

Senate Election Law and Municipal Affairs Committee

Jessica Bourque 271-2104

HB 1044, relative to the filling of vacancies in the office of a county commissioner.

Hearing Date: March 10, 2026

Time Opened: 10:13 a.m.

Time Closed: 10:28 a.m.

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

Members of the Committee Absent: Senator Lang

Bill Analysis: This bill requires a vacancy in the office of county commissioner to be filled by the members of the county convention.

Sponsors:

Rep. Turcotte

Rep. Burnham

Rep. Bailey

Rep. Walker

Rep. DeRoy

Rep. Harrington

Rep. Ankarberg

Rep. Farrington

Rep. Potenza

Rep. Granger

Sen. Gray

Who supports the bill: Senator James Gray, Rep. Len Turcotte, Rep. Daniel Popovici-Muller, Cory Stone, Daniel Richardson, Eric Pauer

Who opposes the bill: Commissioner Joe Osgood, Commissioner Steve Shurtleff, Commissioner Toni Pappas, Commissioner Terry Clark, Commissioner Claudia Stewart, Commissioner Katie Wood Hedberg, Commissioner Lovlien, Kate Horgan, Jennifer Favreau, Margaret Thornbury, Marjorie Boyer, Tami Lanzillo Zeimetz

Summary of testimony presented:

Representative Len Turcotte, Strafford - District 4, Prime Sponsor

- This bill came out of the House Municipal and County Committee 18-0, Ought to Pass with Amendment.
- In Hillsborough County, a vacant commissioner seat is appointed by a majority vote of only those members of the county convention who represent the cities and towns within the specific district of the vacant seat. While in the other 9 counties, the vacant seat is filled by a majority vote of the full county convention.

- When a commissioner in Strafford County moved out of state, their seat became vacant. The full county convention, comprising of 60% Democrats and 40% Republicans, appointed a replacement in accordance with current law. This seat was in a district that leans Republican. Under this bill, the vacancy would have instead been filled by members of the seat's county district delegation.
- This bill mimics the current Hillsborough County procedure and would bring the other 9 counties in line with that procedure.
- Rep. Turcotte stated the bill reflects bipartisan agreement.

Senator Long clarified that only the delegates from that district's vacant seat would vote to fill the vacant commissioner's position.

Rep. Turcotte confirmed that it is the case, just like Hillsborough County has been doing.

Senator Long asked whether there would be a meeting of those delegates.

Rep. Turcotte replied that he would imagine that would be the situation.

Senator Long asked who would be responsible for calling the meeting.

Rep. Turcotte replied that he believes the chair would be responsible.

Senator Gray added a correction to earlier testimony. Senator Gray clarified that another county uses an at-large voting process.

Rep. Turcotte replied yes, saying he should have clarified that Strafford is the only county that didn't elect by district.

David Lovlien, Jr., Merrimack County Commissioner - District 3

- Opposes this bill.
- County Commissioners serve the entire county, not just individual towns, cities or districts. County-wide participation is appropriate.
- Current law allows the full county convention to fill a vacancy, ensuring broad representation.
- The Hillsborough County process works for that county because it is an exception due to its large size.
- The decision to fill a vacancy should not be left to just a few officials. Restricting a district to a subset of legislators, or potentially to a single individual, weakens democratic accountability.
- Counties vary by size and population and one-size-fits-all government does not work for every county.
- District-only selection leads to unequal representation and can alter fairness.
- The current system works. It is effective, transparent, and is representative.
- This bill seeks to eliminate a process without a suitable alternative.

Senator Gray asked Mr. Loveland if he would believe that, being represented by one of the districts in Rochester, that he doesn't believe that it is fair, he doesn't believe that it is representative, and he doesn't believe it is in the best interest of the citizens.

Commissioner Lovlien replied that he will defer all questions to the NH Association of Counties.

Kate Horgan, NH Association of Counties

- NH Association of Counties opposes this bill.
- The main concern is for smaller counties, like Coos, which lost five representatives during the last redistricting. If that trend continues in the next redistricting, it's possible that a single individual could hold an entire county commissioner district. Theoretically, they could appoint themselves as the commissioner and give themselves a pay raise, and no one could stop them.
- Hillsborough County, now with 123 representatives, codified its process into law after facing difficulties in securing quorums in the 1970s. It was easier for the county to gather representatives from individual districts than to assemble the entire delegation.

Senator Gray asked whether all the counties now use districts to represent county commissioners.

Ms. Horgan confirmed that they do. Carroll and Sullivan Counties elect at-large.

Senator Gray asked if, after the last election, there had been a change in the law requiring county commissioners to live in the district, and also whether only the voters of that district are allowed to vote on that seat.

Ms. Horgan confirmed that there is such a law in Strafford County

Senator Gray asked when there was a vacancy, who was able to vote for that vacancy.

Ms. Horgan said the Strafford County delegation had the eligibility to vote as every other county would. Vacancies are not common.

Senator Gray said that the only thing this bill changes is who votes for the commissioner. Instead of other districts making the decision, the representatives from the towns in that district will vote, and those representatives were originally elected by the people in those towns.

Ms. Horgan said the concern remains that, in a small county, one state representative could appoint themselves as Commissioner.

Senator Gray said he would like to see evidence of that. Senator Gray recognized that Coos County has 9 commissioners and that they could overlap.

Ms. Horgan responded that the bill does not address how overlaps would occur. She explained that if Coos County continues to lose representatives, the next redistricting could lead to fewer representatives for smaller towns, with the concentration of state

representatives in Berlin. As a result, one person might end up representing an entire county commissioners' district.

Senator Gray asked whether the requirement was three commissioners in Coos County.

Ms. Horgan explained that Coos County has three county commissioners, but one has resigned. Typically, representatives concentrate in Berlin, so someone without ties to Berlin could appoint themselves as a commissioner. This situation might allow a single representative to appoint themselves as commissioner and potentially secure a pay increase.

Senator Gray asked how they would give themselves a raise.

Ms. Horgan said that if they voted themselves in a county commissioner position, they would be giving themselves a pay raise.

Senator Rochefort helped clarify that Ms. Horgan is saying the county commissioner's salary is much higher than a state representative's pay.

Ms. Horgan concurred with Senator Rochefort's assessment and affirmed that this was her intended explanation in her testimony