

Bill as
Introduced

HB 98 - AS AMENDED BY THE HOUSE

8Apr2021... 0743h

2021 SESSION

21-0215

11/06

HOUSE BILL

98

AN ACT

relative to the date of the state primary election.

SPONSORS:

Rep. J. Sweeney, Rock. 8; Rep. Alexander Jr., Hills. 6; Rep. Kenney, Straf. 6

COMMITTEE:

Election Law

AMENDED ANALYSIS

This bill changes the date of the state primary election to the fourth Tuesday in June.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the date of the state primary election.

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

1 1 Election of Officers and Delegates; Election Dates; State Primary Election; Authority for
2 Change in Filing Period. Amend RSA 653:8 to read as follows:

3 653:8 State Primary Election. The state primary election shall be held on the ~~second~~ **fourth**
4 Tuesday in ~~September~~ **June** of every even-numbered year.

5 **653:8-a Change in Primary Date. Notwithstanding the provisions of RSA 653:8, if the**
6 **secretary of state changes the dates of the filing period pursuant to RSA 655:14-c, he or she**
7 **is hereby authorized to make a corresponding change to the date of the primary election.**

8 2 Voters and Checklists; Hearings on Alterations to Party Registration. Amend RSA 654:32 to
9 read as follows:

10 654:32 Hearings on Alterations to Party Registration. Before each state or presidential primary
11 election, the supervisors of the checklist shall be in session before each primary for the change of
12 registration of legal voters as provided in RSA 654:34 or 654:34-a or both. Before the presidential
13 primary, the session shall be on the Friday preceding the first day of the filing period, between 7:00
14 p.m. and 7:30 p.m. and at the discretion of the supervisors for extended hours. Before the state
15 primary election, the session shall be on Tuesday before the first Wednesday in ~~June~~ **March**
16 between 7:00 p.m. and 7:30 p.m. and at the discretion of the supervisors for extended hours.

17 3 Voters and Checklists; Change of Registration. Amend RSA 654:34, IV to read as follows:

18 IV. No person, who is already registered to vote, whether his *or her* party membership has
19 been previously registered or not, shall affiliate with a party or disaffiliate from a party between the
20 first Wednesday in ~~June~~ **March** and the day before the state primary election.

21 4 Voters and Checklists; Verification of Checklists. Amend RSA 654:38, III to read as follows:

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

27 5 Voters and Checklists; Verification Every 10 Years. Amend RSA 654:39, V to read as follows:

28 V. Upon completion of verification of the checklist, but in no event later than ~~September 1~~
29 **June 1**, the supervisors shall file with the secretary of state the following certificate: We, the
30 supervisors of the checklist (or registrars of voters) of the town (or ward _____) of _____, do

HB 98 - AS AMENDED BY THE HOUSE

- Page 2 -

1 hereby certify that we have verified the checklist of registered voters in the town (or ward _____ of
2 the city) of _____, pursuant to the provisions of RSA 654:39.

3 6 Elections; Nominations by Primary; Filing; General Provisions. Amend RSA 655:14 to read as
4 follows:

5 655:14 Filing; General Provisions. The name of any person shall not be printed upon the ballot
6 of any party for a primary unless he or she is a registered member of that party, he or she shall have
7 met the age and domicile qualifications for the office he or she seeks at the time of the general
8 election, he or she meets all the other qualifications at the time of filing, and he or she shall file with
9 the appropriate official between the [~~first~~] *fourth* Wednesday in [~~June~~] *April* and the Friday of the
10 following week a declaration of candidacy as provided in RSA 655:17.

11 7 Elections; Nominations by Primary. Amend RSA 655:21 to read as follows:

12 655:21 Form. Primary petitions shall be made in the following form:

13 State of New Hampshire

14 County of _____ ss.

15 City (Town) of _____

16 I do hereby join in a petition for the printing on the primary ballot of the name of
17 _____ whose domicile is in the city (town) of _____ (ward, street, and
18 number, if in a city), in the county of _____, for the office of _____ to be voted for on
19 Tuesday, the ____ day of [~~September~~] *June*, ____ (year), and certify that I am qualified to vote for
20 a candidate for said office, that I am a registered member of the _____ party, and am not at
21 this time a signer of any other similar petition for any other candidate for the above office; that my
22 domicile is in the city (town) of _____ (ward, street, and number, if in a city), in the county of
23 _____. I certify that to my knowledge the above-named candidate is not a candidate for
24 incompatible offices as defined in RSA 655:10, and that he or she is not a federal employee which
25 makes him or her ineligible to file as a candidate for this office. I further certify that I believe the
26 above-named person is especially qualified to fill said office.

27 I hereby swear, under the penalties for voting fraud set forth below, that the information above
28 is true and correct to the best of my knowledge and belief.

29 _____
30 Print Voter's name

31 _____
32 Voter's Signature

33 In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false
34 information when registering to vote or voting is a class A misdemeanor with a maximum sentence
35 of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to
36 vote or voting is subject to a civil penalty not to exceed \$5,000.

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1 8 Elections; Nomination by Primary; Examination and Rejection. Amend RSA 655:26 to read as
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3 655:26 Examination and Rejection. The officer with whom primary petitions are filed shall
4 immediately upon receipt thereof examine the same and ascertain whether they conform to the law.
5 If found not to conform thereto or to be conflicting as provided in RSA 655:23, he *or she* shall then
6 endorse thereon the reason why such petition cannot be accepted and shall, within 24 hours, return
7 the same to the candidate in whose behalf it was filed. In such case, the candidate may file
8 supplementary petitions with the official, but not later than [~~the third Wednesday in June~~] **14 days**
9 ***after the opening of the filing period under RSA 655:14.***

10 9 Ballot Law Commission; Hearing Date. Amend the introductory paragraph of RSA 665:5, I to
11 read as follows:

12 I. If necessary, the ballot law commission shall meet on the [~~third~~] **second** Thursday [~~of~~
13 ~~September~~] ***following the date of the state primary election*** in each general election year and
14 the third Friday following the presidential primary election in order to hear and decide:

15 10 Effective Date. This act shall take effect 60 days after its passage.

HB 98 - FINAL VERSION

8Apr2021... 0743h
05/27/2021 1660s
24Jun2021... 2027CofC

2021 SESSION

21-0215
11/06

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SPONSORS: Rep. J. Sweeney, Rock. 8; Rep. Alexander Jr., Hills. 6; Rep. Kenney, Straf. 6

COMMITTEE: Election Law

AMENDED ANALYSIS

This bill changes the date of the state primary election to the first Tuesday in August.

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

1 1 Election of Officers and Delegates; Election Dates; State Primary Election; Authority for
2 Change in Filing Period. Amend RSA 653:8 to read as follows:

3 653:8 State Primary Election. The state primary election shall be held on the [seeend] *first*
4 Tuesday in [~~September~~] *August* of every even-numbered year.

5 ***653:8-a Change in Primary Date. Notwithstanding the provisions of RSA 653:8, if the***
6 ***secretary of state changes the dates of the filing period pursuant to RSA 655:14-c, he or she***
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8 2 Voters and Checklists; Hearings on Alterations to Party Registration. Amend RSA 654:32 to
9 read as follows:

10 654:32 Hearings on Alterations to Party Registration. Before each state or presidential primary
11 election, the supervisors of the checklist shall be in session before each primary for the change of
12 registration of legal voters as provided in RSA 654:34 or 654:34-a or both. Before the presidential
13 primary, the session shall be on the Friday preceding the first day of the filing period, between 7:00
14 p.m. and 7:30 p.m. and at the discretion of the supervisors for extended hours. Before the state
15 primary election, the session shall be on Tuesday before the first Wednesday in [~~June~~] *May* between
16 7:00 p.m. and 7:30 p.m. and at the discretion of the supervisors for extended hours.

17 3 Voters and Checklists; Change of Registration. Amend RSA 654:34, IV to read as follows:

18 IV. No person, who is already registered to vote, whether his *or her* party membership has
19 been previously registered or not, shall affiliate with a party or disaffiliate from a party between the
20 first Wednesday in [~~June~~] *May* and the day before the state primary election.

21 4 Voters and Checklists; Verification of Checklists. Amend RSA 654:38, III to read as follows:

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

27 5 Voters and Checklists; Verification Every 10 Years. Amend RSA 654:39, V to read as follows:

28 V. Upon completion of verification of the checklist, but in no event later than [~~September 1~~]
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HB 98 - FINAL VERSION

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4 6 Elections; Nominations by Primary; Filing: General Provisions. Amend RSA 655:14 to read as
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8 met the age and domicile qualifications for the office he or she seeks at the time of the general
9 election, he or she meets all the other qualifications at the time of filing, and he or she shall file with
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13 655:21 Form. Primary petitions shall be made in the following form:

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15 County of _____ ss.

16 City (Town) of _____

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18 _____ whose domicile is in the city (town) of _____ (ward, street, and
19 number, if in a city), in the county of _____, for the office of _____ to be voted for on
20 Tuesday, the ____ day of [~~September~~] **August**, ____ (year), and certify that I am qualified to vote
21 for a candidate for said office, that I am a registered member of the _____ party, and am not
22 at this time a signer of any other similar petition for any other candidate for the above office; that
23 my domicile is in the city (town) of _____ (ward, street, and number, if in a city), in the
24 county of _____. I certify that to my knowledge the above-named candidate is not a
25 candidate for incompatible offices as defined in RSA 655:10, and that he or she is not a federal
26 employee which makes him or her ineligible to file as a candidate for this office. I further certify that
27 I believe the above-named person is especially qualified to fill said office.

28 I hereby swear, under the penalties for voting fraud set forth below, that the information above
29 is true and correct to the best of my knowledge and belief.

30 _____
31 Print Voter's name

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33 Voter's Signature

34 In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false
35 information when registering to vote or voting is a class A misdemeanor with a maximum sentence
36 of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to
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HB 98 - FINAL VERSION

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6 endorse thereon the reason why such petition cannot be accepted and shall, within 24 hours, return
7 the same to the candidate in whose behalf it was filed. In such case, the candidate may file
8 supplementary petitions with the official, but not later than ~~[the third Wednesday in June]~~ **14 days**
9 ***after the opening of the filing period under RSA 655:14.***

10 9 Ballot Law Commission; Hearing Date. Amend the introductory paragraph of RSA 665:5, I to
11 read as follows:

12 I. If necessary, the ballot law commission shall meet on the ~~[third]~~ **second** Thursday ~~[of~~
13 ~~September]~~ ***following the date of the state primary election*** in each general election year and
14 the third Friday following the presidential primary election in order to hear and decide:

15 10 Effective Date. This act shall take effect January 1, 2023.
16 VETOED July 30, 2021

Amendments

Sen. Birdsell, Dist 19
Sen. Soucy, Dist 18
May 19, 2021
2021-1576s
11/10

Amendment to HB 98

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

2

3 1 Election of Officers and Delegates; Election Dates; State Primary Election; Authority for
4 Change in Filing Period. Amend RSA 653:8 to read as follows:

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15 10 Effective Date. This act shall take effect 60 days after its passage.

2021-1576s

AMENDED ANALYSIS

This bill changes the date of the state primary election to the second Tuesday in August.

DRAFT

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4 Change in Filing Period. Amend RSA 653:8 to read as follows:

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15 10 Effective Date. This act shall take effect January 1, 2023.

Amendment to HB 98

- Page 4 -

2021-1660s

AMENDED ANALYSIS

This bill changes the date of the state primary election to the second Tuesday in August.

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](https://www.zoom.us/j/94026931299)
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 98, relative to the date of the state primary election.

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 changes the date of the state primary election to the fourth Tuesday in June.

Sponsors:

Rep. Sweeney

Rep. Alexander Jr.

Rep. Kenney

Who supports the bill: Rep. Joe Sweeney, Rep. Ross Berry, Alvin See, Mary Till

Who opposes the bill: Rep. Paul Bergeron, Cindy Kudlik, Elissa Rasmussen, Janet Lucas, Darryl Perry,

Who is neutral on the bill: Rep. Ralph Boehm

Summary of testimony presented in support:

Representative Ross Berry

- This is a bill which would move the state Primary back into June.
- New Hampshire's late Primary has become an incumbent advantage.
- It is one of the last Primaries in the Country next to Rhode Island.
- One of the biggest problems is the disadvantage for a candidate who has to devote time and money to win the Primary, running against an incumbent who did not have to.
- Currently, there is only 6 or 7 weeks for the winner of the Primary to shift gears and campaign for the General Election.
- Moving the New Hampshire Primary back to June would put us in the middle of all Primaries held Nationally.
- The House amended the bill to allow the Secretary of State to move the primary date forward if redistricting is done.
- A UNH poll showed that this bill will have zero effect the number of people voting in the Primary.
- Voters should have the opportunity to hear from both sides equally, Democrats and Republicans.
- People have raised the issue that this change would move the filing period into the legislative calendar.
- He does not believe that will be a hardship for legislators.
- Primaries for incumbents are not an issue and do not affect them as it does other candidates.
- Senator Soucy asked if it is his intention that the Secretary of State have discretion over when the filing period would be.
 - Representative Berry replied that the SoS currently has the ability to move the filing date and they only tacked on the ability for him to move the Primary date. It is their intention to give him the discretion over both dates.
- Senator Soucy asked if there was any discussion about having the primary in August or another date.

- Representative Berry replied that there was some discussion about August but they do not believe August would accomplish the goal of giving all candidates equal opportunity in campaigning.
- Senator Gray asked if he would be opposed if the Committee moves the effective date to after the next Primary.
 - Representative Berry replied that they would probably still pass it but he would ask that they not do that.
- Senator Gray commented that there may be some complications this year due to redistricting and they would be resolved by changing the effective date.
 - Representative Berry replied that they believe this bill is good for the voters and they want it effective as soon as it can be. The last time New Hampshire changed the Primary date was in 1910.

Alvin See

- He believes this is a good bill.
- This bill has an effect on candidates filing by nomination papers.
- RSA 655-43 specifies the filing deadlines relative to the Primary.
- This makes the declaration of intent for a Primary due by April and the nomination papers would be due before the Primary he believes that may be too early.
- His suggestion would be to amend RSA 655-43 such that the declaration of intent would be due during May or June before the Primary and have the nomination papers due in August.
- This will ensure that any losing Primary candidate would not be able to file this way and the nominating papers would be submitted in ample time to prepare General Election Ballots.

Summary of testimony presented in opposition: None

TJM

Date Hearing Report completed: May 7, 2021

Speakers

Senate Remote Testify

Election Law and Municipal Affairs Committee Testify List for Bill HB98 on 2021

Support: 3 Oppose: 4 Neutral: 1 Total to Testify: 2

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>§</u>
Sec, Alvin	absee@4Liberty.net	603-738-0656	A Member of the Public	Myself	Support	Yes	§
Berry, Ross	Not Given	Not Given	An Elected Official	Myself	Support	Yes	§
Till, Mary	maryforderry@yahoo.com	603.203.1961	A Member of the Public	Myself	Support	No	4
Perry, Darryl	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	§
Boehm, Ralph	rgboehm@comcast.net	603.860.6309	An Elected Official	Myself	Neutral	No	§
Rasmussen, Elissa	elissa@evanshatz.com	845.721.1885	A Member of the Public	Myself	Oppose	No	§
Bergeron, Paul	paul.bergeron@leg.state.nh.us	603.886.8164	An Elected Official	Myself	Oppose	No	§
Kudlik, Cindy	cindykudlik@protonmail.com	Not Given	An Elected Official	Myself	Oppose	No	§

Testimony

From: Darryl Perry <darrylwperry@gmail.com>
Sent: Monday, May 3, 2021 12:28 PM
To: Regina Birdsell <Regina.Birdsell@leg.state.nh.us>; Donna Soucy <Donna.Soucy@leg.state.nh.us>
Subject: HB98

Senators Birdsell & Soucy,

I wanted to reach out to you since you two will be working on some of the problems with HB98.

Normally, I would have testified against this bill; however I'm dealing with some health issues and have to take a year away from lobbying.

In addition to the April filing deadline being struck down in *Anderson v. Quinn*, 495 F. Supp. 730 (D. Me. 1980) which was affirmed by the 1st Circuit, *Campbell v. Hull*, 73 F. Supp. 2d 1081 (D. Ariz. 1999) found "no court has upheld a deadline for filing nominating petitions for independent presidential candidates as early as Arizona's June 27th deadline." In that decision, the court cited *Fulani v. Lau*, CIV-92-535-ECR (1992) which struck down Nevada's June 10th filing deadline.

The unconstitutionally early filing deadline for new parties, as well as minor party & independent candidates will most assuredly lead to a lawsuit. This deadline could instead be set as the first Wednesday of August to have petitions turned into the City & Town clerks, with certified petitions being due to the Secretary of State on the first Wednesday of September (see RSA 655:41 & 655:43). The current deadline of 5 weeks prior to the primary has the deadline for turning in petitions at either the first or second Wednesday of August, with collected petitions then being due to the SOS on the first Wednesday of September.

This modification would essentially keep the petitioning window at the status quo, while no longer having the deadline for petition submission being tied to the date of the primary.

One additional issue is the April filing period for all candidates. This requirement would especially burden minor party Presidential campaigns, since most political parties nominate candidates after this April deadline. The Green Party regularly nominates their Presidential ticket in July or August; while the Libertarian Party regularly nominates its ticket over Memorial Day weekend. Since NH does not have candidate substitution; this April filing period would essentially prevent the two largest minor parties in the US from having a Presidential candidate on the ballot in NH.

I hope this information has proven useful, and I look forward to your reply.

Darryl W. Perry

President, NH Libertas



TOWN OF MERRIMACK, NEW HAMPSHIRE

TOWN CLERK/TAX COLLECTOR'S OFFICE

6 BABOOSIC LAKE ROAD · MERRIMACK, NH 03054 · (603) 424-3651 · MERRIMACKNH.GOV

May 14, 2021

Election Law and Municipal Affairs Committee
Legislative Office Building, Room 102
Concord, NH 03301

RE: HB98 – Date of the State Primary Election

Dear Chairman Gray and Committee Members:

I am the elected Town Clerk/Tax Collector for the Town of Merrimack. I am reaching out today to respectfully request you find HB98 – Date of the State Primary Election, Inexpedient to Legislate or seek amendment with an alternative date.

I just became aware that this bill, if passed, would change the date of the NH State Primary election from September to the last Tuesday in June. The proposed date is what concerns me with this bill.

As a clerk in a combined position with a fiscal year end, I am deeply concerned about having an election during the last days of the month and on possibly the last day of the month, last day of the fiscal year, and the day before property tax bills are due. **The last week of June is the single busiest time of the year for my office outside of a presidential election year.** Due to the sheer increase in volume of work an election presents, having an election during this time frame will prohibit me from conducting the month end and year end balancing and reporting that is necessary and required to be done annually on June 30th. Without completing the month end and fiscal year end processes, I will be unable to open my tax books and collect property taxes on July 1st, which is the due date set forth in the statutes. This will result in a backlog of payments needing to be processed and could affect cash flow to municipalities.

In reaching out to my counterparts, I have found many are not aware of the implications of this bill which not only impacts town clerks, but rather significantly those in a combined town clerk/tax collector position.

I thank you for your time and consideration and hope you will find this bill ITL or offer an amendment for an alternative date.

Diane Trippett

Diane Trippett,
Town Clerk/Tax Collector



May 17, 2021

Election Law and Municipal Affairs Committee
Legislative Office Building, Room 102
Concord, NH 03301

RE: HB98 – Date of the State Primary Election

Dear Chairman Gray and Committee Members:

I am the elected Town Clerk for the Town of Newport. I am reaching out to you today with concerns about HB98 specifically the proposed date and I am respectfully requesting that you find HB98 Inexpedient to Legislate or seek amendment with an alternative date.

It has recently come to my attention that the proposed date is the last Tuesday in June. This date is my only concern with this bill and would cause great difficulties for my department and for the residents of Newport. June is an extremely busy month. As Municipal Agents, we have year-end inventory and final deposit that needs to be done on June 30 at the end of the day for the State Department of Safety Division of Motor Vehicles and we have reporting for our local year end that also ends on June 30. The last week of the month is busy with many last week of the month motor vehicle transactions and those registering campers, boats, motorcycles, etc. for the holiday weekend coming up. **This last week of June is typically the busiest week of the year for us outside of a year with a Presidential Election.**

Thank you for your time and consideration and I hope you will find this bill ITL or offer an amendment for an alternative date.

Liselle Dufort, CTC

Town Clerk
15 Sunapee St. Newport NH 03773
PH 603.863.2224 FX 603.863.8008
Mon-Fri 8am-4:30pm, www.newportnh.gov
Email: clerk@newportnh.gov

Tricia Melillo

From: Paul Bergeron
Sent: Sunday, May 2, 2021 9:33 PM
To: Tricia Melillo
Cc: James Gray; Regina Birdsell; Donna Soucy; Rebecca Perkins Kwoka; Tricia Melillo; Ruth Ward
Subject: Testimony in opposition to HB98: voter registration deadline conflicts with March town meeting deadlines

HB98 proposes to move the State Primary Election from September to June.

While quite a few states do schedule their primaries in June, no state in New England does so due to conflicts that arise with schedules for New England town meetings. In NH, towns can hold their meetings in March or April or May.

During those months, supervisors of the checklist are meeting for purposes of voter registration, as required by law, and voter registration is being closed at different times across the state during those months so that checklists can be prepared for town meetings.

This bill requires the Supervisors of the Checklist to hold a session for the change of registration of legal voters on the Tuesday before the first Wednesday in March. However, checklists for March town meetings close before this date and town meetings are held after this date.

For example (from the Secretary of State's *2020-2021 NH Political Calendar*):

	<u>2020</u>	<u>2021</u>
Last day for supervisors to accept voter registration applications for March town meetings:	2/29	2/27
Tuesday before the first Wednesday in March (proposed):	3/3	3/2
Town Election Day	3/10	3/9

In addition, state law currently allows voters to affiliate with or disaffiliate from a party the day prior to the start of the filing period. In this bill, the filing period begins on the fourth Wednesday in April (April 22 in 2020), while the last day to declare party affiliation is seven weeks earlier (March 3 in 2020). This will be a great inconvenience for registered voters and for political committees trying to recruit candidates to fill party slates.

Finally, due to the late release of the US Census redistricting population numbers, seven cities will need to hold special elections in the spring to amend ward lines in their city charters: Keene, Somersworth, Rochester, Laconia, Claremont, Lebanon, Dover, and Franklin.

The charter amendment process can take four months or longer once new ward lines have been proposed. This delay will impact the House's ability to draw floterial district boundaries prior to the start of the proposed filing period in March. The proposed registration and filing deadlines simply can't be met for 2022.

HB98 still needs work and is not ready for passage.

Rep. Paul R. Bergeron
NH Hillsborough 29
Nashua Ward 2

HB98

Ralph Boehm

Hillsborough D20, Town of Litchfield

Chairman Gray and members of the Senate Election Law committee.

I believe that we all agree that moving the primary date will benefit all, including the military. However, with redistricting this year, I do not see how this bill can work. Redistricting will not be done before the filing nor the primary date. I was involved in the last redistricting and an unfortunate candidate on the 2002 redistricting. Remember, in 2002, filing could not be done until late in June.

Also, this bill interferes with town elections. I believe a better alternative would be to just move the primary date to first Tuesday in August. See my bill HB97.

Also, with HB98, it creates a 5 month election cycle, guaranteeing that only the rich can afford to run.

Thank you.

Ralph Boehm

Voting Sheets

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

Bill HB 98

Hearing date: 5-3-2021

Executive Session date: 5/24/21

Motion of: OTP 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 checked="" 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 checked="" 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"/>

Motion of: 1576s As Amended 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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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: OTP/A 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 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 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"/>

C

Reported out by: Sen. Birdsell

Notes: RB working on new language
Line 15 -> Jan 1, 2023

sent to OLS
10:20 A.M.

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Monday, May 24, 2021

THE COMMITTEE ON Election Law and Municipal Affairs
to which was referred **HB 98**

AN ACT relative to the date of the state primary election.

Having considered the same, the committee recommends that the Bill
OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 1660s

Senator Regina Birdsell
For the Committee

Tricia Melillo 271-3077

General Court of New Hampshire - Bill Status System

Docket of HB98

Docket Abbreviations

Bill Title: relative to the date of the state primary election.*Official Docket of HB98.:*

Date	Body	Description
1/4/2021	H	Introduced (in recess of) 01/06/2021 and referred to Election Law HJ 2 P. 35
1/20/2021	H	Public Hearing: 01/29/2021 10:00 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/93706238627 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
3/5/2021	H	Executive Session: 03/05/2021 12:00 pm Please click the link below to join the webinar: https://zoom.us/j/99327579520
3/3/2021	H	==CONTINUED== Executive Session: 03/10/2021 10:10 am Members of the public may attend using the following link: To join the webinar: https://zoom.us/j/95087806399 (if necessary)
3/29/2021	H	Majority Committee Report: Ought to Pass with Amendment #2021-0743h (Vote 11-9; RC) HC 18 P. 41
3/29/2021	H	Minority Committee Report: Inexpedient to Legislate
4/8/2021	H	Amendment #2021-0743h : AA VV 04/08/2021 HJ 6 P. 47
4/8/2021	H	Ought to Pass with Amendment 2021-0743h: MA RC 195-174 04/08/2021 HJ 6 P. 47
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, 09:15 am; Links to join the hearing can be found in the Senate Calendar; SC 22
5/24/2021	S	Committee Report: Ought to Pass with Amendment #2021-1660s , 05/27/2021; SC 25A
5/27/2021	S	Committee Amendment #2021-1660s , AA, VV; 05/27/2021; SJ 17
5/27/2021	S	Ought to Pass with Amendment 2021-1660s, MA, VV; OT3rdg; 05/27/2021; SJ 17
6/8/2021	H	House Non-Concurs with Senate Amendment 2021-1660s and Requests CofC (Reps. Groen, Prudhomme-O'Brien, Sweeney, Berry): MA VV 06/04/2021 HJ 9 P. 52
6/10/2021	S	Sen. Gray Accedes to House Request for Committee of Conference, MA, VV; 06/10/2021; SJ 19
6/10/2021	S	President Appoints: Senators Gray, Birdsell, Soucy; 06/10/2021; SJ 19
6/15/2021	H	Conference Committee Meeting: 06/15/2021 02:30 pm LOB 306-308
6/17/2021	S	Conference Committee Report Filed, #2021-2027c ; 06/24/2021
6/24/2021	S	Conference Committee Report #2021-2027c , Adopted, VV; 06/24/2021; SJ 20
6/24/2021	H	Conference Committee Report 2021-2027c: Adopted, RC 192-183 06/24/2021
7/15/2021	S	Enrolled Adopted, VV, (In recess 06/24/2021); SJ 20
7/15/2021	H	Enrolled (in recess of) 06/24/2021

8/2/2021

H

Vetoed by Governor Sununu 07/30/2021

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 98

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 # 15765 ___ - amendment # 16605

___ - 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 # _____ ___ - 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 [Signature]

1 Committee of Conference Report on HB 98, relative to the date of the state primary election.

2

3 Recommendation:

4

5 That the House recede from its position of nonconcurrency with the Senate amendment, and
6 concur with the Senate amendment, and

7 That the Senate and House adopt the following new amendment to the bill as amended by the
8 Senate, and pass the bill as so amended:

9

10 Amend RSA 653:8 as inserted by section 1 of the bill by replacing it with the following:

11

12 653:8 State Primary Election. The state primary election shall be held on the [second] *first*
13 Tuesday in [September] *August* of every even-numbered year.

Committee of Conference Report on HB 98
- Page 2 -

The signatures below attest to the authenticity of this Report on HB 98, relative to the date of the state primary election.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Gray, Dist. 6

Rep. Groen, Straf. 23

Sen. Birdsell, Dist. 19

Rep. Prudhomme-O'Brien, Rock. 6

Sen. Soucy, Dist. 18

Rep. Sweeney, Rock. 8

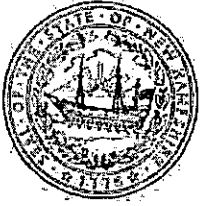
Rep. Berry, Hills. 44

Committee of Conference Report on HB 98
- Page 3 -

2021-2027-CofC

AMENDED ANALYSIS

This bill changes the date of the state primary election to the first Tuesday in August.



**STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR**

CHRISTOPHER T. SUNUNU
Governor

July 30, 2021

Governor's Veto Message Regarding House Bill 98

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on July 30, 2021, I have vetoed House Bill 98, relative to the date of the state primary election.

I agree with the Secretary of State that House Bill 98 creates more problems than it solves. House Bill 98 would change our state primary from its current September date to the first Tuesday in August, moving our primary election - and the campaign season for that election - into the middle of the summer. This is a time when many Granite Staters are enjoying their vacations and are far less likely to be involved in the electoral process. This change could lead to depressed voter engagement in the election and reduced turnout. Furthermore, moving the primary election to the summer could hurt the ability of municipalities to recruit poll workers and Election Day volunteers, greatly exacerbating a challenge that many municipalities are already struggling with.

Some advocates of this legislation point to the supposed challenge of election officials meeting the deadlines to send absentee ballots to members of the military or other overseas Granite Staters. It is important to note that New Hampshire has never failed to meet those deadlines set forth by the Federal Government. In fact, according to the Secretary of State, New Hampshire is one of just a few states that have never been sued for such a failure. However, House Bill 98 gives the Secretary of State nine fewer days between the end of the filing period and the primary day elections to make and print ballots. Although partially intended to ease time constraints on the Secretary of State, this bill could add burdens onto their process.

New Hampshire's elections are the gold standard for the rest of the country, and our primary date schedule has stood the test of time. Our Secretary of State, who has run our state's elections for 45 years, believes this legislation will add significant challenges to a process that does not need to be changed.

For the reasons stated above, I have vetoed House Bill 98.

Respectfully submitted,

A handwritten signature in cursive script that reads "Christopher T. Sununu".

Christopher T. Sununu
Governor