

SB 328 - AS AMENDED BY THE SENATE

02/16/2022 0564s
03/17/2022 1137s

2022 SESSION

22-3067
08/05

SENATE BILL **328**

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

SPONSORS: Sen. Gray, Dist 6; Sen. Avard, Dist 12; Sen. Ward, Dist 8; Sen. Sherman, Dist 24;
Rep. Osborne, Rock. 4

COMMITTEE: Election Law and Municipal Affairs

AMENDED ANALYSIS

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

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

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]~~ **second**
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**
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]~~ **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
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 **August 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

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

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 January 1, 2023.