

CONSENT CALENDAR

March 9, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Election Law to which was referred
HB 1485-FN,**

**AN ACT relative to direct recall elections. Having
considered the same, report the same with the following
resolution: RESOLVED, that it is INEXPEDIENT TO
LEGISLATE.**

Rep. Ross Berry

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Election Law
Bill Number:	HB 1485-FN
Title:	relative to direct recall elections.
Date:	March 9, 2022
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill would have created a process for direct recall elections for offices whose terms are at least 3 years. The bill as proposed had the process but did not define any parameters for a recall petition process to be initiated. The Committee heard testimony about how there is a problem that elected officials are not responsive to the wishes of the voter and that this solution was needed. The committee understands frustration with elected officials but it seemed a difficult process that if successful, would effectively take someone out of their position for perhaps a year. While the committee is open to the concept this bill, it is not the solution at this time.

Vote 20-0.

Rep. Ross Berry
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Election Law

HB 1485-FN, relative to direct recall elections. **INEXPEDIENT TO LEGISLATE.**

Rep. Ross Berry for Election Law. This bill would have created a process for direct recall elections for offices whose terms are at least 3 years. The bill as proposed had the process but did not define any parameters for a recall petition process to be initiated. The Committee heard testimony about how there is a problem that elected officials are not responsive to the wishes of the voter and that this solution was needed. The committee understands frustration with elected officials but it seemed a difficult process that if successful, would effectively take someone out of their position for perhaps a year. While the committee is open to the concept this bill, it is not the solution at this time. **Vote 20-0.**

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 1485-FN

BILL TITLE: relative to direct recall elections.

DATE: March 9, 2022

LOB ROOM: 306-308

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Berry

Seconded by Rep. Bergeron

Vote: 20-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Natalie Wells, Clerk



2021 SESSION

Election Law

Bill #: HB 1485 Motion: ITL AM #: _____ Exec Session Date: 3-9-22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Griffin, Barbara J. Chairman	✓		
MacDonald, Wayne D. Vice Chairman	✓		
Prudhomme-O'Brien, Katherine J.	✓		
Sweeney, Joe	✓		
Hayward, Peter T.	✓		
Mooney, Maureen C. <u>Alexander</u>	✓		
Torosian, Peter E.	✓		
Berry, Ross	✓		
Groen, Fenton	✓		
Qualey, James R.	✓		
Wells, Natalie J. Clerk	✓		
Cote, David E. <u>Wendy Chase</u>	✓		
Ward, Gerald W.R.	✓		
Bergeron, Paul R.	✓		
Sandler, Catt <u>Linda Massimilla</u>	✓		
Hamer, Heidi M.	✓		
Lane, Connie B.	✓		
Freitas, Mary C.	✓		
Hamblet, Joan L.	✓		
Muirhead, Russell	✓		
TOTAL VOTE:	<u>20</u>	<u>6</u>	

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 1485-FN

BILL TITLE: relative to direct recall elections.

DATE: January 20, 2022

LOB ROOM: 306-308 **Time Public Hearing Called to Order:** 10:18 a.m.

Time Adjourned: 10:40 a.m.

Committee Members: Reps. B. Griffin, W. MacDonald, Prudhomme-O'Brien, Wells, Sweeney, Hayward, Torosian, Berry, Groen, Qualey, Alexander Jr., Cote, Ward, Bergeron, Sandler, Hamer, Lane, Freitas and Hamblet, Pimentel

Bill Sponsors:

Rep. Sweeney

Rep. Alexander Jr.

Rep. Berry

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep Berry - Introduced the bill. Dealing with recall municipal officers to serving a 3 year term.

- Petition needs 10% of total voters in last election
- Go to town clerk certify.
- If doesn't certify, courts
- If recall takes place needs 20% of voters in Election to replace someone, next election
- If someone subject to resign cannot be put back on by Boards but can run again.

Question - Rep Torosian - If 3 or more terms?

Answer - Yes, expand it to 3 years of more but up to committee if wants changes.

Question - Rep Groen - 3 or more years but the bill says just 3 years.

Answer - Yes, needs to be corrected.

Question - Rep Prudhomme-O'Brien - Was there any incident motivation?

Answer - Personally in Litchfield had School Board DEI and links, people found objectionable.

Question - What was DEI?

Answer - Diverse Equity Inclusion.

Question - Rep Pimentel - School Board 3 year terms but not all at the same time?

Answer - Limits - Page 1-30-31

Question - Essentially 180 days after on the School Board not be able to majority could only do 1 or 2. Even if successful, still have same majority expense to town, won't change the outcome.

Answer - Asking Burden on town, I understand.

Question - Rep Groen - Clarification this recall strictly individual, not Board

Answer - Correct - Petition used for one always be accountable to voters of 2 years.

Question - Rep Lane - 3 years, 180 day window - narrow window, really 2 years

Answer - It's a valid point. When have long terms, no recourse.

Question - Rep Prudhomme-O'Brien - Referencing Board Litchfield non public session?

Answer - Yes

Question - Chairwoman Griffin - Line 10, Page 1 refers elected officials intent. Not US Senator, or US Congress?

Answer - Yes 100% - Only local elected officials.

Question - You are putting guide rails on local officials. Municipal run elections why was signature requirement based at time of general election?

Answer - Me, demanding high bar. I worked make sure it wasn't a partisan bill.

Natch Greyes - NHMA

- Why wouldn't we just change every office as 2 years

- We are concerned nothing ties officials of their duties to recall, what their action is
- Concerned of possible abuse.

Respectfully submitted,

Rep Natalie Wells

House Remote Testify

Election Law Committee Testify List for Bill HB1485 on 2022-01-20

Support: 15 Oppose: 41 Neutral: 0 Total to Testify: 0

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Kudlik, Cindy	Grafton, NH CindyKudlik@protonmail.com	An Elected Official	Myself	Oppose	No	No	1/16/2022 10:54 AM
Coughlin, Cynthia	Merrimack, NH coughlin29@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/16/2022 4:21 PM
Andrews, David	Chichester, NH davidandrewsnh@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/16/2022 4:30 PM
Mulligan, Thomas	Strafford, NH nute_shop@hotmail.com	A Member of the Public	Myself	Oppose	No	No	1/16/2022 6:03 PM
thompson, julia	durham, NH maple371@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/16/2022 7:32 PM
Sullivan, Alexandra	Merrimack, NH Alexmarysullivan@gmail.com	A Member of the Public	Myself	Support	No	No	1/16/2022 9:05 PM
Farnum, Ellen	Tamworth, NH ellenlynnfarnum@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/17/2022 8:35 AM
Silber, Rep Norm	Gilford, NH njs@silbersnh.com	An Elected Official	Belknap County District 2	Support	No	No	1/17/2022 6:06 PM
Faulkner, Anne	Keene, NH annefaulkner62@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/17/2022 7:32 PM
Polizos, Andrea	Harrisville, NH sundog.ap@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/17/2022 7:56 PM
Farina, Susan	Nashua, NH suef60@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/17/2022 8:23 PM
White, Jeanmarie	Alton Bay, NH jeanawhite1@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/17/2022 8:27 PM
Dubois, Jillian	Concord, NH jillianadubois@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/17/2022 8:31 PM

Coon, Kate	Peterborough, NH kate2coon@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/17/2022 8:37 PM
House, Don	Belmont, NH donhouse@metrocast.net	A Member of the Public	Myself	Oppose	No	No	1/17/2022 9:27 PM
Saum, Judith	Rumney, NH judithsaum@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 5:49 AM
Reed, Barbara	North Swanzey, NH BDRreed74@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 8:57 AM
Cuff, JoEllen	Stratham, NH applebug2@msn.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 10:40 AM
Drake, Lorraine	NEW DURHAM, NH heldrake@metrocast.net	A Member of the Public	Myself	Oppose	No	No	1/18/2022 12:15 PM
Robertshaw, Kristan	Derry, NH krobertshaw@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/18/2022 1:59 PM
Saba, Robin	CANDIA, NH rbrooks230@hotmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 3:11 PM
Peterson, Susan	Newton, NH Susanrp@aol.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 4:15 PM
Rhodes, Linda	Durham, NH ladycowvet@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 5:24 PM
Perry, Bob	Strafford, NH perry4nh@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 8:47 PM
Erikson, David	Weare, NH davidrikson@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/18/2022 10:03 PM
Dickler, Jeffrey	Rindge, NH gsgstriker@aol.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 11:07 PM
Bushueff, Catherine	Sunapee, NH agawamdesigns@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 6:29 AM
Smith, Julie	Nashua, NH cantdog@comcast.net	A Member of the Public	Myself	Support	No	No	1/19/2022 7:37 AM
Frost, Sherry	Dover, NH s.frost@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No	1/19/2022 9:04 AM
Noyes, Chris	BETHLEHEM, NH chris@crosstowncourierservice.com	A Member of the Public	Myself	Support	No	No	1/19/2022 10:30 AM
Perry, Carol	Strafford, NH cperrynh1@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 11:26 AM

Meyers, Mary	Hancock, NH maryenrica@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 12:33 PM
Durand, Stephanie	Hanover, NH mhs.durand@gmail.com	A Member of the Public	Myself	Support	No	No	1/19/2022 12:55 PM
Greyes, Natch	Concord, NH ngreyes@nhmunicipal.org	A Lobbyist	New Hampshire Municipal Association	Oppose	No	No	1/19/2022 1:00 PM
Cantwell, Kara	NASHUA, NH kara.cantwell8@gmail.com	A Member of the Public	Myself	Support	No	No	1/19/2022 1:20 PM
Broshek, Mary Anne	Andover, NH mabandsadie@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 2:00 PM
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Support	No	No	1/19/2022 2:24 PM
Healey, Daniel	Derry, NH danielhealey@derrynh.org	An Elected Official	New Hampshire City & Town Clerk's Association	Oppose	No	No	1/19/2022 3:06 PM
Nelson, Deborah	Hanover, NH dbaconnelson@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 3:51 PM
Brough, J	New Hampton, NH mmiw@live.com	A Member of the Public	Myself	Support	No	No	1/19/2022 7:36 PM
Grand, Irene	Strafford, NH igrand@metrocast.net	A Member of the Public	Myself	Oppose	No	No	1/19/2022 8:15 PM
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 8:34 PM
Emus, Joanne	Hollis, NH jremus0322@aol.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 9:27 PM
Campbell, Karen	Epsom, NH klynncampbell50@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 9:30 PM
Anastasia, Patricia	Londonderry, NH patti.anastasia@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 9:56 PM
Larson, Ruth	Alton, NH ruthlarson@msn.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 10:12 PM
Loveless, Eric	bedford, NH nassur34@protonmail.com	A Member of the Public	Myself	Support	No	No	1/20/2022 12:20 AM
Frayse, Michael	Epsom, NH mikefraysse@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/20/2022 7:31 AM
Grenier, Wendy	Nashua, NH cook4myloves@gmail.com	A Member of the Public	Myself	Support	No	No	1/20/2022 7:45 AM

Colquhoun, Laura	Nashua, NH lauracolquoun2@gmail.com	A Member of the Public	Myself	Support	No	No	1/20/2022 8:17 AM
Bundy, Linda Olson	Antrim, NH n_bundy@mcttelecom.com	A Member of the Public	Myself	Oppose	No	No	1/20/2022 9:32 AM
Unangst, Cynthia	Ashland, NH cnritchie2003@yahoo.com	A Member of the Public	Myself	Support	No	No	1/20/2022 9:36 AM
perez, maria	milford, NH mariaeli63@gmail.com	An Elected Official	Myself	Oppose	No	No	1/20/2022 9:39 AM
Ruocco, HOLLY	SALEM, NH holly@drholly.net	A Member of the Public	Myself	Support	No	No	1/20/2022 1:36 PM
Nastasi, Sue	Rollinsford, NH ctcoastmetro@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/20/2022 2:32 PM
Petrusewicz, Carol	Rochester, NH clmcc2befree@yahoo.com	A Member of the Public	Myself	Support	No	No	1/20/2022 6:38 PM

Archived: Wednesday, May 18, 2022 10:18:43 AM
From: [Linda Terwilliger](#)
Sent: Tuesday, March 8, 2022 8:00:04 PM
To: ~House Election Law Committee
Subject: HB 1485 relative to direct recall elections
Importance: Normal

Dear Members of the NH House Election Law Committee,

As a NH voter and resident, speaking only on my behalf, I strongly oppose HB 1485 and urgently urge you to vote Inexpedient to Legislate on this bill because it provides a new and potentially dangerous procedure for the direct recall of any local elected official serving a 3-year term in certain towns—without any just cause.

If passed, this bill could provide a legal means for anyone harboring a personal grudge or dissatisfaction with the results of an elections to intimidate and unfairly force the resignation of an elected official who is adhering to the mandatory duties of their office.

It allows for a small handful of people to discriminate against elected officials serving a 3-year term in towns—by a petition for recall—with a “general statement of reasons for recall.” Without any requirement for substantive proof or evidence of misconduct or wrongdoing, the allegation could be uncertain, speculative or just plain bullying.

As stated in the bill, the petition can contain as few as 10 percent of people registered and qualified to vote in the official’s electoral district. If the town clerk refuses to accept the petition for recall, any voter can apply to the superior court for a writ of mandamus. Then, the superior court shall compel the town clerk to accept the petition—even though it’s based on unsubstantiated allegations.

In New Hampshire, elected officials must take an oath of office to “bear faith and true allegiance to the United States of America and the state of New Hampshire, and will support the constitution thereof.” If they fail to carry out their duties properly, they can be fired as per law.

There are already several different statutes that allow towns and cities to enact certain ordinances. There are statutes that prohibit certain conflicts of interest. Other statutes make certain behavior by officials illegal. There are various circumstances in which a municipal board or a court may remove an official from office for violations of those statutes. This bill is unnecessary, unjust and undemocratic.

I strongly urge the Committee to vote “**Inexpedient to Legislate**” (ITL) on HB 1485.

Thank you for your service and consideration of my concerns.

Linda Terwilliger
Gilford, NH
Lindaterwilliger364@gmail.com
603.667.3021

Sent from [Mail](#) for Windows

HB 1485-FN - AS INTRODUCED

2022 SESSION

22-2303

11/04

HOUSE BILL ***1485-FN***

AN ACT relative to direct recall elections.

SPONSORS: Rep. Sweeney, Rock. 8; Rep. Alexander Jr., Hills. 6; Rep. Berry, Hills. 44

COMMITTEE: Election Law

ANALYSIS

This bill provides a procedure for the direct recall of any local elected official serving a 3-year term.

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 Two

AN ACT relative to direct recall elections.

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

1 1 New Chapter; Recall of Local Elected Officials Serving a 3-Year Term. Amend RSA by
2 inserting after chapter 671 the following new chapter:

3 CHAPTER 671-A

4 RECALL OF LOCAL ELECTED OFFICIALS SERVING A 3-YEAR TERM

5 671-A:1 Applicability. The method provided under this chapter for the recall of local elected
6 officials serving a 3-year term shall not be exclusive and shall be in addition to any other method of
7 removal provided for directly or indirectly in other law. This chapter shall only apply to local elected
8 officials serving a 3-year term in towns, and not to towns that have adopted a charter under RSA 49-
9 D or to any city.

10 671-A:2 Grounds for Recall. Any local elected official serving a 3-year term shall be subject to
11 recall from such office. The basis for recall shall be stated in the petition. No such official shall be
12 recalled for performing a mandatory duty of the office or for not performing any act that, if
13 performed, would subject such official to prosecution for official misconduct.

14 671-A:3 Qualification to Petition. Every person who is a qualified voter as provided in RSA 654
15 may sign a petition for recall of an official but may only sign a petition for the recall of an official
16 who is elected from the particular electoral district in which the person resides. Any person
17 knowingly signing any name other than the person's own to any petition or knowingly signing more
18 than once for the recall or who is not at the time of the signing a qualified voter is guilty of unsworn
19 falsification under RSA 641:3 or tampering with public records or information under RSA 641:7, as
20 appropriate.

21 671-A:4 Limitations on Recall Petitions.

22 I. A recall petition shall not name and shall not demand the recall of more than one official
23 serving a 3-year term.

24 II. No recall petition shall be filed against an official for whom a recall election has been
25 held previously during the current term of office.

26 671-A:5 Number of Voters Required. Recall petitions shall contain the signatures of qualified
27 voters equaling at least 10 percent of the number of persons who were registered and qualified to
28 vote at the last preceding general election in the official's electoral district.

29 671-A:6 Filing of Recall Petitions.

30 I. No application for a recall petition shall be filed during the first 180 days or during the
31 last 180 days of the term of office of any official. Recall petitions shall be filed with the town clerk.

1 II. If the town clerk refuses to accept the petition for recall with the proper number of
2 signatures of qualified voters, any voter may within 10 days after such refusal apply to the superior
3 court for a writ of mandamus. If it is determined that the petition is sufficient, the superior court
4 shall order the petition to be filed with a certified copy of the writ attached to it, as of the date when
5 it was originally offered for filing. On a showing that any filed petition is not sufficient, the court
6 may enjoin certification of the petition under RSA 671-A:8, printing of the ballot under RSA 671-
7 A:13, or holding the recall election.

8 III. All such suits or appeals under this section shall be advanced on the court docket and
9 heard and decided by the court as expeditiously as possible.

10 IV. Any aggrieved party may file an appeal to the supreme court within 10 days after any
11 adverse order or decision.

12 671-A:7 Form of Recall Petition.

13 I. The form of the recall petition shall be substantially as follows:

WARNING

14
15 A person who knowingly signs a name other than the person's own to this petition or who knowingly
16 signs more than once upon a petition to recall the same official at one election, or who is not, at the
17 time of signing this petition, a registered and qualified voter of the town of served
18 by the official who is the subject of the recall petition and entitled to vote, if the official is recalled,
19 for the successor of the official to be recalled is guilty of unsworn falsification or tampering with
20 public records or information.

RECALL PETITION

21
22 To the Honorable, (Name of town clerk) of

23 We, the undersigned qualified voters of
24 respectively petition that an election be held as provided by law on the question of
25 whether....., holding the office of, should be recalled for the following
26 reasons: (Setting out a general statement of the reasons for recall in not more than 200 words). By
27 signature, each signer certifies: I have personally signed this petition and I am a qualified voter of
28 and my residence and post office address are correctly written after my name to the
29 best of my knowledge and belief:

30

31 Name (Print) Date of Signing Residence Address County of Residence

32

33 (Signature)

34

35 (Printed Name of Signer) (Town)

36 II. Numbered lines shall follow the headings prescribed in paragraph I. Each numbered line
37 shall contain spaces for the signature, post office address, county of residence, date of signing, and

1 printed first and last name of the signer. Each separate sheet of the petition shall contain the
2 heading and reasons for the proposed recall as prescribed in paragraph I.

3 III. The form prescribed in this section shall not be mandatory, and, if substantially
4 followed, the petition shall be sufficient, notwithstanding mere clerical or technical errors.

5 671-A:8 Signature Verification. The town clerk shall compare the signatures on the petition
6 with the signatures in the records of the supervisors of the checklist. If signatures equal to at least
7 the required percentage of the persons qualified to vote in the electoral district as provided in RSA
8 671-A:5 are verified as genuine, a recall election shall be called and shall be held at the same time as
9 the next regularly scheduled municipal election.

10 671-A:9 Call for Recall Election. A recall election shall be called by the secretary of state
11 pursuant to the provisions of this chapter.

12 671-A:10 Notification of Official. When the recall petition is filed with the town clerk, the clerk
13 shall send written notice of such filing by certified mail not more than 2 days after it is filed to the
14 official named in the petition. Such notice shall be given before the signatures are verified. It shall
15 state that a recall petition has been filed and shall notify the official named in the recall petition of
16 the right to prepare and have printed on the ballot a statement containing not more than 200 words
17 giving reasons why the official believes he or she should not be recalled. Such statement shall not be
18 printed on the ballot unless it is delivered to the clerk within 10 days after the signatures have been
19 verified.

20 671-A:11 Resignation. If the official named in the petition for recall submits his or her
21 resignation in writing, it shall be accepted effective the day it is offered. A vacancy so created shall
22 be filled as required by law. The incumbent official may file for election along with any other eligible
23 and qualified candidates for the vacancy. A recall election shall be held during the next regularly
24 scheduled municipal election.

25 671-A:12 Conduct of Recall Election.

26 I. The provisions of law applicable to the notice required for municipal elections shall be
27 applicable to the notice required for a recall election. Such notice shall give the date of the holding of
28 the recall election and the purpose for it.

29 II. A recall election for the recall of an official shall be in all respects, except as provided in
30 this chapter, the same as the regular election for choosing such official.

31 671-A:13 Form of Ballot. The ballot at a recall election shall set forth the statement contained
32 in the recall petition stating the reasons for demanding the recall of the official and the official's
33 statement, if any, of reasons why he or she should not be recalled. Then the question of whether
34 such official should be recalled shall be placed on the ballot in a form similar to the following:

35 FOR recalling who holds the office of
36 AGAINST recalling who holds the office of

37 671-A:14 Results Declared.

HB 1485-FN - AS INTRODUCED

- Page 4 -

1 I. The official named in the recall petition shall continue in office until he or she resigns or
2 the results of the recall election are officially declared.

3 II. If 20 percent or more of those registered and qualified to vote at the recall election do vote
4 and if a majority of those voting on the question vote to remove the official, the office shall become
5 vacant and the vacancy shall be filled as provided by law. If fewer than 20 percent of those
6 registered and qualified to vote at the recall election vote, the official shall not be recalled regardless
7 of the result of such vote and shall remain in office. If 20 percent or more of those qualified to vote at
8 the recall election do vote, but a majority vote not to recall the official, such person shall remain in
9 office.

10 671-A:15 Effect of Recall or Resignation. If an official is recalled or resigns pursuant to RSA
11 671-A:11, such official shall not be placed back in his or her vacated position except by regular
12 election.

13 2 Effective Date. This act shall take effect 60 days after its passage.

**HB 1485-FN- FISCAL NOTE
 AS INTRODUCED**

AN ACT relative to direct recall elections.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

LOCAL:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill would statutorily create a process for recall elections for local officials who have been elected to three year terms. Once the petitions requesting a recall election have been verified the Secretary of State is required to call for the special elections.

The Department of State indicates this bill would increase local expenditures by an indeterminable amount. The Department is unable to predict how many recall elections will be called and how many voters will be involved in participating in each recall election to determine the impact on expenditures.

The Department of Justice indicated there will be an indeterminable increase on state expenditures. The Department indicates an increase in recall elections would add a significant demand on the Attorney General staff. The Department states that each election day requires coordination and coverage to provide on-the-ground and telephonic support to election officials and voters, then follow-up investigation and administrative or prosecutorial action based on referrals, complaints received, and affidavit reviews.

It is assumed the fiscal impact would not occur until FY 2023.

AGENCIES CONTACTED:

Department of State and Department of Justice