

# Transitioning to SB2 Form of Town Meeting

In 2023, the Town of Haverhill will be voting on whether to change to the SB2 form of town meeting. To help residents better understand the differences this Q&A provides an overview of mandatory deadlines for the selectboard; provide timeline for bonding warrant articles; describe the deliberative session and what can and cannot be done at the deliberative session; explain what actions can be taken after the deliberative session; and describe how to prepare the ballot for election day.

## **Q: How many town meetings will we now have?**

Legally, there is only one Town Meeting, even when a town votes on one day and holds a deliberative session on another.

Currently, Haverhill residents vote on elected officials on the second Tuesday in March (election day), and then hold a deliberative session (in-person Town Meeting) the following Saturday to discuss and vote on the warrant.

If Haverhill was to become an SB2 Town, the deliberative session would occur first, the week prior to election day, and residents would then vote on election day, where the ballot would include both election of officers AND all articles on warrant.

In both cases, Traditional and SB2, residents can discuss, debate, and possibly amend warrant articles during the deliberative session (except that articles whose wording is prescribed by law may not be amended).

## **Q: What happens at the deliberative session?**

At the deliberative session warrant articles can be discussed and amended. However, warrant articles prescribed by law cannot be amended. In addition, warrant articles cannot be amended to eliminate the subject matter, but an amendment can change the dollar amount of an appropriation to zero. See RSA 32:10 (I) (e). All warrant articles must be placed on the official ballot for voting on election day, including those articles previously amended at the deliberative session. RSA 40:13 (VI)

## **Q: Do the checklist supervisors have to do anything different in an SB2 town?**

Yes, the checklist supervisors must hold a session to correct the checklist before both the deliberative session and the voting session. The voter checklist must be updated in accordance with RSA 669:5 for each session of the annual meeting. RSA 40:13 (II-d)

**Q: Is there any special language that must be used for the operating budget warrant article in an SB2 town?**

Yes, the operating budget warrant article must be worded as follows:

*“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.”*

**Q: What happens if the operating budget is not approved?**

If Haverhill was to transition to an SB2 Town, and during ballot voting the operating budget warrant article is not approved, then a default budget is deemed to be approved for the next calendar or fiscal year (unless the selectman choose to call a special meeting, as described below).

The “default budget” equals the amount of the same appropriations as contained in the operating budget from the previous year, reduced or increased by debt service, contracts, and other obligations previously incurred or mandated by law. The default budget would not include one-time expenditures contained in the previous year’s operating budget, which are defined as one-time expenditures not likely to recur as determined by the governing body.

**Q: How does the default budget work?**

The default budget freezes the budget at the previous year’s level except for amounts which the town is legally obligated to pay or 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 positions or employ particular people at certain wages. The default budget includes the amount of *money* appropriated for any given purpose from the previous year. New budget line items cannot be added because they are not part of the appropriations contained in the previous year’s operating budget.

**Q: Who prepares the default budget?**

The establishment of the default budget, including identifying one-time expenditures, is the responsibility of Town Administration with approval by Select Board, and cannot be altered by the town meeting.

Town Administration shall post certified copies of the default budget form along with the proposed operating budget and the warrant in accordance with RSA 32:5 (VII) (b).

**Q: Can any other action be taken if the budget article is defeated?**

If the operating budget article is defeated, the selectmen can, as an alternative to the default budget, call one special town meeting to consider the adoption of a revised operating budget. That special town meeting does not have to get court approval pursuant to RSA 31:5. That special meeting will involve both another deliberative session and voting day. If no operating budget article is adopted the second time around, the default budget is then deemed approved.

**Q: Is there any special language that must be used for ordinance warrant article in an SB2 town?**

For the adoption of a proposed ordinance where only a summary description of the ordinance appears on the warrant (and where full copies of the proposed ordinance are made available in the office of the town clerk one week before the voting session), the article must be worded as follows: *“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)?”* If there is 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 should 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)?”*

**Q: What election and voting procedures apply on election day?**

Voting on election day must 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 is by simple majority except for questions which require a 2/3 (or 3/5) vote by law, contract, or written agreement. Votes taken on articles, on election day, may not be reconsidered, but they are subject to recount under RSA 669:30-33 and RSA 40:4-c.

*Excerpts by Stephen C. Buckley, Legal Services Counsel for the New Hampshire Municipal Association.*