



Moderators Workshop Traditional Town Meeting “Beginners”

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Agenda

- ▶ Introduction to the Law
- ▶ Moderator Preparation
- ▶ The Business Session
- ▶ Budgetary Issues
- ▶ Ending the Meeting

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**Town Meeting:
Two Sessions**

- ▶ 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)

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Important Statutes

-  **RSA Chapter 40**
-  **RSA Chapter 31: Powers and Duties of Towns**
-  **RSA Chapter 32: Municipal Budget Act**
-  **RSA Chapter 33: Bonds/Long-term debt**
-  **RSA Chapter 39: Holding/Warning Town Meeting**
-  **RSA Chapter 35: Capital Reserve Funds**

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Moderator's Authority & Duties

- ▶ RSA 40:4, I: Moderator's essential duties
 - ▶ RSA 197:19, School District Moderators have same authority
- ▶ 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
- ▶ Have your own rules of procedure!

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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

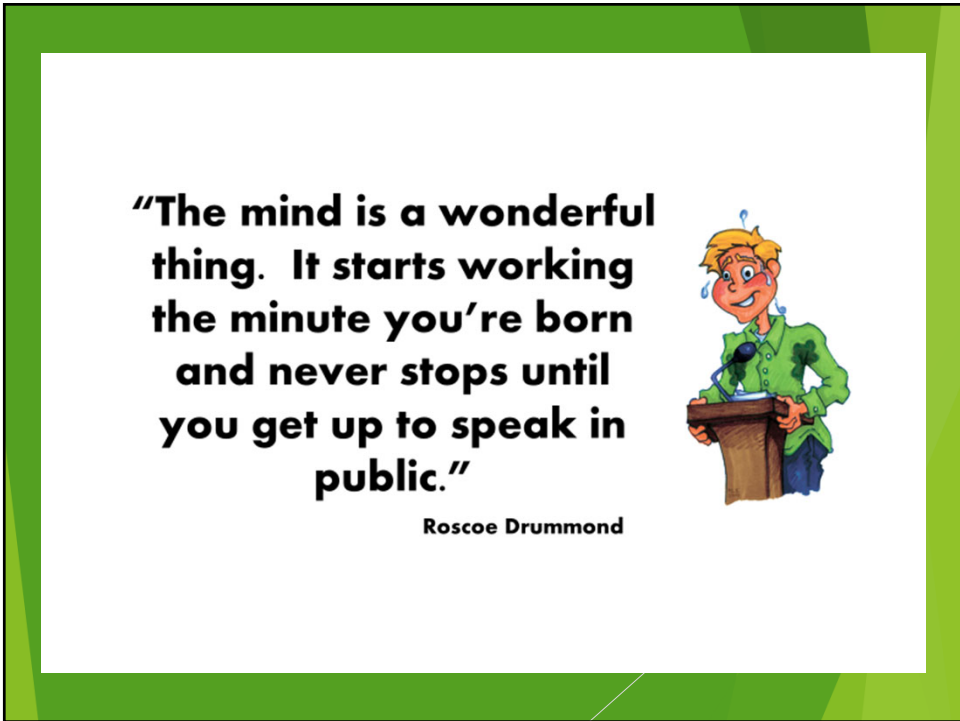


- ▶ Voter flow through the meeting place (i.e., going to microphone)
- ▶ Locations for information displays and handouts
- ▶ Entrances and exits, both masked and unmasked voters
- ▶ Protective barriers for election officials
- ▶ Personal protective equipment (PPE), spares for voters

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Prepare Yourself to Serve

- What's your plan?
- Local issues
- Rules of procedure
- Review warrant Petitioned warrant articles, RSA 39:3
- 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



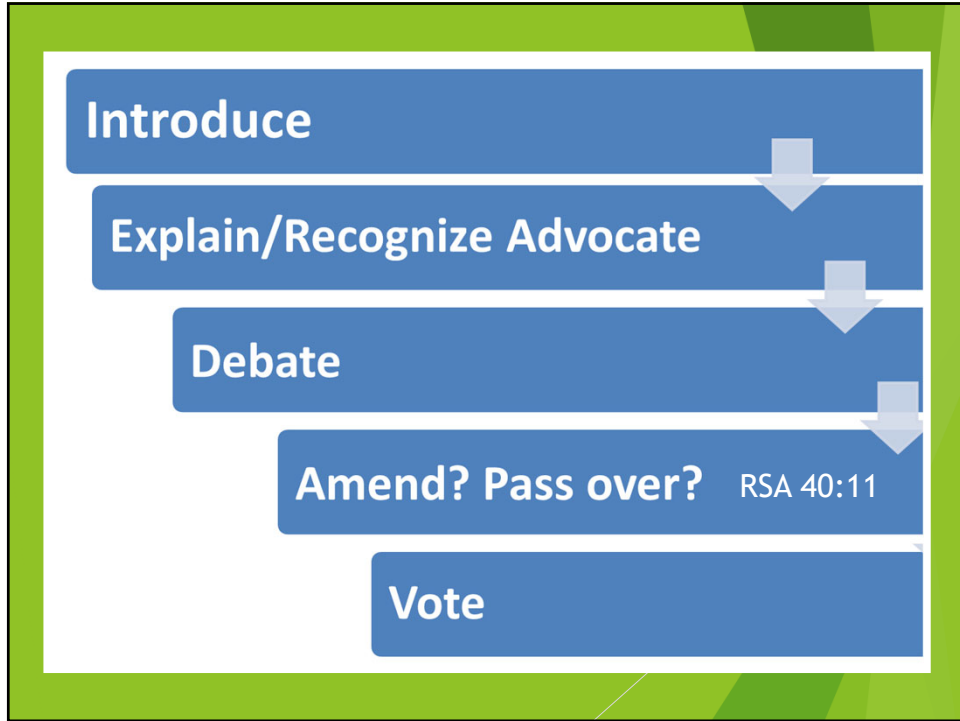
- “Pro Tem,” 658:19
- “Assistant moderator,” RSA 40:3-a/RSA 197:19-a
- The “Supporting Cast”:
Town clerk or district clerk, supervisors of the checklist, volunteer counters

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The Business Session



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Speech

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

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The Voters

-  Registered
-  No proxies
-  Make identification easy

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The subject matter of all business to be acted upon at the town meeting shall be distinctly stated in the warrant, and nothing done at any meeting, except the election of any town officer required by law to be made at such meeting, shall be valid unless the subject thereof is so stated. Provided that in a case where the article in the warrant calls for the appropriation of a specific sum of money, the sum of money appropriated thereunder may be decreased or increased by the vote of the town, provided further that in a town under the municipal budget act no increase shall be valid which would violate the provisions of RSA 32:18, except as provided in RSA 32:18-a.

Amending Warrant Articles RSA 39:2

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Voting

- ▶ Voice
- ▶ Hands (voting cards)
- ▶ Division (standing vote)
- ▶ 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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Restricting Reconsideration, RSA 40:10

- ▶ **General rule:** Any vote can be reconsidered until the deliberative session adjourns, unless reconsideration has been restricted by vote of the meeting.
- ▶ Can't be restricted in advance of a vote
- ▶ Motion need not be in writing
- ▶ Motion can be made by a single person
- ▶ Motion to reconsider vote that has been restricted: Reconvene 7 days later to vote again!

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Bond Voting



- ▶ RSA 33:8-a
- ▶ Over \$100k: Public hearing prior to town meeting
- ▶ Bonds appear first on the warrant
- ▶ Ballot box for **each** bond
- ▶ Voting open for at least an hour on **each** bond
 - Voting periods may overlap
 - 3/5 vote required
 - Only count votes in affirmative/negative

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New Hampshire
Department of
Revenue Administration

MS-737

Supplemental Schedule

1. Total Recommended by Budget Committee	\$0
Less Exclusions:	
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
7. Amount Recommended, Less Exclusions (Line 1 Less Line 6)	\$0
8. 10% of Amount Recommended, Less Exclusions (Line 7 x 10%)	\$0
Collective Bargaining Cost Items:	
9. Recommended Cost Items (Prior to Meeting)	\$0
10. Voted Cost Items (Voted at Meeting)	\$0

Budget Act & 10% Limitation

RSA 32:18
RSA 32:18-a
RSA 32:19

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Capital Reserve Funds: RSA chapter 35

- Creation: Majority
- Discontinuance: Majority
- Changing purpose: 2/3
- Agents to expend: Majority
- Transferring funds: NO!


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Special Revenue Funds

-  RSA 31:95-c
-  Hearing prior to town meeting
-  No agents
-  Changes, 2/3 vote

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Revolving Funds



LIMITED 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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Ending the Meeting



Recess vs. Adjournment