

# Bill as Introduced

HB 409 - AS INTRODUCED

2021 SESSION

21-0487

11/04

HOUSE BILL           **409**

AN ACT               relative to filling certain vacancies among members of school boards and other school district offices.

SPONSORS:           Rep. Rung, Hills. 21; Rep. Danielson, Hills. 7

COMMITTEE:          Education

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ANALYSIS

This bill provides that any vacancies occurring in school district offices between the beginning of the filing period and the election shall not be filled by official ballot until the following year.

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Explanation:        Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struck through]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 One*

AN ACT                   relative to filling certain vacancies among members of school boards and other school district offices.

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

1           1 New Paragraph; School District Elections; Vacancies. Amend RSA 671:33 by inserting after  
2 paragraph IV the following new paragraph:

3           V: Any vacancy which occurs between the beginning of the filing period and the district  
4 election shall not be filled by official ballot until the annual district election the following year.

5           2 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 42  
HB 409 - FINAL VERSION

2021 SESSION

21-0487  
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**409**

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1           42:1 New Paragraph; School District Elections; Vacancies. Amend RSA 671:33 by inserting  
2 after paragraph IV the following new paragraph:

3           V. Any vacancy which occurs between the beginning of the filing period and the district  
4 election shall not be filled by official ballot until the annual district election the following year.

42:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: May 17, 2021  
Effective Date: July 16, 2021

# Committee Minutes

# SENATE CALENDAR NOTICE

## Election Law and Municipal Affairs

Sen James Gray, Chair  
Sen Regina Birdsell, Vice Chair  
Sen Ruth Ward, Member  
Sen Donna Soucy, Member  
Sen Rebecca Perkins Kwoka, Member

Date: April 8, 2021

### HEARINGS

Thursday

04/15/2021

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Election Law and Municipal Affairs	REMOTE 000	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.      HB 126	relative to notice of execution of tax lien to mortgagees.	
9:15 a.m.      HB 164	relative to the acquisition, sale, or demolition of municipal land or buildings.	
9:30 a.m.      HB 409	relative to filling certain vacancies among members of school boards and other school district offices.	
9:50 a.m.      HB 411	establishing a commission to study the equalization rate used for the calculation of a property tax abatement by the New Hampshire board of tax and land appeals, the superior court, and all cities, towns, and counties.	
10:15 a.m.     HB 486-FN	relative to eligibility for the low and moderate income homeowners property tax relief.	

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/92947850864>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: US: 13126266799, 92947850864# or 16465588656, 92947850864#
4. Webinar ID: 929 4785 0864
5. To view/listen to this hearing on YouTube, use this link:  
<https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link:  
<http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: [remotesenate@leg.state.nh.us](mailto:remotesenate@leg.state.nh.us) or call (603-271-6931).

**EXECUTIVE SESSION MAY FOLLOW**

**Sponsors:**

**HB 126**

Rep. Cahill

Rep. DeSimone

**HB 164**

Rep. Abrami

Rep. Gilman

**HB 409**

Rep. Rung

Rep. Danielson

**HB 411**

Rep. Merner

**HB 486-FN**

Rep. Fellows

Rep. Walz

Rep. Adjutant

Rep. Gordon

Tricia Melillo 271-3077

James P. Gray  
Chairman





- Representative Rung replied that this bill just defines how to fill a vacancy that occurs during the filing period and she believes that one or two days before the election is after the filing period.
- Senator Gray asked if it would be more accurate to say in section V “for position not to be filled during that election”
  - Representative Rung replied when vacancy is used in HB 409 its following the definition of vacancy that is in RSA 652. It does not apply to people whose term is already up.
- Senator Birdsall commented that she thought the bill was referring to the beginning of the filing period to the actual town election.
  - Representative Rung replied that already exists in statute. The vacancy between the filing period and the election is filled by appointment.

### **David Scanlan – Deputy Secretary of State**

- The bill clarifies the school district statute in a way that they already understand the law to take place.
- The provisions already exist in statute of how to fill a vacancy and HB 409 addresses the timing of when that occurs.
- The corresponding town statute is in RSA 669:61 and the language in HB 409 for the school district will be the same.
- This gives some notice to residents who may want to run for the open position caused by the vacancy.
- Allowing people to sign up for a vacancy that occurs during the filing period invites games to be played in terms of resignations etc.

### **Barret Christina – NH School Boards Association**

- NHSBA did oppose it in this bill in the House because they were not quite sure of the purpose.
- After speaking with Rep Rung and listening to Deputy Secretary Scanlan they support it

### **Pat Heinrich**

- She requested this legislation.
- The problem was that there was a vacancy during the filing period, and she was inundated with requests to open the seat and put it on the ballot.
- The person that died was her husband and she is the clerk.
- She spoke to the Secretary of States office for clarification and the schools attorneys who advised her that someone would be appointed after the election according to statute.
- They let the committee fill it after the election and she asked Representative Rung to draft this bill to prevent confusion in the future.

**Summary of testimony presented in opposition: None**

TJM  
Date Hearing Report completed: April 16, 2021

# Speakers

## Senate Remote Testify

Election Law and Municipal Affairs Committee Testify List for Bill HB409 on 2021  
 Support: 4 Oppose: 0 Neutral: 0 Total to Testify: 3

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>S</u>
Heinrich, Patricia	heinrich03054@comcast.net	16036209113	An Elected Official	Myself	Support	Yes	4
Christina, Barrett M.	Not Given	Not Given	A Lobbyist	New Hampshire School Boards Association	Support	Yes	4
Rung, Rosemarie	rosemarie.rung@leg.state.nh.us	Not Given	An Elected Official	Myself	Support	Yes	4
Pauer, Eric	secretary@BrooklineGOP.org	603.732.8489	A Member of the Public	Myself	Support	No	4

# Voting Sheets

**Senate Election Law  
& Municipal Affairs Committee  
EXECUTIVE SESSION RECORD  
2021 Session**

Bill **HB 409**

Hearing date: 4-15-2021

Executive Session date: 4-15-2021

Motion of: OTP Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: \_\_\_\_\_ Vote: \_\_\_\_\_

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Soucy. ✓ sent

Notes: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

# Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE  
FOR THE CONSENT CALENDAR

Thursday, April 15, 2021

THE COMMITTEE ON Election Law and Municipal Affairs

to which was referred **HB 409**

AN ACT

relative to filling certain vacancies among members  
of school boards and other school district offices.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Donna Soucy  
For the Committee

This bill provides that any vacancy occurring in school district offices between the beginning of the filing period and the election shall not be filled by official ballot until the following year. This will align the school district statute with the town statute and does not affect appointments to vacancies within the district.

Tricia Melillo 271-3077



## General Court of New Hampshire - Bill Status System

**Docket of HB409**

Docket Abbreviations

**Bill Title:** relative to filling certain vacancies among members of school boards and other school district offices.

*Official Docket of HB409.:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/10/2021	H	<b>Introduced</b> (in recess of) 01/06/2021 and referred to Education <b>HJ 2 P. 46</b>
3/9/2021	H	Public Hearing: 03/09/2021 10:30 am Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/97054508060">https://www.zoom.us/j/97054508060</a> / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
3/24/2021	H	Committee Report: Ought to Pass (Vote 18-2; CC) <b>HC 18 P. 7</b>
4/7/2021	H	<b>Ought to Pass:</b> MA VV 04/07/2021 <b>HJ 5 P. 10</b>
4/7/2021	H	Reconsider (Rep. Osborne): MF VV 04/07/2021 <b>HJ 5 P. 50</b>
4/7/2021	S	Introduced 04/01/2021 and Referred to Election Law and Municipal Affairs; <b>SJ 11</b>
4/8/2021	S	Remote <b>Hearing:</b> 04/15/2021, 09:30 am; Links to join the hearing can be found in the Senate Calendar; <b>SC 19</b>
4/16/2021	S	Committee Report: Ought to Pass, 04/22/2021; Vote 5-0; CC; <b>SC 20</b>
4/22/2021	S	<b>Ought to Pass:</b> RC 23Y-1N, MA; OT3rdg; 04/22/2021; <b>SJ 12</b>
5/6/2021	S	Enrolled <b>RC 23Y-0N, MA</b> , (In recess of 05/06/2021); <b>SJ 15</b>
5/6/2021	H	Enrolled (in recess of) 04/09/2021 <b>HJ 7 P. 102</b>
5/19/2021	H	Signed by Governor Sununu 05/17/2021; Chapter 42; Eff: 07/16/2021

NH House

NH Senate

# Other Referrals

**Senate Inventory Checklist for Archives**

Bill Number: HB 409

Senate Committee: ELMA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

**Bill Hearing Documents: {Legislative Aides}**

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

**Committee Action Documents: {Legislative Aides}**

All amendments considered in committee (including those not adopted):

\_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

\_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

Executive Session Sheet

Committee Report

**Floor Action Documents: {Clerk's Office}**

All floor amendments considered by the body during session (only if they are offered to the senate):

\_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

\_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

**Post Floor Action: (if applicable) {Clerk's Office}**

\_\_\_ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

\_\_\_ Enrolled Bill Amendment(s)

\_\_\_ Governor's Veto Message

**All available versions of the bill: {Clerk's Office}**

as amended by the senate      \_\_\_ as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

\_\_\_\_\_  
Committee Aide

\_\_\_\_\_  
Date

\_\_\_\_\_  
Senate Clerk's Office