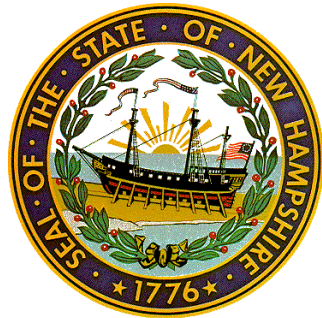


# Municipal Election Postponement 2019 Election Law Changes



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# Postponement of Municipal Elections

## RSA 669:1

SB 104, 2019, authorizes a Moderator to postpone a municipal election under limited circumstances:

- National Weather Service issues a weather event warning for election day, which the Moderator reasonably believes may cause the roads to be hazardous or unsafe; or
- Accident, fire, natural disaster, or other emergency which may render site/building to be used for the election unsafe

## **Postponement of municipal annual meetings/elections RSA 40:4**

The authorization in RSA 669:1 is also repeated in RSA 40:4.

The municipal election is referred to in the statute as the “official ballot voting day.”

“(b) In the event of a weather or other emergency as described in RSA 669:1 that occurs on or before the date of an official ballot voting day as defined in RSA 652:16-g, which the moderator reasonably believes may cause the roads to be hazardous or unsafe, the moderator may postpone the session in accordance with RSA 669:1 and RSA 669:1-a.”

# Postponement of Municipal Elections

## RSA 669:1, V (a)

To the extent practical, the Moderator shall consult with:

- Governing body;
- Clerk;
- Police, Fire, Road Agent, and/or Emergency Management Director as appropriate.

The Moderator shall document the decision to postpone the election and shall notify the Secretary of State by phone or e-mail within 2 hours of making the decision. If the notification is on behalf of more than one town (multi-town school district, etc.) include information on all towns being postponed.

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## **Postponement of Municipal Elections**

### **RSA 669:1, V (b)**

When a ballot to be used at an election which has been postponed contains questions that are to be voted on simultaneously by more than one town, such as those relating to village, school, or water districts, the postponement of an election shall apply to all towns voting on that issue at the election.

The moderators of the towns involved, after consultation with respective town officials, shall communicate with each other to reach a consensus on the postponement. In such instances, one of the moderators shall be selected to document the communications and notify the secretary of state.

If a consensus cannot be reached, the election shall be postponed if a majority of the moderators vote to postpone.

# **Postponement of Municipal Elections**

## **RSA 669:1, V (c & e)**

The decision to postpone shall be made on the day immediately prior to the election at any time before 6:00 p.m.

If a special state election is scheduled for the date of the town election, this section shall not apply (the election may not be postponed).

# Conduct of Postponed Town Elections

## RSA 669:1-a

- Postponed election to be held on the Tuesday 2 weeks following the original date.
- All related deadlines are extended the same 2 weeks.
- No additional session of the Supervisors before the postponed election is required.
- If the postponed election follows the business meeting, the Moderator's term is extended through the completion of all election day duties or until the qualification of a successor, whichever is later.
- School district elections coordinated with or held in conjunction with the town election are subject to this section.

# Conduct of Postponed Town Elections

## RSA 669:1-a

The Moderator and Governing body shall employ all reasonable means to notify voters:

- Of the postponement;
- The new date for the election;
- How to obtain an absentee ballot if the voter qualifies to vote absentee on the new election date.

If practical notices shall be posted at the:

- Location of the election;
- Municipal offices;
- Website of each unit of government (town(s), school(s), village district, whose election is postponed.



# Conduct of Postponed Town Elections

## RSA 669:1-a, VI.

- The ballots prepared for the original date are to be used at the postponed election, notwithstanding that they will have the earlier date on them.
- The clerk shall include with all absentee ballots issued on or after the original date of the election a notice explaining the deadline for returning absentee ballots for all absentee ballots issued for the postponed election:
  - 5 PM on the day before the postponed election (Clerk's office must be open at least from 3PM to 5PM); or
  - If delivered by a delivery agent to the clerk at the polls on the new election day, by 5PM.

## Conduct of Postponed Town Elections RSA 669:1-a, VII.

If otherwise properly submitted and the voter has not voted in person, count:

- All absentee ballots submitted that would have been counted on the date of the original election,
- All absentee ballots submitted for the original date of the election which arrive after that date, but before 5:00 p.m. on the date of the postponed election; and
- All absentee ballots submitted to be counted at the postponed election.

If the voter has not voted in person before absentee ballots are cast, count an absentee ballot submitted for the original election date even though the voter is present in town/able to appear at the polls at the rescheduled election. RSA 669:1-a, IX.

# Conduct of Postponed Town Elections RSA 669:1-a, VIII.

## Absentee ballots available at the Polling Place on Original Election Day

To the extent practicable, the town clerk may decide to be at the location of the originally scheduled election, during what would have been normal polling hours, to receive applications for absentee ballots, to provide voters the opportunity to complete absentee ballots, and to receive returned ballots.

The town clerk may designate a deputy clerk or assistant to provide this service, provided the individual has taken an oath of office and has been trained in the requirements for using an absentee ballot and the procedures for issuing and receiving absentee ballots.

## **Postponement of municipal annual business meeting RSA 40:4**

II. (a) If the National Weather Service issues a weather event warning applicable to a town on the date of a deliberative session or business session of a town meeting, which the moderator reasonably believes may cause the roads to be hazardous or unsafe, the moderator may, up to 2 hours but not more than 48 hours prior to the scheduled session, postpone and reschedule the session of the meeting to another reasonable date, place, and time certain. If an accident, natural disaster, or other emergency occurs which the moderator reasonably believes may render use of the meeting location unsafe, the moderator may, at any time prior to the scheduled deliberative or business session, postpone and reschedule the session to a date, place, and time certain.

## **Postponement of municipal annual meetings/elections**

### **RSA 40:4**

To the extent practical, prior to making a decision to postpone, the moderator shall consult with the governing body, the clerk, and as appropriate for the circumstances the police chief, the fire chief, the road agent, and the local emergency management director. The moderator shall employ whatever means are available to inform citizens of the postponement and the rescheduled date or dates.

## **Postponement of municipal annual meetings/elections**

### **RSA 40:4**

(c) The date originally scheduled shall continue to be deemed the deliberative session, business session, or official ballot 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.

## **Postponement of municipal annual meetings/elections RSA 40:13, VII**

The second session of SB2 town meetings, the election, may also be postponed in accordance with RSA 40:4, II(b) and RSA 669:1.

City elections, governed by RSA 44:11, may be postponed in the manner provided for in RSA 669:1, except that the authority of the moderator is vested in the City Clerk.

## **Postponement of municipal annual meetings/elections RSA 652:16-g “Official Ballot Voting Day”**

The day generally understood as “election” day is defined in this new law:

“Official ballot voting day” means the day on which voters in a town vote on the election of officers or other questions authorized by law to be voted on by official ballot, or both, in compliance with the procedures for elections for the partisan official ballot system as set forth in RSA 669:12 or the nonpartisan official ballot system as set forth in RSA 669:19 through RSA 669:22, RSA 670:5 through RSA 670:7, and RSA 671:20 through RSA 671:30, including all requirements pertaining to absentee voting, the polling place, and polling hours.”



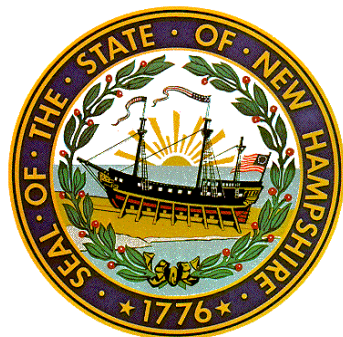
## **Voter Registration During the Two Week Postponement**

During the two week postponement period a clerk may not take in-person voter registration applications. The period during which applicants cannot register in person with the clerk is one of the deadlines that are extended for two weeks when a decision is made to postpone the election.

A person who will be voting absentee at the postponed election may, however, apply for absentee voter registration during the two week period. This typically would be a person who planned to register and vote at the polls on the date of the scheduled election. The person will be absent on the date of the postponed election. The clerk must retain the completed absentee voter registration package and provide it to the supervisors on election day. The supervisors treat this as an election day registration. The absentee ballot is counted if the supervisors approve the application.

## **Postponing School / Village District Elections**

Town Moderators shall coordinate postponing School District and/or Village District Elections held in conjunction with a town election. RSA 670:1-a; RSA 671:22-a.



# Thank you!



If you have questions after today's presentation, please contact the Elections Division Help Desk

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