

LEGISLATIVE COMMITTEE MINUTES

HB1562

Bill as Introduced

HB 1562-FN - AS INTRODUCED

2014 SESSION

14-2159

05/03

HOUSE BILL

1562-FN

AN ACT relative to the legal holiday status of the state biennial election day.

SPONSORS: Rep. Theberge, Coos 3; Rep. C. Sweeney, Sull 8; Rep. Cushing, Rock 21;
Rep. Pantelakos, Rock 25; Sen. Carson, Dist 14

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill clarifies the biennial election day holiday and requires employers to grant employees leave for the purpose of voting.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 legal holiday status of the state biennial election day.

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

1 1 State Holidays; Election Day. Amend RSA 288:1 to read as follows:

2 288:1 Holidays. January 1; the third Monday in January, known as Martin Luther King, Jr.
3 Civil Rights Day; the third Monday in February, known as Washington's Birthday; the last Monday
4 in May, known as Memorial Day or, on a date to coincide with the federal observance if it is held on a
5 different day; July 4, known as Independence Day; the first Monday in September, known as Labor
6 Day; the second Monday in October, known as Columbus Day; the day on which the *state* biennial
7 election *in November of even-numbered years* is held; November 11, known as Veterans Day;
8 Thanksgiving Day, whenever appointed; and Christmas Day are legal holidays.

9 2 New Section; Protective Legislation; Leave to Vote on Election Day. Amend RSA 275 by
10 inserting after section 28 the following new section:

11 275:28-a Leave to Vote on Election Day. An employer shall permit employees to take leave on
12 the state biennial election day in November of even-numbered years for the purpose of voting.

13 3 Effective Date. This act shall take effect January 1, 2015.

HB 1562-FN - FISCAL NOTE

AN ACT relative to the legal holiday status of the state biennial election day.

FISCAL IMPACT:

The Department of Administrative Services, New Hampshire Association of Counties, and New Hampshire Municipal Association state this bill, as introduced, may increase state and county expenditures by an indeterminable amount in FY 2017 and each year thereafter, and have an indeterminable impact on local expenditures in FY 2017 and each year thereafter. There will be no impact on state, county, and local revenue.

METHODOLOGY:

The Department of Administrative Services states this bill requires employers, including governmental employers, to permit employees to take leave on state biennial election days for the purposes of voting. The Department states there will be no cost as it relates to instances in which the employee taking leave carries a leave balance. However, there may be instances in which the employee is necessary to meet required staffing levels in a direct care or institutional setting. In those cases, a state employer will be required to find other staff coverage, which may result in additional overtime costs. The bill will not take effect until January 1, 2015, with the next biennial election held in November 2016, and so there will be no fiscal impact until FY 2017.

The New Hampshire Association of Counties states that county facilities such as nursing homes and correctional facilities operate on a round the clock basis every day, including holidays. To the extent that counties would be required to provide leave and rearrange schedules, the bill may result in increased expenditures related to additional employees not scheduled for regular work. The amount of the potential increase is indeterminable.

The New Hampshire Municipal Association states that the bill will have a fiscal impact only to the extent that municipal employers are required to make accommodations, such as hiring temporary staff, to comply with the requirement. The Association states that most, if not all, municipalities currently make necessary accommodations to enable employees to vote; therefore, the bill is unlikely to have a fiscal impact.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 1562-FN Date 1/16/14
Committee Exec. Depts. & Adm.

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

[illegible]

Hearing Minutes

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 1562-FN

BILL TITLE: relative to the legal holiday status of the state biennial election day.

DATE: 1/16/14

LOB ROOM: 306 **Time Public Hearing Called to Order:** 2:13 pm

Time Adjourned: 2:23 pm

(please circle if present)

Committee Members: Reps. Weber, Schuett, P. Schmidt, D. Sullivan, Jeudy, Goley, Gagnon, Booras, Moffett, M. Nelson, Hansberry, C. McGuire, Pratt, Hansen, S. Sweeney, Beaudoin, Bianca Rose Garcia, Sytek, Danaïs and Byron.

Bill Sponsors: Rep. Theberge, Coos 3; Rep. C. Sweeney, Sull 8; Rep. Cushing, Rock 21; Rep. Pantelakos, Rock 25; Sen. Carson, Dist 14

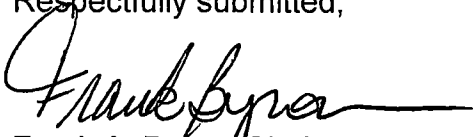
TESTIMONY

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

***Representative Theberge, Coos 3**

Representative Theberge introduced the bill and provided written testimony. Representative Theberge stated that he believes the day of voting should be a holiday and is of the opinion that a low turnout may be overcome if this time were made available to the citizens. Representative Theberge answered several questions of the committee.

Respectfully submitted,


Frank A. Byron, Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 1562-FN

BILL TITLE: relative to the legal holiday status of the state biennial election day.

DATE: 1/16/14

LOB ROOM: 306 **Time Public Hearing Called to Order:** 02:13 PM

Time Adjourned: 02:23 PM

(please circle if present)

Committee Members: Reps. Weber, Schuett, P. Schmidt, D. Sullivan, Jody Goley, Gagnon, Booras, Moffett, M. Nelson, Hansberry, C. McGuire, Pratt, Hansen, S. Sweeney, Beaudoin, Bianca Rose Garcia, Sytek, Danais and Byron.

Bill Sponsors: Rep. Theberge, Coos 3; Rep. C. Sweeney, Sull 8; Rep. Cushing, Rock 21; Rep. Pantelakos, Rock 25; Sen. Carson, Dist 14

TESTIMONY

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

* Representative Theberge, Coos 3

Representative Theberge introduced the bill and provided written testimony. Representative Theberge stated that he wishes to encourage and make time available for citizens to vote. Representative Theberge addressed several committee questions.

Frank Byron

**HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND
ADMINISTRATION**

PUBLIC HEARING ON HB1562-FN

BILL TITLE: relative to the legal holiday status of the state biennial election day

DATE: 16 January 2014

LOB ROOM: 306

Time Public Hearing Called to Order: 02:13 PM

Time Adjourned: 02:23 PM

Committee Members Present: Chairman Weber, Vice-Chairman Schuett, Schmidt, Jeudy, Goley, R. Gagnon, D. Hansberry, Moffett, C. McGuire, Beaudoin, Byron, Danais

Committee Members Absent: Representatives D. Sullivan, Booras, M. Nelson, Pratt, Hansen, S. Sweeney, J. Sytek, Bianca Garcia

Bill Sponsors: Rep. Theberge, Coos 3; Rep. C. Sweeney, Sull 8; Rep. Cushing, Rock 21; Rep. Pantelakos, Rock 25; Sen. Carson, Dist 14

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

Announcements / Notes: No announcements or notes were issued

Testimony:

***Testimony of Representative Theberge, Coos 3**

Representative Theberge introduced the bill and provided written testimony. Representative Theberge stated that he believes the day of voting should be a holiday and is of the opinion that a low turnout may be overcome if this time were made available to the citizens. Representative Theberge answered several questions of the committee.

Minutes recorded by Representative Frank A. Byron, Clerk

Testimony

Hon. Robert L. Th  berge

Testimony on HB 1562-FN AN ACT relative to the legal holiday status of the state biennial election day.

Thursday, January 16, 2014

Executive Departments and Administration

Madame Chairman and members of the committee:

For the record my name is Robert L. Th  berge, Representative for Co  s County, District 3 (Berlin).

When the polls open on Election Day, every citizen over the age of 18 will be able to cast a vote. It is a right we take for granted one that defines our nation as a democracy. But universal suffrage — letting everyone vote — did not appear overnight with the ratification of our Constitution. Two hundred years ago, you had to be white, male, and wealthy in order to vote.

The **Fifteenth Amendment (Amendment XV)** to the United States Constitution prohibits the federal and state governments from denying a citizen the right to vote based on that citizen's "race, color, or previous condition of servitude". It was ratified on February 3, 1870, as the third and last of the Reconstruction Amendments.

The intent of the bill before you is to start a movement of sorts or to stimulate interest in the hopes that at the very least when it comes to Presidential Elections a national holiday would enable every one the opportunity to vote. Although the legislation before you reads that every even numbered year, I would not be opposed to amend the bill, with your permission, to read that a state holiday would be in effect for every four years, during a Presidential Election. Some of my colleagues have suggested that perhaps a half-day would be in order, at least to open the door for future legislation.

On a personal note, I am always troubled, the day following an election, when the reported turn-out is low. I voice this because I have worked in two communist countries (The Republic of B  nin and China) as well as several developing countries in Africa and have witness firsthand graft and corruption not to mention the **non-existent right to vote** for one's leaders. These latter citizens cannot understand, why, in countries that have the right to vote, that the interest in electing

officials, is basically ignored. After all, elected officials are supposed to have our interests at heart.

However, I am willing, to the best of my ability, to answer any questions you may have.

I thank you in advance for your favorable ruling on HB1562-FN.

Respectfully,

Rep. Robert L. Théberge, Coos, District 3 (Berlin)

I have submitted a sample of a committee report for your consideration.

HB 1562-FN AN ACT relative to the legal holiday status of the state biennial election day. Rep. _____ for the committee. This legislation would add an additional state holiday, every two even-numbered years in November on which day the state biennial election is held.

Voting Sheets

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 1562-FN

BILL TITLE: relative to the legal holiday status of the state biennial election day.

DATE: 1/21/14

LOB ROOM: 306

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. Danais

Seconded by Rep. Hansen

Vote: 18-0 (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: 18-0

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Frank Byron, Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 1562-FN

BILL TITLE: relative to the legal holiday status of the state biennial election day.

DATE:

1/21/14

LOB ROOM: 306

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.

Danaus

Seconded by Rep.

Hansen

Vote:

(Please attach record of roll call vote.)

18-φ Consent Calendar

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:

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Frank Byron, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/14/2014 1:20:22 PM
Roll Call Committee Registers
Report

2014 SESSION

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

Bill #: 1562-FN Title: relative to the legal holiday status of the state
biennial election day

PH Date: / /

Exec Session Date: 01 / 21 / 2014

Motion: ITL

Amendment #:

MEMBER

YEAS

NAYS

Weber, Lucy M, Chairman	18	
Schuett, Dianne E, V Chairman	1	
Schmidt, Peter B	2	
Jeudy, Jean L	3	
Sullivan, Daniel J	4	
Goley, Jeffrey P	5	
Gagnon, Raymond G	6	
Nelson, Mary S	ABSENT	
Booras, Efstathia C	7	
Hansberry, Daniel C,	8	
Moffett, Howard M	9	
McGuire, Carol M	10	
Sytek, John	11	
Pratt, Calvin D	12	
Hansen, Peter T	13	
Beaudoin, Steven P	ABSENT	
Byron, Frank A, Clerk	14	
Danais, Romeo	15	
Garcia, Bianca R	16	
Sweeney, Shawn P	17	
TOTAL VOTE:	18	0

Consent Calendar

Committee Report

CONSENT CALENDAR

January 23, 2014

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on EXECUTIVE DEPARTMENTS AND
ADMINISTRATION to which was referred HB1562-FN,

AN ACT relative to the legal holiday status of the state
biennial election day. Having considered the same,
report the same with the following Resolution:

RESOLVED, That it is INEXPEDIENT TO LEGISLATE.

Rep. Romeo Danais

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	EXECUTIVE DEPARTMENTS AND ADMINISTRATION
Bill Number:	HB1562-FN
Title:	relative to the legal holiday status of the state biennial election day.
Date:	January 23, 2014
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill states that "an employer shall permit employees to take leave on the state biennial election day in November of even-numbered years for the purpose of voting". The committee determined that current law already fulfills this need.

Vote 18-0.

Rep. Romeo Danais
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB1562-FN, relative to the legal holiday status of the state biennial election day. **INEXPEDIENT TO LEGISLATE.**

Rep. Romeo Danais for EXECUTIVE DEPARTMENTS AND ADMINISTRATION. This bill states that "an employer shall permit employees to take leave on the state biennial election day in November of even-numbered years for the purpose of voting". The committee determined that current law already fulfills this need. **Vote 18-0.**

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE:

EDÉA

BILL NUMBER:

HB/S62-FN

TITLE:

relative to the legal holiday status of the
state biennial election day

DATE:

1/21/2014

CONSENT CALENDAR:

YES ☒

NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS W/ AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

Author Finds that too few people vote &
suggests that declaring a "National Holiday"
(his words) would help people to vote.

The committee disagrees and believes
this would only create an opportunity
for 4-day weekends

See over

COMMITTEE VOTE:

18-0

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep.

For the Committee

Romeo Daniels

This bill states that "An employer shall permit employee to take leave on the state biennial election Day in NOV. of even-numbered years for the purpose of voting."

The Comm. ~~there disagrees~~ determined
that ~~current~~ current law already fulfills
this need.

OK Jim

HB 1562-FN

ITL

18-0 – Consent Calendar

This bill states that "an employer shall permit employees to take leave on the state biennial election day in November of even-numbered years for the purpose of voting". The committee determined that current law already fulfills this need.

Rep. Romeo Danais for the Committee

OK Law