LEGISLATIVE COMMITTEE MINUTES

HB1183

Bill as Introduced

HB 1183 - AS INTRODUCED

2016 SESSION

16-2016
03/06

HOUSE BILL *1183*

AN ACT relative to election result recounts.

SPONSORS: Rep. McConnell, Ches. 12; Rep. C. McGuire, Merr. 29; Rep. Coffey, Hills. 25; Rep. C. Roberts, Hills. 4; Rep. Abramson, Rock. 20; Rep. Shepardson, Ches. 10; Rep. Flanagan, Hills. 26; Rep. Aldrich, Belk. 2

COMMITTEE: Election Law

ANALYSIS

This bill establishes a procedure to end an election recount.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 1183 - AS INTRODUCED

16-2016
03/06

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Sixteen

AN ACT relative to election result recounts.

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

1 Conduct of Recount. Amend RSA 660:5 to read as follows:

660:5 Conduct of Recount. If directed by the secretary of state, the state police shall collect all ballots requested from the town or city clerks having custody of them and shall deliver them to the public facility designated by the secretary of state. At the time and place so appointed, the ballots cast for such office shall be counted by the secretary of state and such assistants as the secretary of state may require. When counting the ballots, the secretary of state or his or her assistants shall visually inspect each ballot. No mechanical, optical, or electronic device shall be used for the counting of ballots. The candidates, their counsel, and assistants shall have the right to inspect the ballots and participate in the recount under such suitable rules as the secretary of state may adopt. If the candidate requesting the recount cannot attend the recount, the candidate shall designate, in writing, to the secretary of state the name of an individual who will attend the recount and who will be authorized to make decisions on the candidate's behalf. Each candidate or his or her counsel or designee shall have the right to protest the counting of or failure to count any ballot. The secretary of state shall thereupon rule on said ballot and shall attach thereto a memorandum stating such ruling and the name of the candidate making the protest. If, at any time during the counting of the ballots, a discrepancy appears in any ballot for any reason, the secretary of state shall suspend the recount until the discrepancy is resolved, at which time the secretary of state shall continue the recount. In no event shall a discrepancy result in a second recount for the same candidate, as provided in RSA 660:3. ***Once begun, a recount must be competed unless all candidates involved in the election and present agree to end the recount.***

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

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 1183 Date 1/19/16

Committee Election Law

**** Please Print All Information ****

Name	Address	Phone	Representing	(check one) Pro	Con
Carol Roberts	Representative		Hillsborough City D4	✓	
Rep Dick Hinch - House Majority office					✓
Rep Carol McGuire			Morr29	✓	

Hearing Minutes

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 1183

BILL TITLE: **relative to election result recounts.**

DATE: **January 19, 2016**

LOB ROOM: **308** **Time Public Hearing Called to Order:** **10:00 a.m**

Time Adjourned: **10:10 a.m.**

Committee Members: Reps. Hoelzel, Gray, Souza, J. Sweeney, Luther, Schroadter, Hogan, D. Brown, Gannon, Cote, G. Ward, Moynihan, Pearson and B. Griffin

Bill Sponsors:

Rep. McConnell	**Rep. C. McGuire**	**Rep. Coffey**
Rep. C. Roberts	**Rep. Abramson**	**Rep. Shepardson**
Rep. Flanagan	**Rep. Aldrich**	

TESTIMONY

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

Introduced by Representative Jim McConnell - Based on personal experience. Desire that all candidates in election, not just that one who requests it, participate equally in recount.

Question - Representative Moynihan - does a tie mean a different process?
Answer - Yes.

D. Perry - In favor of bill.

Deputy Secretary of State Scanlon - Not being able to call off the recount might penalize someone financially; and for races with lots of candidates, such as State Representatives, it could be difficult to call off so to speak.

Question - Representative Cote - Is it always the losing candidate that requests it?
Answer - Yes.

Question - Representative Gray - Should it be different in a tie?
Answer - Perhaps.

Representative McConnell - Candidate has to be present. Don't need to chase.

Respectfully submitted,

Barbara Griffin, Clerk

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 1183

BILL TITLE: relative to election result recounts.

DATE: 1/19/16

ROOM: 308 **Time Public Hearing Called to Order:** 10:00 am

Time Adjourned: 10:10

(please circle if present)

Committee Members: Reps. Hoelzel, Gray, Souza, J. Sweeney, Luther, Schroadter, R. Christie, Hogan, Dean-Bailey, D. Brown, Gannon, Cote, Moody, G. Ward, Burton, Moynihan, Bennett, DiFranco, Pearson, Silva and B. Griffin

Bill Sponsors:

Rep. McConnell	Rep. C. McGuire	Rep. Coffey
Rep. C. Roberts	Rep. Abramson	Rep. Shepardson
Rep. Flanagan	Rep. Aldrich	

TESTIMONY

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

Intro by Rep Jim McConnell - based on personal experience. Desire that all candidates in elec, not just that one who requests it, participate equally.

? Rep. Moynihan - does the mean different process

A - Yes

D. Perry - in favor of bill

D SOS Scanlon - not being able to call off might penalize someone financially. And if lots of candidates, such as state Rep, Could be ~~impossible~~ difficult to call off so to speak

? Cote - is it always ~~diffe~~ losing candidate that requests a recount A Yes

? Gray - Shld it be different in a tie

A - perhaps

Rep. McConnell - candidate has to be present. Don't need to chat

Voting Sheets

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 1183

BILL TITLE: relative to election result recounts.

DATE: March 1, 2016

LOB ROOM: 308

MOTIONS: **INEXPEDIENT TO LEGISLATE**

Moved by Rep. Schroadter | Seconded by Rep. Gannon | Vote: 17-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Barbara Griffin, Clerk

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 1183

BILL TITLE: relative to election result recounts.

DATE: 3-1-2016

LOB ROOM: 308

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. Schuett Seconded by Rep. Cannon AM Vote: 17-0

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

CONSENT CALENDAR: ✓ **YES** ____ **NO**
(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. _____
Committee Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

12/31/2015 10:49:49 AM
Roll Call Committee Registers Report

2016 SESSION

ELECTION LAW

Bill #: 1183 Title: RA to Election

PH Date: 1/19/2016 Exec Session Date: 3/1/2016

Motion: ITL Amendment #:

MEMBER	YEAS	NAYS
Hoelzel, Kathleen M., Chairman	✓	
Gray, James P., V Chairman	✓	
~~Souza, Kathleen F.~~ Jasper	✓	
Sweeney, Joe AB		
Luther, Robert A.		
Schroadter, Adam R.	✓	
Christie, Rick G.	✓	
Hogan, Edith A	✓	
Dean-Bailey, Yvonne M.	✓	
Brown, Duane R.	✓	
Gannon, William M.	✓	
Griffin, Barbara J., Clerk	✓	
Cote, David E.	✓	
~~Moody, Marcia G.~~ Theberge	✓	
Ward, Gerald W.R.	✓	
Burton, Wayne M.	✓	
Moynihan, Wayne T.	✓	
Bennett, Travis AB		
~~DiFranco, Debbie~~ Moffett	✓	
Pearson, William A.	✓	
TOTAL VOTE:	17	0

Committee Report

CONSENT CALENDAR

March 1, 2016

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Election Law to which was referred HB 1183,

AN ACT relative to election result recounts. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Adam Schroadter

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Election Law**
Bill Number:	**HB 1183**
Title:	**relative to election result recounts.**
Date:	**March 1, 2016**
Consent Calendar:	**CONSENT**
Recommendation:	**INEXPEDIENT TO LEGISLATE**

STATEMENT OF INTENT

This bill seeks to improve the recount process for close elections by requiring that all candidates involved in the election and present agree to end the recount. However, the committee became concerned about unintended consequences and costs associated with high-number candidate elections such as state representative elections for large districts.

Vote 17-0.

Rep. Adam Schroadter
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Election Law

HB 1183, relative to election result recounts. **INEXPEDIENT TO LEGISLATE.**
Rep. Adam Schroadter for Election Law. This bill seeks to improve the recount process for close elections by requiring that all candidates involved in the election and present agree to end the recount. However, the committee became concerned about unintended consequences and costs associated with high-number candidate elections such as state representative elections for large districts. **Vote 17-0.**

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: Election

BILL NUMBER: 1183

TITLE: Rel to Election Result Recounts

DATE: 3.1.2016 **CONSENT CALENDAR:** YES ☑ NO ☐

☐ **OUGHT TO PASS**

☐ **OUGHT TO PASS W/ AMENDMENT**

☑ **INEXPEDIENT TO LEGISLATE**

☐ **INTERIM STUDY** (Available only 2nd year of biennium)

Amendment No. _____

STATEMENT OF INTENT:

HB 1183 seeks to improve the recount process for close elections by requiring that all candidates involved be present. ~~However, the~~ ~~committee by the committee found the~~

However, the committee became concerned about unintended consequences and costs associated with high-number candidate elections, such as State Representative elections for large districts.

COMMITTEE VOTE: 17-0

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. _____

For the Committee

Schroadter

Rev. 02/01/07 - Yellow