

## CHAPTER 667

### CONSTITUTIONAL CONVENTIONS AND STATE PARTY CONVENTIONS

#### General Provisions: Constitutional Conventions

**667:1 Election of Delegates.** Whenever the qualified voters of the state under the provisions of the constitution shall determine that there is necessity for the calling of a convention to revise the constitution, the general court shall, as is required by the constitution, call such convention and shall set the day for the election of delegates and the day and time for the assembly of said delegates in the capitol at Concord.

**667:2 Number.** Representation in the convention is on the basis of representative districts of the state. Representative districts are entitled to the same number of delegates to the convention as they are entitled to representatives to the general court.

**667:3 Organization.** The delegates shall assemble in convention in Concord on the day and time specified in the call by the general court and shall proceed to organize by choosing one of their number by ballot to serve as president. They shall also choose such other officers as they deem necessary. They shall be the judges of election and returns of their own members. The delegates may establish rules of proceedings and proceed to recommend constitutional amendments.

**667:4 Books and Papers Furnished.** The secretary of state shall furnish to the convention such books, papers, stationery, and printing as the convention shall require or order.

**667:5 Compensation.** Each delegate shall receive \$3.00 per day for his attendance at the convention and the same allowance for mileage as is provided for members of the general court.

**667:6 Amendments.** The amendments to the constitution as are agreed to by such convention shall be submitted so that they can be voted on by the qualified voters either separately or by groups as the convention may determine. The convention shall provide for ascertaining the voters' decisions and the publication of the same by executive proclamation which shall be the effective date unless otherwise determined by the convention, and may do any and all other things necessary to carry out the purposes of the convention.

#### Filing: Constitutional Conventions

**667:7 Eligibility.** Any person who by the laws of this state is a qualified voter in the town, ward, or unincorporated place from which he may be elected is eligible to be a delegate to the constitutional convention.

**667:8 Date for Filing.** A declaration of candidacy shall be filed with the town or city clerk on or before a date 36 days before the date of the election. All declarations shall be forwarded by the town or city clerk to the secretary of state for preparation of the ballots at least 35 days before the date of the election.

**667:9 Fee.** At the time of filing a declaration of candidacy, each candidate shall pay to the town or city clerk a filing fee of \$2 for the use of the town or city.

**667:10 Declaration of Candidacy.** On or before the closing date for filing declarations of candidacy with the town or city clerk as provided by RSA 667:8, any candidate for delegate shall file with the town or city clerk a declaration of candidacy in substantially the following form, which shall be prepared and furnished by the secretary of state:

I \_\_\_\_\_, candidate for office of delegate to the constitutional convention from District No. \_\_\_ of county \_\_\_\_\_ hereby certify that I am at least 18 years of age; that I am domiciled in ward \_\_\_ of the city of \_\_\_\_\_ (or town or unincorporated place of \_\_\_\_\_) county of \_\_\_\_\_ State of New Hampshire; that I am a voter in District No. \_\_\_ of \_\_\_\_\_ county.

## **Ballots: Constitutional Conventions**

**667:11 Printing.** The secretary of state shall prepare and cause to be printed ballots for all elections under this chapter. He shall also prepare all necessary forms for declarations of candidacy and furnish the same in reasonable quantities to the town clerks. Said ballots and forms shall be printed and delivered at the expense of the state.

**667:12 Form.** Every ballot for the election shall contain the name and domicile of each candidate who has filed a declaration of candidacy for delegate. The names of candidates upon the ballot shall be arranged in perpendicular columns under the title "For Delegate to the Constitutional Convention." Below the title shall be printed in easily legible type the words "Vote for" followed by a spelled number designating the number of persons to be elected to such office. At the right of the name of each candidate and on the same line, there shall be a square. Following the names there shall be as many blank lines as there are persons to be elected. Whenever there are 2 or more candidates, the names shall be printed upon the ballot in alphabetical order of their surnames according to the alphabetization procedure established in RSA 656:5-a.

**667:13 Paper.** The ballots shall be printed on plain paper in weight not less than that of ordinary printing paper. The secretary of state shall determine the color of the paper.

**667:14 Uniformity.** There shall be no impression or mark to distinguish one ballot from another.

**667:15 Endorsement.** Upon the back of each ballot shall be printed the words "Official Ballot for Dist. No \_\_\_\_ County of \_\_\_\_ . For Delegate to the Constitutional Convention", the date of the election and a facsimile of the signature of the secretary of state.

**667:16 Other Materials.** The secretary of state shall prepare and furnish to the districts the necessary material, including certificates of election, for a record of the choice of all delegates.

## **Election Procedure: Constitutional Conventions**

**667:17 Plurality; Ties.** In all elections hereunder, a plurality shall elect; and, in case of a tie vote, the tie shall be determined by lot by the secretary of state in the presence of the candidates who are tied if, upon notice from him, they elect to be present.

## **Vacancies: Constitutional Conventions**

**667:18 Resignation, Death or Removal.** A delegate to a constitutional convention may resign his office as such by filing his intention of resignation in writing with the secretary of state. The resignation shall become effective when approved in writing by the president of the constitutional convention. Whenever a delegate to a constitutional convention dies or moves from the district, town or ward in which he was elected, the clerk of the town or of the city in which the delegate is an inhabitant, or if the delegate is from an unincorporated place the clerk of the town in which he is registered, shall notify the secretary of state of the death or removal.

**667:19 Filling Vacancies.** A vacancy caused by the death, resignation or removal from a district of a delegate may be filled by a special election held in the district. The special election may be held on the same day on which another meeting of the town or ward is held or at a different time. However, if the special election is held in a representative district having more than one town, ward or unincorporated place, the election must be held on the same day throughout the district. An article for the election of a delegate shall be inserted in the warrants calling the meeting. All laws relating to the election of representatives to the general court, so far as they are applicable, apply to the special election to fill the vacancy in the office of delegate.

## **Application of Laws**

**667:20 Application of Laws.** The provisions of RSA 659 in so far as consistent herewith shall apply to elections under the provisions of this chapter.

## State Party Conventions

**667:21 Date, Call and Purposes.** I. Not earlier than the third Tuesday of September following any primary, and not later than the last Tuesday of October, upon the call of the chairman of the state committee of the party, the nominees of each party for the offices of governor, United States senator, United States representative, executive councilors, state senators, county officers, representatives, state delegates elected, and the incumbent United States senator or senators and the incumbent county commissioners serving 4-year terms, if any, whose term or terms shall not expire during the January following that year's general election, shall meet in state convention for the purpose of adopting the platform of their party, nominating presidential electors and effecting an organization for the following 2 years. The names and domiciles of the presidential electors nominated by such convention shall be forthwith certified to the secretary of state by the chairman and the clerk of the convention. Upon receipt of the foregoing certifications, the secretary of state shall publish in some paper of general circulation the names of the persons found by him to have been chosen as candidates for presidential electors by the several parties.

II. Notwithstanding the provisions of paragraph I, a political party may, in accordance with the provisions of the party's constitution or bylaws, provide for an alternative method of determining the date, call and purpose of the party's state convention and the selection of delegates and composition of such convention. If a party decides to hold a convention for the purpose of adopting a platform of the party, nominating presidential electors, effecting an organization for the following 2-year period and other party business as the political party determines, the convention shall be deemed to satisfy the requirements of the party under this section.

**667:22 Party Organization.** The nominees from a party, state delegates of each county, and the incumbent United States senator or senators and the incumbent county commissioners serving 4-year terms, if any, if they have met the requirements of RSA 667:21, shall determine the membership of a county committee for their party either in said convention or in county convention upon call of the chairman of the state committee. The county committee shall consist of such number of persons as the nominees from a party, the state delegates of each county, and the incumbent United States senator or senators and the incumbent county commissioners serving 4-year terms, if any, if they have met the requirements of RSA 667:21, shall determine to apportion to each county. The members of several committees thus chosen shall constitute the state committee of the party. Resignations from the state committee shall be received by the state committee and the state committee shall set a place and time and manner for filling such vacancies. A state committee may choose as its officers persons not members of the committee and such officers shall be ex officio members of the committee. The party members in each town, ward or city may effect such an organization as they may deem expedient for advancing the purposes of their party.

**667:23 Roll.** Upon application of the chairman of the state committee of any political party, the secretary of state shall deliver to him a duly certified roll of the nominees of his party for the several offices named in RSA 667:21. None but such nominees and state delegates shall take part in such state convention.