

Senate Election Law and Municipal Affairs Committee

Jessica Bourque 271-2104

HB 1234, identifying certain school district offices as incompatible for purposes of school district elections.

Hearing Date: April 28, 2026

Time Opened: 9:15 a.m.

Time Closed: 9:35 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 prohibits filing for multiple incompatible school district offices.

Sponsors:

Rep. N. Murphy
Rep. Pauer
Rep. Mooney
Sen. Ricciardi

Rep. Petrigno
Rep. Kuttab
Sen. Fenton

Rep. Rung
Rep. Paquette
Sen. Perkins Kwoka

Who supports the bill: Rep. Nancy Murphy, Rep. Diane Pauer, Heather Robitaille, Eric Pauer

Who opposes the bill: Robert Scott, Barrett Christina, Sarah Burke Cohen, Tami Lanzillo Zeimetz

Who is neutral on the bill: No one

Summary of testimony presented:

Representative Nancy Murphy, Hillsborough-District 12

- This bill seeks to identify incompatible offices and prohibit candidates from filing for those offices.
- Her local school district clerk requested this bill.
- New Hampshire laws prevent candidates from holding incompatible offices, but they do not bar them from running for such positions. As a result, if a candidate files to run for incompatible offices, one of those offices will remain vacant and must be filled by the body affected by the vacancy.

- 20 Years ago, Merrimack eliminated its municipal budget committee but passed the formation of a school district budget committee. Only a few districts have a school district budget committee.
- Per RSA, a school board member is prohibited from serving as an at-large member on the budget committee.
- The Secretary of State (SOS) has stated that current laws do not prohibit filing for two incompatible offices in the same election.
- This would bring school district elections in line with municipal election laws.
- This would increase voter confidence that the candidate they support won't be disqualified from serving.
- This clarifies which offices are incompatible and eliminates the need for governing bodies to make appointments to vacant seats.

Representative Diane Pauer, Hillsborough-District 36

- Under New Hampshire law, no member of a cooperative school board shall be elected to the budget committee.
- Based on her experience, a sitting cooperative school board member ran for the cooperative budget committee; although the law suggests they should not file for or run for that office, they are allowed to. Someone elected to both positions would have to resign immediately, effectively overriding the voters' choice by leaving one position vacant and having the affected members fill the spot.
- The law does not address the inverse of RSA 195:12-a regarding a budget member running for the cooperative school board.
- This bill addresses this issue by ensuring that candidates who appear on the ballot are eligible to hold the office they seek.

Senator Lang asked whether she is saying that a school budget committee member cannot run for the school board until they resign from the committee.

Representative Pauer said that it is correct; they cannot run for the school board.

Dr. Robert Scott, Newport

- Opposed to this bill.
- Has been an elected official in his school district for 38 years.
- This bill would not allow him to hold the seats he currently holds.
- Some positions are compatible; for example, he has served as a moderator, clerk, and treasurer in his town.
- Artificial electoral impediment is applied subjectively and unequally.
- The original bill addressed the problem more effectively. School board members should not serve on any other committees.
- The one-size-fits-all amendment by the House doesn't account for different situations.

- Recommends that this go to a study committee and be studied long-term.

Barrett Christina, NH School Board Association

- Opposes this bill.
- Line 8 is their concern: “No person employed on a salaried basis by a school administrative unit or by any other school district within a school administrative unit shall be a school board member, budget committee member-at-large under RSA 32:15, or advisory budget or finance committee member under RSA 32:24.” Many school boards have their own internal budget or finance committees, and according to this bill, the superintendent and/or the business manager would not be able to serve on those committees.
- Under this bill, the superintendent or business manager would not be allowed to serve on budget subcommittees, and NHSBA believes they should be permitted to do so.

Senator Lang asked about line 16, starting with the word “nor,” and stated that he thinks this would mean that a sitting budget committee member would not be allowed to run for the school board until they resigned from their budget committee position.

Mr. Christina said that is how he reads that as well.

Senator Rochefort asked if Mr. Christina believes that removing the phrase “or advisory budget or finance committee member under RSA 32:15 for any district of the school administrative unit” on line 11 would improve clarity.

Mr. Christina said he thinks they would be okay with that.

Senator Gray asked if they could put in “voting member” so you can be on the committee, but you can’t be a voting member.

Mr. Christina said he hasn’t contemplated that. Their concern is that employees with financial knowledge would not be allowed to serve on the committees.

Sarah Burke Cohen, NH Municipal Association

- Does not think this bill is necessary.
- Many of these committees are advisory in nature, and people should be encouraged to participate in reviewing the budget.
- Legislative bodies can already adopt regulations governing conflicts of interest for local offices.

Heather Robitaille, Merrimack

- If a candidate files for both the school board and the budget committee, they would have to decline one of the positions if they are elected to both, leaving a vacancy. This removes voters' voices and is avoidable at the time of filing for candidacy.

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Date Hearing Report completed: April 30, 2026