

HB 463 - AS INTRODUCED

2025 SESSION

25-0739

08/09

HOUSE BILL **463**

AN ACT relative to the composition of the board of recount in elections for the select board and for the school board.

SPONSORS: Rep. Colcombe, Hills. 30; Rep. Wherry, Hills. 13; Rep. Fedolfi, Hills. 30; Rep. Mary Murphy, Hills. 27; Rep. Berry, Hills. 44; Sen. Innis, Dist 7

COMMITTEE: Election Law

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.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Twenty Five

AN ACT relative to the composition of the board of recount in elections for the select board and for the school board.

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

1 1 Recount; Tie Vote; School District Elections. Amend RSA 671:32, II to read as follows:

2 II. The board of recount shall be composed of the school district clerk, the school district
3 moderator, and the members of the ~~[school board]~~ ***select board of such town, and such***
4 ***assistants as the school moderator may require. Such assistants shall take the same oath***
5 ***as, serve in the same capacity as, and have all the powers of the recount officials. No***
6 ***member of the board of recount may be a candidate for office or have authority over the***
7 ***ballot warrant articles.*** The school district moderator shall be the chairperson of the board of
8 recount; and

9 2 New Section; Conduct of Recount. Amend RSA 671 by inserting after section 32 the following
10 new section:

11 671:32-a Conduct of Recount.

12 The recount applicant, and their assistants shall have the right to observe the ballot inspections
13 and participate in the recount under such suitable rules as the moderator may adopt. Each recount
14 applicant, or his or her designee shall have the right to protest the counting of or failure to count any
15 ballot. The moderator shall thereupon rule on said ballot and shall attach thereto a memorandum
16 stating such ruling and the name of the applicant making the protest. If, at any time during the
17 counting of the ballots, a discrepancy appears in any ballot for any reason, the moderator shall
18 suspend the recount until the discrepancy is resolved, at which time the moderator shall continue
19 the recount. In no event shall a discrepancy result in a second recount application.

20 3 Board of Recount; Town Elections. Amend RSA 669:32 to read as follows:

21 669:32 Board of Recount. At the time and place so appointed and notified, the clerk shall
22 publicly break the seal of and open the package in which the ballots of said election are kept; and,
23 thereupon, said ballots shall be recounted by ***the board of recount. The board of recount shall***
24 ***be composed of*** the clerk, the moderator, ~~[and the selectmen]~~ ***the school board members of said***
25 ***town, and such assistants as the moderator may require. Such assistants shall take the***
26 ***same oath as, serve in the same capacity as, and have all the powers of the recount officials***
27 of said ~~[town who shall constitute the board of recount]~~. When counting the ballots, the board of
28 recount or their assistants shall visually inspect each ballot. No mechanical, optical, or electronic
29 device shall be used for the counting of ballots. ***No member of the board of recount may be a***
30 ***candidate for office or have authority over the ballot warrant articles.*** ~~[Any member of the~~
31 ~~board of recount who is one of the candidates for the office being recounted shall disqualify himself~~

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1 ~~or herself from the board of recount for all official duties of said board. The moderator shall appoint~~
2 ~~an assistant who shall take the same oath as, serve in the same capacity as, and have all the powers~~
3 ~~of the recount official whom he or she has replaced.]~~

4 4 New Section; Conduct of Recount. Amend RSA 669 by inserting after section 32 the following
5 new section:

6 669:32-a Conduct of Recount.

7 The recount applicant, and their assistants shall have the right to observe the ballot inspections
8 and participate in the recount under such suitable rules as the moderator may adopt. Each recount
9 applicant, or his or her designee shall have the right to protest the counting of or failure to count any
10 ballot. The moderator shall rule on said ballot and shall attach to such ballot a memorandum
11 stating the ruling and the name of the applicant making the protest. If, at any time during the
12 counting of the ballots, a discrepancy appears in any ballot for any reason, the moderator shall
13 suspend the recount until the discrepancy is resolved, at which time the moderator shall continue
14 the recount. Notwithstanding RSA 669:35, in no event shall a discrepancy result in a second recount
15 application.

16 5 Effective Date. This act shall take effect 60 days after its passage.