

**Testimony Against HB 1396:
“AN ACT relative to vacancies in state offices.”**

Rep. Timothy Horrigan (Strafford 10); January 27, 2026
House Election Law Committee

]HB 1396 is quite possibly the most anti-democratic and anti-republican bill I have seen in my 18 years as a state representative. We would become the only state in the union with no provision for filling vacant state representative seats, Under current law, a special election for a vacant state representative seat must be held if one or more of the towns or cities in the district ask to have an election, and if there is sufficient time to hold the election on or before March 15 of the second year of the biennium. How much time is sufficient time? According to existing law, approximately 15 weeks. So, the vacancy has to occur before November 25.

Traditionally, the governing body of the home town or city of the departing representative immediately asks for such an election. Last year, the Berlin City Council asked for a special election a few days after Brian Valerino resigned to take another government job, and the Tuftonboro Select Board did the same when Glenn Cordelli moved away. This tradition has been falling by the wayside in recent years, however.

During the current biennium, seven seats became vacant before November 25, 2025, but only three special elections were scheduled. This included Somersworth, where the City Council waited a couple of months before beginning the process. In four cases, communities' governing bodies chose not to bother with a special election. That was their prerogative, but in my opinion, that was the wrong call. Be that as it may, there is absolutely no justification for preventing communities from choosing to fill vacant state representative seats.

We need more democracy, not less. Please kill HB 1396.