


*2021 Traditional Town Meeting  
Moderators Workshop*  
Issues for Experienced  
Moderators

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**Moderator's Authority  
and Duties**

- ▶ Preside over the meeting (Duties; 40:4)
  - ✓ Regulate the meeting's business
  - ✓ Rules of Procedure are the foundation
  - ✓ Decide questions of order
  - ✓ Declare results
- ▶ Enable free speech
  - ✓ Prevent disorder
- ▶ No difference whether a Town or School moderator

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## Passing the Gavel



- ▶ If absent:
  - ▶ Town Moderator Pro Tem is appointed by Supervisors of Checklist (40:3)
  - ▶ School Moderator Pro Tem is appointed by the School District Clerk (671:33)
- ▶ Moderator may appoint an assistant to cover temporary situations (40:3-a)
- ▶ Absent due to Covid? Have a Moderator Pro Tem appointed
  - ▶ An Asst. Moderator may be appointed

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## What's your plan?



- ▶ Rules of procedure
- ▶ Review warrant
- ▶ Local hot topics/warrant articles
- ▶ Develop plan with health officer & police dept on how to address unmasked voters
- ▶ Preparatory workshop/meeting with volunteers & election officials
- ▶ Expect the unexpected!

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## Covid-19 & In-Person Meetings



- ▶ Emergency Order #74 – voters must wear a face covering (unless exempt) if they cannot consistently maintain a physical distance of at least six feet.
- ▶ The law is uncertain on whether the moderator could mandate all attendees to wear masks.
- ▶ Recommendation:
  - ▶ Ask attendees to wear masks
  - ▶ Set aside a separate area for non-masked attendees
  - ▶ The separate area could be a separate room with video and audio connection

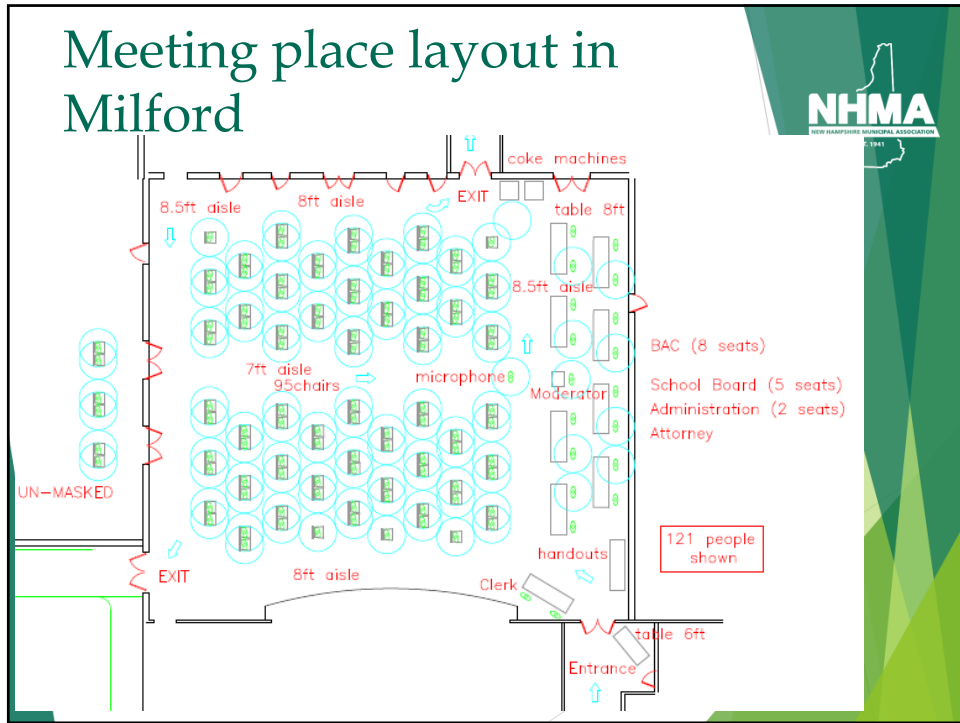
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## Covid-19 Meeting Place Layout Issues



- ▶ Voter flow through the meeting place (i.e., going to microphone)
- ▶ Locations for information displays and handouts
- ▶ Entrances and exits, both masked and unmasked voters
- ▶ Protective barriers for election officials
- ▶ Personal protective equipment (PPE), spares for voters

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## Official Ballot v. Official Ballot Referendum



- RSA 39:2-a, I & RSA 669:13: Allowed towns/districts to adopt **official ballot** - Two sessions:
  - First: Ballot voting (officers, zoning, certain other questions by law)
  - Second: Town Meeting (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

## Recent Laws That Apply



### CONTENT OF TOWN MEETING MINUTES

- Right-to-Know Law - RSA 91-A:2, II requires that minutes include the names of those who make or second each motion during a deliberative session.




### REDUCED VOTE MARGIN TO APPROVE BOND ISSUE.

- Chapter 38 (HB 1558) reduces from two-thirds to three-fifths the vote margin that is required for a town meeting to approve the issuance of a bond or note in a town that has not adopted the official ballot referendum (SB 2) form

### INTENT OF THE VOTER

- **RSA 40:4-g** - In any vote conducted every ballot shall be counted if the intent of the voter can be determined, regardless of whether the voter followed any instructions relative to marking the ballot provided before the vote.

### Manner of introduction of warrant - DRA Issues



*RSA 39:2: The subject matter of all business to be acted upon at the town meeting shall be distinctly stated in the warrant.*

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### Problem Amendments to Avoid



-  Change of Purpose
-  Agents of Capital Reserve Fund Not Warned
-  Made "Non-Lapsing" From Floor
-  Not Warned
-  No Recommendations on Special Warrant Articles

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## Line-Item Budget Amendments



- ▶ Voters can move to amend a line item on the DRA budget form to zero.
- ▶ Voters cannot amend a line item downward to limit spending for specific purposes as any such amendment only reduces the bottom line of the budget.



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## Wording of Articles Prescribed by Law



- ✓ Funds Made Available During the Year 31:95-b, I (a)
- 🏠 Special Revenue Funds, 31:95-d, I, (c)
- 🏢 Adoption of Town Manager form of government, RSA 37:15
- 📄 Authorizing Tax Anticipation Borrowing, RSA 33:7, V(a)
- 👉 Rescinding action that enlarged Select Board, RSA 41:8-d



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**Collective Bargaining**

RSA 32:19 and the Budget Committee  
RSA 32:19-a-presentation at the annual meeting  
RSA 273-A:1, IV- "Cost item"  
RSA 273-A:3, II(b)- Obligation to Bargain

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**Capital Reserve Funds  
RSA Chapter 35**

- Can't change purpose by amendment
- Can't add agent by amendment
- Can't transfer funds by amendment

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## Special Revenue Funds: RSA 31:95-c



- *No agents can be appointed*
- *No transfer to other purpose*
- *Only spent by town meeting*

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## Revolving Funds, RSA 31:95-h




- ▶ Six purposes: recycling, ambulance, special details, affordable housing, cable access, energy conservation
- ▶ Other purposes, such as recreation under RSA 35-B:2, with different rules of operation
- ▶ “Agent” is the board or body selected by town meeting
- ▶ Special limits on expenditures possible (e.g., limit on single expenditure)
- ▶ “No means no” applies if an appropriation fails

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# Voting

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



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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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### ***Voting on Multiple Bonds greater than \$100,000***

- ▶ 3 separate bond articles each article in excess of \$100,000
- ▶ Articles must appear on warrant in order of the amount proposed, highest to lowest.
- ▶ Each such article must be acted on prior to other business.
- ▶ The meeting can change the orders of the day.
- ▶ After discussion and debate on the First Bond Article, the moderator would then close the debate and begin ballot voting on that article.



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### ***Voting on Multiple Bonds greater than \$100,000 (cont.)***

- ▶ A ballot box labeled “First Bond Article” would be used to deposit Yes/No ballots.
- ▶ After a majority of voters have voted on the First Bond Article, the moderator could then begin discussion on the Second Bond Article, announcing that while discussion proceeds on the Second Bond Article, ballots on the First Bond Article will be accepted for not less than one hour.
- ▶ The same would be true for voting on the Second Bond Article and discussion and voting on the Third Bond Article.




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## Budget Act – 10% Limit



**New Hampshire**  
Department of  
Revenue Administration

**MS-737**



**NHMA**  
NEW HAMPSHIRE MUNICIPAL ASSOCIATION  
EST. 1941

**Supplemental Schedule**

<b>1. Total Recommended by Budget Committee</b>	\$0
<b>Less Exclusions:</b>	
2. Principal Long-Term Bonds & Notes	\$0
3. Interest Long-Term Bonds & Notes	\$0
4. Capital outlays funded from Long-Term Bonds & Notes	\$0
5. Mandatory Assessments	\$0
6. Total Exclusions (Sum of Lines 2 through 5 above)	\$0
<b>7. Amount Recommended, Less Exclusions (Line 1 less Line 6)</b>	<b>\$0</b>
8. 10% of Amount Recommended, Less Exclusions (Line 7 x 10%)	\$0
<b>Collective Bargaining Cost Items:</b>	
9. Recommended Cost Items (Prior to Meeting)	\$0
10. Voted Cost Items (Voted at Meeting)	\$0
11. Amount voted over recommended amount (Difference of Lines 9 and 10)	\$0
<b>12. Bond Override (RSA 32:18-a), Amount Voted</b>	<b>\$0</b>
<b>Maximum Allowable Appropriations Voted at Meeting:</b> (Line 1 + Line 8 + Line 11 + Line 12)	<b>\$0</b>

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## Restricting Reconsideration RSA 40:10

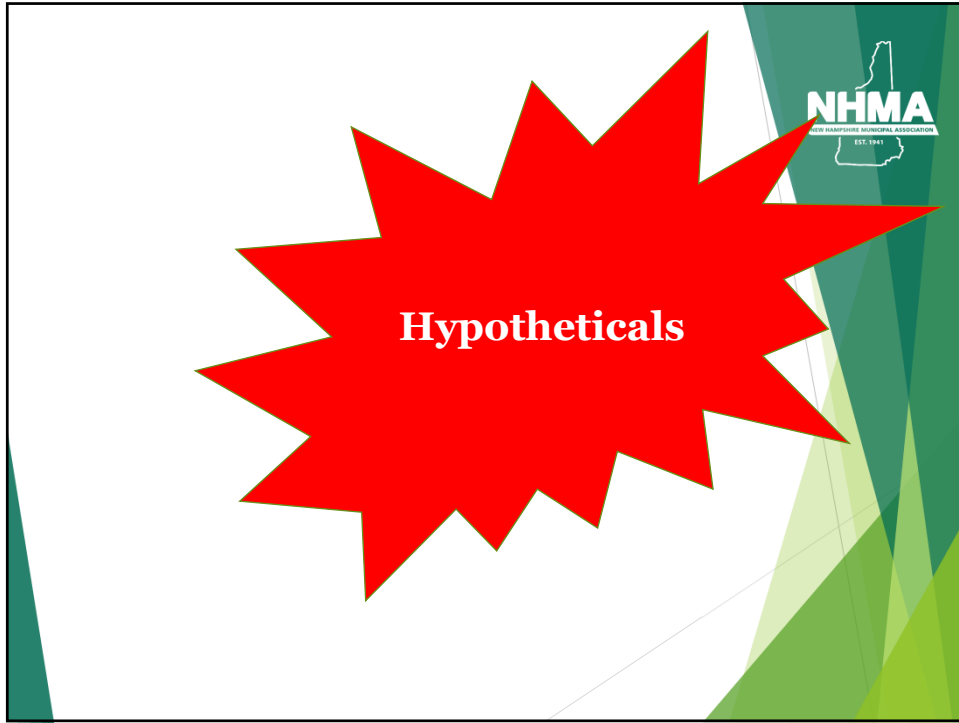
- ▶ General rule: any vote can be reconsidered before meeting adjourns, unless reconsideration has been restricted by vote of the meeting.
- ▶ You cannot move to reconsider a vote to restrict reconsideration
- ▶ The action to restrict reconsideration cannot be taken in advance of a vote
- ▶ Motion need not be in writing
- ▶ Motion can be made by a single person

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## The Right-to-Know Law & Town Meeting

- 91-A applies to town meeting
- Public can attend
- Audio and Video recording allowed
- First Amendment applies
- Only registered voters are permitted to speak (unless non-residents are authorized to speak by the meeting)

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