

HB 1497-FN – AS INTRODUCED

2014 SESSION

14-2443
03/04

HOUSE BILL ***1497-FN***

AN ACT relative to the definition of “party” and relative to nomination papers.

SPONSORS: Rep. Steven Smith, Sull 11; Rep. O'Flaherty, Hills 12; Rep. Sylvia, Belk 6

COMMITTEE: Election Law

ANALYSIS

This bill:

I. Modifies the definition of “party” for election purposes and defines “political organization.”

II. Reduces the number of nomination papers required to nominate a candidate and eliminates nomination of a political organization.

III. Allows candidates to pay a fee in lieu of filing nomination papers for federal, state, and county offices.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT relative to the definition of “party” and relative to nomination papers.

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

1 1 Party; Political Organization. Amend RSA 652:11 to read as follows:
2 652:11 Party.

3 **I.** “Party” shall mean any political organization which at the preceding state general election
4 received at least [4] **one** percent of the total number of votes cast for any one of the following: the
5 office of governor or the offices of United States senators.

6 **II. “Political organization” shall mean any group that intends to run candidates**
7 **for office and has filed its bylaws and list of officers with the secretary of state.**

8 2 Declaration of Intent. Amend RSA 655:17-a and RSA 655:17-b to read as follows:

9 655:17-a Declaration of Intent; Other Candidates. Declarations of intent for nonparty or other
10 candidates shall be in the following form and signed by the candidate:

11 I, _____, declare that I am domiciled in Ward _____, in the city (or town or
12 unincorporated place) of _____, county of _____, state of New Hampshire, and am
13 a registered voter herein; that I intend to be a candidate for the office of _____ to be chosen
14 at the general election to be held on the _____ day of _____; and I intend to file nomination
15 papers **or pay the fee** by the deadline established under RSA 655:43. I further declare that, if
16 qualified as a candidate for said office, I shall not withdraw; and that, if elected, I shall be qualified
17 for and shall assume the duties of said office.

18 655:17-b Declaration of Intent; Presidential Candidates Who File Nomination Papers.

19 I. Declarations of intent for each candidate for president who seeks nomination by
20 nomination papers shall be in the form provided in paragraph II. Declarations of intent required by
21 this section shall be filed with the secretary of state, signed by the candidate, and notarized by a
22 notary public.

23 II. I, _____, swear under penalties of perjury that I am qualified to be a
24 candidate for president of the United States pursuant to article II, section 1, clause 4 of the United
25 States Constitution, which states, “No person except a natural born citizen, or a citizen of the United
26 States, at the time of the adoption of this Constitution, shall be eligible to the office of President;
27 neither shall any person be eligible to that office who shall not have attained to the age of thirty-five
28 years, and been fourteen years a resident within the United States.” I further declare that I am
29 domiciled in the city (or town or unincorporated place) of _____, county of _____, state
30 of _____, and am a qualified voter therein; that I intend to be a candidate for the office of
31 president to be chosen at the general election to be held on the _____ day of _____; and I

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1 intend to file nomination papers **or pay the fee** by the deadline established under RSA 655:43. I
2 further declare that, if qualified as a candidate for said office, I shall not withdraw; and that, if
3 elected, I shall be qualified for and shall assume the duties of said office.

4 3 Withdrawal. Amend RSA 655:30 to read as follows:

5 655:30 Withdrawal. When a party candidate has duly filed according to law for nomination at a
6 primary election, or other candidate has submitted nomination papers **or paid a fee**, no withdrawal
7 or declination of the candidate shall be accepted by the secretary of state subsequent to the last dates
8 for filing a declaration of candidacy or the filing of nomination papers **or paying the fee** except as
9 provided in RSA 655:31 and 655:34.

10 4 Nomination Papers. Amend RSA 655:40 to read as follows:

11 655:40 General Provisions. As an alternative to nomination by party primary, a candidate may
12 have his or her name placed on the ballot for the state general election by submitting the requisite
13 number of nomination papers **or paying the requisite fee**. Such papers shall contain the name and
14 domicile of the candidate, the office for which the candidate is nominated, and the political
15 organization or principles the candidate represents. Nomination papers shall be signed by such
16 persons only as are registered to vote at the state general election. No voter shall sign more than one
17 nomination paper for each office to be voted for, and no nomination paper shall contain the names of
18 more candidates than there are offices to be filled. Each voter shall sign and date an individual
19 nomination paper. Nomination papers shall be dated in the year of the election.

20 5 Number; Fee. Amend RSA 655:42 to read as follows:

21 655:42 Number.

22 I. It shall require the names of [~~3,000~~] **200** registered voters[~~, 1,500 from each United States~~
23 ~~congressional district in the state,~~] **or a fee of \$100** to nominate by nomination papers a candidate
24 for president, United States senator, or governor.

25 II. It shall require the names of [~~1,500~~] **100** voters registered in the district **or a fee of \$50**
26 to nominate by nomination papers a candidate for United States representative; [~~750~~] **50 names or**
27 **a fee of \$25** to nominate a candidate for councilor; [~~or~~] **20 names or a fee \$20 to nominate a**
28 **candidate for** state senator; [~~and~~] **150 names or a fee of \$10** to nominate a candidate for [~~state~~
29 ~~representative or~~] county officer; **and 150 names or a fee of \$2 to nominate a candidate for**
30 **state representative.**

31 [~~III. It shall require the names of registered voters equaling 3 percent of the total votes cast~~
32 ~~at the previous state general election to nominate by nomination papers a political organization.~~]

33 6 Filing Deadlines. Amend RSA 655:43, III to read as follows:

34 III. [~~No political organization shall have the names of its candidates placed on the ballot~~
35 ~~unless the chairman of the organization files a declaration of intent, as provided in RSA 655:17 e,~~
36 ~~within the filing deadline for candidates established in RSA 655:14 a.~~] **Payment of fees established**
37 **in RSA 655:42 shall be made in accordance with the deadlines established for filing**

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1 ***nomination papers.***

2 7 Repeal. The following are repealed:

3 I. RSA 655:17-c, relative to declaration of intent for a political organization.

4 II. RSA 655:19-a, relative to filing fee for presidential candidates who file nomination
5 papers.

6 III. RSA 655:40-a, relative to nomination of a political organization.

7 8 Effective Date. This act shall take effect July 1, 2014.

HB 1497-FN - FISCAL NOTE

AN ACT relative to the definition of “party” and relative to nomination papers.

FISCAL IMPACT:

The Department of State states this bill, as introduced, may increase state general fund expenditures by an indeterminable amount in FY 2015 and FY 2017. There will be no impact on county and local expenditures, or state, county, and local revenue.

METHODOLOGY:

The Department of State states this bill will ease the requirements to obtain general election ballot access for third party and independent candidates. Beginning in 2014, many independent or third party candidates will be able to qualify for the general election ballot by paying the same fee as party candidates filing for a primary election. In addition, the bill will make it easier for political organizations to obtain party status, potentially requiring additional voting columns on the general election ballot beginning in 2016. The Department states that these changes may result in more candidates appearing in the “other” column on the general election ballot, resulting in additional paper and printing costs. The Department states that, although it is unable to accurately estimate the additional costs resulting from the bill, paper and printing costs for the 2012 general election totaled \$185,000. The Department assumes that costs for the 2014 election (which would be incurred in FY 2015) may increase by 20 percent, or \$37,000. The Department further states it is not unreasonable to expect that two additional parties would qualify for the general election ballot in 2016 and each election year thereafter, which would have the effect of adding an additional page to the ballot and potentially doubling the current cost of \$185,000 per election year. These costs would be incurred beginning in FY 2017, and would recur every two years.