



SB2

Official Balloting Referenda

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School District Governance Association of NH

Eric Pauer

- President, SDGA-NH
- 48 year NH resident, 30 years in Brookline
- Former Hollis/Brookline COOP School Board Member
- Secretary, Brookline/Mason/Greenville GOP Committee
- Delegate to Republican State Convention (2nd term)
- Brookline Planning Board (2021-Present)
- Engineer and Manager for 30+ years, B.S. & M.S.
- 30-year Air Force veteran, retired Colonel (2018)
- Advocate for fiscal restraint and educational excellence
- Author of several dozen petition warrant articles for school district and town meetings

SDGA Vision

To be the leading resource for empowering parents, grandparents, voters, and taxpayers to govern their school districts through their elected officials



SB2 History

- In 1995, NH Legislature saw a need for an optional form of town/school district meeting that provides all day balloting
- Many constituents were saying their participation in traditional meetings were facing many practical obstacles and they felt disenfranchised
 - Elderly - can't drive at night or see well enough
 - Can't sit long enough to wait out the time it takes them to vote
 - Couples with children – one needs to stay home
 - People who travel for work or for military
 - Desire ability to vote absentee
 - Want secret ballot versus open “card vote”
 - We already know how we want to vote
 - Desire to have time to “fact-check” arguments presented
 - Desire to have greater participation – will of the people

SB2 History (con't)

- 1995 – NH Legislature passed and Governor Steve Merrill signed SB2 ([link](#))
 - *“An act enabling any local political subdivision of the state, whose legislative body raises and appropriates funds through an annual meeting, to use the official ballot for voting on all warrant articles.”*
 - SB2 sponsored by Senator Sheila Roberge (D), co-sponsored by 8 Senators and 8 Representatives
 - Passed by supermajorities: Senate 16-8, House 236-106
 - Took effect July 31, 1995; available to be adopted in 1996 meetings
- SB2 created new sections in RSA 40 called *Optional Form of Meeting - Official Ballot Referenda*
- Created RSA 40:12, 40:13, 40:14
 - RSA 40:14-a, 40:14-b, 40:15, 40:16 were added later
- SB2 was and is not mandatory – it's Enabling Legislation – each town and school district chooses to adopt (or not)

Various Names Used for SB2

- SB2
- Optional Form of Meeting
- Official Ballot Referenda
- Ballot Law of 1995
- Official Ballot Referendum Form of Meeting
- Official Balloting System
- RSA 40:13

- Reference: RSA 40 “GOVERNMENT OF TOWN MEETING”
<https://gencourt.state.nh.us/rsa/html/III/40/40-mrg.htm>

School Districts vs. Towns

- School Districts and Towns are distinct political subdivisions
- Generally many of the same RSAs apply to both
 - With respect to annual/special meetings, warrant articles, petition warrant articles, elections, recounts
- Legislative Body – Voters are the legislators
 - Legislative body of a single town school district has same voters as the town
 - Legislative body of a Cooperative school districts comprises all voters in the member towns
- Governing Body
 - Town – Selectboard (Board of Selectmen)
 - School District – School Board

School Districts vs. Towns (con't)

- Official Budget Committee (optional)
 - Covers the town operating budget and school operating budget (if there is a single town school district)
 - Official Budget Committee for Cooperative School District covers only the cooperative school district operating budget
- School district meetings have a bigger impact on your property taxes than town meetings since local education spending greatly exceeds town/municipal spending
- In this presentation, you can replace
 - School district with town
 - School board with selectboard (Board of Selectmen)

Traditional Meeting Format

- Starts with the Town/School District Election by official ballot, held second Tuesday in March (or May), including
 - Election of town and school district officials
 - Zoning Amendments
 - Certain warrant articles questions required (or permitted) to be voted by official ballot per RSA
- All other warrant articles are brought up at a single traditional meeting of town or school district voters
- In person traditional meeting typically held shortly after the town/school district election (weeknight or Saturday)

Traditional Meeting Format (con't)

- Voters debate, amend, table, approve, or defeat warrant articles
- Touted as “pure democracy” – every voter is a legislator, in the legislative body
- Only voters that are present get to participate – no absentee voting
- Generally “hand card” votes are taken by moderator on motions, amendment, and approval/defeat
 - Must decide to raise card (or not) in a few seconds when vote is called by moderator
 - Other voters can see how you vote
- Some warrant articles require a secret ballot
 - Ballot box must be open for at least one hour (bonds/notes, SB2 adoption, tax cap adoption, etc.)
 - SAU Budget under RSA 194-C:9-b is by secret ballot, but not for one hour

Traditional Meeting Format (con't)

- 5 voters can request a secret ballot on any vote (written request before vote)
- Recounts on card or ballot votes must be requested immediately after vote results are announced (7 voters needed)
- Reconsideration of articles is possible before meeting adjourns
 - “Restrict reconsideration” motion is sometimes used
 - Reconsideration is possible, but requires meeting to be continued at a date in the future (7 day minimum)
- Sometimes traditional meetings may take two evenings / days (or more)
- Helps to be good at parliamentary procedure

Hollis Brookline Cooperative School District Traditional Meeting History

- 2014: three sessions – Mar 3, Mar 6, Mar 26 (10½ hours)
- 2015: two sessions – Jan 12, Mar 3 (6 hours)
- 2016: one session – Mar 23 (3 hours)
- 2017: one session – Mar 13 (2½ hours)
- 2018: five sessions (14¼ hours)
 - Mar 15-16 (2:30 am), Mar 22 (11:30 pm), Apr 2, Apr 3 (all day vote), Apr 3 (evening)
- 2019: one session – Mar 6 (4¾ hours)
- 2020: three sessions – Jan 29, Jun 4 (on-line), Jun 6 (all day vote) (5 hours)
- 2021: one session outdoors – Apr 10 (9 hours)
- 2022: one session – Mar 15 (4¾ hours)
- 2023: one session – Mar 8 (5 hours)
- 2024: one session – Mar 19 (4½ hours)

**1 to 5 sessions
6½ hours average**

What is Official Ballot Voting (SB2)?

- SB2 is a method to conduct town or school district meetings in two sessions
- **1) Deliberative Session**
 - Also called **First Session of Annual Meeting**
 - Typically held in early February‡
- **2) Ballot Voting Session**
 - Also called **Second Session of Annual Meeting**
 - Typically held second Tuesday in March‡
 - Held in conjunction with all-day town/school district elections

Deliberative Session (First Session)

- Generally same as current traditional meeting format
- Held on a weeknight evening or Saturday (per school board)
- Open to all voters present – debate, amendments, motions
- Finalizes each warrant article for the Ballot Voting Session
- Each warrant article is brought to floor for debate and potential amendment
- Rules on warrant article amendments (RSA 40:13 IV)
 - Statutory language cannot be amended (same as traditional meeting)
 - Amendments cannot eliminate the subject matter of the article
- Main procedural differences –
 - Final vote to approve/disapprove warrant articles is secret via official ballot occurs during Ballot Voting Session
 - All articles actually will get a ballot vote – articles cannot be “tabled”
 - Operating Budget Warrant Article has a proposed and default budget
 - No reconsideration after Deliberative Session adjourns

Ballot Voting Session (Second Session)

- Consists of official ballot vote on each warrant article from the Deliberative Session (also called balloting session)
- Balloting is held as part of town/school district elections – same voting locations, dates, and times
- Voting can be done all day, typically at least 7 am to 7 pm
- Voting by absentee ballot is also available
- Warrant article questions become part of the school district ballot – Yes / No questions
- Secret ballot – same process as used for town/school district officials and zoning amendments
- Recounts possible on all votes (within 7 days, RSA 40:4-c)



Meeting Traditional / SB2 Calendar

SB2 – Official Ballot Referenda

Example 2024 Calendar

BROOKLINE, HOLLIS, & HOLLIS-BROOKLINE SCHOOL DISTRICTS (SAU 41)
 2024 ANNUAL MEETING DATES and DEADLINES-Final
 USING RSA REGULATIONS

| Action | RSA Parameters | Traditional | | | | SB2 | | RSA Reference |
|---|---|-------------|-----------|-----------|-----------|-----------|-----------|---|
| | | Coop-Day 1 | Snow Date | Hollis | Snow Date | Brookline | Snow Date | |
| Last day to <u>post notice</u> of budget hearing | SB2: "...the second Tuesday in January..."; Trad.: at least 7 days in advance of budget hearing | 2/11/2024 | | 1/29/2024 | | 1/3/2024 | | SB2-40:13, II-a(a), 32:5, I; Trad.-32:, I |
| Last day for negotiated cost items to be finalized | SB2: "...the second Tuesday in January..."; Trad.: not later than 30 days before the date prescribed for the district meeting, or the 2nd Tues in March, whichever is earlier | 2/11/2024 | | 2/11/2024 | | 1/9/2024 | | SB2-40:13, II-a (b), 273-A:1; Trad.-32:5-a; 197:6 |
| Last day for petitioned warrant articles | SB2: "...the second Tuesday in January..."; Trad.: not later than 30 days before the date prescribed for the district meeting, or the 2nd Tues in March, whichever is earlier | 2/12/2024 | | 2/12/2024 | | 1/9/2024 | | SB2-40:13, II-a (b), 39:3; Trad.-197:6 |
| PUBLIC HEARING DATES | SB2: "...on or before the third Tuesday in January..."; Trad.: not later than 25 days before (district meeting) i.e. 25 days or EARLIER | 2/19/2024 | 2/20/2024 | 2/6/2024 | 2/8/2024 | 1/10/2024 | 1/11/2024 | SB2-40:13, II-a (c); Trad.-32:5, I |
| <i>FYI: Last day to hold at least one budget public hearing</i> | <i>not later than 25 days before [district meeting] i.e. 25 days or EARLIER</i> | 2/22/2024 | | 2/16/2024 | | | | SB2-40:13, II-a (c); Trad.-32:, I |
| FIRST SESSION-DELIBERATIVE | SB2: "...between the first and second Saturdays following the last Monday in January, inclusive of those Saturdays..." | | | | | 2/7/2024 | 2/9/2024 | SB2-40:13, III |
| Town Report Submission Deadline | Deadlines provided by Towns for them to meet timeline requirements | 2/2/2024 | | 2/2/2024 | | 2/2/2024 | | Town Requirements |
| Last day for budget committee to deliver budget and warrant article recommendations to select persons for Posting | Trad.: at least 20 days before [district meeting] | 2/27/2024 | | 2/22/2024 | | 2/21/2024 | | Trad.-32:16, IV |
| Last day to <u>post</u> warrant, budget and default budget | SB2: "...on or before the last Monday in January..."; Trad.: 14 days before day of meeting (not including meeting day or posting day) | 3/4/2024 | | 2/28/2024 | | 1/29/2024 | | SB2-40:13, II-a (d), 39:5, 197:7; Trad.-197:7 |
| Annual report with budget (and ballot questions) made available to voters | SB2 and Trad.: at least 7 days prior to meeting | 3/11/2024 | | 3/6/2024 | | 3/5/2024 | | SB2-40:13, II; Trad.-32:5, VII(a) |
| SCHOOL DISTRICT MEETING DAY | Trad.: annually between March 1 and March 25 | 3/19/2024 | 3/20/2024 | 3/14/2024 | 3/15/2024 | N/A | N/A | Trad.-197:1 |
| SECOND SESSION-BALLOT VOTING | SB2: "...the second Tuesday in March..." | 3/12/2024 | | 3/12/2024 | | 3/12/2024 | | SB2-40:13, VII |
| Submit signed & completed forms to DRA | SB2 and Trad.: within 20 days of the close of the meeting | 4/8/2024 | | 4/3/2024 | | 4/1/2024 | | 21-J:34, II |

Operating Budget under SB2

- Operating Budget – School District will always pass an operating budget. It will be one of the following:
 - **Proposed Operating Budget** from Deliberative Session
- OR**
- **Default Operating Budget** (per RSA 40:13 IX)
 - Same as previous year with certain adjustments . . .
 - Reduced or increased by debt service, contracts, and other obligations previously incurred or mandated by law
 - Reduced by one-time expenditures contained in the operating budget and by salaries and benefits of positions that have been eliminated in the proposed budget
 - Default budget is typically determined by school board
 - If there is an Official Budget Committee (adopted per RSA 32:14), voters can authorize this committee to determine the default budget (RSA 40:14-b)

SB2 - Operating Budget Warrant Article

- Both the proposed operating budget and default operating budget appear in the operating budget warrant article on official ballot (per language in RSA 40:13 XI (c)):

- Shall the **ABC School District** raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling **\$12,000,000**? Should this article be defeated, the default budget shall be **\$10,800,000**, which is the same as last year, with certain adjustments required by previous action of the (local political subdivision) or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only.

SB2 - Operating Budget Warrant Article (con't)

Shall the **ABC School District** raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling **\$12,000,000**? Should this article be defeated, the default budget shall be **\$10,800,000**, which is the same as last year, with certain adjustments required by previous action of the (local political subdivision) or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only.

Figure is proposed by Official Budget Committee. If none, then by the School Board. Figure then potentially amended by voters at Deliberative Session.

Figure is determined by School Board or Official Budget Committee (if authorized by voters), per “interpretation” of RSA 40:13.

SB2 - Operating Budget Warrant Article (con't)

- The **Proposed Operating Budget** can be higher or lower than **Default Operating Budget**, depending on adjustments and amendment made by voters at the Deliberative Session
- Tax or Budget Cap – If school district has adopted tax cap under RSA 32:5-b or budget cap under RSA 32:5-d, all proposed appropriations (including proposed operating budget) on the warrant introduced at the deliberative session must result in a tax effort under the tax cap
- 10% rule – If there is an Official Budget Committee, total appropriations (including proposed operating budget) must comply with the “10% rule” (RSA 32:18)

Hypothetical Example of Deliberative Session Reducing Proposed Budget

Example:

Shall the **ABC School District** raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling **\$10,000,000**? Should this article be defeated, the default budget shall be **\$10,800,000**, which is the same as last year, with certain adjustments required by previous action of the (local political subdivision) or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only.

Example of voters reducing Proposed operating budget at the Deliberative Session

The default budget cannot be modified and is always a choice for voters under SB2.

During Balloting Session, voters choose **proposed operating budget** by voting “YES” or **default operating budget** by voting “NO”

If Proposed Operating Budget Is Defeated

- If operating budget article is defeated (i.e. YES ballot votes do not exceed NO ballot votes), generally the **default budget** is used for the operating budget
- However, RSA 40:13 allows the school board to instead call a special meeting to take up the issue of a revised operating budget only
 - Special meeting will have two sessions:
 - Deliberative Session for debate on the new proposed operating budget
 - Balloting Session for approval/disapproval of proposed operating budget

Traditional Meeting - Operating Budget Warrant Article

Shall the ABC School District will vote to raise and appropriate a sum of \$12,000,000 for the support of schools, for the payment of salaries for the school district officials and agents and for the payment of statutory obligations of the district. This appropriation does not include appropriations voted in other warrant articles.

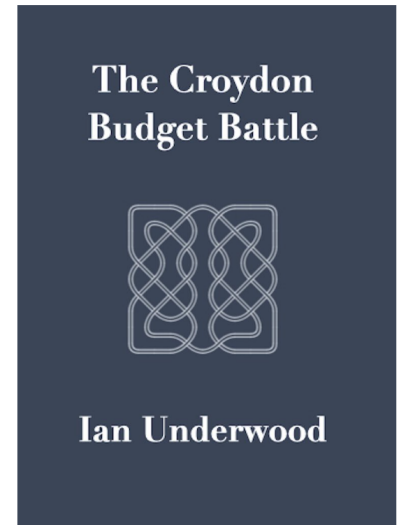
Figure is proposed by Official Budget Committee. If none, then by the School Board. Figure then potentially amended by voters at the Traditional Meeting.

No default budget.

- With a traditional meeting, voters present at the meeting can amend proposed operating budget up or down without constraints‡
 - ‡ If there is an Official Budget Committee, total appropriations must comply with the “10% rule” (RSA 32:18)

2022 Croydon Budget Battle

- Croydon uses traditional school district meeting
- If SB2 had been previously adopted in the Croydon School District, the 2022 “Budget Battle” would have been different
 - Theoretical Deliberative Session would have amended proposed operating budget \$1.7M to \$800K
 - Assume there was a theoretical \$1.5M default budget
- The official balloting session ballot warrant article question would have provided a choice between \$800K proposed budget and \$1.5M default budget
 - In this all day ballot voting session, voters would have very likely defeated \$800K proposed budget, accepting \$1.5M default budget



The Croydon Budget Battle: <https://www.bareminimumbooks.com/books/croydon-budget>

Proposing Adoption of SB2

- Group of 25+ citizens (via petition warrant article) or the school board can place the SB2 adoption question on the school district warrant, with the following statutory wording (RSA 40:14 V):
 - **Shall we adopt the provisions of RSA 40:13 (known as SB 2) to allow official ballot voting on all issues before the ABC School District on the second Tuesday of March?**
- Example petition available at:
<https://sdganh.org/sample-warrant-articles/>
- Group of 50+ citizens (via petition warrant article) or the school board can place the SB2 adoption question on the school district warrant for a special meeting (RSA 197:2)
- Note: March is the most common month for SB2 official ballot voting, but April and May are also options

Proposing Adoption of SB2 (con't)

- School board is required to hold a public hearing with debate 15 to 30 days before SB2 adoption vote
 - In a cooperative school district, public hearings must be held in each town in the district, on different days
- Adoption requires a 60% (3/5) or more supermajority “YES” on the ballot vote
- During the years 1995 through 2019, the SB2 adoption question was on the official ballot for town/school district elections (per RSA 40:14 V)
- State law changed on Aug 24, 2019, to require the SB2 adoption question to be via ballot at the traditional meeting, one hour vote (RSA 40:14 III)
 - Rationale: need to debate SB2 adoption again at the traditional meeting after the public hearing(s)
- In 2024, HB1175 proposed to return the SB2 adoption question to the official ballot (reverse the 2019 change)

SB2 Adoption Attempts: 2020 – Present

- Andover (2022)
- Barnstead (2024)
- Barnstead School (2024)
- Bow (2021)
- Bradford (2024)
- Brentwood (2023, 2024)
- Bristol (2020)
- Brookline (2023, 2024)
- Chester (2020)
- Deering (2020)
- Dublin (2021)
- Enfield (2021, 2022, 2024)
- Haverhill (2023, 2024)
- Hinsdale (2020)
- Hinsdale School (2020)
- Hollis (2020, 2021)
- Hollis-Brookline COOP (2020, 2021, 2022, 2024)
- Hopkinton (2020, 2021, 2024)
- Hopkinton School (2024)
- Jaffrey (2020)
- Merrimack Valley School (2020, 2022)
- Moultonboro (2022, 2023)
- Nottingham (2020 – **adopted**)
- Pembroke (2020, 2023)
- Sanbornton (2024)
- South Hampton (2021)
- Temple (2021)
- Wilton (2022)

Since 2019 law change removing SB2 adoption question from official ballot, 42 of 43 Attempts at SB2 Adoption Failed (1 adoption)



SB2 – Official Ballot Referenda

SB2 School Districts – as of Dec 31, 2020

- Allenstown
- Alton
- Amherst
- Ashland
- Auburn
- Barrington
- Bedford
- Brookline
- Candia
- Claremont
- Conway
- Deerfield
- Derry
- East Kingston
- Epping
- Epsom
- Exeter
- Farmington
- Fremont
- Gilford
- Gilmanton
- Goffstown
- Greenland
- Hampstead
- Hampton Falls
- Hampton
- Henniker
- Hooksett
- Hudson
- Keene
- Kensington
- Lebanon
- Litchfield
- Littleton
- Madison
- Mason
- Merrimack
- Middleton
- Milford
- Milton
- Mont Vernon
- New Boston
- Newfields
- Newmarket
- Newport
- North Hampton
- Northwood
- Nottingham
- Pelham
- Pittsfield
- Raymond
- Rollinsford
- Rumney
- Rye
- Salem
- Seabrook
- South Hampton
- Sunapee
- Wakefield
- Weare
- Winchester
- Windham
- ConVal
- Exeter Coop
- Fall Mountain
- Governor Wentworth
- Hillsboro-Deering
- Jaffrey-Rindge
- John Stark
- Mascenic
- Monadnock
- Newfound Area
- Oyster River
- Pemi-Baker
- Sanborn
- Shaker
- Souhegan
- Timberlane
- White Mountains
- Winnacunnet

<https://www.revenue.nh.gov/mun-prop/municipal/documents/sb-schools-12.31.20.pdf>

SB2 Towns – as of Dec 31, 2020

- Alexandria
- Allenstown
- Alstead
- Alton
- Amherst
- Ashland
- Atkinson
- Auburn
- Barrington
- Belmont
- Bennington
- Bethlehem
- Canaan
- Candia
- Carroll
- Charlestown
- Conway
- Danbury
- Danville
- Deerfield
- East Kingston
- Epping
- Epsom
- Exeter
- Fremont
- Gilford
- Gilmanton
- Goffstown
- Grafton
- Greenland
- Hampstead
- Hampton
- Hampton Falls
- Hooksett
- Hudson
- Kensington
- Kingston
- Lee
- Litchfield
- Littleton
- Londonderry
- Merrimack
- Milford
- Milton
- New Boston
- New Durham
- New Hampton
- New Ipswich
- Newfields
- Newmarket
- Newport
- Newton
- North Hampton
- Northwood
- Nottingham
- Pelham
- Pittsfield
- Plaistow
- Raymond
- Rindge
- Rye
- Salem
- Sandown
- Seabrook
- Sunapee
- Swanzey
- Wakefield
- Weare
- Winchester
- Windham
- Wolfeboro

<https://www.revenue.nh.gov/mun-prop/municipal/documents/sb2-towns-12.31.20.pdf>

Petition Warrant Article to Adopt SB2

Adopt SB 2 Ballot Voting for Hollis Brookline Cooperative School District 2024 Hollis Brookline Cooperative School District Meeting - Petition Warrant Article

Shall we adopt the provisions of RSA 40:13 (known as SB 2) to allow official ballot voting on all issues before the Hollis Brookline Cooperative School District on the second Tuesday of March? (Submitted by petition)

SIGNATURE

PRINTED NAME

STREET ADDRESS/TOWN

1. _____
2. _____
3. _____
4. _____
5. _____

Example Petition Warrant Articles: <https://sdganh.org/sample-warrant-articles/>

Proposing Rescission of SB2

- If your school district has adopted SB2, SB2 can be rescinded and go back to the traditional meeting
- Group of 25+ citizens (via petition warrant article) or the school board can place the SB2 rescission question on the school district warrant, with the following statutory wording (RSA 40:14 V):
 - **Shall we rescind the provisions of RSA 40:13 (known as SB 2), as adopted by the ABC School District on (date of adoption), so that the official ballot will no longer be used for voting on all questions, but only for the election of officers and certain other questions for which the official ballot is required by state law?**

Proposing Rescission of SB2 (con't)

- School board is required to hold a public hearing with debate 15 to 30 days before SB2 rescission vote
 - In a cooperative school district, public hearings must be held in each town in the district, on different days
- Rescission requires a 60% (3/5) or more supermajority “YES” on the ballot vote
- The SB2 rescission question is on the official ballot for town/school district elections (per RSA 40:14 VII)
- Note: SB2 adoption is by ballot at the meeting while SB2 rescission is by official ballot on election day
- Rescission is possible – three towns have rescinded SB2 after adopting SB2: Dorchester, Enfield, and Orange

Advantages of SB2

- Increased voter participation, particularly in Ballot Voting Session
 - Better represents will of the school district voters
 - Caveat – deliberative session can manipulate final warrant article language
- Two opportunities to participate: Deliberative Session and Ballot Voting Session
- Deliberative Sessions typically are much shorter than Traditional Meetings
- 30+ days to understand warrant articles
 - Understand and ask questions on advantages/disadvantages, tax impacts
 - Increased visibility of warrant articles to public – fact checking!
- Privacy of ballot voting. 7 days to request a recount.
- Flexibility of all day voting, or voting by absentee ballot
 - Elderly, couples with children, business travel, college students, military members, snow birds, night/weekend shift employees

Advantages of SB2 (con't)

- Those unable to attend school district deliberative session meeting still get to vote
 - Do not need to remain at current school district meeting that can go to midnight or later at night (or last multiple sessions)
- Delay between deliberative session and balloting session takes the emotion and quick decisions out of voting
- Eliminates dilemma of having to make a snap voting decision, when the moderator call the vote and asks you to raise your cards in favor or in opposition
- Late night reconsideration of votes to pass or defeat a warrant article is not permitted
 - Reconsideration is permitted during Deliberative Session when debating amendments / language of warrant article
- Adopting SB2 is not a permanent choice – it can rescinded and school district can return to the traditional meeting

Disadvantages of SB2

- Some consider SB2 a move away from the “pure democracy” of the traditional meeting, where the legislative body meets and does all the business of the school district in single session/meeting (well—sometimes)
 - Deliberative session is similar to traditional meeting
- Final “hand card” vote on warrant articles -- you cannot see how other citizens vote, and cannot use peer pressure to get others to vote the “right way”
- School Board, Budget/Finance Committee, and other proponents/opponents of warrant articles likely need to communicate the merits of their positions on warrant articles
 - Before and during the deliberative session
 - During 30+ day period between the Deliberative Session and Ballot Voting Session
 - Must engage in informed debate and defend positions
 - Have to counter citizen “Voter Guides” and Letters to Editors

Disadvantages of SB2 (con't)

- Tabling of warrant articles is not allowed—all warrant articles are placed on ballot for the Ballot Voting Session
 - “Undesirable” warrant articles must get an all-day ballot vote
- Reconsideration of articles is not permitted—a passed or defeated article cannot be brought up later in the meeting
- Default budget is always there as a backstop
- Early submission deadline for petition warrant articles
- SB2 permits “Legalization of Meetings” under RSA 40:16
 - Irregularities or procedural defects can be cured
 - Permits calling a special single session meeting with deliberation and voting for the exclusive purpose of curing defects (RSA 31:5-b)
 - Example: Passing a lease or bond warrant article but failing to fulfill all of the required public disclosures with proper wording

SB2 Issues / Concerns

- Can a small group of voters hijack the Deliberative Session?
 - Yes! The Deliberative Session is very important and requires as many voters as possible to attend to ensure the will of the school district is brought forward as ballot questions to the Balloting Session
 - A small group of voters can hijack a traditional meeting, without any recourse except a 50% turnout meeting (RSA 31:5)
- Do voters tend to skip the Deliberative Session because they think nothing is decided?
 - Yes, this can happen. Advocacy and education is needed to encourage participation in the Deliberative Session
 - For many/most warrant articles, amendments can alter what is being proposed
- Deliberative session is important – need for voters to remain engaged and participate

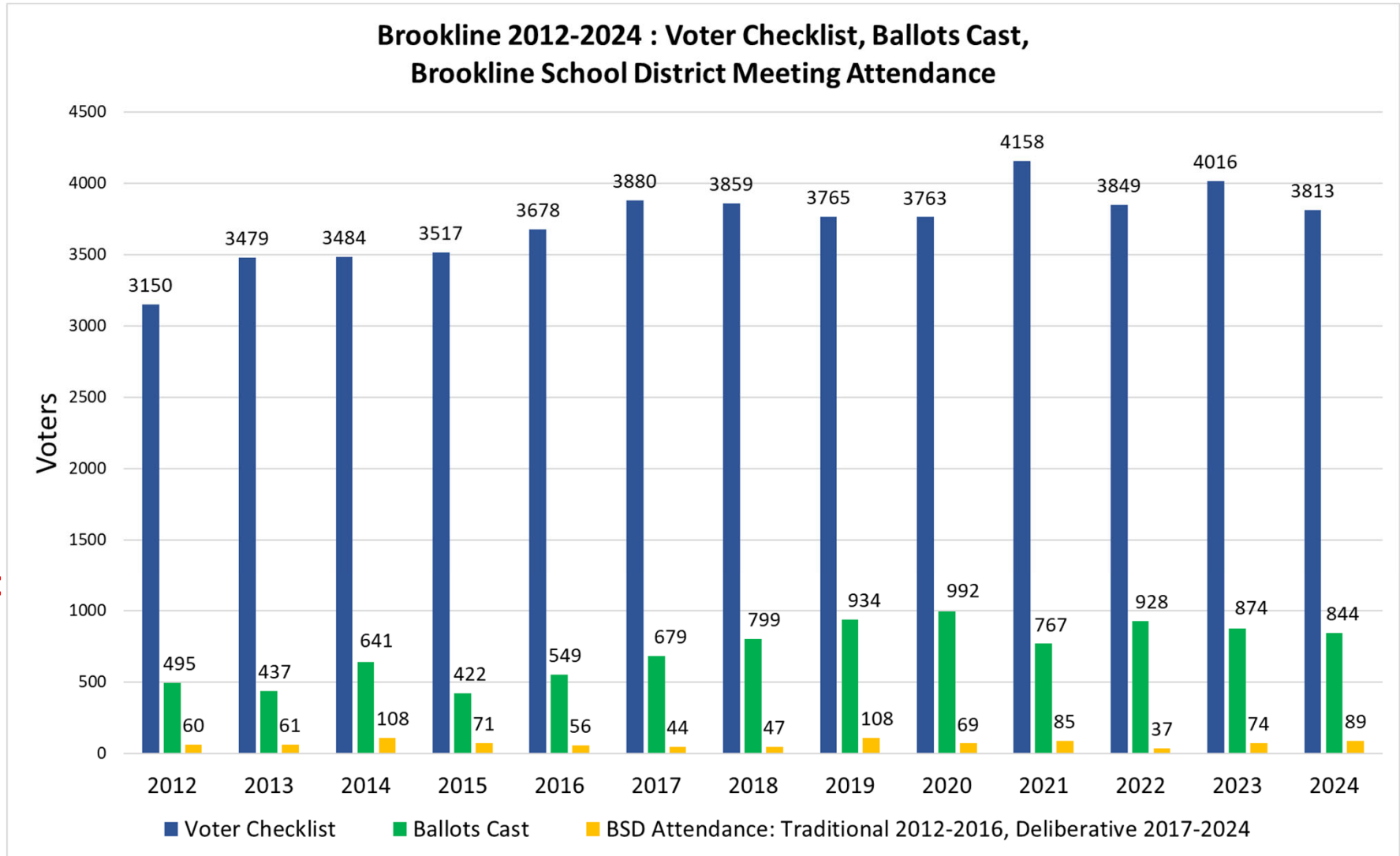
SB2 Issues / Concerns

- The difference between proposed and default operating budgets is tiny – is there a real choice?
 - Calculation of default budget is a “grey” area subject to “interpretation”
 - New spending and one-time expenses must not be part of the default budget, but dubious line items can and do “sneak” through
 - School boards and SAU personnel typically err on putting items in default budget
 - Discrepancies in default budget – most common complaint to Dept. of Revenue Administration (DRA) during budget season!
 - Best practice – give power of determining default budget to official budget committee
- Deliberative session is important – need for voters to remain engaged and participate

SB2 – Official Ballot Referenda

Brookline School District – Participation Traditional vs. SB2

Brookline School District adopted SB2 in 2016, took effect in 2017



SB2 – Official Ballot Referenda

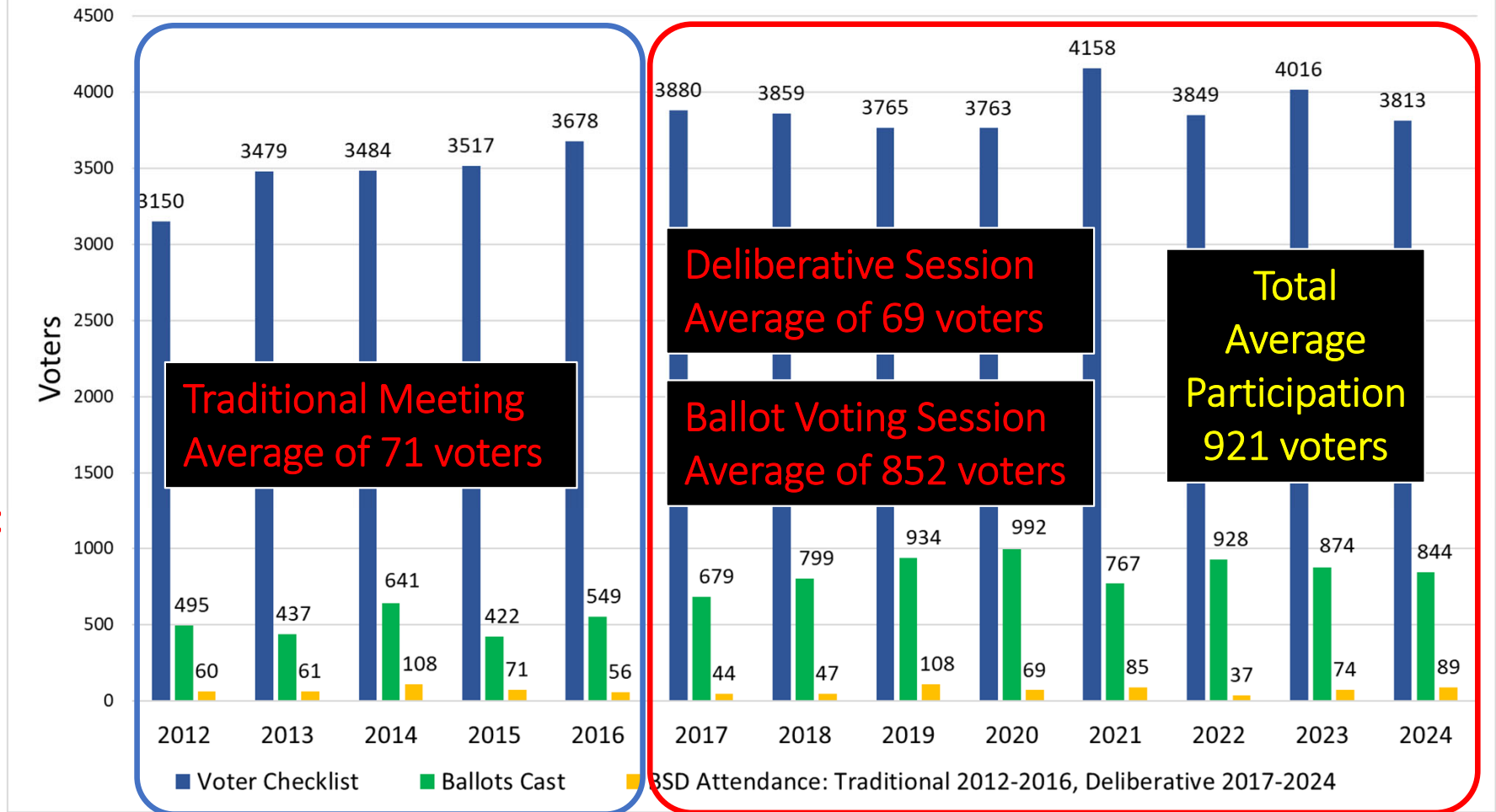
Brookline School District – Participation Traditional vs. SB2

Traditional

Brookline 2012-2024 : Voter Checklist, Ballots Cast, Brookline School District Meeting Attendance

SB2

Brookline School District adopted SB2 in 2016, took effect in 2017



Brookline School District – Participation Traditional vs. SB2

- Traditional Meeting – 71 voters (avg)
- SB2 Deliberative Session Meeting – 69 voters (avg)
- SB2 Balloting Session – 852 voters (avg)
- **SB2 Total Voter Participation – 921 voters (avg)**
- **13X higher participation under SB2 vs Traditional Meeting!**

SB2 Issues / Concerns (con't)

- Why would we want SB2 ballot voting since hundreds or thousands of voters will be “uninformed” when voting on the warrant articles? At a traditional meeting, voters need to hear the school board (and/or budget committee) rationale and views from other voters
 - At a traditional meeting, voters must hear presentations and potentially some debate, and/or amendments on warrant articles
 - Voters may be forced to hear but may not listen! In reality, most voters know how they want to vote before the traditional meeting. At traditional meetings, a small group of individuals typically dominate the discussion.
 - All voters currently vote on Zoning Amendments but how many come to the Planning Board public hearings? Not many!
 - How many people research the background of candidates before the election?

SB2 Issues / Concerns (con't)

- With reconsideration available on a “failed” operating budget, can’t voting on SB2 drag on?
 - Possibly, but if the proposed operating budget did not pass the first time, most school boards are not likely to try again because it faces the same process (Deliberative Session, Balloting Session)
- Why go to SB2 since it prevents reconsideration of warrant articles? Isn’t reconsideration a good option?
 - Most voters do not like to have late night motions change voters from earlier in the night, but that is possible and does happen with traditional meetings
 - Reconsideration can drag on meetings.
- Under SB2, special school district meetings also use two sessions (deliberative and balloting)

Effective Meetings

- Increased voter participation leads to
 - Fiscally responsible spending and reasonable property taxes
 - Better outcomes that are in the best interest of the entire community
 - With traditional meetings, voter turnout at meeting is important
 - With SB2, need adequate participation at deliberative session and the balloting session – voter turnout
- Pro-spending voters tend to turn out more than Conservative Spenders
- Elections Have Consequences, who is serving?
 - School Board Members
 - Official Budget Committee Members
 - Does your town/school district have an Official Budget Committee
- School Board authors the warrant articles on the warrant
 - Official Budget Committee (if any) sets the operating budget
 - Citizens can propose petition warrant articles (traditional or SB2)

SB2 – Solution to Unsustainable Spending?

- Definite “Maybe” ! 😊
- Voter apathy must be overcome – especially need ample conservative voters to participate in the deliberative session
- Judicious use of petition warrant articles
 - Requiring “tax impact” (e.g. \$9.49/1K) on warrant articles for transparency (appears official ballot for each warrant article)
 - Adoption of tax cap (RSA 32:5-b) or budget cap (RSA 32:5-d)
 - Possible 2025 bill for “reduced default budget”
- Deliberative sessions tend to be much shorter in duration than the traditional meeting, so more voters likely to participate
- More voters likely to cast a ballot during balloting session, but education of voters is important, including encouraging absentee ballots

Recent SB2 Related Legislation

- 2023 HB313 – “Relative to the reductions from the default budget for official ballot town meetings”,
Prime Sponsor: Rep. Yokela (R-Fremont)
 - Commonsense change for SB2 towns and school districts, by requiring that salary and benefit reductions from known turnover are deducted from the default budget. Also clarifies default budget includes “obligations previously incurred by law” and not “obligations previously incurred”
 - Killed (ITL) on 188-184 House vote on 4 Jan 2024
- 2024 HB1175 – “Relative to the official ballot referendum form of town meetings”,
Prime Sponsor: Rep. Pauer (R-Brookline)
 - Recommend OTP
 - Places the SB2 Adoption Question back onto official ballot
 - Passed House 173-163 (OTP) on 21 Mar 2024
 - Senate voice vote for Interim Study on 22 May 2024

Upcoming SB2 Related Legislation

- LSR 2025-0153 for House Bill
 - relative to maintaining the purpose of a petitioned warrant article
 - Prime Sponsor: Rep. John Sellers
 - Ensures that the purpose of the petitioned warrant article is not eliminated

Possible SB2 Related Legislation

- LSR idea: Reduced Default Budget by X%
 - Enabling legislation if under SB2 – adopt/rescind this provision by 3/5 vote
 - Gives school district (or town) an annual option to vote on a reduced default budget
 - If proposed budget fails, then a contingent warrant article gives voters a choice between adopting the default budget or adopting a reduced default budget, which is X% smaller than default budget, where X = 1% to 10%
 - Article 1: proposed budget of \$12M, default budget of \$10.8M
 - Article 2 (contingent, only if Article 1 fails): default budget of \$10.8M or reduced default budget of \$10.26M (adopted with X = 5%)
 - Needs prime sponsor and co-sponsors



SB2 – Official Ballot Referenda

Petition

SDGA-NH

SDGA-NH



- Our website: <https://www.sdganh.org>
- Attend our free webinars
 - **Oct. 2: Tax Caps and Budget Caps**
 - TBD: All about Special Education
 - Apr. 2025 (date TBD): Training for New School Board Members
- Join SDGA-NH: <https://sdganh.org/join/>
 - Application, \$20 annual dues after acceptance (good through end of 2025)
 - State-wide members email list
 - Members only resources, recorded webinars
 - SDGA-NH Annual General Meeting (May)
 - Help drive the future of excellence in NH education, budgeting, and governance!

Thank you.
Eric Pauer – President@sdganh.org



SB2 – Meeting Date Options

- Per RSA 39:2-a, town and school district meetings may be held in March or May, on the second Tuesday
- If SB2 is adopted, RSA 40:14 X also provides option for second Tuesday in April

| SB2 | March | April | May |
|---------------------------------|----------------------------------|----------------------------------|--------------------------------|
| First Session (Deliberative) | Early February | Early March | Early April |
| Second Session (Balloting) | 2 nd Tuesday March | 2 nd Tuesday April | 2 nd Tuesday May |