

# Senate Election Law and Municipal Affairs Committee

*Jessica Bourque 271-2104*

**HB 463**, relative to the composition of the board of recount in elections for the select board and for the school board.

**Hearing Date:** February 17, 2026

**Time Opened:** 9:47 a.m.

**Time Closed:** 9:56 a.m.

**Members of the Committee Present:** Senators Gray, Lang, Rochefort, Perkins Kwoka and Long

**Members of the Committee Absent:** None

**Bill Analysis:** This bill prohibits candidates for the select board and the school board from sitting on a board of recount in an election where such candidate is on the ballot.

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**Sponsors:**

Rep. Colcombe

Rep. Wherry

Rep. Fedolfi

Rep. Mary Murphy

Rep. Berry

Sen. Innis

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**Who supports the bill:** Senator Dan Innis, Rep. Robert Wherry, Josette Hall, Cory Stone, Pamela Harders, Curtis Howland, James Gardner, Timothy Finney, Jesse Medeiros

**Who opposes the bill:** Sarah Burke Cohen (NH Municipal Association), Leigh Hutchinson

**Summary of testimony presented:**

**Rep. Wherry, Prime Sponsor, Hillsborough-13**

- The purpose of this bill is to disqualify a candidate running for the select board or school board from participating in a recount in an election where they are the candidate.
- This states that if the school board requires a recount, the town would help with that recount and vice versa.

**Senator Long** asked if this applies to cities as well.

**Rep. Wherry** said he doesn't believe this is written to apply to cities.

**Senator Gray** said this refers to “school districts,” a term not often used in cities, where the school is usually part of the city.

**Sarah Burke Cohen, NH Municipal Association**

- NHMA opposes this bill.
- As it stands, the law is already written in a way that offers transparency; candidates and the public are permitted to observe recounts.
- For example, Ms. Burke Cohen could see logistical challenges when a recount involves cooperative school districts. If all six towns require recounts, which town should conduct the recount? Or in the case of a cooperative school district, should all six towns carry out the recount jointly?
- Another scenario is that you could end up with a recount board with members who are not invested in the recount because it is a recount for another town.
- Does not believe this bill is necessary. There hasn’t been an issue with the statute's current wording.

**Senator Perkins Kwoka** acknowledged that ideally, candidates shouldn’t be counting their own ballots and asked whether her point is that, logistically, they are the people who are available to do this.

**Ms. Burke Cohen** mentioned that candidates are already excluded from the recount. The issue arises in cooperative districts with more than one municipality, raising the question of who is responsible for counting the votes. Additionally, the term “ballot warrant article” is not used in the statutory scheme, and she is unsure what it means. It could be interpreted as “any warrant article,” which would exclude members of a select or school board, since all members participate in drafting and submitting warrant articles.

**Senator Lang** asked how she would define “ballot warrant article.”

**Ms. Burke Cohen** said she isn’t sure how she would define it because it isn’t used anywhere else in statute, and she isn’t sure what the intent of that term is.

**Senator Lang** asked whether she is aware that, on page 2, section III, we are requiring school board members to count rather than select board members.

**Ms. Burke Cohen** said, yes, it is very confusing.