

LEGISLATIVE COMMITTEE MINUTES

HB514

Bill as
Introduced

HB 514 - AS AMENDED BY THE HOUSE

6Jan2022... 2242h

2021 SESSION

21-0792
11/04

HOUSE BILL

514

AN ACT relative to ballot column rotation.

SPONSORS: Rep. Wells, Merr. 25; Rep. Hill, Merr. 3

COMMITTEE: Election Law

ANALYSIS

This bill repeals the requirement that the average deviation from equal rotation for first party column position on ballots be no greater than one percent.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 514 - AS AMENDED BY THE HOUSE

6Jan2022... 2242h

21-0792

11/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to ballot column rotation.

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

1 1 Preparation of Voting Materials; Ballots; Party Columns. Amend RSA 656:5, III to read as
2 follows:

3 III. The generic column rotation plans shall be based on a reasonably balanced rotation of
4 party columns within and across all non-floterial state representative districts, those being the
5 smallest representative districts to which each voting place is apportioned pursuant to part I, article
6 11 of the New Hampshire constitution. Consideration shall also be given to reasonably minimize
7 any obvious, substantial, and avoidable imbalances in column rotation within senate districts. The
8 average deviation from equal rotation for the first party column position, measured across the state
9 as a whole and based on population according to the last decennial federal census, shall be as close to
10 0 percent as is practicable but in no event greater than ~~[1]~~ 2 percent. Once generic column rotation
11 plans are established the secretary of state shall publish such plans to the department's website.

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

HB 514 - AS AMENDED BY THE SENATE

6Jan2022... 2242h
04/21/2022 1423s

2021 SESSION

21-0792
11/04

HOUSE BILL **514**

AN ACT relative to ballot column rotation.

SPONSORS: Rep. Wells, Merr. 25; Rep. Hill, Merr. 3

COMMITTEE: Election Law

AMENDED ANALYSIS

This bill specifies the procedure for party column rotation on general election ballots for state senate districts and requires the assignment of party columns to achieve as equal a population representation for each party column as possible.

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HB 514 - AS AMENDED BY THE SENATE

6Jan2022... 2242h
04/21/2022 1423s

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3 656:5 Party Columns.

4 I. The names of all candidates nominated in accordance with the election laws shall be
5 arranged upon the state general election ballot in successive party columns. Each separate column
6 shall contain the names of the candidates of one party; except that, if only a part of a full list of
7 candidates is nominated by a political party, 2 or more such lists may be arranged whenever
8 practicable in the same column. The party columns that list the names of candidates for offices that
9 elect more than one person shall stagger the names of the candidates so that they do not line up
10 evenly in a horizontal direction. The left-most column shall begin one line below the column to its
11 right. The secretary of state shall determine the vertical location of any additional columns that
12 may appear on the ballot.

13 II. The position of party columns shall be rotated on the ballots used so that each party
14 column shall appear thereon, to the extent practicable, an approximately equal number of times in
15 the first, last, and each intermediate column position across the state, without requiring more than
16 one unique column order or ballot format for each town, ward, or unincorporated place. ~~[Starting~~
17 ~~with the general election for 2012 and following each new apportionment of representative districts,~~
18 ~~but]~~ Before the close of the period during which a person may accept the nomination of a party
19 committee pursuant to RSA 655:32, the secretary of state shall develop as many generic column
20 rotation plans for use in general elections as he or she might reasonably expect to be needed for
21 different possible numbers of party columns on the general election ballot. If the number of party
22 columns expected on the general election ballot changes such that one or more additional generic
23 column rotation plans are needed, the secretary of state shall, from time to time, prepare such
24 additional plans as are needed for any general election.

25 III. ~~[The generic column rotation plans shall be based on a reasonably balanced rotation of~~
26 ~~party columns within and across all non-floterial state representative districts, those being the~~
27 ~~smallest representative districts to which each voting place is apportioned pursuant to part I, article~~
28 ~~11 of the New Hampshire constitution. Consideration shall also be given to reasonably minimize~~
29 ~~any obvious, substantial, and avoidable imbalances in column rotation within senate districts. The~~
30 ~~average deviation from equal rotation for the first party column position, measured across the state~~

HB 514 - AS AMENDED BY THE SENATE

- Page 2 -

1 as a whole and based on population according to the last decennial federal census, shall be as close to
2 0 percent as is practicable but in no event greater than 1 percent. ~~Once generic column rotation~~
3 ~~plans are established the secretary of state shall publish such plans to the department's website.]~~
4 *Party column rotation on the general election ballot shall be determined by randomly*
5 *selecting state senate districts for each column required to be on the ballot. Senate district*
6 *numbers 1 through 24 reflecting each of the 24 senate districts shall be randomly drawn*
7 *for each party column. If there are not enough senate districts left to be evenly divided by*
8 *the number of columns, the secretary of state shall assign the towns and city wards of the*
9 *remaining senate districts to the party columns so as to achieve as equal a population*
10 *representation for each party column as is reasonably possible.*

11 IV. Immediately following the close of the period during which a person may accept the
12 nomination of a party committee pursuant to RSA 655:32, the secretary of state or designee shall
13 publicly select by lot the actual party columns to be positioned according to the generic column
14 rotation plan established pursuant to paragraphs II and III. ~~[No party shall be assigned the same~~
15 ~~generic party column designation for 2 consecutive general elections.]~~

16 2 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 252
HB 514 - FINAL VERSION

6Jan2022... 2242h
04/21/2022 1423s

2022 SESSION

21-0792
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HOUSE BILL **514**

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CHAPTER 252
HB 514 - FINAL VERSION

6Jan2022... 2242h
04/21/2022 1423s

21-0792
11/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to ballot column rotation.

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

1 252:1 Preparation of Voting Materials; Ballots; Party Columns. Amend RSA 656:5 to read as
2 follows:

3 656:5 Party Columns.

4 I. The names of all candidates nominated in accordance with the election laws shall be
5 arranged upon the state general election ballot in successive party columns. Each separate column
6 shall contain the names of the candidates of one party; except that, if only a part of a full list of
7 candidates is nominated by a political party, 2 or more such lists may be arranged whenever
8 practicable in the same column. The party columns that list the names of candidates for offices that
9 elect more than one person shall stagger the names of the candidates so that they do not line up
10 evenly in a horizontal direction. The left-most column shall begin one line below the column to its
11 right. The secretary of state shall determine the vertical location of any additional columns that
12 may appear on the ballot.

13 II. The position of party columns shall be rotated on the ballots used so that each party
14 column shall appear thereon, to the extent practicable, an approximately equal number of times in
15 the first, last, and each intermediate column position across the state, without requiring more than
16 one unique column order or ballot format for each town, ward, or unincorporated place. ~~[Starting~~
17 ~~with the general election for 2012 and following each new apportionment of representative districts,~~
18 ~~but]~~ Before the close of the period during which a person may accept the nomination of a party
19 committee pursuant to RSA 655:32, the secretary of state shall develop as many generic column
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1 ~~average deviation from equal rotation for the first party column position, measured across the state~~
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6 *selecting state senate districts for each column required to be on the ballot. Senate district*
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13 nomination of a party committee pursuant to RSA 655:32, the secretary of state or designee shall
14 publicly select by lot the actual party columns to be positioned according to the generic column
15 rotation plan established pursuant to paragraphs II and III. ~~[No party shall be assigned the same~~
16 ~~generic party column designation for 2 consecutive general elections.]~~

252:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 24, 2022
Effective Date: August 23, 2022

Amendments

Sen. Gray, Dist 6
April 6, 2022
2022-1345s
04/10

Amendment to HB 514

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

2

3 1 Preparation of Voting Materials; Ballots; Party Columns. Amend RSA 656:5 to read as
4 follows:

5 656:5 Party Columns.

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18 one unique column order or ballot format for each town, ward, or unincorporated place. ~~[Starting~~
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16 **2** Effective Date. This act shall take effect 60 days after its passage.

DRAFT

**Amendment to HB 514
- Page 3 -**

2022-1345s

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Amendment to HB 514
- Page 3 -

2022-1423s

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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: February 16, 2022

HEARINGS

Monday

03/07/2022

Election Law and Municipal Affairs	State House 100	1:00 p.m.
(Name of Committee)	(Place)	(Time)

1:00 p.m. **HB 87** relative to the definition of electioneering.

1:15 p.m. **HB 144** relative to absentee ballot request forms.

1:30 p.m. **HB 514** relative to ballot column rotation.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 87

Rep. Potucek
Rep. Bershtein

Rep. Binford
Rep. Baldasaro

Rep. Hough
Rep. Ankarberg

Rep. Layon

HB 144

Rep. Bergeron

HB 514

Rep. Wells

Rep. Hill

Tricia Melillo 271-3077

James P. Gray
Chairman

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

HB 514, relative to ballot column rotation.

Hearing Date: March 7, 2022

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

Members of the Committee Absent : None

Bill Analysis: This bill repeals the requirement that the average deviation from equal rotation for first party column position on ballots be no greater than one percent.

Sponsors:

Rep. Wells

Rep. Hill

Who supports the bill: David Scanlan, Secretary of State

Who opposes the bill: None

Summary of testimony presented in support:

Senator Gray introduced the bill for Representative Wells.

David Scanlan – Secretary of State

- Up until the early 2000s the ballots were designed in a very simple way.
- Candidates' names were listed in alphabetical order.
- The party column positions were assigned according to the political party that got the most votes in the prior elections.
- In 2005, a Senator filed a suit against the Secretary of State claiming that this process created a primacy effect and the court ruled in his favor.
- After that, they had to randomize the candidates name placement and the party columns.
- They based the new system on senate districts 1- 24 and had each party draw numbers, 8 for republicans, 8 for democrats, and 8 for other.
- The columns were rotated based on a random order from the drawing.
- After they tried that for a couple of elections the Senator who filed the lawsuit did not think that it was good enough.
- They had to come up with a new rotation that not everyone can understand.
- This bill relaxes the requirement that it has to be a 1% deviation from equal rotation for the first party position and brings it up to 2%.
- He thinks transparency is more important so that they can explain the rotation to anyone that asks over just changing the deviation.
- Senator Gray asked if he had any draft legislation that would provide the transparency he was looking for.
 - Secretary Scanlan replied that he will get language to him as soon as possible.
- Senator Gray commented that the legal department should look over any possible legislation to be sure that it complies with current court guidelines.
 - Secretary Scanlan replied that he can have that done.
- Senator Soucy asked if his proposal would be to go back to doing the senate district rotation.
 - Secretary Scanlan replied yes.
- Senator Gray stated that he would like to see an attempt made to explain the current process.

Summary of testimony presented in opposition: None

TJM Date Hearing Report completed: March 9, 2022

Speakers

Voting Sheets

**Senate Election Law
& Municipal Affairs Committee**
EXECUTIVE SESSION RECORD
2022 Session

Bill HB 514

Hearing date: 3/7/22

Executive Session date: _____

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 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"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: Amend # 1345s Vote: 5-0

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

RB Consent 5-0

Reported out by: Sen. Gray

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Monday, April 11, 2022

THE COMMITTEE ON Election Law and Municipal Affairs

to which was referred **HB 514**

AN ACT relative to ballot column rotation.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 1423s

Senator James Gray
For the Committee

This bill as amended specifies the procedure for party column rotation on general election ballots using a system based on the state senate districts. This legislation will provide a rotation system which is easy to understand, easy to implement and that provides equity.

Tricia Melillo 271-3077

11-11-22

11-11-22

11-11-22

11-11-22

11-11-22

11-11-22

11-11-22

General Court of New Hampshire - Bill Status System

Docket of HB514

Docket Abbreviations

Bill Title: relative to ballot column rotation.**Official Docket of HB514.:**

Date	Body	Description
1/11/2021	H	Introduced (in recess of) 01/06/2021 and referred to Election Law HJ 2 P. 51
1/20/2021	H	Public Hearing: 01/29/2021 12:00 pm 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.
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
3/11/2021	H	Retained in Committee
9/22/2021	H	Executive Session: 10/06/2021 10:00 am LOB 306-308
11/12/2021	H	Executive Session: 11/12/2021 10:00 a.m. LOB306-308
11/16/2021	H	Majority Committee Report: Ought to Pass with Amendment #2021-2242h 11/15/2021 (Vote 12-8; RC) HC 48 P. 30
11/16/2021	H	Minority Committee Report: Inexpedient to Legislate
1/11/2022	H	Amendment #2021-2242h : AA VV 01/06/2022 HJ 1
1/10/2022	H	Ought to Pass with Amendment : MA RC 188-165 01/06/2022 HJ 1
1/18/2022	S	Introduced 01/05/2022 and Referred to Election Law and Municipal Affairs; SJ 2
2/16/2022	S	Hearing : 03/07/2022, Room 100, SH, 01:30 PM; SC 8
4/13/2022	S	Committee Report: Ought to Pass with Amendment #2022-1423s , 04/21/2022; Vote 5-0; CC; SC 16
4/21/2022	S	Committee Amendment #2022-1423s , AA, VV; 04/21/2022; SJ 9
4/21/2022	S	Ought to Pass with Amendment 2022-1423s, MA, VV; OT3rdg; 04/21/2022; SJ 9
5/13/2022	H	House Concurs with Senate Amendment (Rep. B. Griffin): MA VV 05/12/2022 HJ 13
6/14/2022	S	Enrolled Adopted, VV, (In recess 05/26/2022); SJ 13
6/14/2022	H	Enrolled (in recess of) 05/26/2022 HJ 14
6/28/2022	H	Signed by Governor Sununu 06/24/2022; Chapter 252; 08/23/2022 HJ 14

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 514 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
- N/A 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 # 1345s - amendment # _____
- amendment # 1423s - 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:

Tricia Muello
Committee Aide

6/22/22
Date

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