

HB 1489-FN - AS INTRODUCED

2024 SESSION

24-2721
08/05

HOUSE BILL ***1489-FN***

AN ACT relative to town and school ballot recount appeals.

SPONSORS: Rep. Colcombe, Hills. 30; Rep. Seidel, Hills. 29; Rep. Potucek, Rock. 13; Rep. Reid, Hills. 27; Sen. Ward, Dist 8; Sen. Innis, Dist 7

COMMITTEE: Judiciary

ANALYSIS

This bill requires the town or school district in an appeal of a ruling on a recount to pay court costs and attorney's fees if they lose on appeal.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to town and school ballot recount appeals.

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

- 1 1 Appeal from Recount; Costs. Amend RSA 669:35 to read as follows:
- 2 669:35 Appeal From Recount. Any person aggrieved by a ruling of the board of recount with
- 3 respect to any ballot may, within 5 days thereafter, appeal to the superior court for the county in
- 4 which such town is located; and such court shall have jurisdiction in equity to hear and determine
- 5 the question presented. The person shall also file a copy of the appeal with the town clerk by 5:00
- 6 p.m. on the fifth day following the date of the recount. ***In any action brought by an aggrieved***
- 7 ***person under this section where the court rules against the ruling of the board of recount,***
- 8 ***the court shall award court costs and attorneys' fees to the prevailing person.***
- 9 2 Effective Date. This act shall take effect 60 days after its passage.

**HB 1489-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to town and school ballot recount appeals.

FISCAL IMPACT: ☐ State ☐ County ☒ Local ☐ None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			
Appropriations	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

- Does this bill provide sufficient funding to cover estimated expenditures? ☒ N/A
- Does this bill authorize new positions to implement this bill? ☒ N/A

Estimated Political Subdivision Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	\$0	\$0	\$0	\$0
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill requires the town or school district in an appeal of a ruling on a recount to pay court costs and attorney's fees if they lose on appeal. The New Hampshire Municipal Association states they are unable to calculate the fiscal impact of this bill. However, to the extent a municipality loses an appeal the municipality would see an increase in local expenditures due to having to pay the court costs and attorneys' fees.

It is assumed the fiscal impact would not occur until FY 2025.

AGENCIES CONTACTED:

New Hampshire Municipal Association