

Senate Election Law and Municipal Affairs Committee

Jessica Bourque 271-2104

HB 1131, relative to the official ballot referendum form of town meetings.

Hearing Date: March 31, 2026

Time Opened: 1:00 p.m. **Time Closed:** 1:52 p.m.

Members of the Committee Present: Senators Gray, Lang, Rochefort, Perkins Kwoka and Long

Members of the Committee Absent: None

Bill Analysis: This bill amends the method of adopting official ballot referendum form of meeting.

Sponsors:

Rep. Pauer	Rep. Aylward	Rep. Bernardy
Rep. R. Brown	Rep. Cambrils	Rep. Harvey-Bolia
Rep. Kofalt	Rep. Qualey	Rep. Terry
Rep. Sellers	Sen. Gannon	Sen. Innis
Sen. McGough	Sen. Avard	

Who supports the bill: 216 people signed in to support the bill. For a full list of names, please contact committee aide, Jessica Bourque at jessica.bourque@gc.nh.gov

Who opposes the bill: 9 people signed in opposed to the bill. For a full list of names, please contact committee aide, Jessica Bourque at jessica.bourque@gc.nh.gov

Who is neutral on the bill: None

Summary of testimony presented:

Representative Diane Pauer, Hillsborough-District 36

- This bill amends the method of adopting the official ballot referendum form of meeting, which had been the process for over 20 years, but a law enacted in 2019 changed that process. This bill would reverse the 2019 legislation.
- The bill would permit the adoption of the SB 2 form of government through a ballot vote.
- Since the change seven years ago, towns and districts have made at least 64 attempts to adopt SB 2, with only 2 successes.

- Rescinding SB 2 still uses the official ballot, which, in her opinion, creates a statutory inconsistency.
- The change that occurred in 2019 has resulted in voter disenfranchisement.
- Families, military personnel, families with young children, and others are effectively barred from voting on SB 2 adoption.
- Representative Pauer spoke about her handout.
- This bill has 3 goals:
 - Restores SB 2 adoption to the ballot.
 - Maintains local control, 3/5th supermajority to adopt.
 - Ensures fairness and consistency, and treats the adoption of SB 2 like all other forms of local government transitions.
- Restores full voter access by correcting the unintended barrier to adopting SB 2.

Senator Lang said that his town of Sanbornton is on her list of towns that have tried to do this and failed both times, but in the last cycle, when his town tried to do this, they had more voters attend the town meeting than they had voted the week before.

Rep. Pauer commented that that is interesting and stated that it is a data point from Sanbornton, but that isn't the case here. Rep. Pauer added that when SB 2 was originally enacted, it was a bipartisan bill, and that the official ballot is how all other transitions of local governance is handled.

Rep. Jim Qualey, Cheshire - District 18

- Supports this bill.
- Spoke about a handout he distributed to the committee. The handout titled "Meeting Attendance vs. Official Ballots Cast". covers 1995 to 2005.

Rep. Liz Barbour, Hillsborough - District 35

- Recently sat through a long school board meeting that included an SB 2 vote, and the vote didn't happen until 11:00. Some people had to leave, and children were asleep on the chairs.
- Hollis/Brookline has voted seven times to adopt SB 2 without success.

Aubrey Freedman, Bridgewater

- Supports this bill.
- Modern life is too busy for most people. They don't have time to attend a traditional town meeting.

Cheryl Morse, Hopkinton

- They successfully passed SB 2 before, and there were 1300 voters who participated in that election.
- Town meetings can be a hostile environment.

- People are still given their voice in a deliberative meeting in an SB 2 town.

Brodie Deshaies, NH Municipal Association

- Opposes this bill.
- Currently, this would be placed on the warrant during an in-person meeting.
- NH is unique in that we still have annual meetings.
- “Official Ballot” is typically reserved for electing officials.
- Disenfranchisement is a strong word, and Mr. Deshaies noted that voters are free to attend for as little or as long as they choose.

Senator Lang asked if he had ever attended an SB 2 deliberative session.

Mr. Deshaies said he has.

Senator Lang asked whether it's a case of many people showing up at an SB 2 deliberative meeting a few people vote, or if only a few people attend a deliberative session and a large number of people vote.

Mr. Deshaies said that, from his experience, it depends on the municipality. He has often seen that only a few people show up to the deliberative session, and they are the only ones who give input. But then the people who only show up for the vote haven't been part of the process vs. a traditional town meeting where people are there for both processes. There are merits to both systems, but they believe the adoption should be by the process the towns have.

Victor Orlando, Hollis

- Supports this bill.
- This bill provides people who cannot attend with the option to participate.
- These votes are often delayed until late at night.
- By putting this on a ballot vote, it allows folks who cannot attend to participate.

James Kelley

- A small number of voters can predetermine an outcome.
- You all were elected by secret ballot in an SB 2 format.
- The current system disenfranchises many people.
- Military veterans with PTSD often have difficulty attending a traditional town meeting and asked if they should lose their right to vote.
- Shift workers, single parents, the elderly, and the disabled all have difficulty attending town meetings.

Al Brandano, Kensington

- He is part of the Exeter School District, which is a cooperative district. He has noticed that the smaller towns in his district have stopped attending deliberative sessions because their decisions are always overridden by Exeter.

Rob Lovett, Mont Vernon

- Supports this bill.
- His recent town meeting lasted 7 hours. Only 15% of the participants who attended at the start were able to stay until the end.
- Many parents weren't able to attend the meeting at all.

Eric Pauer, NH School District Governance Association

- There was disenfranchisement in traditional town meetings.
- 2019 HB 415 put the vote back to a warrant article.
- SB 2 adoption represents a governance change.
- Explained that SB 2 is a governance change and asked why other governance changes are on an official ballot but SB 2 is not.
- This isn't that people aren't interested in it; there is interest.

Senator Lang asked whether it surprised him to learn that anyone can change the order of an article, meaning any member of the legislative body could make that motion, so it is not an 11:00 p.m. vote.

Mr. Pauer said it depends on who is at the meeting and on the moderator's rules. They tried to do that in his town, but the moderator came in with the rule that it would need a 2/3 vote to move an article up. Mr. Pauer estimated that they had about 60% in attendance, but they did not have a supermajority.

Senator Lang said that the 2/3 vote by the body can override the moderator's rules.

Mr. Pauer said it was true, and they spent an hour of the meeting discussing and trying to change the rules.

Senator Lang said his town is not an SB 2 town; in traditional meetings, no one shows up for the budget meetings. What percentage of people show up vs. the number who vote in an SB 2 town.

Mr. Pauer said that this year, the Brookline School District had a good turnout for the SB 2 deliberative session.

Cordell Johnston, Henniker Town Moderator

- Opposes this bill.
- No one is disenfranchised by a town meeting.
- This is a question for the legislative body.

- In the City of Manchester, if you want to serve on a legislative body and you have a job that would prevent that, then you don't run for a legislative body.
- Motions can be made to postpone a meeting to a different day. A warrant can be rescheduled to an earlier point during the meeting.

Mr. Jim Ruebens, Hanover

- He was a sponsor of the first SB 2 bill in 1995.
- It comes down to whether meetings and decisions should be made by a small group of people concentrated around special interests or by a broader number of voters, especially for budget decisions.
- The number of people voting on budget issues has increased in SB 2 meetings.

Senator Lang asked historically how many towns have rescinded their SB 2 choice. He said there has been a good number of them.

Mr. Reubens said that most towns that have adopted it have retained it.

David Rivers, Thornton

- In Thornton, the announcement wording can be tricky, so it's not always clear what a meeting is about.
- They made yard signs to inform town residents about what they were voting on.
- Right now, they have a very small group voting on the town budget.