

HB 220-FN - AS INTRODUCED

2025 SESSION

25-0152

08/02

HOUSE BILL

220-FN

AN ACT closing the presidential or state primary of political parties.

SPONSORS: Rep. Sellers, Graf. 18; Rep. Potucek, Rock. 13; Rep. Panek, Hills. 1; Rep. Moffett, Merr. 4; Rep. Terry, Belk. 7; Rep. Cambrils, Merr. 4; Rep. M. Pearson, Rock. 34

COMMITTEE: Election Law

ANALYSIS

This bill closes the political primaries to voters that have not declared a party unless the party specifically adopts rules to allow such voters to cast a vote. This bill also creates a penalty for the party chairperson and secretary of state if such persons are grossly negligent.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT closing the presidential or state primary of political parties.

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

1 1 Special Provisions for State and Presidential Primary Elections. Amend RSA 659:14 to read
2 as follows:

3 659:14 Special Provisions for State and Presidential Primary Elections.

4 I. A person desiring to vote at a state or presidential primary election shall, at the time of
5 announcing the person's name, also announce the name of the party to which the person belongs [~~or~~
6 ~~whether the person is registered as an undeclared voter~~]. If the person's party membership has been
7 registered before, the person shall be given only the ballot of the party with which the person is
8 registered, unless the person desires to vote the ballot of a party not having official existence at the
9 time the person's party membership was previously registered, in which case the person may vote
10 the ballot of such a party in the state primary election immediately following the political
11 organization's official existence as a party, and not in any subsequent state primary election. A
12 person may also vote the ballot of such a party in the presidential primary election only if the
13 presidential primary election precedes the state primary election to be held in that same year. If the
14 rules of a party permit a person who is registered as an undeclared voter to vote in the party's
15 primary, any person desiring to vote in that party's primary shall also announce the name of that
16 party at the time of announcing the person's name. ***However, if the rules of the party have not***
17 ***been adopted to permit a person who is registered as an undeclared voter to vote in the***
18 ***party's primary, then such person shall not vote in the primary election.*** No person shall be
19 permitted to vote in any more than one party primary during any primary election.

20 II. The secretary of state shall include on the voter instruction cards required by RSA 658:28
21 whether a party rule has been adopted which permits a person who is registered as an undeclared
22 voter to vote in the party's primary. The party chairman shall notify the secretary of state in writing
23 prior to the filing period for state offices whether the party has adopted such a rule. This rule shall
24 not be changed or rescinded by a party until the results of the primary have been announced, and
25 any change or rescission shall be mailed to the secretary of state by the party chairman.

26 ***III. Any person aggrieved as a result of the gross negligence or willful misconduct***
27 ***of a party chairperson and/or secretary of state in violation of any provision of RSA 659:14***
28 ***may initiate an action against the party chairman and/or secretary of state and may***
29 ***recover court costs and reasonable attorney's fees as the prevailing party. For the purposes***
30 ***of this chapter, "gross negligence" means deliberate indifference.***

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1 2 Notification. Upon the passage of this act, the secretary of state shall notify all chairpersons
2 that a person who is registered as an undeclared voter may not vote in the primary election unless
3 the party adopts rules specifically allowing undeclared voters to do so.

4 3 Effective Date. This act shall take effect January 1, 2026.

**HB 220-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT closing the presidential or state primary of political parties.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	Indeterminable	Indeterminable	Indeterminable
<i>Funding Source(s)</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

***Expenditure = Cost of bill**

***Appropriation = Authorized funding to cover cost of bill**

METHODOLOGY:

This bill closes the political primaries to voters that have not declared a party unless the party specifically adopts rules to allow such voters to cast a vote. This bill also creates a penalty for the party chairperson and the Secretary of State if such persons are grossly negligent and allows for any person aggrieved to recover court costs and reasonable attorney's fees as the prevailing party.

The Department of State indicates that to ensure all undeclared registered New Hampshire voters are aware of this primary election law change, the Secretary of State's office would need to develop and conduct an education campaign for all undeclared voters and local election officials. As of September 30, 2024, the state had 318,000 undeclared voters. The cost of this education is currently indeterminable.

Any person aggrieved as a result of the gross negligence or willful misconduct of a party chairperson and/or Secretary of State in violation of any provision of RSA 659:14 may initiate an action against the party chairman and/or Secretary of State and may recover court costs and reasonable attorney's fees as the prevailing party. This could possibly result in an increase in civil cases in the Superior Court, however, there is no way to predict how many such actions would occur so any such increase is indeterminable. The Judicial Branch has provided average cost information for civil cases in the Superior Court:

NH Judicial Branch Average Civil Case Estimates

Judicial Branch Average Cost	FY 2025	FY 2026
Superior Court Complex Civil Case	\$1,430	\$1,473
Superior Court Routine Civil Case	\$535	\$552

Common Civil Case Fees

Superior Court Fees	As of 2/12/2020
Original Entry Fee	\$280
Third-Party Claim	\$280
Motion to Reopen	\$160

AGENCIES CONTACTED:

Department of State, Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association