

Amendment to SB 438

1 Amend RSA 669:1, V(b)(1) as inserted by section 2 of the bill by replacing it with the following:

2
3 (b)(1) The moderator, or if the moderator is unavailable, the clerk, notifies the
4 secretary of state that an extreme weather emergency or an imminent serious threat to public
5 health or safety makes conducting the election when and where scheduled impossible. Prior to
6 deciding to notify the secretary of state, to the extent practical, the moderator shall consult, with
7 the jurisdiction's governing body, clerk, and as appropriate for the circumstances the fire chief,
8 police chief, and emergency management director. If the consultation with the governing body
9 includes a quorum of that body, the consultation shall be exempt from the notice and public meeting
10 requirements of RSA 91-A.

11
12 Amend RSA 669:1, VI(b) as inserted by section 2 of the bill by replacing it with the following:

13
14 (b) All other statutory provisions associated with a postponed election under this section
15 shall also be extended the same 2 weeks, except that supervisors of the checklist shall not be
16 required to meet again until the postponed town election day. If the election is postponed to a date
17 that follows the date of the business meeting, the end of the term of the moderator established in
18 RSA 40:1 shall be extended through the completion of all election day duties or until the
19 qualification of a successor, whichever is later. Any school district election coordinated with a town
20 under RSA 671:26-a or otherwise held in conjunction with the town election shall also be subject to
21 the provisions of this section.

22
23 Amend the bill by replacing all after section 3 with the following:

24
25 4 New Section; Town Meetings; Elections; Definitions. Amend RSA 39 by inserting after
26 section 1-c the following new section:

27 39:1-d Definitions. Notwithstanding any other provision of law, for the purposes of all statutes
28 pertaining to annual and special meetings of towns, school districts, and village districts:

29 I. "Election" means the choosing of officers by official ballot and in towns, school districts,
30 and village districts that have adopted the official ballot referendum form of meeting as authorized
31 by RSA 40:13, voting on warrant articles by use of official ballot. "Election" shall include any voting
32 where a voter has a right to vote by absentee ballot as established by part I, article 11 of the New

Amendment to SB 438
- Page 2 -

1 Hampshire constitution and RSA 669, RSA 670, and RSA 671. Elections are governed by RSA 669,
2 RSA 670, and RSA 671 and the election provisions of RSA 40:13.

3 II. "Meeting" means the discussion of business of the towns, school districts, or village
4 districts and voting on warrant articles only by voice, division, or secret "yes-no" ballot vote.
5 Meeting shall include the deliberative session of an annual meeting in towns, school districts, and
6 village districts that have adopted the official ballot referendum form of meeting as authorized by
7 RSA 40:13. Meetings are governed by RSA 39 and RSA 40.

8 5 New Section; Town Elections and Meetings; Definitions. Amend RSA 669 by inserting after
9 section 1 the following new section:

10 669:1-a Definitions. Notwithstanding any other provision of law, for the purposes of all
11 statutes pertaining to town elections:

12 I. "Election" means the choosing of officers by official ballot and in towns that have adopted
13 the official ballot referendum form of meeting as authorized by RSA 40:13, voting on warrant
14 articles by use of official ballot. "Election" shall include any voting where a voter has a right to vote
15 by absentee ballot as established by part I, article 11 of the New Hampshire constitution and RSA
16 669. Town elections are governed by RSA 669 and the election provisions of RSA 40:13.

17 II. "Meeting" means the discussion of business of the town and voting on warrant articles
18 only by voice, division, or secret "yes-no" ballot vote. "Meeting" shall include the deliberative
19 session of an annual meeting in towns that have adopted the official ballot referendum form of
20 meeting as authorized by RSA 40:13. Meetings are governed by RSA 39 and RSA 40.

21 6 New Sections; Elections and Meetings; Definitions; Emergency Postponement. Amend RSA
22 670 by inserting after section 1 the following new sections:

23 670:1-a Definitions. Notwithstanding any other provision of law, for the purposes of all
24 statutes pertaining to village district elections:

25 I. "Election" means the choosing of officers by official ballot and in village districts that
26 have adopted the official ballot referendum form of meeting as authorized by RSA 40:13, voting on
27 warrant articles by use of official ballot. "Election" shall include any voting where a voter has a
28 right to vote by absentee ballot as established by part I, article 11 of the New Hampshire
29 constitution and RSA 670. Elections are governed by RSA 670 and the election provisions of RSA
30 40:13.

31 II. "Meeting" means the discussion of business of the village district and voting on warrant
32 articles only by voice, division, or secret "yes-no" ballot vote. "Meeting" shall include the
33 deliberative session of an annual meeting in village districts that have adopted the official ballot
34 referendum form of meeting as authorized by RSA 40:13. Meetings are governed by RSA 39 and
35 RSA 40.

36 670:1-b Postponing a Village District Election When There is a State of Emergency. A village
37 district election that is held in conjunction with a town election shall be postponed when the town

Amendment to SB 438
- Page 3 -

1 election is postponed as authorized by RSA 669:1, V. A village district election that is not held in
2 conjunction with town elections, may be postponed in the same manner as provided for a town
3 election in RSA 669:1, V and VI.

4 7 New Sections; Definitions; Emergency Postponement. Amend RSA 671 by inserting after
5 section 1 the following new sections:

6 671:1-a Elections and Meetings; Definitions. Notwithstanding any other provision of law, for
7 the purposes of all statutes pertaining to school district elections:

8 I. "Election" means the choosing of officers by official ballot and in school districts that have
9 adopted the official ballot referendum form of meeting as authorized by RSA 40:13, voting on
10 warrant articles by use of official ballot. "Election" shall include any voting where a voter has a
11 right to vote by absentee ballot as established by part I, article 11 of the New Hampshire
12 constitution and RSA 671. School district elections are governed by RSA 671 and the election
13 provisions of RSA 40:13.

14 II. "Meeting" means the discussion of business of the school district and voting on warrant
15 articles only by voice, division, or secret "yes-no" ballot vote. "Meeting" shall include the
16 deliberative session of an annual meeting in school districts that have adopted the official ballot
17 referendum form of meeting as authorized by RSA 40:13. Meetings are governed by RSA 39 and
18 RSA 40.

19 671:1-b Postponing a School District Election When There is a State of Emergency. A school
20 district election that is held in conjunction with a town election shall be postponed when the town
21 election is postponed as authorized by RSA 669:1, V. A school district election that is not held in
22 conjunction with town elections, may be postponed in the same manner as provided for a town
23 election in RSA 669:1, V and VI.

24 8 Town Meeting; Moderator; Duties. Amend RSA 40:4, II to read as follows:

25 II. In the event a weather emergency occurs on or before the date of a deliberative session
26 or ~~[voting day of a]~~ meeting in a town, which the moderator reasonably believes may cause the
27 roads to be hazardous or unsafe, the moderator may, up to 2 hours, **but not more than 24 hours**,
28 prior to the scheduled session, postpone and reschedule the deliberative session ~~[or voting day of~~
29 ~~the]~~ meeting to another reasonable date, place, and time certain. The date originally scheduled
30 shall continue to be deemed the **date of the** deliberative session or ~~[voting day of the]~~ meeting for
31 purposes of satisfying statutory meeting date requirements; provided, that in towns or districts that
32 have adopted RSA 40:13, the postponement shall not delay the deliberative session more than 72
33 hours. The moderator shall employ whatever means are available to inform citizens of the
34 postponement and the rescheduled deliberative session or ~~[voting day]~~ **meeting**.

35 9 Effective Date. This act shall take effect 60 days after its passage.