

## CHAPTER 655

### NOMINATIONS

#### General Qualifications

**655:1 Citizenship.** To hold any elective office in the state, a person must be a citizen of the United States, either by birth or by naturalization.

**655:2 Domicile.** To hold any elective office in the state, a person must have a domicile in the state. Registration to vote or voting in another state during the relevant time period shall create a presumption that a person does not have a domicile in this state.

#### Qualifications by Office

**655:3 United States Senator.** To hold the office of United States senator, a person must be qualified as provided in Article 1, section 3 of the federal constitution.

**655:4 United States Representative.** To hold the office of United States representative, a person must be qualified as required by Article 1, section 2 of the federal constitution.

**655:5 Governor.** To hold the office of governor, a person must be qualified as provided in Part 2, Article 42 of the state constitution: at the time of the election, the person must have been an inhabitant of this state for 7 years next preceding, and be of the age of 30 years.

**655:6 Councilor.** To hold the office of councilor, a person must be qualified as provided in Part 2, Article 61 of the state constitution: the person must be of the age of 30 years, and shall have been an inhabitant of this state for 7 years immediately preceding the election, and at the time thereof shall be an inhabitant of the district for which he or she shall be chosen. Should such person, after election, cease to be an inhabitant of the district for which he or she was chosen, he or she shall be disqualified to hold said position and a vacancy shall be declared therein.

**655:7 State Senator.** To hold the office of state senator, a person must be qualified as provided in Part 2, Article 29 of the state constitution: the person must be of the age of 30 years, and shall have been an inhabitant of this state for 7 years immediately preceding the election, and at the time thereof shall be an inhabitant of the district for which he or she shall be chosen. Should such person, after election, cease to be an inhabitant of the district for which he or she was chosen, he or she shall be disqualified to hold said position and a vacancy shall be declared therein.

**655:8 State Representative.** To hold the office of state representative, a person must be at least 18 years of age and must be qualified as provided in Part 2, Article 14 of the state constitution: for 2 years, at least, next preceding the election shall have been an inhabitant of this state; and shall be, at the time of the election, an inhabitant of the town, ward, place, or district he or she may be chosen to represent, and shall cease to represent such town, ward, place, or district immediately on his or her ceasing to be qualified as aforesaid.

**655:9 County Officers.** To hold the office of county commissioner, sheriff, county attorney, county treasurer, register of deeds, or register of probate, a person must have a domicile in the county for which he is chosen. In addition, to hold the office of county commissioner in the counties of Rockingham, Belknap, Grafton, Merrimack, Hillsborough, Cheshire, Sullivan, Coos, and Carroll, a person must have a domicile in the district from which he is elected at the time of his election.

**655:10 Incompatible Offices.** I. No person shall file declaration of candidacy or primary petitions for nomination at the primary for incompatible offices. For the purposes of this section incompatible offices 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 any

person shall file for incompatible offices, the secretary of state shall advise the person of the provisions hereof and said person shall then advise the secretary of state which of said offices he or she wishes to retain in order to seek said nomination.

II. No person shall be nominated for incompatible offices. If a person shall be nominated for incompatible offices, the secretary of state shall advise the person of the provisions hereof and the person shall then advise the secretary of state which nomination the person wishes to retain; the secretary of state shall declare the nominations not retained by the person vacant.

III. A party shall not designate a person to fill a vacancy if the person has been nominated for any incompatible office.

**655:10-a One Representative District Only.** A person whose domicile qualifies him or her for more than one representative district shall choose one representative district at any election from which to be a candidate and, for that election, shall be qualified to be a candidate for that one district only.

### **Nominations by Primary**

**655:11 Notice to Town and City Clerks.** At least 100 days before the time of holding any primary, the secretary of state shall prepare and distribute to each town and city clerk in the state a notice in writing designating the offices for which candidates are to be nominated and that delegates to the state convention are to be elected.

**655:12 Posting Notice of Primary.** Each city clerk shall distribute the notices prepared under RSA 655:11 to the ward clerks in the city. Each town and ward clerk shall, within 10 days after the receipt of such notice, cause notice of such primary to be posted in 2 public places in the town or ward. Such notice shall prescribe the hour the polls are to open and the hour before which they may not close as provided in RSA 659. It shall state the offices for which candidates are to be nominated, the delegates to be elected, and any questions to be voted on, as well as the location of the central polling place and of any additional polling places. It shall also state the date before which declarations of candidacy must be filed to place names upon the ballots to be used at such primary and the officers with whom they must be filed.

**655:13 Forms and Directions.** It shall be the duty of the secretary of state to prepare all forms necessary to carry out the provisions of this chapter and to furnish the same in reasonable quantities to the proper officials. It shall also be his duty to furnish full directions to the clerks of towns and wards when he sends them the notice provided for in RSA 655:11 as to the posting of notices, holding of primaries and making return thereof.

**655:14 Filing: General Provisions.** The name of any person shall not be printed upon the ballot of any party for a primary unless he or she is a registered member of that party, he or she shall have met the age and domicile qualifications for the office he or she seeks at the time of the general election, he or she meets all the other qualifications at the time of filing, and he or she shall file with the appropriate official between the first Wednesday in June and the Friday of the following week a declaration of candidacy as provided in RSA 655:17.

**655:14-a Filing by Other Candidates.** Every candidate for state or federal office who intends to have his name placed on the ballot for the state general election by means other than nomination by party primary shall file a declaration of intent with the secretary of state as provided in RSA 655:17-a or RSA 655:17-b during the same time period in which party candidates file a declaration under RSA 655:14.

**655:14-b Form of Candidate's Name on Ballot; Nicknames.** I. Every candidate for state or federal office who intends to have his or her name printed upon the ballot of any party for a primary shall designate in the declaration of candidacy, or on the primary petitions and assents to candidacy, the form in which the candidate's name shall be printed on the ballot. The designated name may include the candidate's given name or a shortened form of the candidate's given name or a one-word nickname customarily related to the candidate, and by which the candidate is commonly recognized. The designated name may also include an initial for the first or middle name, or both. No candidate may designate a nickname that implies that the candidate is some other person, that constitutes a slogan or otherwise associates the candidate with a cause or issue, that has an offensive or profane meaning, or that creates a perception of a professional or vocational affiliation, such as "Doc" or "Coach." No candidate may designate a name or nickname that includes

characters other than the 26-letter English alphabet, a dash, an apostrophe, a period, or a comma. A candidate shall include his or her surname in the designation of the form in which the candidate's name shall be printed on the ballot.

II. Every candidate for state or federal office who intends to have his or her name placed on the ballot for the state general election by means other than nomination by party primary shall designate in the declaration of intent the form in which the candidate's name shall be printed on the ballot. The designated name may include the candidate's given name or a shortened form of the candidate's given name or a one-word nickname customarily related to the candidate, and by which the candidate is commonly recognized. The designated name may also include an initial for the first or middle name, or both. No candidate may designate a nickname that implies that the candidate is some other person, that constitutes a slogan or otherwise associates the candidate with a cause or issue, that has an offensive or profane meaning, or that creates a perception of a professional or vocational affiliation, such as "Doc" or "Coach." No candidate may designate a name or nickname that includes characters other than the 26-letter English alphabet, a dash, an apostrophe, a period, or a comma. A candidate shall include his or her surname in the designation of the form in which the candidate's name shall be printed on the ballot.

III. A candidate who files more than one declaration of candidacy or declaration of intent shall designate the same form of his or her name to appear on each such declaration. The same form of a candidate's name shall also appear on every primary petition and assent to candidacy.

IV. If the appropriate official with whom the declaration of candidacy, declaration of intent, primary petition, or assents to candidacy are filed does not accept them and returns them to the candidate because in the opinion of the official they do not conform to the provisions of this section, the candidate may appeal to the ballot law commission as provided in RSA 665:9.

V. Legal names shall be placed on the ballot in a manner that the appearance of the name is consistent with the appearance of other names on the ballot as determined by the secretary of state. A candidate may appeal the decision of the secretary of state relative to the appearance of the candidate's name on the ballot to the ballot law commission within 5 days of receiving notification under RSA 664:22.

**655:14-c Change in Filing Period.** Notwithstanding the provisions of RSA 655:14, if the elective districts for any office in RSA 662 have not been amended according to the most recently completed federal decennial census before the commencement of the filing period, the secretary of state is hereby authorized to change or extend the filing period as necessary to implement revised elected districts.

**655:15 Official With Whom to File.** For the purposes of this chapter, the term "appropriate official" shall be defined as follows:

I. For the offices of governor, United States senator, representative in Congress, councilor, state senator and county office, the secretary of state.

II. For state representative in a representative district containing one town or ward and for delegate to a state party convention, the clerk of the town or city in which the officer is to be chosen.

III. For state representative in a representative district containing more than one town or ward, the clerk of the city or town in which the person who is filing is domiciled; or, if the person is domiciled in an unincorporated place, the town clerk of the town designated by the secretary of state for such filing as provided in RSA 668.

**655:16 Personal Filing.** Except for those who must file with a town or city clerk, any person who files on the last day of the filing period must do so in person before the secretary of state; provided, however, that this requirement shall not apply to the filling of vacancies by party committees. If the person must file with a town or city clerk and is filing on the last day of the filing period, he or she shall do so in person.

**655:17 Declaration of Candidacy.** Declarations of candidacy shall be in the following form and signed by the candidate:

I, \_\_\_\_\_, declare that I am domiciled in Ward \_\_\_\_, in the city (or town or unincorporated place) of \_\_\_\_\_, county of \_\_\_\_\_, state of New Hampshire, and am a registered voter herein; that I am a registered member of the \_\_\_\_\_ party; that I am a candidate for nomination for the office of \_\_\_\_\_ (or for delegate to the state convention) to be made at the primary election to be held on the \_\_\_\_ day of \_\_\_\_\_; and I hereby request that my name be printed on the official primary ballot of the party in which I am registered as a candidate for such nomination or election. I declare that I am not a candidate for incompatible offices as defined in RSA 655:10, and that I am not a federal employee which makes me ineligible to file as a candidate for this office. If I have been convicted of a felony, I declare that I have completed my sentence as required in RSA 607-A:2. I further declare that, if nominated as a candidate for said office or if elected as such delegate, I will not withdraw; and that, if elected, I will be qualified for and will assume the duties of said office.

**655:17-a Declaration of Intent; Other Candidates.** Declarations of intent for nonparty or other candidates shall be in the following form and signed by the candidate:

I, \_\_\_\_\_, declare that I am domiciled in Ward \_\_\_\_, in the city (or town or unincorporated place) of \_\_\_\_\_, County of \_\_\_\_\_ state of New Hampshire, and am a registered voter herein; that I intend to be a candidate for the office of \_\_\_\_\_ to be chosen at the general election to be held on the \_\_\_\_ day of \_\_\_\_\_; and I intend to file nomination papers by the deadline established under RSA 655:43. I further declare that, if qualified as a candidate for said office, I shall not withdraw; and that, if elected, I shall be qualified for and shall assume the duties of said office. If I have been convicted of a felony, I declare that I have completed my sentence as required in RSA 607-A:2.

**655:17-b Declaration of Intent; Presidential Candidates Who File Nomination Papers.** I. Declarations of intent for each candidate for president who seeks nomination by nomination papers shall be in the form provided in paragraph II. Declarations of intent required by this section shall be filed with the secretary of state, signed by the candidate, and notarized by a notary public.

II. I, \_\_\_\_\_, swear under penalties of perjury that I am qualified to be a candidate for president of the United States pursuant to article II, section 1, clause 4 of the United States Constitution, which states, "No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States." I further declare that I am domiciled in the city (or town or unincorporated place) of \_\_\_\_\_, county of \_\_\_\_\_, state of \_\_\_\_\_, and am a qualified voter therein; that I intend to be a candidate for the office of president to be chosen at the general election to be held on the \_\_\_\_ day of \_\_\_\_\_; and I intend to file nomination papers by the deadline established under RSA 655:43. I further declare that, if qualified as a candidate for said office, I shall not withdraw; and that, if elected, I shall be qualified for and shall assume the duties of said office.

**655:17-c Declaration of Intent; Political Organization.** I. Declarations of intent for political organizations shall be in the following form and signed by the chairman of the political organization:

I, \_\_\_\_\_, chairman of the \_\_\_\_\_ organization hereby declare that the \_\_\_\_\_ organization intends to file nomination papers by the deadline established under RSA 655:43, I.

II. At the time of filing the declaration of intent, the chairman of the political organization shall submit a list of the offices for which it intends to file candidates and the names of the candidates for those offices. In addition, each candidate shall file a declaration of candidacy. The declaration of candidacy shall be in the form provided by RSA 655:17 with the understanding that, where the form says primary election, it shall be construed to mean general election. If the political organization does not obtain enough nomination papers to have its name placed on the ballot, any declarations of candidacy filed for that political organization shall be void.

**655:18 Forwarding Declarations of Candidacy.** Each city or town clerk shall forward each declaration of candidacy filed with him or her to the secretary of state on the day of filing of the same.

**655:19 Filing Fees.** Repealed Chapter 150; 2011.

**655:19-a Filing Fee for Presidential Candidates Who File Nomination Papers.** At the time of filing declarations of intent, each candidate for president who seeks nomination by nomination papers shall pay to the secretary of state a single fee of \$250 for himself and his vice-presidential candidate.

**655:19-b Waiver of Filing Fee and Primary Petitions.** Repealed Chapter 150; 2011.

**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. Neither the administrative assessment which is paid nor the primary petitions which are filed under this section, nor the nomination papers which must be submitted under RSA 655:41 and filed under RSA 655:43, shall be waived or refunded for a candidate for any of the offices listed in this section who, pursuant to RSA 664:5-a, voluntarily accepts the expenditure limitation set forth in RSA 664:5-b. 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.

**655:20 Primary Petitions.** Repealed Chapter 150; 2011.

**655:21 Form.** Primary petitions shall be made in the following form:

State of New Hampshire

County of \_\_\_\_\_,ss.

City (Town) of \_\_\_\_\_.

I do hereby join in a petition for the printing on the primary ballot of the name of \_\_\_\_\_ whose domicile is in the city (town) of \_\_\_\_\_ (ward, street and number, if in a city), in the county of \_\_\_\_\_, for the office of \_\_\_\_\_ to be voted for on Tuesday, the \_\_\_\_ day of September, 20\_\_\_\_, and certify that I am qualified to vote for a candidate for said office, that I am a registered member of the \_\_\_\_\_ party, and am not at this time a signer of any other similar petition for any other candidate for the above office; that my domicile is in the city (town) of \_\_\_\_\_ (ward, street and number, if in a city), in the county of \_\_\_\_\_. I certify that to my knowledge the above-named candidate is not a candidate for incompatible offices as defined in RSA 655:10, and that he is not a federal employee which makes him ineligible to file as a candidate for this office. I further certify that I believe the above-named person is especially qualified to fill said office.

I hereby swear under the penalties for voting fraud set forth below, that the information above is true and correct to the best of my knowledge and belief.

Print Voter's Name \_\_\_\_\_

Voter's Signature \_\_\_\_\_

*In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.*

**655:22 Number of Petitions.** Repealed Chapter 150; 2011.

**655:22-a Order of Petitions.** Petitions to be filed shall be ordered alphabetically by municipality in which the voter is domiciled. Petitions shall be further ordered by surname of voter for any municipality represented by more than one petition.

**655:23 Conflicting Petitions.** Each primary petition shall be a separate paper and shall contain the name of one signer and one candidate only. No voter shall sign primary petitions for more than one party, nor shall he sign more than one primary petition for the same office unless more than one nomination is to be made; in which case, he may sign as many primary petitions as there are nominations to be made for the same office. In case a voter has signed 2 or more such conflicting primary petitions, all such petitions shall be rejected.

**655:24 Oath on Petition Prima Facie Evidence of Party Membership.** The oath of a voter upon a primary petition shall be prima facie evidence that he is a member of the party stated therein.

**655:25 Assent to Candidacy.** No primary petitions as provided in RSA 655:21 shall be accepted by the official with whom they are to be filed unless there is attached thereto an assent to candidacy in the following form subscribed to by the person who seeks to have his name printed upon the primary ballot:

State of New Hampshire

I, \_\_\_\_\_, of \_\_\_\_\_ in the county of \_\_\_\_\_ do hereby assent to the printing of my name on the primary ballot as requested in the attached petition. I further declare that I am a registered member of the \_\_\_\_\_ party.

(Signed) \_\_\_\_\_

State of New Hampshire

County of \_\_\_\_\_

The above-named, \_\_\_\_\_ personally known to me, appeared and made oath that the above declaration by him subscribed is true.

Before me,

\_\_\_\_\_  
Justice of the Peace or Notary Public

**655:26 Examination and Rejection.** The officer with whom primary petitions are filed shall immediately upon receipt thereof examine the same and ascertain whether they conform to the law. If found not to conform thereto or to be conflicting as provided in RSA 655:23, he shall then endorse thereon the reason why such petition cannot be accepted and shall, within 24 hours, return the same to the candidate in whose behalf it was filed. In such case, the candidate may file supplementary petitions with the official but not later than the third Wednesday in June.

**655:27 Forwarding of Petitions and Assents.** The clerks of cities and towns shall forward all primary petitions and assents to candidacy filed with them on the day of filing of the same to the secretary of state who shall retain them together with all primary petitions and assents to candidacy filed with him until January 1 following the holding of the primary at which time they may be destroyed.

**655:28 Affidavit of Qualifications.** A candidate for nomination for the office of governor, councilor, state senator or state representative shall swear an affidavit covering his qualifications as to age, that the candidate is a registered voter, that his domicile is in the district he desires to represent, that he is not a candidate for incompatible offices as defined in RSA 655:10, and that he is not a federal employee which he understands would make him ineligible to file his candidacy. The secretary of state shall not print upon the primary ballot of any party the name of any person unless there is filed with him such an affidavit at the time his candidacy is filed.

**655:29 Qualifications of Candidates.** The form of the affidavit provided for in RSA 655:28 shall be the following:

I. (For use by candidate for governor):

I, \_\_\_\_\_, candidate for the office of governor, hereby swear (or affirm) that I have been domiciled in the state of New Hampshire for at least 7 years immediately preceding the election for which I am a candidate, that I am a registered voter, that I will be at least 30 years of age on the day of said election, that I am not a candidate for incompatible offices as defined in RSA 655:10, that I am not a federal employee, and that I am not a convicted felon who has not yet received a final discharge from sentencing.

II. For use by candidate for councilor):

I, \_\_\_\_\_, candidate for the office of councilor from the \_\_\_\_\_ district, hereby swear (or affirm) that I have been domiciled in the state of New Hampshire for at least 7 years immediately preceding the election for which I am a candidate, that I am now domiciled in councilor district no. \_\_\_\_\_ at the present time, that I will be at least 30 years of age on the day of said election, that I am not a candidate for incompatible offices as defined in RSA 655:10, that I am not a federal employee, and that I am not a convicted felon who has not yet received a final discharge from sentencing.

III. (For use by candidate for state senate):

I, \_\_\_\_\_, candidate for the office of senator from the \_\_\_\_\_ district, hereby swear (or affirm) that I have been domiciled in the state of New Hampshire for at least 7 years immediately preceding the election for which I am a candidate, that my domicile is in senatorial district no. \_\_\_\_\_ at the present time, that I will be at least 30 years of age on the day of said election, that I am not a candidate for incompatible offices as defined in RSA 655:10, that I am not a federal employee, and that I am not a convicted felon who has not yet received a final discharge from sentencing.

IV. (For use by candidate for state representative):

I, \_\_\_\_\_, candidate for the office of representative from district no. \_\_\_\_\_ of \_\_\_\_\_ county, hereby swear (or affirm) that I have been domiciled in the state of New Hampshire for at least 2 years immediately preceding the election for which I am a candidate, that I am now domiciled in district no. \_\_\_\_\_ of \_\_\_\_\_ county, the district I seek to represent, that I will be at least 18 years of age on the day of said election, that I am not a candidate for incompatible offices as defined in RSA 655:10, that I am not a federal employee, and that I am not a convicted felon who has not yet received a final discharge from sentencing. I further recognize that, if elected, I will serve as a delegate to the county convention.

### **Removal of Candidates**

**655:30 Withdrawal.** When a party candidate has duly filed according to law for nomination at a primary election, or other candidate has submitted nomination papers, no withdrawal or declination of the candidate shall be accepted by the secretary of state subsequent to the last dates for filing a declaration of candidacy or the filing of nomination papers except as provided in RSA 655:31 and 655:34.

**655:31 Straw Candidates.** No person shall be a candidate for nomination at any primary unless his candidacy is bona fide and is filed for the actual purpose of personally seeking the nomination. Any candidate for nomination whose name is to be voted upon at primary election may, no later than the Wednesday after the last day for filing declarations of candidacy and primary petitions, file a petition with the ballot law commission alleging that one or more candidates for

the same nomination is not a bona fide candidate. Upon receipt of such a petition, the commission shall notify in writing all candidates of that party for the same nomination of the time and place for its hearing. After such hearing, the ballot law commission shall have the power and duty to order stricken forthwith from the primary ballot the name or names of any candidate or candidates for said nomination if the commission finds that such candidate or candidates is obviously not a bona fide candidate, obviously having filed not primarily for the purpose of seeking the nomination but primarily for the purpose of drawing votes which might otherwise be cast for some other candidate for the same nomination. The decision of the commission shall be final as to questions both of law and fact, and no court shall have jurisdiction to review such decision.

### **Vacancies Among Primary Candidates**

**655:32 No Declaration Filed.** I. In case no declaration shall be filed by a candidate for any nomination to be voted for at a primary, the nomination may be made by the appropriate party committee as provided in this section. The appropriate party committee shall notify the secretary of state in writing of a person it designates to fill the vacancy. The person so designated may accept the nomination by, on or before the Wednesday following the expiration of the period for filing declarations of candidacy as provided in RSA 655:14, filing with the secretary of state a declaration of candidacy as provided in RSA 655:17. Any candidate accepting a nomination under this paragraph who has already filed for an incompatible office as defined in RSA 655:10 shall withdraw the prior filing. Any vacancy created by the withdrawal of a filing may be filled pursuant to this section. If the candidate is designated for the office of governor, councilor, state senator, or state representative, he or she shall also file on or before the Wednesday following the period for filing declarations of candidacy the appropriate affidavit as provided in RSA 655:29. Any candidate so designated by a party committee who has not filed all the forms required by this section within the required period of time shall not have his or her name printed on the state primary election ballot for that office.

II. For the purposes of this section, the term "appropriate party committee" shall be as defined in RSA 655:36.

**655:33 Disqualification of Candidates.** The disqualification of a candidate to be voted for at a primary between the date of his filing and the day of the primary shall be dealt with as in the general election, as provided in RSA 655:38.

**655:34 Death of Candidate.** The death of a candidate to be voted for at a primary between the date of his filing and the day of the primary shall be dealt with as in the general election, as provided in RSA 655:39.

### **Conduct of Primary**

**655:35 Same as General Election.** The procedures for conducting the primary shall be the same as those for the general election as provided in RSA 656, 657, 658 and 659 unless otherwise provided therein.

**655:36 Definition.** For the purposes of this chapter, the "appropriate party committee" shall be defined as:

I. The state committee of that party or, if previously authorized by the same, the executive committee thereof for the offices of United States senator, United States representative, governor, councilor and state senator.

II. The county committee of that party for county offices and state representative if from a representative district containing more than one town, ward, or unincorporated place.

III. The town or ward committee of that party for state representative if the representative district contains only the town or ward.

**655:37 Vacancy for Office on Party Ticket.** If, after the holding of a state primary election, a vacancy exists for any office on a party ticket, such vacancy may be filled as provided in this section. The appropriate party committee shall notify the secretary of state in writing of a person they designate to fill the vacancy. The person so designated shall, no later than the first Tuesday following the primary election, file with the secretary of state a declaration of candidacy as provided in RSA 655:17 with the understanding that, where the form says primary election, it shall be construed to mean general election. If the candidate is designated for the office of governor, executive councilor, state senator, or state representative, he or she shall also file, no later than the first Tuesday following the primary, the appropriate affidavit as provided in RSA 655:29. Any candidate who has not filed all the forms required by this section within the required period of time shall not have his or her name printed on the state general election ballot for that office.

**655:38 Disqualification of Candidate.** If a candidate to be voted for at the general election shall make oath between the date of the candidate's nomination and the day of the election that he or she does not qualify for the public office which he or she seeks because of age, domicile, or incapacitating physical or mental disability acquired subsequent to the primary, the secretary of state may remove said person's name from the ballot. Any such oath citing an incapacitating physical or mental disability shall be accompanied by a letter from a licensed physician confirming such a condition. A new candidate may be substituted by the appropriate party committee by submitting the name of the new candidate to the secretary of state within 3 days of the notice of disqualification. The name of the substitute candidate shall be placed on the ballots as provided in RSA 656:21.

**655:39 Death of Candidate.** If any candidate to be voted for at the general election shall die between the date of nomination and the day of election, a new candidate may be substituted by the appropriate party committee by submitting the name of the new candidate to the secretary of state within 3 days of the notice of death. The name of the substitute candidate shall be placed on the ballots as provided in RSA 656:21.

### **Nomination by Nomination Papers**

**655:40 General Provisions.** As an alternative to nomination by party primary, a candidate may have his or her name placed on the ballot for the state general election by submitting the requisite number of nomination papers. Such papers shall contain the name and domicile of the candidate, the office for which the candidate is nominated, and the political organization or principles the candidate represents. Nomination papers shall be signed by such persons only as are registered to vote at the state general election. No voter shall sign more than one nomination paper for each office to be voted for, and no nomination paper shall contain the names of more candidates than there are offices to be filled. Each voter shall sign and date an individual nomination paper. Nomination papers shall be dated in the year of the election.

**655:40-a Nomination of Organization.** A political organization may have its name placed on the ballot for the state general election by submitting the requisite number of nomination papers, in the form prescribed by the secretary of state, pursuant to RSA 655:42, III. Such papers shall contain the name of the political organization and shall be signed by such persons only as are registered to vote at the state general election. No voter shall sign more than one nomination paper which allows a political organization access to the state general election ballot. Nomination papers shall be signed and dated in the year of the election.

**655:40-b Filing Names of Candidates.** Repealed by Chapter 113, Laws of 2012

**655:41 Certification.** I. Each nomination paper shall be submitted to the supervisors of the checklist of the town or ward in which the signer is domiciled or is registered, and a majority of the supervisors shall certify whether or not the signer is a registered voter in said town or ward. The supervisors of the checklist shall certify nomination papers under this section in a timely fashion, so that their certification shall be complete for each candidate, together with any objections to the nomination papers submitted, no later than 5:00 p.m. on the Wednesday 2 weeks before the primary. Each nomination paper shall be submitted to the supervisors of the checklist no later than 5:00 p.m. on the Wednesday 5 weeks before the primary.

II. The city clerk may perform the responsibilities of the supervisors of the checklist under this section.

**655:42 Number.** I. It shall require the names of 3,000 registered voters, 1,500 from each United States congressional district in the state, to nominate by nomination papers a candidate for president, United States senator or governor.

II. It shall require the names of 1,500 voters registered in the district to nominate by nomination papers a candidate for United States representative; 750 to nominate a candidate for councilor or state senator; and 150 to nominate a candidate for state representative or county officer.

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

**655:43 Filing Deadline.** I. Nomination papers shall be filed with the secretary of state no later than 5:00 p.m. on the Wednesday one week before the primary. Nomination papers to be filed shall be grouped by municipality. No nomination papers shall be accepted by the secretary of state unless the candidate shall have met the age and domicile qualifications for the office he or she seeks at the time of the general election and meets all the other qualifications at the time of filing; and, if a candidate for the office of governor, executive councilor, state senator, or state representative, unless the candidate shall file with the nomination papers an affidavit of qualifications as provided for in RSA 655:28 and 655:29; and if a candidate for United States senator or United States representative, unless the candidate shall meet the qualifications for office under RSA 655:3 and 655:4.

II. No candidate who intends to run for any state or federal office in the state general election by means of nomination papers shall have his or her name placed on the ballot unless the candidate files a declaration of intent, as provided in RSA 655:17-a or 655:17-b, within the filing deadline required by RSA 655:14-a. Any person who files on the last day of the filing period must do so in person before the secretary of state.

III. No political organization shall have the names of its candidates placed on the ballot unless the chairman of the organization files a declaration of intent, as provided in RSA 655:17-c, within the filing deadline for candidates established in RSA 655:14-a.

IV. No person who filed as a candidate in the state primary election shall be eligible to have his or her name placed on the ballot for the state general election by submitting nomination papers as provided in this subdivision.

**655:44 Objections.** Nomination papers made in accordance with the provisions of this chapter shall be regarded as valid and shall be received by the secretary of state unless objection thereto is made in writing no later than the Monday following the last day for the filing of such papers.

**655:45 Nomination Papers Protected.** No person shall falsely make or file or knowingly deface or destroy any nomination paper, or any part thereof, or sign any nomination paper contrary to the provisions of law knowing the same, or any part thereof, to be falsely made or suppress any nomination paper, or any part thereof, which has been duly filed. Whoever knowingly violates any of the provisions of this section shall be guilty of a misdemeanor if a natural person or be guilty of a felony if any other person.

### **Withdrawal**

**655:46 Withdrawal.** Where a nomination has been made according to this chapter, no withdrawal or declination of a candidate shall be accepted by the secretary of state except as provided in RSA 655:38.

### **Presidential Nominations**

**655:47 Declaration of Candidacy.** I. The names of any persons to be voted upon as candidates for president at the presidential primary shall be printed on the ballots upon the filing of declarations of candidacy with the secretary of state in the following form and signed by the candidate: "I, \_\_\_\_\_, swear under penalties of perjury that I am qualified to be a candidate for president of the United States pursuant to article II, section 1, clause 4 of the United States Constitution, which states, "No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States." I further declare that I am domiciled in \_\_\_\_\_, in the city (or town or unincorporated place) of \_\_\_\_\_, county of \_\_\_\_\_, state of \_\_\_\_\_, that I am a registered member of the \_\_\_\_\_ party; that I am a candidate for the nomination for the office of president to be made at the primary election to be held on the \_\_\_\_\_ day of \_\_\_\_\_; and I hereby request that my name be printed on the official primary ballot of said \_\_\_\_\_ party as a candidate for such nomination.

II. Declarations of candidacy shall be filed between the first Monday in November and the third Friday in November, or during such other time period as the secretary of state shall announce.

III. The decision of the secretary of state as to the regularity of declarations of candidacy filed under this section shall be final.

**655:48 Fees.** I. No candidate for the office of president shall have his or her name placed on the ballot for the presidential primary unless the candidate shall pay to the secretary of state at the time of filing the declaration of candidacy a fee of \$1,000.

II. Any person otherwise qualified to run for president, who is unable to pay the filing fee as prescribed in paragraph I by reason of indigence may, after proving such indigence, have his or her name printed on the presidential primary ballot of any party by filing with the secretary of state 10 primary petitions from each county of the state signed by registered voters of the party, who are domiciled in New Hampshire, together with one written assent to candidacy pursuant to RSA 655:25. The primary petition shall be in substantially the following form:

State of New Hampshire

I do hereby join in a petition for the printing on the presidential primary ballot of the name of \_\_\_\_ whose domicile is in the city (town) of \_\_\_\_ (street and number and ward if in a city) \_\_\_\_\_, in the county of \_\_\_\_\_, state of \_\_\_\_\_, for the office of president to be voted for on Tuesday, the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and certify that I am qualified to vote for a candidate for said office, that I am a registered member of the \_\_\_\_\_ party, and am not at this time a signer of any other similar petition for any other candidate for the above office.

Voters' Signature \_\_\_\_\_

Print Voter's Name \_\_\_\_\_

Voter's Domicile \_\_\_\_\_  
Street Address Town or City(Ward)

Voter's Mailing Address \_\_\_\_\_  
Street Address Town or City Zip Code

I certify that the signer above is a registered member of the \_\_\_\_\_ party and a registered voter in the town/city of \_\_\_\_\_.

Date of Filing \_\_\_\_\_

Signature of Town (City) Clerk \_\_\_\_\_

**655:49** Repealed by Chapter 298, Laws of 1983.

**RSA 655:50 Selection of Delegates.** Each presidential candidate who has filed pursuant to RSA 655:47 shall file with the secretary of state no later than the third Friday following the last day of the filing period for the presidential primary the names and addresses in alphabetical order of the delegates and their alternates, one alternate per delegate, who shall represent the candidate as his or her delegation to the national convention.

**655:51 Certification of Delegates Selected.** All delegates and their alternates selected by each candidate in the presidential primary shall file with the secretary of state the following certification:

I, \_\_\_\_\_ certify that my domicile is in ward \_\_\_\_ in the city (or town) of \_\_\_\_\_, county of \_\_\_\_\_, state of New Hampshire, and am a qualified voter therein; that I am a registered member of the \_\_\_\_\_ party; that, if selected, I shall serve as delegate or alternate to the national convention of the \_\_\_\_\_ party next to be held for the nomination of candidates of said party for president and vice-president of the United States. I further certify that, if selected as delegate or alternate delegate, I will attend such convention unless I shall be prevented by sickness or other occurrence over which I have no control. I pledge myself, if selected as delegate or alternate delegate to said convention, whenever I shall vote, to vote for the nomination of (inserting the name of any person) as the candidate for said party for president so long as he shall be a candidate before said convention.

**655:52 Vacancies.** Repealed by Chapter 4, Laws of 1994.

**655:53 By Nomination Papers.** Candidates for president may be nominated by nomination papers as provided in RSA 655:40 through 655:45.

**655:54 Nomination of Presidential Electors.** Presidential electors shall be nominated by state party conventions as provided in RSA 667:21.

### **Nominations for Special State Elections**

**655:55** through **655:80** repealed, 1981 chapter 512.

**655:81 Nominations for Special State Elections.** The nomination of candidates for the U.S. House of Representatives or for the executive council or for the state senate or for representative to the general court for special elections shall be accomplished through the holding of special election primaries. The filing of candidates for such primaries and all other matters connected with such primaries shall be the same as for primaries before a state general election except that:

I. The special election shall be held on a Tuesday not less than 110 nor more than 124 days following the day that the governor and council declare that there shall be a special election; provided, however, that if one or more municipalities where a special election for state representative will be held have a regularly-scheduled election occurring between 80 and 180 days following the day that the governor and council declare that there shall be a special election, the governor and council shall set the date of the election to coincide with the regularly-scheduled election if a majority of the towns or wards, as represented by the city, jointly request that day; if towns or wards, as represented by the city, request that the special election coincide with regularly-scheduled elections occurring on different dates, the election shall be held on a Tuesday not less than 110 nor more than 124 days following the day that the governor and council declare that there shall be a special election; and

II. The filing period shall start on the Monday following the date on which the governor and council declare that there shall be a special election and shall end at 5:00 p.m. on the Friday of that week; and

III. Under RSA 655:15, the official with whom state representative candidates shall file shall be the secretary of state, except that a state representative candidate may file with the appropriate town or city clerk under RSA 655:15 or with the secretary of state during the Monday and Tuesday only of the filing period in towns and cities in which the clerk's office is open on one or both of those days, in which case the town or city clerk shall forward each declaration of candidacy to the secretary of state on the same day on which the declaration is filed; and

IV. The primary shall be held 49 days prior to the special election; and

V. Supplementary primary petitions may be filed as needed no later than 5:00 p.m. on the last day of the filing period; and

VI. The deadline for filing nomination papers shall be no later than 5:00 p.m. on the day set for the primary; and

VII. The notice of the primary in RSA 655:11 shall be prepared by the secretary of state and distributed to the town and city clerks as soon as practicable after the setting of the date for the special election; and

VIII. Under RSA 655:12, clerks shall post notice of special election primaries as soon as possible after they are received; and

IX. The names of all candidates for a party nomination at a special election primary shall be printed in alphabetical order on the ballot according to the alphabetization procedure established in RSA 656:5-a; and

X. The publication of the result provided in RSA 659:89 shall not be required; and

XI. The deadline for any candidate to request a recount pursuant to RSA 660:7 shall be 5:00 p.m. on the day after the election. A candidate having requested a recount pursuant to this paragraph may, no later than 5:00 p.m. on the Monday after the primary election, withdraw the request and receive a refund of any fees paid.

**655:82 Uncontested Primary.** In the event that no party has more than one candidate file and no nonparty or other candidate files a declaration of intent, the primary election shall not be conducted. In such a case, the special election shall be held on the day previously fixed as the day for the holding of the special primary election.