

Current Statute: RSA 40:4

Moderator

40:4 Duties. –

I. The moderator shall preside in the town meetings, regulate the business thereof, decide questions of order, and make a public declaration of every vote passed, and may prescribe rules of proceeding; but such rules may be altered by the town.

II. In the event a weather emergency occurs on or before the date of a deliberative session or voting day of a meeting in a town, which the moderator reasonably believes may cause the roads to be hazardous or unsafe, the moderator may, up to 2 hours prior to the scheduled session, postpone and reschedule the deliberative session or voting day of the meeting to another reasonable date, place, and time certain. The date originally scheduled shall continue to be deemed the deliberative session or voting day of the meeting for purposes of satisfying statutory meeting date requirements; provided, that in towns or districts that have adopted RSA 40:13, the postponement shall not delay the deliberative session more than 72 hours. The moderator shall employ whatever means are available to inform citizens of the postponement and the rescheduled deliberative session or voting day.

Source. Const., Art. 32. RS 33:3. 1847, 490:1. CS 35:3. GS 36:3. PS 42:5. PL 46:4. RL 58:4. RSA 40:4. 1998, 278:1, eff. Aug. 25, 1998.

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Amend RSA 39:2 to read as follows:

39:2 Warrant.

I. The warrant for any town meeting shall be under the hands of the selectmen, and shall prescribe the place, day and hour of the meeting, and, if there is an election at said meeting, in which an official printed ballot containing more than one name is used, the warrant therefor shall prescribe the time the polls are to open and also an hour before which the polls may not close. A town meeting may vote to keep the polls open to a later hour but may not vote to close the polls at an earlier hour than that prescribed by the selectmen hereunder. The subject matter of all business to be acted upon at the town meeting shall be distinctly stated in the warrant, and nothing done at any meeting, except the election of any town officer required by law to be made at such meeting, shall be valid unless the subject thereof is so stated. Provided that in a case where the article in the warrant calls for the appropriation of a specific sum of money, the sum of money appropriated thereunder may be decreased or increased by the vote of the town, provided further that in a town under the municipal budget act no increase shall be valid which would violate the provisions of RSA 32:18, except as provided in RSA 32:18-a.

II. The warrant may also prescribe an alternative day and hour for the meeting in the event it is necessary to postpone the meeting as provided in RSA 40:4, II. If the meeting is conducted in two sessions under the provisions of RSA 39:2-a or RSA 40:13, any notice of alternative dates shall indicate an alternative date for each session. The alternative date for a ballot voting session shall be the Tuesday following the date originally scheduled.

Amend RSA 40:4 to read as follows:

40:4 Duties.

I. The moderator shall preside in the town meetings, regulate the business thereof, decide questions of order, and make a public declaration of every vote passed, and may prescribe rules of proceeding; but such rules may be altered by the town.

II. **(a)** In the event a weather emergency occurs on or before the date of a deliberative session or **ballot** voting [~~day~~] **session** of a meeting in a town, which the moderator reasonably believes may cause the roads to be hazardous or unsafe, the moderator may, up to 2 hours prior to the scheduled session, postpone and reschedule the deliberative session or **ballot** voting [~~day~~] **session** of the meeting to another reasonable date, place, and time certain.

(b) In the event an accident, natural disaster, or other emergency occurs which the moderator reasonably believes may render use of the meeting location unsafe or impractical, the moderator may, at any time prior to the scheduled session, postpone and reschedule the deliberative session or ballot voting session to another reasonable date, place, and time certain.

(c) If the warrant included an alternative date and time for the session, the session shall be postponed to the date and time indicated in the warrant. The date originally scheduled shall continue to be deemed the deliberative session or **ballot** voting [~~day~~] **session** of the meeting for purposes of satisfying statutory meeting date requirements; provided, that in towns or districts that have adopted RSA 40:13, the postponement shall not delay the deliberative session more than 72 hours, ***and in all towns, the rescheduled date for a ballot voting session shall be the Tuesday following the date originally scheduled.*** The moderator shall employ whatever means are available to inform citizens of the postponement and the rescheduled deliberative session or **ballot** voting [~~day~~]

session. The rescheduling of school district elections in multi-town school districts shall be governed by RSA 671:22-a.

III. If the ballot voting session is rescheduled as provided in paragraph II, any absentee ballots that have been issued based on a voter's absence or inability to appear at the polls on the original election date shall remain valid and shall be accepted if properly executed and received by the clerk no later than 5:00 p.m. on the rescheduled election date, regardless of whether the voter is absent or unable to appear at the polls on the rescheduled election date. In addition, voters who satisfy the requirements for voting by absentee ballot on the rescheduled election date may vote by absentee ballot. The clerk shall send absentee ballots in response to verified absentee ballot requests until 5:00 p.m. on the day before the rescheduled election, and all references to the day of the election in the provisions of RSA 657 and RSA 659 related to absentee ballots shall be deemed to refer to the day of the rescheduled election.

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 40:4, II, the election may be postponed and rescheduled in the manner provided in that paragraph for the rescheduling of a town meeting ballot voting session, except that all references to the moderator shall be deemed to refer to the city clerk.

Amend RSA 669:1, I to read as follows:

I. ***Subject to RSA 40:4, II,*** [A]*a*ll towns shall hold an election annually for the election of town officers on the second Tuesday in March, except those towns which have adopted an alternative date under RSA 40:14 or those towns which have adopted the provisions of RSA 31:94-a and have, by majority vote at a previous town meeting, decided to elect officers on the second Tuesday in May.

Amend RSA 671 by inserting the following new section after section 22:

671:22-a. Rescheduling Elections. In the case of a school district that comprises one or more preexisting districts and holds its elections in conjunction with the town elections in the component towns as provided in this subdivision, the town moderators in each town shall, in the event of an emergency described in RSA 40:4, II, use their best efforts to agree on rescheduling the town and school district elections. In the absence of an agreement, if some but not all of the towns reschedule their elections, the school district election shall be conducted in conjunction with the town elections held on separate dates, but no ballots for the school district election shall be counted until the polls close on the rescheduled election date.