

Nancy Marashio and Bill Herman: Local officials should be stewards of local elections

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State Sen. Regina Birdsell [presented](#) an interesting version of what transpired during the 2017 and 2018 local elections leading up to the most recent legislative session and Senate Bill 438, the so-called rescheduling of municipal elections bill (*Monitor* Opinion, June 9).

While the column made a great effort to inaccurately cast blame for the bill's defeat on a single organization, the stubborn fact remains that hundreds of local election and municipal officials focused their efforts on a proposed solution to what state officials determined to be a problem. And Senate Bill 438 was not the solution.

Clearly a massive winter storm event in 2017 followed by a less severe repeat in 2018 caused postponements for March municipal elections – the first time it is believed to have occurred in New Hampshire.

The column suggests a single entity “under a tortured interpretation of the law” advised local officials in 2017 they could reschedule elections, which is simply not the case. Virtually every municipal attorney throughout the state advised their municipal clients that the current statute provided that authority. Only some legislators and the secretary of state disagreed with that view. It was those public declarations by state officials that led bond counsel to question the legality of the individual local actions, not the actions themselves.

It is true that literally hundreds of local election officials reached out to members of the House of Representatives and asked that the Committee of Conference report, agreed to by a handful of legislators, be defeated; and the House responded overwhelmingly. Let's not forget the House membership includes dozens of current and former local officials who best understand this situation. And one of the final arguments made to pass the measure was the Legislature could correct its flaws in the next session, which is a clear acknowledgement the measure had problems.

Throughout the debate and discussions of SB 438, there was not a single local official who testified in favor of the legislation, which would have passed authority for the decision to a state official instead of leaving it to local election officials. When local officials sought to provide input and participate in a solution, telephone calls and e-mails to legislators went unanswered, and their testimony in legislative hearings was for naught.

Despite this, on one item there seems to be common ground. State and local officials agree the laws should be amended to provide clear direction and time frames for how to handle a postponement of a municipal election. In the same manner that state law has long provided the direction and time frames local election officials adhere to for the holding of municipal elections, the law should also provide clear directions for how they should postpone an election should the need arise.

While everyone seems to suggest the only need for postponement would be weather due to what occurred in 2017 and 2018, the reality is there can be any number of reasons that may affect a lot of communities or may only affect a single municipality. A fire damaging the polling place. A massive sinkhole to the main access to the voting place. A roof collapse. An active shooter situation. Flooding at the voting place. And yes, a major weather event. These are all potential reasons to require a postponement.

To expect a single state official to know what is going on in all municipalities in New Hampshire at any one time simply doesn't make sense. Local officials who are on the scene and engaged in their community will know best what is happening in their communities.

Local election officials – moderators, town clerks, supervisors of the checklist and boards of selectmen – have taken great care of their local elections for nearly 240 years. They do not take their responsibilities lightly and do not make decisions frivolously. They believe in protecting the sanctity of every voter's right and ability to cast a ballot. They also take very seriously the health, safety and welfare of the residents of their community. And they are answerable directly to local voters who put them in these positions.

Most local officials who opposed the Committee of Conference report on SB 438 also committed to their legislators they would work to be part of the solution to this question moving forward in the next session of the Legislature. We hope there will be willing partners next time to find a workable solution.

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