

Sen. Bradley, Dist 3  
Sen. Birdsell, Dist 19  
April 5, 2017  
2017-1332s  
06/10

Floor Amendment to HB 329

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

2

3 AN ACT establishing a committee to study balance billing and authorizing municipal  
4 ratification of certain meetings and elections.  
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6 Amend the bill by inserting after section 5 the following and renumbering the original section 6 to  
7 read as 7:

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9 6 Authorization for Municipal Ratification of Meetings and Elections.

10 I. Due to the concern about an impending snowstorm, some New Hampshire towns and  
11 school districts rescheduled their 2017 elections from Tuesday, March 14, 2017 to various later  
12 dates. The towns and school districts assert that this unprecedented action was based on advice of  
13 lawyers for the New Hampshire Municipal Association and other counsel. This advice was given  
14 despite the absence of any mechanism to accommodate such a rescheduling with regard to other  
15 provisions of New Hampshire election law. This advice was also directly contrary to both the  
16 political calendar and the election procedure manual, which are required to be prepared  
17 cooperatively by the secretary of state and the attorney general and distributed to local election  
18 officials. Those who advised local officials that they had the authority to reschedule elections have  
19 placed some municipalities in an untenable position. Of particular concern to the general court was  
20 the lack of notification for rescheduled elections and the irregular process of absentee voting and  
21 recounts. These municipalities must now choose to accept the ramifications of the decision to  
22 reschedule their elections or to seek ratification of that decision. Either option will likely result in  
23 the disenfranchisement of voters. Since local voters were the ones most directly affected by the  
24 unprecedented act of moving election day this act gives those voters a voice in the solution. This act  
25 seeks to implement ratification as the least detrimental of 2 unfortunate options, but not to  
26 establish precedent or to authorize these actions in future elections. This act is not intended to  
27 absolve any legal counsel of liability for the advice given.

28 II. This act applies to all towns, village districts, and school districts that postponed their  
29 meetings or elections that were scheduled to occur March 14, 2017, regardless of whether they have  
30 adopted RSA 40:13.

31 III. All elections of individuals to serve as members of a governing body of a political  
32 subdivision, school board, or any other elected position are hereby legalized, ratified, and confirmed.

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1           IV. All actions, votes, and proceedings, held at any town election, town meeting, school  
2 district election, school district meeting, village district election, or village district meeting, that was  
3 scheduled to take place March 14, 2017, but was postponed due to weather and was held at a later  
4 date, may be legalized, ratified, and confirmed by the governing body of the political subdivision  
5 following a properly noticed public meeting.

6           V. The decision of the governing body to legalize, ratify, and confirm the prior actions shall  
7 be in writing and shall be posted in the same manner as the results of the election, town meeting,  
8 school district election, school district meeting, village district election, or village district meeting,  
9 as the case may be.

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AMENDED ANALYSIS

This bill establishes a committee to study balance billing by health care providers.

This bill also provides for municipal ratification of postponed meetings and elections scheduled to occur March 14, 2017.