

Bill as Introduced

HB 77 - AS AMENDED BY THE HOUSE

8Apr2021... 0402h

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 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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 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 Nominations; Forwarding Declarations of Candidacy. Amend RSA 655:18 to read as follows:

2 655:18 Forwarding Declarations of Candidacy.

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

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

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

12 2 Effective Date. This act shall take effect 60 days after its passage.

HB 77 - AS AMENDED BY THE SENATE

8Apr2021... 0402h
05/13/2021 1426s

2021 SESSION

21-0018
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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 and relative to the broadband matching grant initiative.

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

COMMITTEE: Election Law

AMENDED ANALYSIS

This bill:

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

II. Contingently amends eligibility criteria for the broadband matching grant initiative established in SB 85.

Explanation: Matter added to current law appears in ***bold italics***.
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5 II. *City and town clerks shall provide to the secretary of state, on at least a daily*
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7 *shall be submitted electronically and shall include the name and address of any candidate*
8 *who has filed. The secretary of state shall then add those persons to the daily report for*
9 *that day.*

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

12 2 Broadband Matching Grant Initiative; Rules Regarding Challenge Process and Program
13 Eligibility. RSA 4-C:39, II(b) is repealed and reenacted to read as follows:

14 (b) Establishment of a challenge process, with reasonable timelines, through which
15 information may be provided to the state to ensure that funds are not used to build projects in served
16 areas or areas where construction has commenced. Projects in planning, design, or terms
17 negotiations, and not under construction as of January 1, 2021, shall be eligible for funding.

18 3 Contingency; SB 85; Broadband Matching Grant Initiative. If SB 85 of the 2021 legislative
19 session, establishing the broadband matching grant initiative, becomes law and inserts RSA 4-C:39,
20 II(b), relative to the challenge process and program eligibility, section 2 of this act shall take effect
21 on July 1, 2021 at 12:01 a.m. If SB 85 does not become law or does not insert RSA 4-C:39, II(b),
22 relative to the challenge process and program eligibility, section 2 of this act shall not take effect.

23 4 Effective Date.

24 I. Section 2 of this act shall take effect as provided in section 3 of this act.

25 II. The remainder of this act shall take effect 60 days after its passage.

CHAPTER 127
HB 77 - FINAL VERSION

8Apr2021... 0402h
05/13/2021 1426s

2021 SESSION

21-0018
11/05

HOUSE BILL **77**

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05/13/2021 1426s

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

1 127:1 Nominations; Forwarding Declarations of Candidacy. Amend RSA 655:18 to read as
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4 I. Each city or town clerk shall forward each declaration of candidacy filed with him or her
5 to the secretary of state on the day of filing of the same.

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

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

13 127:2 Broadband Matching Grant Initiative; Rules Regarding Challenge Process and Program
14 Eligibility. RSA 4-C:39, II(b) is repealed and reenacted to read as follows:

15 (b) Establishment of a challenge process, with reasonable timelines, through which
16 information may be provided to the state to ensure that funds are not used to build projects in served
17 areas or areas where construction has commenced. Projects in planning, design, or terms
18 negotiations, and not under construction as of January 1, 2021, shall be eligible for funding.

19 127:3 Contingency; SB 85; Broadband Matching Grant Initiative. If SB 85 of the 2021
20 legislative session, establishing the broadband matching grant initiative, becomes law and inserts
21 RSA 4-C:39, II(b), relative to the challenge process and program eligibility, section 2 of this act shall
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24 effect.

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CHAPTER 127
HB 77 - FINAL VERSION
- Page 2 -

1 127:4 Effective Date.

2 I. Section 2 of this act shall take effect as provided in section 3 of this act.

II. The remainder of this act shall take effect 60 days after its passage.

Approved: July 23, 2021

Effective Date:

I. Section 2 shall take effect as provided in section 3

II. Remainder shall take effect September 21, 2021

Amendments

Sen. Kahn, Dist 10
Sen. Bradley, Dist 3
May 12, 2021
2021-1426s
05/10

Floor Amendment to HB 77

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

2

3 AN ACT requiring town and city clerks to provide daily notification to the secretary of state of
4 any filings for elected office and relative to the broadband matching grant initiative.

5

6 Amend the bill by replacing all after section 1 with the following:

7

8 2 Broadband Matching Grant Initiative; Rules Regarding Challenge Process and Program
9 Eligibility. RSA 4-C:39, II(b) is repealed and reenacted to read as follows:

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17 on July 1, 2021 at 12:01 a.m. If SB 85 does not become law or does not insert RSA 4-C:39, II(b),
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2021-1426s

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Committee Minutes

SENATE CALENDAR NOTICE

Election Law and Municipal Affairs

Sen James Gray, Chair
Sen Regina Birdsell, Vice Chair
Sen Ruth Ward, Member
Sen Donna Soucy, Member
Sen Rebecca Perkins Kwoka, Member

Date: April 27, 2021

HEARINGS

Monday

05/03/2021

Election Law and Municipal Affairs

REMOTE

9:00 a.m.

9:00 a.m.	HB 77	requiring town and city clerks to provide daily notification to the secretary of state of any filings for elected office.
9:15 a.m.	HB 98	relative to the date of the state primary election.
9:30 a.m.	HB 263	relative to campaign finance reform.
9:50 a.m.	HB 523-FN	requiring a person who registers to vote without any identification to have his or her photo taken before his or her registration to vote is complete.

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/94026931299>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: US: 13017158592, 94026931299# or 13126266799, 94026931299#
4. Webinar ID: **940 2693 1299**
5. To view/listen to this hearing on YouTube, use this link:
<https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link:
<http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 77

Rep. Boehm

Rep. Ladd

HB 98

Rep. Sweeney

Rep. Alexander Jr.

Rep. Kenney

HB 263

Rep. Sweeney

Rep. Alexander Jr.

Rep. Berry

HB 523-FN

Rep. Gay

Rep. M. Pearson

Rep. Janigian

Rep. Love

Rep. W. MacDonald

Rep. Cushman

Rep. Elliott

Rep. Sweeney

Rep. Prudhomme-O'Brien

Rep. Doucette

Tricia Melillo 271-3077

James P. Gray
Chairman

Senate Election Law and Municipal Affairs Committee
Tricia Melillo 271-3077

HB 77, requiring town and city clerks to provide daily notification to the secretary of state of any filings for elected office.

Hearing Date: May 3, 2021

Members of the Committee Present: Senators Gray, Birdsell, Ward, Soucy and Perkins Kwoka

Members of the Committee Absent : None

Bill 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.

Sponsors:

Rep. Boehm Rep. Ladd

Who supports the bill: Rep. Ralph Boehm, Rep. Joe Sweeney, Alvin See, Daniel Healey

Who opposes the bill: Frances Taylor, Joanne Casino, Susan Bruce, Cindy Kudlik, Janet Lucas

Summary of testimony presented in support:

Representative Boehm

- This bill will require town and city clerks to provide daily notification to the Secretary of State for any filings for State Representative that they receive.
- Currently, statute requires town clerks to mail in the filing paperwork which can take up to a week before the Secretary of State receives it.
- All other candidates for office, except for candidates for State Representative, file at the Secretary of State's office and their information is on the web site that day.
- This will level the playing field for all candidates and make it easy for the Secretary of State's office to follow up on the paperwork.
- Senator Soucy asked if the clerks would still be required to mail the actual documents to the Secretary of State.
 - Representative Boehm replied that they would email a list of candidate names daily as well as mail the documents for official purposes.

David Scanlan – Deputy Secretary of State

- He agrees it is a good idea to have the clerks notify them daily of any candidates filing.
- There have been problems in the past with the mail being received by their office in a timely manner.
- This will allow them to start the process sooner if they receive the information electronically.

Summary of testimony presented in opposition: None

TJM
Date Hearing Report completed: May 4, 2021

Speakers

Senate Remote Testify

Election Law and Municipal Affairs Committee Testify List for Bill HB77 on 2021.
Support: 2 Oppose: 4 Neutral: 0 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>S</u>
Boehm, Ralph	rgboehm@comcast.net	603.860.6309	An Elected Official	Sponsor	Support	Yes	4
Taylor, Frances	eggglady5@gmail.com	603.968.3846	A Member of the Public	Myself	Oppose	No	5
Casino, Joanne	joannecasino@comcast.net	Not Given	A Member of the Public	Myself	Oppose	No	5
See, Alvin	absee@4Liberty.net	Not Given	A Member of the Public	Myself	Support	No	5
Bruce, Susan	susanb.red@mac.com	Not Given	A Member of the Public	Myself	Oppose	No	5
Kudlik, Cindy	cindykudlik@protonmail.com	Not Given	An Elected Official	Myself	Oppose	No	5

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 law 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. So please pass this bill so for notification purposes, we can be the same as all other state, county, and national offices.

Thank you, and I will take any questions

Voting Sheets

**Senate Election Law
& Municipal Affairs Committee
EXECUTIVE SESSION RECORD
2021 Session**

Bill HB 77

Hearing date: 5-3-2021

Executive Session date: 5-3-21

Motion of: OTP Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Birdsell

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Monday, May 3, 2021

THE COMMITTEE ON Election Law and Municipal Affairs

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, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Regina Birdsell
For the Committee

This bill requires that town and city clerks provide a daily update of candidates who have filed for nomination to the Secretary of State. Currently, the clerks are only required to mail in certain candidates nomination papers. 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.

Tricia Melillo 271-3077

General Court of New Hampshire - Bill Status System

Docket of HB77

Docket Abbreviations

Bill Title: (New Title) requiring town and city clerks to provide daily notification to the secretary of state of any filings for elected office and relative to the broadband matching grant initiative.

Official Docket of HB77.:

Date	Body	Description
1/4/2021	H	Introduced (in recess of) 01/06/2021 and referred to Election Law HJ 2 P. 34
2/3/2021	H	Public Hearing: 02/12/2021 10:00 am Members of the public may attend using the following link: To join the webinar: https://zoom.us/j/95709405955 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
2/17/2021	H	Executive Session: 02/17/2021 01:30 pm Please click the link below to join the webinar: https://zoom.us/j/95842759377
2/18/2021	H	Committee Report: Ought to Pass with Amendment #2021-0402h (Vote 14-6; RC) HC 18 P. 41
4/8/2021	H	Amendment #2021-0402h : AA VV 04/08/2021 HJ 6 P. 46
4/8/2021	H	Ought to Pass with Amendment 2021-0402h: MA DV 212-158 04/08/2021 HJ 6 P. 46
4/13/2021	S	Introduced 04/08/2021 and Referred to Election Law and Municipal Affairs; SJ 12
4/27/2021	S	Remote Hearing : 05/03/2021, 09:00 am; Links to join the hearing can be found in the Senate Calendar; SC 22
5/4/2021	S	Committee Report: Ought to Pass, 05/13/2021; Vote 5-0; CC; SC 23
5/13/2021	S	Sen. Kahn Moved to Remove HB 77 from the Consent Calendar; 05/13/2021; SJ 15
5/13/2021	S	Sen. Kahn Floor Amendment #2021-1426s , AA, VV; 05/13/2021; SJ 15
5/13/2021	S	Ought to Pass with Amendment 2021-1426s, MA, VV; OT3rdg; 05/13/2021; SJ 15
6/10/2021	H	House Concurs with Senate Amendment 2021-1426s (Rep. B. Griffin): MA VV 06/10/2021 HJ 10 P. 9
7/12/2021	S	Enrolled Adopted, VV, (In recess 06/24/2021); SJ 20
7/12/2021	H	Enrolled (in recess of) 06/24/2021
7/26/2021	H	Signed by Governor Sununu 07/23/2021; Chapter 127; I. Sec. 2 Eff: as provided in sec. 3 II. Rem. Eff: 09/21/2021

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 77

Senate Committee: ELMA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

___ - amendment # ___ ___ - amendment # ___

___ - amendment # ___ ___ - amendment # ___

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # 14265 ___ - amendment # ___

___ - amendment # ___ ___ - amendment # ___

Post Floor Action: (if applicable) {Clerk's Office}

___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

___ Enrolled Bill Amendment(s)

___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

as amended by the senate ___ as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Committee Aide

Date

Senate Clerk's Office