




2023 - 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)

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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
- ✓ Restricting Reconsideration
- ✓ Second session

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Essential Official Ballot Referendum Requirements



- ▶ 40:4- moderator presides
- ▶ 40:4-a secret ballots
- ▶ 40:4-b questioning vote
- ▶ 40:4-f updated checklist for meeting
- ▶ 40:6 penalty for default of presiding officer
- ▶ 40:10 restricting reconsideration

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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



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Prepare Yourself to Serve

- ▶ Meet with governing body, school board, budget committee, election officials, town/district counsel
- ▶ Go to the budget hearings/keep your “ear to the ground”
- ▶ Contact authors of petitioned articles - discuss who will present petitioned articles
- ▶ Develop plan for who at the front table will move and discuss all other articles
- ▶ Who will respond to legal and other questions about substance of the articles?



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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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Is the meeting space ready?

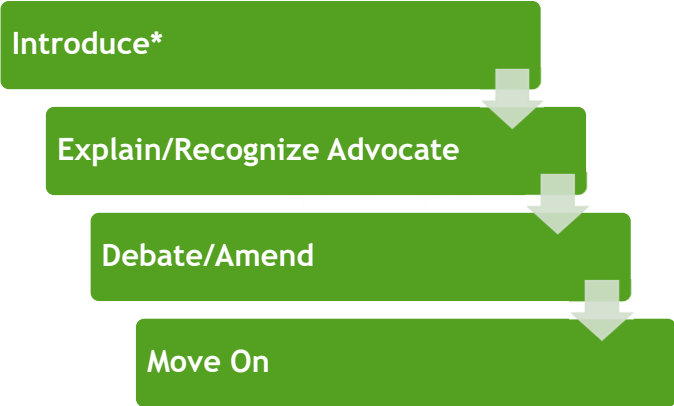



- ▶ Room arrangement
- ▶ Technology
- ▶ Security?

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Explanation, discussion, and debate of each warrant article



**Best to require articles be moved in for discussion as presented on warrant, DRA will disallow an appropriation article if there is no evidence of an amendment*

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Warrant Article Amendments

- ▶ Warrant articles may be amended at the first session, subject to the following limitations:
- ▶ (a) Warrant articles whose wording is prescribed by law shall not be amended.
- ▶ (b) Warrant articles that are amended shall be placed on the official ballot for a final vote on the main motion, as amended.
- ▶ (c) No warrant article shall be amended to eliminate the subject matter of the article. An amendment that changes the dollar amount of an appropriation in a warrant article shall not be deemed to violate this subparagraph.
- ▶ 40:13, XI (b) The default budget may not be amended by the first session.



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Problem Amendments to Avoid



Change of Purpose not allowed



Agents of CRF not warned before meeting



Made "Non-Lapsing" From Floor



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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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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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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*

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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.

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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

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NHModerators 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 added to the NH Moderators List Serv, send an email to o: sbuckley@nhmunicipal.org

The logo for the New Hampshire Municipal Association (NHMA) is located in the top right corner of the slide. It features the acronym "NHMA" in a bold, white, sans-serif font. Below the acronym, the full name "NEW HAMPSHIRE MUNICIPAL ASSOCIATION" is written in a smaller, white, sans-serif font. Underneath the name, the text "EST. 1941" is displayed. The logo is set against a white background that is part of a larger graphic element consisting of overlapping, semi-transparent green and yellow geometric shapes.