

# Committee Report

**REGULAR CALENDAR**

**March 10, 2021**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Majority of the Committee on Municipal and County Government to which was referred HB 374,**

**AN ACT relative to the official ballot referendum form of town meetings. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.**

**Rep. Tony Piemonte**

**FOR THE MAJORITY OF THE COMMITTEE**

## **MAJORITY COMMITTEE REPORT**

Committee:	<b>Municipal and County Government</b>
Bill Number:	<b>HB 374</b>
Title:	<b>relative to the official ballot referendum form of town meetings.</b>
Date:	<b>March 10, 2021</b>
Consent Calendar:	<b>REGULAR</b>
Recommendation:	<b>OUGHT TO PASS</b>

### **STATEMENT OF INTENT**

This bill restores the original method of adopting the official ballot referendum form of meeting (SB 2) by removing the question from the warrant to be acted upon at the traditional town meeting and placing it on the official ballot. This provides for all day voting at polls on town election day or by absentee ballot upon request. Moreover, this bill eliminates the control of a small group of citizens present at an annual meeting to decide whether or not to adopt the SB 2 system. Additionally, this bill also protects against disenfranchising voters such as the elderly, disabled, deployed military, business travelers, shift workers, and families with child care needs who cannot attend the traditional meeting to vote on SB 2 adoption. Lastly, by placing the question to adopt SB 2 back onto the official ballot, this bill restores the same process to adopt or to rescind SB 2.

Vote 10-9.

Rep. Tony Piemonte  
FOR THE MAJORITY

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

Municipal and County Government

**HB 374**, relative to the official ballot referendum form of town meetings. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Tony Piemonte for the **Majority** of Municipal and County Government. This bill restores the original method of adopting the official ballot referendum form of meeting (SB 2) by removing the question from the warrant to be acted upon at the traditional town meeting and placing it on the official ballot. This provides for all day voting at polls on town election day or by absentee ballot upon request. Moreover, this bill eliminates the control of a small group of citizens present at an annual meeting to decide whether or not to adopt the SB 2 system. Additionally, this bill also protects against disenfranchising voters such as the elderly, disabled, deployed military, business travelers, shift workers, and families with child care needs who cannot attend the traditional meeting to vote on SB 2 adoption. Lastly, by placing the question to adopt SB 2 back onto the official ballot, this bill restores the same process to adopt or to rescind SB 2. **Vote 10-9.**

Original: House Clerk

Cc: Committee Bill File

**REGULAR CALENDAR**

**March 10, 2021**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Minority of the Committee on Municipal and County Government to which was referred HB 374,**

**AN ACT relative to the official ballot referendum form of town meetings. Having considered the same, and being unable to agree with the Majority, report with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.**

**Rep. Marjorie Porter**

**FOR THE MINORITY OF THE COMMITTEE**

## **MINORITY COMMITTEE REPORT**

Committee:	<b>Municipal and County Government</b>
Bill Number:	<b>HB 374</b>
Title:	<b>relative to the official ballot referendum form of town meetings.</b>
Date:	<b>March 10, 2021</b>
Consent Calendar:	<b>REGULAR</b>
Recommendation:	<b>INEXPEDIENT TO LEGISLATE</b>

### **STATEMENT OF INTENT**

Towns that govern themselves using the traditional town meeting form of government discuss and vote at that meeting when major decisions need to be made, such as forming a budget committee or building a new fire station. Changing its form of government from traditional town meeting to the official ballot form, known as SB2, is just such a major decision. It is right that it should be discussed and voted on at the town meeting. HB 374 changes that process, taking the vote on this most important decision away from the traditional meeting and putting it on the official ballot instead. The minority believes this mixing of forms of government makes no sense, and that deciding to change a form of government should be made using the form currently in place.

Rep. Marjorie Porter  
FOR THE MINORITY

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

Municipal and County Government

**HB 374**, relative to the official ballot referendum form of town meetings. **INEXPEDIENT TO LEGISLATE.**

Rep. Marjorie Porter for the **Minority** of Municipal and County Government. Towns that govern themselves using the traditional town meeting form of government discuss and vote at that meeting when major decisions need to be made, such as forming a budget committee or building a new fire station. Changing its form of government from traditional town meeting to the official ballot form, known as SB2, is just such a major decision. It is right that it should be discussed and voted on at the town meeting. HB 374 changes that process, taking the vote on this most important decision away from the traditional meeting and putting it on the official ballot instead. The minority believes this mixing of forms of government makes no sense, and that deciding to change a form of government should be made using the form currently in place.

Original: House Clerk

Cc: Committee Bill File

# Voting Sheets



**HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT**

**EXECUTIVE SESSION on HB 374**

**BILL TITLE:** relative to the official ballot referendum form of town meetings.

**DATE:** March 8, 2021

**LOB ROOM:** Hybrid

**MOTIONS: OUGHT TO PASS**

Moved by Rep. Piemonte

Seconded by Rep. Lascelles

Vote: 10-9

**CONSENT CALENDAR: NO**

**Statement of Intent: Refer to Committee Report**

Respectfully submitted,

Rep John MacDonald, Clerk



1/22/2021 10:08:26 AM  
Roll Call Committee Registers  
Report

## 2021 SESSION

## Municipal and County Government

Bill #: HB 374 Motion: OTR AM #: \_\_\_\_\_ Exec Session Date: 3/8/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Dolan, Tom Chairman	10		
Piemonte, Tony Vice Chairman	1		
MacDonald, John T. Clerk	2		
Tripp, Richard P.	3		
Guthrie, Joseph A.	4		
Lascelles, Richard W.	5		
McBride, Everett P.	6		
Melvin, Charles R.	7		
Ayer, Paul F.	8		
Pauer, Diane	9		
Porter, Marjorie A.		1	
Treleaven, Susan GS		2	
Gilman, Julie D.		3	
Maggiore, Jim V.		4	
Stavis, Laurel		5	
Mangipudi, Latha D.		6	
Vann, Ivy C.		7	
Klee, Patricia S.		8	
Gallager, Eric B.		9	
<b>TOTAL VOTE:</b>	10	9	

# Public Hearing

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 374

**BILL TITLE:** relative to the official ballot referendum form of town meetings.

**DATE:** March 8, 2021

**LOB ROOM:** Hybrid **Time Public Hearing Called to Order:** 11:10 a.m.

**Time Adjourned:** 11:34 a.m.

**Committee Members:** Reps. Dolan, Piemonte, J. MacDonald, Tripp, Lascelles, McBride, Melvin, Ayer, Pauer, Porter, Treleaven, Gilman, Maggiore, Stavis, Mangipudi, Vann, Klee and Gallagher

**Bill Sponsors:**

Rep. Pauer

Rep. McGuire

Rep. Yokela

Rep. Lewicke

Rep. Warden

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**Rep. Pauer** - Prime sponsor of the bill. Introduced the bill. Restores all day voting. Needed to address 1) The traditional meeting, recognizes that people can be informed and debate, 2) This bill eliminates the minority, which will increase voters who cannot attend the traditional meeting, 3) The method to adopt is the same as it is to rescind SB 2.

Rep. Porter: Won't those people be hindered to make it to the traditional meeting? ANS: The bill simply focus on how to adopt SB 2. Traditional town meeting make all the decision at the town meeting. Does this inconsistency bother you? ANS: No, question will be on the ballot.

Rep. Maggiore: Are there communities that have expressed an extreme problem? ANS: Request from a number of constituents. Someone will jump up to table motion the SB 2 during town meeting.

**Honorable Jim Belanger, Former Representative** -We dealt with this HB 415 in the 2019 session. Should be done at the town meeting format/debated and voted on at town meeting. This bill reverses the effect. Let's adopt the SB 2 before we make the traditional town meeting go by the SB 2 rules. Passed committee 18-1, signed by the Governor.

**Laura Buono, Town Administrator** - Opposes this bill. The voters should hear the reasoning and ask questions. It should be brought to town meeting as that is the current form of town government.

**\*Gail Cromwell** - 15 years of attempts to adopt SB 2 in Temple. Only 70 towns have adopted SB 2. The most common place it is discussed, is on Facebook. Does not support the bill. Statement submitted.

**\*Cordell Johnston, NH Municipal Association** - Opposes this bill. The town meeting is a Legislative Body. They do have a hearing, but people have no idea what it means. If you are changing the for of government, you should have serious questions and debate.

Rep. Maggiore: HB 415, did the sponsors work with NH MA? ANS: Yes, they did.

**\*Eric Pauer** - We adopted SB 2 and are very happy with it. There are many mandatory hearings that are required. Aggressive order to table, and this pattern has happened over the years. There are multiple occasions to discuss SB 2. It is reasonable to put the SB2 vote on the ballot.

Rep. Lascelles: Handicapped people can better participate in approved SB 2? ANS: Yes.

Rep. Gilman: Pack the meeting in support of what they are doing. Can't they do that as a SB 2 town? ANS: Who goes to the meeting. It is important people know the deliberative session. Feels it is a fair question for SB 2 to be adopted on the official ballot.

Rep. Porter: My experience is that, people attend town meeting more than in a SB 2 deliberative session. Isn't it the responsibility of the people to attend? ANS: Many people cannot make a traditional meeting, but, SB 2 provides that. It is the responsibility for everyone to participate.

Rep. Maggiore: Since HB 415 went into affect, there has been one election. Are you aware of any issues? ANS: One person I spoke with is in Bow. It has only been in affect for two years.

Respectfully submitted,

Rep. John MacDonald  
Clerk

# House Remote Testify

## Municipal and County Government Committee Testify List for Bill HB374 on 2021

Support: 1 Oppose: 23 Neutral: 0 Total to Testify: 4

[Export to Excel](#)

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>S</u>
Belanger, Jim	Hollis, NH Jim.Blngr@gmail.com	A Member of the Public	Myself	Oppose	Yes (3m)	3/
Buono, Laura	Hillsborough, NH Laura@Hillsboroughnh.net	A Member of the Public	Myself	Oppose	Yes (3m)	3/
Cromwell, Gail	Temple, NH gpiersoncromwell@gmail.com	A Member of the Public	Myself	Oppose	Yes (2m)	3/
Johnston, Cordell	Concord, NH cjohnston@nhmunicipal.org	A Lobbyist	NH Municipal Association	Oppose	Yes (3m)	3/

# Testimony



March 6, 2021

Hon. Tom Dolan, Chairman  
Municipal and County Government Committee  
Legislative Office Building, Room 301  
Concord, New Hampshire

**Via Electronic Mail Only**

*Re: HB 374, relative to the official ballot referendum form of town meeting*

Dear Chairman Dolan:

I submit this letter to express the New Hampshire Municipal Association's strong opposition to HB 374. This bill would reverse an important improvement that was made two years ago to the process for adopting the official ballot referendum (SB 2) form of town meeting.

From its inception, the applicable law had inexplicably required that the question of adopting the SB 2 form of town meeting be placed on the official ballot, leaving voters to make their choice without the benefit of any discussion or debate, and often with no idea of what the question even means. In 2019 the legislature amended the statute to require that it be voted on during the town meeting's business session, just as almost everything else is. HB 374, unfortunately, would reinstate the law's original flaw.

The town meeting is a town's legislative body, and traditionally almost all matters are voted upon in open town meeting—often referred to as the business session. A very limited number of matters are voted on by official ballot in a voting booth—election of officers, zoning amendments, and a few scattered questions, such as fluoridation of water and prohibiting the sale of alcohol or lottery tickets. All matters that have a significant effect on the town's government are voted on at the business session, where they can be fully explained, discussed, and debated. These include profound changes such as the establishment of a budget committee and the adoption of a tax cap.

Adoption of the SB 2 form of town meeting is the most significant change a town meeting is ever likely to consider, and it is a decision that should be taken seriously, not decided in a few seconds in a voting booth based on a whim or a guess. The current law requires that the SB 2 question be voted on at the business session, like all other significant matters. This ensures that everyone voting on the question has had an opportunity to listen to a full explanation and debate of the issue and have all of their questions answered. The vote, however, is by secret ballot, and voters are given at least an hour to vote.

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NEW HAMPSHIRE MUNICIPAL ASSOCIATION

25 Triangle Park Drive • Concord, NH 03301 • Tel: 603.224.7447

NHMAinfo@nhmunicipal.org • governmentaffairs@nhmunicipal.org • legalinquiries@nhmunicipal.org

www.nhmunicipal.org



Requiring the question to be placed on the official ballot would eliminate the opportunity for this informed debate. The question to be voted on itself provides almost no information to a voter who has not studied the issue: “Shall we adopt the provisions of RSA 40:13 (known as SB 2) to allow official ballot voting on all issues before the town on the second Tuesday of March?” The result will be that only the most attentive voters have any idea what the question means and what the results of a “yes” vote will be. At NHMA we hear frequently from both town officials and regular citizens who wish they had had more information before voting on the question.

It is true that there would still be a hearing on the question at least 15 days before the town meeting, but the reality is that almost no one attends these hearings. In my own town of Henniker, where we have considered adoption of SB 2 many times, I have attended the hearing each time. I can say confidently that no more than 10 people have ever shown up (out of about 700 to 1,000 who typically vote)—and those who do attend have already made up their minds and are there only to debate, not to listen or learn.

The change that was made two years ago was approved overwhelmingly by the House and by a unanimous voice vote in the Senate, and it should not be undone. Please find HB 374 inexpedient to legislate.

Thank you very much for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Cordell A. Johnston".

Cordell A. Johnston  
Government Affairs Counsel

cc: Committee members

**Archived:** Wednesday, July 28, 2021 9:43:36 AM

**From:** [Bill Ezell](#)

**Sent:** Sunday, March 7, 2021 9:23:07 AM

**To:** ~House Municipal and County Govt

**Subject:** HB 374

**Importance:** Normal

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I urge you to NOT pass HB 374. SB2 voting has caused endless issues in small towns that have adopted it, it is just a mechanism to allow a small group of people to usurp power, usually with bad results.

Traditional town meetings in New Hampshire are one of the best expressions of true democracy left in this country, please help preserve it.

Resectfully,

Bill

--

Bill Ezell

Selectboard, Town of Temple, NH

**Archived:** Wednesday, July 28, 2021 9:43:36 AM

**From:** Ron Pulos

**Sent:** Sunday, March 7, 2021 4:24:26 PM

**To:** ~House Municipal and County Govt

**Subject:** Opposition to HB 374 - Amendment to Method of Adopting SB2 (RSA 40:11, III)

**Importance:** Normal

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Good day, Committee Members:

My name is Ron Pulos and I live in Temple NH, a town of approximately 1,400 residents. I am writing to you to voice my opposition to HB 374, which I understand is scheduled to come before you Monday, March 8, 2021.

This bill addresses amending New Hampshire's "Method of Adopting Official Ballot Referendum Form of Town Meeting" (RSA 40:14, III). The change, as presented, would shift the method for voting on the adoption of SB2 away from our traditional form of Town Meeting and return it to being by official ballot at the polls, where it had been from 1995 until 2019. Why this reversal of course is being considered prior to towns having had sufficient time to test their traditional Town Meeting as a forum for residents to come together, inform, learn, debate and ultimately vote on whether or not to adopt SB2 is quite unfortunate.

Each year from 2005 to 2019, a small group of Temple residents submitted a petitioned warrant article which resulted in an official ballot being presented to every voter at the polls. They were asked simply; **SB2 - Yes or No**. Every year, all fifteen, SB2 failed to pass. The only reason for there being no petitioned warrant article presented in 2020 was the petitioners' lack of awareness that changes had been made to the SB2 voting method when HB 415 was passed in Sep 2019. The point is that for a decade-and-a-half the vote on this matter was via official ballot and it consistently failed. I am unclear or perhaps uniformed as to why or for whom going in reverse is expected to be beneficial.

Population data pertaining to towns that HAVE adopted SB2 versus those that HAVE NOT is interesting. Included below is data relative to the populations of these towns, which indicates that while SB2 might be viewed as a positive move for large communities, this is not necessarily the view of folk in smaller towns. Also of note is that 79% (56) of the total 71 towns who have thus far adopted SB2 did so during the first decade it became available (1995-2005). Over the next decade just 14 more towns switched to SB2, followed by only 1 town during the past four years.

It is well documented that attendance at deliberative sessions under the SB2 process is pitifully anemic, in most instances significantly lower than the number of traditional Town Meeting attendees. Misinformation has become rampant and in many cases it appears that people either do not know how or are not willing to acquire the knowledge necessary to make truly informed decisions. This is justifiably troubling to others and raises concern that adopting SB2 would be tantamount to the Town simply throwing its hands in the air and saying "Ah, whatever. Just give them a ballot. Who cares about the facts." In smaller towns such as ours, where holding our traditional form of Town Meeting remains doable, we would very much appreciate the opportunity to discuss and debate the pros and cons of SB2 in our traditional community-centric Town Meeting setting, then vote whether or not to adopt it as a group.

I respectfully request that you vote **NO** on HB 374, thereby allowing the changes incorporated by the passage of HB 415, signed by Gov Sununu on 06-27-19, to remain in place.

Sincerest thanks for taking the time to consider my point of view.  
Regards,

Ron Pulos  
Temple, NH

**NH Towns' Population & SB2 Status \***  
**Total population of 221 towns in NH = 901,364**

- 71 (32%) of all NH towns **have adopted** SB2
  - Total Population of the 71 **SB2 Towns** = 507,117 (56.3% of total NH towns' population)
- 150 (68%) of NH towns **have NOT adopted** SB2
- Total Population of the 150 **Non-SB2 Towns** = 394,247 (43.7% of total NH towns' population)

\*\*\*\*\*

**71 SB2 Towns - Grouped by Population**

- 7 Towns: < 2K
- 12 Towns: 2 - 4K
- 21 Towns: 4 - 6K
- 11 Towns: 6 - 8K
- 10 Towns: 8 - 13K
- 10 Towns: 14 - 30K

**Avg Population SB2 Towns = 7,245**  
**Median Population SB2 Towns = 5,298**

\*\*\*\*\*

**150 Non-SB2 Towns - Grouped by Population**

- 87 Towns: < 2K
- 35 Towns: 2 - 4K
- 16 Towns: 4 - 6K
- 8 Towns: 6 - 8K
- 4 Towns: 8 - 33K

**Average Population of Non-SB2 Towns = 2,628**  
**Median Population of Non-SB2 Towns = 1,677**

\*\*\*\*\*

**# of Towns, per year that have adopted SB2:**

1996 - 27	2004 - 2	2012 - 1
1997 - 8	2005 - 4	2013 - 0
1998 - 7	2006 - 2	2014 - 1
1999 - 4	2007 - 1	2015 - 1
2000 - 0	2008 - 4	2016 - 0
2001 - 2	2009 - 1	2017 - 0

2002 - 1      2010 - 1      2018 - 1  
2003 - 1      2011 - 2

**Total: 71**

\*\*\*\*\*

**\*Data Sources**

SB2/Non-SB2 Towns as of 2018: ***NH DRA/ Municipal - SB 2 Technical Assistance***  
Towns' Populations Data As of Dec 31, 2017 : ***NH OSI/State Data Center***

**Archived:** Wednesday, July 28, 2021 9:43:36 AM  
**From:** [Jeanne Beaudin](#)  
**Sent:** Monday, March 8, 2021 7:49:20 AM  
**To:** ~House Municipal and County Govt  
**Subject:** HB374  
**Importance:** Normal

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Good Morning – I am writing on behalf of the Town of Belmont in opposition to HB374 which would eliminate the opportunity for taxpayers/voters to discuss the implications of adopting the official ballot form of voting known as SB2. Belmont is an SB2 community, the voters adopted this form of government in 2008, and while we have been successful in passing most initiatives over the past 12 years, we have found that the SB2 form of government does limit the communities ability to truly educate the voter. Yes, we hold a Deliberative Session each year and this session is meant to provide that opportunity to debate and discuss, however it has typically been poorly attended and when the uneducated voter arrives at the polls many times their first instinct is to vote no.

By adopting HB374 and allowing the placement of the question of adopting SB2 on the ballot for daytime voting, without the ability for the voting public to discuss and debate at the business session of the meeting is going to further limit the Town's governing body from educating the voter on the implications both pro and con, and will restrict those who do support the adoption, from putting forth their best argument as to why it is necessary.

Please we urge you to vote this bill ITL and continue to allow a fair and open discussion of the adoption of this form of government.

Jeanne Beaudin

K. Jeanne Beaudin, ICMA-CM  
Town Administrator  
Town of Belmont  
143 Main Street  
Belmont, NH 03220  
603-267-8300 Ext. 124

*CONFIDENTIALITY NOTE:*

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**Archived:** Wednesday, July 28, 2021 9:43:36 AM  
**From:** [Jim Belanger](#)  
**Sent:** Monday, March 8, 2021 11:27:43 AM  
**To:** ~House Municipal and County Govt  
**Subject:** HB374  
**Importance:** Normal

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Mr Pauer's issue of NO VOTE on SB-2 at traditional town meeting because of a motion to table.  
Isn't a vote to TABLE a VOTE and does it not convey the desires of the voters?  
That's not a NO VOTE!

Hon. Jim Belanger  
Hollis, NH  
[www.belangers.us](http://www.belangers.us)

Chairman Tom Dolan  
Municipal and County Government Committee

Re: HB374

Dear Chairman Dolan and Committee:

Thank you for this opportunity to talk about this bill.

As you know, SB2 was adopted in 1996 as an alternative to the traditional form of town meeting government. Since then the larger towns and most school districts have adopted it. For them it makes sense. As of 2017, 70 towns had adopted SB2 while 162 still have traditional town meeting. The towns that have adopted have a median population of 5,100. Only a few towns with a population of 2000 or less have adopted SB2.

The principal characteristic of SB2 (official ballot towns) is a deliberative session that determines the warrant, and then ballot voting a few weeks later.

The current law which passed in 2019 changed the procedure for adopting SB2 from the official ballot to a vote at town meeting itself. Many of us welcomed that change as an opportunity to provide accurate information and have a real discussion.

Why? My town of Temple is a good example. Our population is about 1400 . We have had the question of SB2 on the official ballot for 15 years. In 2019 the vote was 43% for , 56% against. (60% is required for adoption.) However, the proponent of SB2 for our town does not accept failure. We have the required hearing every year and rarely does anyone attend. Flyers circulate for both sides, and Facebook is filled with often quite acrimonious comments. It can be ugly. Misinformation is common. This year will be the first time Temple will vote at town meeting on SB2 and hopefully the discussion will provide accurate information and be fair to both sides.

Our town has experience with SB2 for the Conval school district. The deliberative session is poorly attended and generally considered useless. We are told that when a town adopts SB2 people attend for the first few years and then quit going. I think all that we want is a fair opportunity to explain to our voters exactly how an SB2 system works.

May I ask this committee to vote HB374 down. The law has been in place only two years. Please leave it and let us have a fair chance to see how the new system will work.

Thank you.

Gail Cromwell  
70 Fisk Hill Road  
Temple NH 03084  
gpiersoncromwell@gmail.com





**Archived:** Tuesday, April 20, 2021 10:24:16 AM

**From:** [Eric Pauer](#)

**Sent:** Friday, March 5, 2021 12:24:18 PM

**To:** [~House Municipal and County Govt](#)

**Subject:** Testimony in Favor of HB 374 - "Relative to the official ballot referendum form of town meetings"

**Importance:** Normal

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Dear House Municipal and County Government Committee,

I am writing to you in support of HB 374, "Relative to the official ballot referendum form of town meetings."

Until a 2019 change in law, the question of adopting the SB2 official ballot referenda form of town meeting was placed on the official ballot, to be voted upon during town/school election day. With the 2019 change to RSA 40:14 III, the SB2 adoption question starting in 2020 must now be placed on the town or school district warrant for potential action during the traditional meeting. This change now makes it virtually impossible for a town or school district to adopt SB2. Let me explain why.

To illustrate this point, I will use the example of the Hollis Brookline Cooperative School District, which includes the towns of Hollis and Brookline. When the SB2 adoption question is proposed, there are mandatory hearings that must be conducted. In fact, RSA 40:14 requires two SB2 adoption hearings to be widely announced, with a hearing in each town and on different days. In addition, the school board deliberates and takes a position on SB2 adoption at the required budget hearing. In addition, all of these meetings are live-streamed and recorded, and minutes are available too. Thus, there are many opportunities for citizens to get informed and debate SB2. With the 2019 change, the SB2 adoption question is supposed to be deliberated yet again at the traditional school district meeting, before a potential vote. I use the words "supposed to" and "potential", because voters cannot be certain that the SB2 adoption question will even be debated or voted upon.

In the past, as a primary petitioner, I have coordinated in advance with the school district moderator to present information on citizen petition warrant articles, including such topics as a tax cap or requiring tax impact notation in warrant articles. At the meeting, after the warrant article was properly moved and seconded, I have begun my presentation to the meeting, only to be interrupted by an aggressive voter with a point of order, with a motion to table the article. The moderator then calls a card vote to table by simple majority, and the article is tabled with no further discussion or debate, and no vote. Unfortunately, this pattern has happened many times over many years.

The Hollis Brookline Cooperative School District meetings have always been long and sometimes have had multiple sessions over several dates. Here is a history of recent meetings:

- 2014: three sessions – March 3, March 6, March 26
- 2015: two sessions – January 12, March 3
- 2016: one session – March 23
- 2017: one session – March 13
- 2018: five sessions – 14+ hours of meetings. March 15-16 (ended at 2:30 am), March 22 (ended at 11:30 pm), April 2, April 3 (all day reconsideration vote), April 3 (evening reconvene)

- 2019: one session – March 7
- 2020: two sessions – January 29, June 6

Practically speaking, only a small number of citizens are willing and able to endure the long multi-night meetings, and these voters are overwhelming against adopting SB2 because they prefer to maintain the control of the traditional meeting. It is not reasonable to expect many voters in favor of SB2 to attend the traditional meeting in hopes of potentially discussing and getting an opportunity to vote to adopt SB2.

The sponsor of the 2019 law change said that the question of adopting SB2 is so important that it needs to require voters to be educated again at the traditional meeting, debated, and then voted upon “then and there”. This is a faulty argument for several reasons. There are already multiple occasions and opportunities to learn and debate the pros and cons of SB2. With long and often multi-night meetings, voters have no idea when the SB2 question will be potentially brought to the floor. Lastly, there is certainly no guarantee that a debate or even a vote on adopting SB2 will occur at the traditional meeting.

In fact, this exact situation recently happened. Last year, Hollis citizens placed the SB2 adoption question on their 2020 Town Warrant via petition. During their traditional town meeting, the SB2 adoption question was tabled without a vote or even a debate. Did the 2019 change improve the process? Clearly, no debate and no vote on SB2 adoption is not an improvement. Ironically, Hollis is the hometown of the primary sponsor of the 2019 change which moved the SB2 adoption question off the official ballot. Thus, the effect of the current law is to prevent adoption of SB2.

Returning the SB2 adoption question to the official ballot is reasonable and logical. It guarantees that the question will get a vote. There are ample opportunities to learn about SB2 and get informed. More importantly, HB 374 enables all voters to weigh in on this important question at the ballot box on town election day, or by absentee ballot. When more voters participate, the outcome better reflects the will of the community. I urge committee members to vote “Ought to Pass” on HB 374.

Sincerely,  
Eric Pauer  
Brookline

Bill as  
Introduced

HB 374 - AS INTRODUCED

2021 SESSION

21-0227  
06/05

HOUSE BILL           **374**

AN ACT               relative to the official ballot referendum form of town meetings.

SPONSORS:       Rep. Pauer, Hills. 26; Rep. McGuire, Merr. 29; Rep. Yokela, Rock. 33; Rep. Lewicke, Hills. 26; Rep. Warden, Hills. 15

COMMITTEE:      Municipal and County Government

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ANALYSIS

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

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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 Twenty One*

AN ACT relative to the official ballot referendum form of town meetings.

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

1 1 Method of Adopting Official Ballot Referendum Form of Meeting. Amend RSA 40:14, III to  
2 read as follows:

3 III. The local political subdivision shall place the question on the warrant of the annual  
4 meeting under the procedures set out in RSA 39:3 or RSA 197:6, **and the question shall be voted**  
5 **on by official ballot in accordance with the procedures established in RSA 669:19-29, RSA**  
6 **670:5-7, and RSA 671:20-30, including all requirements pertaining to absentee voting,**  
7 **polling places, and polling hours.** [~~Voting on the question shall be by ballot, but the question~~  
8 ~~shall not be placed on the official ballot used to elect officers. Polls shall remain open and ballots~~  
9 ~~shall be accepted by the moderator for a period of not less than one hour following the completion of~~  
10 ~~discussion on the question.~~]

11 2 Method of Adopting Official Ballot Referendum Form of Meeting. Amend RSA 40:14, VII to  
12 read as follows:

13 VII. Any local political subdivision which has adopted RSA 40:13 may consider rescinding its  
14 action in the manner described in paragraphs III-VI [~~except that the question shall be placed on the~~  
15 ~~official ballot~~]. The wording of the question shall be: "Shall we rescind the provisions of RSA 40:13  
16 (known as SB 2), as adopted by the (local political subdivision) on (date of adoption), so that the  
17 official ballot will no longer be used for voting on all questions, but only for the election of officers  
18 and certain other questions for which the official ballot is required by state law?" A 3/5 majority of  
19 those voting on the question shall be required to rescind the provisions of this subdivision, except in  
20 the case of repeal by charter enactment under RSA 49-D. Only votes in the affirmative or negative  
21 shall be included in the calculation of the 3/5 majority.

22 3 Effective Date. This act shall take effect 60 days after its passage.