

**Senate Election Law and Municipal Affairs Committee**  
*Tricia Melillo 271-3077*

**SB 111-LOCAL**, relative to the town council-town manager form of local government.

**Hearing Date:** February 21, 2023

**Members of the Committee Present:** Senators Gray, Murphy, Soucy and Perkins Kwoka

**Members of the Committee Absent :** Senator Abbas

**Bill Analysis:** This bill clarifies that towns which adopt town council-town manager charters have the same powers and authorities as city councils under RSA 49-C.

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**Sponsors:**

Sen. Perkins Kwoka  
Rep. Horrigan

Sen. Gray

Sen. Soucy

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**Who supports the bill:** Senator Perkins Kwoka, Senator James Gray, Rep. Nancy Murphy, Margaret Byrnes – NHMA, Steve Fournier, Barbara Healey

**Who opposes the bill:** David Scanlan, Secretary of State, Daniel Richardson, Julie Smith, Joan Dargie

**Who is neutral on the bill:** Dan Healey – NH Clerks Association

**Summary of testimony presented in support:**

**Senator Rebecca Perkins Kwoka**

- This bill is intended to provide a fix in statute to give town councils clarity on their authority.
- They currently have the option under RSA 49-D, to adopt their town council form of government and to take action outside of the SB 2 structure.
- In day to day operations, circumstances arise when town councils are not clear if they have the same authority as city councils.
- She has two town councils in her district that would benefit from this clarification.
- The appointment of clerks section may need adjusting because city and town clerks have different processes of appointing and or electing clerks.

**Steve Fournier – Town Manager, Newmarket**

- This legislation was filed due to a number of issues that came when they tried to do things such as adopt ordinances or borrow money.
- The current law states that when a town council is adopted, they are the same as a city council in structure and form except certain things if the town charter outlined it.
- They have found, when trying to do day to day jobs, there is confusion about the law from people who say they are a town and not a city.

- They have the same structure and they want clarification on that with the powers of city councils.
- They are looking for this for those day to day operations rather than election situations.
- The seven communities in the state with council forms sometimes feel like they are overlooked because they are not quite a town and not quite a city.

#### **Summary of testimony presented in opposition:**

##### **David Scanlan – Secretary of State**

- They have defended the rights of clerks to be elected, especially for the purpose of elections.
- There is a distinction between a city clerk and a town clerk.
- A city clerk is appointed but all cities in New Hampshire have wards and each ward elects a clerk for the purpose of elections.
- This bill could, potentially, set a precedent that a town could appoint a clerk that would be in charge of the election process in that town.
- If that issue could be fixed he would not have an issue with the rest of the bill.

#### **Neutral Information Presented:**

##### **Dan Healey – NH City/Town Clerks Association**

- They are in support of this legislation if there is an amendment that states town clerks can remain elected and not appointed.

TJM

Date Hearing Report completed: February 23, 2023