

SB 294 – AS AMENDED BY THE HOUSE

02/13/14 0430s  
14May2014... 1658h

2014 SESSION

14-2802  
03/06

SENATE BILL **294**

AN ACT relative to the deadline for requesting a recount of an election and establishing a house committee to study apportionment of state representative districts.

SPONSORS: Sen. Soucy, Dist 18; Sen. Lasky, Dist 13; Sen. Pierce, Dist 5; Rep. Levesque, Hills 26; Rep. Knowles, Hills 37

COMMITTEE: Public and Municipal Affairs

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AMENDED ANALYSIS

This bill:

- I. Changes deadlines for certain applications for a recount of an election.
- II. Requires notice to voters requesting a recount on certain local questions and public posting of notice of the time and place of the recount.
- III. Establishes a house committee to study apportionment of state representative districts.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through~~].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Fourteen*

AN ACT relative to the deadline for requesting a recount of an election and establishing a house committee to study apportionment of state representative districts.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Recount; Deadline. Amend RSA 40:4-c, I to read as follows:

2 I. If any 10 voters of a town shall, before the expiration of 7 days from the date of an annual  
3 meeting or special meeting, apply in writing to the town clerk for a recount of the ballots given in at  
4 said meeting on any question, affecting said town only, legally appearing on the official Australian or  
5 nonpartisan ballot used at said meeting, said clerk shall appoint a time and place for the recount not  
6 earlier than 5 days nor later than 10 days after the receipt of said application. ***The clerk shall***  
7 ***notify the first-named voter who applied for a recount on a question and a representative***  
8 ***of other known interested parties, at least 3 days prior to the day appointed for the recount***  
9 ***of ballots. Notice of the time and place of the recount shall be posted in 2 public places at***  
10 ***least 24 hours prior to the recount.*** The applicants for such recount shall pay to the town clerk,  
11 for the use of the town, a fee of \$10.

12 2 Recount; Deadline. Amend RSA 194-C:9-a, V to read as follows:

13 V. Any registered voter who resides in a school district within the school administrative unit  
14 may, in writing, petition the secretary of the school administrative unit for a recount of the vote no  
15 later than ~~[the Friday]~~ **7 days** following the latest chronological annual meeting of school districts in  
16 the school administrative unit. The secretary shall schedule a recount, to be conducted by the school  
17 administrative unit, not earlier than 5 days nor later than 10 days after the date the secretary  
18 receives the petition.

19 3 Recount; Deadline. Amend RSA 194-C:9-b, III to read as follows:

20 III. Any registered voter who resides in a school district within the school administrative  
21 unit may, in writing, petition the secretary of the school administrative unit for a recount of the vote  
22 no later than ~~[the Friday]~~ **7 days** following the latest chronological annual meeting of school districts  
23 in the school administrative unit. The secretary shall schedule a recount, to be conducted by the  
24 school administrative unit, not earlier than 5 days nor later than 10 days after the date the secretary  
25 receives the petition.

26 4 Recount; Deadline. Amend RSA 655:81, XI to read as follows:

27 XI. The deadline for any candidate to request a recount pursuant to RSA 660:7 shall be 5:00  
28 p.m. on the day after the election. ***A candidate having requested a recount pursuant to this***

1 *paragraph may, no later than 5:00 p.m. on the Monday after the primary election,*  
2 *withdraw the request and receive a refund of any fees paid.*

3 5 Recount; Deadline. Amend RSA 660:1 to read as follows:

4 660:1 Application. Any candidate for whom a vote was cast for any office at a state general  
5 election may apply for a recount, provided that the difference between the votes cast for the applying  
6 candidate and a candidate declared elected is less than 20 percent of the total votes cast in the towns  
7 which comprise the office to be recounted. The application shall be made in writing to the secretary  
8 of state and shall be submitted no later than the [~~Friday~~] **Monday** following the election. Each  
9 candidate requesting a recount shall pay the secretary of state fees as provided in RSA 660:2.

10 6 Recount; Deadline. Amend RSA 660:7 to read as follows:

11 660:7 Application.

12 I. Any person for whom a vote was cast for any nomination of any party at a state primary  
13 may apply for a recount, provided that the difference between the votes cast for the applying  
14 candidate and a candidate of that party declared nominated is less than 10 votes or less than 1.5  
15 percent of the total ballots cast in the primary for that party in the towns which comprise the office  
16 to be recounted. The application shall be made in writing to the secretary of state and shall be  
17 submitted no later than 5:00 p.m. on the Friday after the primary election. Each candidate  
18 requesting a recount shall pay the secretary of state fees as provided in RSA 660:2. ***A candidate***  
19 ***having requested a recount pursuant to this paragraph may, no later than 5:00 p.m. on the***  
20 ***Monday after the primary election, withdraw the request and receive a refund of any fees***  
21 ***paid.***

22 II. Any person receiving at least 9 percent of the votes cast in any party's presidential  
23 primary may apply for a recount. The application shall be made in writing to the secretary of state  
24 and shall be submitted no later than the Friday after the primary for a recount of all ballots cast for  
25 such nomination. Each candidate requesting a recount shall pay the secretary of state fees as  
26 provided in RSA 660:2. ***A candidate having requested a recount pursuant to this paragraph***  
27 ***may, no later than 5:00 p.m. on the Monday after the primary election, withdraw the***  
28 ***request and receive a refund of any fees paid.***

29 7 Recount; Deadline. Amend RSA 660:10 to read as follows:

30 660:10 Application. Upon receipt of petitions of 100 voters made no later than the [~~fourth~~  
31 ~~Friday~~] **Monday** following the date of the election, the secretary of state shall recount the ballots  
32 cast on any question to amend the constitution if the proposal was adopted or failed by no more than  
33 one percent of the vote cast. The recount shall take place at any suitable state facility in the city of  
34 Concord as may be designated by the secretary of state and under such rules of procedure as [~~he~~] ***the***  
35 ***secretary of state*** shall determine and at such time as he ***or she*** may appoint.

36 8 Recount; Deadline. Amend RSA 660:12 to read as follows:

37 660:12 County Referendum. The secretary of state shall recount the ballots cast on any question

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1 which may be submitted to the voters of a county at a state general election under the provisions  
2 hereinafter set forth. Application for such recount shall be by written petition signed by at least 50  
3 legal voters of said county presented to the secretary of state no later than the ~~[second Friday]~~  
4 **Monday** following the state general election. The recount shall take place at any suitable state  
5 facility in the city of Concord as may be designated by the secretary of state at such time as the  
6 secretary of state may appoint and under such rules of procedure as he or she shall determine.  
7 When counting the ballots, the secretary of state or his or her assistants shall visually inspect each  
8 ballot. No mechanical, optical, or electronic device shall be used for the counting of ballots. The  
9 secretary of state shall publish notice of the time and place of the recount once in a paper of general  
10 circulation throughout the county. The fee for such a recount on a question voted on throughout a  
11 county shall be \$25 which shall be paid to the secretary of state by the person submitting the  
12 application. If, after the recount, it shall appear that the result of the voting on said question is  
13 other than that declared upon the original canvass of votes, the secretary of state shall declare the  
14 result found upon recount which shall be final unless the result is changed as a result of an appeal  
15 taken to the superior court.

16 9 Recount; Deadline. Amend RSA 660:13 to read as follows:

17 660:13 Application. Five legal voters of any city or town which has voted on any question other  
18 than constitutional amendments printed on the ballot at any state election as provided in RSA 663  
19 may, no later than the ~~[second Friday]~~ **Monday** after the election, petition the secretary of state for a  
20 recount of the votes cast upon said questions. Such application shall be accompanied by a fee of \$10  
21 for each 1,000 ballots or fraction thereof cast at the election in said town; however, in no event, shall  
22 the fee exceed \$50. The secretary of state shall fix a time for recount and shall notify the petitioners  
23 and the selectmen, clerk, and moderator of the town or the mayor and clerk of the city of the time  
24 and place so fixed. ~~[He]~~ **The secretary of state** shall request the clerk having custody of the ballots  
25 to forward them forthwith to the secretary of state, and the clerk shall immediately forward them.

26 10 Recount Deadline. Amend RSA 661:11 to read as follows:

27 661:11 Nomination and Conduct. Where a vacancy as described in this chapter is to be filled by  
28 a special state general election, nominations shall be made in accordance with RSA 655:81 and  
29 655:82. The general election shall be conducted in as nearly as practicable the same manner as are  
30 regular state general elections ~~[except that the deadline for requesting a recount pursuant to~~  
31 ~~RSA 660:1 shall be 2 days following the day of the election].~~

32 11 Recount; Deadline. Amend RSA 669:30 to read as follows:

33 669:30 Recounts; Application. Any person for whom a vote was cast and recorded for any office  
34 at a town election may, no later than the ~~[Friday]~~ **Monday** following the election, apply in writing to  
35 the town clerk for a recount of the ballots cast for such office, the clerk shall appoint a time for the  
36 recount not earlier than 5 days nor later than 10 days after the receipt of said application.

37 12 Committee Established. There is established a house committee to study apportionment of

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1 state representative districts.

2 13 Membership and Compensation.

3 I. The members of the committee shall be 6 members of the house of representatives,  
4 appointed by the speaker of the house of representatives.

5 II. Members of the committee shall receive mileage at the legislative rate when attending to  
6 the duties of the committee.

7 14 Duties. The committee shall study the methods and conditions governing the apportionment  
8 of state representative districts. The committee shall propose such procedures and changes as may  
9 be required to assure compliance with New Hampshire constitutional requirements in future  
10 apportionment plans.

11 15 Chairperson; Quorum. The members of the study committee shall elect a chairperson from  
12 among the members. The first meeting of the committee shall be called by the first-named member.  
13 The first meeting of the committee shall be held within 45 days of the effective date of this section.  
14 Four members of the committee shall constitute a quorum.

15 16 Report. The committee shall report its findings and any recommendations for proposed  
16 legislation to the speaker of the house of representatives, the president of the senate, the house  
17 clerk, the senate clerk, the governor, and the state library on or before November 1, 2014.

18 17 Effective Date.

19 I. Sections 1-11 of this act shall take effect 60 days after its passage.

20 II. The remainder of this act shall take effect upon its passage.