



New Hampshire Municipal Association

Town Meeting Postponement and COVID-19

March 13, 2020

As the COVID-19 situation has unfolded in New Hampshire, NHMA has worked with medical and other experts in the state to coordinate providing information and advice to municipalities. As you are all aware, this situation has been rapidly changing through the country and state, and today the Attorney General's Office issued new information (please see attached Memorandum) relative to the postponement of town meeting.

The memorandum states that moderators may be able to use the authority to postpone the business sessions and deliberative sessions under RSA 40:4, after assessing local circumstances and consulting with their legal counsel and public safety officials, as well as consulting health advice from DHHS and CDC.

If a determination is made that postponing is justified, RSA 40:4, II (a) permits a moderator to postpone the business meeting of traditional town meeting, or the deliberative session of an SB 2 town meeting, where the moderator reasonably believes an "emergency" exists that "may render the use of the meeting location unsafe." Here are the decision-making steps NHMA recommends a moderator follow:

- The decision by the moderator to postpone may be made at any time prior to the scheduled deliberative or business session.
- To the extent practical, before the moderator makes the decision to postpone s/he shall consult with the governing body, clerk, and as appropriate the health officer, fire chief, road agent and police chief.
- When making the decision to postpone, and during the local official consultation process, the moderator must arrange a new date, place and time certain for the postponed meeting to occur.
- When the moderator makes the announcement that the town meeting is postponed, that announcement shall state the new date, place and time for the postponed meeting.
- If the postponed meeting is an SB 2 deliberative session, RSA 40:4, II (c) requires that the postponement shall not delay the deliberative session more than 72 hours.

Realistically, postponing the deliberative session of an SB 2 town by only 72 hours may not be sufficient from a public health point of view. Accordingly, moderators in an SB 2 town planning to postpone a deliberative session may also want to consider postponing

the official ballot voting day, using the procedures prescribed in RSA 669:1 and RSA 669:1-a.

As stated in the Attorney General's Memo, NHMA strongly recommends you consult with your own legal counsel before making the decision to postpone any session of town meeting.

NHMA is continuing to work in partnership with the state to provide consistent, coordinated information to municipalities. NHMA members should reach out to us with questions and/or consult our COVID-19 Resources [Page](#), which has information and state level contact information.