

HB 333-FN - AS INTRODUCED

2023 SESSION

23-0169

06/08

HOUSE BILL

333-FN

AN ACT relative to changing the date of the state primary election and adding a run-off election if necessary.

SPONSORS: Rep. Sweeney, Rock. 25; Rep. Berry, Hills. 39; Rep. Alexander Jr., Hills. 29

COMMITTEE: Election Law

ANALYSIS

This bill changes the date of the state primary election to the second Tuesday in March. This bill also creates a run-off election in the event no state primary election candidate reaches 50 percent of the total vote.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to changing the date of the state primary election and adding a run-off election if necessary.

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. Amend RSA 653:8
2 to read as follows:

3 653:8 State Primary Election. The state primary election shall be held on the second Tuesday in
4 ~~[September]~~ **March** of every even-numbered year.

5 2 Voters and Checklists; Hearings on Alterations to Party Registration. Amend RSA 654:32 to
6 read as follows:

7 654:32 Hearings on Alterations to Party Registration. Before each state or presidential primary
8 election, the supervisors of the checklist shall be in session before each primary for the change of
9 registration of legal voters as provided in RSA 654:34 or 654:34-a or both. Before the presidential
10 primary, the session shall be on the Friday preceding the first day of the filing period, between 7:00
11 p.m. and 7:30 p.m. and at the discretion of the supervisors for extended hours. Before the state
12 primary election, the session shall be on Tuesday before the first Wednesday in ~~[June]~~ **the**
13 **preceding December** between 7:00 p.m. and 7:30 p.m. and at the discretion of the supervisors for
14 extended hours.

15 3 Voters and Checklists; Change of Registration. Amend RSA 654:34, IV to read as follows:

16 IV. No person, who is already registered to vote, whether his **or her** party membership has
17 been previously registered or not, shall affiliate with a party or disaffiliate from a party between the
18 first Wednesday in ~~[June]~~ **the preceding December** and the day before the state primary election.

19 4 Elections; Nominations by Primary; Filing; General Provisions. Amend RSA 655:14 to read as
20 follows:

21 655:14 Filing; General Provisions. The name of any person shall not be printed upon the ballot
22 of any party for a primary unless ~~[he or she]~~ **they** ~~[is]~~ **are** a registered member of that party, ~~[he or~~
23 ~~she]~~ **they** shall have met the age and domicile qualifications for the office he or she seeks at the time
24 of the general election, ~~[he or she]~~ **they** meets all the other qualifications at the time of filing, and
25 ~~[he or she]~~ **they** shall file with the appropriate official between the first Wednesday in ~~[June]~~ **March**
26 and the Friday of the following week a declaration of candidacy as provided in RSA 655:17.

27 5 Elections; Nominations by Primary. Amend RSA 655:21 to read as follows:

28 655:21 Form. Primary petitions shall be made in the following form:

29 State of New Hampshire

30 County of _____ ss.

HB 333-FN - AS INTRODUCED
- Page 2 -

1 City (Town) of _____

2 I do hereby join in a petition for the printing on the primary ballot of the name of
3 _____ whose domicile is in the city (town) of _____ (ward, street, and
4 number, if in a city), in the county of _____, for the office of _____ to be voted for on
5 Tuesday, the ____ day of [~~September~~] **March**, ____ (year), and certify that I am qualified to vote
6 for a candidate for said office, that I am a registered member of the _____ party, and am not
7 at this time a signer of any other similar petition for any other candidate for the above office; that
8 my domicile is in the city (town) of _____ (ward, street, and number, if in a city), in the
9 county of _____. I certify that to my knowledge the above-named candidate is not a
10 candidate for incompatible offices as defined in RSA 655:10, and that he or she is not a federal
11 employee which makes him or her ineligible to file as a candidate for this office. I further certify that
12 I believe the above-named person is especially qualified to fill said office.

13 I hereby swear, under the penalties for voting fraud set forth below, that the information above
14 is true and correct to the best of my knowledge and belief.

15 _____
16 Print Voter's name

17 _____
18 Voter's Signature

19 In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false
20 information when registering to vote or voting is a class A misdemeanor with a maximum sentence
21 of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to
22 vote or voting is subject to a civil penalty not to exceed \$5,000.

23 6 Elections; Nomination by Primary; Examination and Rejection. Amend RSA 655:26 to read as
24 follows:

25 655:26 Examination and Rejection. The officer with whom primary petitions are filed shall
26 immediately upon receipt thereof examine the same and ascertain whether they conform to the law.
27 If found not to conform thereto or to be conflicting as provided in RSA 655:23, [~~he~~] **they** shall then
28 endorse thereon the reason why such petition cannot be accepted and shall, within 24 hours, return
29 the same to the candidate in whose behalf it was filed. In such case, the candidate may file
30 supplementary petitions with the official, but not later than the third Wednesday in [~~June~~] **the**
31 **preceding December**.

32 7 Ballot Law Commission; Hearing Date. Amend the introductory paragraph of RSA 665:5, I to
33 read as follows:

34 I. If necessary, the ballot law commission shall meet on the third Thursday of [~~September~~]
35 **March** in each general election year and the third Friday following the presidential primary election
36 in order to hear and decide:

HB 333-FN - AS INTRODUCED

- Page 3 -

1 8 Election Procedure; Canvass and Declaration: State Primary Election; Canvass and
2 Declaration Generally. Amend RSA 659:86 to read as follows:

3 659:86 Canvass and Declaration Generally. Except as provided in RSA 659:87, when, for each
4 political party having an official state primary election ballot, the secretary of state has received the
5 returns for a nomination from all towns or wards comprising the elective district for that office, [~~he~~
6 **they** shall examine, record and total such returns and, for each political party, shall declare
7 nominated for the office the same number of persons as the number of officers to which the district is
8 entitled; provided that those persons declared nominated for the office shall be those persons who, on
9 each party ballot, received the highest number of votes cast for the office, except as provided in RSA
10 659:91. ***If no person is declared nominated in a multi-candidate partisan governor or***
11 ***partisan federal election primary by reaching more than 50 percent of the total vote, then***
12 ***the next 2 candidates with the most votes from the primary will face off in a run-off***
13 ***election held the second Tuesday in May.***

14 9 Effective Date. This act shall take effect 60 days after its passage.

HB 333-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to changing the date of the state primary election and adding a run-off election if necessary.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	\$0	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

LOCAL:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	\$0	Indeterminable Increase

METHODOLOGY:

This bill changes the date of the state primary election to the second Tuesday in June. It also creates a run-off election in the event no state primary governor or partisan federal election candidate reaches 50 percent of the total vote.

The Department of State indicates there will be an indeterminable fiscal impact to General fund expenditures starting in FY 2024. The Department states the cost of the run-off election will vary depending on the number of run-off elections, the office and size of the district.

New Hampshire Municipal Association (NHMA) states there will be an indeterminable increase in local expenditures in FY 2024 and FY 2026. NHMA states most towns and cities will likely see an increase in expenditures as the state primary and "town meeting day" will now occur on the same day as will the run-off election. The combination of these changes as well as additional dates for the run-off elections would require additional staffing, additional polling locations, increase in wages or overtime paid for additional hours as well as additional equipment.

AGENCIES CONTACTED:

Department of State and New Hampshire Municipal Association