

CHAPTER 99
HB 545 - FINAL VERSION

2015 SESSION

15-0994
03/09

HOUSE BILL **545**

AN ACT relative to eligibility for office.

SPONSORS: Rep. Hinch, Hills 21; Rep. Shurtleff, Merr 11; Rep. Flanagan, Hills 26;
Rep. Schuett, Merr 20; Rep. MacKay, Merr 14; Rep. Pellegrino, Hills 21

COMMITTEE: Election Law

ANALYSIS

 This bill adds statements regarding the eligibility of convicted felons to forms required of candidates for office.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to eligibility for office.

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

1 99:1 Rights Lost. Amend RSA 607-A:2, I to read as follows:

2 I. A person sentenced for a felony, from the time of his **or her** sentence until his **or her** final
3 discharge, may not:

4 (a) Vote in an election, but if execution of sentence is suspended with or without the
5 defendant being placed on probation or he **or she** is paroled after commitment to imprisonment, he
6 **or she** may vote during the period of the suspension or parole; or

7 (b) **Seek the nomination of a political party or** become a candidate for or hold public
8 office.

9 99:2 Declaration of Candidacy. Amend RSA 655:17 to read as follows:

10 655:17 Declaration of Candidacy. Declarations of candidacy shall be in the following form and
11 signed by the candidate:

12 I, _____, declare that I am domiciled in Ward _____, in the city (or town or
13 unincorporated place) of _____, county of _____, state of New Hampshire,
14 and am a registered voter herein; that I am a registered member of the _____ party; that I am a
15 candidate for nomination for the office of _____ (or for delegate to the state convention) to be
16 made at the primary election to be held on the _____ day of _____; and I hereby request
17 that my name be printed on the official primary ballot of the party in which I am registered as a
18 candidate for such nomination or election. I declare that I am not a candidate for incompatible
19 offices as defined in RSA 655:10, and that I am not a federal employee which makes me ineligible to
20 file as a candidate for this office. ***If I have been convicted of a felony, I declare that I have***
21 ***completed my sentence as required in RSA 607-A:2.*** I further declare that, if nominated as a
22 candidate for said office or if elected as such delegate, I will not withdraw; and that, if elected, I will
23 be qualified for and will assume the duties of said office.

24 99:3 Declaration of Intent. Amend RSA 655:17-a to read as follows:

25 655:17-a Declaration of Intent; Other Candidates. Declarations of intent for nonparty or other
26 candidates shall be in the following form and signed by the candidate:

27 I, _____, declare that I am domiciled in Ward _____, in the city (or town or
28 unincorporated place) of _____, county of _____, state of New Hampshire, and am a
29 registered voter herein; that I intend to be a candidate for the office of _____ to be chosen at the
30 general election to be held on the _____ day of _____; and I intend to file nomination

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1 papers by the deadline established under RSA 655:43. I further declare that, if qualified as a
2 candidate for said office, I shall not withdraw; and that, if elected, I shall be qualified for and shall
3 assume the duties of said office. ***If I have been convicted of a felony, I declare that I have***
4 ***completed my sentence as required in RSA 607-A:2.***

5 99:4 Qualifications of Candidates. Amend RSA 655:29 to read as follows:

6 655:29 Qualifications of Candidates. The form of the affidavit provided for in RSA 655:28 shall
7 be the following:

8 I. (For use by candidate for governor): I, _____, candidate for the office of
9 governor, hereby swear (or affirm) that I have been domiciled in the state of New Hampshire for at
10 least 7 years immediately preceding the election for which I am a candidate, that I am a registered
11 voter, that I will be at least 30 years of age on the day of said election, that I am not a candidate for
12 incompatible offices as defined in RSA 655:10, [~~and~~] that I am not a federal employee, ***and that I***
13 ***am not a convicted felon who has not yet received a final discharge from sentencing.***

14 II. (For use by candidate for councilor): I, _____, candidate for the office of
15 councilor from the _____ district, hereby swear (or affirm) that I have been domiciled
16 in the state of New Hampshire for at least 7 years immediately preceding the election for which I am
17 a candidate, that I am now domiciled in councilor district no. _____ at the present time, that I
18 will be at least 30 years of age on the day of said election, that I am not a candidate for incompatible
19 offices as defined in RSA 655:10, [~~and~~] that I am not a federal employee, ***and that I am not a***
20 ***convicted felon who has not yet received a final discharge from sentencing.***

21 III. (For use by candidate for state senate): I, _____, candidate for the office of
22 senator from the _____ district, hereby swear (or affirm) that I have been domiciled in the state
23 of New Hampshire for at least 7 years immediately preceding the election for which I am a
24 candidate, that my domicile is in senatorial district no. _____ at the present time, that I
25 will be at least 30 years of age on the day of said election, [~~and~~] that I am not a candidate for
26 incompatible offices as defined in RSA 655:10, [~~and~~] that I am not a federal employee, ***and that I***
27 ***am not a convicted felon who has not yet received a final discharge from sentencing.***

28 IV. (For use by candidate for state representative): I, _____, candidate for the
29 office of representative from district no. _____ of _____ county, hereby swear (or affirm)
30 that I have been domiciled in the state of New Hampshire for at least 2 years immediately preceding
31 the election for which I am a candidate, that I am now domiciled in district no. _____ of
32 _____ county, the district I seek to represent, that I will be at least 18 years of age on the day
33 of said election, that I am not a candidate for incompatible offices as defined in RSA 655:10, [~~and~~]
34 that I am not a federal employee, ***and that I am not a convicted felon who has not yet received***
35 ***a final discharge from sentencing.*** I further recognize that, if elected, I will serve as a delegate
36 to the county convention.

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1 99:5 Effective Date. This act shall take effect 60 days after its passage.

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3 Approved: June 5, 2015

4 Effective Date: August 4, 2015