To: Representative Griffin, Chair, and members of House Election Law

Re: SB 438, relative to the postponement of local elections

Town election results have not been requested by the Secretary of State in my more than two decades as Newbury Town Moderator. The Secretary of State office does not prepare or provide town election ballots; our Town Clerk does. (669:23) The Selectboard prepares and presents a warrant for town election as part of the warrant for town meeting. (669:2) Voters choose their town election ballot system. (669:11-13) Town election officials provide for absentee voting for town elections. (669:26-27) Town officials run town election recounts. (669:30-32) Towns may regulate reporting of candidate contributions and expenditures (31:39,l), and distribution of campaign materials (31:41-c). I could go on. Town election officials have authority over town elections.

40:4 lists postponing and rescheduling of voting day of a town meeting as a duty of the moderator. The March 9 NHMA Legislative Bulletin excerpt from the 1998 committee hearing on the bill that became 40:4, II shows that “a voting day of a meeting” was an amendment proposed after Representative Lockwood’s question: “Could this include the day of voting?” Last year all municipal attorneys and the Office of the Attorney General supported this phrase as giving authority to the Moderator. Why would SB 438 be deleting the phrase if they were not accepting the possibility that the attorneys were correct?

All that is missing regarding postponement of town elections is a standard process for rescheduling postponed town elections. On this issue SB 438 is fair and well crafted.

SB 438, though, is no longer just an act “relative to the postponement of local elections.” It has become a state takeover of town elections, attempting to replace the authority of town election officials – elected by the voters of their town – with the authority of the Secretary of State – elected by state legislators.

The new section, 39:1-d Definitions, is an insidious undermining of town authority over town business. Section II removes town elections from the town meeting
warrant and, therefore from town meeting. Clearly town moderators have authority
to run town meeting - both the town election and the deliberative session. By a
definition change, the whole town meeting process is halved.

I do not support moving authority to postpone a town election from moderators to
the Secretary of State. Even though the Secretary wants this authority, we need to
remember that he is a state official and moderators are officials for the towns.
There has rightly been a separation between town and state, and we need to give
deep consideration before any move to give the state (or have the state take)
authority that has always belonged to the towns. That an attempt would be made by
changing a definition is an unworthy sleight of hand.

Starting in 1718, “moderator” became an official office in New Hampshire. In this
300th year, please keep the authority of town elections under the authority of town
elected officials. Reject SB 438!

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Newbury Selectboard members have authorized me to communicate their support
for this stance.