

Rep. See, Merr. 26  
Rep. Berry, Hills. 44  
Rep. Qualey, Ches. 18  
Rep. Wherry, Hills. 13  
Rep. Wood, Merr. 13  
Rep. Prudhomme-O'Brien, Rock. 13  
Rep. Aures, Merr. 13  
Rep. Guzofski, Rock. 1  
Rep. Burnham, Straf. 2  
March 3, 2026  
2026-0984h  
09/08

Amendment to HB 1396

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 Vacancies Among Public Officers. Amend RSA 661:8 to read as follows:

4 661:8 Executive Councilor; State Senator[; ~~State Representative~~].

5 I. If a vacancy occurs in the office of executive councilor or state senator, it shall be filled as  
6 provided in Part II, Articles 34 and 62 of the state constitution.

7 II. ~~[If a vacancy occurs in the office of state representative from a single town or ward  
8 district, the vacancy may be filled following the provisions of RSA 655:81 and RSA 655:82 in the  
9 same manner as a state general election is held. In a multi town or multi ward district, a vacancy in  
10 the office of state representative shall be filled following the provisions of RSA 655:81 and RSA  
11 655:82 by a special election if the selectmen of any town or the city for any ward in said district so  
12 request of the governor or council.~~

13 III. ~~Notwithstanding the provisions of paragraph II, if a vacancy occurs in the office of state  
14 representative in a district comprised of a city ward or wards, a request to hold the primary and  
15 special elections on the same dates as the city's biennial primary and regular elections may be  
16 submitted to the governor and council by the governing body of the city. If so requested, the governor  
17 and council shall declare the vacancy not less than 56 days prior to the date of the city's primary  
18 election. The filing period shall start on the Monday following the date on which the governor and  
19 council declare that there shall be a special election and shall end at 5:00 p.m. on the Friday of that  
20 week. The provisions of RSA 655:81, III, VI, VII, VIII, IX, X, and XI shall apply to elections held  
21 pursuant to this paragraph.~~

22 IV.] Within 21 days after proof of a vacancy or a request that a vacancy be filled, the  
23 governor, in the case of an executive council vacancy, or the governor and council, in the case of [~~any~~  
24 ~~other~~] **a senate** vacancy, shall declare that there shall be a special election which shall be held as  
25 provided in RSA 655:81 and 82 or as provided in RSA 661:8, III.

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1           ~~[V.]~~ **III.** No special election shall be held after March 15 of the second year of the biennium,  
2 as determined by RSA 655:81, I.

3           2 New Section; Vacancies Among Public Officers. Amend RSA 661 by inserting after section 8  
4 the following new section:

5           661:8-a State Representative.

6           Within 21 days after the speaker of the house declares a vacancy exists, the governor with the  
7 consent of the council shall appoint a replacement subject to the following:

8           I. The candidate shall be:

9                 (a) Qualified as provided in RSA 655:8; and

10                (b) If the vacancy was from a person who was registered in a political party when  
11 elected, the replacement shall be registered in the same party as of the date of the previous state  
12 general election; or

13                (c) If the vacancy was from a person who was registered as undeclared or of a minor  
14 party affiliation when elected, the replacement shall be registered as undeclared as of the date of the  
15 previous state general election.

16           II. Any vacancies occurring after May 10 of the second year of the biennium shall not be  
17 filled;

18           III. Where a party is indicated in paragraph I(b) above, that party shall nominate a  
19 candidate to fill the vacancy. The governor and council shall approve this candidate unless a  
20 statutory or constitutional conflict is deemed to exist.

21           3 Nomination for Special Elections. Amend RSA 655:81 to read as follows:

22           655:81 Nomination of U.S. Representative, Executive Councilor, **and** State Senator [~~and~~  
23 ~~Representative to the General Court~~].

24           The nomination of candidates for the U.S. House of Representatives or for the executive council  
25 or for the state senate [~~or for representative to the general court~~] for special elections shall be  
26 accomplished through the holding of special election primaries. The filing of candidates for such  
27 primaries and all other matters connected with such primaries shall be the same as for primaries  
28 before a state general election except that:

29           I. The special election shall be held on a Tuesday not less than 110 nor more than 124 days  
30 following the day that the governor and council declare that there shall be a special election;  
31 [~~provided, however, that if one or more municipalities where a special election for state~~  
32 ~~representative will be held have a regularly scheduled election occurring between 80 and 180 days~~  
33 ~~following the day that the governor and council declare that there shall be a special election, the~~  
34 ~~governor and council shall set the date of the election to coincide with the regularly scheduled~~  
35 ~~election if a majority of the towns or wards, as represented by the city, jointly request that day; if~~  
36 ~~towns or wards, as represented by the city, request that the special election coincide with regularly-~~  
37 ~~scheduled elections occurring on different dates, the election shall be held on a Tuesday not less than~~

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1 ~~110 nor more than 124 days following the day that the governor and council declare that there shall~~  
2 ~~be a special election;]~~ and

3 II. The filing period shall start on the Monday following the date on which the governor and  
4 council declare that there shall be a special election and shall end at 5:00 p.m. on the Friday of that  
5 week; and

6 III. ~~[Under RSA 655:15, the official with whom state representative candidates shall file~~  
7 ~~shall be the secretary of state, except that a state representative candidate may file with the~~  
8 ~~appropriate town or city clerk under RSA 655:15 or with the secretary of state during the Monday~~  
9 ~~and Tuesday only of the filing period in towns and cities in which the clerk's office is open on one or~~  
10 ~~both of those days, in which case the town or city clerk shall forward each declaration of candidacy to~~  
11 ~~the secretary of state on the same day on which the declaration is filed; and~~

12 ~~IV.]~~ The primary shall be held 49 days prior to the special election; and

13 ~~[V.]~~ IV. Supplementary primary petitions may be filed as needed no later than 5:00 p.m. on  
14 the last day of the filing period; and

15 ~~[VI.]~~ V. The deadline for filing nomination papers shall be no later than 5:00 p.m. on the day  
16 set for the primary; and

17 ~~[VII.]~~ VI. The notice of the primary in RSA 655:11 shall be prepared by the secretary of state  
18 and distributed to the town and city clerks as soon as practicable after the setting of the date for the  
19 special election; and

20 ~~[VIII.]~~ VII. Under RSA 655:12, clerks shall post notices of special election primaries as soon  
21 as possible after they are received; and

22 ~~[IX.]~~ VIII. The names of all candidates for a party nomination at a special election primary  
23 shall be printed in alphabetical order on the ballot according to the alphabetization procedure  
24 established in RSA 656:5-a; and

25 ~~[X.]~~ IX. The publication of the result provided in RSA 659:89 shall not be required; and

26 ~~[XI.]~~ X. The deadline for any candidate to request a recount pursuant to RSA 660:7 shall be  
27 5:00 p.m. on the day after the election. A candidate having requested a recount pursuant to this  
28 paragraph may, no later than 5:00 p.m. on the Monday after the primary election, withdraw the  
29 request and receive a refund of any fees paid.

30 4 Effective Date. This act shall take effect 60 days after its passage.

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AMENDED ANALYSIS

This bill allows a vacancy in a state representative seat to be filled by appointment rather than special election.