

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

**HB 67-LOCAL**, relative to warrant articles in official ballot town, school district, or village district 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 prohibits the amendment of a petitioned warrant article when such amendment would change the specific intent of a petitioned warrant article.

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**Sponsors:**

Rep. Marsh

Rep. Edwards

Rep. J. MacDonald

Rep. M. Pearson

Rep. Lang

Rep. Yokela

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**Who supports the bill:** Rep. William Marsh, Dan McGuire, Alvin See, Darryl Perry, Eric Pauer

**Who opposes the bill:** Rep. Marjorie Porter, Rep. Paul Dargie, Rep. Heidi Hamer, Rep. Cindy Kudlik, Rep. John Cloutier, Rep. Chuck Grassie, Rep. Patricia Cornell, Rep. Julie Gilman, Rep. Deb Stevens, Rep. Roger Dontonville, Rep. Megan Murray, Rep. Efstathia Booras, Rep. Mary Heath, Rep. Christy Bartlett, Rep. Peter Bixby, Rep. Wendy Chase, Rep. Rod Piementel, Rep. Joe Schapiro, Rep. Donna Ellis, Rep. Rebecca McBeath, Rep. Joan Hamblet, Caroline Storrs, Andrew Hadik, James Loano, Anne Dontonville, Kathy Tucker, Donna Mombourquette, Naomi Bolton, David Swenson, Cordell Johnston

**Summary of testimony presented in support:**

**Representative William Marsh**

- Four of the seven towns he represents are in the Governor Wentworth Regional School District: Brookfield, Ossipee, Effingham, and Tuftonboro.
- Two years ago, my constituent, Dianne Smith, filed a petition warrant article to put a 2.5% annual cap on tax rate increases for the school district.
- Very briefly, her petition warrant article was rendered moot by an amendment at a poorly attended deliberative session, held in Wolfeboro, an hour's drive away for some of his constituents.
- They moved the decimal point, and a 25% annual cap on tax rate increases clearly removed the intent of her petition.
- His constituents feel the process is broken and has become quite contentious.
- HB67 would restore his constituents' right of redress by bringing petition warrant articles before the voters.

- In bodies operating under traditional rules, per RSA 39:3, petition warrant articles must appear on the warrant without any change in the intended effect of the petitioned article.
- In bodies operating under SB2, citizens do not have this right of redress.
- Petition warrant articles have been rendered moot by amendments at poorly attended deliberative sessions, which may be scheduled at a time and place inconvenient for certain citizens.
- This is exactly what happened in the Governor Wentworth Regional School District.
- This bill as amended by the House, simply adds the phrase “No petitioned warrant article shall be amended to change its specific intent.”
- This means petitioners could appeal to the voters and the right of redress for citizens in SB2 districts would be restored.

### **Representative Betty Gay**

- As a petitioner she has had the experience of a Select Board presenting their own amendment which gutted the original petition.
- Residents should have the right to petition and have the public vote on it.
- It is not fair to destroy a petitioners request so it cannot be heard before the entire voting body.
- A small group of people should not be allowed to block access to the voters.
- The bill does give the opportunity for amendments as long as they do not change the intent.

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

#### **Representative Marjorie Porter**

- This bill is creating two classes of legislative bodies in the state.
- Under the current law, towns that have traditional town meeting, discuss, amend and vote on petitioned warrant articles at the town meeting.
- HB 67 prevents voting members in an SB 2 town from amending a warrant article before they vote on it.
- It changes the process but only for SB 2 towns which creates two classes.
- Another concern she has is that it may be difficult to understand what the intent of the warrant article might be.
- It is unfortunate that someone’s warrant article may be amended but that is the function of the legislative body.

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

- Their opposition to this bill is that it does not make sense.
- An article submitted to a town meeting is just like a bill filed in the state legislature.
- Once it is filed it is subject to amendment by the legislative body.
- The idea of SB 2, in theory, is that it is supposed to operate just like traditional town meeting in that you have articles that are submitted and are subject to amendment by the legislative body.
- To say that any article cannot be amended is at odds with the idea of a legislative body.
- He could give many examples of times when it would make perfect sense to amend an article at the meeting but this bill would prevent that.

- Senator Soucy asked what would happen in the instance if one town that was part of a regional district had an amendment and another town had one that contradicted the other.
  - Mr. Johnston replied that the deliberative session for the district includes people from all of the towns in the district.
- Senator Soucy clarified that you could have two towns proposing contrary amendments.
  - Mr. Johnston replied that as with any legislative body the majority rules.

#### **Naomi Bolton – Town Administrator, Ware**

- The current laws and rules for amending articles have been working fine for the town of Ware.
- If this bill is passed it may create confusion as it relates to petition articles.
- The language of the bill regarding petition articles is not specific enough as to which articles.

#### **David Swenson – Select Board Member, New Durham**

- He has presided over both SB 2 deliberative sessions and traditional town meeting deliberative sessions.
- HB 67 would give control over petitioned warrant articles to only a few voters rather than allowing a larger voting population to amend the article for the needs of many.
- It will be onerous to all SB 2 municipalities as it decreases, for those attending the deliberative session, the opportunity to actively participate in shaping all warrant articles.
- The passage of this bill will restrict municipal government processes in a way that the state legislature is not.
- Even though the deliberative session may not be well attended, there are still more people than on the warrant article.
- There are many times when the petitioner themselves wants to amend an article between the time it was developed and at the deliberative session.
- This proposed legislation will severely limit voter participation in what goes on the official ballots.

#### **Chris Hawkins – Town and School District Moderator, New Market**

- New Market is an SB 2 town.
- In his experience, a low turnout at the deliberative session does not indicate a defect in the system.
- Turnout at deliberative session is driven by issues and not legislation or how the process works.
- If the voters are unhappy they turn out in large numbers.
- Everyone has a right to petition their government but that does not mean their views will prevail.
- It is incumbent upon people to explain why the petitioned article is a good idea.
- While the process is not perfect he does not believe it is broken.