HB 77,**

**AN ACT requiring town and city clerks to provide daily
notification to the secretary of state of any filings for
elected office. Having considered the same, report the
same with the following amendment, and the
recommendation that the bill OUGHT TO PASS WITH
AMENDMENT.**

Rep. Ross Berry

FOR THE COMMITTEE

COMMITTEE REPORT

| | |
|-------------------|--|
| Committee: | Election Law |
| Bill Number: | HB 77 |
| Title: | requiring town and city clerks to provide daily notification to the secretary of state of any filings for elected office. |
| Date: | February 17, 2021 |
| Consent Calendar: | REGULAR |
| Recommendation: | OUGHT TO PASS WITH AMENDMENT 2021-0402h |

STATEMENT OF INTENT

This bill requires the town clerks to report candidate filings to the Secretary of State's office daily via electronic medium. Currently clerks are required to forward, and they do via the US Postal Service, the candidate filing forms. The amendment clarifies that the filing is to occur on the day filings occur, not necessarily daily. A problem currently exists where, due to slow mail service, the Secretary of State's office is not able to receive the original information in a timely manner to post online and this impacts candidate filings. This delay means that often the public is not aware that someone has or has not filed before the deadline and creates issues in making sure that each and every position for public office is filled. The majority of the committee believes this bill will improve the reporting of filings and thus improve the information for potential and official candidates.

Vote 14-6.

Rep. Ross Berry
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Election Law

HB 77, requiring town and city clerks to provide daily notification to the secretary of state of any filings for elected office. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ross Berry for Election Law. This bill requires the town clerks to report candidate filings to the Secretary of State's office daily via electronic medium. Currently clerks are required to forward, and they do via the US Postal Service, the candidate filing forms. The amendment clarifies that the filing is to occur on the day filings occur, not necessarily daily. A problem currently exists where, due to slow mail service, the Secretary of State's office is not able to receive the original information in a timely manner to post online and this impacts candidate filings.

This delay means that often the public is not aware that someone has or has not filed before the deadline and creates issues in making sure that each and every position for public office is filled.

The majority of the committee believes this bill will improve the reporting of filings and thus improve the information for potential and official candidates. **Vote 14-6.**

Original: House Clerk

Cc: Committee Bill File

Amendment to HB 77

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

2

3 1 Nominations; Forwarding Declarations of Candidacy. Amend RSA 655:18 to read as follows:

4 655:18 Forwarding Declarations of Candidacy.

5 ***I.*** Each city or town clerk shall forward each declaration of candidacy filed with him or her
6 to the secretary of state on the day of filing of the same.

7 ***II.*** ***City and town clerks shall provide to the secretary of state, on at least a daily***
8 ***basis, a summary of any filings received pursuant to this chapter each day. Such summary***
9 ***shall be submitted electronically and shall include the name and address of any candidate***
10 ***who has filed. The secretary of state shall then add those persons to the daily report for***
11 ***that day.***

12 ***III.*** ***Clerks shall only be required to report to the secretary of state pursuant to this***
13 ***section on days the clerks' offices are open and receiving filings.***

Archived: Thursday, April 22, 2021 11:18:25 AM
From: [Miriam Simmons](#)
Sent: Thursday, April 22, 2021 10:23:34 AM
To: [Miriam Simmons](#)
Subject: FW: HB 77 report Email
Response requested: No
Importance: Normal

From: Bgriffinlo <bgriffinlo@aol.com>
Sent: Wednesday, February 17, 2021 4:33 PM
To: Miriam Simmons <miriam.simmons@leg.state.nh.us>; Pam Smarling <Pam.Smarling@leg.state.nh.us>
Subject: reports

The below are approved

HB 77 An act requiring town and city clerks to provide daily notification to the secretary of state of any filings for elected office. OUGHT TO PASS AS AMENDED. Rep. Ross Berry for Election Law.

This bill requires the town clerks to report candidate filings to the Secretary of State's office daily via electronic medium. Currently clerks are required to forward, and they due via USPS mail, the candidate filing forms. The amendment makes the intended changes to the statute that deals with the reporting requirement and clarified that the filing is to occur on the day filings occur, not necessarily daily. A problem currently exists where due to slow mail service that the Secretary of State's office is not able to receive the original information in a timely manner to post online and this impacts candidate filings. This delay means that often the public is not aware that someone has or has not filed before the deadline and creates issues in making sure that each and every position for public office is filled. The majority of the committee believes this bill will improve the reporting of filings and thus improve the information for potential and official candidates.

Voting Sheets

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on Bill # HB-77

BILL TITLE: Requiring town and city clerks to provide daily notifications to the secretary of state of any filings for elected office.

DATE: 2-12-2021

LOB ROOM: 306

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # 0402H
- Interim Study (2nd year) (if offered)

Moved by Rep. Barry Seconded by Rep. Tiroonian Vote: 19/1

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. Barry Seconded by Rep. Tiroonian Vote: 14/6

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: _____ YES _____ NO

Minority Report? _____ Yes _____ No If yes, author, Rep: _____ Motion _____

Respectfully submitted: Rep. Natalie Wells, Clerk
Rep Natalie Wells, Clerk



2021 SESSION

Election Law

Bill #: HB 77 Motion: OTP-A AM #: 2021 0402h Exec Session Date: 2.17.2017

| <u>Members</u> | <u>YEAS</u> | <u>Nays</u> | <u>NV</u> |
|--|-------------|-------------|-----------|
| Griffin, Barbara J. Chairman | ✓ | | |
| MacDonald, Wayne D. Vice Chairman | ✓ | | |
| Prudhomme-O'Brien, Katherine J. | ✓ | | |
| Sweeney, Joe | ✓ | | |
| Hayward, Peter T. | ✓ | | |
| Mooney, Maureen C. | ✓ | | |
| Torosian, Peter E. | ✓ | | |
| Berry, Ross | ✓ | | |
| Groen, Fenton | ✓ | | |
| Qualey, James R. | ✓ | | |
| Wells, Natalie J. Clerk | ✓ | | |
| Cote, David E. | | ✓ | |
| Ward, Gerald W.R. | | ✓ | |
| Bergeron, Paul R. | | ✓ | |
| Sandler, Catt Manny Espitia | | ✓ | |
| Hamer, Heidi M. | | ✓ | |
| Lane, Connie B. | | ✓ | |
| Freitas, Mary C. | ✓ | ✗ | |
| Hamblet, Joan L. | ✓ | | |
| Muirhead, Russell | ✓ | | |
| TOTAL VOTE: | 14 | 6 | |



2021 SESSION

Election Law

Bill #: HB 777 Motion: to Amend AM #: 2021-04024 Exec Session Date: 2-17-2019

| <u>Members</u> | <u>YEAS</u> | <u>Nays</u> | <u>NV</u> |
|--|-------------|-------------|-----------|
| Griffin, Barbara J. Chairman | ✓ | | |
| MacDonald, Wayne D. Vice Chairman | ✓ | | |
| Prudhomme-O'Brien, Katherine J. | ✓ | | |
| Sweeney, Joe | ✓ | | |
| Hayward, Peter T. | ✓ | | |
| Mooney, Maureen C. | ✓ | | |
| Torosian, Peter E. | ✓ | | |
| Berry, Ross | ✓ | | |
| Groen, Fenton | ✓ | | |
| Qualey, James R. | ✓ | | |
| Wells, Natalie J. Clerk | ✓ | | |
| Cote, David E. | ✓ | | |
| Ward, Gerald W.R. | ✓ | | |
| Bergeron, Paul R. | ✓ | | |
| Sandler, Catt <i>Mannie Espitia</i> | | | |
| Hamer, Heidi M. | ✓ | | |
| Lane, Connie B. | | ✓ | |
| Freitas, Mary C. | ✓ | | |
| Hamblet, Joan L. | ✓ | | |
| Muirhead, Russell | ✓ | | |
| TOTAL VOTE: | 19 | 1 | |

Amendment to HB 77

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

2

3 1 Nominations; Forwarding Declarations of Candidacy. Amend RSA 655:18 to read as follows:
4 655:18 Forwarding Declarations of Candidacy.

5 **I.** Each city or town clerk shall forward each declaration of candidacy filed with him or her
6 to the secretary of state on the day of filing of the same.

7 **II.** *City and town clerks shall provide to the secretary of state, on at least a daily*
8 *basis, a summary of any filings received pursuant to this chapter each day. Such summary*
9 *shall be submitted electronically and shall include the name and address of any candidate*
10 *who has filed. The secretary of state shall then add those persons to the daily report for*
11 *that day.*

12 **III.** *Clerks shall only be required to report to the secretary of state pursuant to this*
13 *section on days the clerks' offices are open and receiving filings.*

Hearing Minutes

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 77

BILL TITLE: requiring town and city clerks to provide daily notification to the secretary of state of any filings for elected office.

DATE: February 12, 2021

LOB ROOM: LOB Hybrid **Time Public Hearing Called to Order:** 10:05 a.m.

Time Adjourned: 10:22 a.m.

Committee Members: Reps. B. Griffin, W. MacDonald, Wells, Prudhomme-O'Brien, Sweeney, Hayward, Mooney, Torosian, Berry, Groen, Qualey, Cote, Ward, Bergeron, Sandler, Hamer, Lane, Freitas, Hamblet and Muirhead

Bill Sponsors:

Rep. Boehm

Rep. Ladd

TESTIMONY

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

***Rep Ralph Boehm, Hillsborough #20, Sponsor, Supports**

Introduced the Bill

- Provides electronic submission
- Some town clerks wait until last day of filing
- Litchfield Town Clerk supports
- Filing documents can be scanned
- Bill will make it easy for Sec of State

Question Rep. Torosian: Currently does the Secretary of State say to mail in daily?

Question Rep. Berry: Do most town clerks have email?

Question – Rep. Bergeron: RSA 655:18 each clerk shall file on day of filing the same.

Ans - Fax is included

Question – Rep. Mooney: daily filing if no one files?

Ans – No clarification is needed

Mr. Daniel Healey – Derry Town Clerk, Supports

- Mail takes too long
- SOS should follow up if not done daily
- If no filings, then send message of “no filings”

Dave Scanlan – Deputy Secretary of State

- SOS would be happy to receive daily filings
- Many clerks do send daily filings
- Not every clerk’s office is open every day
- Filings are reviewed as received
- Can post “unofficial” and “official” lists once paperwork is received

Question – Rep. Groen: is scanned paperwork appropriate for reviewing?

Ans – Yes.

Hearing adjourned at 10:22 a.m.

Respectfully submitted by,
Rep. Maureen Mooney,
Acting Committee Clerk

TESTIMONY

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

* Rep Ralph Boehm.

Daniel Healey

Deputy SOS - Dave Scanlon

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING on Bill # HB 77

BILL TITLE: Requiring town and city clerks to provide daily notifications to the secretary of state

DATE: 2-12-21

ROOM: 306

Time Public Hearing Called to Order: 10:04 AM

Time Adjourned: 10:22 AM

(please circle if present)

Committee Members: Reps. B. Griffin, W. MacDonald, Wells, Prudhomme-O'Brien, Sweeney, Hayward, Mooney, Torosian, Berry, Groen, Qualey, Cote, Ward, Bergeron, Sandler, Hamer, Lane, Freitas, Hamblet and Muirhead

TESTIMONY

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

* Rep Ralph Boehm.

Daniel Healey

Deputy SOS - Dave Scanlon

Lined area for additional testimony or amendments.

DRAFT MINUTES

HOUSE ELECTION LAW

PUBLIC HEARING on February 12, 2021

HB 77 ... requiring town and city clerks....

- Start time 10:05 a.m.
- End time 10:22 a.m.

***Rep Ralph Boehm, Hillsborough #20, Sponsor, Supports**

Introduced the Bill

- Provides electronic submission
- Some town clerks wait until last day of filing
- Litchfield Town Clerk supports
- Filing documents can be scanned
- Bill will make it easy for Sec of State

Question Rep. Torosian: Currently does the Secretary of State say to mail in daily?

Question Rep. Berry: Do most town clerks have email?

Question – Rep. Bergeron: RSA 655:18 each clerk shall file on day of filing the same.

Ans - Fax is included

Question – Rep. Mooney: daily filing if no one files?

Ans – No clarification is needed

Mr. Daniel Healey – Derry Town Clerk, Supports

- Mail takes too long
- SOS should follow up if not done daily
- If no filings, then send message of “no filings”

Dave Scanlan – Deputy Sec of State

- SOS would be happy to receive daily filings
- Many clerks do send daily filings
- Not every clerk’s office is open every day
- Filings are reviewed as received
- Can post “unofficial” and “official” lists once paperwork is received

Question – Rep. Groen: is scanned paperwork appropriate for reviewing?

Ans – Yes.

CLOSED hearing 10:22 a.m.

House Remote Testify

Election Law Committee Testify List for Bill HB77 on 2021-02-12

Support: 5 Oppose: 6 Neutral: 1 Total to Testify: 1

| <u>Name</u> | <u>Email Address</u> | <u>Phone</u> | <u>Title</u> | <u>Representing</u> | <u>Position</u> | <u>Testifying</u> | <u>\$</u> |
|--------------------|------------------------------|--------------|------------------------|--------------------------|-----------------|-------------------|-----------|
| Boehm, Ralph | rgboehm@comcast.net | 603.860.6309 | An Elected Official | Prime sponsor | Support | Yes (0m) | 2 |
| Kudlik, Cindy | cindykudlik@protonmail.com | 7804511 | An Elected Official | Myself | Oppose | No | 2 |
| Frost, Sherry | sherry.frost@leg.state.nh.us | 978.255.3924 | An Elected Official | Myself | Support | No | 2 |
| Bruce, Susan | susanb.red@mac.com | 603.730.7078 | A Member of the Public | Myself | Oppose | No | 2 |
| Aron, Judy | judy.aron@leg.state.nh.us | 111.111.1111 | An Elected Official | Myself | Support | No | 2 |
| Lekas, Tony | Rep.Tony.Lekas@gmail.com | 111.111.1111 | An Elected Official | Hillsborough 37 | Support | No | 2 |
| Dargie, Paul | pauldargie@gmail.com | 111.111.1111 | An Elected Official | Myself | Oppose | No | 2 |
| Johnston, Cordell | cjohnston@nhmunicipal.org | 111.111.1111 | A Lobbyist | NH Municipal Association | Oppose | No | 2 |
| McCalley, Jennifer | jenniferamccalley@gmail.com | 111.111.1111 | A Member of the Public | Myself | Support | No | 2 |
| Rathbun, Eric | ericrathbun@gmail.com | 111.111.1111 | A Member of the Public | Myself | Neutral | No | 2 |
| Dewey, Karen | pkdewey@comcast.net | 111.111.1111 | A Member of the Public | Myself | Oppose | No | 2 |
| Shaw, Autumn | autumncshaw@gmail.com | 111.111.1111 | A Member of the Public | Myself | Oppose | No | 2 |

Testimony

HB77 Testimony

Rep. Ralph Boehm

Hillsborough Dist. 20

Town of Litchfield

AN ACT requiring town and city clerks to provide daily notification to the secretary of state of any filings for elected office.

This bill was brought up because some Town Clerks are waiting until the last day of filing before sending in the documents to the Secretary of State. As you know, the Secretary of State records daily the filings of all office candidates. This is a way for residents to see who or if anyone has filed. Talking to my town clerk, she was under the impression that these documents must be mailed daily. Even if this is a rule by the secretary of state, it is not being followed. And for example, mail, especially today, is not very timely. For example, I filed the first day, my town clerk mailed it that day, picked up by the USPS the following morning. It was Monday before it showed up in the secretary of states' report. My town clerk thinks this is a very good idea, and her comment was, who doesn't have email? Also she would like this to even go further, allow the documents to be scanned and electronically sent up. All other candidates file at the Secretary of States office, except for State Representative. And their filings appear that day on the Secretary of States database. Why should our office be second rate to other offices? And how much time will this take by the town clerks? 30 seconds? The \$2 fee will easily pay for any extra time they use. And In the towns that this is happenings in there are only a couple of candidates. And also, from talking some years ago to the Secretary of State's office some town clerks have forgotten to send the documents. This will make it easy for the Secretary of State to follow up on the paperwork. Representative Rick Ladd, has sent in testimony on how this occurred in his town.

Thank you, and I will take any questions

Bill as
Introduced

HB 77 - AS INTRODUCED

2021 SESSION

21-0018

11/05

HOUSE BILL **77**

AN ACT requiring town and city clerks to provide daily notification to the secretary of state of any filings for elected office.

SPONSORS: Rep. Boehm, Hills. 20; Rep. Ladd, Graf. 4

COMMITTEE: Election Law

ANALYSIS

This bill requires that town and city clerks provide a daily update of candidates who have filed for nomination to the secretary of state.

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

HB 77 - AS INTRODUCED

21-0018

11/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT requiring town and city clerks to provide daily notification to the secretary of state of any filings for elected office.

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

1 1 New Section; Nominations; Notification to Secretary of State. Amend RSA 655 by inserting
2 after section 15-a the following new section:

3 655:15-b Daily Notification of Filings. City and town clerks shall provide to the secretary of
4 state, on at least a daily basis, a summary of any filings received pursuant to RSA 655:15 each day.
5 Such summary shall be submitted electronically and shall include the name and address of any
6 candidate who has filed. The secretary of state shall then add those persons to the daily report for
7 that day. Clerks shall mail the candidate forms to the secretary of state the same day in which they
8 are filed.

9 2 Effective Date. This act shall take effect 60 days after its passage.