

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.

Sponsors:

Rep. Pauer
Rep. Lewicke

Rep. McGuire
Rep. Warden

Rep. Yokela

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