HB 1268 - AS INTRODUCED

2018 SESSION

18-2429
05/06

HOUSE BILL ***1268***

AN ACT relative to selection of delegates to an Article V convention.

SPONSORS: Rep. Horrigan, Straf. 6

COMMITTEE: Legislative Administration

ANALYSIS

This bill establishes a procedure for the selection of delegates to an Article V convention.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eighteen

AN ACT relative to selection of delegates to an Article V convention.

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

1 New Chapter; Article V Convention. Amend RSA by inserting after chapter 667 the following new chapter:

CHAPTER 667-A

ARTICLE V CONVENTION

667-A:1 Definitions. In this chapter:

I. "Article V convention" means a convention for the purpose of proposing amendments to the United States Constitution, called by the states pursuant to Article V of the United States Constitution.

II. "Delegate" means a person from the state of New Hampshire selected in accordance with this chapter to represent the people and state of New Hampshire at an Article V convention. The office of Article V convention delegate is a federal office with the same rights as privileges as a member of Congress, unless otherwise specified in the enabling act.

III. "Enabling act" means federal legislation governing the powers and privileges of delegates to an Article V convention.

667-A:2 Selection and Number of Delegates. Whenever an Article V convention is convened, the state of New Hampshire shall select its delegates in the following manner.

I. If the enabling act permits the election of delegates, the delegates shall be directly elected in an at-large election for a term of 2 years, coinciding with the term of United States representative.

II. If the enabling act requires the appointment of delegates, the delegates shall be appointed by the governor with advice and consent of the executive council.

III. If the enabling act requires the state legislature to select the delegates, they shall be elected at a joint session of the house and senate, on organization day or the date specified in the enabling act.

IV. The number of delegates shall be as specified in the enabling act.

V. Vacancies shall be filled by the governor and council in the same manner as a vacancy in the United States senate, unless otherwise specified in the enabling act.

667-A:3 Nominations. To hold the office of Article V convention delegate, a person shall be an inhabitant of the state who is qualified as required by Article V of the federal constitution and the applicable Congressional enabling act for the convention.

667-A:4 Incompatible Offices. No person shall file a declaration of candidacy for the office of

Article V convention delegate if such person holds an incompatible office. For the purposes of this section, an incompatible office shall include the offices of governor, United States senator, United States representative, representative to the general court, state senator, councilor, county commissioner, county sheriff, county attorney, county treasurer, register of deeds, and register of probate. If a person files for incompatible offices, the secretary of state shall advise the person of the requirements of this section and the person shall then advise the secretary of state which office he or she wishes to retain in order to seek the nomination.

667-A:5 Declaration of Intent; Nomination and Petition requirements.

I Every candidate for the office of Article V convention delegate who intends to have his or her name placed on the ballot shall file a declaration of intent with the secretary of state as provided in RSA 655:17-a during the same time period in which party candidates file a declaration under RSA 655:14. The fee for filing a declaration of intent shall be $100.

II. The nomination and petition requirements of RSA 655:19-c through RSA 655:28, and the filing deadline specified in RSA 655:43, shall apply to the office of Article V delegate in the same manner as they apply to the office of United States senator.

667-A:6 Recounts. The recount procedure and fees established in RSA 660 for the office of president, United States senator, and governor shall apply to any recount conducted under this chapter.

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