

Floor Amendment to SB 438

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 Statement of Purpose. The general court recognizes that existing law prescribes the dates for
4 annual town meetings, but also gives town moderators the authority to postpone a meeting in the
5 event of a weather emergency. The general court further recognizes that in most towns, the annual
6 meeting consists of 2 sessions — a voting session for the election of officers and voting on certain
7 other matters by official ballot, and a session often referred to as the deliberative session or business
8 session, at which items to be voted on are debated and amended, and at which final votes may or
9 may not be taken, depending on the form of town meeting the town has adopted. The general court
10 recognizes that the official ballot voting session includes the election of officers and that it is an
11 integral, long-standing part of the town meeting, not a separate event. Because of questions that
12 were raised about the process of postponing town meeting during the severe snowstorm on town
13 meeting day in March 2017, this act is intended to clarify and improve the existing process for
14 postponing either or both sessions of the annual town meeting.

15 2 Duties of Moderator; Postponement of Town Meeting; Date for Rescheduled Meeting;
16 Absentee Ballots. Amend RSA 40:4 to read as follows:

17 40:4 Duties.

18 I. The moderator shall preside in the town meetings, regulate the business thereof, decide
19 questions of order, and make a public declaration of every vote passed, and may prescribe rules of
20 proceeding; but such rules may be altered by the town.

21 II.(a) In the event a weather emergency occurs on or before the date of [a] **the** deliberative
22 session, **business session**, or **official ballot** voting [day] **session** of a **town** meeting [~~in a town~~],
23 which the moderator reasonably believes may cause the roads to be hazardous or unsafe, the
24 moderator may, up to 2 hours, **but not more than 24 hours**, prior to the scheduled session,
25 postpone and reschedule the [deliberative] session [~~or voting day of the meeting~~] to [another
26 reasonable] a date, place, and time certain, **as provided in subparagraph II(c). To the extent**
27 **practical, prior to making a decision to postpone, the moderator shall consult with the**
28 **governing body, the clerk, and as appropriate for the circumstances, the police chief, the**
29 **fire chief, and the local emergency management director.**

30 (b) **In the event an accident, natural disaster, or other emergency occurs which**
31 **the moderator reasonably believes may render use of the meeting location unsafe or which**
32 **destroys the ballots or makes them unusable, the moderator may, at any time prior to the**

1 *scheduled session, postpone and reschedule the session to a date, place, and time certain,*
2 *as provided in subparagraph II(c). To the extent practical, prior to making a decision to*
3 *postpone the moderator shall consult with the governing body, the clerk, and as*
4 *appropriate for the circumstances, the police chief, the fire chief, and the local emergency*
5 *management director.*

6 (c) *The rescheduled date for an official ballot voting session shall be the second*
7 *Tuesday following the date originally scheduled. The moderator shall reschedule the*
8 *business session or deliberative session of a meeting to a reasonable date, place, and time*
9 *certain, subject to subparagraph II(d). The moderator shall employ whatever means are*
10 *available to inform citizens of the postponement and the rescheduled date or dates, as well*
11 *as information on obtaining absentee ballots for the rescheduled dates. The rescheduling*
12 *of school district elections in multi-town school districts shall be governed by RSA 671:22-*
13 *a.*

14 (d) *The date originally scheduled shall continue to be deemed the deliberative session,*
15 *business session, or official ballot voting [day] session of the meeting for purposes of satisfying*
16 *statutory meeting date requirements; provided, that in towns or districts that have adopted RSA*
17 *40:13, the postponement shall not delay the deliberative session more than 72 hours. [The*
18 *moderator shall employ whatever means are available to inform citizens of the postponement and*
19 *the rescheduled deliberative session or voting day.]*

20 **III.** *If the official ballot voting session is rescheduled as provided in paragraph II,*
21 *any absentee ballots that have been issued based on a voter's absence or inability to*
22 *appear at the polls on the original election date shall remain valid and shall be accepted*
23 *if properly executed and received by the clerk no later than 5:00 p.m. on the rescheduled*
24 *election date, regardless of whether the voter is absent or unable to appear at the polls on*
25 *the rescheduled election date. In addition, voters who satisfy the requirements for voting*
26 *by absentee ballot on the rescheduled election date may vote by absentee ballot, and all*
27 *references to the day of the election in the provisions of RSA 657 and RSA 659 related to*
28 *absentee ballots shall be deemed to refer to the day of the rescheduled election.*

29 **IV.** *For purposes of this section:*

30 (a) *"Business session" means, in a town that has not adopted the provisions of*
31 *RSA 40:13, the session of a town meeting at which voters discuss, deliberate, and vote on*
32 *matters other than the election of officers by official ballot and other questions that are*
33 *placed on the official ballot.*

34 (b) *"Deliberative session" means the first session of a meeting in a town that*
35 *has adopted the provisions of RSA 40:13.*

36 (c) *"Official ballot voting session" means the session of a town meeting at which*
37 *voters vote on the election of officers and other matters by official ballot.*

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1 3 City Elections; Postponement for Emergency. Amend RSA 44:11 to read as follows:

2 44:11 Times.

3 **I.** The meeting of the voters of each ward for the election of city and ward officers shall be
4 held on such day as may be fixed by law or by ordinance of the city council but in no event shall it
5 be held in conjunction with a biennial election; and all ward and city officers who are chosen by the
6 people shall hold their respective offices for the term and from the day fixed by law or ordinance,
7 and until others are appointed in their stead. The prohibitions in this section shall not apply to a
8 special election held to fill a vacancy for the office of a city or a ward officer.

9 **II. In the event of a weather or other emergency as described in RSA 40:4, II, the**
10 **election may be postponed and rescheduled in the manner provided in that section for the**
11 **rescheduling of a town meeting official ballot voting session, except that all references to**
12 **the moderator shall be deemed to refer to the city clerk.**

13 4 Town Elections; Date Subject to Postponement. Amend RSA 669:1, I to read as follows:

14 **I. Subject to RSA 40:4,** all towns shall hold an election annually for the election of town
15 officers on the second Tuesday in March, except those towns which have adopted an alternative
16 date under RSA 40:14 or those towns which have adopted the provisions of RSA 31:94-a and have,
17 by majority vote at a previous town meeting, decided to elect officers on the second Tuesday in May.

18 5 New Section; School District Elections; Rescheduling. Amend RSA 671 by inserting after
19 section 22 the following new section:

20 671:22-a Rescheduling Elections. In the case of a school district that comprises one or more
21 preexisting districts and holds its elections in conjunction with the town elections in the component
22 towns as provided in this subdivision, the town moderators in each town shall, in the event of an
23 emergency described in RSA 40:4, II, use their best efforts to agree on rescheduling the town and
24 school district elections. Unless the moderators from all towns in the district agree to reschedule
25 their elections, all town and school district elections shall proceed on the date originally scheduled.

26 6 Effective Date. This act shall take effect January 1, 2019.

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AMENDED ANALYSIS

This bill provides for the postponement of local elections.