

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 struck through~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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.

# Committee Minutes

# SENATE CALENDAR NOTICE

## Election Law and Municipal Affairs

Sen James Gray, Chair  
Sen Regina Birdsell, Vice Chair  
Sen Ruth Ward, Member  
Sen Donna Soucy, Member  
Sen Rebecca Perkins Kwoka, Member

Date: April 21, 2021

### HEARINGS

Monday

04/26/2021

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Election Law and Municipal Affairs

REMOTE

9:00 a.m.

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9:00 a.m.	<b>HB 67-LOCAL</b>	relative to warrant articles in official ballot town, school district, or village district meetings.
9:15 a.m.	<b>HB 332</b>	relative to deadlines for consideration of developments of regional impact by planning boards.
9:30 a.m.	<b>HB 374</b>	relative to the official ballot referendum form of town meetings.
9:45 a.m.	<b>HB 545</b>	relative to the use of certain out-of-state banks by the state treasurer and municipal and county treasurers or trustees.

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/97201477663>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: US: 16465588656, 97201477663# or 13017158592, 97201477663#
4. Webinar ID: 972 0147 7663
5. To view/listen to this hearing on YouTube, use this link:  
<https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link:  
<http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: [remotesenate@leg.state.nh.us](mailto:remotesenate@leg.state.nh.us) or call (603-271-6931).

**EXECUTIVE SESSION MAY FOLLOW**

**Sponsors:**

**HB 67-LOCAL**

Rep. Marsh

Rep. Lang

**HB 332**

Rep. Seaworth

**HB 374**

Rep. Pauer

Rep. Warden

**HB 545**

Rep. Laflamme

Rep. Edwards

Rep. Yokela

Sen. Birdsell

Rep. McGuire

Rep. Merner

Rep. J. MacDonald

Rep. Yokela

Rep. M. Pearson

Rep. Lewicke

Tricia Melillo 271-3077

James P. Gray  
Chairman

**AMENDED**  
**SENATE CALENDAR NOTICE**  
**Election Law and Municipal Affairs**

Sen James Gray, Chair  
Sen Regina Birdsell, Vice Chair  
Sen Ruth Ward, Member  
Sen Donna Soucy, Member  
Sen Rebecca Perkins Kwoka, Member

Date: April 21, 2021

**HEARINGS**

Monday

04/26/2021

---

Election Law and Municipal Affairs

REMOTE

9:00 a.m.

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9:00 a.m.	<b>HB 476</b>	relative to election officers at additional polling places.
9:10 a.m.		Hearing on proposed Amendment #2021-1127s, relative to election officers at additional polling place and relative to legalizing, ratifying, and confirming all actions, votes, and proceedings of the annual meeting of the town of Middleton, to <b>HB 476</b> , relative to election officers at additional polling places.
9:30 a.m.	<b>HB 374</b>	relative to the official ballot referendum form of town meetings.
9:45 a.m.	<b>HB 545</b>	relative to the use of certain out-of-state banks by the state treasurer and municipal and county treasurers or trustees.
10:00 a.m.	<b>HB 67-LOCAL</b>	relative to warrant articles in official ballot town, school district, or village district meetings.
10:15 a.m.	<b>HB 332</b>	relative to deadlines for consideration of developments of regional impact by planning boards.

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3. Or iPhone one-tap: US: 16465588656, 97201477663# or 13017158592, 97201477663#
4. Webinar ID: 972 0147 7663
5. To view/listen to this hearing on YouTube, use this link:  
<https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link:  
<http://gencourt.state.nh.us/remotecommittee/senate.aspx>

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### EXECUTIVE SESSION MAY FOLLOW

#### Sponsors:

##### **HB 374**

Rep. Pauer  
Rep. Warden

Rep. McGuire

Rep. Yokela

Rep. Lewicke

##### **HB 545**

Rep. Laflamme

Rep. Merner

##### **HB 476**

Rep. Gay  
Rep. Sweeney  
Rep. Pitre

Rep. McBride  
Rep. W. MacDonald  
Rep. Hayward

Rep. Janigian  
Rep. Elliott  
Sen. Morse

Rep. Wolf  
Rep. Sytek

##### **HB 476**

Rep. Gay  
Rep. Sweeney  
Rep. Pitre

Rep. McBride  
Rep. W. MacDonald  
Rep. Hayward

Rep. Janigian  
Rep. Elliott  
Sen. Morse

Rep. Wolf  
Rep. Sytek

##### **HB 67-LOCAL**

Rep. Marsh  
Rep. Lang

Rep. Edwards  
Rep. Yokela

Rep. J. MacDonald

Rep. M. Pearson

##### **HB 332**

Rep. Seaworth

Sen. Birdsell

Tricia Melillo 271-3077

James P. Gray  
Chairman



**Senate Election Law and Municipal Affairs Committee**  
*Tricia Melillo 271-3077*

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

**Hearing Date:** April 26, 2021

**Members of the Committee Present:** Senators Gray, Birdsell, Ward, Soucy and Perkins  
Kwoka

**Members of the Committee Absent :** None

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

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**Sponsors:**

Rep. Pauer  
Rep. Lewicke

Rep. McGuire  
Rep. Warden

Rep. Yokela

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**Who supports the bill:** Rep. Diane Pauer, Rep. Mark Warden, Rep. Carol McGuire, Eric Pauer, Rep. John Lewicke, Peter Walker, Colleen Walker, Sheryl Gaudette, Dan McGuire, Alvin See

**Who opposes the bill:** Rep. Marjorie Porter, Rep. Julie Gilman, Rep. Deb Stevens, Rep. Megan Murray, Rep. Mary Heath, Rep. Susan Almy, Rep. Chuck Grassie, Rep. Paul Dargie, Rep. Heidi Hamer, Rep. Patricia Cornell, Rep. Roger Dontonville, Rep. Suzanne Vail, Cordell Johnston, Jim Belanger, Joseph Devine, Gail Cromwell, Lilliane Lebel, Richard Benotti, Camilla Lockwood, Catherine Moore, Kathy Tucker, John Ballentine, Ronald Pulos, Donna Mombourquette, Connie Kieley, Laura Buono, Cathy Joly, Debra Doda

**Summary of testimony presented in support:**

**Representative Pauer**

- This bill comes from numerous constituent requests and is needed due to the unintended consequences resulting from the changes to the law governing SB 2.
- HB 374 simply places the question to adopt SB 2 back onto the official ballot and allows for all day voting on town election day.
- It recognizes the ample opportunity for voters to become informed on SB 2.
- Initially, SB 2 is discussed publicly by the governing body and once it is on the warrant there is a mandatory hearing on adopting SB 2.
- By placing the question to adopt SB 2 back onto the official ballot voters are afforded more time to carefully look at the issue.
- It eliminates control of a group at the annual meeting to have control
- The bill eliminates control of whether to adopt SB 2 to only those at an annual meeting.
- Placing it back on the official ballot and allowing for an all-day vote, increases participation.
- This also makes the method to adopt SB 2 the same as the method to rescind it.

- Senator Gray commented that with this change it forces towns to use a new system to change the old town meeting form of government and asked if she could address that.
  - Representative Pauer replied that this bill simply undoes the recent change to the RSA. She continued that originally the question to adopt SB 2 was on the official ballot and HB 374 just restores that.
- Senator Gray asked if this constitutes a change in the way a community governs themselves by using a different method to do it.
  - Representative Pauer replied that SB 2 is changing the form of government but there are other questions that the municipality chooses to place on the official ballot. This does not eliminate the discussion as there are multiple hearings and places which give the opportunity to discuss and debate the issue.

### **Representative Betty Gay**

- She has been attending town meetings since 1975 and really loves to stay involved.
- Many people choose not to attend and she liked having another place to vote on SB2.
- In her town they vote on some of the elected officials at the ballot box instead of town meeting and she has no problem voting on something as critical as SB 2 there as well.
- She believes it is far more representative of the town to have the vote on the official ballot rather than at the town meeting.

### **Representative Josh Yokela**

- A constituent reached out to him to support this bill.
- He has been trying to get SB 2 passed in his town but gave up when the law changed to having the question voted on at town meeting instead of on the official ballot.
- They believe it is not fair to have the people who have most of the power in town, those that can get to town meeting and spend hours, able to decide for the rest.
- Anyone that is speaking in favor of SB 2 at the town meeting can be intimidated by the people who have the power and see SB 2 as giving up that power.

### **Eric Pauer**

- 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.
- Starting in 2020 it must now be placed on the town or school district warrant for potential action during the traditional meeting.
- RSA 40:14 requires two SB2 adoption hearings to be widely announced, with a hearing in each town and on different days.
- In addition, all of these meetings are live-streamed and recorded, and minutes are available too.
- 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.
- Voters cannot be certain that the SB2 adoption question will even be debated or voted upon at these meetings.
- He has had the experience of presenting warrant articles only to have aggressive voters move to table the article.

- The Hollis Brookline Cooperative School District meetings have always been long and sometimes have had multiple sessions over several dates.
- Practically speaking, only a small number of citizens are willing and able to endure the long multi-night and day meetings.
- Many voters simply cannot participate in the traditional meetings for work, health, or family reasons but they still want their voice heard.
- Returning the SB2 adoption question to the official ballot is reasonable and logical as it guarantees that the question will get a vote.

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

#### **Representative Marjorie Porter**

- She agrees with Chairman Gray's previous comments to Representative Pauer.
- This does change the form of government a town is using and it uses a form of government they do not have yet to do it.
- Many important decisions are made at town meeting including bonding issues and the residents are informed prior to town meeting and discussed at the town meeting.
- Changing a form of government is a major decision and it should be made using the process that is in place and residents are used to,
- The requirement for hearings before voting on SB 2 is still part of statute, voters do have time before town meeting to become informed.

#### **Cordell Johnston – NH Municipal Association**

- The NH Municipal Association is very much opposed to HB 374.
- When this question was on the official ballot many people did not understand what they were voting on.
- In his town SB 2 has been on the ballot probably six times in the last twenty five years.
- The first time he voted on it he had no idea what the ramifications of SB 2 were.
- Most people do not do investigation before they vote on the questions.
- The town meeting is a legislative body and it makes decisions by having debate and discussion on articles that are presented to them.
- The residents who are there vote, just as this Committee does, after the benefit of a discussion.
- Under current law, a hearing is still required before the town meeting. The reality is that nobody goes to those hearings.
- In the town of Bow this year there was a great one hour debate on whether to adopt SB 2 and the people learned a lot.

#### **Jim Belanger**

- This bill is not about the pros and cons of SB 2, it is about changing how the traditional town meeting is run.
- Voting to adopt SB2 in a regular deliberative town meeting should be done according to the town meeting process as required of all other warrant articles. That is - to be deliberated and voted on by the same voters who deliberated it.
- When the current law was passed in 2019, it was done on a bipartisan vote.
- It is his opinion that proponents of SB2 are attempting to introduce SB2 procedures and processes into the NON SB-2 town meeting.

- He believes that changing the way a town governs is worth taking a day off to spend at town meeting.

#### **Joe Devine – Town Administrator, Henniker**

- They have tried to pass SB 2 six times and every time it has failed.
- Previously, the question of adopting SB 2 was regulated to one line on the official ballot.
- That left voters a few seconds to decide how they wanted to vote.
- The 2019 change made it so the voters can now make a complete and informed decision.
- At town meeting the people can ask questions, get answers and debate the question.
- Something as important as changing the way the town governs should not be pushed through on a ballot.

#### **Gail Cromwell**

- As of 2017, 70 towns have adopted SB2 while 162 still have traditional town meeting.
- The change in procedure adopted in 2019 required that if a town wants to adopt SB2, it has to be voted at town meeting.
- She welcomed this change for her small town of Temple.
- The question of adopting SB2 has been on their official ballot for 15 years.
- The most recent vote in 2019 was 43% for adoption, well short of the required 60%.
- The main problem was getting voters to come to the hearings required to get information about SB 2.
- The main source of information became flyers that went out by both supporters and opponents and many times it was misinformation.
- The best place to discuss such a fundamental change in how a town governs itself is not on flyers, not at a hearing that no one attends, but at town meeting.
- This year will be the first time Temple will vote at town meeting on SB2 and she hopes the discussion will provide accurate information and be fair to both sides.

TJM

Date Hearing Report completed: April 29, 2021.

# Speakers

## Senate Remote Testify

Election Law and Municipal Affairs Committee Testify List for Bill HB374 on 2021  
Support: 10   Oppose: 29   Neutral: 0   Total to Testify: 7

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>§</u>
Pauer, Eric	pb@nhengineer.com	202.241.3072	A Member of the Public	Myself	Support	Yes	4
Johnston, Cordell	Not Given	Not Given	A Lobbyist	NH Municipal Association	Oppose	Yes	4
Belanger, Hon Jim	Jim.blng@gmail.com	603.465.2301	A Member of the Public	Myself	Oppose	Yes	4
Porter, Marjorie	maporter995@gmail.com	603.464.0225	An Elected Official	Hillsborough District 1	Oppose	Yes	4
Pauer, Diane	Diane.Pauer@leg.state.nh.us	603.801.5088	An Elected Official	Myself	Support	Yes	4
Devine, Joseph	josephdevine.henniker@tds.net	603.998.1492	A Member of the Public	Myself	Oppose	Yes	4
Cromwell, Gail	gpieroncromwell@gmail.com	603 878-1284	A Member of the Public	Myself	Oppose	Yes	4
Lewicke, John	Not Given	Not Given	An Elected Official	Myself	Support	No	4
Lebel, Lilliane	lilliane.lebel96@gmail.com	603.731.4016	A Member of the Public	Myself	Oppose	No	4
Warden, Rep. Mark	mark.warden@leg.state.nh.us	Not Given	An Elected Official	Myself	Support	No	4
Benotti, Richard	itone062@gmail.com	603.878.2297	A Member of the Public	Myself Richard A. Benotti	Oppose	No	4
Hamer, Heidi	Not Given	Not Given	An Elected Official	Myself	Oppose	No	4
Cornell, Patricia	Not Given	Not Given	An Elected Official	Myself	Oppose	No	4
lockwood, camilla	caamlock@outlook.com	Not Given	A Member of the Public	Myself	Oppose	No	4
Gilman, Representative Julie	julie.gilman@leg.state.nh.us	Not Given	An Elected Official	Town of Excter	Oppose	No	4
Moore, Catherine	Catherinermore@outlook.com	Not Given	A Member of the Public	Myself	Oppose	No	4
Stevens, Representative Deb	debstevens4ward7@gmail.com	603.820.0866	An Elected Official	My 10K constituents	Oppose	No	4
Dontonville, Roger	rdontonville@gmail.com	603.632.7719	An Elected Official	Myself	Oppose	No	4
Walker, Peter	Not Given	Not Given	A Member of the Public	Myself	Support	No	4
Murray, Megan	megan.murray@leg.state.nh.us	Not Given	An Elected Official	Hillsborough District 22	Oppose	No	4
Tucker, Kathy	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4
Walker, Colleen	Not Given	Not Given	A Member of the Public	Myself	Support	No	4
Ballentine, John M	mikeb@btine.com	Not Given	A Member of the Public	Myself	Oppose	No	4
Dontonville, Anne	Adontonville@gmail.com	603.632.7719	A Member of the Public	Myself	Oppose	No	4
Vail, Suzanne	Suzanne.vail@leg.state.nh.us	Not Given	An Elected Official	Hillsborough County 30	Oppose	No	4
Gaudette, Sheryl	Not Given	Not Given	A Member of the Public	Myself	Support	No	4
Almy, Susan	susan.almy@comcast.net	603.448.4769	An Elected Official	Myself	Oppose	No	4
McGuire, Dan	danmcguire@gmail.com	603-782-4918	A Member of the Public	Myself	Support	No	4
Pulos, Ronald	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4
See, Alvin	absee@4Liberty.net	Not Given	A Member of the Public	Myself	Support	No	4
Grassie, Chuck	chuck.grassie@leg.state.nh.us	16039787417	An Elected Official	Strafford 11	Oppose	No	4
Mombourquette, Donna	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4
Kieley, Connie	cckieley@gmail.com	781.771.2847	A Member of the Public	Connie Kieley	Oppose	No	4
McGuire, Carol	Not Given	Not Given	An Elected Official	Merrimack 29	Support	No	4
BUONO, LAURA	Laura@Hillsboroughnh.net	603.464.7970	A Member of the Public	Myself	Oppose	No	4
Cathy, Joly	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4
Robidoux, Christine	cearobidoux@gmail.com	Not Given	An Elected Official	Myself	Oppose	No	4
Doda, Debra	ddoda@chesternh.org	603-887-3636	A Member of the Public	Myself	Oppose	No	4
Dargie, Paul	pauldargie@gmail.com	603.233.5888	An Elected Official	Myself	Oppose	No	4

# Testimony

## HB 374

Good Day Committee members. I am Jim Bélanger of Hollis NH and am representing myself. I am a former NH State Rep serving on the Municipal and County Government Committee for 9 years. I must bring to your attention that the House Municipal and County committee has dealt with this very issue as late as the year 2019 in HB 415.

At that time, we recognized that voting to adopt SB2 in a regular deliberative town meeting should be done according to the town meeting process as required of all other warrant articles. That is - to be deliberated and voted on by the same voters who deliberated it.

The method that was currently in the RSAs was flawed in that it departed from the traditional town meeting format and used a format that is in place AFTER the SB2 process is adopted. Since that has not yet been adopted why were the voters mandated to vote on a process which is only in place AFTER the SB2 format is in place and the article gets a deliberative session followed by a second session where ballot voting takes place on the article by voters that were NOT in the deliberative session to hear the arguments.

This bill, HB 374, reverses the effect of HB 2019-415 sponsored by members of the Municipal & County committee; Former Chair Carson, Former Chair Belanger, Former Clerk Porter and Rep Maggiore. It is my personal opinion that proponents of SB2 are attempting to introduce SB2 procedures and processes into the NON SB-2 town meeting.

Let's adopt the SB2 form of governance before forcing its processes on the community that has not chosen to use that format. Do we mandate SB2 communities to vote on articles, especially to withdraw from SB2, using the traditional town meeting format and voting on it at the SB2 deliberative session?

### IN CLOSING

I would remind the committee that in 2019, HB 415 passed with a House Committee vote of 18 – 1, passed the House even after being withdrawn from the Consent Calendar, Passed the Senate on a Voice Vote and was signed by the Governor in August 2019.

If there needs to be ANY change in the SB2 process, it is not this. Requiring a secret ballot vote and/or a one hour voting at the regular deliberative town meeting might be considered.



## Tricia Melillo

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**From:** Eric Pauer <pb@nhengineer.com>  
**Sent:** Monday, April 26, 2021 10:06 AM  
**To:** James Gray; Regina Birdsell; Ruth Ward; Donna Soucy; Rebecca Perkins Kwoka; Tricia Melillo  
**Subject:** Testimony in Favor of HB 374

Dear Senate Election Law and Municipal Affairs 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 citizens petitioner, I have coordinated in advance with 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 (meeting)
- 2019: one session – March 7
- 2020: two sessions – January 29, June 6
- 2021: one session – April 10, over 9 hours long (10 am to 7:15 pm)

Practically speaking, only a small number of citizens are willing and able to endure the long multi-night and day 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. Many voters simply cannot participate in the traditional meetings for work, health, or family reasons. They still want their voice heard, which is possible under SB2 balloting. Unfortunately, it is these same voters that are unable to vote to adopt SB2 because the current law requires one to be at the traditional meeting 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. During their traditional town meeting, the SB2 adoption question was tabled without a debate or vote. Did the 2019 change improve the process? Clearly, no debate and no vote on SB2 adoption is not an improvement. Thus, the effect of the current law is to prevent the 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. Most 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

## Tricia Melillo

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**From:** camilla lockwood <caamlock@outlook.com>  
**Sent:** Sunday, April 25, 2021 8:24 PM  
**To:** Tricia Melillo  
**Subject:** SB374

I hope this bill will not be approved.

Many small New Hampshire towns, like my town of Temple, like their town meetings, in person. That's where the big decisions are made and many voices are can be heard presenting the pros and cons. Those issues are discussed by all the members of the public who are interested. Certain modifications can be made, and above all the vote can be right away - not six weeks into the future. (Does anyone really remember what was said on a cold night in February six weeks earlier?)

If we want to get rid of our town meeting, and require our citizens to go out on a winter night, to a "deliberative session" to hear about town meeting-type warrant articles, which cannot be modified, and which cannot be voted on for six weeks after said deliberations, we should be allowed to decide if that's what we want our "town meeting" to turn into. That needs to be discussed at an in person town meeting, where it can be discussed by all the members of the public which will be affected by the outcome.

Respectfully,  
Camilla Lockwood  
Temple

James Gray, Chair  
Senate Election Law and Municipal Affairs

Re: HB374

Dear Chairman Gray and Committee:

Thank you for the opportunity to talk about this bill. I'd like to say why I oppose it.

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. As of 2017, 70 towns have 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 done so.

I'm sure we all care about providing the best opportunity for our citizens to become informed and active voters. The change in procedure adopted in 2019 required that if a town wants to adopt SB2, it has to be voted at town meeting itself. For many of us that was a welcome change. Let me explain.

If I could give the example of my town of Temple, we have about 1,000 voters. We are a small town. The question of adopting SB2 has been on the official ballot for 15 years. The most recent vote in 2019 was 43% for adoption, well short of the required 60%.

The problem has always been the hearing required under the previous procedure. I was a selectman for 6 of these 15 years and despite our efforts to get people to attend, rarely did anyone do so. The main source of information was flyers that went out by both supporters and opponents. Then Facebook became important. That was the worst. Misinformation ruled the day. Acrimonious comments became common and often very ugly.

The best place to discuss such a fundamental change in how a town governs itself is not on Facebook, not at a hearing that no one attends, but at town meeting itself. That is a reasonable request. 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.

The purpose of this bill isn't to debate SB2 itself but only the procedure for adoption. The current procedure has been in place for only two years. Please leave it and let us have a fair chance to see how the new system will work. The old system did not work well.

May I ask this committee to vote down HB 374. Thank you.

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

## Tricia Melillo

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**From:** Honey Hastings, Mediator <hhastings@familymediationnh.com>  
**Sent:** Sunday, April 25, 2021 5:22 PM  
**To:** James Gray; Regina Birdsell; Ruth Ward; Donna Soucy; Rebecca Perkins Kwoka; Tricia Melillo  
**Subject:** I oppose hb374--on adoption of SB2

I oppose this bill.

It is reasonable to require folks to attend at least one traditional town meeting if they want to get rid of it.

I understand that some residents from one town advocate this bill because when the SB2 petition was heard at Town Meeting, it was tabled.

If the meeting had the votes to table it, it is clear that there was not enough support to pass it.

Honey Hastings  
Temple NH.

**Tricia Melillo**

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**From:** Peter Walker <de395@charter.net>  
**Sent:** Monday, April 26, 2021 8:17 AM  
**To:** Tricia Melillo  
**Cc:** Diane Pauer; Kevin Avard  
**Subject:** Please Support HB 374 OTP

Hon. Chairman Gray & Members of the Senate Election Law and Municipal Affairs Committee,

I urge you to support HB 374, relative to the official ballot referendum form of town meetings.

This bill restores the original purpose of RSA 40:13. That is, to enable the greatest number of voters to decide if they wish to change to official ballot voting within their district. Due to a recent change in RSA 40:13, voters are no longer able to decide through an all day vote by official ballot whether or not they wish to adopt RSA 40:13 (SB2). Instead, only a small number of voters attending a school district or town meeting can now make this important decision.

I urge you to support HB 374 with an ought to pass report.

Respectfully,  
Peter Walker  
57 Pepperell Rd  
Brookline, New Hampshire 03033

# Voting Sheets

**Senate Election Law  
& Municipal Affairs Committee  
EXECUTIVE SESSION RECORD  
2021 Session**

Bill HB 374

Hearing date: 4-26-2021

Executive Session date: 4/26/21

Motion of: ITL Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: \_\_\_\_\_ Vote: \_\_\_\_\_

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Birdsell

Notes: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



# Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE  
FOR THE CONSENT CALENDAR

Monday, April 26, 2021

THE COMMITTEE ON Election Law and Municipal Affairs

to which was referred **HB 374**

AN ACT

relative to the official ballot referendum form of  
town meetings.

Having considered the same, the committee recommends that the Bill

IS INEXPEDIENT TO LEGISLATE

BY A VOTE OF: 5-0

Senator Regina Birdsell  
For the Committee

This bill would have amended the method of adopting official ballot referendum form of meeting (SB 2) by requiring that the question be placed on the official ballot for approval by voters. The current procedure has only been in place for two years and has not had a fair chance for success. In those municipalities that have the town meeting form of government, the best place to discuss such a fundamental change in how they govern themselves is at a town meeting.

Tricia Melillo 271-3077

## General Court of New Hampshire - Bill Status System

**Docket of HB374**

Docket Abbreviations

**Bill Title:** relative to the official ballot referendum form of town meetings.*Official Docket of HB374.:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/10/2021	H	<b>Introduced</b> (in recess of) 01/06/2021 and referred to Municipal and County Government <b>HJ 2</b> P. 45
3/8/2021	H	Public Hearing: 03/08/2021 10:00 am Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/96469796123">https://www.zoom.us/j/96469796123</a> / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
3/12/2021	H	Majority Committee Report: Ought to Pass (Vote 10-9; RC) <b>HC 18</b> P. 57
3/12/2021	H	Minority Committee Report: Inexpedient to Legislate
4/9/2021	H	<b>Ought to Pass:</b> MA DV 200-175 04/09/2021 <b>HJ 7</b> P. 31
4/13/2021	S	Introduced 04/08/2021 and Referred to Election Law and Municipal Affairs; <b>SJ 12</b>
4/21/2021	S	Remote <b>Hearing:</b> 04/26/2021, 09:30 am; Links to join the hearing can be found in the Senate Calendar; <b>SC 21</b>
4/28/2021	S	Committee Report: Inexpedient to Legislate; Vote 5-0; CC; 05/06/2021; <b>SC 22</b>
5/6/2021	S	Inexpedient to Legislate, <b>RC 23Y-0N</b> , MA === BILL KILLED ===; 05/06/2021; <b>SJ 14</b>

NH House

NH Senate

# Other Referrals

**Senate Inventory Checklist for Archives**

Bill Number: HB 374

Senate Committee: ELMA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

**Bill Hearing Documents: {Legislative Aides}**

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

**Committee Action Documents: {Legislative Aides}**

All amendments considered in committee (including those not adopted):

\_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

\_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

Executive Session Sheet

Committee Report

**Floor Action Documents: {Clerk's Office}**

All floor amendments considered by the body during session (only if they are offered to the senate):

\_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

\_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

**Post Floor Action: (if applicable) {Clerk's Office}**

\_\_\_ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

\_\_\_ Enrolled Bill Amendment(s)

\_\_\_ Governor's Veto Message

**All available versions of the bill: {Clerk's Office}**

\_\_\_ as amended by the senate      \_\_\_ as amended by the house

\_\_\_ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Tricia Merullo

Committee Aide

9/13/21  
Date

Senate Clerk's Office [Signature]