



NEW HAMPSHIRE MUNICIPAL ASSOCIATION



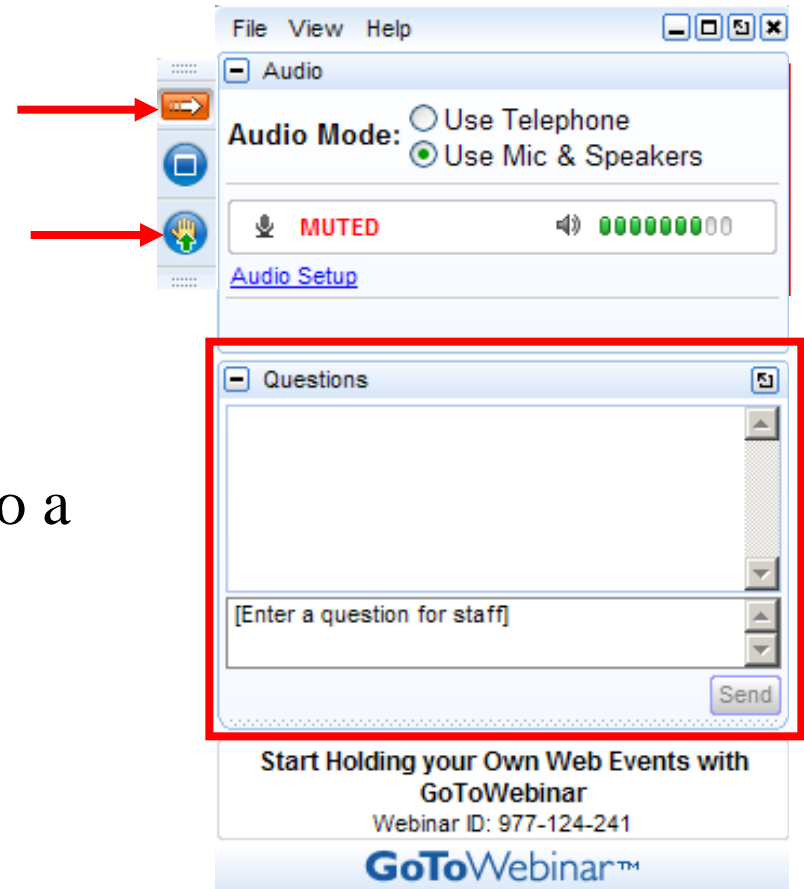
Transition to SB 2 Official Ballot Law

Stephen C. Buckley, Legal Services Counsel
&

Barbara T. Reid, Government Finance Advisor

How to Participate Today

- Open and close your Panel
- Submit text questions
- Q&A addressed at the end of today's session
- Raise your hand in *response* to a question



Two Sessions, Deliberative and Voting

- The warrant for any annual meeting shall prescribe the place, day and hour for each of 2 separate sessions of the meeting.
- Final budgets and ballot questions shall be printed in the annual report made available to the legislative body at least one week before the date of the second session of the annual meeting.



New Calendar for Meetings and Hearings before Town Meeting

- Final date for posting notice of budget hearing by Budget Committee and by Selectmen on bond > \$100,000 under RSA 33:8-a completed by 1/13/15 (or 2/10/15, or 3/10/15)
- CBA negotiations completed and petitioned warrant article deadline 1/13/15 (or 2/10/15, or 3/10/15) [however if petitioned article to raise bond > \$100K, deadline shall be 1/9/15]
- Budget hearing by budget committee completed by 1/20/15 (or 2/17/15, or 3/17/15)
- Bond hearings under RSA 33:8-a completed by 1/20/15 (or 2/17/15, or 3/17/15)
- Budget Committee delivers final budget with recommendations by 1/22/15 (or 2/19/15, or 3/26/15)
- Zoning amendment hearings must be completed in time to include text of those amendments in the warrant for posting on 1/26/15 (or 2/23/15, or 3/30/15)
- Warrant and budgets posted by 1/26/15 (or 2/23/15, or 3/30/15)

What is the Default Budget?

- "Default budget" the amount of the same appropriations as contained in the operating budget from previous year.
- Reduced or increased by debt service, contracts, and other obligations previously incurred or mandated by law.
- Reduced by one-time expenditures contained in the operating budget. For the purposes of this paragraph, one-time expenditures shall be appropriations not likely to recur in the succeeding budget, as determined by the governing body.

Default Budget in Operation

- The default budget freezes the budget at the previous year's level except for amounts which the town is legally obligated to pay or which were one-time expenses.
- Employee raises should not be included unless they are required by a legally binding and previously ratified contract obligating the municipality to fill particular positions or employ particular people at certain wages.

Default Budget in Operation, cont.

- While the per unit cost of certain commodities may increase for one year to the next (such as the per ton cost of bituminous concrete), the default budget includes the “amount” of the money appropriated for that purpose from the previous year, not the amount that will be required for the same number of units in the coming year.
- New budget line items cannot be added because they are not part of the appropriations contained in the previous year’s operating budget.



**TAKE A
POLL!**

As of 2012, how many towns have adopted the SB 2 form of voting?

- A. 100
- B. 80
- C. 60
- D. 40

Who Prepares the Default Budget?



- Determination of the default budget, including one-time expenditures, rests with the governing body and cannot be altered by the meeting.
- Default budget preparation can be delegated to Budget Committee – RSA 40-14-b

The Default Budget Must be Posted with the Warrant

- The governing body in official ballot referenda jurisdictions operating under RSA 40:13 shall post certified copies of the default budget form or any amended default budget form with the proposed operating budget and the warrant. RSA 32:5 (VII) (b)



Update Voter Checklist for Each Session of Meeting

- The voter checklist shall be updated in accordance with RSA 669:5 for each session of the annual meeting. RSA 40:13 (II-d)



The Deliberative Session

- Held on a date between 1/31/15 and 2/7/15 (or between 2/28/15 and 3/7/15, or between 4/4/15 and 4/11/15)
- First session, introduction of articles, discuss, amend, send to ballot session
- Warrant articles prescribed by law cannot be amended
- Can't amend article to eliminate subject matter, but you can change dollar amount of appropriation to zero. See, RSA 32:10 (I) (e)
- All warrant articles shall be placed on the official ballot, including those articles amended by first session. RSA 40:13 (VI)

Ballot Recommendations

- The recommendations of the selectmen and the budget committee on special warrant articles containing appropriations must appear both on the warrant and on the official ballot. RSA 40:13, VI.
- In addition, the governing body and the budget committee (if any) in official ballot referendum towns and districts can change these recommendations if the first session has amended an amount contained in a special warrant article. RSA 32:5, V provides that the governing body and budget committee “may revise its recommendation on the amended version of the special but the 10 percent limitation on expenditures shall be calculated upon the initial recommendations of the budget committee.” RSA 32:5, V(b).
- If the operating budget warrant article is amended at the first session of the meeting the selectmen and the budget committee may each vote on whether to recommend the amended article. RSA 32:5 (VII)

Voting Session – Ballot Content

- Second Tuesday in March, 3/10/15 (or second Tuesday in April, 4/14/15, or second Tuesday in May, 5/12/15)
- 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.



**TAKE A
POLL!**

Based on a sample of 27 SB 2 Towns, what is the average number of voters on the 2010 checklist of voters who attended their town's deliberative session?

- A. 4.3%
- B. 5.5%
- C. 1.5%
- D. 2.4%

Form of Budget Article

- "Shall the (local political subdivision) raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling \$_____? Should this article be defeated, the default budget shall be \$ _____, which is the same as last year, with certain adjustments required by previous action of the (local political subdivision) or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only."

Ordinance Adoption

- When using topical description of a proposed ordinance or amendment to an ordinance , an official copy of the proposed ordinance or amendment, including any amendment to the proposal adopted the first session, shall be placed on file and made available to the public at the office of the clerk of the political subdivision not later than one week prior to the date of the second session of the annual meeting. An official copy of the proposed ordinance or amendment shall be on display for the voters at the meeting place on the date of the meeting.

Form of Ordinance Adoption

- "Are you in favor of the adoption of (amendment to) the ordinance as proposed by the selectmen as follows: (here insert text or topical description of proposed ordinance or amendment)?" In the event that there shall be more than a single proposed amendment to an ordinance to be submitted to the voters at any given meeting, the issue as to the several amendments shall be put in the following manner: "Are you in favor of the adoption of Amendment No. ___ to the ordinance as proposed by the selectmen as follows: (here insert text or topical description of proposed amendment)?"

Voting at Second Session

- Voting at the second session shall conform to the procedures for the nonpartisan ballot system as set forth in RSA 669:19-29, RSA 670:5-7 and RSA 671:20-30, including all requirements pertaining to absentee voting, polling place, and polling hours.
- Approval of all warrant articles shall be by simple majority except for questions which require a 2/3 (or 3/5) vote by law, contract, or written agreement.
- Votes taken at the second session shall not be reconsidered.
- Votes taken at the second session shall be subject to recount under RSA 669:30-33 and RSA 40:4-c .

If Budget Article Not Approved

- If no operating budget article is adopted, the default budget shall be deemed to have approved, OR the Selectmen may hold a special meeting, which will involve both a deliberative and voting session
- If no operating budget article is adopted the estimated revenues shall nevertheless be deemed to have been approved.

Changing to an April or May Meeting Date

- RSA 40:14 (XI) permits the Town to now adopt either an April or May Town Meeting date.
- An article would be placed on the warrant either by the Selectmen or by petition to change the Town Meeting date.
- A public hearing must be held by the local governing body 15 days, but not more than 30 days, before the question is to be voted on.
- The article shall be worded as follows: "Shall we change the date for elections and the second session from the second Tuesday in _____ to the second Tuesday in _____, which would change the date for the first session to a date between the first and second Saturdays after the last Monday in _____, inclusive?"
- Must be approved by a simple majority.
- A vote to change the dates of the meeting shall apply to the annual meeting next following the vote.

Thank You for Attending Today's Webinar!



- **NHMA:** The Service and Action Arm of New Hampshire Municipalities
- **Our Mission:** The New Hampshire Municipal Association is a non-profit, non-partisan association working to strengthen New Hampshire cities and towns and their ability to serve the public as a member-funded, member-governed and member-driven association since 1941. We serve as a resource for information, education and legal services. NHMA is a strong, clear voice advocating for New Hampshire municipal interests.
- **Contact us:**

25 Triangle Park Drive

Concord, NH 03301

www.nhmunicipal.org or legalinquiries@nhmunicipal.org

603.224.7447

NH Toll Free: 800.852.3358

