

**FREQUENTLY ASKED QUESTIONS ABOUT VOTING, AND THE TOWN AND
SCHOOL DISTRICT DELIBERATIVE SESSIONS**

Q1: How can I register to vote?

A1: You can register to vote at the Town Clerk's office at any time during normal business hours up to ten days (sometimes later – check with the Town Clerk) before an election. You can also register at the polls on election day. RSA 654:7-a.

Q2: Who can vote by absentee ballot?

A2: Any registered voter who (1) will be absent on election day, (2) cannot appear in public on election day due to the observance of a religious commitment, or (3) cannot vote in person because of a physical disability, may vote by absentee ballot. RSA 657:1. Absentee ballot applications are available from the Town Clerk's office up to the day before the election.

Q3: Can citizens of Rye petition to have articles added to the Town or School District warrants?

A3: Yes. Pursuant to RSA 39:3, upon the written application of 25 or more registered voters, the Board of Selectmen or School Board must place a petitioned article in the Town or School District warrant, with only such minor textual changes as are required. The petition must be presented no later than the fifth Tuesday before the Deliberative Session. Different rules may apply to petitioned articles relating to land use issues.

Q4: What is the Official Ballot or "SB2" form of government that exists in Rye?

A4: The Official Ballot form of government (RSA 40:13), popularly known as "SB2" after the State Senate bill that engendered it, was adopted by the Town of Rye and the Rye School District in 1998. It replaced the traditional Town Meeting with a Deliberative Session, also known as the "first session" of the Town Meeting. Towns that have adopted SB2 must vote "on all issues before the voters", including both warrant articles and town officers, at the polls on election day – the "second session" of the Town Meeting.

Q5: How does the Town or School District Deliberative Session work?

A5: The Deliberative Session consists of explanation, discussion and debate on each article contained in the Town or School District warrant. Voters at the Deliberative Session may not vote whether to adopt or not to adopt a warrant article. However, they can amend a warrant article, subject to certain limitations discussed in response to Question 6 below. RSA 40:13.

Q6: How much power do voters at a Deliberative Session have to amend a warrant article?

A6: The extent to which warrant articles can be amended at a Deliberative Session is in flux as both the New Hampshire Supreme Court and the Legislature have been struggling with that issue. See, Grant v. Town of Barrington, 156 N.H. 807 (2008) (Court sustained amendment to warrant article that eliminated all words thereof after the words “To see”); RSA 40:13, IV(c) (effectively overruling Grant). Nonetheless, there are three primary limits on such amendments. First, an amendment may not add a new subject to an article. RSA 39:2. Second, a warrant article whose wording is prescribed by law may not be amended. RSA 40:13, IV(a). Finally, amendments that would eliminate the subject matter of an article are forbidden. RSA 40:13, IV(c). In Bailey v. Town of Exeter, an amendment sought to insert the word “not” into an article, thereby making the article meaningless. The Court ruled that such an amendment was prohibited because it would make the subject matter of the article a “nullity.” The Bailey decision was not appealed to the State Supreme Court. Pursuant to Bailey, it is clear that the “not” and “to see” types of amendments are not permissible. Beyond that, however, it is unclear what other types of amendment would eliminate the subject matter of an article so as to make it a nullity. For instance, would an amendment that eliminated the intent of an article without eliminating its literal subject matter, such as an amendment that sought to merely study the action called for by an article, be permissible? Until such time as the courts and the Legislature provide more guidance, the answer to such questions is open to debate.

Q7: Can the Deliberative Session change the Town or School District operating budget?

A7: Yes, so long as the amendment does not increase the appropriation recommended by the town budget committee by more than ten percent. RSA 32:18; RSA 39:2.

Q8: Are there rules of procedure for the Deliberative Session?

A8: State law authorizes the Moderator to set the rules and procedures for the Deliberative Session. RSA 40:4, I. However, the Moderator’s rules can be changed, and a decision of the Moderator can be overruled, by majority vote. [Click here to see the Moderator’s Rule for the Town Deliberative Session.](#)

Q9: Can voters at a Deliberative Session ask for a secret ballot on a warrant article?

A9: Yes. Voting must be by secret ballot if five or more voters present at the meeting sign a written request for a secret ballot. RSA 40:4-a, I (a).

Q10: Can voters at a Deliberative Session reconsider a vote taken earlier in the meeting, or a warrant article considered earlier on which no vote was taken, long after many voters have left the meeting?

A10: Yes. However, voters may move to restrict reconsideration of a warrant article. If the motion carries, that article may not be reconsidered later in the meeting. RSA 40:10, I; RSA 40:13, IV.

Q11: Can non-voters speak at a Deliberative Session?

A11: If a non-voter seeks permission to speak at the Deliberative Session, I will ask if there is any objection. If there is no objection, I will permit the person to speak. If there is an objection, I will call for a vote, and the will of the majority will prevail.

Q12: Are there any limitations on campaigning at polling places?

A12: Yes. No campaign materials may be distributed, displayed or worn inside the polls; nor may any person perform electioneering activities within a corridor ten feet wide at the entrance door (and extending as far from the door as the moderator determines) of the building where the election is being held. RSA 659:43. Also, no unattended campaign signs are permitted on public property outside the polls. RSA 664:17.