

Senate Election Law and Internal Affairs Committee

Kelly Flathers 271-3091

SB 114, prohibiting a candidate from receiving the nomination of more than one party.

Hearing Date: January 31, 2017

Time Opened: 10:13 a.m.

Time Closed: 10:28 a.m.

Members of the Committee Present: Senators Woodburn, Gray and Birdsell

Members of the Committee Absent : Senators Soucy and Sanborn

Bill Analysis: This bill prohibits a candidate from receiving the nomination of more than one party.

Sponsors:
Sen. Feltes

Who supports the bill: Rep. Michael Cahill - Rockingham 17; Sen. Dan Feltes - District 15; Darryl W. Perry - Liberty Lobby LLC; Ian Freeman - NH Liberty Party; Mary Rose Deck; Mary Till - Derry Town Moderator

Who opposes the bill: No one

Who is neutral on the bill: No one

Summary of testimony presented in support:

Sen. Dan Feltes (Prime) – District 15: One of my constituents brought this to my attention and I strongly agree with it. Incumbents on both sides of the aisle, if no one is running against them, will try to win the primary of the opposing party and block out the ballot for the general election. This is fundamentally inconsistent with our principles of democracy and political competition. We need to make sure that people running for office, including incumbents, go out into their communities and ask people for their votes, rather than using the primary process to foreclose competition on the general election ballot. This basically provides incumbent protection and it shouldn't be that way.

Sen. Birdsell: If a Republican in the primary got both Democratic and Republican votes, would those Democratic votes be added to the total?

Sen. Feltes: No, in the primary election the votes only count towards the party. Right now, if you ran and won as a Republican and also got 35 or more votes on the Democratic ballot, you would get the nomination of the Democratic Party as well.

Sen. Woodburn: Is competition more important than the will of the individual voters who make the effort to do a write-in?

Sen. Feltes: Yes, I think competition in the general election is important.

Sen. Gray: What if a candidate gets 3,500 write-in votes from the other party?

Sen. Feltes: With that logic, you might as well get rid of parties and just have votes.

Sen. Birdsell: What about increasing the required number of signatures?

Sen. Feltes: I'd be open to that, but I don't know what an appropriate number would be. It makes some sense in Sen. Gray's example. As it stands, you only need 35 write-ins to foreclose on the general election.

Darryl W. Perry – Liberty Lobby LLC / Chairman, Libertarian Party of NH: I am speaking in support of this bill. Currently, someone can only be registered to vote with one party. A political party has the right to close their primary and a political party has the right to exclude a candidate from their primary ballot. However, state law currently does not allow a political party to exclude someone from being on the general election ballot if they win the primary with a write-in. We're one of the few states that allows fusion, which I would consider forced fusion in this case. In the general election, if a candidate is on the ballot multiple times, those votes do get combined. This is a bigger issue for county and State Representative races. If someone gets disqualified, there is a provision where the person with the second highest number of votes would get the nomination as long as they had at least 10 write-in votes. I would not be opposed to raising the number of votes required, but I would strongly support allowing more political autonomy where the parties have a say on who is or is not their nominee.

Mary Rose Deak: I am speaking in support of this bill. In the last election, I noticed that my choice was limited to one party for a number of seats. Our democracy says we should have a choice for who we should vote for. Between the primary and the general elections, the party should have a chance to organize and nominate someone. Loading the ballot is generally not a good idea. Taking this one party system out of the voting equation generates good feelings and promotes choice for NH.

Mary Till – Derry Town Moderator: I am speaking in support of this bill. This bill is most relevant in multi-member districts where one party can fill up their ticket and put another candidate on the other ticket. When voters see a candidate listed under both parties it appears that they are a moderate, which is a misconception.

Summary of testimony presented in opposition: None

Neutral Information Presented: None

Future Action: Pending

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Date Hearing Report completed: January 31, 2017