

New Hampshire Town Meeting

A Voter's Guide



A New Hampshire Town Meeting in the 1940s. *Photo courtesy of the New Hampshire Historical Society.*



New Hampshire Secretary of State
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INTRODUCTION TO TOWN MEETING

New Hampshire consists of 13 cities and 221 towns. Most towns elect their local officers at an annual election and deliberate on their town budget and warrant articles at an annual town meeting.

Town meetings vary in format. Some New Hampshire towns hold traditional town meetings in which voters vote on warrant articles by public vote in a business meeting; others vote on all town business using the same secret ballot used at the election to choose officers. There is also some variability in when town meetings are held.

This guide seeks to describe the basic format of town meetings and walk you through the process. Ultimately, the best way to learn about town meetings is to see them in action. Town meetings are often described as the purest form of democracy and rely heavily on the public's participation.

The principles and processes described in this guide also apply to school district and village district meetings.

A BRIEF HISTORY

The practice of holding town meetings originated in the 1630s, with voting men gathering to divvy up land. The first town meeting took place in Dorchester, Massachusetts, in 1633. New Hampshire's town meetings started shortly thereafter, always falling in March as it was an ideal time for agrarian society, since farmers could not yet begin sowing for the season. Land boundaries were established, disputes arising from loose animals destroying gardens and fields were settled, and town meeting cake was consumed. While all towns had and still have town moderators, several towns had other interesting roles, such as hog reeve—someone to keep the town's swine under control — or pound keeper—someone to watch over the enclosure where loose animals were kept. Today, these roles are more ceremonial in nature while the tradition of town meeting day endures.

TOWN MEETING BASICS

Every year, towns in New Hampshire hold a town meeting for the following purposes:

- 1) To elect town officers.
- 2) To deliberate and vote on all other town business like the town budget, warrant articles, and capital projects.

Do all town meetings follow the same format in New Hampshire?

No. Some towns hold traditional town meetings while others follow the Official Ballot Referendum System outlined by Senate Bill 2 (SB2).

The big difference between traditional and SB2 town meetings is how voters vote.

During a **traditional town meeting**, voters will vote on proposed warrant articles by public vote or by an unofficial yes-no secret ballot. Prior to voting, with the moderator's permission, voters can argue for or against warrant articles, ask questions at the meeting, and propose amendments to any warrant article the law allows to be amended. A final vote is taken on each article when the discussion has concluded. Town officers are voted on by official secret ballot during polling hours on election day.

During an **SB2 town meeting**, the town first holds a deliberative session where voters can ask questions, discuss, and amend the warrant articles that will be printed on the official ballot. Some warrant articles are set by state law and cannot be amended. The subject of a petitioned warrant article cannot be eliminated (changed) by amendment, but the intent or purpose of the article may be changed by amendment. There is no final vote taken during the deliberative session. Instead, voters will later vote on those articles or the amendments by official secret ballot on election day, when they also chose officers.

When does the town meeting take place?

Towns hold their town meetings on the second Tuesday of March, second Tuesday in April, or the second Tuesday in May.

Towns can vote to hold the business session of their town meeting on a different date. In some towns, voters have voted to coordinate town and school district elections and authorize the governing body to set the date of the business meeting within 2 weeks of the election date.

The board of selectmen (select board) must post a **warrant** at least 14 days prior to town meeting that tells the public when and where the election and meeting will take place.

Who manages town meetings?

The town moderator presides over both town meeting and the town election, while the town select board is responsible for notifying the public of the town meeting and election date(s).

What is the public's role at town meetings?

Town meetings are open to the public. Only registered voters in that town can vote for town officers, debate, and vote on the warrant articles presented to the meeting.

TOWN MEETING PREPARATIONS

What is the warrant and where is it posted?

Before town meeting, your local select board will post a warrant at the town meeting location and in one other public place like the town office bulletin board, local newspaper and/or town website. The warrant will include the following:

- The date, location, and time of the election and the meeting;
- The officers to be elected;
- The articles (questions) to be voted on by voters.

If you live in a town that uses an official ballot system to elect town officers, the warrant will include polling hours and specify which items will be voted on by ballot and which items will be voted on at the business meeting session of the town meeting.

If you live in an SB2 town, the warrant will specify the date, time, and location of the deliberative session; and the date, location, and polling hours for the official ballot voting day - the election.

Filing for office

Any voter interested in serving in a town or school district public office must file a declaration of candidacy with the town clerk or school district clerk between the seventh Wednesday and the Friday of the following week before the town election. Some village districts use this process; however, most nominate and elect officers from the floor of the meeting at their annual business meeting.

Incompatibility of offices

Certain local offices are incompatible. For example, the moderator cannot be the highway agent at the same time. Similarly, no one can hold the positions of town clerk and town treasurer at the same time. A full list of incompatible offices can be found under RSA 669:7.¹

The incompatibility clause does not prevent anyone who's qualified from running for a position that is incompatible with their current position. The town moderator, for example, could run for highway agent. However, if they are elected as highway agent and want to take the position, they must resign as moderator before taking the oath of office and assuming office as highway agent.

Can voters add articles to the warrant?

Yes, voters can petition to add articles to the warrant. Under RSA 39:3, the select board must include any articles submitted by a petition that has been signed by at least 25 voters, or 2

¹ New Hampshire Revised Statutes Annotated are online: <https://www.gencourt.state.nh.us/rsa/html/nhtoc.htm>

percent of registered voters in town, whichever is less (though no fewer than 10 registered voters).

In towns that hold traditional town meetings, the petition must be submitted to the select board no later than the 5th Tuesday before town meeting day.

In towns with either a traditional meeting or SB2 form of meeting, if the petition seeks to amend a zoning ordinance, historic district ordinance, or building code, it must be submitted between 120 and 90 days before the annual meeting. This process is unique to zoning ordinances. RSA 675:3.

In SB2 towns with a March official ballot voting day, petitioned articles must be submitted by the second Tuesday in January. However, if the petition proposes a bond appropriation over \$100,000, it must be submitted by the preceding Friday.

In SB2 towns with an April official ballot voting day, petitioned warrant articles must be submitted by the second Tuesday in February; however, if the petition proposes a bond appropriation over \$100,000, it must be submitted by the preceding Friday.

In SB2 towns with a May official ballot voting day, petitioned warrant articles must be submitted by the second Tuesday in March; however, if the petition proposes a bond appropriation over \$100,000 it must be submitted by the preceding Friday.

How do I register to vote?

You can register to vote in the town election if you are at least 18 years old, a United States citizen, and domiciled in the town in which you wish to vote. Just like state elections, you can register at the supervisor's session held on the Saturday 6 to 13 days before the election, at your town clerk's office any time before the supervisor's session, or at the supervisor of the checklist session held at the polls on election day.

To register, you will need to prove your age, identity, US citizenship, and domicile.

For more information on registering to vote and details on proof of qualifications, read our "New Hampshire Pocket Voter Guide" or for more details "Registering to Vote in New Hampshire" November 2024. Both are available here:

<https://www.sos.nh.gov/elections/register-vote>

Can I vote absentee?

Any town that uses an official ballot system must provide voters who qualify with the opportunity to vote absentee. The absentee ballot request form is available from your town clerk or here: <https://www.sos.nh.gov/elections/absentee-ballots>. Choose "Absentee Ballot Application Local Election." You may request an absentee ballot from your local town clerk if you are unable to attend the town election in person due to any of the following reasons:

- You will be absent from town on election day. This also applies if you have an employment commitment or if you must care for a child or adult and are unable to appear at your polling place during polling hours;
- You have a physical disability or illness that prevents you from voting in person;
- You have a religious observance that prevents you from voting in person.

*If the National Weather Service has issued a winter storm, blizzard, or ice storm warning for your town for election day and you have concerns about traveling safely in the storm, you can also request an absentee ballot on the Monday immediately before the election. The clerk's office must be open for voters to pick up, mark, and return an absentee ballot from at least 3:00 p.m. to 5:00 p.m. on the Monday before a Tuesday election.

In towns that vote on warrant articles by public vote in a meeting and for SB2 deliberative sessions, voters must be physically present to vote.

Under what conditions is town meeting postponed?

The town moderator, after consulting with town officials (if practical), can postpone the date of the town meeting for the following:

- The National Weather Service has issued a weather warning for the town for election day and the town moderator has reason to believe the roads will be hazardous or unsafe.
- An accident, fire, natural disaster, or other emergency has occurred, and the town moderator has reason to believe the election location is unsafe on election day.

The town moderator may postpone the meeting in response to a National Weather Service warning up to 2 hours, but no earlier than 48 hours before the scheduled session

Town budget

The town's budget is a big portion of what is discussed and voted on during town meeting. Prior to town meeting, if your town has adopted an official budget committee, the committee will meet to discuss and draft a proposed budget for the year. The budget contains recommended appropriations and anticipated revenues. Although towns are not explicitly required to have an official budget committee, most do, and others may have an advisory only budget committee. In towns with advisory committees, the select board sets the proposed budget.

All towns are required by law to hold a public budget hearing before the annual town meeting. For traditional town meetings, the hearing must take place at least 25 days before the town meeting. For SB2 towns, the budget hearing must take place on or before the third Tuesday in January for a March annual meeting (this differs for April and May town meetings – see RSA 40:13). The budget committee or appropriate governing body will deliver the final budget and recommendations.

The town's governing body generally specifies whether an individual budget article will have a tax impact. The tax impact is only estimated, however. The budget will be listed as an article on the town warrant. There may be other appropriation articles to be voted on at the meeting.

The town's voters may vote to require that the governing body's and the budget committee's recommendations regarding appropriation articles be printed following each article with the number voting for and against the recommendation.

In SB2 towns, if the proposed budget is not approved by voters, a default budget will take effect unless the governing body (select board) calls a special meeting limited to considering a revised proposed budget.

PROCEDURE – DURING TOWN MEETING

If you live in a town that holds the business and election sessions of the town meeting on different days, make sure you check the warrant ahead of time to find out when and where both sessions take place.

Conduct of town meeting

The town moderator is responsible for establishing rules of order at the beginning of the meeting. If you have questions about the rules of order or any of the articles, you may ask the moderator for permission to speak and ask your question(s). The voters at town meeting can vote to change the rules, or overrule the moderator.

The moderator will typically read each warrant article in full and call on a motion to vote on the article. Once that motion has been seconded, the moderator will open the floor to general discussion.

How to participate

At this point in the process, any qualified voter present can seek permission to speak and debate the motion on the table. Although seldom practiced, RSA 40:7 prescribes "all persons shall be silent at the desire of the moderator, on pain of forfeiting \$1 for each offense, for the use of the town." A disruptive person who continues to be disruptive even after the moderator tells them to stop can be removed from the meeting and barred from returning. RSA 40:8.

After discussion, the moderator will restate the motion, either as originally presented or as amended, and call for a vote. Once the vote is taken, the moderator will announce the outcome.

How to vote during the business/deliberative session

If you are a qualified, registered voter, you can participate in and vote during town meeting. How votes are taken will depend on the town, but the most common methods include:

Voice vote

After the moderator calls on the town meeting to vote on a motion as originally presented or amended, they will ask all those in favor to say either “yes” or “aye”. Then they will ask all those opposed to say “No” or “Nay.” The moderator will listen to determine which side has prevailed and rule as such. If it is unclear who prevailed, the moderator will call for a further vote by one of the following means:

Show of hands

The moderator will ask those in favor of the motion to raise their hands, followed by those opposed. The moderator will determine based on the number of hands which side has prevailed. In some cases, the moderator may have the raised hands in favor counted separately, followed by the raised hands opposed. Many towns issue voters a “voter card” when the voter checks in to participate in the meeting. In those towns, the voter holds up that voter card when the moderator calls for a show of hands vote. This process helps the moderator to ensure only registered voters participate and vote.

Secret ballot

SB2 towns vote on all articles using the same official secret ballot used to elect officers. Official ballots will have either an oval or a square to the right of each candidate’s name and the write-in line. To vote, completely fill in the oval or mark a clear X in the box to the right of the candidate for whom you are voting or the “Yes” or “No” vote you are making. For warrant articles and questions, mark either the “Yes” or “No” oval to the right of the article/question.

In traditional meeting towns, the format of the ballot can vary depending on which ballot system the town has elected to use, but the objective of an unofficial “yes – no” secret ballot is the same: only the voter will know how they have voted. The unofficial “yes – no” secret ballot is typically a small piece of paper printed with “yes” and “no”. Follow the moderator’s instructions. In many towns, the instruction will be to tear the paper in half and cast the half printed with your vote into the ballot box and pocket or throw away the other half. For example, to vote “yes”, you put the half with the word “yes” printed on it into the ballot box. Some moderators instruct voters to circle either “yes” or “no” and then cast the full paper into the ballot box.

At any town meeting in a town that has a population of over 500 people, five voters present at the meeting can request in writing prior to a voice or division vote that the vote be taken by unofficial yes-no secret ballot. In towns with populations equal to or under 500, at least 3 voters must make the request. If the moderator receives such a request, they will conduct the vote by

secret yes-no ballot. The moderator may also choose on their own initiative to use the unofficial secret ballot for voting on any question they deem appropriate.

Voters can request a recount on any vote taken by secret "yes – no" ballot if the difference between the "yes" votes and the "no" votes is less than ten percent of the total votes cast. At least 5 voters must make the request immediately after the moderator announces the result. The moderator must order the recount to take place immediately.

Overruling moderator

For votes that are not taken by secret ballot, if the moderator's declaration of the result is questioned immediately in writing or orally by 7 or more of the present voters before any other business is begun, the moderator or other officer presiding shall retake the vote by secret "yes-no" ballot. RSA 40:4-b.

A voter may make a motion to overrule a moderator's ruling on procedures and process. Once the motion is seconded, the moderator must take a vote of those present. If a simple majority votes in favor of the objection, the moderator's ruling is overruled. However, the town meeting does not have the authority to change state law or force the moderator to disobey the requirements of state law. For example, if the moderator wants to pause (recess or temporarily adjourn) the meeting and the voters want to continue the meeting without pausing, they can make a motion to overrule the moderator.

Election results

Just like state elections, the moderator will announce the official ballot results of the elections after polls close (if applicable) at the polling place/ town meeting location. For votes on warrant article, the results will be announced after the vote is taken.

PROCEDURE – AFTER TOWN MEETING

Recounts

Any person who received a vote at any town election may request a recount by the Friday following the election. Candidates must make the request in writing to the town clerk and pay a fee, based on the following fee schedule prescribed in RSA 669:31:

- (a) If the difference between the vote cast for the applying candidate and the candidate declared elected is less than one percent of the total votes cast, the fee is \$10.
- (b) If the difference is between one percent and 2 percent of the total votes cast, the fee is \$20.
- (c) If the difference is between 2 - 3 percent of the total votes cast, the fee is \$40.

(d) If the difference is greater than 3 percent of the total votes cast, the fee is \$40. The candidate must also agree in writing with the town clerk that they will pay any additional costs of the recount.

| | Difference < 1% | Difference = 1-2% | Difference > 2% | Difference > 3% |
|--------------------|---------------------------|--------------------------|---------------------------|--|
| Recount Fee | \$10 | \$20 | \$40 | \$40 & promise to pay additional costs |

Voters can also request a recount on any question printed on an official ballot that was voted on during town meeting. To request a recount, at least 10 voters must send a recount request in writing to the town clerk no later than 7 days after the town meeting. This pertains to all articles voted on in an SB2 town and only certain articles that are required by law to be printed on official ballots in a traditional town.

The recount fee is \$10. The clerk will notify the first voter who requested the recount of the time and place of the recount at least 3 days before it is scheduled to take place. RSA 40:4-c.

Who conducts recounts?

After receiving the recount request, or appeal, the town clerk will set a date for the recount. Recounts must take place no sooner than 5 days and no later than 10 days after the town clerk receives the recount request.

The town moderator manages the recount with the assistance of the other members of the board of recount – the town clerk and the town select board. If one of the members of the board is a candidate on the ballot, they must recuse themselves from the board. In this case, the moderator will appoint an assistant to take that official’s place on the board. The assistant will take the same oath and serve in the same capacity as the recused official.

How do recounts work?

Recounts are conducted in public with advance notice of the time and place of the recount. At the recount, the town clerk will publicly break the seal and open the box(es) of ballots to be recounted.

Under the supervision of the moderator, the board of recount will proceed to count and inspect each ballot.

When the board has finished counting all the ballots and totaled the votes, it will publicly declare the results and certify its declaration. The town clerk will record the declaration.

If the person declared elected at the recount is the same person declared elected at the election, they may take the oath of office and assume their position after the recount results have been announced.

If a different person is declared elected at the recount than the person declared elected at the election, they may take the oath of office and assume office 6 days following the recount, provided no one appeals the recount results.

Recount appeals

If someone appeals the recount results, the person elected at the recount cannot take the oath nor assume office until the superior court makes its final ruling. The appeal must be filed with the recount town's county superior court within five days of the recount.

*If the appeal involves a multi-seat office, like the planning board, every candidate declared elected and write-in candidate who received at least 5% of the vote must be notified of any appeal made and can choose to take part in the appeal.

Preservation of ballots

At the end of a recount, the clerk must place all the ballots and envelopes in a box and seal it. On the container, they will describe the box's contents, the date, and the reason the box was opened.

Recount refund and additional fees

If the person who requested the recount is declared elected after the recount, the town clerk must refund the fees paid within 10 days of the recount.

If the person who requested the recount loses it by less than one percent of the vote but paid the town clerk more than \$10 according to the fee schedule previously mentioned, the town clerk must refund the difference within 10 days.

Tie Vote

If a town election results in a tie vote, and the candidates involved do not request a recount, the town clerk will determine the winner through "lot". In practice, this could be a coin toss, names out of a hat, or something similar.

Oath of Office

After the recount period has ended, the candidates who have been declared elected must take an oath of office before taking the position. The wording of the oath is prescribed in Part 2, Article 84 of the New Hampshire State Constitution.

Minutes posted

Minutes from the town meeting will be publicly posted within five business days. Most often, they are posted on the town website.

GLOSSARY

Assistant Moderator – the moderator can appoint an assistant moderator who will have the same powers and duties as the moderator, subject to the moderator’s control.

Bond – when towns need funds beyond what they currently have or will receive through tax revenue, they may request voters’ approval to take out a bond. A bond is essentially a loan that is paid back over time. If there is a petition to put a bond appropriation or note issue over \$100,000 on the town meeting warrant, a public hearing must be held in front of the town’s governing body. In traditional towns, bond articles are voted on by Yes/No ballot, and polls must be open for at least one hour. In SB2 towns, the bond article is voted on by official ballot.

Deliberative Session – the first part of the town meeting in an SB2 town. During the deliberative session, voters can vote to amend the articles of the warrant, unless state law prohibits it. However, the final form of all articles will be voted on by official ballot at the election.

Moderator –presides over the town meeting. They decide the questions of order during the meeting, can determine the rules of proceeding, and are responsible for counting the votes and reporting results. Moderators are elected locally by ballot every even-numbered year.

Moderator Pro Tempore – If the moderator is unable to perform their duties and will be absent from the meeting (and does not have an assistant moderator), the supervisors of the checklist or select board (if the town does not have a board of supervisors) will appoint a moderator pro tempore to perform those duties on a temporary basis.

Non-Partisan Official Ballot – also referred to as the “Australian Ballot”, this secret official ballot is used to vote in SB2 towns and to elect officers in traditional towns. The term “Australian Ballot” also refers to any ballot printed by the government for an election, including the state primaries, which are partisan elections.

Select Board/ Selectmen – a select board is the town’s governing body and is comprised of selectmen/women elected to a three-year term by local voters at the annual town meeting. The select board is responsible for posting and distributing the warrant prior to town meeting; managing the prudential affairs of the town; and performing all other duties imposed by law. The select board has limited oversight of other elected officials, but otherwise directly or indirectly supervises other town employees and the operation of the town government. The select board can generally only act by majority vote of the members of the board.

Town Ordinances – also referred to as bylaws, the laws that govern a town (in addition to state and federal law). Bylaws are created to protect and preserve public spaces and institutions, regulate noise, and control garbage disposal, among many functions. Town bylaws can be introduced or amended at town meetings by a warrant article submitted by the select board or by petition in advance of the meeting.

Town Clerk – a locally elected official that is responsible, among other duties, for preparing official ballots for town elections, accepting voter registration applications, reporting the results of meetings and elections, taking custody of ballots following the counting on election night, issuing marriage licenses, registering vital events, and licensing dogs. In many towns, they also serve as a municipal agent for the Division of Motor Vehicles.

Unofficial ballot system – system in which candidates for town officers are nominated by motion at town meeting. Then, voters vote for their preferred candidate using pieces of white paper, uniform in size and weight, provided by the town clerk to the moderator. This system was used historically in most towns but now is most common in small village districts.

Warrant – the warrant is a notice publicly posted prior to town meeting that states the date, location, and time of the election; the officers to be elected; and the questions (articles) to be submitted to voters. If applicable, polling hours and a list of items to be voted on by ballot will also be included. The warrant warns the voter what they will consider at the meeting. Meetings generally cannot take binding votes on questions that are not in the warrant.

WORKS CITED

New Hampshire Statutes Annotated. <https://www.gencourt.state.nh.us/rsa/html/nhtoc.htm>

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