



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:

Resolution Number: **R - 2023.11.15 -**
Resolution Re: Requesting that Governor and Council Order a Special Election to Fill a Recent Vacancy in New Hampshire House of Representatives, District Strafford 11

WHEREAS: Dover's Ward 4 comprises part of District Strafford 11 of the New Hampshire House of Representatives ("Strafford 11"); and

WHEREAS: Hoy Menear, one of three elected representatives for Strafford 11, recently passed away; and

WHEREAS: RSA 661:8 provides that vacancies in the office of a multi-town or multi-ward district shall be filled by a special election, provided "the selectmen of any town or the city of any ward in said district so request of the governor or council."

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The City of Dover respectfully requests that the Governor and Executive Council order a special election to fill Strafford 11 pursuant to Part II, Article 16 of the State Constitution, RSA 661:8, and applicable law.

AND, FURTHER BE IT RESOLVED:

The City of Dover further observes that the Town of Lee, also part of Strafford 11, has an election scheduled for Tuesday, March 12, 2024, which the City of Dover approves and requests as the first preferred special election date for Strafford 11 pursuant to RSA 655:81, I.

AND, FURTHER BE IT RESOLVED:

In the event March 12, 2024 cannot be, or is not, selected as the special election date for Strafford 11, then any and all dates on or prior to March 15, 2024 that otherwise comply with applicable law are hereby approved in the alternative and requested to be ordered as the special election date for Strafford 11 ordered by Governor and Executive Council.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By Request

Approved as to Legal
Form and Compliance: Joshua M. Wyatt
City Attorney

Recorded by: Jerrica Vanslyvong-
Bizier
City Clerk

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DOCUMENT HISTORY:

First Reading Date: Approved Date:	Public Hearing Date: Effective Date:
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DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		

RESOLUTION BACKGROUND MATERIAL:

Below is the provision of the State Constitution addressing mid-term vacancies in the New Hampshire House of Representatives:

[Art.] 16. [Vacancies in House, How Filled.] All intermediate vacancies, in the house of representatives may be filled up, from time to time, in the same manner as biennial elections are made.

June 2, 1784

Amended 1877 changing "annual" to "biennial" elections.

Below are the operative state statutes addressing vacancies in the New Hampshire House of Representatives.

661:8 Executive Councilor; State Senator; State Representative. –

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



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governor or council.

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

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

V. No special election shall be held after March 15 of the second year of the biennium, as determined by RSA 655:81, I.

Source. 1979, 436:1. 1981, 512:2. 1998, 136:2. 2001, 231:11. 2005, 25:1. 2006, 32:2. 2010, 317:59. 2012, 26:4. 2014, 319:17, eff. Aug. 1, 2014.

655:81 Nomination of U.S. Representative, Executive Councilor, State Senator and Representative to the General Court. –

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

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



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Source. 1981, 512:1. 1994, 381:6. 1996, 36:7. 2006, 32:1. 2010, 317:11; 330:2. 2012, 26:1, 2. 2014, 319:11, eff. Aug. 1, 2014.

655:82 Uncontested Primary. – In the event that no party has more than one candidate file and no nonparty or other candidate files a declaration of intent, the primary election shall not be conducted. In such a case, the special election shall be held on the day previously fixed as the day for the holding of the special primary election.

Source. 1981, 512:1. 1998, 136:1. 2010, 317:12. 2012, 26:3, eff. July 1, 2012