2025 SESSION

25-0007
08/09

HOUSE BILL   *600-FN*

AN ACT   enabling ranked-choice voting for municipal elections.

SPONSORS: Rep. Read, Rock. 10; Rep. H. Howard, Straf. 4; Rep. S. King, Coos 4; Rep. Muirhead, Graf. 12; Rep. Veilleux, Hills. 34; Rep. Telerski, Hills. 11; Rep. J. Sullivan, Graf. 2; Rep. Turer, Rock. 6; Rep. Wilhelm, Hills. 21

COMMITTEE: Election Law

ANALYSIS

This bill enables procedures for ranked choice voting and allows municipalities to adopt such procedures.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT   enabling ranked-choice voting for municipal elections.

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

1   1 New Section; Ranked-Choice Voting. Amend RSA 652 by inserting after section 16-h the

2   following new section:

3   652:16-i Ranked-Choice Voting.   "Ranked choice voting" means the method of casting and

4   counting votes in which voters rank candidates in order of choice and counting proceeds in rounds

5   pursuant to RSA 659:105, III to determine which candidate has or which candidates have a plurality

6   of votes for an election, where authorized by law.

7   2 Voting Materials. Amend RSA 669:23 to read as follows:

8   669:23 Preparation of Voting Materials.

9   I. The town clerk shall prepare the official ballots for the town and shall arrange the names

10   of candidates upon said ballots in parallel columns. Immediately above the names of each block of

11   candidates shall be printed the title of the office for which they are candidates, such as "For

12   Selectman." Below the title of each office shall be printed in small but easily legible letters:

13   (a) "Vote for not more than 1: (if there is only one office to be filled)"*;* or

14   (b) "Vote for up to X; X will be elected" (insert the number of offices to be filled)[.]*; or*

15   *(c)   In the case of an election using ranked-choice voting, "Rank candidates in*

16   *order of preference."*

17   II. In cities and towns where an electronic ballot counting device is used for the counting of

18   ballots, as provided in RSA 656:40, there shall be a square, box, oval, or other appropriate symbol for

19   directing voters where to make the appropriate mark directly to the right of the name of each

20   candidate. Whenever there are 2 or more candidates for the same office the names shall be printed

21   upon the ballot in the alphabetical order of their surnames according to the alphabetization

22   procedure established in RSA 656:5-a. Following the names printed on the ballot under the title of

23   each office, there shall be as many blank lines as there are persons to be elected to that office which

24   a voter may use to write in the name of any person for whom the voter desires to vote. In cities and

25   towns where an electronic ballot counting device is used for the counting of ballots, as provided in

26   RSA 656:40, there shall be a square, box, oval, or other appropriate symbol for directing the voters

27   where to make the appropriate mark directly to the right of each blank line. *In the case of an*

28   *election using ranked-choice voting, there shall be instructions indicating how a voter*

29   *shall rank candidates in order of preference such as "Completely fill in the oval." The*

30   *instructions shall additionally state "Do not mark more than one oval for each candidate*

31   *or column. If you do, your vote may not count. Rank as many or as few candidates as you*

1   *like. For your first choice, fill in the oval in the first-choice column. For your second*

2   *choice, fill in the oval in the second-choice column, and so on. Ranking a second choice -*

3   *candidate, third-choice candidate, and so on will not hurt your first choice candidate."*

4   3 Ballot Counting Devices; Testing. Amend RSA 656:42, VIII, (e)(4) to read as follows:

5   (4) The town or city clerk shall mark the test ballots in such a way as to demonstrate

6   a vote for each candidate on at least one test ballot, as well as votes for less than and more than the

7   number of candidates that may be voted for an office, write-ins, multiple votes for a candidate who

8   appears in more than one party column for the same office on a general election ballot, and ballots on

9   which there are no votes. The clerk shall mark [as many as possible of the combinations of choices

10   that a voter may indicate on the ballot] *as many variations or rankings as are reasonably*

11   *necessary to demonstrate the accuracy of the device*.

12   4 Marking the Ballot; Instructions. Amend RSA 659:17 to read as follows:

13   659:17 Marking the Ballot; Instructions to Voters. The secretary of state shall provide on the

14   top of the general election ballot the following voting instructions. The secretary of state is

15   authorized to replace the phrase "Make the appropriate mark" with an appropriate description and

16   example of the mark to be made for the type of ballot in use, such as "Make a cross (X) in the box" or

17   "Completely fill in the oval" *or in the case of an election using ranked choice voting, how to*

18   *"Rank candidates in order of preference," such as "Completely fill in the oval"*:

19   1) To Vote

20   Make the appropriate mark to the right of your choice. For each office vote for up to the number of

21   candidates stated in the sentences: "Vote for not more than 1" (if there is only one office to be filled,

22   such as governor or state senator); or "Vote for up to X;" "X will be elected" (insert the number of

23   offices to be filled). If you vote for more than the stated number of candidates, your vote for that

24   office will not be counted. *For elections using ranked choice voting, rank the candidates in*

25   *order of your preference. Do not mark more than one oval for each candidate or column. If*

26   *you do, your vote may not count. Rank as many or as few candidates as you like. For your*

27   *first choice, fill in the oval in the first-choice column. For your second choice, fill in the*

28   *oval in the second-choice column, and so on. Ranking a second-choice candidate, third*

29   *choice candidate, and so on will not hurt your first-choice candidate.*

30   2) To Vote by Write-In

31   To vote for a person whose name is not printed on the ballot, write in the name of the person in the

32   "write-in" space. In cities and towns where an electronic ballot counting device is used for the

33   counting of ballots, as provided in RSA 656:40, there shall be a square, box, oval, or other

34   appropriate symbol for directing the voters where to make the appropriate mark directly to the right

35   of each "write-in" space.

36   5 Optimal Counting of Votes at Additional Polling Places. Amend RSA 659:59 to read as

37   follows:

1   659:59 Optional Counting of Votes at Additional Polling Places. The moderator may order the

2   assistant moderator in writing to process absentee ballots and to count the votes cast at the

3   additional polling place in the presence of and with the assistance of the assistant town clerk and

4   election officials in the manner prescribed by this chapter. ***The counting of votes in elections***

5   ***using ranked choice voting at any additional polling place shall be conducted in the***

6   ***manner prescribed by the secretary of state pursuant to RSA 659:105, V.*** After the processing

7   of absentee ballots and the counting are complete, the assistant moderator shall place the counted

8   ballots in the ballot box and shall seal it, and the assistant town clerk shall certify the same. The

9   assistant moderator shall also seal in a package the duplicate checklists used at the additional

10   polling place together with the absentee envelopes and the spoiled and unused ballots; and he ***or***

11   ***she***, together with the assistant town clerk, shall immediately deliver the ballot box, checklists,

12   absentee envelopes, unused and spoiled ballots, and a written report of [his] ***the*** count signed by

13   [him] ***the assistant moderator*** and the assistant town clerk to the moderator of the town at the

14   central polling place. If the moderator does not order the counting as provided herein, the assistant

15   moderator shall comply with the provisions of RSA 659:62.

16   6 New Section; Procedures for Any Elections Authorized by Law to be Conducted by Ranked

17   Choice Voting. Amend RSA 659 by inserting after section 104 the following new section:

18   659:105 Procedures for Elections Conducted by Ranked Choice Voting.

19   I. In this section, unless the context otherwise indicates:

20   (a) "Active candidate" means any candidate who has not been eliminated or, in a multi-

21   winner election, who is not an elected candidate.

22   (b) "Highest-ranked active candidate' means the active candidate assigned to a higher

23   ranking than any other active candidate.

24   (c) "Overvote" means a circumstance in which a voter has ranked more than one

25   candidate at the same ranking.

26   (d) "Ranking" means the number available to be assigned by a voter to a candidate to

27   express the voter's preference for that candidate. The number "1" is the highest ranking, followed by

28   "2" and then "3" and so on.

29   (e) "Repeated ranking" means a circumstance in which a voter ranks the same candidate

30   at multiple rankings.

31   (f) "Round" means an instance of the sequence of vote counting described in RSA

32   659:105, III.

33   (g) "Skipped ranking" means a circumstance in which a voter has left a ranking

34   unassigned and ranks a candidate at a subsequent ranking.

35   (h) "Undervote" means a circumstance in which a voter does not rank any candidates in

36   an election for a particular office.

1   II.(a) In any ranked choice voting election, the ballot shall allow voters to rank candidates in

2   order of preference.

3   (b) In any single-winner ranked choice voting election, the ballot shall allow voters to

4   rank at least 5 candidates In any multi-winner ranked choice voting election, the ballot shall allow

5   voters to rank at least 4 more candidates than the number of seats to be nominated or elected. If

6   there are fewer candidates than the number of rankings required above, the number of rankings

7   may be reduced accordingly. In any event, the number of rankings allowed in an election for any

8   given office shall be uniform for all voters voting on that office within the state.

9   III.(a) In any election in which a single winner is selected using ranked choice voting, each

10   ballot counts as one vote for its highest-ranked active candidate. The candidate with the greatest

11   number of votes at the end of the count is determined to be the person receiving the plurality of votes

12   and is nominated or elected. The count proceeds in rounds as follows:

13   (1) If there are more than 2 active candidates, the active candidate with the fewest

14   votes is eliminated, and the votes for the eliminated candidate count for each ballot's next-ranked

15   active candidate.

16   (2) If there are 2 or fewer active candidates, the count is complete.

17   (b) In any election in which multiple winners are selected using ranked choice voting,

18   each ballot counts in whole or in part for its highest-ranked active candidate. Candidates are

19   nominated or elected if they receive the minimum whole number of votes needed to win the election

20   by a plurality of votes. To determine this threshold, divide the total number of valid votes cast by

21   the sum of one and the number of seats to be filled, round that number down to the nearest whole

22   number, then add one vote. If a candidate receives more votes than this threshold, part of each vote

23   received by that candidate counts for each ballot's next-ranked active candidate instead. If no active

24   candidate meets this threshold, then the candidate with the fewest votes is eliminated and votes for

25   that candidate count for each ballot's next-ranked active candidate. The secretary of state shall

26   establish uniform rules and best practices for administering multi-winner ranked choice voting

27   elections.

28   IV.(a) An undervote does not count as an active or inactive ballot in any round of counting

29   for that election.

30   (b) An inactive ballot is a ballot that ceases to count for any candidate during the round-

31   by-round count because either:

32   (1) All candidates ranked on the ballot have become inactive; or

33   (2) The ballot includes an overvote and any candidates ranked higher than the

34   overvote have become inactive.

35   (c) During the round-by-round count, a ballot shall remain active and continue to count

36   for its highest-ranked active candidate notwithstanding any skipped or repeated rankings on the

37   ballot.

1   (d) If the candidate dies or makes an oath that they have become disqualified, as

2   provided in RSA 655:38, and no substitute candidate is printed or pasted on the ballot in their place,

3   the candidate shall be treated as an eliminated candidate during the round-by-round count.

4   (e) If 2 or more candidates are tied with the fewest number of votes, and the round-by-

5   round count cannot continue until the tie is resolved, the tied candidates who had the fewest votes in

6   the prior round shall be declared defeated. If 2 or more of such tied candidates were tied in the prior

7   round also, the second tie shall be decided by referring similarly to the standing of candidates in the

8   second-prior round. This principle shall be applied successively as many times as may be necessary;

9   a tie shown in any prior round being decided by referring to the standing of the tied candidates in

10   the round immediately preceding the round in which the tie exists. Any tie not otherwise provided

11   for shall be decided by lot. The result of any tie resolution decided by lot shall be recorded and

12   reused in the event of a recount.

13   V. Notwithstanding any law to the contrary, the secretary of state shall make any rules

14   necessary to implement this section for any elections authorized by law to be conducted using ranked

15   choice voting. Such rules shall include a plan to release:

16   (a) Unofficial preliminary round-by-round results starting on election night.

17   (b) Unofficial preliminary ballot-level ranking data in a machine-readable and

18   searchable open format no later than the counting of ballots is complete.

19   (c) Official final round-by-round results upon certification of the results; and

20   (d) Official final ballot-level ranking data in a machine-readable and searchable open

21   format upon certification of the results.

22   7 New Subparagraph; Content of Return. Amend RSA 659:73, I by inserting after subparagraph

23   (f) the following new subparagraph:

24   (g) In an election using ranked choice voting, such information as prescribed by the secretary of

25   state pursuant to RSA 659:105, V.

26   8 New Section; Ranked Choice Voting; Implementation. Amend RSA 669 by inserting after

27   section 13 the following new section:

28   669:13-a Ranked Choice Voting; Implementation.

29   I. Any municipality may opt-in to the provisions for ranked choice voting for any local

30   election without regard for whether any other municipality also opts in. Any municipality that seeks

31   to opt-in to the provisions for ranked choice voting shall do so at least 90 days before the first

32   election in which such municipality seeks to utilize ranked choice voting by providing written notice

33   to the New Hampshire secretary of state. Any municipality that seeks to opt-in to the provisions for

34   ranked choice voting may do so for any or all offices. Municipalities shall specify which offices they

35   seek to use ranked choice voting for at the time they seek to opt-in to the provisions for ranked

36   choice voting.

37   II. Any town or city may implement ranked choice voting in the following manner:

1   (a)   In a town, the question shall be placed on the warrant of an annual town meeting

2 under the procedures set out in RSA 39:3, or by initiative petition or referendum petition if a town

3 charter provides for such, and shall be voted on a ballot.

4   (b)   In a city, the legislative body may vote to place the question on the official ballot for

5 any special or regular municipal election, or, in the alternative, shall place the question on the

6 official ballot for any municipal election upon submission to the legislative body of a petition signed

7 by 5 percent of the registered voters.

8   (c)   The selectmen or city council shall hold a public hearing on the question at least 15

9 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall be

10 posted in at least 2 public places in the municipality and published either in a newspaper of general

11 circulation or the municipality's Internet website at least 7 days before the hearing.

12   (d)   If one or more amendments to a municipal charter are necessary in order to

13 implement ranked choice voting, the charter shall be amended as provided for in RSA 49-B:5.

14   III.   Once passed according to the applicable procedures outlined in subparagraphs (a)

15 through (d), ranked choice voting shall apply within the town or city beginning with the next

16 applicable election, provided that a town or city designee notifies the secretary of state of their opt-in

17 at least 90 days before said election.

18   IV.   A town or city may consider rescinding its action in the same manner, and if so

19 rescinded, the city or town clerk shall notify the secretary of state at least 90 days before the next

20 election, of the decision to rescind their opt-in.

21   9 Local Partisan Nominations. Amend RSA 669:38 to read as follows:

22   669:38 Party Regulations. Any party qualified to hold a caucus may, in convention or by its

23 recognized political committee, make regulations concerning the manner of holding the caucus

24 consistent with the provisions of this subdivision. ***Any party may employ ranked choice voting***

25 ***in its caucus. A party that chooses to do so shall comply with the provisions of RSA 659:105,***

26 ***as well as any rules enacted by the secretary of state under RSA 659:105, in counting votes***

27 ***in a ranked choice voting caucus election.***

28   10 Severability. If any provision of this act, or the application of any provision of this act to any

29 person, office, or circumstance, is held to be unconstitutional, the remainder of this act and the

30 application of its provisions to any person, office, or circumstance, shall not be affected by the

31 holding.

32   11 Effective Date. This act shall take effect August 1, 2025.

HB 600-FN- FISCAL NOTE
AS INTRODUCED

AN ACT   enabling ranked-choice voting for municipal elections.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2025	**FY 2026**	**FY 2027**	**FY 2028**
Revenue	$0	$0	$0	$0
Revenue Fund(s)	None			
Expenditures*	$0	$0	$0	$0
Funding Source(s)	None			
Appropriations*	$0	$0	$0	$0
Funding Source(s)	None			

*Expenditure = Cost of bill   *Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2025	**FY 2026**	**FY 2027**	**FY 2028**
County Revenue	$0	$0	$0	$0
County Expenditures	$0	$0	$0	$0
Local Revenue	$0	$0	$0	$0
Local Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

The Office of Legislative Budget Assistant is unable to provide a complete fiscal note for this bill, as introduced, as it is awaiting information from the Department of State. The Department was originally contacted on 01/04/25 for a fiscal note worksheet. When completed, the fiscal note will be forwarded to the House Clerk's Office.

METHODOLOGY:

This bill enables procedures for ranked-choice voting for municipal elections and for parties voting in caucus. The local legislative body or the party would determine whether to adopt a ranked-choice system for voting.

The New Hampshire Municipal Association states there may be additional costs for resources needed to tabulate votes and train election officials and voters on the system if either a state

party or local legislative body opts-in to a ranked-choice system resulting in an indeterminable increase to local expenditures starting in fiscal year 2026.

AGENCIES CONTACTED:

Department of State and New Hampshire Municipal Association