

Senate Election Law and Municipal Affairs Committee

Tricia Melillo 271-3077

HB 70, relative to residency requirements for deputy town clerks.

Hearing Date: March 12, 2024

Members of the Committee Present: Senators Gray, Murphy, Soucy and Perkins Kwoka

Members of the Committee Absent : Senator Abbas

Bill Analysis: This bill removes reference to filling of vacancies for town clerk when the deputy town clerk does not have their domicile in the town.

Sponsors:

Who supports the bill: Natch Greyes (NHMA), David Scanlan (Secretary of State), Janet Lucas

Who opposes the bill: Cindy Kudlik

Summary of testimony presented in support:

Natch Greyes – NH Municipal Association

- A law enacted in the early 2000s intended to allow deputy town clerks, who were not residents, but were currently serving in a deputy town clerk role, to continue serving temporarily until they became residents of the town.
- This bill makes it clear that the deputy town clerk must be a resident of the town that they serve. It is essentially a technical correction.
- Senator Gray asked what would happen if someone wanted election duties transferred to somebody else during the period of time when the town clerk was not a resident.
 - Mr. Greyes replied that Secretary Scanlan has made it clear that deputy clerks have to be residents of the town. There are no non-resident deputy clerks left serving.
- Senator Perkins Kwoka commented that there is a problem finding people to fill the deputy clerk position at a salary that would allow them to live in the town that they serve, citing Portsmouth as an example.
 - Mr. Greyes commented that the bill as originally drafted would have allowed deputy clerks to work in a town where they don't live. However, it is important to have clarity in the law and the NHMA supports the House amendment that requires the deputy town clerk to be a resident.

David Scanlan – Secretary of State

- The town clerk is a constitutional position.
- It is required that the clerk must be a registered voter in the town they serve, meaning their domicile must be in that town or ward.
- There have been issues in small towns where there are no residents who want to fulfill that role.

- Clerks may hire assistance from outside of the town but they may not hold the title of Deputy Clerk. There are many cases of retired and current clerks providing assistance to towns in need.

Summary of testimony presented in opposition: None

TJM

Date Hearing Report completed: March 13, 2024