

# The New Hampshire Democracy Report

NH legislation on campaign finance, voting rights, redistricting, and money in politics



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The HB 1665 Independent Redistricting Commission Faces Committee Vote Tuesday or Wednesday  
The new version of the HB 706 redistricting commission faces its first test this Tuesday or Wednesday in the House Election Law committee, 11 AM at the Legislative Office Building, Rm 308.

The bill has an amendment pending which inserts the word "advisory" into the bill, rather than independent, and removes the clause for sending the maps in the case of a deadlocked vote in the legislature to the NH Supreme Court. It also removes language requiring a return to the commission when the legislature has objections to the proposed maps, relying instead on the legislature to amend those changes during the legislative process.

## Action Assignments this Week

- Tuesday & Wed March 3 & 4: Visibility at the Election Law executive session on HB 1665 Independent Redistricting Commission, HB 1525 Dark Money Disclosure and at 10:30 AM Legislative Office Building
- Write your local House legislators and urge them to support the HB 1665 Independent Redistricting Commission. [\[Learn More about HB 1665\]](#)
- Write a letter to the editor to urge your community to call their local legislators and ask them to support HB 1665.

## This Week's Sessions

**House and Senate resume sessions Thursday to stay on track for bill crossover.**

The House will be in session on Thursday, March 5th at 1:00 p.m.  
For planning purposes, we will also meet on Wednesday, March 11th and Thursday, March 12th at 9:00 a.m. both days. There will be no legislative business on Tuesday, March 10th, Town Meeting Day

The SMART Act [SB 7](#) was a bill that the Senate moved to the House last spring, but the bill was re-referred at the time. SB 7 would establish a system to allow voter registration at New Hampshire DMV locations when registering cars or renewing licenses. A source of funding to pay for the software and integration costs, estimated at over \$2 million over four years, would be from the Help America Vote Act funds. The bill passed in Election Law 13-7. The minority report points to the ongoing cost of the program, and that the bill does not cover the costs of the ongoing personnel needed to support it.

Only one Democracy bill of note is before the full Senate this week, Thursday, beginning at 10 a.m.



Allowing Voter Registration  
When Registering a Car or  
Renewing a License

[SB 630-FN](#), relative to removing names from the voter checklist. Ought to Pass with Amendment, Vote 5-0. Senator Gray for the committee. This bill as amended clarifies the circumstances under which the supervisors of the checklist may remove a person from the checklist without sending notice by mail. Currently, confirmation letters are being sent out to those voters who may not live in town any longer even when the election officials were given notice that the voter has moved. This legislation provides an efficient way to keep the checklist accurate while not sending letters unnecessarily.

## **This Week's Hearings**

For Democracy reform bills, the action is in the House this week. While Senate Election Law & Municipal Affairs committee is meeting, they are not considering Democracy bills in their meetings on March 4 or March 11.

### **Tuesday, March 3**

HOUSE ELECTION LAW, Room 308, LOB  
11:00 a.m. Executive session on

[HB 1191](#), relative to the use of campaign contributions for personal use expenditures. **ODA Priority Bill**

[HB 1266](#), makes changes and additions to reasons given to obtain an absentee ballot.

[HB 1279](#), continues the fight to restore voting rights by widening the definition of “residency” tightened in recent years. An earlier version of this bill was vetoed by Governor Sununu last term.

[HB 1390](#) makes changes to voting procedures to accommodate voters with disabilities and to keep the ballots secret.

[HB 1395](#), establishing a committee to study ballot access, specifically whether 16-year-olds could have the right to vote, and ways to improve civic engagement in New Hampshire, including voter turnout, voter awareness, and volunteerism, and develop recommendations for improving those levels in New Hampshire moving forward.

[HB 1415](#), establishing a committee to study the [Montana disclosure act](#) and anonymous out-of-state contributions preceding an election. The Supreme Court refused to hear the case last year, which has encouraged other states to move forward with similar legislation. **ODA Priority Bill**

[HB 1525](#) forces Dark Money groups who spend \$2500 or more on political activity in New Hampshire to register with the Secretary of State. This bill passed both houses last year and was vetoed by the governor, citing “a chilling effect on free speech.” **ODA Priority Bill**



[HB 1534](#), establishing a commission to study the creation of online voter registration for the 2022 state elections. Past attempts at this have been stymied by the Secretary of State's office, which has had no inclination. Legislators have cited the cost. Proponents have noted that while New Hampshire's voter turnout is good relative to other states, New Hampshire is way behind other states in implementing easier access to registration. **ODA Priority Bill**

[HB 1651-FN](#), would allow voting by absentee for prisoners incarcerated for a misdemeanor or while awaiting trial by adding a question on the allowable absentee excuses.

[HB 1653](#) makes sweeping changes to the rules of residency. One of the key passages in the bill includes: “No person shall be deemed to have lost a domicile by reason of his or her presence or absence while the voter or his or her spouse is employed in the service of the United States; nor while engaged in the navigation of the waters of the United States or of the high seas; nor while a teacher in or student of any seminary of learning; nor while confined in any public prison or other penal

institution; nor while a patient or confined for any reason in any nursing, convalescent home or hospital, old folks or old age home, or like institution or private facility.



[HB 1665-FN-A](#), establishing an independent redistricting commission. One of the most significant pieces of Democracy reform legislation in a decade, HB 1665 creates a 15-member bipartisan commission which does its work in public, holds public hearings, and submits its work to the legislature for review and approval. Specifics of the proposed amendment can be found in the opening article of this news letter, page 1. **ODA Priority Bill**

[HB 1668-FN-L](#), would allow early voting for any person with a disability registered to vote at least 30 days prior to a primary election shall be entitled to vote in that primary election and the ensuing state general election.

[HB 1672-FN](#), allowing any registered voters to vote by absentee ballot, not just those who meet the current “excused” list. Opponents claim this is a back-door way of allowing vote-by-mail, which, incidentally, has been successful in increasing voter participation in a number of states.

## **Wednesday, March 4**

HOUSE ELECTION LAW, Room 308, LOB

11:00 a.m. Continued executive session bills which have not been acted on by the Election Law committee on Tuesday.

## **Results from Feb 13 Session**

**House Session, Representatives Hall, State House, Thurs., Feb. 13 at 1:00 pm**

[HB 1288](#), allows a candidate’s name on the official ballot to be a familiar name in nonpartisan town elections. Rep. Jim Maggiore for Municipal and County Government said, “Many candidates are well-known by a nickname, “Renny,” “Jim,” “Liz,” “Kate,” etc., but they may not be as well-known by their given name. This bill ensures that a person’s surname must appear on the ballot and therefore the candidate’s name recognition is preserved.” The bill passed on a voice vote and goes on to the Senate.

[HB 1568](#), which prohibits local and county officials from profiting off municipal or county contracts. While the bill was voted ITL 15-8, the majority report noted, “*While the intent of the bill of prohibiting personal profits by municipal employees or elected officials not available to the general public due to their employment or elected status is laudable, the language of the bill is vague and there may be unintended consequences.*” The Inexpedient to Legislate recommendation was confirmed in a bipartisan vote of 181-148.

## **Senate Session, NH Senate Chambers, State House, Thursday, Feb. 13, 10 am.**

There is a compressed schedule of hearings and Session this week due to last week's snow postponement of the State of the State speech and moving of Tuesday hearings due to the NH Primary. On Thursday, the Senate will join the House for the Governor's address at 2 p.m.

ELECTION LAW AND MUNICIPAL AFFAIRS

[SB 422](#), relative to changes of registration of voters at primary elections. This bill as amended will permit all voters to change their party affiliation at primary elections and it will make certain changes

to the party change card. Currently, this card is not on the list of documents that must be kept confidential. The adopted amendment corrects that by adding the voters registration change card as protected information. Ought to Pass with Amendment, Vote 5-0. The bill passed by a voice vote and moves to the House.

[SB 485](#), relative to the disqualification of certain persons from performing duties as an election official. Ought to Pass, Vote 5-0. Senator Gray for the committee. This bill clarifies the circumstances under which certain persons are disqualified from performing the duties of an election official on election day. Two statutes, RSA 658:24 and RSA 659:58, will be amended to correct an inconsistency regarding the duties an election official who is listed on the ballot for an office other than an election official may perform. Passed in voice vote and moves to the House.

[SB 488](#) This bill expands the window during which a town clerk can send an absentee ballot to the voter, including up to the day before an election, and makes other provisions for transparency. The bill came with a ITL recommendation out of committee and voted ITL in the full Senate, killing the bill.

[SB 489](#) A bill outlining new procedures for verifying absentee voter's qualifications to vote came out of committee with a 3-2 Inexpedient to Legislate recommendation, and was killed on a 14-10 vote in the full Senate.



## Results from the Feb 19 & 20 Sessions

There was no Senate session on February 19, but the House packed in two days of work prior to the school break week, when many members are away.

[HB 1214](#), permitting certain political organizations to appear on a general election ballot after holding a nominating convention. The bill would have created a threshold of 500 statewide voters to create a political party which could have been added to the ballot after a convention. Members of election law did not see a need to change existing law and voted Inexpedient to Legislate 18-0 The bill was killed in a voice vote by the full House.

[HB 1357](#) is a housekeeping bill for polling places, clarifying n to RSA 659:43 II so that the prohibition on distributing campaign material or electioneering activities apply to the inside as well as the outside of polling places. "The entire text of the change states: "No person who is a candidate for office or who is representing or working for a candidate shall distribute any campaign materials or perform any electioneering activities or any activity which affects the safety, welfare and rights of voters within a corridor 10 feet wide and extending a distance from the entrance door of the building as determined by the moderator where the election is being held, or within a polling place. Vote 19-0 in committee and passed with a voice vote in the full House.

[HB 1403](#), per Rep Wayne Moynihan's description for the majority, "proposes to change the format of the ballots used in the state's general election. Presently, and for most of recent history, NH ballots have been presented to the voters in a format referred to as the "party column" ballot. Some other jurisdictions use a format referred to as the "office grouping" ballot. The proponents of the bill believe that changing from the current arrangement, with its reference to political party, and instead emphasizing the office or person, would diminish the divisiveness evident in recent elections. The committee concluded that the change would create unnecessary confusion, cause lines and increase workload for poll workers to explain the changed format." The bill was recommended as ITL 18-0 coming out of committee and voted ITL in the full house with a voice vote.

[HB 1457-FN-L](#), requiring election officers and supervisors of the checklist to visit skilled nursing facilities and elderly and disabled residences within their jurisdiction for the purpose of assisting with voter registration and casting absentee ballots; The committee acknowledges the intention of the bill, but town clerks and supervisors of the checklist had concerns on how the bill would be executed. The committee recommended interim study for the bill 20-0 and the House concurred in a voice vote.

[HB 1531](#), relative to the release of voting information in a presidential election. HB 1531 prohibits any official in the state or its contractors from releasing the total votes cast in the general election for President, and leaves that duty to the Secretary of State only when the count has been completed. The committee voted for ITL 20-0, citing a lack of need for the bill given current law. The full House agreed in a voice vote.



[HB 1358](#), relative to the identification of lobbyists. Orange badges for lobbyists are required in the State House, but if a lobbyist contacts a legislator by phone, or meets them outside of the State House, this bill would have required the lobbyist to identify himself or herself. The committee did not agree, voting to ITL the bill 10-3. The bill was killed in the full House.

[HB 1359](#), relative to employment as a lobbyist; HB 1359 would restrict legislators from becoming lobbyists for a time twice the length of their term, and applies to House, Senate, Executive Council or Governor. The bill also disallows legislators from receiving job offers from lobbyists. While the 12-1 for Interim Study means it's not dead, it's not likely to move forward, due to lack of interest by the committee. The full House concurred with the interim study recommendation in a voice vote.

[HB 1183](#), establishing a committee to study the registration of lobbyists. NH is behind most states in lobbying regulations. This bill attempted to create a legislative study committee to review our current law and recommend additional sensible rules. According to the Legislative Administration committee, there is no need for a review, and the bill went down to a 13-0 ITL recommendation. In its later report, the committee stated: "Due to the number of study committees and commissions, the committee believes it is challenging to prioritize this issue over the other important issues facing the state of New Hampshire." Defeated in the full House in a voice vote. Disappointing, to say the least.

#### **ODA Priority Bill**

[HB 1413](#), requiring lobbyist forms submitted in writing to be legible. This has been an issue with campaign finance donation reports, not as much with lobbyists. However, this would be moot anyway, if the Secretary of States office received the four reports required each year to be submitted electronically. Inexpedient to Legislate by voice vote. **ODA Priority Bill**

[HB 1584](#), relative to the penalty for failure to comply with the requirements for lobbyists; As stated, a penalty is added to current legislation for noncompliance for existing rules, making it a misdemeanor. The committee disagreed, voting 12-1 in favor of an Inexpedient to Legislate motion. The House concurred in a voice vote. **ODA Priority Bill**

[HB 1669-FN](#), requiring electronic filing of lobbyist's forms and statements. We at Open Democracy Action think this is a no-brainer. Estimates from the Secretary of State's staff indicates that two full days of scanning and posting is necessary to make the reports public. Just from a fiscal standpoint, this is solid policy, but the added transparency and accuracy is something voters should demand. The committee voted interim study for the bill, 13-0, citing the Secretary of State's testimony that the plans were being discussed for a future electronic filing system. The full House concurred in a voice vote. **ODA Priority Bill**

## **It's Time to Write Letters & Make Calls Supporting the Independent Redistricting Commission**

The House Election Law committee will likely pass the HB 1665 Independent Redistricting Commission today. So it's time to start making calls to your legislators, and sending them personal notes. If you need the details, here's [an HB 1665 resource](#) on Open Democracy Action which can help you frame your letter. And remember to ask others to write or call the Governor and their local legislators. Now is the time! If you need some guidance, please call Brian at the Open Democracy Action office, 603-620-8300.



### **Questions? Want to Help?**

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