Bill as Introduced

HB 1188 - AS INTRODUCED

2001 SESSION

01-2026
08/10

HOUSE BILL ***1188***

AN ACT prohibiting discrimination because of political belief.

SPONSORS: Rep. Brewster, Merr 1

COMMITTEE: Judiciary

ANALYSIS

This bill adds "political belief" to the anti-discrimination statutes.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

01-2026
08/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand One

AN ACT prohibiting discrimination because of political belief.

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

1 State Commission for Human Rights; Law Against Discrimination; Title and Purpose. Amend RSA 354-A:1 to read as follows:

354-A:1 Title and Purposes of Chapter. This chapter shall be known as the "Law Against Discrimination." It shall be deemed an exercise of the police power of the state for the protection of the public welfare, health and peace of the people of this state, and in fulfillment of the provisions of the constitution of this state concerning civil rights. The general court hereby finds and declares that practices of discrimination against any of its inhabitants because of age, sex, race, creed, color, marital status, familial status, physical or mental disability, ***political belief,*** or national origin are a matter of state concern, that such discrimination not only threatens the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state and threatens the peace, order, health, safety and general welfare of the state and its inhabitants. A state agency is hereby created with power to eliminate and prevent discrimination in employment, in places of public accommodation and in housing accommodations because of age, sex, race, creed, color, marital status, familial status, physical or mental disability, ***political belief,*** or national origin as herein provided; and the commission established hereunder is hereby given general jurisdiction and power for such purposes. In addition, the agencies and councils so created shall exercise their authority to assure that no person be discriminated against on account of sexual orientation.

2 General Powers and Duties of the Commission. Amend RSA 354-A:5, VIII and IX to read as follows:

VIII. To create such advisory agencies and conciliation councils, local, regional or statewide, as in its judgment will aid in effectuating the purpose of this chapter, and the commission may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination, because of age, sex, race, color, sexual orientation, marital status, familial status, or physical or mental disability, religious creed, ***political belief,*** or national origin, in order to foster, through community effort or otherwise, good will, cooperation and conciliation among the groups and elements of the population of the state, and make recommendations to the commission for the development of policies and procedures in general and in specific instances, and for programs of formal and informal education which the commission may recommend to the appropriate state agency. Such advisory agencies and conciliation councils shall be composed of representative citizens, serving without pay, but with reimbursement for actual and

necessary traveling expenses; and the commission may make provision for technical clerical assistance to such agencies and councils and for the expenses of such assistance.

IX. To issue such publications and such results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of age, sex, race, color, marital status, familial status, physical or mental disability, religious creed, ***political belief,*** or national origin, and on account of sexual orientation.

3 Opportunity for Employment Without Discrimination a Civil Right. Amend RSA 354-A:6 to read as follows:

354-A:6 Opportunity for Employment Without Discrimination a Civil Right. The opportunity to obtain employment without discrimination because of age, sex, race, creed, color, marital status, physical or mental disability, ***political belief,*** or national origin is hereby recognized and declared to be a civil right. In addition, no person shall be denied the benefits of the rights afforded by this section on account of that person's sexual orientation.

4 Unlawful Discriminatory Practices. Amend RSA 354-A7, I - III to read as follows:

I. For an employer, because of the age, sex, race, color, marital status, physical or mental disability, religious creed, ***political belief,*** or national origin of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment, unless based upon a bona fide occupational qualification. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

II. For a labor organization, because of the age, sex, race, color, marital status, physical or mental disability, creed, ***political belief,*** or national origin of any individual, to exclude from full membership rights or to expel from its membership such individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer, unless based upon a bona fide occupational qualification. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

III. For any employer or employment agency to print or circulate or to cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry or record in connection with employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to age, sex, race, color, marital status, physical or mental disability, religious creed, ***political belief,*** or national origin or any intent to make any such limitation, specification or discrimination in any way on the ground of age, sex, race, color, marital status, physical or mental disability, religious creed, ***political belief,*** or national origin, unless based upon a bona fide occupational qualification; provided, however, that nothing in this chapter shall limit an employer after the offer of hire of an individual from inquiring into and keeping records of any existing or pre-existing physical or mental conditions. In addition,

no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

5 Equal Housing Opportunity Without Discrimination a Civil Right. Amend RSA 354-A:8 to read as follows:

354-A:8 Equal Housing Opportunity Without Discrimination a Civil Right. The opportunity to obtain housing without discrimination because of age, sex, race, creed, color, marital status, familial status, physical or mental disability, ***political belief,*** or national origin is hereby recognized and declared a civil right. In addition, no person shall be denied the benefit of the rights afforded by this section on account of that person's sexual orientation.

6 Unlawful Discriminatory Practices. Amend RSA 354-A:10 to read as follows:

354-A:10 Unlawful Discriminatory Practices. It shall be an unlawful discriminatory practice for any person, being the owner, lessee, sublessee, assignee, managing agent or other person having the right to rent or lease a dwelling or commercial structure or being in the business of selling or renting dwellings or commercial structures:

I. To refuse to sell or rent after the receipt of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling or commercial structure to any person because of age, sex, race, color, marital status, familial status, physical or mental disability, religion, ***political belief,*** or national origin. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

II. To discriminate against any person in the terms, conditions, or privilege of sale or rental of a dwelling or commercial structure, or in the provision of services or facilities in connection therewith, because of age, sex, race, color, marital status, familial status, physical or mental disability; religion, ***political belief,*** or national origin. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

III. To make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement, with respect to the sale or rental of a dwelling or commercial structure that indicates any preference, limitation, or discrimination based on age, sex, race, color, marital status, familial status, physical or mental disability, religion, ***political belief,*** or national origin, or an intention to make any such preference, limitation or discrimination. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

IV. To represent to any person because of age, sex, race, color, marital status, familial status, physical or mental disability, religion, ***political belief,*** or national origin that any dwelling or commercial structure is not available for inspection, sale, or rental when such dwelling is in fact so available. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

V. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular age, sex, race, color, marital status, familial status, physical or mental disability, religion, ***political belief,*** or national origin. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

VI. To evict a tenant solely on the grounds that the person has acquired immune deficiency syndrome (AIDS) or is regarded to have acquired immune deficiency syndrome.

VII. For any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of age, race, color, religion, sex, disability, familial status, marital status, or national origin. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

7 Equal Access to Public Accommodations a Civil Right. Amend RSA 354-A:16 to read as follows:

354-A:16 Equal Access to Public Accommodations a Civil Right. The opportunity for every individual to have equal access to places of public accommodation without discrimination because of age, sex, race, creed, color, marital status, physical or mental disability, ***political belief,*** or national origin is hereby recognized and declared to be a civil right. In addition, no person shall be denied the benefit of the rights afforded by this section on account of that person's sexual orientation.

8 Unlawful Discriminatory Practices in Public Accommodations. Amend RSA 354-A:17 to read as follows:

354-A:17 Unlawful Discriminatory Practices in Public Accommodations. It shall be an unlawful discriminatory practice for any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, because of the age, sex, race, creed, color, marital status, physical or mental disability, ***political belief,*** or national origin of any person, directly or indirectly, to refuse, withhold from or deny to such person any of the accommodations, advantages, facilities or privileges thereof; or, directly or indirectly, to publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities and privileges of any such place shall be refused, withheld from or denied to any person on account of age, sex, race, creed, color, marital status, physical or mental disability, ***political belief,*** or national origin; or that the patronage or custom thereat of any person belonging to or purporting to be of any particular age, sex, race, creed, color, marital status, physical or mental disability, ***political belief,*** or national origin is unwelcome, objectionable or acceptable, desired or solicited. In addition, no person shall be denied the benefit of the rights afforded by this section on account of that person's sexual orientation.

9 Construction. Amend RSA 354-A:25 to read as follows:

354-A:25 Construction. No provision of this chapter shall be deemed to supersede any other provision of law for the protection of minors or for the regulation of the employment of minors. The provisions of this chapter shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this chapter shall be deemed to repeal any of the provisions of the civil rights law or any other law of this state relating to discrimination because of age, sex, race, creed, color, marital status, physical or mental disability, ***political belief,*** or national origin; but, as to acts declared unlawful by this chapter the procedure provided in this chapter shall, while pending, be exclusive and the final determination therein shall exclude any other action, civil or criminal, based on the same grievance of the individual concerned. If such individual institutes any action based on such grievance without resorting to the procedure provided in this chapter, such person may not subsequently resort to the procedure in this chapter, provided, however, that nothing in this section shall prevent any individual from applying for or receiving unemployment compensation while the procedure provided for in this chapter is pending or after the procedure provided in this chapter has been concluded. This section shall not prevent the commission for human rights from investigating and acting upon a complaint of discrimination when the complainant has also filed a claim for unemployment compensation in which the issue of illegal discrimination is raised.

10 Effective Date. This act shall take effect January 1, 2003.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 1188 Date January 16, 2002

Committee Judiciary

**** Please Print All Information ****

Name	Address	Phone	Representing	(check one) Pro	Con
Pamela Ryerse	21 Newell No. Hampton	964-7055	Natural Law Party	X	
Jerome Nolden	P.O. Box 485	569-5335	COFOE	X	

Hearing Minutes

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 1188

BILL TITLE: prohibiting discrimination because of political belief.

DATE: January 16, 2002

LOB ROOM: 208 **Time Public Hearing Called to Order:** 10:02 a.m.

Time Adjourned: 10:36 a.m.

(please circle if present)

Committee Members: Reps. Mock, L. Jean, Jacobson, Bergin, Rowe, Ford, Dudley, Soltani, P. Woods, Rice, Leishman, Elliott, Reid, Wall, J. Pratt, Craig, J. Wood, Potter, Espiefs and Franklin.

Bill Sponsors: Rep. Brewster

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Brewster, sponsor
- The bill is a constituent request. The sponsor agreed.
- The bill addresses discrimination
- It is easy to discriminate, difficult to prove and because it is difficult to prove, that is why the sponsor supports the legislation
- The law will take effect only in the egregious of cases
- Told a story about a hotel owner who discriminated based on religion, which is no longer permitted in NH
- Offered to help the committee in any way he can

Howard Wilson – supports
- He is the constituent who contacted the sponsor
- The current law ensures the power of the current two-party system
- If the law passes, he plans to immediately sue the State of NH for being in violation of 652:11
- He believes that the only true non-biased elections occur at the local level
- He reserved all his comments to election laws, because that he is most concerned about
- Wanted to know if people should be discriminated against based on political beliefs
- Wanted to know should the state discriminate based on political beliefs, even if those beliefs are hateful beliefs
- He also testified that there is a similar type bill in the Election Law Committee, HB 1181
- Wanted to know who the last third-party candidate was who won a presidential election

Representative Questions:
Pratt
Mock
Jean xxxx
Rice
Elliott

Pink Cards:

- Richard Brewster, sponsor. Supports the bill.
- Howard L. Wilson, representing COFOE, PO Box 91, Andover, NH, 735-5427. Supports the bill.

Respectfully submitted,

Rep. Larry G. Elliott
Committee Clerk

Voting Sheets

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 1188

BILL TITLE: **prohibiting discrimination because of political belief.**

DATE: January 23, 2002

LOB ROOM: 208

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, (ITL,) Interim Study (Please circle one.)

Moved by Rep. Elliott

Seconded by Rep. Craig

Vote: 11-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: YES

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Larry G. Elliott, Clerk

OFFICE OF THE HOUSE CLERK

2001 SESSION

:DICIARY HB-1188

ll #: HB 1188 Title: prohibiting discrimination because of political belief

H Date: 1 / 16 / 02 Exec Session Date: 1 / 23 / 02

lotion: ITL Amendment #:

MEMBER	YEAS	NAYS
lock, Henry P, Chairman		
:an, Loren J, Vice Chairman	✓	
icobson, Alf E		
ergin, Peter F	✓	
owe, Robert H		
ord, Nancy M	✓	
udley, Terri C		
oltani, Tony F	✓	
Voods, Phyllis L		
Rice, Thomas	✓	
eishman, Peter R	✓	
Elliott, Larry G	✓	
Reid, Christopher P		
Wall, Janet G	✓	
Pratt, John M		
Craig, James W	✓	
Wood, Jane		
Potter, Frances D	✓	
Espiefs, Peter S		
Franklin, Peter E	✓	
	11	6

TOTAL VOTE:

Printed: 12/27/2000

Committee Report

COMMITTEE REPORT

COMMITTEE: **Judiciary**

BILL NUMBER: **HB 1188**

TITLE: prohibiting discrimination because of political belief.

DATE: Jan. 23, 2002 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

The House Judiciary Committee abhors discrimination of any sort. However, discrimination based on political belief does not rise to the same level as discrimination based on sex, religion, sexual orientation, or ethnicity. All of the protected forms of discrimination are forms which individuals have no choice in being classified, and to add political discrimination, which is clearly an individual's choice, weakens the spirit and the intent of the current discrimination laws. Only one individual appeared before the committee in favor of the bill. The person did not testify with any interest in the usual protections, but was exclusively interested in election law protections. We would urge the sponsor to bring a bill in targeted to election law and not to the discrimination chapters.

Vote 11-0.

Rep. Larry G. Elliott
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Judiciary

HB 1188, prohibiting discrimination because of political belief. **INEXPEDIENT TO LEGISLATE** Rep. Larry G. Elliott for Judiciary: The House Judiciary Committee abhors discrimination of any sort. However, discrimination based on political belief does not rise to the same level as discrimination based on sex, religion, sexual orientation, or ethnicity. All of the protected forms of discrimination are forms which individuals have no choice in being classified, and to add political discrimination, which is clearly an individual's choice, weakens the spirit and the intent of the current discrimination laws. Only one individual appeared before the committee in favor of the bill. The person did not testify with any interest in the usual protections, but was exclusively interested in election law protections. We would urge the sponsor to bring a bill in targeted to election law and not to the discrimination chapters. **Vote 11-0.**

HB 1188

ITL

CONSENT CALENDAR

The House Judiciary Committee abhores discrimination of any sort. However, discrimination based on political belief does not rise to the same level as discrimination based on sex, religion, sexual orientation, or ethnicity. All of the protected forms of discrimination are forms which individuals have no choice in being classified and to add political discrimination, which is clearly an individual's choice, weakens the spirit and the intent of the current discrimination laws. Only one individual appeared before the committee in favor of the bill. The person did not testify with any interest in the usual protections, but was exclusively interested in election law protections. We would urge the sponsor to bring a bill in targeted to election law and not to the discrimination chapters.

Rep. Larry G. Elliott
Vote: 11-0

COMMITTEE REPORT

COMMITTEE: **Judiciary**

BILL NUMBER: **HB 1188**

TITLE: prohibiting discrimination because of political belief.

DATE: Jan. 23, 2002 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

The House Judiciary Committee abhores discrimination of any sort. However, discrimination based on political belief does not rise to the same level as discrimination based on sex, religion, sexual orientation, or ethnicity. All of the protected forms of discrimination are forms which individuals have no choice in being classified, and to add political discrimination, which is clearly an individual's choice, weakens the spirit and the intent of the current discrimination laws. Only one individual appeared before the committee in favor of the bill. The person did not testify with any interest in the usual protections, but was exclusively interested in election law protections. We would urge the sponsor to bring a bill in targeted to election law and not to the discrimination chapters.

Vote 11-0.

Rep. Larry G. Elliott
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT