

Testimony on HB 78 (2025):

“AN ACT requiring a person to have a domicile in the district from which they serve as county commissioner.”

House Municipal & County Government Committee
Rep. Timothy Horrigan (Strafford 10); January 13, 2025

I am neither for nor against this bill. But I will say that this bill fixes an inconsistency in current law.

Currently, all ten counties are each divided into three county commissioner districts. In nine counties, a commissioner must live in his or her own district. In the tenth county, Strafford County, a commissioner may live anywhere in the county.

Until the 2024 election cycle, Strafford County stood alone by having a single three-person at-large county commissioner district. It has had such an at-large district since 1865. This changed when HB 75 (2023) was passed rather hastily, with a minimum of debate, shortly before the end of the 2023 legislative session. Normally, redistricting plans are drawn up and debated during the two years after the Decennial Census. After the 2020 census, in 2022, the county commissioner districts were redrawn as they are after every census. The issue of replacing Strafford County's at-large district with three single-member districts never came up during the regular redistricting process.

In June 2024, three candidates filed to run in the upcoming state primary for the Strafford County District 3 Commissioner seat. The lone Democrat, former State Rep. Deanna Rollo (from Rollinsford), actually lived in District 2, as did one of the two Republicans, Sean Leavitt (from Dover, Ward 1.) The third candidate, former State Rep. Cliff Johnson (from Rochester, Ward 2) actually did live in District 3, and he filed a complaint to the Ballot Law Commission after the June 2024 filing window closed, asking for the removal of the other two candidates from the ballot. That complaint was rejected by the Ballot Law Commission on the grounds that the letter of the law plainly stated that Rep. Rollo and Mr. Leavitt were eligible to run. Eventually, Mr. Leavitt defeated Rep. Johnson in the September Primary, and subsequently defeated Rep. Rollo in the November General Election. Only one candidate filed in District 2: longtime incumbent George Maglaras ran unopposed (and won.)

My preferred solution to the issue which (apparently) inspired this bill would be to go back to the pre-2023 law which mandated a single at-large district. That solution would probably be a germane amendment to HB 78 (2025), but no such amendment is needed since I and several other legislators have introduced HB 125 (2025) “relative to electing Strafford county commissioners at-large” which will be heard on a future date which has not yet been set.

One simple change which could be made now to future-proof the current bill would be to simply reword the second sentence of RSA 655:9 to say “In addition, to hold the office of county commissioner, a person must have a domicile in the district from which he or she is elected at the time of his election.” The list in the bill as introduced is not in alphabetical order, but it encompasses all ten counties. It would be simpler, in my opinion, to delete that list, since the phrase “district from which he or she is elected” would still apply if Strafford County (or any other county) switched at some point to having a single at-large district.

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