

SB 2 Moderators Workshop “Beginners”

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Agenda

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

“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



Introduction to the Law





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

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.”



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

Other Important Statutes



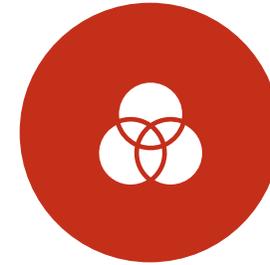
RSA CHAPTER 39:
HOLDING/WARNING
TOWN MEETING



RSA CHAPTER 32:
MUNICIPAL BUDGET
ACT



RSA CHAPTER 35:
CAPITAL RESERVE
FUNDS



RSA CHAPTER 31:
POWERS AND
DUTIES OF TOWNS

Town Meeting Postponement



- ▶ 2020's Senate Bill 104 clarified 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.

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.

NEW HAMPSHIRE MUNICIPAL ASSOCIATION

EST. 1941

Postponement Procedure



Postponement of a business session or deliberative session:

- ▶ For weather events, the moderator may decide to postpone up to two (2) hours but not more than 48 hours prior to the scheduled session. (Any other emergency may result in postponement at any time). For weather events, the moderator must consult with certain other town officials before deciding to postpone and provide notice to residents.
Rescheduled w/in 72 Hours.

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.

Moderator Preparation





Prepare Yourself to Serve

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





Is Your Meeting Space Ready?

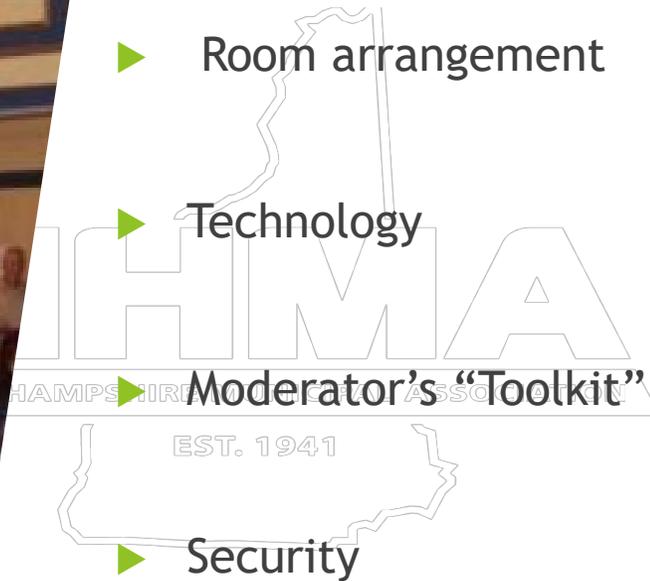


▶ Room arrangement

▶ Technology

▶ Moderator's "Toolkit"

▶ Security



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

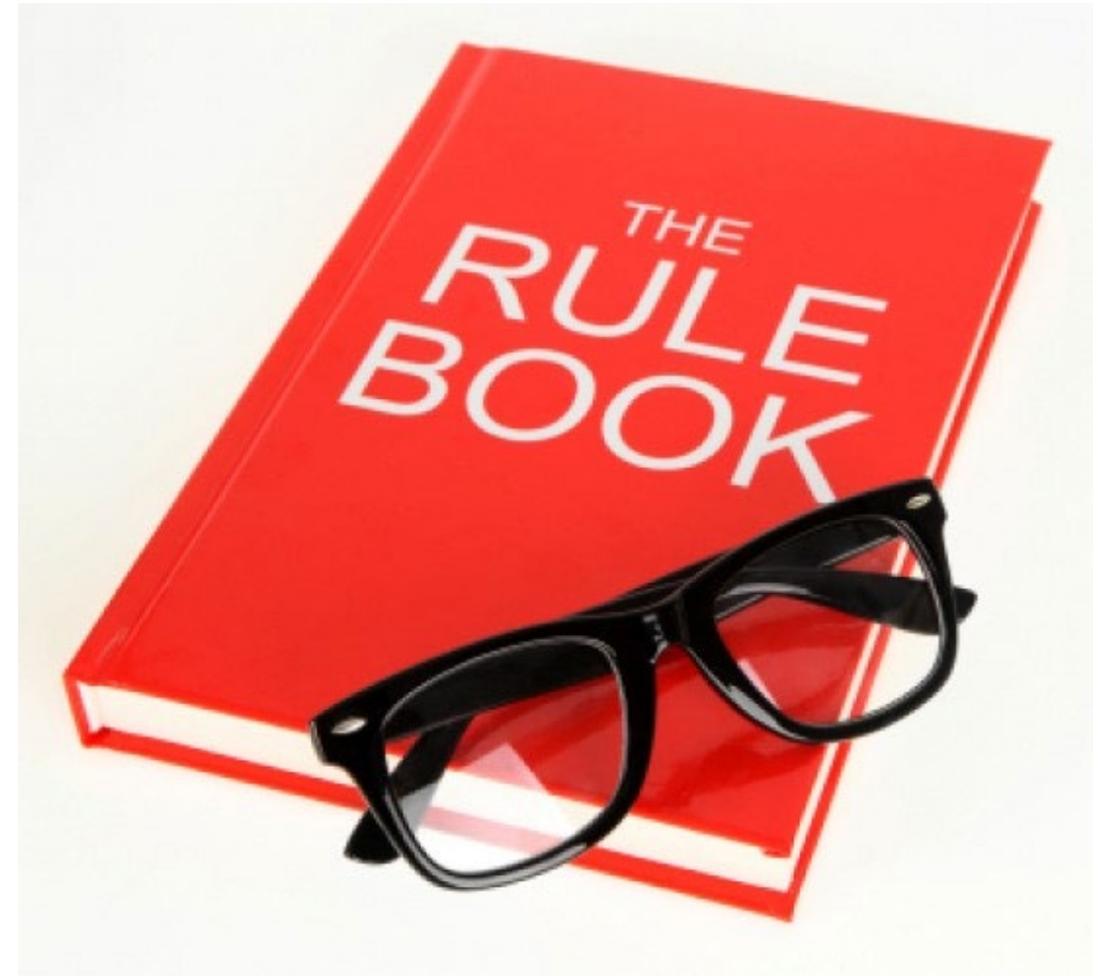
The Voters

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



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



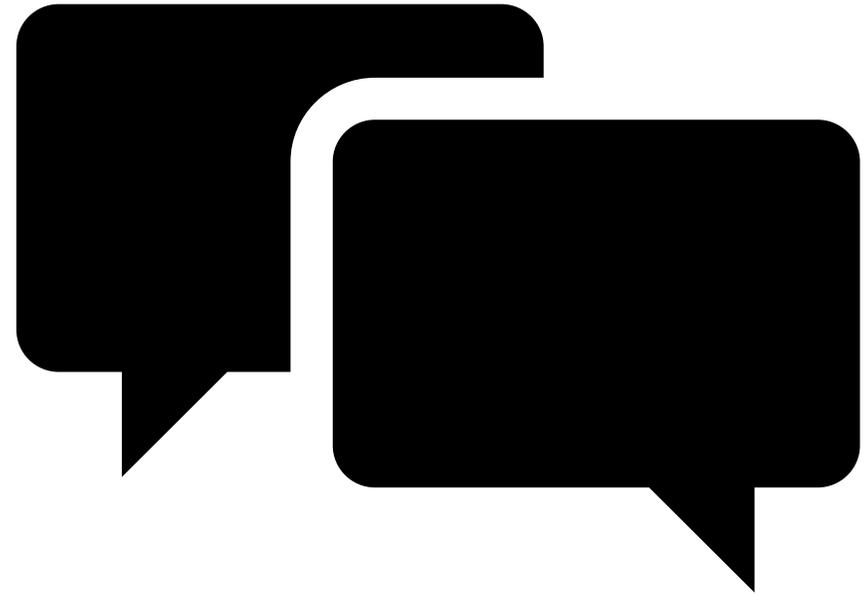
Covid-19 & In Person Meetings

- ▶ What'll the Rules Be: Masks & Social Distancing?
 - ▶ EO # 74: Masks Required
 - ▶ (But Expired?) -
 - ▶ EO #63 - Masks Required Above 100
 - ▶ No Expiration Date for EO #63.
 - ▶ Meeting of Legislative Body
 - ▶ Moderator May Put Rules Into Place
 - ▶ But Body Could Always Overrule...
- ▶ What if the Legislative Body Disagrees with the EO?
 - ▶ Will Decisions Be Valid?



The Deliberative Session

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





Introduce



Explain/Recognize Advocate



Debate/Amend



Move On

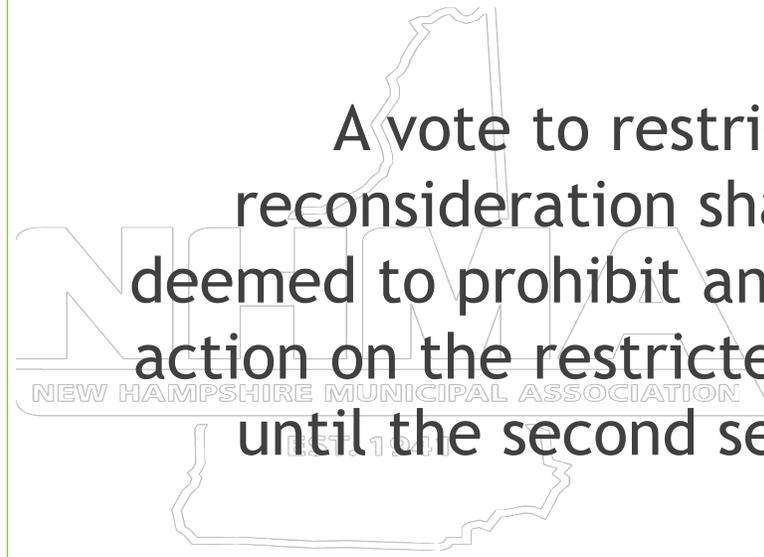
Voting

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





Restricting Reconsideration



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

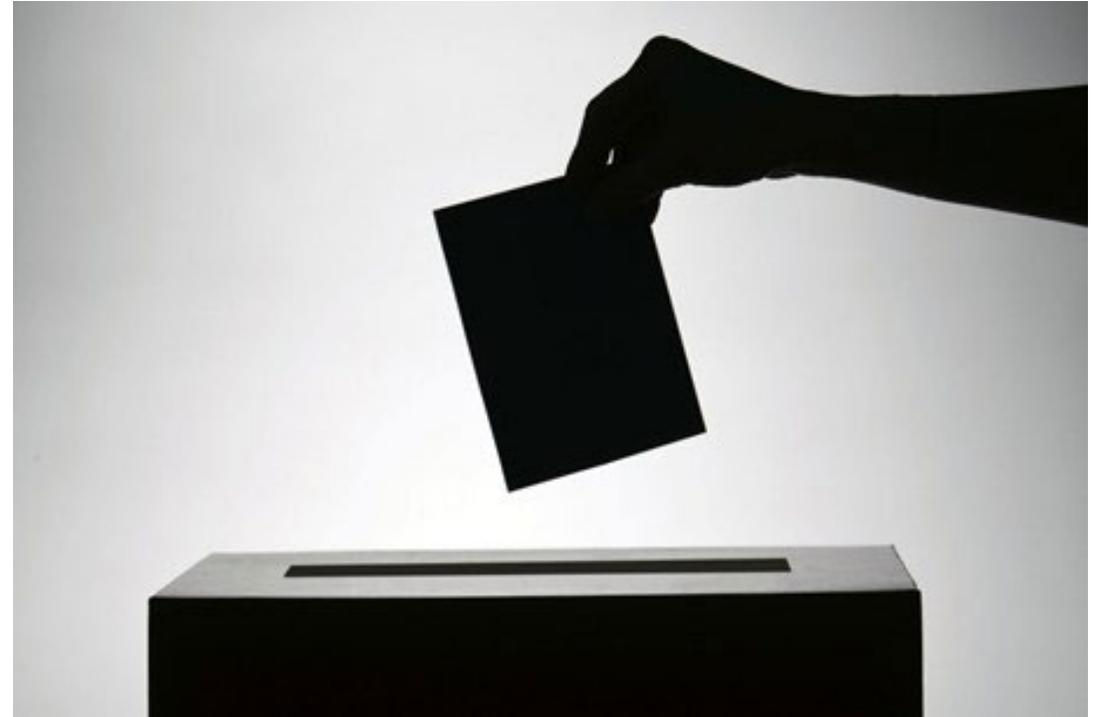
The Secret Ballot

- ▶ 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)

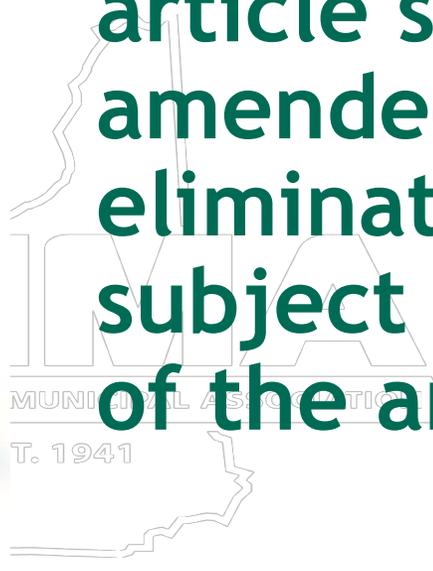
- ▶ Questioning a Vote, RSA 40:4-b

- ▶ 7 voters
- ▶ Orally or in writing
- ▶ Before other business





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





“Warrant articles may be amended at the first session subject to the following limitations . . .”

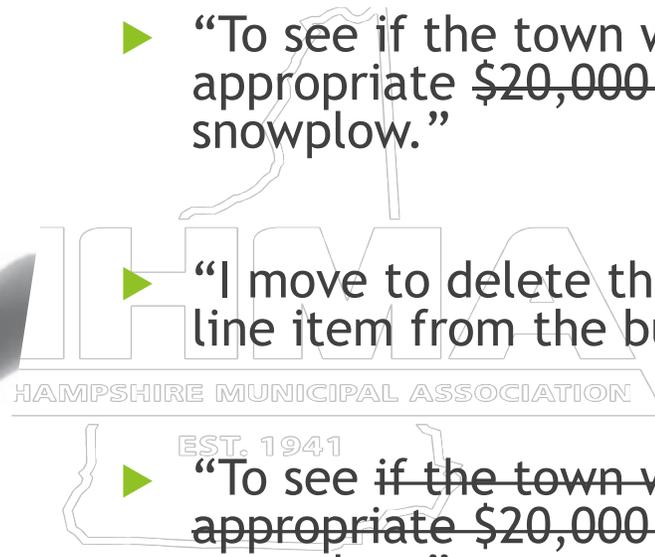


▶ “To see if the town will raise and appropriate ~~\$20,000~~ \$0 to buy a new snowplow.”

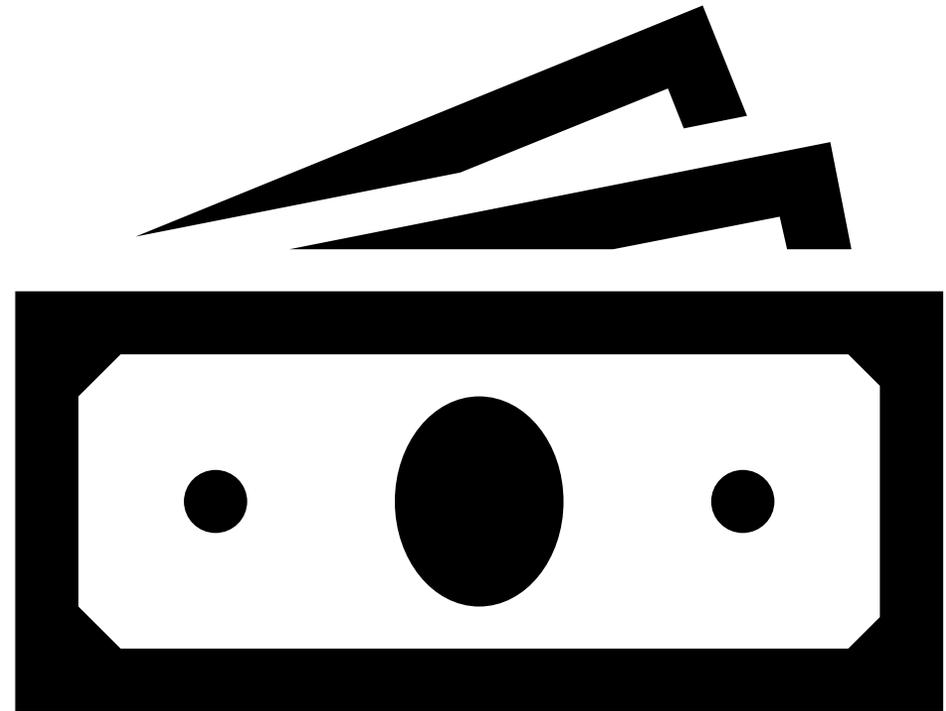
▶ “I move to delete the police department line item from the budget.”

~~▶ “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.”



Budgetary Issues



MS-737 SUPPLEMENTAL SCHEDULE

INFORMATION ?

Municipality Village

County:

BUDGET COMMITTEE SUPPLEMENTAL SCHEDULE

Total recommended by Budget Committee (from MS-737):

Exclusions:

Principal: Long-Term Bonds & Notes:

Interest: Long-Term Bonds & Notes:

Capital outlays funded from Long-Term Bonds & Notes

Mandatory Assessments

Total Exclusions (Line 2 + Line 3 + Line 4 + Line 5)

7. Amount Recommended, Less Exclusions (Line 1 - Line 6)

10% of Amount Recommended Less Exclusions (Line 7 x 10%)

Collective Bargaining Cost Items

Recommended Cost Items (Prior to Meeting)

Voted Cost Items (Voted at Meeting)

Amount voted over recommended amount (Difference of Lines 9 and 10)

Mandatory Water & Waste Treatment Facilities (RSA 32:21)

Amount Recommended (Prior to Meeting)

Amount Voted (Voted at Meeting)

Amount voted over recommended amount (Difference of Lines 12 and 13)

15. Bond Override (RSA 32:18-a), Amount Voted

Maximum Allowable Appropriations Voted At Meeting
(Line 1 + Line 8 + Line 11 + Line 14 + Line 15)

Budget Act & 10% Limitation

RSA 32:19

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For Assistance Please Contact:

NH DRA Municipal and Property Division

Phone: (603) 230-5090

Fax: (603) 230-5947

<http://www.revenue.nh.gov/mun-prop/>



Capital Reserve Funds RSA Chapter 35



- ▶ Creation: Majority
- ▶ Discontinuance: Majority
- ▶ Changing Purpose: Super Majority
- ▶ Agents to Expend: Can't Be Added on the Floor
- ▶ Transferring Funds: Into But Not Out Of



Special Revenue Funds

- ▶ RSA 31:95-c
- ▶ No agents
- ▶ Changes, 2/3 vote





DRA Authority





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

Ending the Meeting

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

