

HB 242 - AS INTRODUCED

2019 SESSION

19-0247

11/04

HOUSE BILL                **242**

AN ACT                    relative to special elections.

SPONSORS:            Rep. J. Schmidt, Hills. 28; Rep. Klee, Hills. 30

COMMITTEE:          Election Law

---

ANALYSIS

This bill clarifies the procedure used to fill vacancies in the office of state representative.

-----

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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                      relative to special elections.

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

1            1 Vacancies Among Public Officers Elected at State Elections; State Representative. Amend  
2 RSA 661:8, II-IV to read as follows:

3            II. If a vacancy occurs in the office of state representative [~~from a single town or ward~~  
4 ~~district,~~] **155 days or more before March 15 of the second year of the biennium, the office of**  
5 **the town manager or mayor shall notify the governor within 10 days, and** the vacancy [~~may~~  
6 **shall** be filled **by a special election** following the provisions of RSA 655:81 and RSA 655:82 in the  
7 same manner as a state general election is held. [~~In a multi-town or multi-ward district, a vacancy~~  
8 ~~in the office of state representative shall be filled following the provisions of RSA 655:81 and RSA~~  
9 ~~655:82 by a special election if the selectmen of any town or the city for any ward in said district so~~  
10 ~~request of the governor or council.~~]

11            III. Notwithstanding the provisions of paragraph II, if a vacancy occurs in the office of state  
12 representative [~~in a district comprised of a city ward or wards~~], a request to hold the primary and  
13 special elections on the same dates as the city's biennial primary and regular elections may be  
14 submitted to the governor and council by the governing body of the city. If so requested, the  
15 governor and council shall declare the vacancy not less than 56 days prior to the date of the city's  
16 primary election. The filing period shall start on the Monday following the date on which the  
17 governor and council declare that there shall be a special election and shall end at 5:00 p.m. on the  
18 Friday of that week. The provisions of RSA 655:81, III, VI, VII, VIII, IX, X, and XI shall apply to  
19 elections held pursuant to this paragraph.

20            IV. Within 21 days after proof of a vacancy[~~or a request that a vacancy be filled~~], the  
21 governor, in the case of an executive council vacancy, or the governor and council, in the case of any  
22 other vacancy, shall declare that there shall be a special election which shall be held as provided in  
23 RSA 655:81 and 82 or as provided in RSA 661:8, III.

24            2 Elections; Nominations for Special State Elections. Amend RSA 655:81, I to read as follows:

25            I. The special election shall be held on a Tuesday not less than 110 nor more than 124 days  
26 following the day that the governor and council [~~declare that there shall be a special election;~~] **are**  
27 **notified of a vacancy;** provided, however, that if one or more municipalities where a special  
28 election for state representative will be held have a regularly-scheduled election occurring between  
29 80 and 180 days following the day that the governor and council [~~declare~~] **are notified** that there  
30 shall be a special election, the governor and council shall set the date of the election to coincide with  
31 the regularly-scheduled election if a majority of the towns or wards, as represented by the city,

**HB 242 - AS INTRODUCED**

**- Page 2 -**

1 jointly request that day; if towns or wards, as represented by the city, request that the special  
2 election coincide with regularly-scheduled elections occurring on different dates, the election shall  
3 be held on a Tuesday not less than 110 nor more than 124 days following the day that the governor  
4 and council declare that there shall be a special election; and

5       3 Effective Date. This act shall take effect 60 days after its passage.