

2022 - SB2 Moderators Workshop



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What is SB2?



- ▶ Senate Bill 2 (1996) allowed towns/districts to adopt official ballot referendum (a.k.a. “SB 2”) via RSA 40:12 - :15
- ▶ Two sessions:
 - Deliberative Session: The first session, where the voters discuss, debate and amend warrant articles (652:16-f)
 - Official Ballot Voting Day: The day when voters elect officers and other matters placed on the official ballot (652:16-g)

Covid-19 & Ensuring a Safe In-Person Meetings

- ▶ Whether RSA 40:4 and RSA 669:1 would permit the moderator to postpone a deliberative session or official ballot voting day solely due to concern for Covid-19 is doubtful.
- ▶ After consultation with the Attorney General's Office, NHMA has concluded that when those statutes were revised in 2019, using a pandemic as a basis for postponement was not contemplated by the Legislature.
- ▶ NHMA recommends moderators consult with your health officer and implement all possible meeting place modifications, including mandating the wearing of face coverings in meeting places and polling stations.
- ▶ Certainly, consult with your town attorney.
- ▶ When asking 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 to permit full meeting participation

Suggested Legislative Fix

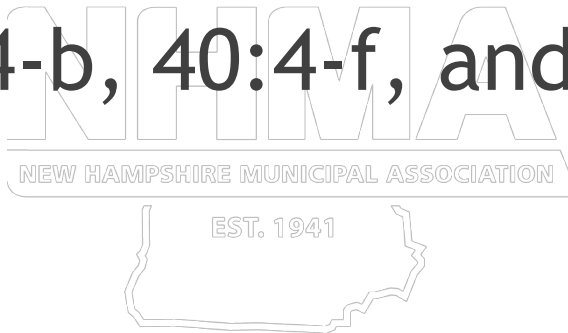


- ▶ We are encouraging our members to contact their legislators asking them to adopt something similar to HB 1129 from the 2020 session that would permit optional procedures for town meeting.

Essential Official Ballot Referendum Requirements



- ▶ Deliberative session governed by the provisions of RSA 40:4, 40:4-a, 40:4-b, 40:4-f, and 40:6-40:10.

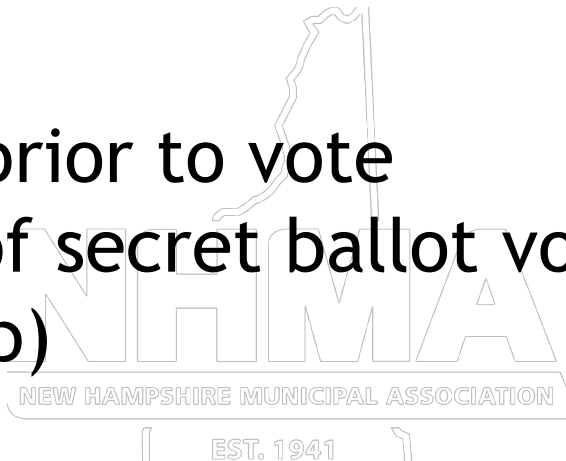


The Secret Ballot



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)



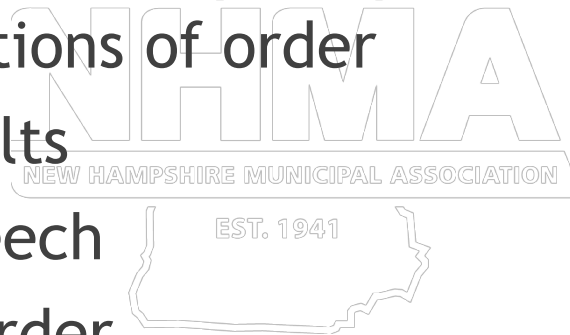
Questioning a Vote, RSA 40:4-b

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

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



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

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 - agree ahead of time that the governing body and moderator require the wearing of masks in the meeting place.
- ▶ Preparatory workshop/meeting with volunteers & election officials
- ▶ Expect the unexpected!



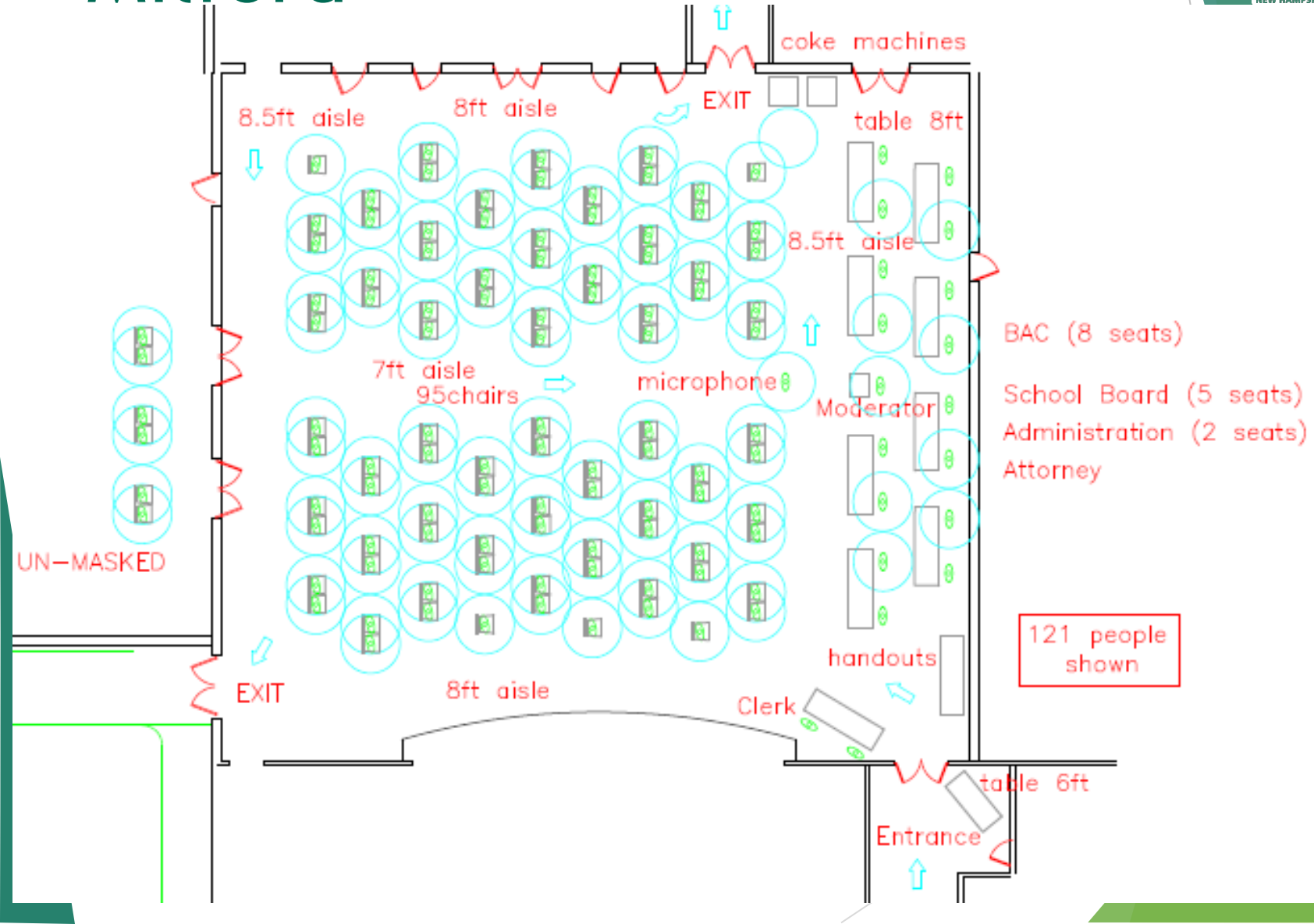
Covid-19 Meeting Place Layout Issues



- ▶ 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



Meeting place layout in Milford



SB2 Postponement



- ▶ RSA 40:4 defines how to postpone the deliberative session or the official ballot voting session
- ▶ The moderator may postpone when:
 - National Weather Service has issued a weather event warning and the moderator believes the event may cause the roads to be hazardous or unsafe
 - If an accident, fire, natural disaster, or other emergency, renders use of the meeting location unsafe.

Postponement Issues For SB 2



- ▶ Every session postponement is for 72 hours
 - ▶ Continued session postponements may cause the original election day to also be postponed
- ▶ Official Ballot Voting Day is a 2- week postponement

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How to Postpone the Deliberative Session



- ▶ The moderator may decide up to 2 hours but not more than 48 hours prior to the scheduled session due to weather event
 - ▶ Moderator must consult with certain town officials before deciding
 - ▶ Notice to residents must be provided
- ▶ Moderator may postpone at any time prior to the session due to disaster or emergency rendering meeting place unsafe.

Deliberative Session Postponement Issues



- ▶ The deliberative session can only be postponed for no more than 72 hours.
 - ▶ Undertake repetitive 72-hour postponements.
- ▶ *The official ballot voting day shall be warned for a date not fewer than 28 days nor more than 60 days following the first session*
- ▶ If you end up postponing your deliberative session into March or later, you will need to postpone your official ballot voting day as well.

How to Postpone the Official Ballot Voting Day



- ▶ Must be made on the day immediately prior at any time before 6:00 p.m.
- ▶ Document the decision and notify the Secretary of State within 2 hours
 - ▶ Recommend documenting the decision in an email to the SOS and later reprint the email in the town/district report
- ▶ Election must be rescheduled to the Tuesday 2 weeks following the original date

Electioneering at Polling Place



- ▶ 262:32; 652:16-h; 659:43; 659:44 clarify electioneering
- ▶ Establish one or more no-electioneering corridors at each entrance to the polling place:
 - ▶ Designate a preferred area for electioneering
 - ▶ Prohibits affixing electioneering signs to the building or grounds and leaving electioneering signs unattended.
- ▶ Authorized official can remove a vehicle that has been parked or left unattended on election day for longer than three hours in an area designated for voters.

Recent Laws That Apply



DEFAULT BUDGET DEBATE

- ▶ RSA 40:13, IV permits voters to discuss and debate the default budget.
- ▶ RSA 40:13, XI(b) still prohibits the voters from amending the default budget at the deliberative session.

CONTENT OF TOWN MEETING MINUTES

- ▶ Right-to-Know Law - RSA 91-A:2, II requires that minutes the names of those who make or second each motion 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 of town meeting.

Warrant Article Amendments



- ▶ Warrant articles may be amended with limitations (40:13, IV)
 - ▶ Wording prescribed by law cannot be amended
 - ▶ No article may eliminate the subject matter of the article, except changing the dollar amount of an appropriation
- ▶ All articles shall be placed on the official ballot including warrant articles as amended at the deliberative session

Problem Amendments to Avoid



Change of Purpose not allowed



Agents of CRF not warned before meeting

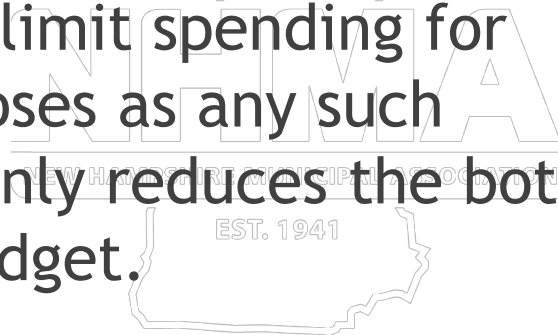


Made “Non-Lapsing” From Floor

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.





Restricting Reconsideration RSA 40:10



- A vote to restrict reconsideration prohibits any further action on the restricted article until the second session.
- *For practical purposes there is no second deliberative session*

NH Moderators List Serv



- ▶ This List Serv group was established to provide a simple way for New Hampshire moderators to communicate with each other.
- ▶ Each member will be able to send email to this list, and Google Groups will distribute the email to all of the group subscribers.
- ▶ The purpose of the group is to allow moderators to discuss issues, ask questions, and share information about any aspect of the moderator position.
- ▶ Messages should be relevant to that topic only, not include obscenity or advertisements, and be free of personal attacks.
- ▶ To be added to the NH Moderators List Serv, send an email to o: sbuckley@nhmunicipal.org

Key Take Aways



- ▶ Covid-19 safe and secure meeting methods
- ▶ Close collaboration with public health officer and emergency management director
- ▶ Governing Body, Town/District Counsel and Police Chief

