

Senate Election Law and Municipal Affairs Committee

Jessica Bourque 271-2104

HB 173, relative to maintaining the purpose of a petitioned warrant article.

Hearing Date: March 3, 2026

Time Opened: 10:28 a.m.

Time Closed: 10:46 a.m.

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

Members of the Committee Absent: Senator Perkins Kwoka

Bill Analysis: This bill prevents warrant articles from being amended to change their purpose.

Sponsors:

Rep. Sellers

Rep. Ammon

Rep. Post

Rep. Pauer

Rep. Terry

Rep. Tierney

Rep. Mazur

Rep. Creighton

Rep. Guthrie

Who supports the bill: Rep. John Sellers, Tim Jandebear, Yaakov Abahav, Eric Pauer, Curtis Howland, Timothy Finney, Corinne Gordon, Daniel Richardson, Pamela Harders

Who opposes the bill: Brodie Deshaies, Jennifer Favreau, Cordell Johnston

Summary of testimony presented:

Representative John Sellers, Grafton-10

- There have been instances where petitioners have done the necessary footwork to add a warrant article to the ballot, but it gets completely changed from the original intent of the bill in deliberative session before it is voted on.
- Currently, the law states that the subject matter of the article cannot be removed. This would also specify that the purpose cannot change from the article's original intent.
- This bill would make sure that someone's actual petition is voted on.
- The House retained the bill because they kept going back and forth on “purpose” and “intent.”
- An example of this is when a town turns something into a study and then puts it to a vote. There should be an actual vote on an article, not just turning it into a study.
- This only pertains to petition warrant articles.

Senator Rochefort asked Rep. Sellers to provide an example of when the article deviated from its purpose.

Rep. Sellers said he has seen several cases in Bristol, where he is from, in which something was turned into a study, and at that point, no one cared, and the article was voted down.

Tim Janiver, Northwood

- We are given the right to petition. For example, RSA 32:14 gives us the right to petition to have a town's budget committee rescinded. When folks in his town tried to do that, the town select board changed the word "rescind" to "reaffirm" in a deliberative session, effectively reversing their original goal. RSA 39:3 says the town can make minor language changes but cannot alter the intent.
- When speaking to the Secretary of State, he thought there might be some wiggle room in the statute, so Mr. Janiver is here hoping to eliminate that wiggle room.

Brodie Deshaies, NH Municipal Association

- Opposes this bill.
- Petition warrant articles should not be treated any differently than any other warrant article. The only difference between the articles is how it is placed on the warrant.
- Petition warrant articles deserve no more protection than any other article.
- The term "purpose" is unclear and open to multiple interpretations. Its specific meaning would have to be clarified by a moderator on a case-by-case basis.

Senator Lang inquired about the petitioners themselves, whose request was completely perverted and changed into something they didn't sign off on. How does Mr. Deshaies feel about those people?

Mr. Deshaies said that, ultimately, it should be the governing body's responsibility, just like any other article. There are many times during a meeting when someone requests that an appropriation be changed to \$1, effectively nullifying the warrant article. This is how it has always been in New Hampshire, and it is part of the democratic process here.

Yaakov Abahav, Grafton

- Supports this bill.
- Currently, under the bill, the subject matter cannot be changed. The meaning of "subject" is vague.
- There have been a few court cases on this subject. For example, in a deliberative session, where they removed all the language and only kept "to see," the court

ruled that this was acceptable. The law was then changed so that you can't alter the subject matter.

- The court still finds the current law ambiguous. It considers the fact that the legislature did not adopt certain measures as an indication that its intent was not to do so.
- Mr. Abahav currently has a petition pending in a superior court. Gathering 25 signatures for a petition takes a lot of time, while the select board only needs to attend one meeting and then vote to include an item on the warrant; it is then added to the warrant.
- Believes that altering an article's intent is problematic because people invest significant effort into making a change, only to see it modified later, which makes their effort fruitless.
- He believes this bill remains unclear and wishes for more precise language.
- Few people participate in deliberative sessions, and often only those with specific interests, such as working at the school, attend, which may not reflect the views of the broader population.

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Date Hearing Report completed: March 5, 2026