

Amendment to SB 104-LOCAL

1 Amend the bill by replacing all after the enacting clause with the following:

2
3 1 Government of Town Meeting; Moderator; Duties. Amend RSA 40:4, II to read as follows:

4 II.(a) ~~[In the event a weather emergency occurs on or before]~~ ***If the National Weather***
5 ***Service issues a weather event warning applicable to a town on*** the date of a deliberative
6 session or ~~[voting day]~~ ***business session*** of a ***town*** meeting ~~[in a town]~~, which the moderator
7 reasonably believes may cause the roads to be hazardous or unsafe, the moderator may, up to 2
8 hours ***but not more than 48 hours*** prior to the scheduled session, postpone and reschedule the
9 ~~[deliberative]~~ session ~~[or voting day]~~ of the meeting to another reasonable date, place, and time
10 certain. ***If an accident, natural disaster, or other emergency occurs which the moderator***
11 ***reasonably believes may render use of the meeting location unsafe, the moderator may, at***
12 ***any time prior to the scheduled deliberative or business session, postpone and reschedule***
13 ***the session to a date, place, and time certain. To the extent practical, prior to making a***
14 ***decision to postpone, the moderator shall consult with the governing body, the clerk, and***
15 ***as appropriate for the circumstances the police chief, the fire chief, the road agent, and***
16 ***the local emergency management director. The moderator shall employ whatever means***
17 ***are available to inform citizens of the postponement and the rescheduled date or dates.***

18 (b) ***In the event of a weather or other emergency as described in RSA 669:1 that***
19 ***occurs on or before the date of an official ballot voting day as defined in RSA 652:16-g,***
20 ***which the moderator reasonably believes may cause the roads to be hazardous or unsafe,***
21 ***the moderator may postpone the session in accordance with RSA 669:1 and RSA 669:1-a.***

22 (c) The date originally scheduled shall continue to be deemed the deliberative session,
23 ***business session,*** or ~~[voting day]~~ ***official ballot voting day*** of the meeting for purposes of
24 satisfying statutory meeting date requirements; provided, that in towns or districts that have
25 adopted RSA 40:13, the postponement shall not delay the deliberative session more than 72 hours.
26 ~~[The moderator shall employ whatever means are available to inform citizens of the postponement~~
27 ~~and the rescheduled deliberative session or voting day.]~~

28 2 Government of Town Meeting; Optional Form of Meeting-Official Ballot Referenda; Use of
29 Official Ballot. Amend RSA 40:13, VII to read as follows:

30 VII. The second session of the annual meeting, ***which is the official ballot voting day as***
31 ***defined in RSA 652:16-g,*** to elect officers of the local political subdivision by official ballot, to vote
32 on questions required by law to be inserted on said official ballot, and to vote on all warrant articles

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from the first session on official ballot, shall be held on the second Tuesday in March, the second Tuesday in April, or the second Tuesday in May, as applicable ***unless it is postponed in accordance with RSA 40:4, II(b) and RSA 669:1.*** Notwithstanding RSA 669:1, 670:1, or 671:2, the second session shall be deemed the annual election date for purposes of all applicable election statutes including, but not limited to, RSA 669:5, 669:19, 669:30, 670:3, 670:4, 670:11, 671:15, 671:19, and 671:30 through 32; and votes on zoning ordinances, historic district ordinances, and building codes under RSA 675.

3 Cities and Wards; Local Elections; Times. Amend RSA 44:11 to read as follows:
44:11 Times.

I. The meeting of the voters of each ward for the election of city and ward officers shall be held on such day as may be fixed by law or by ordinance of the city council but in no event shall it be held in conjunction with a biennial election; and all ward and city officers who are chosen by the people shall hold their respective offices for the term and from the day fixed by law or ordinance, and until others are appointed in their stead. The prohibitions in this section shall not apply to a special election held to fill a vacancy for the office of a city or a ward officer.

II. In the event of a weather or other emergency as described in RSA 669:1, the election may be postponed and rescheduled in the manner provided in that section, except that all references to the moderator shall be deemed to refer to the city clerk.

4 New Sections; Elections; Terms and Definitions. Amend RSA 652 by inserting after section 16-d the following new sections:

652:16-e Business Session. "Business session" means, in a town that has not adopted the provisions of RSA 40:13, the session of a town meeting at which voters discuss, deliberate, and vote on matters other than the election of officers by official ballot and other questions that are placed on the official ballot.

652:16-f Deliberative Session. "Deliberative session" means the first session of a meeting in a town that has adopted the provisions of RSA 40:13.

652:16-g Official Ballot Voting Day. "Official ballot voting day" means the day on which voters in a town vote on the election of officers or other questions authorized by law to be voted on by official ballot, or both, in compliance with the procedures for elections for the partisan official ballot system as set forth in RSA 669:12 or the nonpartisan official ballot system as set forth in RSA 669:19 through RSA 669:22, RSA 670:5 through RSA 670:7, and RSA 671:20 through RSA 671:30, including all requirements pertaining to absentee voting, the polling place, and polling hours.

5 Elections; Absentee Voting; Eligibility; Absence, Religious Observance, and Disability Voting. Amend RSA 657:1, I to read as follows:

I. Any person who [is] ***will be*** absent on the day of any state election from the city, town, or unincorporated place in which he or she is registered to vote or who cannot appear in public on any election day because of his or her observance of a religious commitment or who is unable to vote

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1 there in person by reason of physical disability may vote at such elections as provided in this
2 chapter. A person who is unable to appear at any time during polling hours at his or her polling
3 place because of an employment obligation shall be considered absent for purposes of this chapter.
4 For the purposes of this section, the term "employment" shall include the care of children and
5 infirm adults, with or without compensation.

6 6 Absentee Voting; Eligibility; Absence, Religious Observance, and Disability Absentee Voting.
7 Amend RSA 657:1, II(a)-(c) to read as follows:

8 (a) A person ~~[who is elderly or infirm or who has a physical disability,]~~ who otherwise
9 would have voted in person but has concerns for his or her safety traveling in the storm, shall be
10 considered absent for purposes of this chapter and may vote absentee on the ~~[Monday]~~ **day**
11 immediately prior to the election.

12 (b) A person who cares for children or infirm adults who reasonably anticipates that
13 school, child care, or adult care will be canceled, who otherwise would have voted in person but will
14 be deterred from voting by the need to care for children or infirm adults, shall be considered absent
15 for purposes of this chapter and may vote absentee on the ~~[Monday]~~ **day** immediately prior to the
16 election.

17 (c) As required by RSA 652:20, the clerk's office shall be open to receive applications for
18 absentee ballots, to provide voters the opportunity to complete absentee ballots, and to receive
19 returned ballots on the ~~[Monday]~~ **day** immediately prior to an election at a minimum from 3:00 p.m.
20 to 5:00 p.m. The clerk may designate a deputy clerk or assistant to provide this service, provided
21 the individual has taken the oath of office and has been trained in the requirements for using an
22 absentee ballot and the procedures for issuing and receiving absentee ballots.

23 ***(d) In the event an election is postponed pursuant to RSA 669:1, the provisions***
24 ***of subparagraph (c) shall apply to the day before the date of the originally scheduled***
25 ***election and the day before the date of the postponed election.***

26 7 New Paragraph; Town Elections; General Provisions; Election Dates. Amend RSA 669:1 by
27 inserting after paragraph IV the following new paragraph:

28 V.(a) If the National Weather Service issues a weather event warning applicable to a town
29 on a date when an election is scheduled, which the moderator reasonably believes may cause the
30 roads to be hazardous or unsafe, or if an accident, fire, natural disaster, or other emergency occurs
31 that the moderator reasonably believes may render use of the election location unsafe on the date of
32 the election, then the moderator may, after consulting with town officials, postpone the election. To
33 the extent practical, prior to making a decision to postpone, the moderator shall consult with the
34 governing body, the clerk, and as appropriate for the circumstances the police chief, the fire chief,
35 the road agent, and the local emergency management director. The moderator shall document any
36 decision to postpone the election and notify the secretary of state by phone or electronic mail of the
37 postponement within two hours of the decision to postpone.

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(b) When a ballot to be used at an election which has been postponed contains questions that are to be voted on simultaneously by more than one town, such as those relating to village, school, or water districts, the postponement of an election shall apply to all towns voting on that issue at the election. The moderators of the towns involved, after consultation with respective town officials, shall communicate with each other to reach a consensus on the postponement. In such instances, one of the moderators shall be selected to document the communications and notify the secretary of state. If a consensus cannot be reached, the election shall be postponed if a majority of the moderators vote to postpone.

(c) The decision to postpone shall be made on the day immediately prior to the election at any time before 6:00 p.m.

(d) If the moderator postpones the town election as provided in this paragraph V, the moderator shall document the decision and notify the secretary of state by telephone or electronic mail of the postponement within 2 hours of the decision to postpone.

(e) If a special state election is scheduled for the date of the town election, this section shall not apply.

8 New Section; Town Elections; General Provisions; Postponed Town Elections. Amend RSA 669 by inserting after section 1 the following new section:

669:1-a Postponed Town Elections.

I. Any election postponed pursuant to RSA 669:1, V shall be rescheduled to the Tuesday 2 weeks following the original date of the election, provided all other applicable statutory provisions associated with elections under this chapter shall also be extended the same 2 weeks.

II. The supervisors of the checklist shall not be required to meet again until the postponed town election day.

III. If the election is postponed to a date that follows the date of the business meeting, the end of the term of the moderator established in RSA 40:1 shall be extended through the completion of all election day duties or until the qualification of a successor, whichever is later.

IV. Any school district election coordinated with a town under RSA 671:26-a or otherwise held in conjunction with the town election shall also be subject to the provisions of this section.

V. The moderator and the governing body shall employ all reasonable means to provide voters with notice of the postponement, the date on which the postponed election shall be conducted, and information on obtaining absentee ballots for those voters who qualify to vote by absentee ballot at the postponed election. To the extent practical given the circumstances of the postponement, notice shall be posted at the location of the scheduled election, at the municipal offices, and on the website of each town, school district, and village district whose election is postponed.

VI. All ballots prepared for the original date of the election shall be used for the postponed election. A notice explaining the deadline for returning an absentee ballot shall be issued to voters

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1 who request and are sent an absentee ballot during the period between the original date and the
2 postponed date of the election.

3 VII. All absentee ballots submitted to be counted on the date of the original election, all
4 absentee ballots submitted for the original date of the election which arrive after that date but
5 before 5:00 p.m. on the date of the postponed election, and all absentee ballots submitted to be
6 counted at the postponed election shall be submitted to the moderator for processing in accordance
7 with RSA 659.

8 VIII. To the extent practicable, the town clerk may decide to be at the location of the
9 originally scheduled election to receive applications for absentee ballots, to provide voters the
10 opportunity to complete absentee ballots, and to receive returned ballots during what would have
11 been normal polling hours. The town clerk may designate a deputy clerk or assistant to provide
12 this service, provided the individual has taken an oath of office and has been trained in the
13 requirements for using an absentee ballot and the procedures for issuing and receiving absentee
14 ballots.

15 IX. The absentee ballot of a voter who qualified to vote by absentee ballot because he or she
16 expected to be absent or unable to appear at the polls on the original date of the election and who
17 submitted an absentee ballot which otherwise satisfies the requirements for voting by absentee
18 ballot, shall be counted even if the voter is present in the town or able to appear at the polls on the
19 date of the rescheduled election.

20 X. All absentee ballots shall be processed as provided for by RSA 659.

21 9 New Section; Elections; Village District Elections; General Provisions; Rescheduling of Village
22 District Elections. Amend RSA 670 by inserting after section 1 the following new section:

23 670:1-a Rescheduling of Village District Elections. In the case of a village district that includes
24 voters from 2 or more towns and holds its elections in conjunction with town elections, in the event
25 of a weather or other emergency as described in RSA 669:1, V, the town moderators in each town
26 shall, as described in RSA 669:1, coordinate to reschedule the town and village district elections as
27 provided in that section.

28 10 New Section; School District Elections; Conduct of Election: Coordination with Town
29 Election; Rescheduling Elections. Amend RSA 671 by inserting after section 22 the following new
30 section:

31 671:22-a Rescheduling Elections. In the case of a school district that comprises one or more
32 preexisting districts and holds its elections in conjunction with the town elections in the component
33 towns as provided in this subdivision, in the event of a weather or other emergency as described in
34 RSA 669:1, V, the town moderators in each town shall, as described in RSA 669:1, coordinate to
35 reschedule the town and school district elections.

36 11 Effective Date. This act shall take effect upon its passage.