CHAPTER 671

School District Elections

General Provisions

671:1 Applicability. The officers of all school districts, including cooperative school districts, shall be elected according to the provisions of this chapter.

671:2 Election Dates. School district officers shall be elected either at the town meeting as provided in RSA 671:22-26 or at an annual meeting of the district held between the dates set forth in RSA 197:1. Notwithstanding any other provision of law, no election for school district officers shall be held in conjunction with the biennial election. The prohibition in this section against holding an election for school district officers in conjunction with the biennial election shall not apply to the election of the board of education members of the Concord union school district as provided in 1961, 355 as amended by 1983, 123, or any successor charter thereto, or to the election of the Laconia board of education members as provided in section 9:01 of the city charter of Laconia as amended by 1975, 357.

671:3 Term of Office. Except as otherwise provided, the term of any officer elected under the provisions of this chapter shall begin upon the officer's election and qualification for office and shall end upon the election and qualification of the officer's successor.

Regular School Districts

671:4 Board. A school district which is not a cooperative school district as defined in RSA 195:l may have a school board of 3, 5, 7, or 9 members, as it shall determine by vote at any annual meeting. They shall serve for a term of 3 years. In so far as possible, an equal number of the members shall be elected at each school district election. Whenever such a district determines to change the number of board members, it shall also determine the number of members to be elected each year. Such change shall not take effect until the school district election in the year next following the one in which the change is voted. The board will increase or decrease in membership so that there will always be an uneven number of members until the desired number is reached. The school board of a district which does not otherwise vote shall have 3 members.

671:5 Auditors. At each district election, each district which is not a cooperative school district as defined in RSA 195:l shall elect one or more auditors. In a district voting to elect 2 or more auditors, their terms shall be staggered so that one auditor shall be elected each year for a term of office of the same number of years as there are auditors; provided, however, that, in the first year, the auditors shall be chosen for varying terms so that the term of one auditor shall expire in the next succeeding year, the term of the second auditor, the next year, and so on for the number of years as there are number of auditors. When voters of the district direct the school board to request an audit independent public accountants from outside the district, they shall not be required to choose auditors for the year covered by said audit.

671:6 Other Officers. Except as provided under RSA 671:6-a, at each school district election, each school district which is not a cooperative school district as defined in RSA 195:1 shall elect a school district clerk, moderator, treasurer, and such optional officers as the voters of the district shall have voted to elect to manage the affairs of the district. The moderator shall take office upon the adjournment of the regular school district meeting held in the year of the moderator's election and upon the moderator's qualification for office, whichever is later. The treasurer shall take office upon the close of the fiscal year for the district and upon the treasurer's qualification for office, whichever is later. An optional officer may not be elected by official ballot until the annual district election first following the establishment of the office. The school district may, by vote, determine to elect a temporary officer or authorize the school board to appoint a temporary officer to serve until the next annual district election.

671:6-a Optional Term. I. At any annual school district meeting under an article in the warrant placed there by petition, the voters may vote to determine if they are in favor of having 2-year or 3-year terms for the school district clerk, moderator and treasurer. If the school district has adopted an official ballot, the clerk shall cause the following question to be printed on said ballot: "Are you in favor of changing the terms of the school district clerk, moderator and treasurer from one year to (here insert option) years, beginning with the terms of the school district clerk, moderator and treasurer

to be elected at next year's regular school district meeting?" Said question shall be printed in the form prescribed by RSA 656:13. If the school district has not adopted an official ballot, the clerk shall cause the same question to be printed upon special ballots which shall be used to determine the vote of the school district. If a majority of those voting on the question vote in favor of 2-year or 3-year terms, at the next annual meeting after the vote of approval, the school district shall elect a school district clerk, moderator and treasurer 2-year or 3-year terms in accordance with the results of such vote.

II. After the 2-year or 3-year terms for school district clerk, moderator and treasurer have been established, at any annual school district meeting held the year before the end of the 2-year or 3-year term, under an article in the warrant placed there by petition, the voters may vote to determine if they are in favor of changing the 2-year or 3-year terms for the school district clerk, moderator and treasurer. If the school district has adopted an official ballot, the clerk shall cause the following question to be printed on said ballot: "Are you in favor of changing the terms of the school district clerk, moderator and treasurer from (here insert term option) years to (here insert term option) year(s), beginning with the terms of the school district clerk, moderator and treasurer who shall be elected at next year's regular school district meeting?" The question shall be printed in the form prescribed by RSA 656:13. If the school district has not adopted an official ballot, the clerk shall cause the same question to be printed upon special ballots which shall be used to determine the vote of the school district. If a majority of those voting on the question vote in favor of changing the terms,, at the next annual school district meeting, the voters shall elect the clerk, moderator and treasurer in accordance with the result of such vote.

III. The terms of the school district clerk, moderator and treasurer shall all be for one year, for 2 years, or for 3 years. The terms of only one or 2 of such officers shall not be changed independently of the other one or 2 officers.

IV. The power of choosing one year, 2-year, or 3-year terms for the school district clerk, moderator and treasurer shall not extend to any other officers of the school district.

671:7 Cooperative School District Planning Committee. Any school district which votes at any annual or special district meeting to create a cooperative school district planning committee under RSA 195:18 shall elect the members of said committee as provided in RSA l95:l8.

Cooperative School Districts

671:8 Composition of Cooperative School Boards. The number, composition, method of selection, and terms of members of cooperative school boards shall be as provided in the by-laws or articles of agreement of the cooperative school district, as the case may be; in accordance with RSA 195:19-a.

671:9 Reapportionment. Any cooperative school district organized under any of the provisions of RSA 195 or pursuant to any special act may at any regular or special meeting vote to change the number, composition, method of selection, and terms of office of members on the board of the district in accordance with the provisions of RSA 195:19-b.

671:10 Budget Committee Members. The voters of any cooperative school district which has voted at a previous meeting to elect a budget committee under RSA 195:12-a shall elect members of the budget committee as provided in RSA 195:12-a.

671:11 Moderator. Except as provided under RSA 671:11-a, at every school district election, a cooperative school district shall elect a moderator and such other officers as the voters of the district have voted to elect to manage the district's affairs. Any optional officers shall be chosen as provided in RSA 671:6.

671:11-a Optional Term for Moderator. I. At any annual school district meeting under an article in the warrant placed there by petition, the voters may vote to determine if they are in favor of having 2-year or 3-year terms for the moderator. If the school district has adopted an official ballot, the clerk shall cause the following question to be printed on said ballot: "Are you in favor of changing the term of the moderator from one year to (here insert term option) years, beginning with the term of the moderator to be elected at next year's regular school district meeting?" Said question shall be printed in the form prescribed by RSA 656:13. If the school district has not adopted an official ballot, the clerk shall cause the same question to be printed upon special ballots which shall be used to determine the vote of the school district. If a majority of those voting on the question vote in favor of 2-year or 3-year terms, at the next annual meeting after the

vote of approval, the school district shall elect a moderator for a 2-year or 3-year term in accordance with the results of such vote.

II. After the 2-year or 3-year term for moderator has been established, at any annual school district meeting held the year before the end of the 2-year or 3-year term, under an article in the warrant placed there by petition, the voters may vote to determine if they are in favor of changing the 2-year or 3-year term for the moderator. If the school district has adopted an official ballot, the clerk shall cause the following question to be printed on said ballot: "Are you in favor of changing the term of the moderator from (here insert term option) years to (here insert term option) year(s), beginning with the term of the moderator who shall be elected at next year's regular school district meeting?" The question shall be printed in the form prescribed by RSA 656:13. If the school district has not adopted an official ballot, the clerk shall cause the same question to be printed upon special ballots which shall be used to determine the vote of the school district. If a majority of those voting on the question vote in favor of changing the term, at the next annual school district meeting, the voters shall elect the moderator in accordance with the result of such vote.

III. The term of the moderator shall be for one year, 2 years, or 3 years.

IV. The power of choosing one-year, 2-year, or 3-year terms for the moderator shall not extend to any other officers of the school district.

671:12 First Meeting. The organizational meeting of a cooperative school district shall be conducted in accordance with RSA 195:18, IX.

671:13 Area School Planning Committee. Any school district which votes at any annual or special meeting to create and to elect an area school planning committee under RSA 195-A:3 shall, at the same meeting, elect the members of said committee.

671:14 Qualifications. Any person domiciled in the school district who is qualified to vote as provided in RSA 654:1 through 654:6 and who is on the school district checklist shall be entitled to vote at any school district election.

671:15 Checklist. An updated checklist shall be used at all school district elections and meetings for the same purposes as checklists are used by towns as provided in RSA 669:5. Any school district which is coextensive with the town in which it is located may, at an annual meeting under an article in the warrant for such meeting, vote to adopt as the checklist for school meetings the checklist of the town. In case of such adoption, the supervisors of the town checklist, acting as supervisors of the school district checklist, shall correct, certify and post the checklist for the district as provided in RSA 654:25-654:31. The session required to be held 10 days before the school district meeting or election may coincide with the session for correction held for the town meeting or election provided that the school meeting or election coincides with the town meeting or election. If the school meeting or election is held at a time other than the town meeting or election, a separate session for correction of the checklist shall be required to be held 10 days prior to the school district meeting or election.

671:16 Checklists in Other Districts. In any school district which has not adopted the town checklist, the school board, acting as supervisors of the checklist for the school district, shall assume all the duties the supervisors of the checklist have in RSA 671:15.

671:17 Special Provisions for Cooperative School Districts. I. At the organizational meeting of the cooperative school district, the checklists for each pre-existing district shall be used in accordance with RSA 195:19-c. The school board of any pre-existing district which does not have a checklist shall make a list of the legal voters in the district for use at such meeting as supervisors are required to do in towns as provided in RSA 654:25-654:31. Thereafter, the cooperative school board shall make, correct and post a list of the legal voters of the cooperative school district acting as supervisors are required to do; except that such list shall indicate with respect to each voter the pre-existing district in which the voter is domiciled. Notwithstanding the foregoing provisions, whenever each of the pre-existing school districts is coextensive with the town in which it is located, the cooperative school district may, at an annual cooperative school district meeting, under an article in the warrant for such meeting, vote that the supervisors of each town, acting as the supervisors of the cooperative school district, shall make, correct and post in each pre-existing district a checklist of the voters in each pre-existing district and shall certify to the same acting as supervisors of the cooperative school district and shall attend the

cooperative school district meeting. At each cooperative school district election, the checklists prepared by the supervisors in each pre-existing district in accordance with this section shall be used.

II. An updated checklist shall be used at all cooperative school district elections and meetings for the same purposes as checklists are used by towns as provided in RSA 669:5.

III. Notwithstanding any other provision of law, any registered voter on a town or city checklist, domiciled within a cooperative school district, shall be eligible to vote at any cooperative school district election or meeting in the district where the voter is domiciled. The supervisors of the checklists for the various cities and towns within a cooperative school district shall make an appropriate notation on their respective checklists with respect to which school district a registered voter is entitled to vote in.

IV. Notwithstanding any other provision of law, any cooperative school district, which uses the checklists of the cities and towns within the district for an election or meeting pursuant to paragraph III, shall not be required to maintain a separate school district checklist or conduct sessions of the supervisors of the checklist.

Nominations

671:18 Qualifications. To become a candidate for any school district office, a person must be a registered voter in the district. No person holding the office of member of the school board shall at the same time hold the office of district moderator, treasurer, or auditor. No person employed on a salaried basis by a school administrative unit or by any school district within a school administrative unit shall be a school board member in any district of the school administrative unit. Salaried positions shall include, but are not limited to, the following: teacher, custodian, administrator, secretary, school bus driver (if paid by the district), school lunch worker and teacher's aide.

671:l9 Filing. All the provisions of RSA 669:19-669:22 relative to filing for office and withdrawal of candidacy for a non-partisan town election shall apply to school district elections except that in those statutes where there is a reference to a town or a town clerk, it shall be read to refer to a school district or a school district clerk.

Preparation of Ballots

671:20 By School District Clerk. The school district clerk shall prepare ballots for school district elections in the same manner as town clerks for non-partisan town elections, as provided in RSA 669:23 and 669:24, except that the ballot shall be of a different color than any other ballot used at the election.

Absentee Voting

671:21 Absentee Voting. I. A school district shall provide for absentee voting in the same manner as towns as provided in RSA 669:26-669:29 except that all duties performed therein by the town clerk shall be performed by the school district clerk.

II. Notwithstanding the provisions of paragraph I, if any school district votes to elect its district officers by separate ballot at the town election as provided in RSA 671:22, II, then for either the town election or the school district election an application for an absentee ballot shall be sufficient in order to receive an absentee ballot for both the town election and the school district election. If a town adopts the provisions of RSA 67l:22, II, all forms relative to applications for absentee ballots, all absentee ballots, and all returns of absentee ballots shall be made only available at and only returnable to, as applicable, the office of each town clerk of each town comprising the school district.

III. Each town clerk shall make facilities in his office available for the school district clerk to perform his school district functions in connection with absentee voting. It shall be the duty of the school district clerk to post a notice at his office informing voters that all absentee voting procedures for school district elections shall be handled only through the town clerk's office.

Conduct of Election: Coordination with Town Election

671:22 Election at Town Meeting. I. As used in this section, the words, "any school district" shall mean (a) a school district which is coextensive with the town in which it is located, or (b) a cooperative school district composed of pre-existing districts which were each coextensive with the towns in which they are located, or (c) a cooperative school district which is composed of a pre-existing cooperative district as defined in (b) and other school districts as defined in (a).

II. Any school district as defined in paragraph I may at any annual or special meeting under an article in the warrant for such meeting vote to elect its district officers by separate ballot at the town election in such town, and may rescind such action in like manner. Such action shall not take effect until the calendar year next following the year in which such vote is taken. The newly elected officers shall take office at the close of the town meeting at which they are elected; provided, however, that if the annual school district meeting is held subsequent to this town meeting, they shall take office at the close of the annual school district meeting and that the treasurer shall take office at the close of the fiscal year of the school district.

III. Nothing herein shall preclude other appropriate coordination of school district and town elections consistent with all the applicable requirements of law where school district and town meetings are simultaneously in session and school districts have duly voted to adopt as official for school district purposes the town checklist, polling place, and election machinery.

IV. Nothing in the provisions for election of school district officers at town meetings shall be construed as affecting any city charter, nor is a city authorized to adopt the provisions hereof.

671:23 Warrant. Where a school district has voted to elect its district officers at the town election, the school board shall post a special warrant for the election of such officers, as provided in RSA 671:27.

671:24 Checklist. If it has not already done so, the school district shall, simultaneously with its vote to elect its district officers at the town election, be deemed to have adopted the checklist of the town in accordance with RSA 671:15.

671:25 Duties of Clerk of School District. The clerk of the school district shall prepare the official ballots for his district as provided in RSA 671:20 and shall deliver the same to the town moderator before the opening of the polls at the town election. The ballots shall be of a color different from that of any other ballot being used at the town election.

671:26 Counting Ballots. The town election officials shall act in like capacity for the school district in conducting the school district election. After the close of the polls, the town election officials shall turn all school district ballots over to the moderator of the school district, who shall then proceed to count said ballots publicly with the assistance of such legal voters of the district as he shall appoint. Provided, however, that, in the case of cooperative school districts, the town election officials, immediately after the close of the polls, shall count the ballots for school district officers and, within 24 hours, forward to the school district clerk a list of the number of votes received by each candidate for school district office. The list shall be signed by the town clerk and witnessed by the town moderator. Upon receipt of said list, the cooperative school district clerk shall record the results from each town and shall, when the results from all towns within the district have been recorded, determine and announce the names of the winning candidates.

671:26-a Coordinating Certain Town and School District Elections. To facilitate voting for future annual meetings, to reduce costs, and to best accommodate the voters of the town, the legislative body of a town, which has not adopted the official ballot referendum form of meeting, although the school district has adopted the official ballot referendum form of meeting, may authorize coordination of future town elections with the school district elections. The joint elections shall be held at a time and place determined by, and shall be supervised by, the election officials of the town, as provided in RSA 671:26. The town and the school board shall allocate the costs of the joint elections in the same manner as in previous years, or as mutually agreed upon by the governing body of the town and the school board.

Conduct of Election: Elections at School District Meeting

671:27 Posting Warrant. A warrant for the school district election shall be posted by the school board, in the same manner as the selectmen for town elections as provided in RSA 669:2; provided that, in a cooperative school district, a copy of the warrant shall be posted in at least one public place in each pre-existing district, as well as at the place of meeting. If a school board shall unreasonably neglect or refuse to warn an election, a justice of superior court, upon petition of 10 or more voters, or 1/10 of the voters of the district, whichever is less, may issue such warrant and cause it to be posted.

671:28 Inspectors. The school board of each school district, at some time prior to the school district election each year, may appoint 4 inspectors of election as additional election officers to act with the clerk, moderator and school board. If the number of voters qualified to vote at an election shall exceed 2,000, the school board may appoint for such election 2 additional inspectors for each additional 2,000 qualified voters or fraction thereof. If the number of voters qualified to vote at any school district election shall exceed 4,000, the school board may appoint such additional inspectors as they may deem necessary for the efficient conduct of the election, so long as the total number of election officials shall not exceed 24. The inspectors shall be qualified voters at said election. They shall assist the school district moderator in counting votes for school district officers and questions.

671:29 Additional Polling Places for Cooperative School Districts. The board of a cooperative school district may authorize the establishment of additional polling places within the building wherein the annual meeting is held. Said additional polling places shall be equipped and laid out in the same manner as the central polling place, and shall be supervised by the election officials of the several towns as provided in RSA 671:26.

671:30 Non-Partisan Ballot System. Every school district in the state, except one having a special statute relative to election of its district officers, shall use the non-partisan ballot system for the election of district officers, in the same manner as in towns as provided in RSA 669:19-669:25, except that all references to towns or town clerks shall be read to refer to school districts or school district clerks.

671:31 Reports by Clerk. The clerk of every school district, after the annual meeting, shall forthwith report the names and post offices addresses of all school district officers to the commissioner of revenue administration and to the commissioner of education. If any school district officer has not been chosen or appointed at that time, the school district clerk shall promptly make like reports when such officer is chosen or appointed so that the commissioner of revenue administration and the commissioner of education shall at all times be informed of the names and mailing addresses of all school district officers.

Post-Election Procedure

671:32 Recount; Tie Vote. Tie votes and recounts in school district elections shall be handled in the same manner as in town elections as provided in RSA 40:4-c and 40:4-d and in RSA 669:30-669:36, except as specified herein:

I. The school district clerk shall have all the duties and powers of the town clerk;

II. The board of recount shall be composed of the school district clerk, the school district moderator, and the members of the school board. The school district moderator shall be the chairperson of the board of recount; and

III. The fee for the recount shall be paid to the school district clerk for the use of the school district.

671:33 Vacancies. I. Vacancies among members of cooperative or area school planning committees shall be filled by the moderator for the unexpired term.

II.(a). The school board shall fill vacancies occurring on the school board, except as provided in subparagraph (b), and in all other district offices for which no other method of filling a vacancy is provided. Appointees of the school board shall serve until the next district election when the voters of the district shall elect a replacement for the unexpired term. In the case of a vacancy of the entire membership of the school board, or if the remaining members are unable, by

majority vote, to agree upon an appointment, the selectmen of the town or towns involved shall appoint members by majority vote in convention.

(b) In a cooperative school district, the remaining school board members representing the same town or towns as the departed member shall fill a vacancy on the school board, provided that there are at least 2 such members. If there are less than 2 remaining members on the cooperative school board representing the same town or towns as the departed member, or if the remaining members are unable, by majority vote, to agree upon an appointment, the selectmen of the town or towns involved shall fill the vacancy by majority vote in convention. If the selectmen are unable to fill the vacancy then the cooperative school district moderator shall make the appointment. A member appointed to fill a vacancy under this subparagraph shall serve until the next district election when the voters of the district shall elect a replacement for the unexpired term.

III. Vacancies in the office of moderator shall be filled by vote at a school meeting or election, provided that, until a replacement is chosen, the school district clerk shall serve as moderator.

IV. Vacancies occurring on the budget committee of a cooperative school district shall be filled by appointment made within 5 days by the budget committee, or by the chairperson of the cooperative school board if the vacancy is that of a member appointed from the school board.