

CHAPTER 292
HB 422 – FINAL VERSION

08Jan2014... 2251h
04/24/14 1439s
04/24/14 1555s
4Jun2014... 1998CofC
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2014 SESSION

13-0557
08/03

HOUSE BILL **422**

AN ACT relative to the adoption, revision, and amendment of municipal charters.

SPONSORS: Rep. F. Rice, Rock 21; Rep. Emerick, Rock 21; Rep. Cushing, Rock 21; Rep. Muns,
Rock 21; Sen. Stiles, Dist 24

COMMITTEE: Municipal and County Government

ANALYSIS

This bill revises the process for the adoption, revision, and amendment of municipal charters.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT relative to the adoption, revision, and amendment of municipal charters.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 292:1 Municipal Charters; Definitions. Amend RSA 49-B:2, IV, to read as follows:

2 IV. In this chapter:

3 (a) [~~Amendment~~] means the enactment or repeal of a single section or subsection of a
4 charter pertaining to any one subject matter, and any related section the meaning or operation of
5 which is changed as a result of the enactment or repeal.

6 ~~(b)~~ (b) "Elected body" means the mayor and board of aldermen, mayor and council, and city
7 council in a city adopting a charter under RSA 49-C and a town council or representative town
8 meeting in a town adopting a charter under RSA 49-D.

9 ~~(c)~~ (b) "Governing body" means the board of selectmen, the board of aldermen, or the
10 council in a city or in a town with a town council.

11 ~~(d)~~ (c) "Legislative body" means a town meeting, representative town meeting, city or
12 town council, mayor and council, and mayor and board of aldermen.

13 ~~(e)~~ (d) "Municipality" means a city or a town.

14 ~~(f)~~ (e) "Municipal officers" means the mayor and board of aldermen, mayor and council,
15 and city council in a city, and board of selectmen and town council in a town.

16 ~~(g)~~ (f) "Municipal year" means the fiscal year of the municipality.

17 ~~(h)~~ (g) "Operating budget" means total appropriations, as determined by the
18 department of revenue administration, exclusive of county and school taxes; principal and interest
19 payments on bonds and notes; and amounts in satisfaction of court judgments.

20 ~~(i)~~ "Revision" means multiple changes in the basic form of government proposed by
21 several enactments or repeals.

22 ~~(j)~~ (h) "Revocation" means the repeal of an entire charter such that the resultant form
23 of government is the form in existence immediately prior to the adoption of the charter being
24 repealed.

25 292:2 Procedures for Submitting Question of Establishing Charter Commission to Voters. RSA
26 49-B:3 through RSA 49-B:6 are repealed and reenacted to read as follows:

CHAPTER 292
HB 422 – FINAL VERSION
- Page 2 -

Adoption of Municipal Charter

49-B:3 Procedures for Submitting Question of Establishing Charter Commission to Voters.

I. In any municipality not operating under a charter governed by RSA 49-C or RSA 49-D, the municipal officers may determine that adoption of a municipal charter is necessary and, by order, submit the question of establishment of a charter commission to the voters as provided in this section; or

II. On the written petition of 25 or more registered voters or 2 percent of the registered voters in the municipality, whichever is less, but in no event fewer than 10 registered voters, the municipal officers shall, by order, submit the question of establishment of a charter commission to the voters as provided in this section. The petition shall read substantially as follows: “Each of the undersigned voters requests the municipal officers to submit to the voters, at the next municipal election, the question of establishment of a charter commission to draft a municipal charter.” The petition shall be submitted to the municipal officers by the date indicated below:

(a) For a town with its annual meeting in March, on or before December 15 of the preceding year.

(b) For a town with its annual meeting in April, on or before January 15 of the same year.

(c) For a town with its annual meeting in May, on or before February 15 of the same year.

(d) For any other municipality, at least 90 days before the regular municipal election on which the question is proposed to be submitted. In the case of a municipality with biennial elections, if the petition is submitted during a year in which there are no municipal elections, a special election shall be held at least 90 days after submission.

III. Upon receipt of a petition under paragraph II, the municipal officers shall by order submit the question for establishment of a charter commission to the voters at the next regular municipal election. In the case of an order adopted under paragraph I, the municipal officers shall by order submit the question of establishment of the commission to the voters at the next regular municipal election that is held not less than 60 days after the date of the order. In the case of municipalities with biennial elections, the question shall be submitted at either the next regular municipal election or at a special municipal election that is held not less than 60 days after the date of the order.

IV. The question to be submitted to the voters shall be in substance as follows:

“Shall a charter commission be established for the purpose of establishing a municipal charter?”

V. Notwithstanding any other provision of this chapter, for the purposes of establishing a charter commission to amend or adopt a charter relative to official ballot town council under RSA 49-D:3, I-a, official ballot town meeting under RSA 49-D:3, II-a, budgetary official ballot village district

CHAPTER 292
HB 422 – FINAL VERSION
- Page 3 -

1 meeting under RSA 52:2-a, or budgetary official ballot school district meeting under RSA 197:5-b
2 only, the question of whether to establish a charter commission and the election of charter
3 commission members shall be placed on the same ballot. No other issues shall be addressed by a
4 charter commission established under this paragraph. The question on the establishment of a
5 charter commission to be submitted to the voters shall be in substance as follows:

6 “Shall a charter commission be established for the sole purpose of establishing official ballot voting
7 under the current form of government?”

8 49-B:4 Charter Commission; Membership; Procedure; Preliminary Report.

9 I. The charter commission shall consist of 9 members, all of whom shall be registered voters
10 of the municipality and elected as hereinafter provided.

11 (a) Within 5 days after the deadline for requesting a recount of a vote confirming the
12 establishment of a charter commission, or within 5 days after the recount if a recount is requested,
13 the municipal officers shall meet to order a special election to be held on a Tuesday not less than 35
14 days or more than 60 days after such meeting for the purpose of electing charter commission
15 members provided, however, that in a municipality with biennial elections, the special election shall
16 be held on a Tuesday not less than 25 days or more than 133 days after such meeting. For purposes
17 of this subparagraph, the provisions of RSA 40:4-c relative to recounts shall apply, except that a
18 recount must be requested no later than the first Friday following the vote.

19 (b) Members shall be elected in the same manner as the municipal officers except that
20 they shall be elected at large and without party designation. The names of the candidates shall be
21 arranged on the ballot in an order determined by lot, publicly selected by the city or town clerk.
22 Declarations of candidacy for the commission shall be filed as provided in RSA 669:19, except that
23 the filing period shall begin on the fourth Wednesday before the election and end on the Friday of the
24 following week.

25 II. Within 5 days after the deadline under RSA 669:30 for requesting a recount, the
26 municipal clerk shall notify those elected to the charter commission of the date, time, and place of
27 the organizational meeting of the charter commission. However, if a recount is requested, such
28 notice shall be given within 5 days after the last recount is completed. The date, time, and place of
29 the organizational meeting shall be fixed by the clerk. The date shall be at least 7 days and not more
30 than 14 days after the date of the notice. The charter commission shall organize by electing from its
31 members a chairperson, a vice chairperson and a secretary and shall file notice thereof with the
32 municipal clerk. Vacancies occurring on the commission shall be filled by vote of the commission
33 from the voters of the municipality. Members shall serve without compensation but shall be
34 reimbursed from the commission’s account for expenses lawfully incurred by them in the
35 performance of their duties.

36 III. The charter commission may adopt rules and regulations governing the conduct of its

CHAPTER 292
HB 422 – FINAL VERSION
- Page 4 -

1 meetings and proceedings and may employ such legal, research, clerical, or other employees and
2 consultants as are deemed necessary within the limits of its budget.

3 IV.(a) A municipality shall provide its charter commission, free of charge, with suitable
4 office space and with reasonable access to facilities for holding public hearings, may contribute
5 clerical and other assistance to such commission, and shall permit it to consult with and obtain
6 advice and information from municipal officers, officials, and employees during ordinary business
7 hours. The municipal officers shall credit to the charter commission's account a sum of at least \$100.
8 A municipality may appropriate additional funds to the charter commission account. Such funds
9 may be raised by taxation, borrowed, or transferred from surplus.

10 (b) In addition to funds made available by a municipality, the charter commission
11 account may receive funds from any other source, public or private, provided that no contribution of
12 more than \$50 shall be accepted from any source other than the municipality unless the name and
13 address of the person or agency making the contribution and the amount of the contribution are
14 disclosed in writing filed with the clerk. Within 30 days after submission of its final report the
15 charter commission shall file with the clerk a complete account of all its receipts and expenditures
16 for public inspection. Any balance remaining in its account shall be credited to the municipality's
17 surplus account.

18 V. Before issuing its preliminary report, the charter commission shall hold at least 2 public
19 hearings, scheduled at its discretion. At least one of such hearings shall be for the purpose of
20 receiving information, views, comments, and other pertinent material relative to its functions and at
21 least one shall be for the purpose of explaining, in general terms, its proposed preliminary report and
22 receiving comments on its proposal. The commission may, but is not required to, provide a draft of
23 its preliminary report at the latter hearing. Notice of each such hearing shall be posted in at least 2
24 public places in the municipality and published in a newspaper of general circulation in the
25 municipality at least 7 days before the date of the meeting.

26 VI.(a) The charter commission shall file with the municipal clerk a preliminary report
27 including the text of the charter which the commission intends shall be submitted to the voters and
28 any explanatory information the commission deems desirable, and shall provide sufficient copies of
29 the preliminary report to the municipal clerk to permit its distribution to each voter requesting it.
30 The commission shall also file the preliminary report with the secretary of state, the attorney
31 general, and the commissioner of the department of revenue administration as provided in RSA 49-
32 B:4-a, I.

33 (b) The preliminary report shall include a written opinion by an attorney admitted to the
34 bar of this state that the proposed charter is not in conflict with the constitution or the general laws.
35 The filing of the preliminary report shall be accomplished by the date indicated below:

36 (1) If the charter commission was elected in a town with its annual meeting in

CHAPTER 292
HB 422 – FINAL VERSION
- Page 5 -

1 March, on or before October 15 of the same year.

2 (2) If the charter commission was elected in a town with its annual meeting in April,
3 on or before November 15 of the same year.

4 (3) If the charter commission was elected in a town with its annual meeting in May,
5 on or before December 15 of the same year.

6 (4) If the charter commission was elected at a biennial municipal election in
7 November, on or before June 15 of the following year.

8 (5) If the charter commission was elected at a special election, or at any election in a
9 municipality not described in subparagraph (b)(1), (2), (3), or (4), within 170 days after its election.

10 (c) Upon receipt of the preliminary report, the municipal clerk shall, except as provided
11 in paragraph VII, file a certified copy with the appropriate state officials as provided in RSA 49-B:4-
12 a.

13 VII. The commission may recommend, in either its preliminary or its final report, that no
14 new charter be adopted. If the commission makes such a recommendation in its preliminary report,
15 the preliminary report shall be deemed a final report and shall not be submitted to the state officials
16 for review under RSA 49-B:4-a. If the commission makes such a recommendation in either the
17 preliminary or final report, no charter question shall be placed on the municipal ballot, and the
18 commission shall take no further action except to wind up its affairs within 60 days after the
19 submission of its report.

20 49-B:4-a Review and Approval by State Departments.

21 I. The chairman of the charter commission, if any, and otherwise the municipal clerk shall
22 file a report, which shall include the name and address of the clerk and the chairman of the charter
23 commission, with the secretary of state, the attorney general, and the commissioner of the
24 department of revenue administration as follows:

25 (a) The chairman of the charter commission shall file a copy of the preliminary report
26 relative to any new municipal charter or charter revision at the same time the preliminary report is
27 filed with the municipal clerk pursuant to RSA 49-B:4, VI.

28 (b) Within 10 days after the filing of the report relative to any charter amendment, if
29 initiated by the municipal officers, the municipal clerk shall file a certified copy of the report.

30 (c) Promptly after the filing of the petitioners' affidavit relative to a charter amendment,
31 the municipal clerk shall file a certified report consisting of a copy of said affidavit.

32 (d) Within 14 days of receipt of such report, the secretary of state, the attorney general,
33 and the commissioner of the department of revenue administration shall notify in writing the
34 municipal clerk and the chairman of the charter commission, if any, of his or her receipt. Within 45
35 days after the receipt of the report the secretary of state, attorney general, and commissioner of the
36 department of revenue administration shall review the proposed charter, charter revision, or charter

CHAPTER 292
HB 422 – FINAL VERSION
- Page 6 -

1 amendment to insure that it is consistent with the general laws of this state, and shall give notice to
2 the municipal clerk approving or disapproving the proposed charter.

3 II. If the secretary of state, the attorney general, or the commissioner of the department of
4 revenue administration does not approve, the proposed charter question shall not be placed on the
5 municipal ballot unless the objections to the proposed charter are resolved as provided in this
6 section. If the proposed charter amendment was initiated by a petition, official petition forms shall
7 not be provided. The secretary of state, attorney general, and commissioner of the department of
8 revenue administration shall specify their objections in writing to the municipal clerk, and to the
9 petitioners' committee if relative to a charter amendment initiated by such petitioners' committee,
10 within the period of time allowed for review and shall offer recommendations for changes in
11 language which would correct any inconsistencies they may find in the proposed charter to be voted
12 upon. Failure to specify objections to a proposed charter within 45 days shall constitute approval by
13 the secretary of state, attorney general, or the commissioner of the department of revenue
14 administration.

15 III. Upon receiving notice of such objections, the charter commission may make such
16 changes as appear necessary and resubmit the proposed charter within 30 days to the official or
17 officials who raised the objections. Such officials shall thereafter make reasonable efforts to review
18 the changes and provide notice of approval or disapproval to the municipal clerk in time to enable
19 the charter commission to file its final report by the deadline stated in RSA 49-B:4-b.

20 IV. The governing body of the municipality may seek judicial review of a decision of the
21 secretary of state, attorney general, or the commissioner of the department of revenue
22 administration by appeal in superior court, pursuant to RSA 49-B:10, IV.

23 49-B:4-b Final Report.

24 I. Upon approval from the secretary of state, attorney general, and commissioner of the
25 department of revenue administration under RSA 49-B:4-a, the charter commission shall submit to
26 the municipal officers its final report, which shall include the full text and explanation of the
27 proposed new charter, such comments as the commission deems desirable, an indication of the major
28 differences between the current form of government and the proposed charter, and a written opinion
29 by an attorney admitted to the bar of this state that the proposed charter is not in conflict with the
30 constitution or the general laws. Minority reports, if filed, shall not exceed 1,000 words. The
31 submission of the final report and minority reports, if any, shall be accomplished by the date
32 indicated below:

33 (a) If the charter commission was elected in a town with its annual meeting in March, on
34 or before January 15 of the following year.

35 (b) If the charter commission was elected in a town with its annual meeting in April, on
36 or before February 15 of the following year.

CHAPTER 292
HB 422 – FINAL VERSION
- Page 7 -

1 (c) If the charter commission was elected in a town with its annual meeting in May, on
2 or before March 15 of the following year.

3 (d) If the charter commission was elected at a biennial municipal election, on or before
4 September 15 of the following year.

5 (e) If the charter commission was elected in a municipality not described in
6 subparagraph (a), (b), (c), or (d), within 245 days after its election.

7 II. Upon the submission of the final report, the municipal officers shall order the proposed
8 new charter to be submitted to the voters at the next municipal election after the filing of the final
9 report, unless the final report recommends that no charter be adopted, as provided in RSA 49-B:4,
10 VII. In the case of municipalities with biennial elections, the charter shall be submitted to the voters
11 at the next regular municipal election or at a special municipal election so long as such election is
12 held at least 45 days after the filing of the final report. If the next regular election is less than 45
13 days after the filing of the report, the charter shall be submitted at the following regular election.

14 III. Except as provided in RSA 49-B:4-c, the charter commission shall continue in existence
15 for 60 days after submission of its final report to the municipal officers, or until the date of the
16 election at which the charter is voted upon, whichever is later, for the purpose of winding up its
17 affairs.

18 49-B:4-c Continuation of Charter Commission.

19 I. If the charter commission is unable to obtain approval pursuant to RSA 49-B:4-a in time
20 to submit its final report by the date established in RSA 49-B:4-b, or otherwise does not complete its
21 preliminary or final report in accordance with the schedule established in this subdivision, it shall
22 continue in existence for another year. Subject to paragraph II, if the commission's existence
23 continues, any requirements of RSA 49-B:4, V and VI, RSA 49-B:4-a, and RSA 49-B:4-b that have not
24 previously been satisfied shall apply as if the commission had been elected in the second year.

25 II. A charter commission shall not be extended beyond a second year of existence.

26 Revision of Municipal Charter

27 49-B:4-d Definition of Revision. For purposes of this chapter, a "revision" to a municipal charter
28 shall mean any change to an existing charter that results in a change in the municipality's form of
29 government to any of the following forms:

30 I. Traditional town meeting.

31 II. Official ballot town meeting.

32 III. Town council.

33 IV. Official ballot town council.

34 V. Budgetary town meeting.

35 VI. Representative town meeting.

36 VII. City under mayor-alderman plan.

CHAPTER 292
HB 422 – FINAL VERSION
- Page 8 -

1 VIII. City under council-manager plan.

2 IX. Any other form hereafter expressly authorized by statute.

3 49-B:4-e Procedure for Revising Charter.

4 I. The municipal officers may determine that a revision of the municipal charter is necessary
5 and, by order, submit the question of establishment of a commission to revise the charter to the
6 voters, in the same manner as provided for the establishment of a charter commission under RSA 49-
7 B:3; or

8 II. On the written petition of a number of voters equal to 20 percent of the number of ballots
9 cast in the municipality at the last regular municipal election, but in no event fewer than 10
10 registered voters, the municipal officers shall, by order, submit the question of establishment of a
11 commission to revise the charter to the voters as provided in this section. The petition shall read
12 substantially as follows: “Each of the undersigned voters requests the municipal officers to submit to
13 the voters, at the next municipal election, the question of establishment of a charter commission to
14 draft a revision to the municipal charter.” The petition shall be submitted on or before the date
15 indicated for a petition under RSA 49-B:3, II.

16 III. The establishment of a commission to revise the charter, the membership of the
17 commission, and the procedures of the commission shall in all respects be the same as for a
18 commission to draft a new charter under RSA 49-B:3, RSA 49-B:4, RSA 49-B:4-a, and RSA 49-B:4-b,
19 including all dates and time periods thereunder, except that the following question shall be
20 substituted for the question specified in RSA 49-B:3, IV:

21 “Shall a charter commission be established for the purpose of revising or amending the municipal
22 charter?”

23 IV. If a commission that has been elected to revise the charter determines that one or more
24 amendments to the charter are required, it may propose such amendments.

25 V. A commission to revise the charter shall not be continued under RSA 49-B:4-c.

26 Amendment of Municipal Charter

27 49-B:4-f Definition of Amendment. For purposes of this chapter, an “amendment” to a municipal
28 charter shall mean any change to an existing charter that does not constitute a revision under
29 RSA 49-B:4-d.

30 49-B:5 Charter Amendments, Procedure.

31 I. The municipal officers may determine that one or more amendments to the municipal
32 charter are necessary and, by order, provide for notice and hearing on them in the same manner as
33 provided in RSA 49-B:5, V(a). Within 7 days after receiving approval from the secretary of state, the
34 attorney general, and the commissioner of the department of revenue administration under RSA 49-
35 B:4-a, the municipal officers may order the proposed amendment to be placed on a ballot at the next
36 regular municipal election. In the case of municipalities with biennial elections, the municipal

CHAPTER 292
HB 422 – FINAL VERSION
- Page 9 -

1 officers may order amendments to be placed on the ballot at either the next regular municipal
2 election or the next state biennial election, whichever occurs earlier, that occurs not less than 60
3 days after the order.

4 (a) Each amendment shall be limited to a single subject, but more than one section of the
5 charter may be amended as long as it is germane to that subject.

6 (b) Alternative statements of a single amendment are prohibited.

7 II. On the written petition of a number of voters equal to at least 20 percent of the number of
8 ballots cast in a municipality at the last regular municipal election, but in no case fewer than 10
9 voters, the municipal officers shall, by order, provide that proposed amendments to the municipal
10 charter be placed on a ballot in accordance with the procedures set out below:

11 (a) Each amendment shall be limited to a single subject but more than one section of the
12 charter may be amended as long as it is germane to that subject.

13 (b) Alternative statements of a single amendment are prohibited.

14 II-a. The following procedure shall be used in the alternative method set out in paragraph II:

15 (a) Any 5 voters of the municipality may file with the municipal clerk an affidavit
16 stating that they shall constitute a petitioners' committee. Such affidavit shall be signed by the
17 members of such committee and an additional 20 voters of the municipality and shall include:

18 (1) The language of each proposed amendment.

19 (2) The names and addresses of the committee members.

20 (3) The address to which all notices to the committee are to be sent.

21 (b) The petitioners' committee, or voters of the municipality designated by the
22 committee, may circulate the petition and file it in proper form.

23 (c) Promptly after the affidavit is filed by the petitioners' committee, the clerk shall file a
24 certified copy of the affidavit, including the proposed amendment, for review of the proposed
25 amendment in accordance with RSA 49-B:4-a. Promptly after receiving approval of the proposed
26 amendment from the state officials under RSA 49-B:4-a, the clerk shall issue petition blanks to the
27 committee.

28 III.(a) The petition forms shall read substantially as follows: "Each of the undersigned
29 voters respectfully requests the municipal officers to provide for the amendment(s) of the municipal
30 charter as set out below." If more than one subject is included in a petition, each subject shall be
31 addressed in a separate amendment. Each signature affixed to a petition shall be in ink or other
32 indelible instrument and shall be followed by the place of domicile of the voter with street and
33 number, if any. No petition shall contain any party or political designation.

34 (b) The clerk shall note the date of each petition form issued and all petitions, unless
35 sooner filed, shall become null and void for every purpose on the 120th day after the date of issue.

36 (c) Each petition form shall have printed on its back an affidavit to be executed by the

CHAPTER 292
HB 422 – FINAL VERSION
- Page 10 -

1 circulator, stating that he personally circulated the paper, the number of signatures thereon, that all
2 the signatures were affixed in his presence, that he believes them to be genuine signatures of the
3 persons whose names they purport to be, that each signer has signed no more than one petition, and
4 that each signer had an opportunity before signing to read the petition.

5 (d) Petition forms shall be assembled as one instrument and filed at one time with the
6 clerk. The clerk shall note thereon the date of filing.

7 IV. Within 20 days after the petition is filed, the clerk shall complete a certificate as to its
8 sufficiency, specifying, if it is insufficient, the particulars wherein it is defective, shall promptly send
9 a copy of the certificate to the petitioners' committee by mail, and shall file a copy with the municipal
10 officers.

11 (a) A petition certified insufficient for lack of the required number of valid signatures
12 may be amended once if the petitioners' committee files a notice of intention to amend it with the
13 clerk within 2 days after receiving the copy of his certificate. Within 10 days after the date of filing
14 of the notice of intention, the committee may file a supplementary petition to correct the deficiencies
15 in the original petition. Such supplementary petition shall in form and content comply with the
16 requirements for an original petition under paragraph III.

17 (b) Within 5 days after the filing of a supplementary petition the clerk shall complete
18 and file a certificate as to its sufficiency in the manner provided for in an original petition.

19 (c) When an original or supplementary petition has been certified insufficient, the
20 committee may, within 2 days after receiving the copy of the clerk's certificate, file a request with the
21 municipal officers for review. The municipal officers shall inspect the petitions and shall make due
22 certificate thereof, copies of which shall be filed with the municipal clerk and mailed to the
23 committee. The certificate of the municipal officers shall be a final determination of the sufficiency
24 of the petitions.

25 (d) Any petitions finally determined to be insufficient shall be void. Such petitions shall
26 be stamped void by the clerk and shall be sealed and retained by the clerk in the manner required
27 for secret ballots.

28 V.(a) Within 10 days of receipt of a report that a petition is sufficient, the municipal officers
29 shall by order provide for a public hearing on the proposed amendment. The notice of the hearing
30 shall be published in a newspaper having general circulation in the municipality at least 7 days prior
31 to the hearing, and shall contain the text of the proposed amendment and a brief explanation. The
32 hearing shall be conducted by the municipal officers or a committee appointed by them; provided
33 that in the case of an amendment submitted by voter petition, the hearing shall be conducted by the
34 municipal officers. If, as a result of the public hearing, substantive changes are made to the
35 proposed amendment, a second hearing shall be held. Notice of the hearing and the conduct thereof
36 shall be as provided in this section.

CHAPTER 292
HB 422 – FINAL VERSION
- Page 11 -

1 (b) Within 7 days after the last public hearing, the municipal officers or the committee
2 appointed by them shall file with the municipal clerk a report containing the final draft of the
3 proposed amendment and a written opinion by an attorney admitted to the bar of this state that the
4 proposed amendment is not in conflict with the general laws or the constitution. In the case of a
5 committee report, a copy shall be filed with the municipal officers. Upon such filing, the provisions
6 of RSA 49-B:4-a shall apply in the same manner as for a charter adoption; provided, however, that
7 the municipal officers or the appointed committee shall be substituted for the charter commission for
8 purposes of RSA 49-B:4-a, III.

9 (c) Within 7 days after the approval by the secretary of state, the attorney general and
10 the commissioner of the department of revenue administration, or within 7 days after the last public
11 hearing in the case of an amendment submitted by voter petition, the municipal officers shall order
12 the proposed amendment to be placed on the ballot at the next regular municipal election. In the
13 case of municipalities with biennial elections, the municipal officers shall order the amendments to
14 be placed on the ballot at either the next regular municipal election or at a special municipal election
15 that occurs not less than 60 days after the date of the order.

16 General Provisions Applicable to Charter Actions

17 49-B:6 Submission to Voters. The method of voting at municipal elections when a question
18 relating to a charter revision, a charter adoption, or a charter amendment is involved shall be in the
19 manner prescribed for municipal elections. In a town, the question shall appear on the ballot before
20 any other questions except the election of officers. In a city, the question shall appear in the order
21 determined by the city clerk.

22 I. In the case of a charter revision or a charter adoption the question to be submitted to the
23 voters shall include a summary prepared by the charter commission which explains both the current
24 form of government used by the municipality and the changes in that form of government which will
25 occur if the charter revision or charter is approved by the voters. The question to be submitted to the
26 voters shall be in substance as follows:

27 “Shall the municipality approve the (charter revision) (charter) recommended by the charter
28 commission?”

29 II.(a) Subject to subparagraph (b), in the case of one or more charter amendments, each
30 amendment shall be voted upon separately and the question to be submitted to the voters on each
31 amendment shall be in substance as follows:

32 “Shall the municipality approve the charter amendment reprinted (summarized) below?” Each such
33 question shall be followed by the text or a summary of the amendment.

34 (b) Alternatively, at the discretion of the charter commission, 2 or more amendments
35 may be listed and voted upon together. In such case, the question shall be in substance as follows:

CHAPTER 292
HB 422 – FINAL VERSION
- Page 12 -

1 “Shall the municipality approve the charter amendments reprinted (summarized) below?” The
2 question shall be followed by the text or summary of each of the amendments that are being voted
3 upon together.

4 III.(a) In the case of a charter revision or charter adoption, at least 2 weeks prior to the date
5 of the election the municipal officers shall cause the final report of the charter commission to be
6 printed, shall make copies available to the voters in the clerk’s office, and shall post the report in the
7 same manner that proposed ordinances are posted.

8 (b) In the case of one or more charter amendments, at least 2 weeks prior to the date of
9 the election, the municipal officers shall cause the proposed amendment and any summary thereof to
10 be printed, shall make copies available to the voters in the clerk’s office, and shall post the
11 amendment and any summary thereof in the same manner that proposed ordinances are posted.

12 IV. If at least 3/5 of the ballots cast on any question under paragraph I favor acceptance, the
13 new charter or the charter revision shall become effective as provided in subparagraph (a). If a
14 majority of the ballots cast on any question under paragraph II favor acceptance, the charter
15 amendment shall become effective as provided in subparagraph (b).

16 (a) Charter revisions, new charters, or repeals of charters adopted by the voters shall
17 become effective immediately for the purpose of conducting necessary elections; otherwise charter
18 revisions, new charters, and repeals of charters shall become effective on the first day of the next
19 succeeding municipal year or as specified in any transition provisions of the charter.

20 (b) Charter amendments adopted by the voters shall become effective on the first day of
21 the next succeeding municipal year or on a date determined by the municipal officers, whichever
22 occurs first.

23 292:3 Authorizing Large Bonds. Amend RSA 33:8-a, II to read as follows:

24 II. All articles appearing in the warrant which propose a bond or note issue exceeding
25 \$100,000 shall appear in consecutive numerical order and shall be acted upon prior to other business
26 except the election of officers, ***action on the adoption, revision, or amendment of a municipal***
27 ***charter***, and zoning matters or as otherwise determined by the voters at the meeting. Polls shall
28 remain open and ballots shall be accepted by the moderator on each such article, for a period of not
29 less than one hour following the completion of discussion on each respective article. A separate
30 ballot box shall be provided for each bond article to be voted upon pursuant to this section.

31 292:4 Reference Change. Amend RSA 49-B:10, IV to read as follows:

32 IV. Any municipality aggrieved by the decision of the secretary of state, ***the attorney***
33 ***general, or the commissioner of the department of revenue administration*** under RSA [~~49-~~
34 ~~B:5-a]~~ ***49-B:4-a*** may seek review by way of appeal in superior court to determine the lawfulness of
35 the [~~secretary’s~~] decision. The clerk shall schedule a hearing on any such appeal within 10 days of
36 the filing of such petition.

CHAPTER 292
HB 422 – FINAL VERSION
- Page 13 -

1 292:5 Applicability. The amendments to RSA 49-B made by sections 1, 2 and 4 of this act shall
2 only apply to the process for adopting, revising, or amending a municipal charter and shall not
3 otherwise affect the substance of any municipal charter. Processes for adopting, revising, or
4 amending a municipal charter that have commenced prior to the effective date of this act, either by
5 order of the municipal officers or by the submission of a petition, shall be governed by the provisions
6 of RSA 49-B:2, IV and RSA 49-B:3 through RSA 49-B:6 as in effect prior to the effective date of this
7 act and shall continue to apply until the conclusion of that process.

8 292:6 Effective Date. This act shall take effect 60 days after its passage.

9 Approved: August 1, 2014

10 Effective Date: September 30, 2014