SB 2 Moderators Workshop "Beginners"

Natch Greyes, Esq., *Municipal Services Counsel*
Paul Inderbitzen, *Hudson Town Moderator*

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Agenda

9:00 AM – 10:30 AM
This Presentation

10:30 AM – 10:45 AM
Break (Go to Merrimack/Pemi)

10:45 AM – 11:45 AM
Law of Polling Place Management

11:45 AM – 1:00 PM
Hypotheticals

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"The mind is a wonderful thing. It starts working the minute you're born and never stops until you get up to speak in public."

Roscoe Drummond

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Introduction to the Law

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Official Ballot v. Official Ballot Referendum

- RSA 39:2-a, I: Allowed towns/districts to adopt **official ballot**
  - Two sessions:
    - First: Official Ballot Voting Day (officers, zoning, certain other questions by law)
    - Second: Business Session (voting on all other warrant articles)
- RSA 39:2-a, II: New provision (Senate Bill 2) that allowed towns/districts to adopt **official ballot referendum** (a.k.a. "SB 2") via **RSA 40:12 - :15**
  - Two sessions:
    - First: Deliberative Session
    - Second: Official Ballot Voting Day

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SB 2 Town Meeting: Two Sessions

Deliberative Session: Explanation, discussion, and debate of each warrant article; warrant article amendments.

Official Ballot Voting Day: "All warrant articles shall be placed on the official ballot for a final vote, including warrant articles as amended by the first session."

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RSA chapter 40: The Statute to Know!

RSA 40:13: The "SB 2 statute"

- ✓ Schedule (March, April, or May)
- ✓ Deadlines (e.g. budget hearings)→ NHMA Important Dates Calendars
- ✓ Warrant Articles/Amendments
- ✓ Procedural rules in RSA 40:4, :4-a, :4-b, :4-f and :6 – :10 apply to traditional town meetings and SB 2 deliberative sessions (197:19, schools)
- ✓ Restricting Reconsideration
- ✓ Second session

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Other Important Statutes

RSA CHAPTER 39: HOLDING/WARNING TOWN MEETING

RSA CHAPTER 32: MUNICIPAL BUDGET ACT

RSA CHAPTER 35: CAPITAL RESERVE FUNDS

RSA CHAPTER 31: POWERS AND DUTIES OF TOWNS

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Moderator Preparation

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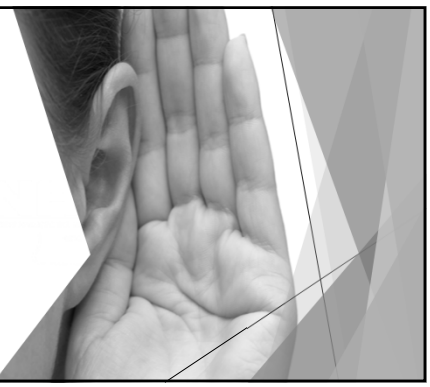
Prepare Yourself to Serve

- What's your plan?
- Local issues
- Rules of procedure
- Review warrant
- Expect the unexpected



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Is Your Meeting Space Ready

- Room arrangement
- Technology
- Moderator's "Toolkit"
- Security

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Your Team

"Pro Tem," 40:3 (Town - Supervisors); 658:19 (State - Moderator)

"Assistant moderator," RSA 40:3-a/RSA 197:19-a

The "Supporting Cast": Town clerk or district clerk, supervisors of the checklist, volunteer counters

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The Voters

- Registered
- No proxies
- Make identification easy
- Non-voters

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Moderator's Authority & Duties

- RSA 40:4, I: Moderator's essential duties
- Basic procedural rules: RSA 40:4, II (postponement); :4-a (secret ballot); :4-b (questioning vote); :4-f (checklist); :10 (reconsideration)
- Preventing Disorder
  - RSA 40:7, speaking
  - RSA 40:8, disorderly conduct
  - RSA 40:9, commanding officer
- RSA 40:6: Failure to follow law

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The Deliberative Session

Explanation, discussion, debate, and (possibly) amendments of warrant articles

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- Introduce
- Explain/Recognize Advocate
- Debate/Amend
- Move On

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Voting

- Voice
- Hands (voting cards)
- Division (standing vote)
- Secret Ballot
- Move the question, point of order

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Restricting Reconsideration

- A vote to restrict reconsideration shall be deemed to prohibit any further action on the restricted article until the second session

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The Secret Ballot

- Secret Ballot Voting, RSA 40:4-a, I (a)
  - 5 voters
  - Written
  - Present, prior to vote
  - Recount of secret ballot vote RSA 40:4-a, I(b)
- Questioning a Vote, RSA 40:4-b
  - 7 voters
  - Orally or in writing
  - Before other business

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"No warrant article shall be amended to eliminate the subject matter of the article."

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"Warrant articles may be amended at the first session **subject to the following limitations . . ."**

- "To see if the town will raise and appropriate ~~$20,000~~ $0 to buy a new snowplow."
- "I move to delete the police department line item from the budget."
- "To see ~~if the town will raise and appropriate $20,000~~ $0 to buy a new ~~snowplow~~."
- "To see if the town will not establish an official budget committee pursuant to RSA 32:14."

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Speech & Other "Expressive" Conduct

- Right-to-Know Law applies to deliberative session
- Who has the right to speak?
- Disruptive Speech/Disorder

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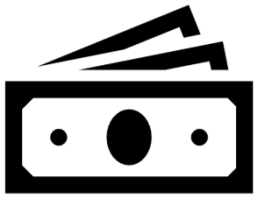
Budgetary Issues



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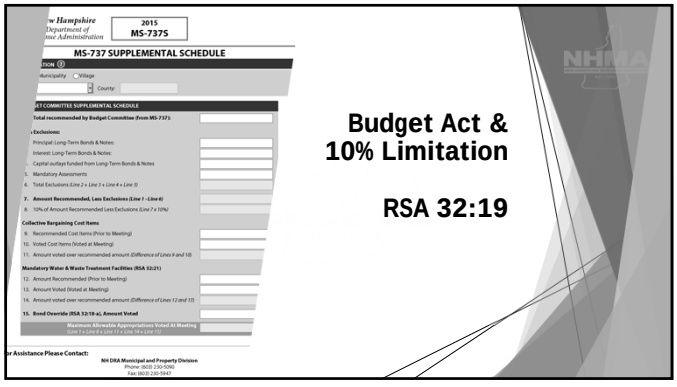

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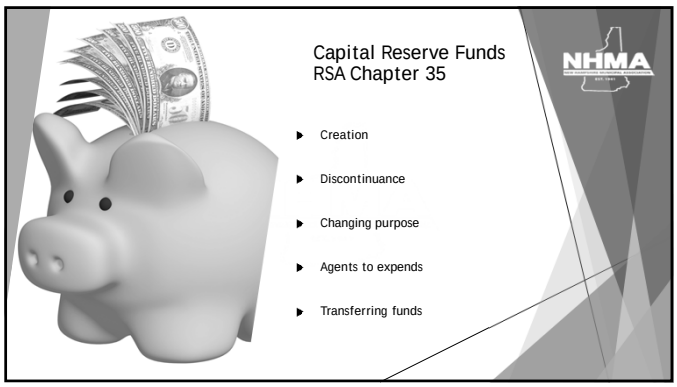
Capital Reserve Funds
RSA Chapter 35
Creation
Discontinuance
Changing purpose
Agents to expends
Transferring funds

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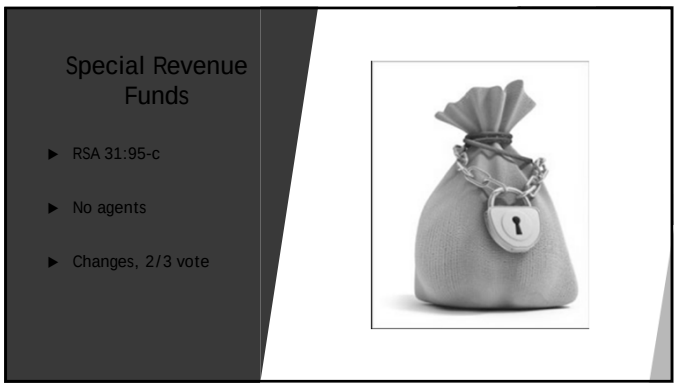
Special Revenue Funds
RSA 31:95-c
No agents
Changes, 2/3 vote

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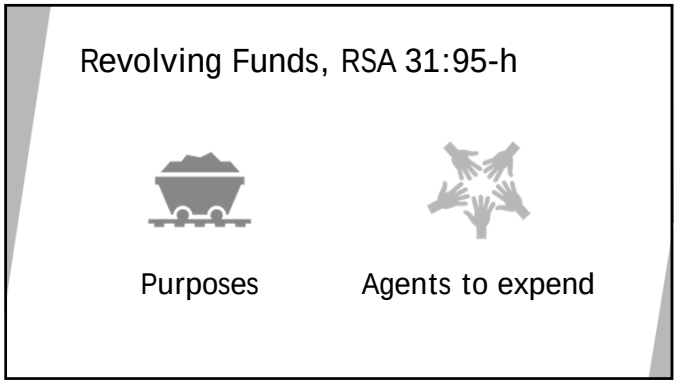
Revolving Funds, RSA 31:95-h
Purposes
Agents to expend

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Collective Bargaining

- ▶RSA 32:19—budget committee recommendations
- ▶RSA 32:19-a-presentation of cost items at annual meeting
- ▶RSA 273-A:1, IV- "cost items" cannot be amended
- ▶RSA 31:5, III—special meeting to reconsider

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DRA Authority

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No Means *No!* RSA 32:10, I(e)

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Ending the Meeting

- *"All warrant articles shall be placed on the official ballot."*
- *Recess vs. Adjournment*

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Town Meeting Postponement

- Senate Bill 104 clarifies the process for a moderator to postpone either the deliberative/business session or the official ballot voting (election) session of a town meeting.
- The moderator may postpone either session if the National Weather Service has issued a weather event warning and the moderator believes the event may cause the roads to be hazardous or unsafe, or if an accident, fire, natural disaster, or other emergency renders use of the meeting location unsafe.

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Town Meeting Postponement – New Definitions

- **Business Session (RSA 652:16-e):** The meeting of voters in a traditional town meeting (where the town has not adopted SB 2) where voters discuss, deliberate, and vote on matters *other than the election of officers by official ballot and other questions placed on the official ballot*.
- **Deliberative Session (RSA 652:16-f):** The first session of a town meeting that has adopted the provisions of SB 2, the Official Ballot Referendum form of meeting, where the voters discuss, debate and amend warrant articles, leaving all final decisions to the official ballot voting day, see below.
- **Official Ballot Voting Day (RSA 652:16-g):** The day when voters in a town vote using the official ballot to elect officers, or to vote on other matters placed on the official ballot, subject to the requirements pertaining to absentee voting, the polling place and polling hours.

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Postponement Procedure

Postponement of a business session or deliberative session:

- The moderator may decide to postpone up to two (2) hours but not more than 48 hours prior to the scheduled session. First, the moderator must consult with certain other town officials before deciding to postpone. Second, provide notice to residents.

Postponement of an official ballot voting day:

In the case of postponement of an official ballot voting session, the moderator must notify the secretary of state within two hours of the decision to postpone.

- The moderator must document the decision to postpone the Official Ballot Voting Day, and, then she must notify the Secretary of State by telephone or electronic mail within two (2) hours of the decision to postpone. It is recommended that the moderator also transmit her statement documenting the decision to postpone to the secretary of state via electronic mail, and then reprint the statement in the annual town report.
- **The moderator must make the decision to postpone an official ballot voting day on the day immediately prior to the election at any time before 6:00 p.m.**
- Any postponed election must be rescheduled to the Tuesday two (2) weeks following the original date of the election.

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