

CHAPTER 113
SB 236 – FINAL VERSION

02/08/12 0507s
15May2012... 2078h

2012 SESSION

12-2888
03/05

SENATE BILL **236**

AN ACT relative to nomination of candidates and political organizations, election procedure, and recounts.

SPONSORS: Sen. Stiles, Dist 24

COMMITTEE: Public and Municipal Affairs

AMENDED ANALYSIS

This bill:

- I. Modifies the procedure for nominating a political organization.
- II. Changes various dates relating to nomination of candidates, recounts, and hearings by the ballot law commission.
- III. Permits a voter who has been registered as an undeclared voter to register as undeclared after voting in a primary by signing an undeclared voter list.
- IV. Changes the requirements for the ballots cast form.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Twelve

AN ACT relative to nomination of candidates and political organizations, election procedure, and recounts.

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

1 113:1 Retention Schedule. Amend RSA 33-A:3-a, CXLI(c) to read as follows:

2 (c)(1) Party change form: until voter is removed from checklist plus 7 years.

3 **(2) List of undeclared voters from the statewide centralized voter**
4 **registration database: 7 years.**

5 113:2 Change of Registration. Amend RSA 654:34, II(b) to read as follows:

6 (b) A voter may also register as a member of a party at any primary by requesting to be
7 registered as a member and voting the ballot of the party of the voter's choice. A voter may also
8 register once again as an undeclared voter after voting in a primary as a registered member of a
9 party by returning the card **or signing the list of undeclared voters from the statewide**
10 **centralized voter registration database** provided for in paragraph V. **If cards are used, the**
11 **voter shall return the card** to the person at the polls designated by the town or city clerk to accept
12 the card. All such cards **and lists** shall be in the possession of the supervisors of the checklist at the
13 close of the polls on election day.

14 113:3 Change of Registration. Amend RSA 654:34, V to read as follows:

15 V.(a) At any primary, the supervisors of the checklist shall make available within the polling
16 place a card **or list of undeclared voters from the statewide centralized voter registration**
17 **database** to enable a voter who was registered as an undeclared voter but who changed registration
18 on the day of the primary in order to vote as a registered member of a party to change registration so
19 that the voter is registered once again as an undeclared voter. The card **or list** shall be in
20 substantially the following form:

21 Name _____

22 (Print)

23 Address _____

24 _____

25 _____

26 I hereby request that my political party registration be changed as follows:

27 From: Democrat [] or Republican []

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1 To: Undeclared []

2 Signed under the pains and penalties of perjury.

3 _____

4 Date _____

5 (b) The supervisors of the checklist, upon receipt of such a card **or list**, shall keep it in
6 accordance with RSA 33-A:3-a and at ~~[their next]~~ **the public** session of supervisors of the checklist
7 **on election day** shall change the party of the voter as indicated on the card **or list**.

8 113:4 Declaration of Intent; Political Organization. Amend RSA 655:17-c to read as follows:

9 655:17-c Declaration of Intent; Political Organization.

10 **I.** Declarations of intent for political organizations shall be in the following form and signed
11 by the chairman of the political organization:

12 I, _____, chairman of the _____ organization hereby declare that
13 the _____ organization intends to file nomination papers by the deadline established under
14 RSA 655:43, I. ~~[I further declare that the _____ organization intends to file the names~~
15 ~~of candidates for the following offices with the nomination papers.]~~

16 **II.** *At the time of filing the declaration of intent, the chairman of the political*
17 *organization shall submit a list of the offices for which it intends to file candidates and*
18 *the names of the candidates for those offices. In addition, each candidate shall file a*
19 *declaration of candidacy. The declaration of candidacy shall be in the form provided by*
20 *RSA 655:17 with the understanding that, where the form says primary election, it shall be*
21 *construed to mean general election. If the political organization does not obtain enough*
22 *nomination papers to have its name placed on the ballot, any declarations of candidacy*
23 *filed for that political organization shall be void.*

24 113:5 Vacancy for Office on Party Ticket. Amend RSA 655:37 to read as follows:

25 655:37 Vacancy for Office on Party Ticket. If, after the holding of a state primary election, a vacancy
26 exists for any office on a party ticket, such vacancy may be filled as provided in this section. The
27 appropriate party committee shall notify the secretary of state in writing of a person they designate to fill
28 the vacancy. The person so designated shall, no later than the first ~~[Friday]~~ **Tuesday** following the
29 primary election, file with the secretary of state a declaration of candidacy as provided in RSA 655:17
30 with the understanding that, where the form says primary election, it shall be construed to mean general
31 election. If the candidate is designated for the office of governor, executive councilor, state senator, or
32 state representative, he or she shall also file, no later than ~~[5:00 p.m. on]~~ the first ~~[Friday]~~ **Tuesday**
33 following the primary, the appropriate affidavit as provided in RSA 655:29. Any candidate who has not
34 filed all the forms required by this section within the required period of time shall not have his or her
35 name printed on the state general election ballot for that office.

36 113:6 General Content of Return. Amend RSA 659:73, VI to read as follows:

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1 VI. The moderator shall record and sign a ballots cast form prepared by the secretary of state
2 within 48 hours of the closing of the polls, or other time ordered by the secretary of state, and shall
3 submit the form to the secretary of state, with a copy to the clerk. The ballots cast form shall include, but
4 not be limited to:

5 (a) The number of [~~voters who voted in person on election day checked off on the checklist as~~
6 ~~having voted~~] **ballots cast**.

7 (b) The number of absentee [~~voters checked off on the checklist as having voted~~] **ballots**
8 **cast**.

9 113:7 Write-In Nomination. Amend RSA 659:88, I(b) to read as follows:

10 (b) A person whose name was not printed anywhere on the official state primary election
11 ballot, and who receives the nomination of a party by write-in vote in a primary election and wishes
12 to accept the nomination, shall file a declaration of candidacy with the secretary of state no later
13 than [~~3:00 p.m. on~~] the first [~~Friday~~] **Monday** after the primary. The declaration of candidacy shall
14 be filed with the understanding that, where the form says “primary election,” it shall be construed to
15 mean “general election.” Such person shall not, however, be required to pay the administrative
16 assessment under RSA 655:19-c.

17 113:8 Rejection of Nomination by Write-In Vote. RSA 659:90 is repealed and reenacted to read
18 as follows:

19 659:90 Rejection of Nomination by Write-In Vote. Persons nominated by write-in vote who wish
20 to reject the nomination shall reject their nominations as follows. A person notified in writing of his
21 or her nomination by the secretary of state as required by RSA 659:89 shall advise the secretary of
22 state in writing if he or she wishes to reject the nomination. If such rejection of nomination is not
23 received by the secretary of state by the first Tuesday following the date of the primary, the person
24 shall be deemed to have accepted the nomination, and his or her name shall appear on the official
25 ballot as a candidate for the office. If for any reason the person cannot be contacted by the deadline
26 for the printing of the ballots, the candidate’s name shall be printed on the official state general
27 election ballot.

28 113:9 Nomination for Incompatible Offices. Amend RSA 659:91 to read as follows:

29 659:91 Nominations for Incompatible Offices. Any person who is nominated by the same
30 political party for incompatible offices shall notify the secretary of state in person, in writing, by
31 facsimile transmission, or by e-mailing a signed statement as an attachment no later than [~~3:00 p.m.~~
32 ~~on the Thursday~~] **the Friday** following the date of the primary of which nomination he or she will
33 accept. Thereupon the secretary of state shall declare a vacancy to exist in the nomination which
34 such person declined. The vacancy shall be filled as provided in RSA 655:37 except that all the
35 necessary declarations of candidacy and affidavits shall be filed no later than 5:00 p.m. on the
36 [~~Friday~~] **first Tuesday** following the date of the primary.

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1 113:10 Time and Notice of Recount. Amend RSA 660:4 to read as follows:

2 660:4 Time and Notice. Upon satisfactory application for a recount as provided in RSA 660:1,
3 the secretary of state shall begin the process of recounting the ballots on ***a date selected by the***
4 ***secretary of state, which shall be no later than*** the Wednesday following the deadline for
5 requesting a recount. A recount shall take place at any suitable state facility in the city of Concord
6 as may be designated by the secretary of state. The secretary of state shall give a reasonable notice
7 thereof to the applicant and to each of the opposing candidates. The secretary of state shall also
8 prepare and distribute to the applicant and to each of the opposing candidates the rules and
9 procedures governing the recount at the same time notice of the time and place for holding the
10 recount is given to the applicant and to each opposing candidate.

11 113:11 Primary Recount Applications. Amend RSA 660:7, I to read as follows:

12 I. Any person for whom a vote was cast for any nomination of any party at a state primary
13 may apply for a recount, provided that the difference between the votes cast for the applying
14 candidate and a candidate of that party declared nominated is less than 10 votes or less than 1.5
15 percent of the total ballots cast in the primary for that party in the towns which comprise the office
16 to be recounted. The application shall be made in writing to the secretary of state and shall be
17 submitted no later than 5:00 p.m. on the [day] ***Friday*** after the primary election. ~~[The request may~~
18 ~~be made by hand delivery, by facsimile transmission, or as an attachment to an e-mail. The fee shall~~
19 ~~be paid prior to the beginning of the recount. Recounts shall begin 2 days after the primary election~~
20 ~~and shall be conducted so as to complete all recounts involving towns or wards which have pending~~
21 ~~requests for absentee ballots for the general election from UOCAVA voters no later than 8:00 a.m. on~~
22 ~~the Saturday following the primary. Other recounts shall begin during the week following the~~
23 ~~primary.] ***Each candidate requesting a recount shall pay the secretary of state fees as***
24 ***provided in RSA 660:2.***~~

25 113:12 Ballot Law Commission; Hearing Date. Amend the introductory paragraph of RSA
26 665:5, I to read as follows:

27 I. ***If necessary***, the ballot law commission shall meet ~~[at 9:00 a.m. on the Saturday~~
28 ~~following the regularly scheduled state primary election and, if necessary, on]~~ ***on the third***
29 ***Thursday of September in each general election year and*** the third Friday following the
30 presidential primary election in order to hear and decide:

31 113:13 Repeal. RSA 655:40-b, relative to filing names of candidates, is repealed.

32 113:14 Effective Date. This act shall take effect upon its passage.

33 Approved: May 31, 2012

34 Effective Date: May 31, 2012