

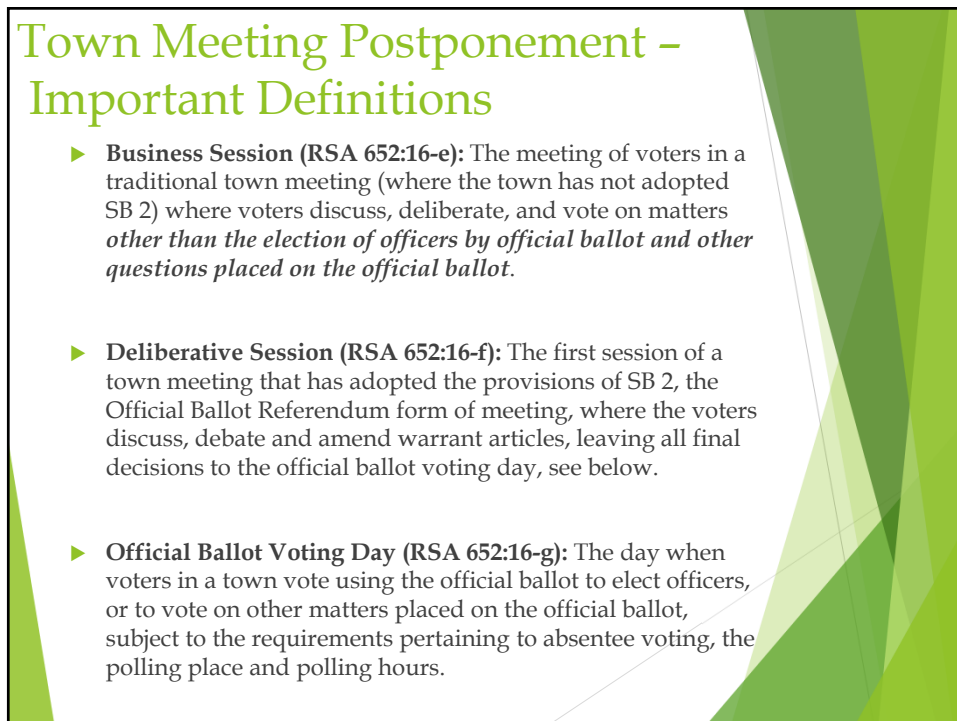


2021 – Traditional Town Meeting
Moderators Workshop
Emergency Order #83
Postponement

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Town Meeting Postponement – Important 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.

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Emergency Order #83 – A Summary

- ▶ As a prelude to final legislative action adopting the new [SB 2](#), Governor Sununu has issued an Emergency Order containing the essential elements of that proposed law:
 - SOS & AG can approve alternative polling arrangements
 - Restores partial processing of absentee ballots
 - Permits governing body to postpone official ballot voting day and the business meeting

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Statutory Postponement – 40:4

- ▶ RSA 40:4 defines how to postpone the business 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, such as the public health hazards of Covid-19, renders use of the meeting location unsafe.

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Postponement Procedure for a business session

- ▶ The moderator may decide to postpone up to two (2) hours but not more than 48 hours prior to the scheduled session
 - ▶ First, the moderator must consult with certain other town officials before deciding to postpone
 - ▶ Second, employ whatever means are available to inform citizens of the postponement and the rescheduled date or dates

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Statutory Postponement of the Official Ballot Voting Day - 669:1

- ▶ 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, such as the public health hazards of Covid-19, renders use of the
- ▶ The moderator consults with local officials.

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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
- ▶ Procedures for checklist sessions, office holdover for moderator, handling absentee ballots, found in RSA 669:1-a.

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Postponement by Governing body under EO #83

- ▶ Governing body may postpone the official ballot voting day and/or the business meeting
- ▶ Business meeting may be postponed to one or more dates in 2021.
- ▶ The official ballot voting day must be postponed to the second Tuesday or April, May, June or July.

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Procedure for postponement under EO #83

- ▶ Promptly after making the decision to postpone a meeting, the governing body must post notice of that decision on the town, school or village district website (if such exists) and in two other public places.
- ▶ That notice must provide notice of the new date for the official ballot voting day, business meeting, or deliberative session
- ▶ The governing body shall also re-post notice at least 14 days before the date(s) of the rescheduled official ballot voting day and business or deliberative session

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EO#83 and the authority of a Moderator under RSA 40:4 and RSA 669:1

- ▶ EO#83 does not modify the moderator's ability to use the provisions of RSA 40:4 and RSA 669:1 to postpone a business meeting or official ballot voting day
- ▶ Where the governing body has used EO#83 to postpone and reschedule due to the Covid-19 pandemic, the moderator should defer to that decision
- ▶ Even if an election or business meeting had been postponed due to Covid-19, the moderator could still postpone using RSA 40:4 or RSA 669:1 for concerns unrelated to Covid-19 - such as a weather event warning, or other hazardous or unsafe conditions rendering roads unsafe or rendering the meeting place unsafe

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What happens if the new SB 2 is enacted?

- ▶ In general, the finally enacted version of SB 2 will control these annual meeting postponement issues,
- ▶ It is expected that final enactment will be in harmony with EO#83.
- ▶ To the extent a town or district has used EO#83 by giving notice of postponement under that provision, that town or district's meeting shall be governed by EO#83 and not any contrary provision in enacted SB 2.

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Postponement under EO#83 – Other Issues

- ▶ The governing body is not required to hold a public hearing before using EO#83 to postpone
- ▶ EO#83 can be used to postpone a meeting either before or after the warrant and budget are posted

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School District Meeting Coordination

- ▶ Under RSA 40:14-a and 671:26-a, the town meeting and the school meeting can vote to coordinate town elections with school district elections
- ▶ Town election officials supervise and determine the time and place for coordinated school and town elections
- ▶ The town and the school board allocate the costs of the joint elections
- ▶ When a town undertakes to postpone an official ballot voting day NHMA urges there be a consensus between the school and the town on meeting dates and options

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Postponing Elections with questions being voted on in multiple towns simultaneously – RSA 669:1, V (b)

- ▶ The moderators involved must reach a consensus on postponement
- ▶ One moderator is chosen to document the consultation and notify the Secretary of State
- ▶ If no consensus, the election is postponed only if a majority of the moderators vote to postpone

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