

# Bill as Introduced

HB 341 - AS INTRODUCED

2009 SESSION

09-0801

03/01

HOUSE BILL           **341**

AN ACT               relative to the date selected for the presidential primary election.

SPONSORS:           Rep. Splaine, Rock 16

COMMITTEE:          Election Law

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ANALYSIS

This bill modifies the statute relating to the date for the presidential primary election.

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                      Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                   relative to the date selected for the presidential primary election.

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

- 1           1 Election Dates; Presidential Primary Election. Amend RSA 653:9 to read as follows:
- 2           653:9 Presidential Primary Election. The presidential primary election shall be held on the
- 3 second Tuesday in March or on a date selected by the secretary of state which is 7 days or more
- 4 immediately preceding the date on which any other state shall hold a similar election, *or holds a*
- 5 *caucus or in the interpretation of the secretary of state holds any contest at which*
- 6 *delegates are chosen for the national conventions*, whichever is earlier, of each year when a
- 7 president of the United States is to be elected or the year previous. Said primary shall be held in
- 8 connection with the regular March town meeting or election or, if held on any other day, at a special
- 9 election called by the secretary of state for that purpose. *Any caucus of a state first held before*
- 10 *1975 shall not be affected by this provision.*
- 11          2 Effective Date. This act shall take effect 60 days after its passage.

# Amendments

Rep. Splaine, Rock. 16  
November 16, 2009  
2009-2517h  
03/09

Amendment to HB 341

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

2

3 1 Election Dates; Presidential Primary Election. Amend RSA 653:9 to read as follows:

4 653:9 Presidential Primary Election. The presidential primary election shall be held on the  
5 second Tuesday in March or on a date selected by the secretary of state which is 7 days or more  
6 immediately preceding the date on which any other state shall hold a similar election, *in order to*  
7 *protect the tradition of the New Hampshire first-in-the-nation presidential primary,*  
8 whichever is earlier, of each year when a president of the United States is to be elected or the year  
9 previous. Said primary shall be held in connection with the regular March town meeting or election  
10 or, if held on any other day, at a special election called by the secretary of state for that purpose.

Rep. Splaine, Rock. 16  
November 17, 2009  
2009-2524h  
03/09

Amendment to HB 341

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

2

3 1 Election Dates; Presidential Primary Election. Amend RSA 653:9 to read as follows:

4 653:9 Presidential Primary Election. The presidential primary election shall be held on the  
5 second Tuesday in March or on a date selected by the secretary of state which is 7 days or more  
6 immediately preceding the date on which any other state shall hold a similar election, whichever is  
7 earlier, of each year when a president of the United States is to be elected or the year previous. Said  
8 primary shall be held in connection with the regular March town meeting or election or, if held on  
9 any other day, at a special election called by the secretary of state for that purpose. *The purpose of*  
10 *this section is to protect the tradition of the New Hampshire first-in-the-nation*  
11 *presidential primary.*

# Committee Minutes

## HOUSE COMMITTEE ON ELECTION LAW

**BILL NUMBER:** HB 341

**BILL TITLE:** relative to the date selected for the presidential primary election.

**DATE:** February 4, 2009

**THE COMMITTEE HAS VOTED TO RETAIN THIS BILL.**

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**Jane A. Clemons, Chairman**



# Speakers



# Hearing Minutes

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 341

**BILL TITLE:** relative to the date selected for the presidential primary election.

**DATE:** February 3, 2009

**LOB ROOM:** 308      **Time Public Hearing Called to Order:** 11:15 AM

**Time Adjourned:** 11:20 AM

(please circle if present)

Committee Members: Reps. Clemons, Pierce, Splaine, C. Chase, Perry, Levesque,  
Bartlett, Caron, Hodges, Horrigan, Kom, Driske, Jasper, Maybeck, Hoelzel, Meas, Bates,  
Comerford, Doherty and Scala.

Bill Sponsors: Rep. Splaine, Rock 16

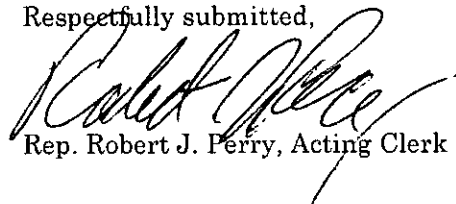
TESTIMONY

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

Rep. Splaine, sponsor of this bill, introduced bill. Hold Bill in abeyance for rest of this year. Both parties will be reviewing their schedules. First in nation primary not a gift from other states. Word "MUST" appears in that statute. Secretary of State "MUST" set primary 7 days ahead of other states.

Bill Gardner, Secretary of State. Supports bill. No pink card filed

Respectfully submitted,



Rep. Robert J. Perry, Acting Clerk

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 341

BILL TITLE: relative to the date selected for the presidential primary election.

DATE: 2/3/09

LOB ROOM: 308 Time Public Hearing Called to Order: 11:15

Time Adjourned: 11:20

→ NOT HERE  
(please circle if present)

Committee Members: Reps. Clemons, Pierce, Splaine, C. Chase, Perry, Levesque, Bartlett, Caren, Hodges, Horrigan, Komi, Drisko, Jasper, Maybeck, Hoelzel, Mead, Bates, Comerford, Doherty and Scala.

Bill Sponsors: Rep. Splaine, Rock 16

TESTIMONY

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

① Jimi Splaine - Hold Bill in Abeyance for rest of this year. Both parties will be reviewing their schedules. First in nation primary not a gift from other states. Word "must" appears in that statute. So "must" set primary 7 days ahead of other states.

WM. O'NEILL - SUPPORTS BILL. - NO <sup>Pink</sup> CARD FILED.

Bob Perry, ACTING CLERK

# Sub-Committee Actions

**HOUSE COMMITTEE ON ELECTION LAW**  
**SUBCOMMITTEE WORK SESSION ON HB 341**

**BILL TITLE:** relative to the date selected for the presidential primary election.

**DATE:** November 4, 2009

**Subcommittee Members:** Reps. Splaine, Komi, Caron, Doherty, Horrigan, Bates, Pierce and Comeford

**Comments and Recommendations:**

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.) INTERIM STUDY

Moved by Rep. Pierce

Seconded by Rep. Komi

Vote: 5-1

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Splaine  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON ELECTION LAW  
SUBCOMMITTEE WORK SESSION ON HB 341

**BILL TITLE:** relative to the date selected for the presidential primary election.

**DATE:** November 4, 2009

**Subcommittee Members:** Reps. ~~Splaine, Komi~~, Caron, Doherty, Pierce, and Comeford  
*TIM HOBIGAN; DAVID BATES*

Comments and Recommendations:

Amendments:

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. *PIERCE, R091*  
Seconded by Rep. *R091*  
Vote: *5-1*

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. *INTERIM STUDY*  
Seconded by Rep.  
Vote:

Respectfully submitted,

Rep.  
Subcommittee Chairman/Clerk



# Sub-Committee Minutes

**HOUSE COMMITTEE ON ELECTION LAW**  
**SUBCOMMITTEE WORK SESSION ON HB 341**

**BILL TITLE:** relative to the date selected for the presidential primary election.

**DATE:** October 20, 2009

**Subcommittee Members:** Reps. Splaine, ~~Korn~~, ~~Caron~~, ~~Doherty~~, ~~Pierce~~, and Comeford

**Comments and Recommendations:** No action taken. Will meet again on November 4<sup>th</sup> at 10:00 a.m.

**Amendments:**

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,  
  
Rep. Jim Splaine  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON ELECTION LAW  
SUBCOMMITTEE WORK SESSION ON HB 341

**BILL TITLE:** relative to the date selected for the presidential primary election.

**DATE:** October 20, 2009

NO ACTION - WILL  
MEET AGAIN  
IN TWO-  
THREE WEEKS

**Subcommittee Members:** Reps. Splaine, Komi, Caron, Doherty, and Comeford

REP. DAVID PIERCE ADDED

**Comments and Recommendations:**

NEAR MEETING WED, NOV 4TH  
10:00 AM

**Amendments:**

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

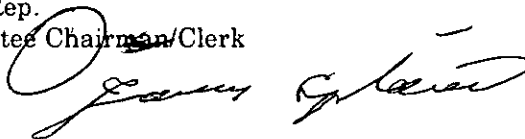
Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.  
Subcommittee Chairman/Clerk



**HOUSE COMMITTEE ON ELECTION LAW**  
**SUBCOMMITTEE WORK SESSION ON HB 341**

**BILL TITLE:** relative to the date selected for the presidential primary election.

**DATE:** November 17, 2009

**Subcommittee Members:** Reps. Splaine, Komi, Caron, Doherty, Horrigan, Bates, Pierce, and Comeford

**Comments and Recommendations:**

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.  
Subcommittee Chairman/Clerk

# Voting Sheets

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 341

**BILL TITLE:** relative to the date selected for the presidential primary election.

**DATE:** February 4, 2009

**LOB ROOM:** 308

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.) **RETAIN**

Moved by Rep. Splaine

Seconded by Rep. Horrigan

Vote: 18-0 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE:**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. Claudia Chase, Clerk

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 341

BILL TITLE: relative to the date selected for the presidential primary election.

DATE: 2/4/2009

LOB ROOM: 308

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.) *retained*

Moved by Rep. *splaine*

Seconded by Rep. *Horrigan*

Vote: *18/0*. (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: *Yes*

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Claudia Chase, Clerk



**ELECTION LAW**

Bill #: HB 341 Title: relative to the date selected for the presidential

PH Date: 2 / 3 / 2009 election Exec Session Date: 2 / 4 / 2009

Motion: retained Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Clemons, Jane A, Chairman	✓	
Pierce, David M, V Chairman	✓	
Splaine, James R	✓	
Chase, Claudia A, Clerk	✓	
Perry, Robert J	✓	
Levesque, Melanie A	✓	
Bartlett, Michael J	✓	
Caron, June M	✓	
Hodges, Kevin D		
Horrigan, Timothy	✓	
Komi, Richard N	✓	
Drisko, Richard B	✓	
Jasper, Shawn N	✓	
Maybeck, Margie L	✓	
Hoelzel, Kathleen M	✓	
Mead, Robert D		
Bates, David	✓	
Comerford, Timothy P	✓	
Doherty, Shaun S	✓	
Scala, Dino A	✓	
TOTAL VOTE:		
Printed: 1/12/2009		

18/0



HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 341

**BILL TITLE:** relative to the date selected for the presidential primary election.

**DATE:** November 17, 2009

**LOB ROOM:** 308

**Amendments:**

Sponsor: Rep. Splaine OLS Document #: 2009 2524h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTR, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Splaine

Seconded by Rep. Jasper

Vote: 15-0 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE: NO**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. Claudia Chase, Clerk

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 341

**BILL TITLE:** relative to the date selected for the presidential primary election.

**DATE:** November 17, 2009

**LOB ROOM:** 308

**Amendments:**

Sponsor: Rep. *Splaine*

OLS Document #: 2009-~~2524~~ 2524

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.) *(amendment)*

Moved by Rep. *Splaine*

Seconded by Rep. ~~XXXXXX~~ *Jacobs*

Vote: *15-0* (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: *NO*

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. Claudia Chase, Clerk



**ELECTION LAW**

Bill #: HB 341 Title: relative to the date selected for the presidential primary election.  
 PH Date: 2 / 4 / 2009 Exec Session Date: 11 / 17 / 2009

Motion: OTPA Amendment #: 2009-25<sup>24</sup> H

MEMBER	YEAS	NAYS
Clemons, Jane A, Chairman	X	
Pierce, David M, V Chairman	X	
Splaine, James R	X	
Chase, Claudia A, Clerk	✓	
Perry, Robert J	X	
Levesque, Melanie A	X	
Bartlett, Michael J		
Caron, June M	X	
Hodges, Kevin D		
Horrigan, Timothy	X	
Komi, Richard N.	X	
Drisko, Richard B	X	
Jasper, Shawn N	✓	
Maybeck, Margie L	✓	
Hoelzel, Kathleen M	X	
Garcia, Marilinda J		
Bates, David		
Comerford, Timothy P	X	
Doherty, Shaun S		
Scala, Dino A	✓	

TOTAL VOTE: 15/0  
 Printed: 5/26/2009

# Committee Report

**REGULAR CALENDAR**

**November 30, 2009**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on ELECTION LAW to which was referred HB341,**

**AN ACT relative to the date selected for the presidential primary election. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.**

**Rep. James R Splaine**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>ELECTION LAW</b>
Bill Number:	<b>HB341</b>
Title:	<b>relative to the date selected for the presidential primary election.</b>
Date:	<b>November 30, 2009</b>
Consent Calendar:	<b>NO</b>
Recommendation:	<b>OUGHT TO PASS WITH AMENDMENT</b>

### STATEMENT OF INTENT

It is the New Hampshire First-In-The-Nation Presidential Primary Law that appears in our statutes that protects our lead-off status. That law, first adopted in 1975 with numerous small changes since then as we've further needed to further protect our primary, has required our Secretary of State to move our date "...7 days or more..." before any other "...similar election...", and since we pay for our primary we can hold it whenever we wish. No other state nor the political parties can dictate our schedule.

To make it even clearer to those who may challenge our primary in future years, the House Election Law Committee is unanimously supporting this bill which will add the sentence "The purpose of this section is to protect the tradition of the New Hampshire First-In-The-Nation Presidential Primary." The word "tradition" is especially important at giving clear and specific direction to the Secretary of State that we expect that in the setting of our primary date, the tradition of the past four decades will be followed.

Vote 15-0.

Rep. James R Splaine  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

### ELECTION LAW

**HB341**, relative to the date selected for the presidential primary election. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James R Splaine for ELECTION LAW. It is the New Hampshire First-In-The-Nation Presidential Primary Law that appears in our statutes that protects our lead-off status. That law, first adopted in 1975 with numerous small changes since then as we've further needed to further protect our primary, has required our Secretary of State to move our date "...7 days or more..." before any other "...similar election...", and since we pay for our primary we can hold it whenever we wish. No other state nor the political parties can dictate our schedule.

To make it even clearer to those who may challenge our primary in future years, the House Election Law Committee is unanimously supporting this bill which will add the sentence "The purpose of this section is to protect the tradition of the New Hampshire First-In-The-Nation Presidential Primary." The word "tradition" is especially important at giving clear and specific direction to the Secretary of State that we expect that in the setting of our primary date, the tradition of the past four decades will be followed. **Vote 15-0.**

Original: House Clerk

Cc: Committee Bill File

**Ebbs, Heather**

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**From:** Wadsworth, Karen  
**Sent:** Monday, November 30, 2009 11:01 AM  
**To:** Ebbs, Heather  
**Subject:** FW: To Jane Clemons, Karen Wadsworth - House Bill 341

Heather -  
Sorry about that. I don't have an access to state address book at home, and guessed wrong. Here it is.  
Karen

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**From:** jcsr119@aol.com [mailto:jcsr119@aol.com]  
**Sent:** Wednesday, November 25, 2009 8:15 PM  
**To:** Wadsworth, Karen  
**Subject:** Re: To Jane Clemons, Karen Wadsworth - House Bill 341

Karen

Happy T-Day! No it is fine,

-----Original Message-----

**From:** Wadsworth, Karen <Karen.Wadsworth@leg.state.nh.us>  
**To:** Jim Splaine@aol.com; Clemons, Jane <jcsr119@aol.com>  
**Cc:** heatherebbs@leg.state.nh.us  
**Sent:** Wed, Nov 25, 2009 2:34 pm  
**Subject:** RE: To Jane Clemons, Karen Wadsworth - House Bill 341

I'll forward this on to Heather Ebbs, who has to write and transmit the committee reports. Jane, let one of us know ASAP if you want any changes.  
Happy Thanksgiving!  
Karen

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**From:** JimSplaine@aol.com [mailto:JimSplaine@aol.com]  
**Sent:** Wed 11/25/2009 3:26 PM  
**To:** Wadsworth, Karen; Clemons, Jane  
**Subject:** To Jane Clemons, Karen Wadsworth - House Bill 341

To Karen,

Here is the report I have written for House Bill 341. I am sending this E-Mail also to Jane Clemons, for her approval of the language.

If you need something else from me, please let me know.

Thank You,  
Jim Splaine

House Bill 341, "ought to pass" from the House Election Committee  
Report by Jim Splaine

It is the New Hampshire First-In-The-Nation Presidential Primary Law that appears in our statutes that

11/30/2009



protects our lead-off status. That law, first adopted in 1975 with numerous small changes since then as we've further needed to further protect our primary, has required our Secretary of State to move our date "...7 days or more..." before any other "...similar election..." and since we pay for our primary we can hold it whenever we wish. No other state nor the political parties can dictate our schedule.

To make it even clearer to those who may challenge our primary in future years, the House Election Law Committee is unanimously supporting this bill which will add the sentence "The purpose of this section is to protect the tradition of the New Hampshire First-In-The-Nation Presidential Primary." The word "tradition" is especially important at giving clear and specific direction to the Secretary of State that we expect that in the setting of our primary date, the tradition of the past four decades will be followed.