

# Senate Election Law and Municipal Affairs Committee

*Jessica Bourque 271-2104*

**HB 1309**, relative to town meeting warrants.

**Hearing Date:** March 31, 2026

**Time Opened:** 10:21 a.m.

**Time Closed:** 10:35 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 requires each warrant article to clearly convey its intent and effect.

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**Sponsors:**

Rep. Potenza  
Rep. Korzen  
Sen. Murphy

Rep. Berry  
Rep. Kuttab  
Sen. Sullivan

Rep. Burnham  
Rep. Wherry

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**Who supports the bill:** Rep. Kelley Potenza, Rep. Bob Wherry, Liz Tentarelli, Cory Stone, Julie Smith, Brad Louth, Eric Pauer

**Who opposes the bill:** Brodie Deshaies, Cordell Johnston, Katherine Phelps, Jill Arabas, Amy A Erickson, Linda Burnap, Debra Merrick, Kathy Spielman, Debra Rodd, Daniel Rodd, Meredith Piotrow, Abigail Mather, Barbara Zaenglein, Eric Zaenglein, Erin Kerwin, Janet Robertson, Susan Fanburg, Debora Hatcher, Priscilla Dube, Ruth O'Neal, Thomas Stewart, Deborah Fexis, Thomas Humphreys, Cynthia Rodenhauser Stewart, Lois Cote

**Summary of testimony presented:**

**Representative Kelley Potenza, Strafford - District 19**

- This is a constituent requested bill, and it states that warrant articles must clearly convey their intent and effect without commentary or narrative language.
- The House committee amended the bill, which she is happy with except it is missing the piece about “deception” and believes that should be put back into the bill.
- Town meetings are an important NH tradition, and for them to work well and fairly, voters need to know what they are voting on.

- Articles should state what an article does in a neutral manner.
- This aligns with existing law and the NH Supreme Court’s reasoning.
- Examples of problematic language would be language that says “necessary”, “essential”, or “critically needed”.
- The word “deception” is necessary because the court needs it. The judge specifically needed that information to make a ruling, and it was the main reason she filed this legislation.

### **Brodie Deshaies, NH Municipal Association**

- Opposes this bill.
- This would require municipalities to state the subject matter of all business to be acted on but also “the intent and effect stated clearly without commentary or ambiguity”.
- Currently, selectmen are required to clearly specify only what is to be acted upon. Nothing more, nothing less.
- If municipalities are doing this, then that is a problem.
- Thinks the language in this bill would be redundant because municipalities are already not supposed to be adding commentary of ambiguity to language.

**Senator Perkins Kwoka** asked who would decide what “clearly and without ambiguity” means.

**Mr. Deshaies** said that is a good point and agreed that it would be up to the “eye of the beholder” to interpret what that means and that it could end up in court to determine if a question was stated properly.

**Senator Lang** asked if Mr. Deshaies agreed that towns shouldn’t be using words like “necessary” because those are leading terms. For example, “we need to build a highway garage because it is necessary,” could lead a voter to a conclusion instead of allowing a voter to come to their own conclusion.

**Mr. Deshaies** said sometimes that word might need to be used. Not every use of the word is inappropriate. For example, just stating that “an appropriation is necessary to keep a building open” doesn’t necessarily lead voters to vote one way or the other.

**Senator Rochefort** stated that he understands Mr. Deshaies’ point, that there is a difference between “a million dollars is necessary to keep the building open” vs. “the building is necessary to keep open” and that he sees Senator Lang’s point, noting that he can see how wording can drive an agenda and asked Mr. Deshaies if he agreed.

**Mr. Deshaies** said that he would agree and added that on lines 8 and 9, it says “the subject matter of all business to be acted upon at the town meeting shall be distinctly stated in the warrant”. In reality, voters should be asking local officials to follow the current statute.

## **Cordell Johnston, Henniker Town Moderator**

- Opposes the bill.
- This statute has been unchanged for at least 100 years because it is as clear as it needs to be.
- If the language of a warrant article is unclear, it can be amended at the town meeting.
- If the statute is changed, most likely an unhappy voter somewhere will argue that an article at their town meeting violated the law. Presumably, a judge would then need to determine whether the intent and effect were clearly expressed.
- Some articles require commentary by law, such as special articles. Banning commentary on any warrant article in this bill directly conflicts with existing statutes.