

HB 101-FN - AS INTRODUCED

2023 SESSION

23-0117

06/05

HOUSE BILL ***101-FN***

AN ACT relative to requiring voters declare a party affiliation prior to a state primary election.

SPONSORS: Rep. Moffett, Merr. 4; Rep. Guthrie, Rock. 15

COMMITTEE: Election Law

ANALYSIS

This bill requires any undeclared voter who wishes to vote in a state party primary to declare a party affiliation at least 4 months prior to such primary.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 requiring voters declare a party affiliation prior to a state primary election.

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

1 1 Voters and Checklists; Change of Registration. Amend RSA 654:34, II-V to read as follows:

2 II. ~~[Change of registration of a voter who has been registered as an undeclared voter.~~

3 (a) Any legal voter who has been registered as an undeclared voter may register as a
4 member of the party of the voter's choice by appearing before the supervisors of the checklist for the
5 voter's town or ward any time they meet, except as prohibited by paragraph [IV] **III**, and stating to
6 them, under oath or affirmation, if required, that the voter intends to affiliate with and generally
7 supports the candidates of the party with which the voter offers to register, in which case the voter
8 shall be registered as a member of such party.

9 ~~(b) A voter may also register as a member of a party at any primary by requesting to be
10 registered as a member and voting the ballot of the party of the voter's choice. A voter may also
11 register once again as an undeclared voter after voting in a primary as a registered member of a
12 party by returning the card or signing the list of undeclared voters from the statewide centralized
13 voter registration database provided for in paragraph V. If cards are used, the voter shall return the
14 card to the person at the polls designated by the town or city clerk to accept the card. All such cards
15 and lists shall be in the possession of the supervisors of the checklist at the close of the polls on
16 election day.~~

17 ~~III. Notwithstanding any provision of paragraphs I and II to the contrary, no person who
18 has voted in a primary may thereafter on the day of said primary change the person's party
19 registration, unless, prior to voting in the primary, the person was registered as an undeclared voter,
20 in which case the person may once again register as an undeclared voter, as provided in
21 subparagraph II(b).~~

22 [IV.] **III.** No person, who is already registered to vote~~, whether his party membership has~~
23 ~~been previously registered or not] **but not affiliated with any party**, shall affiliate with a party [or
24 ~~disaffiliate from a party between the first Wednesday in June and the day before] **within 4 months**~~
25 ~~of the state primary election. **No person who is already registered to vote and who is**~~
26 ~~**affiliated with a party shall disaffiliate with a party or affiliate with a party between the**~~
27 ~~**first Wednesday in June and the day before the state primary election.**~~~~

28 ~~[V.(a) At any primary, the supervisors of the checklist shall make available within the
29 polling place a card or list of undeclared voters from the statewide centralized voter registration
30 database to enable a voter who was registered as an undeclared voter but who changed registration~~

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1 ~~on the day of the primary in order to vote as a registered member of a party to change registration so~~
2 ~~that the voter is registered once again as an undeclared voter. The card or list shall be in~~
3 ~~substantially the following form:~~

4 ~~Name _____~~

5 ~~(Print)~~

6 ~~Address _____~~

7 ~~_____~~

8 ~~_____~~

9 ~~I hereby request that my political party registration be changed as follows:~~

10 ~~From: Democrat [], or Republican [], or (name of any party determined by the secretary of state to~~
11 ~~have achieved official status under RSA 652:11) []~~

12 ~~To: Undeclared []~~

13 ~~Signed under the pains and penalties of perjury.~~

14 ~~_____~~

15 ~~Date _____~~

16 ~~(b) The supervisors of the checklist, upon receipt of such a card or list, shall keep it in~~
17 ~~accordance with RSA 33-A:3-a and at the public session of supervisors of the checklist on election~~
18 ~~day shall change the party of the voter as indicated on the card or list.]~~

19 2 Voters and Checklists; Registration. Amend RSA 654:34-a, VII to read as follows:

20 VII. The town or city clerk shall present to the next meeting of the supervisors of the
21 checklist, in accordance with the checklist guidelines as provided by RSA 654:25, the name of any
22 person who made application to him or her for a change of party affiliation and the name of the party
23 with which the person desires to be affiliated or that he or she desires to be affiliated with no party.
24 The supervisors of the checklist shall cause the party affiliation of the applicant to be changed on the
25 checklist. Any change submitted which is prohibited by the provisions of RSA 654:34, [IV] **III** shall
26 be kept by the supervisors until acted upon; and the change shall be made as soon as permitted by
27 law. Forms shall be retained in accordance with RSA 33-A:3-a.

28 3 Effective Date. This act shall take effect 60 days after its passage.

**HB 101-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to requiring voters declare a party affiliation prior to a state primary election.

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	\$0
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	Indeterminable	Indeterminable

METHODOLOGY:

This bill requires any undeclared voters to declare a party affiliation 4 months prior to a state primary election.

The Department of State indicates there would be a one-time indeterminable increase in General Fund expenditures in order to educate voters with a multimedia educational approach including online, television, newspaper, and radio. A temporary additional staff member may be needed to coordinate the educational approach. As of September 29, 2022, 36% of registered voters in NH were undeclared.

The New Hampshire Municipal Association states there may be an indeterminable impact on local expenditures as the change in process would likely require a shift in local municipal clerk processes to accommodate the likely increase in undeclared voters affiliating with a party at least 4 months prior to the state primary, and the likely decrease in undeclared voters affiliating with a party on the date of the state primary.

AGENCIES CONTACTED:

Department of State and New Hampshire Municipal Association

CONSENT CALENDAR

January 17, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Election Law to which was referred
HB 101-FN,**

**AN ACT relative to requiring voters declare a party
affiliation prior to a state primary election. Having
considered the same, report the same with the following
resolution: RESOLVED, that it is INEXPEDIENT TO
LEGISLATE.**

Rep. Ross Berry

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Election Law
Bill Number:	HB 101-FN
Title:	relative to requiring voters declare a party affiliation prior to a state primary election.
Date:	January 17, 2023
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill removes the ability of undeclared voters to cast a ballot in a partisan, primary election and requires them to set a registration four months before the contest. Current law allows the individual political parties to make this change on their own and the committee did not find it prudent to remove that choice at this time.

Vote 19-0.

Rep. Ross Berry
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Election Law

HB 101-FN, relative to requiring voters declare a party affiliation prior to a state primary election.
INEXPEDIENT TO LEGISLATE.

Rep. Ross Berry for Election Law. This bill removes the ability of undeclared voters to cast a ballot in a partisan, primary election and requires them to set a registration four months before the contest. Current law allows the individual political parties to make this change on their own and the committee did not find it prudent to remove that choice at this time. **Vote 19-0.**

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 101-FN

BILL TITLE: relative to requiring voters declare a party affiliation prior to a state primary election.

DATE: January 10, 2023

LOB ROOM: 306-308

Time Public Hearing Called to Order: 1:00 pm

Time Adjourned: 2:05 pm

Committee Members: Reps. S. Smith, Berry, Grill, Prudhomme-O'Brien, Boehm, Qualey, Ankarberg, Burnham, Kennedy, Wherry, Wood, Lane, Ward, Hamer, Hamblet, Muirhead, Bay, Brennan and H. Howard

Bill Sponsors:

Rep. Moffett

Rep. Guthrie

TESTIMONY

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

Rep. Moffett,* sponsor, introduced the bill and spoke in support. He recounted the primary and general election results for the gubernatorial race in 1996, emphasizing that what seemed to happen was a concerted effort on the part of one party to declare as independents and control the outcome of the other party's primary. He then recounted the results of the primary and general federal races in 2022, again concluding that one party had meddled in the other party's primary. He stated that according to published reports, 4 illegal political mailers were sent to voters in the 2nd Congressional District. Rep. Moffett stated that NH's primary elections are compromised because of the "mischief" done by one party to interfere with another's, and HB 101 will fix what is wrong. Rep. Moffett also stated that the dates in his bill could be amended to comply with any changes to the primary dates that might be made by the legislature.

Rep. Hamblet asked Rep. Moffett for clarification of the dates in paragraph 3 of the bill. Rep. Moffett responded that the dates could be amended and clarified as the committee deems appropriate.

Rep. Muirhead asked for the percentage of voters Rep. Moffett expects to show up in an uncontested primary, such as the ones for Gov. Shaheen in 1996 and Rep. Kuster 2022. Rep. Moffett acknowledged that more people vote in a general election and stated that the mischief of one party interfering in another's primary would result in the election of candidates that voters registered for the party would not otherwise choose.

Rep. Lane asked about the possibility of disenfranchising voters who move to the state following the bill's proposed cut-off period for party registration. Mr. Moffett stated that it was unfortunate that this might happen, but he wanted only the true members of the party to vote in the primary.

Rep. Lane asked why this bill was necessary in light of RSA 659:14, which allows either party to close its primary to allow only members of that party to vote. Rep. Moffett stated that he was not familiar with that statute and would review it, and deferred to the input of Secretary of State Scanlan

Charlotte Pogue spoke in opposition to the bill. She stated that the bill would disenfranchise independent voters and advocated for open primaries. She stated that there are already obstacles to being an independent voter and described how she had to register with a party in order to work at the polls.

Steven Borne spoke in opposition to the bill. He asked how this bill would help the people. He stated

that this bill only helps the parties and discourages participation in the voting process. He stated that it would increase the polarization that currently exists. He also stated that the public pays for primary elections, yet the real benefits go only to the parties. He estimated that undeclared voters currently pay over \$1MM for primaries across the state. He also stated that the implementation of ranked-choice voting would make this bill unnecessary.

Tiani Coleman* spoke in opposition to the bill as President of the NH Independent Voters. She referred the committee to the work of 2 organizations that have addressed the issue of closed primaries as proposed by this bill: Open Primaries and Center for an Independent and Sustainable Democracy at Arizona State University. She stated that research has shown that there is not much interference in primary elections, as described by Rep. Moffett. She stated that no person should be required to register with a political party as a condition of voting in a determinative public election and pointed out that the bill would require voters to affiliate with a party before candidates had registered. She quoted the Republican Party bylaws, which spoke in disfavor of closed primaries, and suggested that this bill might also harm New Hampshire's First in the Nation primary status.

Rep. Horrigan spoke in opposition to the bill and cited his experience both as an individual voter and as a state representative. He stated that he has not witnessed any coherent effort in his local Democratic Party organization to vote in Republican primaries and said that the party has enough to do to encourage voters to participate in Democratic primary elections. He stated that this bill disenfranchises independents and was anti- "small d" democratic.

Rep. Reed spoke in opposition to the bill. She stated that the bill goes after voters, rather than parties. She stated that if one party interferes with another party's primary, she will join the Democrats in signing the petition that Rep. Moffett referred to in his testimony. She also stated that the problem he mentioned can be solved other ways that do not punish voters. She noted that the deadline listed in the bill for voters to select a party occurs before the candidates file for election. She said that primary participation is particularly affected by the "horse-showiness" of the races on the ballot.

Rep. See spoke in support of the bill. He stated his belief that primaries are for the party. He pointed out that primary elections replaced party conventions because of the stigma of the "wheeling and dealing" associated with party conventions. He said that independents should only participate in the general election. He pointed out that the dates in the bill should be amended if the primary dates are changed by the legislature and pointed out that Line 27 of the bill should say "day after," rather than "day before" as currently written in the bill.

Sam Borne spoke in opposition to the bill. He stated the bill will decrease turnout among 18–20-year-olds due to the age group's "general lack of planning skills." He stated that it is not good to have less people participate in a democracy. He said that Gov. Sununu won in the general election with about 300,000 votes, while he garnered only 100,000 in the primary. He also mentioned that closing New Hampshire primaries may harm our ability to retain the First in the Nation primary status. He said that the state motto was "Live Free and Die" and that this bill ran counter to that motto.

Natch Greyes of the NH Municipal Association spoke in opposition to the bill. After explaining the work of the NH Municipal Association to the committee, he stated that this bill did not match the election policies held by the NHMA. He stated that the current system is well-known and works well.

Secretary of State Scanlan did not take a position on the bill and spoke to provide information to the committee. He mentioned that some courts across the country have ruled that political parties can make their own rules about who can participate in their primaries. He referenced NH RSA 659:14 as a statute recognizing that principle; each party is currently free to open or close their primary elections. He also stated that other existing laws would need to be addressed if this bill is passed, such as the one setting a date for the meeting of the Supervisors of the Checklist. He encouraged committee members to send him any questions that they may have, since the hearing was running long.

Chairman Smith reported the total sign-ins on the blue sheet as 1 opposed and 1 in favor.

Chairman Smith adjourned the public hearing.

House Remote Testify

Election Law Committee Testify List for Bill HB101 on 2023-01-10

Support: 1 Oppose: 226 Neutral: 0 Total to Testify: 0

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<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>
Persechino, Sara	Hopkinton, NH persechino.sara@gmail.com	A Member of the Public	Myself	Oppose	No	No
Cotton, Bev	Weare, NH bevcott@gmail.com	A Member of the Public	Myself	Oppose	No	No
Garber, Marcia	Manchester, NH mag1022rn@comcast.net	A Member of the Public	Myself	Oppose	No	No
Monsein, Marilyn	Sugar Hill, NH msquared3@gmail.com	A Member of the Public	Myself	Oppose	No	No
Desmarais, Doreen	Northwood, NH doreend@netzero.net	A Member of the Public	Myself	Oppose	No	No
Creem, Jeffrey	Nashua, NH jeff@thecreems.com	A Member of the Public	Myself	Oppose	No	No
Farnum, Ellen	Tamworth, NH ellenlynnfarnum@gmail.com	A Member of the Public	Myself	Oppose	No	No
Hatcher, Phil	Dover, NH phil.hatcher@gmail.com	A Member of the Public	Myself	Oppose	No	No
Anastasia, Patricia	Londonderry, NH patti.anastasia@gmail.com	A Member of the Public	Myself	Oppose	No	No
Verschueren, James	Dover, NH jd.verschueren@gmail.com	A Member of the Public	Myself	Oppose	No	No
Bushueff, Catherine	Sunapee, NH agawamdesigns@gmail.com	A Member of the Public	Myself	Oppose	No	No
Karney, Stephen	Amherst, NH stephenakarney@gmail.com	A Member of the Public	Myself	Oppose	No	No
Nelson, Conrad	Mason, NH cnelson984@yahoo.com	A Member of the Public	Myself	Oppose	No	No
Savage, Matthew	New Ipswich, NH matthew.savage.4@gmail.com	A Member of the Public	Myself	Oppose	No	No
Creem, Melissa	Nashua, NH melissa@thecreems.com	A Member of the Public	Myself	Oppose	No	No
Wood, Zephan	Pembroke, NH zephanw@gmail.com	A Member of the Public	Myself	Oppose	No	No
Joyce, Ellen	Meriden, NH ejoyce1961@gmail.com	A Member of the Public	Myself	Oppose	No	No
Sutherland, Claude	Plainfield, NH script@comcast.net	A Member of the Public	Myself	Oppose	No	No
Lenz, James	Plainfield, NH jelenz@comcast.net	A Member of the Public	Myself	Oppose	No	No
Lurie, Elizabeth	Plainfield, NH ehlurie@comcast.net	A Member of the Public	Myself	Oppose	No	No
Morgan, Meredith	Hanover, NH meredithm@kahres.org	A Member of the Public	Myself	Oppose	No	No
QUISUMBING-KING, Cora	Dover, NH coraq@comcast.net	A Member of the Public	Myself	Oppose	No	No

Dabrowski, Sally	Merrimack, NH sallyadabrowski@gmail.com	A Member of the Public	Myself	Oppose	No	No
Larson, Ruth	Alton, NH ruthlarson@msn.com	A Member of the Public	Myself	Oppose	No	No
Raskin, Judith	Bedford, NH jraskin603@aol.com	A Member of the Public	Myself	Oppose	No	No
Nelson, Marcia	Milford, NH tighemn@yahoo.com	A Member of the Public	Myself	Oppose	No	No
Feder, Marsha	Hollis, NH marshafeder@gmail.com	A Member of the Public	Myself	Oppose	No	No
Ball, Miriam	Mont Vernon, NH only1mir@oulook.com	A Member of the Public	Myself	Oppose	No	No
Dickler, Jeffrey	Rindge, NH gsgstriker@aol.com	A Member of the Public	Myself	Oppose	No	No
Beeson, Roberta	Hancock, NH roberta.beeson@gmail.com	A Member of the Public	Myself	Oppose	No	No
Ludt, Jeanne	AMHERST, NH jludt50@aol.com	An Elected Official	Myself	Oppose	No	No
Covert, Susan	Contoocook, NH scovert@comcast.net	A Member of the Public	Myself	Oppose	No	No
Weber, Jill	Mont Vernon, NH jill@fragilfarms.com	A Member of the Public	Myself	Oppose	No	No
Hamilton, Melanie	Northwood, NH mhamilton1947@yahoo.com	A Member of the Public	Myself	Oppose	No	No
Stover, Matthew	Chester, NH m.j.stover@verizon.net	A Member of the Public	Myself	Oppose	No	No
Ellis, Jamie	Exeter, NH Henryellis@comcast.net	A Member of the Public	Myself	Oppose	No	No
Steel, Sandy	PLAINFIELD, NH selizabethsteel@gmail.com	A Member of the Public	Myself	Oppose	No	No
Wilt, Jeanine	Chester, NH jeaninewilt@gmail.com	A Member of the Public	Myself	Oppose	No	No
Closter, Catherine	HANCOCK, NH cauthorne@pobox.com	A Member of the Public	Myself	Oppose	No	No
Westlake, Jane	Center Barnstead, NH janewestlake57@gmail.com	A Member of the Public	Myself	Oppose	No	No
Sandler, Erin	Concord, NH ersandleremberley@gmail.com	A Member of the Public	Myself	Oppose	No	No
Mitchell, Karen	Mont Vernon, NH kmitchell5@myfairpoint.net	A Member of the Public	Myself	Oppose	No	No
Field, Bryan	PETERBOROUGH, NH brysciguy@gmail.com	A Member of the Public	Myself	Oppose	No	No
Newman, Ray	Nashua, NH Ray.Newman@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No
Huberman, Anne	Peterborough, NH Anne.Huberman@gmail.com	A Member of the Public	Myself	Oppose	No	No
politt, william	weare, NH william.03281@gmail.com	A Member of the Public	Myself	Oppose	No	No
GIDDINGS, JAMES	Greenville, NH jgiddings@igc.org	A Member of the Public	Myself	Oppose	No	No
Baldwin, Lee	Northwood, NH craftenigma@gmail.com	A Member of the Public	Myself	Oppose	No	No
Pierson, Harry	Hampton, NH barnwork4u2do@yahoo.com	A Member of the Public	Myself	Oppose	No	No

Meyers, Mary	Hancock, NH maryenrica@gmail.com	A Member of the Public	Myself	Oppose	No	No
THOMPSON, LAURA	CHESTER, NH nicmom@hotmail.com	A Member of the Public	Myself	Oppose	No	No
Ropp, Elizabeth	Manchester, NH arunareiki@gmail.com	A Member of the Public	Myself	Oppose	No	No
Whitney, Patricia	DOVER, NH pjwhitney8@gmail.com	A Member of the Public	Myself	Oppose	No	No
Thorn, Andrea	Newmarket, NH dreadthorn@gmail.com	A Member of the Public	Myself	Oppose	No	No
Pierre, Sandra	Marlow, NH spierre@mailbox.org	An Elected Official	Myself	Oppose	No	No
Leavitt, Deborah	Dover, NH daleavitt77@comcast.net	A Member of the Public	Myself	Oppose	No	No
Bakshi, Mahendra	Litchfield, NH msbakshi@yahoo.com	A Member of the Public	Myself	Oppose	No	No
Keegan, John	Boscawen, NH peoresnada@tds.net	A Member of the Public	Myself	Oppose	No	No
Marsh, Kelly	Moultonboro, NH kellyemmarsh@gmail.com	A Member of the Public	Myself	Oppose	No	No
Field, Linda	Peterborough, NH lindafield9@yahoo.com	A Member of the Public	Myself	Oppose	No	No
Thompson, Keith	Nashua, NH kthomp0909@aol.com	A Member of the Public	Myself	Oppose	No	No
Feole, Danielle	Salem, NH feole.danielle@gmail.com	A Member of the Public	Myself	Oppose	No	No
Thomas, Sally	Bedford, NH Sallythomas@comcast.net	A Member of the Public	Myself	Oppose	No	No
Noel, Kristin	Chichester, NH nhdjladylady@comcast.net	A Member of the Public	Myself	Oppose	No	No
Noble, Marion	Antrim, NH noblemarion@gmail.com	A Member of the Public	Myself	Oppose	No	No
Herring, Eileen	Merrimack, NH ebherring@comcast.net	A Member of the Public	Myself	Oppose	No	No
Arlan, Lorraine	Nashua, NH lorrainea75@outlook.com	A Member of the Public	Myself	Oppose	No	No
Lambert, Charles	Meredith, NH chldmd@gmail.com	A Member of the Public	Myself	Oppose	No	No
Pugh, Barbara	Amherst, NH barbara.pugh@comcast.net	A Member of the Public	Myself	Oppose	No	No
Ptak, Judy	Plainfield, NH japtak@comcast.net	A Member of the Public	Myself	Oppose	No	No
Donnelly, Ryan	Hudson, NH rdonnelly@gsil.org	A Member of the Public	Granite State Independent Living	Oppose	No	No
O'Blenis III, John	Raymond, NH oblenis3@gmail.com	A Member of the Public		Oppose	No	No
Ames, Lawrence	FRANCESTOWN, NH lsames@worldpath.net	A Member of the Public	Myself	Oppose	No	No
Snierson, Lynne	Hampstead, NH lsnierson@aol.com	A Member of the Public	Myself	Oppose	No	No
Glenn, Cynthia	Merrimack, NH cglenn410@gmail.com	A Member of the Public	Myself	Oppose	No	No
Fredette, Robert	Dover, NH a-bfredette@comcast.net	A Member of the Public	Myself	Oppose	No	No

Fredette, Ann	Dover, NH a-bfredette@comcast.net	A Member of the Public	Myself	Oppose	No	No
Kerr, Jeff	Bedford, NH santana338@yahoo.com	A Member of the Public	Myself	Oppose	No	No
Bowers-Flagg, Joyce	Kingston, NH joycrita@yahoo.com	A Member of the Public	Myself	Oppose	No	No
Markman, Ingrid	Hollis, NH Ingrid.markman@gmail.com	A Member of the Public	Myself	Oppose	No	No
Lister, Charlotte	Chester, NH lister@gsinet.net	A Member of the Public	Myself	Oppose	No	No
Walker, April	Greenville, NH april@morefrogs.com	A Member of the Public	Myself	Oppose	No	No
Heard, Maureen	Derry, NH reenie61b@outlook.com	A Member of the Public	Myself	Oppose	No	No
Feller-Kopman, Michelle	Meriden, NH michelle@shore.net	A Member of the Public	Myself	Oppose	No	No
Nelson, Elizabeth	Derry, NH bethdavid@comcast.net	A Member of the Public	Myself	Oppose	No	No
Alexander, Christine	Cornish, NH calex8@gmail.com	A Member of the Public	Myself	Oppose	No	No
Renouf, John D	East Hampstead, NH renouf1950@gmail.com	A Member of the Public	Myself	Oppose	No	No
Whitney, Jessica	Bedford, NH 187JDUBS@GMAIL.COM	A Member of the Public	Myself	Oppose	No	No
Evans, Constance	Weare, NH cke1@comcast.net	A Member of the Public	Myself	Oppose	No	No
Yergeau, Paul	Bedford, NH Skiyer@aol.com	A Member of the Public	Myself	Oppose	No	No
Cunningham, Christine	Bedford, NH cac226@aol.com	A Member of the Public	Myself	Oppose	No	No
Henrichon, Margaret	Bedford, NH mhenrichon@comcast.net	A Member of the Public	Myself	Oppose	No	No
Hamer, Gary	Manchester, NH grhamer@aol.com	A Member of the Public	Myself	Oppose	No	No
Tentarelli, Liz	Newbury, NH LWV@kenliz.net	A Member of the Public	Myself	Oppose	No	No
Fanburg, Susan	Bedford, NH susansfanburg@gmail.com	A Member of the Public	Myself	Oppose	No	No
Dougherty, Evelyn	Boston, MA eebbdoc1@aol.com	A Member of the Public	Myself	Oppose	No	No
Hicka, Janet	Franchestown, NH jan@janethicks.com	A Member of the Public	Myself	Oppose	No	No
Embler, Karlene	Hancock, NH kembler@myfairpoint.net	A Member of the Public	Myself	Oppose	No	No
Teden, Pat	Merrimack, NH tedenp@me.com	A Member of the Public	Myself	Oppose	No	No
Rembert, Roseann	Nashua, NH roseann.rembert@gmail.com	A Member of the Public	Myself	Oppose	No	No
LaMarche, Kara	Bedford, NH kara.lamarche@gmail.com	A Member of the Public	Myself	Oppose	No	No
Holstein, Susanne	Bedford, NH srholstein@comcast.net	A Member of the Public	Myself	Oppose	No	No
Schult, Barbara	Goffstown, NH babsnh@comcast.net	A Member of the Public	Myself	Oppose	No	No

Downie, Mary	Franklin, MA marad77@verizon.net	A Member of the Public	Myself	Oppose	No	No
Bayer, Sarah	Cambridge, MA sarahbayer@aol.com	A Member of the Public	Myself	Oppose	No	No
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Party Affiliations – HB 101 – Rep. M.I. Moffett

Thank you, Mr. Chairman:

I'd like you to cast your minds back to 1996. And those who weren't around in 1996 will hopefully trust my history here. Gov. Steve Merrill opted not to run for re-election, creating an opening in the State House corner office. State Sen. Jeanne Shaheen immediately declared her candidacy and ran unopposed in the Democrat primary.

On the Republican side, popular three-term Congressman Bill Zeff declared a gubernatorial candidacy and was the strong favorite. Conservative activist Ovide Lamontagne also ran a long-shot campaign for the GOP nomination. Few gave him any chance whatsoever. But on that Sept. 10, Lamontagne stunned Zeff, edging him out with 47,556 votes to 43,393. You can look it up.

Shaheen received only 52,328 votes in getting the Democratic nomination. But that November, Shaheen *trounced* Lamontagne to become governor. She'd go on to be the first woman to serve as both governor and senator, three terms as each. So that 1996 election was consequential for our state, and indeed for our country.

So what happened in 1996?

The Republican primary gubernatorial vote was almost double that of the Democrat vote and yet Shaheen trounced Lamontagne in the general election. Interestingly, even though she received only 52,000 votes in the primary, she received over 284,000 votes in the general.

What happened seems to have involved a concerted effort on the part of folks from one party to declare as independents and control the outcome of the other party's primary. The popular Zeff had experience and name recognition and would be near-unbeatable in a general election. Despite passionate conservative support, Lamontagne had limited experience and could be portrayed as an ideologue.

So the other party seems to have gone "all in" for Lamontagne over Zeff in that September GOP primary, as they were confident they could beat Ovide in the general election – which they did. How do we know this? Because some Democrats confessed. One even told me directly.

The numbers bear this out. Shaheen's primary vote total was only slightly ahead of that of both Zeff's and Lamontagne's. I read you the numbers. Zeff/Lamontagne combined for almost 100,000 primary votes to Shaheen's 52,000, as erstwhile "independents" or "undeclareds" or "unaffiliateds" voted for Lamontagne.

So why does this matter today?

Fast forward to 2022. One party apparently again made a concerted effort to intrude on the other party's primary and pick their preferred opponents, in several federal races.

How do we know this? Because again, some admitted it. And it's documented that one party literally spent millions of dollars to influence the other party's primary outcome.

Was this illegal. Not technically.

Was it unethical? Probably.

Actually, some of the shenanigans *were* illegal.

According to published reports four illegal political mailers sent to voters in the Second Congressional District were identified by state investigators — but both the mailing company that sent the mailers and its politically-connected law firm refused to identify the customer, according the New Hampshire Attorney General's Office.

Reynolds DeWalt, a direct mail printing company in New Bedford, Massachusetts, admitted to sending the mailers, but initially refused to say who paid for them.

So here are some fresh numbers from just last September. In the 2nd CD primary GOP candidates received 63,868 votes. Annie Kuster received only 48,630 votes. And yet, like Shaheen in 1996, Kuster rolled to an overwhelming general election victory.

It seems apparent to many that non-Republicans voting in Republican primaries are selecting candidates that most Republicans don't want. It's unethical, if not scandalous.

Who says so? Democrats with integrity. They're embarrassed and appalled. 34 prominent national Democrats of integrity signed an open letter decrying the shenanigans. Or as some call it, "Mischief." One of the signatories was New Hampshire Democrat Dick Swett, a former congressman and ambassador.

I read in part:

"As members of the Democratic Party, we are dismayed by the recent practice of Democratic organizations intervening in Republican primaries to promote

candidates ... These destructive primary tactics aim to elevate Republican candidates who Democrats hope they can more easily beat in November. But it is risky and unethical to promote such candidates ... We must stop this practice, and stop today.”

Thank you, Ambassador Swett.

So New Hampshire’s primary elections are terribly compromised. It’s wrong. It’s unethical. It’s scandalous. It creates cynicism. It’s a blight on our electoral processes. It’s an embarrassment to the Granite State. But people wink and nod and snicker at the “mischief.”

HB 101 would fix this. Democratic primaries would be for Democrats. Republican primaries would be for Republicans. Imagine that. Yes, we know the arguments against closed primaries. 40% of our voters are unaffiliated and all that. C’est la vie.

I know the measure as you have it may need some fine tuning with dates, as on page 1, line 27, especially if we change our primary dates. I know there are a couple bills proposing that we move up our primary. Now that your committee owns this bill, you obviously can amend at will

There’s a wonderful 1939 movie called “Mr. Smith goes to Washington.” Jimmy Stewart played Jefferson Smith, a man appointed to be a U.S. Senator. It’s loosely based on an actual senator from Montana. An idealistic Mr. Smith went to Washington and was horrified by the shenanigans and the mischief going on in what we now call the swamp. But he took on the corrupt politicians and their corrupt practices and made a difference.

This inspiring movie was nominated for 11 Academy Awards.

I just hope we can find some New Hampshire versions of Mr. Smith to address the shenanigans and mischief in our state.

Thank you, Mr. Chair. I’d be happy to take any questions.

from the desk of

Tiani Xochitl Coleman

Jan. 10, 2023

To the Honorable Members of the NH House Election Law Committee:

I write in opposition to HB 101-FN, an act relative to requiring voters declare a party affiliation prior to a state primary election.

I am a resident of Amherst, New Hampshire, and my family and I have resided here for nearly 9 ½ years. I'm a registered voter, registered as independent, undeclared with a party. I'm also the President of New Hampshire Independent Voters, (*and NH Ranked Choice Voting*), both are nonpartisan nonprofit organizations, 100% comprised of citizen volunteers, without any paid staff. Additionally, I'm a licensed attorney in the state of New Hampshire.

In NH, more voters are registered as independents (Undeclared) than registered as either Republicans or Democrats. Although the precise figures are always in flux, the latest numbers I've seen show almost 40% of NH voters registered as Undeclared (independent), about 31% registered Democrats, and about 30% registered Republicans.

NH has a long tradition of allowing this large independent, Undeclared voting block to participate in its state funded primary elections. Undeclared voters are allowed to show up to a primary election on primary election day, choose a party's ballot, cast their vote, and then re-assert their desire to be Undeclared on their way out the door. By requiring all voters to register with a party four months before the primary election in order to be eligible to vote in that primary, HB 101 would do away with this tradition and disenfranchise independent undeclared voters who have purposely chosen not to affiliate with a political party

We, NH independent Voters, assert that no person should be required to register with a political party as a condition of voting in a determinative public election. Although our current party primary system is for the selection of party nominees, that selection will determine who will appear on the general election ballot, and has huge ramifications as to who our representatives in public office will ultimately be. Independent voters should not be shut out from these consequential decisions.

Although I have not had the opportunity to contact the leaders of the Democratic and Republican Parties about their position on HB 101, I believe this committee should do so because if either Party is opposed to this bill, this bill would be unconstitutional. Public record shows that the parties were against a similar bill in the past.

<https://www.wmur.com/article/nh-primary-source-nhgop-to-address-proposed-by-law-amendment-s-during-weekend-meeting/35273121>) (Republican Bylaws committee: "If we were to adopt a closed primary, it would very likely result in a drop in participation in Republican primaries and/or a boost in registered Democrats. It may also put our first in the nation Presidential Primary in jeopardy by reducing the number of voters who would participate.") I believe that the NH Democratic Party would feel similarly about closing their primaries.

If the Parties themselves are opposed to closing their primaries, the State should not close them by fiat. Not only do independent voters believe it is a violation of the Equal Protection Clause for Parties to close state-funded primaries, but even the U.S. Supreme Court has opined that it is unconstitutional (a violation of the Right of Association) for the State to close primaries when the Parties desire them to be open. [See *Tashjian v. Republican Party of Connecticut*, 479 U.S. 208 (1986).]

As an undeclared voter in NH, and as President of New Hampshire Independent Voters, I respectfully ask that you vote HB 101 to be inexpedient to legislate, as it will disenfranchise so many independent Undeclared voters. We independent voters do not vote based on Party. We tend to view issues in a more careful, nuanced fashion than simply accepting the Party line or Party talking point; and when it comes to candidates, we prefer to vote for the Person over the Party. Sometimes we may select a Republican ballot and sometimes we may select a Democratic ballot. Sometimes we vote for third party or independent candidates. It depends on so many issues and circumstances. For this and other reasons, we do not want to be required to register with and join a political party in order to have our voice heard in determinative primary elections, in order to have a say as to who will appear on the General Election ballot.

Thank you,



Tiani X. Coleman

President, New Hampshire Independent Voters

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**TO: Representative Steven Smith
Chair, Election Law Committee**

**FROM: Christina Dyer
Committee Researcher**

DATE: January 6, 2023

SUBJ: HB 101-FN: Relative to requiring voters declare a party affiliation prior to the state primary election.

SUMMARY

Prior to 1993, an undeclared voter in New Hampshire was permitted to declare an affiliation with a political party and vote using that party's ballot at a primary election. If the voter wished to return to the status of undeclared after voting, he or she was required to follow the procedure for changing his registration before the town or city clerk on a day other than election day. In 1993, the law was amended to permit undeclared voters to revert to undeclared status at the polling place on the day of the primary election.

Since 1993, this legislation has been proposed six times, dying in committee each time.

Polling Place

Undeclared voters in New Hampshire have been permitted to vote in primary elections and then return immediately after voting to an undeclared status since 1993. This change was adopted after 12 years of debate and the defeat of 6 proposals to adopt this change in the law.

Summary of Arguments

The concept of permitting undeclared voters to return to undeclared status at the polling place was debated in the legislature for a number of years prior to adoption. Many of the same arguments were voiced by the proponents and opponents of the various bills.

Proponents Arguments

- this change will simplify the voting process by making it easier to maintain an undeclared status; it is a convenience to voters
- some people don't vote in the primary because it is so difficult to change back to an undeclared status
- this change may attract more voters to the primary; it is important to work towards increasing voter participation in the primary
- it seems silly to require voters to return to the town clerk's office to change their party affiliation when the supervisors are present at the polling place; especially in small towns, it is a burden to get back to the town clerk's office, since office hours are limited
- many voters do not understand that they will remain registered in the party whose ballot they selected at the primary, and are upset to discover this at later elections; this change will reduce voter frustration and confusion
- this change will allow more accurate checklists to be available in a timely manner; when undeclared voters are forced to return at a later date to re-register as undeclared, the supervisors undertake the time consuming exercise of changing the voter's affiliation to that of the party whose ballot he or she selected at the primary, and then as the year goes by, and the voters come in to re-register as undeclared, a number of them are all changed back to an undeclared status
- some town clerks were getting around the law by accepting applications for change of registration at the polling place and then technically making the decision to change the voters' registrations on the following day

Opponents Arguments

- it is important to maintain party purity; allowing undeclared voters to change back to undeclared status at the primary election would weaken the party system; eventually there will no longer be any need to affiliate with a party
- the business of the primary is the business of the parties; the primary is the time that party differences are brought out; these differences could be lost in the future
- the law would be contradictory; it requires an undeclared voter to take an oath to a party and then allows the same voter to immediately deny this oath
- under RSA 659:14, I, a party may adopt a rule to permit undeclared voters to vote in the party's primary election, to date no party in New Hampshire has taken advantage of this provision
- this change is unlikely to increase voter turnout as the proponents argue

Number of Declared Voters

The percentage of undeclared voters has steadily increased over the years. In 1992, 22.4% of the voters on the checklist at the presidential primary were undeclared. In 2020, 38% of the voters on the checklist were undeclared.

Names on the Checklist; Presidential Primary Election

	Rep.	Dem.	Undec.	Lib.	Total	Undeclared Voting	Returned to Undeclared
1992	239,646	200,631	127,966	2,739	570,982	-----	-----
1996	285,500	209,268	190,420	3,257	688,445	64,171	40,097
2000	286,244	211,708	285,642	-----	783,594	111,013	78,051
2004	246,529	199,386	270,052	-----	715,967	103,336	80,735
2008	271,220	258,776	357,688	-----	887,684	197,037	138,339
2012	259,968	226,720	304,561	-----	791,249	110,424	88,844
2016	304,654	281,208	360,640	-----	946,502	198,876	140,906
2020	305,542	324,605	387,626	-----	1,017,773	170,400	124,317

Source: Secretary of State, Elections Division website

Truncated Legislative History

HB 490 (1993), permitting a registered voter who is registered as undeclared to vote in a primary election and on the day of the primary election register again as undeclared

House Constitutional and Statutory Revision Committee
Majority: Inexpedient to Legislate, vote (10-8)
Minority: Ought to Pass

Rep. LeRoy S. Dube for the Majority: "Inexpedient to Legislate is a vote to maintain the current law. An undeclared voter, when he picks up a ballot in a primary, is declaring that he supports the principles of that party. To allow a person whose intention when he votes to not support that party is dead wrong."

Rep. Gary R. Gilmore for the Minority: "The minority of the committee firmly believes that this bill is needed. There is presently a law that permits political parties not to allow undeclared voters to vote in a primary. The present system actively discourages undeclared voters from participating in the primary. Undeclared voters should be encouraged to vote and not be punished. This bill would make re-registering simple and efficient."

Floor Action: Substitute motion of Ought to Pass, adopted;
Floor Action: Passed by the Senate, voice vote
Final Action: Signed by the Governor, June 9, 1993

[HB 227 \(2005\)](#) relative to undeclared voters at primary elections

Election Law Committee, Majority: Inexpedient to Legislate, vote (14-1)

Rep. Jane A. Clemons for Election Law: This bill would eliminate the requirement that an undeclared voter must register as a member of a party to vote in a primary election. Our multi-party system encourages debate and criticism. Presently, both parties allow all undeclared voters to vote in primary elections. RSA 654:34 Change of Registration states in II-a, "Any legal voter who has been registered as an undeclared voter may register as the member of the party of the voter's choice by appearing before the supervisors of the checklist and stating to them under oath or affirmation, if required, that the voter intends to affiliate with and generally supports the candidates of the party with which he offers to register, in which case the voter shall be registered as a member of such party." With this protection in statute, the majority of the committee felt that there was no impediment to undeclared voters changing registration.

[HB 258 \(2009\)](#), relative to undeclared voters at primary elections.

Election Law Committee, Majority: Inexpedient to Legislate, vote (18-1)

Rep. Claudia A Chase for Election Law. This bill eliminates the requirement that an undeclared voter register as a member of a party in order to vote in a political party's primary election. However, federal constitutional law prohibits a state from mandating that a political party associate with anyone who is not a member of that party. A political party has a fundamental right to exclude anyone from participating in its party functions who does not wish to become a member of that party. New Hampshire law should continue to support fundamental freedoms, not chip away at them as this bill would do.

[HB 652-FN \(2015\)](#), relative to undeclared voters.

Election Law Committee, Majority: Inexpedient to Legislate, vote (18-0)

Rep. Duane R. Brown for Election Law. Current law allows undeclared voters to declare as a registered voter with party affiliation prior to voting in a primary election and return to undeclared status after voting. This bill allows undeclared voters to vote in any party primary without declaring party affiliation. Voting in a party primary should be for members of that party. The current system is appropriate and should not be changed.

[HB 1166 \(2022\)](#), requiring certain voters to declare a party affiliation prior to a state primary election and requiring candidates to be members of political parties for a certain amount of time prior to an election in which such candidates seek office.

Election Law Committee, Majority: Inexpedient to Legislate, vote (20-0)

Rep. Joe Sweeney for Election Law. This bill proposed that voters declare a party affiliation at least 120 days before a primary. It would also significantly increase the time someone must be registered with a political party to run as a candidate of that political party. Currently, an undeclared voter can register and select a party on the date of the primary. The proposed change would significantly impact participation in primary elections. Currently, a candidate can change their registration up to the day before the filing period for an office opens up. This bill would require any candidate to have declared their party status months before filing, which would

impact local and state parties' ability to recruit candidates. While we understood the scenario that brought the legislation forward, the unanimous recommendation is to find this legislation as Inexpedient to Legislate

Additional Information

National Committee of State Legislatures. 2021. "Primaries: More Than One Way to Find a Party Nominee". Retrieved January 31, 2022: [Primaries: More than One Way to Find a Party Nominee \(ncsl.org\)](https://www.ncsl.org/legislative-process/primary-elections/primary-election-types)

National Committee of State Legislatures. 2021."State Election Primary Types". Retrieved January 31, 2022: [State Primary Election Types \(ncsl.org\)](https://www.ncsl.org/legislative-process/primary-elections/primary-election-types)

As an “undeclared” voter, I look at candidates from both parties before deciding which party’s ballot I’ll select. The candidate’s qualifications and viewpoints matter far more than party affiliation. I oppose HB101 because it will reduce my ability to vote for the candidates I like, especially given the importance of the primary outcomes in this time of partisan gerrymandering. Choosing the party months before I know who is even running is not something I can do with the care and thoughtfulness this decision deserves. More than one-third of registered voters in NH are “undeclared.” I fear that passage of this bill will turn some of them into non-voters in the primaries. That may be the sponsors’ intent, but I oppose anything that leads to voter non-participation.

I am a registered undeclared voter in NH. I have been undeclared since I turned 18 and voted in my first election. I have never felt represented by a specific party. I vote for candidates rather than parties and have always been able to choose a ballot based on a candidate that I felt strongly about. Taking away my voice in the primary would mean that I might not have a candidate I feel represented by in the general election. Over 40% of registered voters in NH would be put into that same situation. New Hampshire has the first in the nation primary and our voices are heard on a national scale. With over 40% of voters no longer participating, our voice in the primaries will be less strong.

I Oppose HB101

Hon Representatives,

I oppose HB101.

Elections in NH have been a place where free expression is possible and choice of party easy to access.

This bill erects a barrier that makes voting more difficult as I choose to be independent. The towns and cities of this great State will now have another obstacle of time as voters want to switch.

And voters another reason not to show up.

NH should be trying to promote voting!!

How does this bill follow the NH Constitutional vision that “all government of right originates from the people, is founded in consent, and instituted for the general good.”?

Please do not recommend this bill.

Respectfully,

Len

Leonard Campbell
Meredith, NH
603-455-1105

I write in opposition to HB 101 because I believe that it disadvantages undeclared voters. I worked as a ballot clerk in the September 2022 primary in Antrim. Approximately one third of Antrim voters are undeclared, and on election day a significant number of people who checked in with me were undeclared who chose to vote in either one of the primaries. Likewise across the state, a little more than one third of New Hampshire voters are undeclared. HB 101 would require these voters to decide on a primary race before the filing deadline for candidates. I believe this puts undeclared voters at a disadvantage. It doesn't allow them sufficient time to make an informed decision with respect to potential candidates in the general election. Having to declare party affiliation so far in advance of the primary means that many undeclared voters will not participate in the primary election at all. We should be encouraging participation in the electoral process, not making it more difficult.

Doreen Desmarais

This bill would require independent voters to select a party BEFORE candidates filed for a primary run. How can you decided which party to declare for when you haven't seen the candidates?

Phil Hatcher

New Hampshire has a long tradition of allowing independent voters to easily vote in primary elections. There are also a large number of independent voters in the state. I do not see any reason for discontinuing this tradition.

James Verschueren

This bill disenfranchises Undeclared voters whose voice is a valuable component to either party in choosing a nominee. It also disenfranchises anyone who has not been in the state for the requisite period of time. Bad idea.

Elizabeth Lurie

It is discriminatory to curtail an undeclared voter's due diligence period. This bill will suppress votes and is anti-democratic.

Judith Raskin

Voters often don't make a decision about who to vote for until just before they go to the polls. NH does a great job informing voters of the issues and each candidate's opinions. It is critical that voters be allowed to choose the party of the candidate based on information. Sometimes, they decide just before they enter the ballot box. Let's keep that freedom.

Miriam Ball

Requiring a citizen to decide on one of only TWO political parties before candidates have even filed for their candidacy is a ridiculous requirement that endangers our ability to have free and fair elections. Forcing a party line vote before a citizen even knows WHO is running for office means that the best candidates aren't being elected. And why don't we want the best for our state and our country? Say NO to this ridiculous bill and support the true meaning of freedom in our elections.

Jeffrey Dickler

NH is one of the most difficult states in which to vote. This bill will make it that much worse and create more extreme party line voting. If you really want to improve things, then allow voters to simply ask for which ever ballot they want when they show up for the primary. You can take it a step further by switching to rank-choice voting.

Jeanne Ludt

As a supervisor of the checklist in my town, I am opposed to making it necessary to declare a party before a primary. This is designed to make it more difficult for people to be undeclared and serves no purpose but to further restrict access to voting.

Melanie Hamilton

The longstanding tradition of people declaring on the date of a primary which party they wish to vote for should remain! Independents should be able to remain just that - INDEPENDENT - and make their choice on primary day. Far too much can happen in the four months before a primary election.

Matthew Stover

HB101 requires voters to declare their party four months before the primary. Gone will be the option of undeclared voters to choose their party ballot on election day. HB101 would require undeclared voters choose a ballot before candidates even file. Undeclared voters who have historically waited to decide which party's primary to vote in based on the positions of specific candidates will no longer be able to do so.

Jeanine Wilt

As a voter who looks at the issues and has voted for both Republicans and Democrats, I am opposed to this bill. Being forced to choose a party four months ahead of the election does not make for educated voters.

Bryan Field

Undeclared voters outnumber both Republicans and Democrats in the state. It seems prudent to allow as many voters as possible to weigh in with their votes in every primary election. It is a system that has worked well for New Hampshire elections for many years.

Ray Newman

This is another attempt at voter suppression. Under the current system independent voters can choose the candidate of their choice on primary election day. This unnecessary bill removes that capability and disenfranchises the largest voting block in the state. It is just another attempt to have politicians pick their voters.

Anne Huberman

This would mean undeclared voters would not be able to vote in primaries. That's an assault on voting rights! Please don't pass this bill!

JAMES GIDDINGS

The number of undeclared voters in my town (and in New Hampshire as a whole, is greater than the number affiliated with either the Democratic or the Republican party. If this bill were to be voted into law, it would have the effect of reducing the number of voters legally capable of voting in Primary Elections. Only those undecided voters who are willing and able to commit to a specific party four months before the Primary will be allowed to vote. It would be folly to assume that most undeclared voters are so identified with a specific party and so connected to the political apparatus four months before the election that they will make the special effort to go to their town office and formally join a party. Many people remain UNdeclared on purpose, so that they will be able to vote in the party primary where candidates they like will be running. In my town, a plurality of voters normally fail to vote in Primary elections; we should not be trying to reduce the number of citizens who vote. In fact, we need to encourage more people to vote! Please vote against sending this bill on.

Lee Baldwin

Undeclared voters outnumber both Republicans and Democrats in the state. It seems prudent to allow as many voters as possible to weigh in with their votes in every primary election. It is a system that has worked well for New Hampshire elections for many years. This bill requires voters to declare their party 4 months before the primary. Gone will be the option of "undeclared" voters to choose their party ballot on election day. In fact, [if the bill is passed] one must now choose a ballot before candidates even file, so voters who consider themselves "independents" and wait to decide which party's primary based on the candidates they want to vote for, will no longer be able to do that.

Elizabeth Ropp

NH is a state that is proud of its independent spirit and high voter turn out. In the Live Free or Die State we need to preserve freedom, not take it away.

Patricia Whitney

Since nearly 40% of the voting residents in my ward are "undeclared" this places a burden on them to make a declaration before they want to. I feel that many of them closely watch and make their decision on voting day based on the information they've gathered.

Andrea Thorn

This bill adds an unnecessary additional step designed to thwart citizen participation. Nothing additional would be gained by making this a requirement.

Deborah Leavitt

With the majority of NH voters registered as Independent, I think this is a misguided bill that will suppress voter participation.

Kristin Noel

This is a ridiculous bill. Forcing independent voters to choose months before a primary is just dumb. Voting should be easy not complicated. Please stop trying to make voting more complicated. Just stop.

Marion Noble

WHY CHANGE what is NOT BROKEN????!!!

Eileen Herring

It seems prudent to allow as many voters as possible to weigh in with their votes in every primary election. It is a system that has worked well for New Hampshire elections for many years.

Lorraine Arlan

I believe every voter should have the ability to base their vote in primary elections on the most current candidate information. To require any voter to declare their party 4 months before a primary and before candidates have even filed negates that ability. HB101 severely restricts voting rights!

Charles Lambert

As an independent I feel we should have a choice in selecting the best candidates to run for elective office regardless of our party affiliation.

Judy Ptak

People are often not aware of an election 4 months before it occurs and they do not yet know who will be running in the election, so it is not possible to know 4 months or more ahead which party you want to vote in. This seems like another way of making it difficult for people to vote and keeping people from voting.

Lawrence Ames

This seems to be an attempt to suppress the vote.

Jeff Kerr

If NH wants to keep its first-in-the-nation primary, we need to lead the way with free and fair elections. Allowing independent voters to see and hear candidates before deciding which primary to vote in is essential. Making access to primary voting more difficult is anti-democratic.

Elizabeth Nelson

What part of Live Free or Die is this?

Christine Alexander

I see no valid point to this requirement for voting other than to make voting more difficult when in fact we should be doing all we can to make voting easier for all.

Constance Evans

If a person's birthday falls near or on election day which makes

Paul Yergeau

Stop trying to make it harder and harder for people to vote intelligently. Give them the time they need to make informed decisions about candidates. This timeline is ludicrous!

Margaret Henrichon

As an undeclared voter in NH, I am outraged by this bill. The entire point of being undeclared is that it allows me

Evelyn Dougherty

Given how many voters are independent, it's doing the Dems

Pat Teden

There is no justification for changing the current NH process regarding Undeclared voters participating in primaries. Selecting a party prior to even knowing who the candidates are is not in the spirit of being an independent voter. And would likely result in disenfranchising independent voters thus reducing the number of voters who participate in our democracy by voting. i

Barbara Schult

I oppose this bill. The great majority of NH voters are "independent" or undeclared. I am an undeclared voter as I do not feel the need to state that I am on one team or another. I evaluate each of the candidates on their merits. By needing to declare my party affiliation 4 months ahead of the primary as this bill dictates, I would need to be giving my allegiance to a party without even knowing who the prospective candidates are. This bill will disenfranchise many voters from the political process, and would not allow input (via vote) by many citizens, should this pass. There is no problem with the current system, and it gives NH voters the freedom to choose based on the best candidate for the position. I strongly oppose this bill and encourage each of the committee members to oppose it as well. Thank you.

Mary Downie

I oppose this bill

Diane Whitehouse

Voting should be easier, not harder for all voters, including independent voters. Requiring voters to register with a party 4 months prior to a primary election will disenfranchise many voters and severely limit their options.

Daniel Yetter

I oppose this Bill

Christopher Gillespie

One of the things that makes New Hampshire such a unique place is the number and influence of independent voters. Where else in the country can four Democrats be elected to the federal government by the same voters who overwhelmingly support a Republican governor? I fear this bill would make it more difficult for independent voters to make their choices. If we do not give independent voters the flexibility they need, they may not vote at all and that would be a tremendous loss for all of the Granite State. Thank you.

Elissa Rasmussen

Undeclared voters outnumber both Republicans and Democrats in the state. It seems prudent to allow as many voters as possible to weigh in with their votes in every primary election. It is a system that has worked well for New Hampshire elections for many years.

Robin Gregg

I oppose this bill and any other attempts to restrict voting or make voting more cumbersome in any way. This bill unnecessarily curtails the right of undeclared(independent) voters to choose a party affiliation on the day of the election, There is no reason for them to make this declaration four months ahead of the election! It has been a long NH tradition to provide this option on voting day and I support keeping this option in place, Thank you.

Stephen Savrann

I feel this is a step backwards silencing the Independent voice. 4 months is ridiculous. I understand the party faithful wanting to keep Independents from influencing their plans but since neither party has a majority of voters without independents they should put candidates on ballot that a majority of voters can support

Angus Bartlett

This bill creates an unnecessary logistical hurdle for independent voters in NH. Independent voters do not want a party affiliation, we want to vote for whoever we think will do the best job, regardless of party.

Margaret Russell

I oppose this bill. I am a registered undeclared voter in NH. I treasure the right to vote in the primary for the candidate that I most want to see elected in the general election.

Janet Yardley

We need fewer impediments to participating in electoral politics not more.

Peter White

I oppose this Bill because it forces independent and unaffiliated voters to make their decision months before election day. This is unfair and un-American!!

Gregory Smith

There is no reason to change things to require a party declaration 4 months in advance. Voters should be allowed to freely choose their party affiliation, and change it as desired up until any election, particularly primary elections.

Charlotte Pogue

There are more registered Undeclared than there are Democrat, and more than Republican. If you want a government that represents the People, don't make it harder for the People to vote.

Karen Roberts

Undeclared voters outnumber both declared republicans and democrats. This option is clearly one that a large number of the voters in this state prefer. I ask that you please keep this option available to the voters of our state. Thank you.

Harriet DiCicco

As an independent, I want to be as fully informed about the candidates who are being considered in our elections. This bill, requiring me to affiliate with a party, means that I have to do so EVEN BEFORE some candidates have to file. That makes no sense to me. I oppose this bill as an infringement on my responsibilities as a voter.

Lisa Eastland

Requiring independent voters, figuratively, restricts their access to the voting booth. Much can happen with the slate of candidates in the four months preceding a primary election. If I have to register for party X and their roster falls apart, I am now restricted in my voting options. This is not how democracy should work. This isn't how NH should work, particularly, as the Live Free or Die state. This law will shackle Independent voters Please vote "No".

Eleanor Cochrane

Undeclared voters should be allowed to continue to choose their party ballot on election day. This is a solution in search of a problem and smacks of yet another hurdle by the GOP to suppress the vote.

Douglas Cochrane

Undeclared voters should be allowed to continue to choose their party ballot on election day. This is a solution in search of a problem and smacks of yet another hurdle by the GOP to suppress the vote.

Barbara Draper

This is a terrible idea it is voter suppression by one party. The whole reason for being independent is to wait and see which candidate right up to the day before voting is the best for our votes.

Annette Trial-O'Neil

This is nothing short of voter suppression and will result in reduced voting in primaries. Many undeclared voters would be unaware of this requirement and would not select a party in time to vote.

William Martin

Esteemed members of the General Court, please reject HB 101. In restricting the ability for registered voters to change party affiliations, their ability to effectively participate in the political process is curtailed. It reduces voter agency by limiting voter choices.

Joan Dargie

The NH City and Town Clerks association feels this bill is unconstitutional and will lead to disenfranchising voters.

Andrew Brown

This bill seems like it will only discouraged people to vote, and does not appear to have any benefit versus the possible negative outcomes.

John Plummer

Being told that I must choose to vote one way or another is a blatant violation of my rights.

Richard Friedman

This proposed legislation does not correct any problem other than

Donnamarie Kelly

Stop this bill!

Penelope Eggleston

I am opposed to HB101. This bill takes away the right to file as undeclared and have more choices in voting. Trying to take away the freedom and right to vote with choices is always a bad choice. Please rethink this bad legislation.

Raye Ellen Douville

The bill is not compatible with freedom.

Charlotte Fyfe

A completely anti-democratic proposal!

Carla Billingham

HB101 is another attempt to limit voting rights. It is a vapid solution in search of a problem that does not exist.

Sandra Bothmer

I am in opposition to this bill.

Michael Pattison

As an undeclared voter, this is purposely limiting my ability to vote for who I believe would best represent me at all levels of government.

Julia Kaplan

Why do you think so many of us are undeclared? Because, the general population is non-partisan, as opposed to the the minority who are politicians! Let us vote without further restrictions.

Lisa Graham

I oppose this bill because registered independents would be harmed. Requiring a declaration 4 months prior to an election stymies the ability to vet the candidates properly. It's like telling a voter they must choose who they want to vote for well before a ballot is received. Totally meant to harm the independent voter.

Ellen Fonfara

This is a disgusting attempt to try to restrict freedom of voting. Why should I be required to choose a party months ahead of time.

Alan Garstka

I feel this is a restrictive addition to the right to vote and has no place in New Hampshire. Vote no.

HOLLY Zirkle

Passing this bill would create just one more obstacle to voting (making it more difficult, rather than easier) for Citizens. Many would be unaware of this new rule, and therefore unable to make their voice heard on election day. It is crucial to our Democracy, that on this very special day, Everyone HAS the right to vote as they wish without being bound by a party line choice they were forced to make weeks or months prior!

Carolyn Walcott

Undeclared voters outnumber both Republicans and Democrats in the state. It seems prudent to allow as many voters as possible to weigh in with their votes in every primary election. It is a system that has worked well for New Hampshire elections for many years.

Beth Benham

This bill is not in keeping with the NH way. Independents, like all voters, deserve the right to wait until they go to the polls to decide on the candidate they wish to support with their vote. Thus, they should NOT be required to declare a party in advance of voting day.

Hal Rafter

This bill will restrict voting by undeclared voters. The last thing we need is more barriers to voting.

Jim Miller

As Canterbury Town Moderator, I have observed the current Primary independent/party change process, and am concerned that this bill could disenfranchise many independent (unaffiliated) voters who otherwise have been able to participate in the Primary process. Why take away a current right, unless for purely partisan reasons? Independent voters make up a good share of that population, and they may rightly see the old-fashioned party system as out of touch, or out of their generation(s), or simply ineffective. Currently, they have the right on Primary election day to express their support for an agreeable candidate (no matter the party)--or their disapproval of a particularly "edgy" candidate. This improves the pool for determining the general election (instead of having a small minority of either party choose an unqualified candidate). Forcing independent voters to decide on a party for Primary day 4 months ahead (before party candidates have even had enough chance to give their messages) presents a communications nightmare (and will produce angry, confused voters (who didn't hear about the change) at the polls.

John Tuthill

Please find HB101 inexpedient to legislate.

Rosemary Conroy

This is an outrage! I an an independent voter and find this ABSOLUTELY ridiculous and undemocratic.

John Cauble

Bill would limit largest group of voters from voting in the primary by requiring them to select a party before candidates are required to run

George Dieter

We want everyone to have an opportunity to vote. This measure only puts another barrier in the way of full participation.

Suzanne Lamport

This bill will remove many undeclared voters right to vote. It will damage our democracy in this state, and should never be passed.

Michelle Bresnahan

This seems yet another method by which to narrow voting options and increase the number of people who chooses not to vote. Rather absurd and I fail to see who this helps as it's certainly not helping the voters.

Jennifer Abbott

I oppose this bill

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 101-FN

BILL TITLE: relative to requiring voters declare a party affiliation prior to a state primary election.

DATE: January 17, 2023

LOB ROOM: 306-308

MOTIONS: **INEXPEDIENT TO LEGISLATE**

Moved by Rep. Berry

Seconded by Rep. Boehm

Vote: 19-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Jessica Grill, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/5/2023 1:43:00 PM
Roll Call Committee Registers
Report

2023 SESSION

Election Law

Bill #: HB-101-FA Motion: ITL AM #: _____ Exec Session Date: JAN. 17, 2023

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Smith, Steven D. Chairman	✓		
Berry, Ross Vice Chairman	✓		
Prudhomme-O'Brien, Katherine J.	✓		
Boehm, Ralph G.	✓		
Qualey, James R.	✓		
Ankarberg, Aidan	✓		
Burnham, Claudine R	✓		
Kennedy, Stephen J.	✓		
Wherry, Robert J	✓		
Wood, Clayton D	✓		
Lane, Connie Boyles	✓		
Ward, Gerald W.R.	✓		
Hamer, Heidi M.	✓		
Hamblet, Joan L.	✓		
Muirhead, Russell	✓		
Bay, Luz	✓		
Brennan, Angela	✓		
Grill, Jessica	✓		
Howard, Heath	✓		
TOTAL VOTE:	19		