

CHAPTER 39

TIME FOR HOLDING TOWN MEETINGS AND WARNING THEREOF

39:1 Meetings, When Held. A meeting of every town shall be held annually on the second Tuesday of March, or in accordance with RSA 40:13 if that provision is adopted in the town, for the choice of town officers and the transaction of all other town business. A town meeting may be warned by the selectmen, when, in their opinion, there shall be occasion therefor. In no event shall a special town meeting be held on the biennial election day.

39:1-a Towns Adopting a Fiscal Year. Notwithstanding the provisions of RSA 39:1 any town which adopts a fiscal year accounting period pursuant to RSA 31, may by majority vote, hold its annual town meeting on the second Tuesday of May for the selection of town officers and the transaction of all other town business. A meeting shall be warned by the selectmen, when in their opinion, there shall be occasion therefor.

39:1-b Meetings Outside Town. I. A town may hold its town meeting outside the geographical boundaries of the town, if the town does not have a facility with a large enough seating capacity to accommodate the meeting.

II. Warrants and other items required to be posted shall be posted for review by qualified voters at the place of the meeting on the day of the meeting.

III. The selectmen of the town shall arrange transportation, for those voters who need it, from the usual polling place in the town to the out-of-town facility and back to the usual polling place.

IV. The out-of-town meeting shall be held in an adjacent town or nearest appropriate facility.

39:1-c Updated Checklist. An updated checklist shall be used at all town meetings and elections as provided in RSA 669:5.

39:2 Warrant. 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 hereunder 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.

39:2-a Optional Provisions. I. Any town may at an annual meeting vote to conduct the choice of town officers elected by an official ballot and other action required to be inserted on said official ballot on the second Tuesday of March or on the second Tuesday of May if the town has adopted the provisions of RSA 31:94-a and authorize the selectmen to choose another day for the second session of the town meeting for the transaction of all other town business. Upon written application of 25 or more voters, addressed to the selectmen, the following question shall be submitted to the voters at such annual meeting: "Do you approve of having 2 sessions for the annual town meeting in this town, the first session for choice of town officers elected by an official ballot and other action required to be inserted on said official ballot and the second session, on a date set by the selectmen, for transaction of other business?" This question shall appear upon the official ballot in towns having such a ballot, otherwise upon a special ballot prepared by the town clerk. Proper provision shall be made on the ballot to permit the voter clearly to indicate his choice on the question. If a majority of the legal voters present and voting on the question vote in the affirmative, the provisions of this section shall be declared adopted. In any town adopting the provisions hereof the warrant for an annual meeting held hereunder shall prescribe the place, day and hours of each session of said meeting and said warrant shall be posted as required for any town meeting. In a town which has adopted the provisions of this section no business other than the election of town officers elected by an official ballot and other action required to be inserted on said official ballot shall be taken up at the first session of said meetings.

A town which has adopted the provisions hereof may rescind such action in the same manner as provided for its adoption. The question in this case shall be: "Shall the provisions for having 2 sessions of the annual town meeting be declared no longer in effect in this town?"

II. Alternatively, a town may conduct its meetings and the election of officers through use of the official ballot by adoption of the provisions of RSA 40:13.

39:2-b Time Polls Open. The warrant for any town meeting shall provide that polls at the additional polling place, if any, shall open at the same time as the polls at the central polling place.

39:3 Articles. Upon the written application of 25 or more registered voters or 2 percent of the registered voters in town, whichever is less, although in no event shall fewer than 10 registered voters be sufficient, presented to the selectmen or one of them not later than the fifth Tuesday before the day prescribed for an annual meeting, the selectmen shall insert in their warrant for such meeting the petitioned article with only such minor textual changes as may be required. Such corrections shall not in any way change the intended effect of the article as presented in the original language of the petition. For the purposes of this section, the number of registered voters in a town shall be the number of voters registered prior to the last state general election. The right to have an article inserted in the warrant conferred by this section shall not be invalidated by the provisions of RSA 32. In towns with fewer than 10,000 inhabitants upon the written application of 50 or more voters of $\frac{1}{4}$ of the voters in town, whichever is fewer, and in towns with 10,000 or more inhabitants upon the written application of 5 percent of the registered voters in the town, so presented not less than 60 days before the next annual meeting, the selectmen shall warn a special meeting to act upon any question specified in such application. The checklist for an annual or special town meeting shall be corrected by the supervisors of the checklist as provided in RSA 654:25-31. Those persons qualified to vote whose names are on the corrected checklist shall be entitled to vote at the meeting. The same checklist used at a recessed town meeting shall be used at any reconvened session of the same town meeting. In no event shall a special town meeting be held on the biennial election day.

39:3-a Time for Presentation of Articles. [Repealed Ch.59, Laws of 1969]

39:3-b Penalty. A board of selectmen is guilty of a violation if it refuses to insert an article in the warrant, after being petitioned to do so in accordance with RSA 39:3.

39:3-c Limitation. Any petitioned article, which if adopted, would abolish a planning board, or zoning commission shall not be included in the warrant, unless such petition meets the requirements established by RSA 673:18, II.

39:3-d Placement of Articles on Official Ballot. I. No article included in a warrant for a town meeting may be considered by placing a question on the official ballot used for election of town officers unless use of the official ballot for that article or type of article is specifically authorized or required by law.

II. For purposes of this section and RSA 40:4-e:

(a) Any law which requires a ballot vote on an article, and which uses the term "official ballot", shall be deemed to require the use of the official ballot for voting on that article, in towns which use the official ballot for the election of officers.

(b) Any law which prescribes the wording of a question, but where the term "official ballot" is not used, shall be deemed to authorize, but not require, the use of the official ballot for that question, unless a contrary intent is specified. If the official ballot is not used for voting on such a question, the prescribed wording shall be placed in the warrant, and may also be placed upon a preprinted ballot to be acted upon in open meeting in the same manner as a secret "yes-no" ballot under RA 40:4-a.

III. this section shall not prohibit the use of secret written ballots at any town meeting pursuant to RSA 40:4-a or 4-b.

IV. Articles concerning the issuance of bonds or notes shall not be placed on the official ballot, unless the municipality has adopted a charter provision authorizing that votes on the issuance of bonds or notes shall be placed on the official ballot or unless the municipality has adopted the provisions of RSA 40:12-14..

V. Notwithstanding paragraph IV, in the town of Bedford, articles concerning the issuance of bonds or notes shall be in accordance with Bedford's Town Charter, Article 1-5 Finance, Paragraph 1-5-11 Borrowing Procedure.

39:4 Special Meetings. The selectmen when calling a special town meeting shall, within one week after posting the warrant therefor, cause copy of said warrant to be published once in a newspaper of general circulation in said town.

39:5 Posting Warrant. The selectmen may address their warrant to the voters of the town, in which case they shall post an attested copy of such warrant at the place of meeting, and a like copy at one other public place in the town, at least 14 days before the day of meeting. The 14 days shall not include the day of posting nor the day of the meeting, but shall include any Saturdays, Sundays and legal holidays within the said period.

39:6 Warrant to Constable. Warrants for town meetings may be directed to a constable of the town, requiring him to notify the voters; and such constable shall post an attested copy of such warrant, as provided in the preceding section.

39:7 Return of Warrant. The selectmen or the constable serving any warrant shall return the same, at the time and place of meeting, with a certificate of the service thereof, to the town clerk, or, in his absence, to one of the supervisors.

39:8 Selectmen's Power. In case of the death or removal of any of the selectmen of a town the major part of those who remain in office shall have power to warn meetings.

39:9 Warning, Upon Neglect. If the selectmen unreasonably neglect or refuse to warn a meeting, or to insert any article in their warrant, a justice of the superior court, upon application in writing of 25 or more voters or of 1/6 of the voters of such town, may issue a warrant for such meeting, or order the insertion of an article in the warrant.

39:10 Warning by Justice: Other Cases. If the biennial or annual meeting in any town shall not have been held, or if there has never been any legal meeting of the town; or if, by reason of death, removal from the town, disability or resignation of the board of selectmen, no member of the board remains in office, a justice of the superior court, on application of 25 voters, or of 1/6 part of the voters of the town, may issue a warrant for such meeting.

39:11 Warrant of Justice. The warrant of a justice of the superior court for a town meeting shall be under his hand, directed to the sheriff or a deputy sheriff of the county in which the town is situate; it shall specify the time, place and object of such meeting and shall be served and returned in the same manner as warrants issued by selectmen.

39:12 Other Warning. Any town may, by vote, prescribe a different method of warning meetings; and the meetings warned in pursuance of such vote shall be legal and valid.

39:13 Penalty for Failure to Give Notice. If the selectmen neglect to issue a warrant for any town meeting or town election or neglect to cause copies of such warrant, if not directed to a constable, to be duly posted, or notice of such meeting or election to be given agreeably to any vote of the town, they shall for each offense be guilty of a violation and any fines collected shall be remitted to the town.

39:14 Adjournment Date Falling on Sunday. Whenever any adjournment of any town meeting shall fall upon a Sunday, it shall be held on the next secular day thereafter, at the same time and place, and the proceedings thereon at that time shall be of the same force and validity as if the meeting had been adjourned thereto.