HB 116-FN - AS INTRODUCED

2023 SESSION

23-0142
06/10

HOUSE BILL ***116-FN***

AN ACT relative to fees and primary petitions required for primary ballot election access.

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

COMMITTEE: Election Law

ANALYSIS

This bill increases certain filing fees and the number of signed primary petitions required for primary ballot candidates. This bill also removes the filing fee for state representative candidates.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

23-0142
06/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to fees and primary petitions required for primary ballot election access.

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

1 Filing Fees and Signed Petitions. Amend RSA 655:19-c to read as follows:

655:19-c Administrative Assessment; Primary Petitions; Nomination Papers.

I. Candidates for governor, United States senator, representative to Congress, executive councilor, state senator, county officer, and state representative who file declarations of candidacy shall pay the administrative assessment in paragraph I or file primary petitions as provided in paragraph III. Candidates for governor, United States senator, representative to Congress, executive councilor, state senator, county officer, and state representative who file declarations of intent shall pay the administrative assessment in paragraph I and shall meet the requirements of RSA 655:40 through 655:45 for nomination by nomination papers. At the time of filing declarations of candidacy or declarations of intent, the administrative assessment shall be as follows:

(a) For governor and United States senator, [~~$100~~] ***$10,000***.

(b) For representative to Congress, [~~$50~~] ***$5,000***.

(c) For executive councilor, $25.

(d) For state senator, $10.

(e) For county officer, $10.

(f) For state representative, [~~$2~~] ***$0***.

II. The administrative assessment paid to a town or city clerk by candidates for state representative shall be forwarded to the treasurer of the town or city and shall be for the use of the town or city. The administrative assessment paid to the secretary of state shall be deposited by the secretary of state into the general fund.

III. Any person otherwise qualified to run for office who chooses not to pay the administrative assessment as prescribed in paragraph I may have ***her or*** his name printed on the primary ballot of any party by filing with the appropriate official the requisite number of primary petitions made by members of the party, together with one written assent to candidacy. The number of primary petitions to be filed for each office shall be as follows: for governor and United States senator, [~~200~~] ***25,000***; for representative in Congress, [~~100~~] ***12,500***; for executive councilor and county officer, 50; for state senator, 20; for state representative, 5. Candidates for delegate to the state convention shall not be required to submit any primary petitions.

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

LBA
23-0142
10/17/22

HB 116-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to fees and primary petitions required for primary ballot election access.

FISCAL IMPACT: **[X] State** **[ ] County** **[X] Local** **[ ] None**

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	$301,950	$0	$301,950
Expenditures	$0	Indeterminable Increase	$0	Indeterminable Increase
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

LOCAL:

Revenue	$0	Indeterminable Decrease	$0	Indeterminable Decrease
Expenditures	$0	$0	$0	$0

METHODOLOGY:

This bill increases the filing administrative assessment fee for candidates running for governor and US Senator from $100 to $10,000 and for representatives of Congress from $50 to $5,000 and removes the filing fee of $2 for state representatives. The bill also increases the number of signed primary petitions required for primary ballot candidates.

The Department of State indicates there would be an increase in revenue and expenditure to the General Fund for FY 2024 and FY 2026. The Department states the increase in administrative assessments would increase revenue by $301,950 in both FY 2024 and FY 2026 based on prior year filings. The increase is made up of $69,300 (7 x $9,900) for the race for the Governor, $138.600 (14 x $9,900) for U.S. Senate, and $94,050 (19 x $4,950) for Representatives in Congress. The Department also indicates they would be required to update the Election Procedures Manual (RSA 652:22) and statewide and online trainings conducted for election officials as well as forms. These changes would result in an indeterminable increase in State expenditures.

The New Hampshire Municipal Association (NHMA) states removing the $2 administrative assessment for the filing of state representatives will result in an indeterminable decrease to

local revenues in FY 2024 and FY 2026, as the fee is kept by municipalities. The NHMA believes the reduction in revenue will likely be minimal.

AGENCIES CONTACTED:

Department of State and New Hampshire Municipal Association

HOUSE COMMITTEE ON Election Law

BILL NUMBER: **HB 116-FN**

BILL TITLE: **relative to fees and primary petitions required for primary ballot election access.**

DATE: **January 17, 2023**

THE COMMITEE HAS VOTED TO RETAIN THIS BILL.

_____

Rep. S. Smith, Chair

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill #: HB116 - FN Date: 1/10/23

Committee: Election Law

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

Name	Address	Phone	Representing	Pro	Con
Rep Alexander	Hills 29			✓	
RACHEL GOLDSMITH	349 MANCHESTER MANCH NH				X
Stephen Vaas	325 Middleton Rd Wilton	—			X
Rep Ellen Read	~~Rock 10~~		Rock 10		X
Tiani Coleman	32 Simeon Wilson Rd.	Amherst NH 03031	801-709-8745 self / NH Independent voter		X

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 116-FN

BILL TITLE: **relative to fees and primary petitions required for primary ballot election access.**

DATE: **January 10, 2023**

LOB ROOM: **306-308** **Time Public Hearing Called to Order:** **2:07 pm**

Time Adjourned: **2:39 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. Sweeney **Rep. Alexander Jr.** **Rep. Berry**

TESTIMONY

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

Rep. Sweeney,* sponsor, introduced the bill and spoke in support. He stated that while high, the filing fee increases only applied to Democratic and Republican candidates for US Congress, US Senate, and Governor. He said that party-based ballot access requirements need to be cognizant of the fact that candidates nominated to the primary ballot by either major political party are likely to win their elections. He stated that there would be no filing fee increases for third-party candidates and that candidates can still run a write-in campaign if they fail to meet either the financial or petition signature requirements. He acknowledged that while the bill may limit the ability of potential candidates to seek affected offices, the increases are a fair barrier for ballot access. He said that allowing anyone to pay a nominal fee and have their name printed on primary ballots could lead to voter confusion as voters may not be familiar the lesser-known candidates on the ballot. He said that candidates should be required to demonstrate sufficient support for their candidacy to appear on the ballot and that this bill introduces a reasonable barrier for those seeking high office. When addressing potential impacts of the bill, Rep. Sweeney stated that candidates for impacted offices would either increase fundraising to meet filing fee requirements, self-fund part or all of the filing fee, or collect petition signatures to meet the filing requirement.

Rep. Boehm asked Rep. Sweeney whether candidates could get some or all of the filing fee returned based on their share of the vote. Rep. Sweeney responded that he was opposed to this and suggested that it would be better for candidates for high office to fund the costs of printing ballots, which the increased filing fees would essentially achieve.

Rep. Howard asked whether we can expect the estimated revenue listed in the bill's fiscal note to continue year-over-year given the high number of candidate filings required to generate that amount of revenue. Rep. Sweeney said that the revenue estimates were projected based off of historic trends in consultation with the Secretary of State's office and was unable to provide further information. Rep. Howard followed up to ask why Rep. Sweeney has proposed to increase the cost to run for governor to ten times the cost to run for president, to which Rep. Sweeney stated that presidential primaries see 30-40 candidates file for both major parties and that this legislation is focused on the September primary for non-presidential offices.

Rep. Brennan asked whether this legislation would require a candidate to have a significant "war chest" to run for office, in contrast to the perception that anyone can run for office in New Hampshire. Rep. Sweeney responded that a candidate for the impacted offices must demonstrate the ability to either raise the necessary funds to get on the ballot or they have the grassroots support to

get on the ballot via petition signatures, and that this does not limit who can run for office, only that they would need to put forth the effort to do so. He reiterated that the bill does not increase filing fees for Executive Council and State Senate candidates, and decreases State House candidate filing fees to $0.

Rep. Lane asked how Rep. Sweeney decided on the proposed filing fees and petition signatures listed in the bill. Rep. Sweeney explained that the number of required signatures would be half of the required filing fee totals. He said that $10,000 is the maximum individual contribution amount for gubernatorial candidates for the pre-filing and primary reporting periods and that he is open to further discussion on the specific amount listed in the legislation.

Rep. Timothy Horrigan* spoke in opposition to the bill. He stated that this bill does not do anything to make it easier or harder to run as a third-party candidate and that he believes the bill may encourage more candidates without sufficient resources to run outside of the two-party structure, which he is personally not in favor of. He said that the bill proposes a tax or fee, which he believes to be misaligned with the objectives of both NH Republicans and Democrats. He also said that the removal of the $2 state representative filing fee downshifts costs to local officials, that the increased filing fees are likely to discourage lesser-known candidates from running for higher office and would also be a barrier to entry for candidates who are not wealthy, that the number of primary candidates does not correlate with strength of the nominee, that the bill does not prevent frivolous candidates with sufficient financial resources from running for office, and that because any revenue would not be earmarked for the Secretary of State's office, it would not necessarily help fund election costs. He commented that Democrats elect delegates at town party conventions while Republican candidates for delegate are listed on the ballot and suggested both parties should consider electing delegates in the same manner.

Rep. Grill resumed as clerk for the remainder of the hearing following Rep. Horrigan's testimony.

Rep. Alvin See spoke in opposition to the bill, stating that increasing filing fees by over 100 times is not reasonable or consistent with inflation, and neither is the high petition signature requirement. He said that this would create a large burden for Supervisors of the Checklist and other election officials and that the bill would reduce choices for voters while appearing to favor wealthy candidates.

Sam Borne spoke in opposition to the bill and said that having lots of names on a primary ballot does not matter, because voters should research all candidates in advance. He argued that towns have other ways to raise money aside from candidate filing fees, and that the bill would obstruct voters from placing their name on the ballot when anyone should have the ability to place their name on the ballot. He said that this bill is an example of unnecessary government restriction.

Steven Borne spoke in opposition to the bill. He stated that as an undeclared voter himself, he wants more choices in elections, and this bill would prevent voters from having choices and being presented with new ideas. He said that it is problematic to equate candidate seriousness with the amount of money spent to run, as many primary campaigns are already funded using significant out-of-state contributions. He also stated that the signature requirement is not a good alternative because of the difficulty in collecting petition signatures; many individuals are not receptive to petitions in today's political climate and signature collection often also requires outside funding. With regards to the proposed signature requirement, he also suggested that it would be difficult to organize signers because many voters do not know their ward number or polling place, that examining signatures would add to election officials' workloads, and that it would be especially difficult for independent candidates to meet the signature requirement. He stated that the only potential positive outcome of the bill would be the weakening of the two-party political infrastructure.

Natch Greyes testified on behalf of the New Hampshire Municipal Association. He did not state a position on the bill, but informed committee members that the $2 state representative candidate filing fee is kept by towns and suggested an amendment be included to keep the $2 filing fee as-is, preserving this source of town revenue.

Chairman Smith reported the total sign-ins on the blue sheet as 4 opposed and 1 in favor.

Chairman Smith adjourned the public hearing.

**See written testimony.*

House Remote Testify

Election Law Committee Testify List for Bill HB116 on 2023-01-10

Support: 0 Oppose: 31 Neutral: 1 Total to Testify: 0

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane
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
O'Donnell, Justin	Manchester, NH justin@justinodonnell.us	A Member of the Public	Myself	Oppose	No	No
Bloodworth, Ryan	Nashua, NH rwbloodworth@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
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
Hebert, Ryan	Manchester, NH rjhebert20@gmail.com	A Member of the Public	Myself	Oppose	No	No
Wied, Alex	Manchester, NH gencourt.nh@centromere.net	A Member of the Public	Myself	Oppose	No	No
Bogardus, Tabitha	Londonderry, NH tabogardus11@gmail.com	A Member of the Public	Myself	Oppose	No	No
Downing, Jeremy	Hudson, NH jcdwalker@gmail.com	A Member of the Public	Myself and the New Hampshire Liberty Alliance	Oppose	No	No
Anastasia, Patricia	londonderry, NH patti.anastasia@gmail.com	A Member of the Public	Myself	Oppose	No	No
Pratt, Carol	Dover, NH carolhpratt@gmail.com	A Member of the Public	Myself	Oppose	No	No
Nave, Ofer	Manchester, NH odigity@gmail.com	A Member of the Public	Myself	Oppose	No	No
Hall, Robley	Farmington, NH gencourt@robleyhall.com	A Member of the Public	Myself	Oppose	No	No
Delano, Janie	Hudson, NH tadandpole4@yahoo.com	A Member of the Public	Myself	Oppose	No	Yes
Watkins, Dan	Derry, NH dan.j.watkins@gmail.com	A Member of the Public	Myself	Oppose	No	No
Martinez, Monica	Manchester, NH Monicacmartinez2023@gmail.com	A Member of the Public	Myself	Oppose	No	No
Schippani, Jonathan	Merrimack, NH Jschippa@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
Whitney, Patricia	DOVER, NH pjwhitney8@gmail.com	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
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Oppose	No	No
lemp, alexander	Plymouth, NH alexrlemp90@gmail.com	A Member of the Public	Myself	Oppose	No	No
Horrigan, Timoth7	Durham, NH timothy.horrigan@leg.state.nh.us	An Elected Official	Strafford 10	Oppose	No	No
Dargie, Joan	Milford, NH joan.dargie@milford.nh.gov	An Elected Official	NH City and Town Clerks Association	Neutral	No	No
Kahn, Kevin	Exeter, NH kevin.kahn18000@gmail.com	A Member of the Public	Myself	Oppose	No	No
Craig, Kevin	Lancaster, NH kbcraig@gmail.com	A Member of the Public	Myself	Oppose	No	No
Smith, Hayden	Hanover, NH hasmith1520@gmail.com	A Member of the Public	Myself	Oppose	No	No
Cutshall, Catherine	Bedford, NH vivadofamily@aol.com	A Member of the Public	Myself	Oppose	No	No
Cody, Charlotte	Rochester, NH charlotte49cody@gmail.com	A Member of the Public	Myself	Oppose	No	No

Sweeney

Mr. Chairman and members of the House Election Law Committee,

Thank you for the opportunity to introduce House Bill 116, relative to fees and primary petitions required for primary ballot election access.

The increase here might cause a bit of sticker shock to you, but I do want to stress the increase are for campaigns running for the United States Senate, the United States Congress, and the Office of Governor. No other position sees an increase.

It is a privilege to be placed on the ballot for consideration by your respective political party in our State Primary Elections. Statistically, candidates vying for the Democrat or Republican nomination have a substantial chance of winning their elections in our state, and the privilege of party-based ballot access needs to be cognizant of this fact.

There will be no increase in this bill for third party candidates to get on the general election ballot. Nor do we limit the ability of someone to run a write-in campaign if they are passionate about declaring themselves a candidate but they miss either the financial or petition threshold set by this law.

You may be asking yourself, why? As one ambivalent and torn observer on Twitter stated quite eloquently, "On the one hand, it limits ability to run for high office. On the other, it limits ability to run for high office."

$10,000 OR 25,000 petitions made by members of their party for Statewide office is a fair barrier for the privilege of ballot access for the United States Senate and Governor, and fairly so the filing fee or number of signatures is cut in half to run for a seat in Congress.

For someone to be able to pay a nominal fee or submit a relative handful of petitions and get their name printed on every September Primary ballot detracts from the process and only adds to voter confusion when they get to the ballot box. Many will hear from anywhere from 3 to 5 candidates when they pay attention to who is running for office; when they get to the ballot box, they are sometimes surprised to see over a dozen names running for a high level office after watching every debate, TV ad, and getting mail that only listed certain candidates.

To run successfully statewide or to be a member of Congress for half our State, one should be required to demonstrate a requisite base of support for their election. By instituting a reasonable barrier – whether it be financial or petition based – will require an individual to do one of three things:

Likely, they will raise the campaign contributions to pay for the filing fee. Compared to the costs of TV Ads, Mailers, Digital, and other means of communications not to mention the staffing and general operations of a campaign, $10,000 for a statewide office and $5,000 for Congress is a fraction of what a competent and competitive campaign is expected to spend.

Another option would be the candidate self-funding part or all of the filing fee in order to get on the ballot. As vain as we may consider some candidates to be, running for office is not a vanity project and I highly doubt anyone would be vain enough to spend such a sum without a putting together an equally impressive campaign operation that showcases a serious candidate who is dedicated to the idea of actually serving in said office they're running for.

Thirdly, the candidate has the ability to collect signatures and have their team collect signatures to get on the ballot. This is the option I would recommend the most to candidates I advise – it gives them a list of 25,000+ Granite Staters in their party willing to get them on the ballot and would require them to build a campaign operation that stretches throughout the state to some broad appeal, not just to party activists but to rank-and-file members of their respective parties that are not obsessed with our political culture 24/7. Such a campaign and requirement for elected would force candidates to reach out and appeal to voters not just in the weeks before the Primary election, but in the months before candidate filing, one on one, getting signatures and building a campaign team and organization capable of such a task.

I am happy to take any questions and I really do want to stress, as with any legislation I like to file, that the sponsorship team and I are more than happy to have as many conversations as it takes to get this bill or a version of this bill across the finish line this term so we can strengthen our primary ballot access process, and I believe, make our election process in New Hampshire greater for it. Thank you for the time.

Testimony Against HB 116:
"relative to fees and primary petitions required for primary ballot election access."

House Election Law Committee; January 10, 2023

Rep. Timothy Horrigan (Strafford 10)
7A Faculty Rd; Durham, NH 03824; ph: 603-868-3342

I don't mean to impugn the motives of the three sponsors of the unnecessary and undemocratic bill HB 116-FN "relative to fees and primary petitions required for primary ballot election access." I am in fact writing my testimony before the hearing, so I don't even know what their motives might be. That said, I think it is fair to point that all three of HB 116's sponsors are young but prominent Republicans who have all worked for their state party as staffers.

I would like to raise four points against this bad bill.

My first point is simply that HB 116 raises a tax or fee. Although they occasionally make exceptions, one of the core values of the House Republican caucus is that no state tax or fee should ever raised, for any reason, even by a small amount. This bill doesn't just raise the filing fees for the offices of Governor and U.S. Senator by a small amount: it raises them 10,000%, for no immediately apparent reason.

HB 116 does lower one token fee, the filing fee for State Representative, by 100%, from $2 to zero. This may look good at first glance. But, eliminating that minuscule fee serves no purpose other than downshifting the costs of processing the filing paperwork entirely to the towns and cities. (State Representative candidates, unlike all other state candidates, file at their local town or city hall, rather than at the State house.)

Secondly, HB 116's proposed increased fees for gubernatorial and senatorial candidates are high enough to discourage lesser-known candidates who may not have raised much money before the campaign. This definitely would be a barrier to entry for candidates of modest means, some of whom have actually won in the past. New Hampshire has had a few overcrowded primaries in recent years with an arguably excessive number of weaker candidates on the ballot, but these primaries haven't resulted in weak nominees. And the huge proposed fee increases would only keep poor fools from running: they wouldn't dissuade rich fools.

If HB 116 passes, candidates would effectively be denied the alternative of gathering petitions in lieu of paying a filing fee. Gubernatorial and senatorial candidates would have to collect 25,000 petitions (instead of 200), and congressional candidates would have to collect 12,500 petitions (instead of 100.) That's a 12,500% increase. These are large numbers compared to the numbers of people who vote in state primaries: 147,501 voted in the Republican state primary, and 96,275 voted in Democratic primary.

Finally, HB 116 doesn't raise a significant amount of money. Even if no fringe candidates are discouraged from running thanks to HB 116, it would only raise about $300k/yr. There are better places in the state budget to look for that $300k/yr.

HOUSE COMMITTEE RESEARCH OFFICE
New Hampshire House of Representatives
4th Floor, Legislative Office Building
Concord, NH 03301
Tel: (603) 271-3600

Christina Dyer, Committee Researcher
(603) 271-3385; Christina.Dyer@leg.state.nh.us

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

FROM: **Christina Dyer**
Committee Researcher

DATE: **January 6, 2023**

SUBJ: **HB 116-FN,** relative to fees and primary petitions required for primary ballot election access.

Summary of Proposed Changes

This bill would modify administrative assessment fees and petitions for primary ballot access for candidates who are running for governor and for federal delegation.

Candidate Office	Admin filing fee, RSA 655:19-c, I		Primary Petition Numbers, RSA 655:19-c, III	
	Current	***Proposed***	***Current***	***Proposed***
Governor and US Senator	$100	$10,000	200	25,000
US Congress	$50	$500	100	12,500
Executive Counselor	$25	$25	50	50
State Senator	$10	$10	20	20
County Officer	$10	$10	50	50
State Representative	$2	$0	5	5

Brief Legislative History

According to the National Conference of State Legislatures (NCSL), filing fees have historically been a method to deter frivolous candidatures and to help pay for the administration of elections. As a result of two US Supreme Court cases[1], however, most states offer an alternative to filing fees for those who cannot afford it, typically via petition.

[1] See Bullock v. Carter, 92 S. Ct. 849 (1972) and Lubin v. Panish, 94 S. Ct. 1315 (1974)

In 1991, NH passed SB 195-FN (Ch. 387, laws of 1991), introducing filing fees as a penalty for candidates that did not agree to voluntary campaign spending caps. In 1996, then former Rep. Richard Kennedy filed a lawsuit against then Secretary of State Bill Gardner[2], alleging, "that the requirements violate "the fundamental right to equal access to the ballot guaranteed by the First and Fourteenth Amendments" and violate "the First Amendment right to be free from unconstitutional conditions."

Ultimately the US District Court found in favor of Mr. Kennedy in 1998, after which both chambers passed a law to waive the filing fees and petitions for state candidates in the session laws of 1998. This law is session law only; the state statutes were not amended until 2011, when several chapter laws considered to be "unenforced election laws" were repealed. This included the penalty for voluntary agreement to spending caps.

New Hampshire Statute

RSA 655:19-c Administrative Assessment; Primary Petitions; Nomination Papers. –

I. Candidates for governor, United States senator, representative to Congress, executive councilor, state senator, county officer, and state representative who file declarations of candidacy shall pay the administrative assessment in paragraph I or file primary petitions as provided in paragraph III. Candidates for governor, United States senator, representative to Congress, executive councilor, state senator, county officer, and state representative who file declarations of intent shall pay the administrative assessment in paragraph I and shall meet the requirements of RSA 655:40 through 655:45 for nomination by nomination papers. At the time of filing declarations of candidacy or declarations of intent, the administrative assessment shall be as follows:

(a) For governor and United States senator, $100.
(b) For representative to Congress, $50.
(c) For executive councilor, $25.
(d) For state senator, $10.
(e) For county officer, $10.
(f) For state representative, $2.

II. The administrative assessment paid to a town or city clerk by candidates for state representative shall be forwarded to the treasurer of the town or city and shall be for the use of the town or city. The administrative assessment paid to the secretary of state shall be deposited by the secretary of state into the general fund.

III. Any person otherwise qualified to run for office who chooses not to pay the administrative assessment as prescribed in paragraph I may have his name printed on the primary ballot of any party by filing with the appropriate official the requisite number of primary petitions made by members of the party, together with one written assent to candidacy. The number of primary petitions to be filed for each office shall be as follows: for governor and United States senator, 200; for representative in Congress, 100; for executive councilor and county officer, 50; for state senator, 20; for state representative, 5. Candidates for delegate to the state convention shall not be required to submit any primary petitions.

[2] See Kennedy v. Gardner, D.N.H, 1999

Other States

NCSL reported in 2020 that Alabama, Arkansas and Delaware allow political parties to set filing fees, while others require no fees at all. In a this 50-state survey, NSCL reported the following:

- 34 states require some candidates to file by fee. Thirteen of these 34 states have explicit indigent candidate exceptions.
- 13 states allow candidates to file by fee but also provide a filing by petition alternative.
- 16 states don't require filing fees of any candidate for a state legislative seat.

If I can provide additional information, do not hesitate to contact me.

There should be no fiscal qualification for someone entering races for political offices in New Hampshire. The people should not be arbitrarily limited in candidate choice to those who have thousands of dollars to spend on simply entering the race. This bill effectively eliminates grassroots candidates' ballot access to the races for New Hampshire's seats in Congress and for Governor and is a violation of the values of New Hampshire and our Country. I and the organization I represent, the New Hampshire Liberty Alliance, oppose this bill.

Testimony Against HB 116:
"relative to fees and primary petitions required for primary ballot election access."

House Election Law Committee; January 10, 2023

Rep. Timothy Horrigan (Strafford 10)
7A Faculty Rd; Durham, NH 03824; ph: 603-868-3342

I don't mean to impugn the motives of the three sponsors of the unnecessary and undemocratic bill HB 116-FN "relative to fees and primary petitions required for primary ballot election access." I am in fact writing my testimony before the hearing, so I don't even know what their motives might be. That said, I think it is fair to point that all three of HB 116's sponsors are young but prominent Republicans who have all worked for their state party as staffers.

I would like to raise four points against this bad bill.

My first point is simply that HB 116 raises a tax or fee. Although they occasionally make exceptions, one of the core values of the House Republican caucus is that no state tax or fee should ever raised, for any reason, even by a small amount. This bill doesn't just raise the filing fees for the offices of Governor and U.S. Senator by a small amount: it raises them 10,000%, for no immediately apparent reason.

HB 116 does lower one token fee, the filing fee for State Representative, by 100%, from $2 to zero. This may look good at first glance. But, eliminating that minuscule fee serves no purpose other than downshifting the costs of processing the filing paperwork entirely to the towns and cities. (State Representative candidates, unlike all other state candidates, file at their local town or city hall, rather than at the State house.)

Secondly, HB 116's proposed increased fees for gubernatorial and senatorial candidates are high enough to discourage lesser-known candidates who may not have raised much money before the campaign. This definitely would be a barrier to entry for candidates of modest means, some of whom have actually won in the past. New Hampshire has had a few overcrowded primaries in recent years with an arguably excessive number of weaker candidates on the ballot, but these primaries haven't resulted in weak nominees. And the huge proposed fee increases would only keep poor fools from running: they wouldn't dissuade rich fools.

If HB 116 passes, candidates would effectively be denied the alternative of gathering petitions in lieu of paying a filing fee. Gubernatorial and senatorial candidates would have to collect 25,000 petitions (instead of 200), and congressional candidates would have to collect 12,500 petitions (instead of 100.) That's a 12,500% increase. These are large numbers compared to the numbers of people who vote in state primaries: 147,501 voted in the Republican state primary, and 96,275 voted in Democratic primary.

Finally, HB 116 doesn't raise a significant amount of money. Even if no fringe candidates are discouraged from running thanks to HB 116, it would only raise about $300k/yr. There are better places in the state budget to look for that $300k/yr.

Doreen Desmarais

This bill puts running for Governor out of the reach

Conrad Nelson

This bill would ensure that only wealthy elites or folks connected to donors with deep pockets would be eligible to run for office, establishing a permanent ruling class antithetical to our "Live Free or Die" values.

Zephan Wood

This bill will raise filing fees from statewide candidates from $100 to $10,000 and raise the number of petitions required from 5,000 to 25,000.

Ryan Hebert

This bill is grossly unfair for those wishing to participate in the legislative process outside the Republican and Democratic parties. Any representative who claims to care about "democracy" should oppose this blatant attempt at cartelization of our election process.

There is no reason to do this other than to keep third parties from running. This is an affront to the liberties government claims to secure.

Carol Pratt

Bill is anti-democratic and limits choice.

Robley Hall

This bill seems to serve no other purpose than to make it more difficult for citizens to run for office. It is against all principles of representative democracy.

This limits choice for voters. Democrats and Republicans do not have to go through the same process so why are the Libertarians having to do this? This is discriminating against a particular political party which is wrong.

Sandra Pierre

I strongly oppose this bill. It places unreasonable hurdles in the way of people who want to serve in office.

alexander lemp

I strongly oppose this bill and everything it is trying to accomplish. This bill is trying to cut out third party representation in the state by drastically increasing filing fees. This would cut out third party candidates who do not have huge financial backings behind them. With New Hampshire having such a large third party population this would be a clear suppression of those voters and an attack on election integrity. I am disappointed to see this bill come from Republican representatives in the House.

Joan Dargie

The New Hampshire City and Town Clerks Association is watching this bill. Not sure we understand why the fees are being removed for the State Reps as they were minimal to begin with. Please note that the City and Town Clerks are required to scan and then mail all documentation related to signing up to run for state rep on a daily basis. The $2.00 fee that is collected just about covers the daily postage and that is all. It does not cover the time spent by the clerks to process the paperwork.

Kevin Kahn

This bill is nothing but an overreach to silence independent voices and remove choices from the voters of NH.

Kevin Craig

Honorable members:I strongly oppose HB 116, relative to fees and primary petitions required for primary ballot election access.I ask that you oppose the bill as well. This bill, if enacted, would reduce New Hampshire's famously accessible primary process by ensuring that only the best established, connected, and funded candidates would even bother filing for the state primaries. The 10,000% increase in fees, and 12,500% increase in nominating papers, would eliminate any third party or independent candidates.The fiscal note is almost certainly incorrect, because it assumes the same number of candidates filing as in previous election cycles. Few, if any, of the perennial "vanity candidates" would pay those fees, meaning a reduction in revenue instead of an increase.New Hampshire is famous for our participatory Main Street politics. Let's keep it that way.

Charlotte Cody

Raising the filing fees to run for office so drastically only serves to ensure that only wealthy people will be able to run. I STRONGLY oppose this bill!

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 116-FN

BILL TITLE: relative to fees and primary petitions required for primary ballot election access.

DATE: January 17, 2023

LOB ROOM: 306-308

MOTIONS: **RETAINED**

Moved by Rep. Ankarberg | Seconded by Rep. Berry | 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-1116-FN **Motion:** RETAIN **AM #:** _____ **Exec Session Date:** JAN. 17, 2023

Members	YEAS	Nays	NV
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		