

Bill as  
Introduced

HB 138 - AS INTRODUCED

2013 SESSION

13-0287  
06/03

HOUSE BILL

**138**

AN ACT            permitting a town that has adopted official ballot voting to use a topical description of the substance of a warrant article on the official ballot.

SPONSORS:       Rep. Cushing, Rock 21; Rep. Muns, Rock 21; Rep. Andrews-Ahearn, Rock 37; Rep. F. Rice, Rock 21; Rep. Emerick, Rock 21; Sen. Stiles, Dist 24

COMMITTEE:      Municipal and County Government

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ANALYSIS

This bill permits any town that has adopted official ballot voting to use a topical description of the substance of a warrant article on the official ballot.

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Explanation:    Matter added to current law appears in ***bold italics***.  
                  Matter removed from current law appears [~~in brackets and struckthrough~~].  
                  Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

## STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Thirteen*

AN ACT                    permitting a town that has adopted official ballot voting to use a topical description of the substance of a warrant article on the official ballot.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            1 Use of Official Ballot; Form of Warrant. Amend RSA 40:13, VI to read as follows:

2            VI. ***A topical description of the substance of*** all warrant articles shall be placed on the  
3 official ballot for a final vote, including warrant articles as amended by the first session. All special  
4 warrant articles shall be accompanied on the ballot by recommendations as required by RSA 32:5, V,  
5 concerning any appropriation or appropriation as amended.

6            2 New Paragraph; Use of Official Ballot; Official Copies Placed on File. Amend RSA 40:13 by  
7 inserting after paragraph VII the following new paragraph:

8            VII-a. Official copies of all warrant articles, including warrant articles as amended by the  
9 first session, shall be placed on file and made available to the public at the office of the clerk of the  
10 political subdivision not later than one week prior to the date of the second session of the annual  
11 meeting. An official copy of the warrant shall be on display for the voters at the meeting place on the  
12 date of the meeting.

13           3 Use of Official Ballot; Question Submitted. RSA 40:13, VIII is repealed and reenacted to read  
14 as follows:

15           VIII. The clerk of the local political subdivision shall prepare an official ballot, which may be  
16 separate from the official ballot used to elect officers, for all warrant articles. The issue shall be  
17 presented to the voters by including the following question on the official ballot as prepared by the  
18 clerk of the political subdivision:

19           “Are you in favor of the warrant as proposed by the selectmen?” In the event that there shall be  
20 more than a single proposed warrant to be submitted to the voters at any given meeting, the issue as  
21 to the several warrants shall be put in the following manner: “Are you in favor of the adoption of  
22 Warrant No. \_\_\_\_ as proposed by the selectmen as follows: (Here insert topical description of  
23 substance of warrant.)?” If such action is to be taken at a meeting other than the one at which  
24 officers are to be elected, the clerk shall prepare a special ballot containing the question or questions  
25 above stated, and the meeting shall open not later than noon and shall remain open at least 8 hours.  
26 If a majority of the voters present and voting on any question as herein provided shall vote in the  
27 affirmative, the warrant article shall be declared to have been adopted. When submitting any  
28 question to the voters under this section, there shall be 2 squares printed after the question, one  
29 with the word “yes” beside it and another with the word “no” beside it.

30           4 Effective Date. This act shall take effect 60 days after its passage.

HB 138 - AS AMENDED BY THE HOUSE

13Feb2013... 0059h

2013 SESSION

13-0287  
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HOUSE BILL **138**

AN ACT            permitting a town that has adopted official ballot voting to use a topical description of the substance of a warrant article for the adoption of ordinances on the official ballot.

SPONSORS:       Rep. Cushing, Rock 21; Rep. Muns, Rock 21; Rep. Andrews-Ahearn, Rock 37; Rep. F. Rice, Rock 21; Rep. Emerick, Rock 21; Sen. Stiles, Dist 24

COMMITTEE:      Municipal and County Government

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AMENDED ANALYSIS

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1            1 Use of Official Ballot; Form of Warrant. Amend RSA 40:13, VI to read as follows:

2            VI. All warrant articles shall be placed on the official ballot for a final vote, including  
3 warrant articles as amended by the first session. All special warrant articles shall be accompanied  
4 on the ballot by recommendations as required by RSA 32:5, V, concerning any appropriation or  
5 appropriation as amended. ***A topical description of the substance of all warrant articles for***  
6 ***the adoption of ordinances may be placed on the official ballot for a vote, including such***  
7 ***articles as amended at the first session.***

8            2 New Paragraph; Use of Official Ballot; Official Copies Placed on File. Amend RSA 40:13 by  
9 inserting after paragraph VII the following new paragraph:

10           VII-a. Official copies of all ordinance warrant articles using topical descriptions, including  
11 topical descriptions of ordinance warrant articles as amended by the first session, shall be placed on  
12 file and made available to the public at the office of the clerk of the political subdivision not later  
13 than one week prior to the date of the second session of the annual meeting. An official copy of the  
14 warrant ~~including~~ <sup>article</sup> the full text of all ordinance warrant articles using a topical description shall be  
15 on display for the voters at the meeting place on the date of the meeting.

16           3 Use of Official Ballot; Question Submitted. RSA 40:13, VIII is repealed and reenacted to read  
17 as follows:

18           VIII. The clerk of the local political subdivision shall prepare an official ballot, which may be  
19 separate from the official ballot used to elect officers, for all warrant articles. The issue shall be  
20 presented to the voters by including the following question on the official ballot as prepared by the  
21 clerk of the political subdivision:

22           “Are you in favor of the warrant as proposed by the selectmen?” In the event that there shall be  
23 more than a single proposed warrant/to be submitted to the voters at any given meeting, the issue as  
24 to the several warrants/shall be put in the following manner: “Are you in favor of the adoption of  
25 Warrant No. \_\_\_\_ as proposed by the selectmen as follows: (Here insert warrant or topical  
26 description pursuant to paragraph VI.)?” If such action is to be taken at a meeting other than the  
27 one at which officers are to be elected, the clerk shall prepare a special ballot containing the question  
28 or questions above stated, and the meeting shall open not later than noon and shall remain open at  
29 least 8 hours. If a majority of the voters present and voting on any question as herein provided shall

**HB 138 - AS AMENDED BY THE HOUSE**

**- Page 2 -**

- 1 vote in the affirmative, the warrant article shall be declared to have been adopted. When submitting
- 2 any question to the voters under this section, there shall be 2 squares printed after the question, one
- 3 with the word "yes" beside it and another with the word "no" beside it.
- 4 4 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 116  
HB 138 – FINAL VERSION

13Feb2013... 0059h  
04/18/13 1222s

2013 SESSION

13-0287  
06/03

HOUSE BILL **138**

AN ACT            permitting a political subdivision that has adopted the official ballot referendum form of meeting to use a topical description of the substance of a warrant article for the adoption of ordinances on the official ballot.

SPONSORS:       Rep. Cushing, Rock 21; Rep. Muns, Rock 21; Rep. Andrews-Ahearn, Rock 37;  
Rep. F. Rice, Rock 21; Rep. Emerick, Rock 21; Sen. Stiles, Dist 24

COMMITTEE:      Municipal and County Government

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HB 138 – FINAL VERSION

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STATE OF NEW HAMPSHIRE

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*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            116:1 Use of Official Ballot; Form of Warrant. Amend RSA 40:13, VI to read as follows:

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3 warrant articles as amended by the first session. All special warrant articles shall be accompanied  
4 on the ballot by recommendations as required by RSA 32:5, V, concerning any appropriation or  
5 appropriation as amended. ***For any article that proposes the adoption or amendment of an***  
6 ***ordinance, a topical description of the substance of the ordinance or amendment, which***  
7 ***shall be neutral in its language, may be placed on the official ballot instead of the full text***  
8 ***of the ordinance or amendment, subject to the provisions of paragraphs VII-a and VIII-a.***  
9 ***With respect to the adoption or amendment of a zoning ordinance, historic district***  
10 ***ordinance, or building code, the provisions of RSA 675:3 shall govern to the extent they are***  
11 ***inconsistent with anything contained in this paragraph or in paragraph VII-a or VIII-a.***

12            116:2 New Paragraph; Use of Official Ballot; Official Copies Placed on File. Amend RSA 40:13  
13 by inserting after paragraph VII the following new paragraph:

14            VII-a. When a topical description of the substance of a proposed ordinance or amendment to  
15 an ordinance is to be placed on the official ballot, an official copy of the proposed ordinance or  
16 amendment, including any amendment to the proposal adopted the first session, shall be placed on  
17 file and made available to the public at the office of the clerk of the political subdivision not later  
18 than one week prior to the date of the second session of the annual meeting. An official copy of the  
19 proposed ordinance or amendment shall be on display for the voters at the meeting place on the date  
20 of the meeting.

21            116:3 New Paragraph; Use of Official Ballot; Ordinance Question Submitted. Amend RSA 40:13  
22 by inserting after paragraph VIII the following new paragraph:

23            VIII-a. A question as to the adoption or amendment of an ordinance shall be in substantially  
24 the following form:

25            "Are you in favor of the adoption of (amendment to) the ordinance as proposed by the selectmen  
26 as follows: (here insert text or topical description of proposed ordinance or amendment)?" In the  
27 event that there shall be more than a single proposed amendment to an ordinance to be submitted to



**CHAPTER 116**  
**HB 138 – FINAL VERSION**  
**- Page 2 -**

1 the voters at any given meeting, the issue as to the several amendments shall be put in the following  
2 manner: "Are you in favor of the adoption of Amendment No. \_\_ to the ordinance as proposed by the  
3 selectmen as follows: (here insert text or topical description of proposed amendment)?"

4 116:4 Effective Date. This act shall take effect 60 days after its passage.

5

6 Approved: June 25, 2013

7 Effective Date: August 24, 2013

# Amendments



Amendment to HB 138

1 Amend the title of the bill by replacing it with the following:

2  
3 AN ACT                permitting a political subdivision that has adopted the official ballot referendum  
4                                form of meeting to use a topical description of the substance of a warrant article  
5                                for the adoption of ordinances on the official ballot.  
6

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

8  
9        1 Use of Official Ballot; form of Warrant. Amend RSA 40:13, VI to read as follows:

10            VI. All warrant articles shall be placed on the official ballot for a final vote, including  
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Amendment to HB 138

- Page 2 -



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2 event that there shall be more than a single proposed amendment to an ordinance to be submitted to  
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2013-1211s

AMENDED ANALYSIS

This bill permits any political subdivision that has adopted the official ballot referendum form of meeting to use a topical description of the substance of a warrant article for the adoption of ordinances on the official ballot.

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1 Amend the title of the bill by replacing it with the following:

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4                                form of meeting to use a topical description of the substance of a warrant article  
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**Amendment to HB 138**

**- Page 2 -**

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**Amendment to HB 138**

**- Page 3 -**

2013-1222s

**AMENDED ANALYSIS**

This bill permits any political subdivision that has adopted the official ballot referendum form of meeting to use a topical description of the substance of a warrant article for the adoption of ordinances on the official ballot.



# Committee Minutes

# SENATE CALENDAR NOTICE

## PUBLIC AND MUNICIPAL AFFAIRS

*ATTENDANCE*

☒ Senator David Boutin Chairman  
☒ Senator Jeanie Forrester V Chairman  
☒ Senator Bette Lasky  
☒ Senator David Pierce  
☒ Senator Nancy Stiles

(27)

START: 9:45 AM  
STOP: 10:12 AM

For Use by Senate Clerk's  
Office ONLY

☐ Bill Status

☐ Docket

☐ Calendar

Proof: ☐ Calendar ☐ Bill Status

Date: March 12, 2013

### HEARINGS

Wednesday

3/20/2013

PUBLIC AND MUNICIPAL AFFAIRS

LOB 102

9:00 AM

(Name of Committee)

(Place)

(Time)

### EXECUTIVE SESSION MAY FOLLOW

9:00 AM	HB115	relative to the procedure for filling a vacancy on a cooperative school district budget committee.
9:15 AM	HB126-L	relative to use of revolving funds by towns for maintaining recycling programs.
9:30 AM	HB138	(New Title) permitting a town that has adopted official ballot voting to use a topical description of the substance of a warrant article for the adoption of ordinances on the official ballot.
10:00 AM	HB198	relative to town boundary perambulation.
10:20 AM	HB134	relative to contingency funds in towns.

#### Sponsors:

#### **HB115**

Rep. James Belanger  
Sen. Peggy Gilmour

Sen. Peter Bragdon

Rep. Jack Flanagan

Rep. Carolyn Gargas

#### **HB126-L**

Rep. Gary Daniels

#### **HB138**

Rep. Robert Cushing  
Rep. J. Tracy Emerick

Rep. Chris Muns  
Sen. Nancy Stiles

Rep. E. Elaine Andrews-Ahearn

Rep. Frederick Rice

#### **HB198**

Rep. Kenneth Weyler

Rep. Karen Umberger

Sen. Sam Cataldo

Sen. John Reagan

#### **HB134**

Rep. James Belanger

Rep. Carolyn Gargas

Debra Martone 271-3092

Sen. David Boutin

Chairman

# **PUBLIC AND MUNICIPAL AFFAIRS COMMITTEE**

## **Hearing Report**

*Deb Martone, Legislative Aide*

**HB 138 --** *An Act permitting a town that has adopted official ballot voting to use a topical description of the substance of a warrant article for the adoption of ordinances on the official ballot.*

Hearing Date: March 20, 2013

Time Opened: 9:45 am

Time Closed: 10:12 am

**Members of the Committee Present:** Senators Boutin, Forrester, Stiles, Lasky and Pierce.

**Bill Analysis:** Permits any town that has adopted official ballot voting to use a topical description of the substance of a warrant article on the official ballot.

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**Sponsors:** Representatives Cushing, Muns, Andrews-Ahearn, Rice and Emerick; Senator Stiles.

**Who supports the bill:** Representative Cushing; Senator Stiles; Atty. Cordell Johnston, NH Municipal Association; Frederick Welch, Town of Hampton.

### **Summary of testimony presented in support:**

Senator Stiles:

- This bill would work similar to the way towns do planning board ordinances. Rather than placing all the information pertaining to all warrant articles on the ballot, which can run many pages, only a topical description of the substance would be printed on the ballot. The information would be available in multiple locations for the public to see prior to the vote. These are warrant articles specifically related to ordinances only.

Atty. Cordell Johnston, NH Municipal Association:

- HB 138 would enable a town to avoid having a 30-page warrant by having a topical description of the substance of any proposed ordinances. It is similar to what is already done for zoning ordinances; it is not a unique idea.
- Atty. Johnston pointed out some language changes which should be made to clarify the bill, such as in Lines 22-25 where "warrant" should be followed by "article". It appears the section of the bill from Line 22 through the end attempts to rewrite the law regarding warrant articles, which is not the intent of the bill. The intent is to provide a procedure for adopting an ordinance. Atty. Johnston volunteered to work on an amendment with the sponsors.
- As a practical matter, the town manager or the chair of the selectmen would probably draft the topical description, with input from the town's legal counsel.

- There is nothing in statute that states the topical description must be objective, but there is a general understanding that public money cannot be used to influence how voters vote on a particular issue. Additional language could be inserted into HB 138 requiring the topical description be objective.

Frederick Welch, Hampton Town Manager:

- The intent of HB 138 is to pertain only to ordinances in SB2 towns.
- In the past couple of years Hampton has gone through a number of ordinance adoptions that have averaged 8-9 pages on the ballot. One of the current ordinances they are working on will represent 40 pages on the ballot.
- In Hampton's case, the town manager, selectmen and town legal counsel write the zoning ordinance topical descriptions included on warrants. All warrants must be reviewed by the Department of Revenue Administration-Municipal Services, in conjunction with the staff of the Attorney General's Office.
- These descriptions must be completely neutral.
- It is important to save taxpayers' money, especially in ballot preparation.
- Mr. Welch thought it unnecessary to insert language requiring the descriptions to be neutral, but would not object if the committee did so. Senator Boutin indicated it's a matter of public trust to write the articles in a fair manner.

**Future Action:** Pending.

dam

Date hearing report completed: March 21, 2013

# Speakers

## Senate Public and Municipal Affairs Committee: Sign-In Sheet

Date: 03/20/13

Time: 9:30 am      Public Hearing on HB 138

HB 138

(New Title) permitting a town that has adopted official ballot voting to use a topical description of the substance of a warrant article for the adoption of ordinances on the official ballot.

**PLEASE PRINT**

[illegible]

# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Date: April 4, 2013

THE COMMITTEE ON Public and Municipal Affairs

to which was referred House Bill 138

AN ACT	(New Title) permitting a town that has adopted official ballot voting to use a topical description of the substance of a warrant article for the adoption of ordinances on the official ballot.
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Having considered the same, the committee recommends that the Bill:

**OUGHT TO PASS WITH AMENDMENT**

BY A VOTE OF: 4-0

AMENDMENT # 1222s

Senator Nancy Stiles  
For the Committee

Debra Martone 271-3092



## New Hampshire General Court - Bill Status System

**Docket of HB138**

Docket Abbreviations

**Bill Title:** (2nd New Title) permitting a political subdivision that has adopted the official ballot referendum form of meeting to use a topical description of the substance of a warrant article for the adoption of ordinances on the official ballot.

*Official Docket of HB138:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/3/2013	H	<b>Introduced</b> 1/3/2013 and Referred to Municipal and County Government; <b>HJ 12</b> , PG.184
1/16/2013	H	Public Hearing: 1/24/2013 11:15 AM LOB 301
1/23/2013	H	Executive Session: 1/30/2013 10:00 AM LOB 301
1/31/2013	H	Committee Report: Ought to Pass with Amendment #0059h(NT) for Feb 13 (Vote 16-0; CC); <b>HC 13</b> , PG.210
1/31/2013	H	Proposed Committee Amendment <b>#2013-0059h</b> (New Title); <b>HC 13</b> , PG.232
2/13/2013	H	Amendment #0059h(NT): AA VV; <b>HJ 17</b> , PG.331
2/13/2013	H	<b>Ought to Pass with Amendment</b> #0059h(NT): MA VV; <b>HJ 17</b> , PG.331
2/14/2013	S	Introduced and Referred to Public & Municipal Affairs
3/13/2013	S	Hearing: 3/20/13, Room 102, LOB, 9:30 a.m.; <b>SC12</b>
4/8/2013	S	Committee Report: Ought to Pass with Amendment <b>#2013-1222s</b> , NT, 4/18/13; <b>SC16</b>
4/18/2013	S	Committee Amendment 1222s, NT, AA, VV;
4/18/2013	S	<b>Ought to Pass with Amendment</b> 1222s, NT, MA, VV; OT3rdg;
5/22/2013	H	House Concurs with Senate AM #1222s(NT) (Rep Porter): MA VV; <b>HJ43</b> , PG.1464
6/6/2013	S	Enrolled
6/13/2013	H	Enrolled [Recess of 6/5/13]; <b>HJ49</b> , PG.1648
6/27/2013	H	Signed By Governor 06/25/2013; Effective 08/24/2013; Chapter 0116

NH House

NH Senate

# Other Referrals

# COMMITTEE REPORT FILE INVENTORY

HB 138 ORIGINAL REFERRAL \_\_\_\_\_ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

☒ DOCKET (Submit only the latest docket found in Bill Status)

☒ COMMITTEE REPORT

☒ CALENDAR NOTICE

☒ HEARING REPORT

\_\_\_\_\_ HANDOUTS FROM THE PUBLIC HEARING

\_\_\_\_\_ PREPARED TESTIMONY AND OTHER SUBMISSIONS

☒ SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY  
COMMITTEE:

☒ - AMENDMENT # 12225    ☒ - AMENDMENT # 12115  
\_\_\_\_\_ - AMENDMENT # \_\_\_\_\_    \_\_\_\_\_ - AMENDMENT # \_\_\_\_\_

ALL AVAILABLE VERSIONS OF THE BILL:

☒ AS INTRODUCED    ☒ AS AMENDED BY THE HOUSE  
☒ FINAL VERSION    \_\_\_\_\_ AS AMENDED BY THE SENATE

\_\_\_\_\_ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): \_\_\_\_\_

DATE DELIVERED TO SENATE CLERK

07/25/13

Debra A. Martore  
BY COMMITTEE AIDE