

Rep. M. Cahill, Rock. 10
March 3, 2023
2023-0736h
06/10

Amendment to HB 336

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

2

3 1 Designation of Office on Election Ballots. Amend RSA 656:6 to read as follows:

4 656:6 Designation of Office. Immediately to the left of the set of party columns shall be an
5 offices column which shall list the offices, each preceded by the word "For," for which the candidates
6 whose names are listed in the party columns have been nominated, as in "For Governor." Below
7 ~~[each such]~~ ***the appropriate*** phrase shall be printed in small but easily legible letters:

8 I. "Vote for not more than [~~here insert a number designating how many persons are to be~~
9 ~~voted for.~~]" ***1*** (if there is only one office to be filled, such as the governor or state senator);
10 or

11 II. "Vote for up to X" (insert the number of offices to be filled) "X will be elected"
12 (insert the number of offices to be filled).

HB 336 - AS INTRODUCED

2023 SESSION

23-0153

09/04

HOUSE BILL **336**

AN ACT relative to the format of election ballots.

SPONSORS: Rep. M. Cahill, Rock. 10

COMMITTEE: Election Law

ANALYSIS

This bill changes the language on election ballots relative to the number of candidates that a voter should choose.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the format of election ballots.

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

1 1 Designation of Office on Election Ballots. Amend RSA 656:6 to read as follows:

2 656:6 Designation of Office. Immediately to the left of the set of party columns shall be an
3 offices column which shall list the offices, each preceded by the word "For," for which the candidates
4 whose names are listed in the party columns have been nominated, as in "For Governor." Below
5 each such phrase shall be printed in small but easily legible letters:

6 **(a)** "Vote for not more than [~~here insert a number designating how many persons are~~
7 ~~to be voted for.~~]" ***one if there is only a single person to be voted for in that column, such as***
8 ***the governor or senate district column.***"

9 **(b)** "___ (*here insert a number designating how many persons are to be voted*
10 *for) representatives will be elected for this district. Vote for up to ___ (*here insert a*
11 ***number designating how many persons are to be voted for) if there are more than a single***
12 ***person to be voted for in that column, such as in some house of representatives districts.***"*

13 2 Effective Date. This act shall take effect 60 days after its passage.

CONSENT CALENDAR

March 8, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Election Law to which was referred
HB 336,**

AN ACT relative to the format of election ballots.

**Having considered the same, report the same with the
following amendment, and the recommendation that
the bill OUGHT TO PASS WITH AMENDMENT.**

Rep. Joan Hamblet

FOR THE COMMITTEE

COMMITTEE REPORT

| | |
|-------------------|--|
| Committee: | Election Law |
| Bill Number: | HB 336 |
| Title: | relative to the format of election ballots. |
| Date: | March 8, 2023 |
| Consent Calendar: | CONSENT |
| Recommendation: | OUGHT TO PASS WITH AMENDMENT 2023-0736h |

STATEMENT OF INTENT

This bill, as amended, clarifies the ballot instructions that inform voters how many candidates they can vote for. In particular, where there are multiple allowed seats in state representative districts, the ballot will state "Vote for up to (X)" and "(X) will be elected." This wording will help voters better understand their options and may reduce undervotes. The committee amendment simplifies the wording and makes it clear how many people will be elected for a given position.

Vote 19-1.

Rep. Joan Hamblet
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Election Law

HB 336, relative to the format of election ballots. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joan Hamblet for Election Law. This bill, as amended, clarifies the ballot instructions that inform voters how many candidates they can vote for. In particular, where there are multiple allowed seats in state representative districts, the ballot will state “Vote for up to (X)” and “(X) will be elected.” This wording will help voters better understand their options and may reduce undervotes. The committee amendment simplifies the wording and makes it clear how many people will be elected for a given position. **Vote 19-1.**

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 336

BILL TITLE: relative to the format of election ballots.

DATE: February 27, 2023

LOB ROOM: 306-308

Time Public Hearing Called to Order: 10:32 a.m.

Time Adjourned: 10:52 a.m.

Committee Members: Reps. Berry, Grill, Prudhomme-O'Brien, Boehm, Qualey, Burnham, Kennedy, Wood, Lane, Ward, Hamer and Brennan

Bill Sponsors:
Rep. M. Cahill

TESTIMONY

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

Acting Chair Berry opened the public hearing.

Rep. Cahill,* sponsor, introduced the bill and spoke in support. He said that the bill will need an amendment, but the general idea is that in the House, some districts do not have wards and the candidates are all listed in a single district or floterial. He said that in his district, they saw a high number of undervotes in the 2022 election, and that it would be useful to let them know which number of candidates will be elected to State House districts. He said that content below line 6 of the bill should be considered an "if/than" statement; for example, if there was only one seat for a position, the ballot would say to vote for not more than one candidate, and if there were multiple candidates for a position, the ballot would say to vote for up to the number of candidates. He said that this would help clarify to users the number of candidates they should vote for, if they choose.

Rep. Kennedy asked how this bill would improve on the current language on ballots. Rep. Cahill said that the language was similar, but would be slightly clearer.

Rep. Prudhomme-O'Brien asked about the possibility of overvoting. Rep. Cahill clarified that he was referring to undervotes. Rep. Prudhomme-O'Brien asked if an undervote was reflective of the will of the voter. Rep. Cahill agreed, and stated that the bill does not state that they cannot vote for fewer, but clarifies that a specific number of candidates will be elected regardless of the number of candidates a voter chooses. Rep. Prudhomme-O'Brien asked if Rep. Cahill's constituents were confused by the current language. Rep. Cahill said he has not heard this directly, but that town moderators have said that confusion is prevalent across the state and that state legislative races do not get as much press, so voters are less aware of what representatives do and the number of people they are represented by. Rep. Cahill stated that the language comes from a past representative based on issues she had observed.

Rep. Boehm referenced towns with large numbers of representatives, and asked whether some voters may be "bullet voting." Rep. Cahill said that we cannot prevent that and people can choose who to vote for, but this is additional information that might help voters.

Rep. Qualey asked if the only difference a voter would see on their ballot would be the "up to" language. Rep. Cahill stated that the voter would see additional language in multi-member districts. Rep. Qualey asked to clarify the change in language on the ballot. Rep. Cahill confirmed that the ballot would reinforce the number of representatives that would be elected to a single district.

Rep. Berry asked if the goal would be to make it clearer as to who many candidates to vote for. Rep. Cahill said yes. Rep. Berry asked if it would be possible to use language such as "vote for three or

less.” Rep. Cahill said he would not object to the change but that he prefers “up to” since it sounds more inviting to the voter.

Rep. Prudhomme-O’Brien referenced the sample ballot provided and asked Rep. Cahill to clarify that her districts’ ballot would ask voters to select up to 10 candidates, and indicate that 10 candidates would be elected. Rep. Cahill stated that the full information in the bill would not be on the ballot, but it would state “vote for up to 10” and “10 candidates will be elected.”

Deputy Secretary of State Erin Hennessey spoke to provide information. She did not take a position on the bill. She stated that she would be happy to help work on changes to the bill to make the language on ballots clearer or more positive. She stated that there is a limited amount of space on the ballot, and asked that any language added to the ballot be minimal so that voters can easily read it and it is not too much information.

Rep. Burnham asked why we can’t just state “vote for three.” Ms. Hennessey said that voters do not have to vote for the full number of candidates that would be elected, they can vote for fewer candidates if they choose.

Rep. Lane asked if “vote for up to X candidates” language implies the voter has to select that number of candidates. Ms. Hennessey said she would leave the exact language up to the committee, but said that any language that would clarify how many candidates to vote for would be preferable.

Rep. Wood asked how long we have been collecting undervote data. Ms. Hennessey said that we’ve collected this data since September 2022. Rep. Wood asked if she believes undervoting is a problem based on the data or just the voters’ choice. Ms. Hennessey said that there is voter fatigue and drop-off as they go down the ballot, especially in districts with many representatives. She said she doesn’t know if it is a problem, just that the number of representatives should be clear to the voter. Rep. Wood asked if Ms. Hennessey would like to see the number of representatives be larger on the ballot. Ms. Hennessey agreed.

There were no entries on the blue sign-in sheet.

Acting Chair Berry adjourned the public hearing.

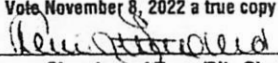
House Remote Testify

Election Law Committee Testify List for Bill HB336 on 2023-02-28

Support: 1 Oppose: 2 Neutral: 1 Total to Testify: 0

[Export to Excel](#)

| <u>Name</u> | <u>City, State</u> <u>Email Address</u> | <u>Title</u> | <u>Representing</u> | <u>Position</u> | <u>Testifying</u> | <u>Non-Germane</u> | <u>?</u> |
|--------------------|--|------------------------|---------------------|-----------------|-------------------|--------------------|----------|
| Boyer, Marjorie | Merrimack, NH marjorie.boyer847@gmail.com | A Member of the Public | Myself | Support | No | No | ? |
| Staples, Monica | Nashua, NH monica.staples@gmail.com | A Member of the Public | Myself | Neutral | No | No | ? |
| Richardson, Daniel | Nashua, NH daniel6_22@comcast.net | A Member of the Public | Myself | Oppose | No | No | ? |
| Terwilliger, Linda | Gilford, NH lindaterwilliger364@gmail.com | A Member of the Public | Myself | Oppose | No | No | ? |

Vote November 8, 2022 a true copy attest:

 Signature of Town/City Clerk
 One copy to be Returned ELECTION NIGHT to the Secretary of State.

STATE OF NEW HAMPSHIRE
 RETURN OF VOTES
NEWMARKET
 GENERAL ELECTION
 NOVEMBER 8, 2022



| Offices | Republican Candidates | Other Candidates | Democratic Candidates | Undervotes Overvotes |
|--|---|--|---|--------------------------------|
| For Governor Vote for not more than 1 | Chris Sununu 2017 | Libertarian Kelly Halldorson 44 Libertarian Kariyn Borysenko 27 | Tom Sherman 2611 | Undervotes 21 Overvotes 1 |
| For United States Senator Vote for not more than 1 | Donald C. Bolduc 1429 | Libertarian Jeremy Kauffman 118 | Maggie Hassan 3176 | Undervotes 19 Overvotes 1 |
| For Representative in Congress Vote for not more than 1 | Karoline Leavitt 1483 | | Chris Pappas 3212 | Undervotes 50 Overvotes 0 |
| For Executive Council Vote for not more than 1 | Janet Stevens 1647 | | Katherine Harake 2937 | Undervotes 142 Overvotes 0 |
| For State Senator Vote for not more than 1 | | | Rebecca Perkins Kyoka 3193 | Undervotes 1486 Overvotes 0 |
| For State Representatives Rockingham District 10 Vote for not more than 3 | Richard Chamberland 1284 Jeanene Cooper 1577 Jason Sank 1180 | | Michael Cahill 2907 Charlotte DiLorenzo 2760 Ellen Read 2771 | Undervotes 1725 Overvotes 0 |
| For State Representative Rockingham District 33 Vote for not more than 1 | Robert Sacco 1573 | | Alexis Simpson 2991 | Undervotes 170 Overvotes 0 |
| For Sheriff Vote for not more than 1 | Chuck Massahos 1619 | | Kevin Coyle 2912 | Undervotes 191 Overvotes 0 |
| For County Attorney Vote for not more than 1 | Patricia Conway 1699 | | Rich Clark 2832 | Undervotes 198 Overvotes 0 |
| For County Treasurer Vote for not more than 1 | Scott Priestley 1672 | | Alex Wahl 2824 | Undervotes 234 Overvotes 0 |
| For Register of Deeds Vote for not more than 1 | Cathy Stacey 1693 | | Michael McCord 2802 | Undervotes 233 Overvotes 1 |
| For Register of Probate Vote for not more than 1 | Lisa A. Massahos 1602 | | Sean McBride Lewis 2868 | Undervotes 261 Overvotes 0 |
| For County Commissioner Vote for not more than 1 | Richie Sawyer 1546 | | Kate Coyle 2945 | Undervotes 238 Overvotes 0 |

**BALLOTS
 CAST**

Regular Ballots Cast

4313

Absentee Ballots Cast

436

Total Number of Ballots Cast

4749

Number of Overvoted Ballots Cast

3

2022 CONSTITUTIONAL AMENDMENT QUESTIONS

Constitutional Amendment Proposed by the 2022 General Court

1. "Are you in favor of amending articles 71 and 81 of the second part of the constitution to read as follows: [Art.] 71. [County Treasurers, County Attorneys, Sheriffs, and Registers of Deeds Elected.] The county treasurers, county attorneys, sheriffs and registers of deeds, shall be elected by the inhabitants of the several towns, in the several counties in the State, according to the method now practiced, and the laws of the state, provided nevertheless the legislature shall have authority to alter the manner of certifying the votes, and the mode of electing those officers; but not so as to deprive the people of the right they now have of electing them.

[Art.] 81. [Judges Not to Act as Counsel.] No judge shall be of counsel, act as advocate, or receive any fees as advocate or counsel, in any probate business which is pending, or may be brought into any court of probate in the county of which he or she is judge." (Passed by the N.H. House 294 Yes 43 No; Passed by Senate 21 Yes 3 No.) CACR 21

2586 Yes 1425 No

Question Proposed pursuant to Part II, Article 100 of the New Hampshire Constitution

2. "Shall there be a convention to amend or revise the constitution?"

1565 Yes 2438 No

Monica Staples

I think the wording of this bill is unnecessarily confusing.

Daniel Richardson

This bill is akin to rearranging the furniture.

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 336

BILL TITLE: relative to the format of election ballots.

DATE: March 7, 2023

LOB ROOM: 306-308

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Boehm

Seconded by Rep. Kennedy

Vote: 9-11

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Hamblet

Seconded by Rep. Muirhead

AM Vote: 13-7

Amendment # 2023-0736h

Moved by Rep. Hamblet

Seconded by Rep. Brennan

Vote: 19-1

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Jessica Grill, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/5/2023 1:43:00 PM
Roll Call Committee Registers
Report

2023 SESSION

Election Law

Bill #: HB 336 Motion: ITL AM #: _____ Exec Session Date: 3-7-2023

| <u>Members</u> | <u>YEAS</u> | <u>Nays</u> | <u>NV</u> |
|--|-------------|-------------|-----------|
| Smith, Steven D. Chairman | X | | |
| Berry, Ross Vice Chairman <u>PIEMONTE</u> | X | | |
| Prudhomme-O'Brien, Katherine J. | X | | |
| Boehm, Ralph G. | X | | |
| Qualey, James R. | X | | |
| Ankarberg, Aidan | | X | |
| Burnham, Claudine R | X | | |
| Kennedy, Stephen J. | X | | |
| Wherry, Robert J <u>DUNN</u> | X | | |
| Wood, Clayton D | X | | |
| Lane, Connie Boyles | | X | |
| Ward, Gerald W.R. | | X | |
| Hamer, Heidi M. | | X | |
| Hamblet, Joan L. | | X | |
| Muirhead, Russell | | X | |
| Bay, Luz | | X | |
| Brennan, Angela | | X | |
| Grill, Jessica | | X | |
| Howard, Heath | | X | |
| TOTAL VOTE: | 9 | 11 | |

PALMER

X



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/5/2023 1:43:00 PM
Roll Call Committee Registers
Report

2023 SESSION

Election Law

Bill #: HB336 Motion: Adopt. Amendment AM #: 2023-0736h Exec Session Date: 3-17-2023

| Members | YEAS | Nays | NV |
|---|-----------|----------|----|
| Smith, Steven D. Chairman | X | | |
| Berry, Ross Vice Chairman PIEMONTE | | X | |
| Prudhomme-O'Brien, Katherine J. | | X | |
| Boehm, Ralph G. | | X | |
| Qualey, James R. | | X | |
| Ankarberg, Aidan | X | | |
| Burnham, Claudine R | X | | |
| Kennedy, Stephen J. | | X | |
| Wherry, Robert J DUNN | | X | |
| Wood, Clayton D | | X | |
| Lane, Connie Boyles | X | | |
| Ward, Gerald W.R. | X | | |
| Hamer, Heidi M. | X | | |
| Hamblet, Joan L. | X | | |
| Muirhead, Russell | X | | |
| Bay, Luz | X | | |
| Brennan, Angela | X | | |
| Grill, Jessica | X | | |
| Howard, Heath | X | | |
| TOTAL VOTE: | 13 | 7 | |

PALMER

X



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/5/2023 1:43:00 PM
Roll Call Committee Registers
Report

2023 SESSION

Election Law

Bill #: HB 336 Motion: OTP-A AM #: _____ Exec Session Date: 3-7-2023

| <u>Members</u> | <u>YEAS</u> | <u>Nays</u> | <u>NV</u> |
|---|-------------|-------------|-----------|
| Smith, Steven D. Chairman | X | | |
| Berry, Ross Vice Chairman <u>PIEMONTE</u> | X | | |
| Prudhomme-O'Brien, Katherine J. | X | | |
| Boehm, Ralph G. | X | | |
| Qualey, James R. | X | | |
| Ankarberg, Aidan | X | | |
| Burnham, Claudine R | X | | |
| Kennedy, Stephen J. | | X | |
| Wherry, Robert J <u>DUNN</u> | X | | |
| Wood, Clayton D | X | | |
| Lane, Connie Boyles | X | | |
| Ward, Gerald W.R. | X | | |
| Hamer, Heidi M. | X | | |
| Hamblet, Joan L. | X | | |
| Muirhead, Russell | X | | |
| Bay, Luz | X | | |
| Brennan, Angela | X | | |
| Grill, Jessica | X | | |
| Howard, Heath | X | | |
| TOTAL VOTE: | 19 | 1 | |

PALMER

X