CHAPTER 102
SB 212 - FINAL VERSION

03/06/2025 0393s
1May2025... 1695h

2025 SESSION

25-1039
07/08

SENATE BILL *212*

AN ACT changing references from "votes" to "ballots" in the laws regarding elections.

SPONSORS: Sen. Rochefort, Dist 1; Rep. Prudhomme-O'Brien, Rock. 13

COMMITTEE: Election Law and Municipal Affairs

ANALYSIS

This bill changes references from "votes" to "ballots" in election law.

This bill is a request of the secretary of state.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 102
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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT changing references from "votes" to "ballots" in the laws regarding elections.

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

102:1 Elections; Nominations; Number. Amend RSA 655:42, III to read as follows:

III. It shall require the names of registered voters equaling 3 percent of the total ***ballots*** [~~votes~~] cast at the previous state general election to nominate by nomination papers a political organization.

102:2 Elections; Election Procedure; Write-In Votes and Nomination. Amend RSA 659:88, I - II to read as follows:

I.(a) A person whose name was not printed on the official state primary election ballot of a political party shall not be entitled to the nomination of that party for any office unless the person received at least 35 write-in votes or write-in votes equaling 10 percent or more of the total [~~votes~~] ***ballots*** cast for that party [~~on~~] ***in*** the state primary election [~~ballot~~], whichever is smaller.

(b) A person whose name was not printed anywhere on the official state primary election ballot, and who receives the nomination of a party by write-in vote in a primary election and wishes to accept the nomination, shall file a declaration of candidacy with the secretary of state no later than the first Monday after the primary. The declaration of candidacy shall be filed with the understanding that, where the form says "primary election," it shall be construed to mean "general election." Such person shall not, however, be required to pay the administrative assessment under RSA 655:19-c.

II. If a person is disqualified from a nomination in accordance with the provisions of paragraph I, then the nomination shall be awarded to the qualified person who received the highest number of votes, provided that person received at least 35 votes or votes equaling 10 percent or more of the total ***ballots*** [~~votes~~] cast for that party [~~on~~] ***in*** the state primary election [~~ballot~~], whichever is smaller.

102:3 Elections; Election Procedure; Candidate of One Party. Amend RSA 659:91-a, II to read as follows:

II. Notwithstanding the provisions of RSA 655:37, if any candidate is disqualified from accepting the nomination of another party by means of write-in votes because the candidate is disqualified under the provisions of paragraph I, then the nomination shall be given to the candidate who received the highest number of write-in votes and who was not disqualified under the provisions of paragraph I, so long as he or she receives 35 write-in votes, or write-in votes equaling 10 percent or more of the total ***ballots*** [~~votes~~] cast for that party [~~on~~] ***in*** the state primary election [~~ballot~~], whichever is the smaller.

102:4 Elections; Post-Election Procedure; Application. Amend RSA 660:1 to read as follows:

660:1 Application. Any candidate for whom a vote was cast for any office at a state general election may apply for a recount, provided that the difference between the votes cast for the applying candidate and a candidate declared elected is less than 20 percent of the total ***ballots*** [~~votes~~] cast in the towns which comprise the office to be recounted. The application shall be made in writing to the secretary of state and

shall be submitted no later than the Friday following the election. Each candidate requesting a recount shall pay the secretary of state fees as provided in RSA 660:2.

102:5 Elections; Post-Election Procedure; Fees. Amend RSA 660:2, I - IV to read as follows:

I. If the difference between the vote cast for the applying candidate and a candidate declared elected shall be less than one percent of the total [~~votes~~] ***ballots*** cast in the towns which comprise the office to be recounted, the following fees shall apply:

(a) Candidate for president, United States senator or governor, $500.

(b) Candidate for United States representative, $250.

(c) Candidate for executive councilor, $100.

(d) Candidate for state senator or county officer, $50.

(e) Candidate for state representative, $10.

II. If the difference between the vote cast for the applying candidate and a candidate declared elected shall be between one percent and 2 percent of the total ***ballots*** [~~votes~~] cast in the towns which comprise the office to be recounted, the following fees shall apply:

(a) Candidate for president, United States senator or governor, $1,000.

(b) Candidate for United States representative, $500.

(c) Candidate for executive councilor, $200.

(d) Candidate for state senator or county officer, $100.

(e) Candidate for state representative, $20.

III. If the difference between the vote cast for the applying candidate and a candidate declared elected shall be between 2 percent and 3 percent of the total ***ballots*** [~~votes~~] cast in the towns which comprise the office to be recounted, the following fees shall apply:

(a) Candidate for president, United States senator or governor, $2,000.

(b) Candidate for United States representative, $1,000.

(c) Candidate for executive councilor, $400.

(d) Candidate for state senator or county officer, $200.

(e) Candidate for state representative, $40.

IV. If the difference between the vote cast for the applying candidate and a candidate declared elected shall be greater than 3 percent of the total ***ballots*** [~~votes~~] cast in the towns which comprise the office to be recounted, the candidate shall pay the fees as provided in RSA 660:2, III and shall agree in writing with the secretary of state to pay any additional costs of the recount. The secretary of state may require that the applying candidate pay the estimated additional costs of the recount prior to commencing the recount.

102:6 Elections; Post-Election Procedure; Number of Recounts. Amend RSA 660:3 to read as follows:

660:3 Number of Recounts. Any candidate for whom a vote was cast for any office at a state general election, provided that the difference between the votes cast for the applying candidate and a candidate declared elected is less than 20 percent of the total ***ballots*** [~~votes~~] cast in the towns which comprise the office to be recounted, shall be entitled to apply for only one recount under this chapter, and the

declaration made by the secretary of state under RSA 660:6 shall be final, subject to a change in the result following an appeal to the ballot law commission, as provided in RSA 665:8, II. If more than one candidate for the same office in the same district applies for a recount under this chapter, and a recount is completed, such applications shall not result in a second recount.

102:7 Elections; Post-Election Procedure; Declaration; Certificate. Amend RSA 660:6, III to read as follows:

III. If any person who has applied for a recount loses the recount by a margin of less than one percent of the total ***ballots*** [~~votes~~] cast in the towns which comprise the district for the office recounted, the secretary of state shall return to the person within 10 days of the recount any fees that were paid in excess of those required by RSA 660:2, I.

102:8 Elections; Town Elections; Notice; Fee. Amend RSA 669:31 to read as follows:

669:31 Notice; Fee.

I. The clerk shall notify each of the candidates for the office for which there is to be a recount at least 3 days prior to the day appointed for the recount of ballots. No other notice shall be required.

II. The applicant shall pay to the town clerk, for the use of the town, the following fee:

(a) If the difference between the vote cast for the applying candidate and a candidate declared elected is less than one percent of the total ***ballots*** [~~votes~~] cast, the fee shall be $10.

(b) If the difference between the vote cast for the applying candidate and a candidate declared elected is between one percent and 2 percent of the total ***ballots*** [~~votes~~] cast, the fee shall be $20.

(c) If the difference between the vote cast for the applying candidate and a candidate declared elected is between 2 percent and 3 percent of the total ***ballots*** [~~votes~~] cast, the fee shall be $40.

(d) If the difference between the vote cast for the applying candidate and a candidate declared elected is greater than 3 percent of the total ***ballots*** [~~votes~~] cast, the candidate shall pay the fee as provided in RSA 669:31, II(c) and shall agree in writing with the town clerk to pay any additional costs of the recount.

III. If any person who has applied for a recount is declared elected by reason of the recount, the town clerk shall return to the person within 10 days of the recount all fees paid at the time of applying.

IV. If any person who has applied for a recount loses the recount by a margin of less than one percent of the total ***ballots*** [~~votes~~] cast, the town clerk shall return to the person within 10 days of the recount any fees that were paid in excess of those required by subparagraph II(a).

102:9 Effective Date. This act shall take effect upon its passage.

Approved: June 17, 2025
Effective Date: June 17, 2025