

CITY OF SOMERSWORTH, NH CHARTER AMENDMENTS

Legend – New Language Appears in Bold Type

Question 1:

ARTICLE I - Section 1.3 Ward Boundaries

No person shall have the right to **file as a candidate for office** in any of the wards hereby established unless **he/she is a registered voter at the time of filing**. No person shall have the right to hold office in any of the wards hereby established unless he/she shall have been an actual resident of such ward, or the territory embraced therein, for the period of six months next preceding such election or next preceding the passage of this act.

Explanation: According to the State of NH, the language in this section needs to be clear that a person filing as a candidate for office has to be a registered voter at the time of filing.

Yes

No

Question 2:

ARTICLE I - Section 1.4 Changes to Ward Boundaries

Every ten years, in conjunction with the federal census, a review of the ward boundary lines shall be conducted for the purpose of adjusting such boundary lines to ensure equalization of population within the wards. At the election **immediately preceding a scheduled** federal census, a Ward Boundaries Review Committee shall be elected consisting of one eligible person from each ward. The City Clerk shall serve as chair of the review committee but will not have a vote. The committee shall review the boundaries of each ward to determine if adjustments are necessary to ensure equal distribution of population within each ward. If adjustments are necessary the committee shall propose such adjustments to the ward boundaries as will provide as nearly as possible an equal number of citizens within each ward. In doing so the committee shall take into consideration the character and makeup of the wards and to the extent possible try to maintain the integrity of each ward as a “city within a city.” The committee shall submit its recommendations to the City Council for review and approval. Upon approval by the City Council the changes shall be submitted to the voters for approval by referendum at the next election.

Explanation: The amendment to this section changes the time frame of the election at which a Ward Boundary Review Committee will be elected in order to be effective for ward boundary change recommendations.

Yes

No

Question 3:

ARTICLE II - Section 2.1 Declaration of Candidacy

All persons **who are registered voters at the time of filing and who are otherwise** qualified to vote in the municipal elections and wishing to become candidates for any municipal office to be voted on at the next municipal election shall file in writing with the City Clerk their declaration of candidacy, indicating the office for which they are filing. Said declaration shall be accompanied by a petition of twenty-five (25) registered voters from a ward if for an office elected by that ward, and of fifty (50) registered voters if for an office elected at large. In lieu of petitions, a declaration of candidacy may be accompanied by a fee, for the use of the city, the amount of such fee to be established by City Ordinance. The filing period for the declaration of candidacy shall not be more than fifty-five (55) days nor less than forty (40) days prior to election.

Explanation: According to the State of NH, the language in this section needs to be clear that a person wishing to become a candidate for any municipal office has to be a registered voter at the time of filing.

Yes No

Question 4:

ARTICLE II - Section 2.2 Ballot Preparation

The names of the candidates shall be listed in alphabetical order pursuant to the provisions of RSA 656:5-a. To determine the order of names on each ballot, the candidates for each office in the same list shall be temporarily listed alphabetically by surnames and the positions in such list shall be temporarily numbered in ascending order. The candidate whose position in the initial temporary list equals the seed number selected for the election year by the Secretary of State or designee pursuant to RSA 656:5-a for the appropriate list length shall appear first on the ballot. The order of candidates after the candidate in the first position shall follow alphabetically by surname with “a” following “z.”

Explanation: The existing language in this section, which states “The order in which the names of candidates shall be listed on the ballot shall be determined by a method of random selection administered by the City Clerk,” is inconsistent with State of NH law. The above language mirrors the State of NH statute, RSA 656:5-a.

Yes No

Question 5:

ARTICLE II - Section 2.4 Qualification of Voters

Persons who would be qualified to vote in a biennial election if held on the day of such municipal election shall be qualified to vote in all elections held pursuant to this Charter and all elections held hereunder shall be deemed elections within the meaning of all

general statutes, penal and otherwise, and said statutes shall apply to municipal elections so far as consistent with the Charter.

Explanation: It is the recommendation of the State of NH Attorney General’s Office, as well as City Attorney Whitelaw, that the last sentence of this section should be deleted. The last sentence read as follows: “The polls shall be open at each municipal election during such hours as this Charter may provide, but in any event for not less than ten hours.” The polling hours are addressed in Section 2.6 Conduct of Elections.

Yes No

Question 6:

ARTICLE II - Section 2.6 Conduct of Elections

The election officers in each ward whose duty it is to conduct regular biennial elections shall conduct a municipal election at City expense in the same manner as a regular biennial election on the Tuesday following the first Monday in November of odd numbered years to elect all elected officials provided for by this Charter. The City Clerk shall fix the polling place therein and give notice thereof when the checklist for the municipal election is first posted. **The City Council shall determine the hours of polling no later than 30 days prior to the election. The polls shall, at a minimum, be open between 11:00 a.m. and 7:00 p.m.**

Explanation: City Attorney Whitelaw and the State of NH Attorney General’s Office as well as the City Council’s Government Operations Committee recommend adding the last two sentences to Section 2.6.

Yes No

Question 7:

ARTICLE II - Section 2.7 Preservation of Ballots

All the ballots cast at each election in the several wards shall be preserved, and after they have been counted the moderator shall deliver all ballots given in to the clerk of the ward, and the clerk shall seal up said ballots, direct delivery of the same, together with the checklists used at such election, within one hour after adjournment of such meeting, to the City Clerk. **The City Clerk shall retain such materials as required pursuant to RSA 33-A:3-a.**

Explanation: Amending this section by adding the last sentence will bring us into compliance with State of NH laws regarding retention of election materials.

Yes No

Question 8:

ARTICLE III - Section 3.1 Composition, Eligibility, Election and Term (of Mayor and Council)

(B) Eligibility: Only persons **registered** to vote at the time of filing for candidacy and otherwise qualified to vote in the City shall be eligible to hold office as Councilor.

Explanation: The amendment to this section changes the word “qualified” to “registered” and is another instance where the State of NH wants to be very clear that a candidate must be registered to vote at the time of filing for candidacy.

Yes No

Question 9:

ARTICLE III - Section 3.2 Vacancies, City Council

(A) **If a vacancy occurs on the City Council, the City Council shall appoint a person to fill the vacancy until the next municipal or state election, whichever occurs first, at which time an election shall be held for the unexpired term. All votes to fill a vacancy on the City Council shall be by “roll call vote.”**

(B) **The City Council shall not vote to fill any vacancies on the City Council until fourteen (14) days after such vacancy has occurred. Such vote may not occur until the said vacancy has been duly posted at City Hall for fourteen (14) days and advertised in a local newspaper three (3) times. It shall take a two-thirds vote of the present membership to suspend said rule. All votes to fill a vacancy on the City Council shall be by “roll call vote.”**

(C) If a vacancy arises during the last year of a Councilor’s term on the City Council during the time period between the November election for the position and the end of the term in January, the City Council shall immediately appoint the newly-elected individual to fill the vacancy for the unexpired term.

Explanation: The City Council’s Government Operations Committee unanimously approved the procedure outlined above, and the State of NH Attorney General’s Office approves this language, as does City Attorney Whitelaw. This amendment brings us into compliance with State of NH law for the purpose of filling vacancies on the City Council.

Yes No

Question 10:

ARTICLE III - Section 3.6 Compensation

The City Council **shall** determine the annual salary of Councilors by ordinance, but no ordinance increasing salary shall become effective until the date of commencement of the terms of councilors elected at the next regular election, provided that such election follows the adoption of such ordinances by at least six (6) months. Councilors shall receive their actual and necessary expenses incurred in the performance of their duties of office. The Mayor's salary shall be designated by ordinance and such salary shall be twice the salary of individual Councilors, but not less than \$1,000 annually. The Mayor shall receive actual and necessary expenses incurred in the performance of his/her duties of office. In addition to such compensation, the Mayor shall be reimbursed for out-of-pocket expenses incurred in the performance of his/her duties as Mayor up to a maximum of \$500.00 per year. Total reimbursement shall not exceed \$500.00 per year unless specifically authorized by the City Council. **All compensation shall be part of the annual budget ordinance adoption.**

Explanation: This amendment eliminates the monetary penalty for missed meetings and also states that all compensation shall be part of the annual budget ordinance adoption. This was recommended by the City Council's Government Operations Committee and approved by City Attorney Whitelaw.

Yes No

Question 11:

ARTICLE X - Section 10.2 Compensation

The School Board members shall receive the same annual salary as set by the City Council and under the same restrictions and timing as for City Councilors in Article 3.6 of this Charter. School Board members shall receive their actual and necessary expenses incurred in the performance of their duties of office. The salaries and expenses for School Board members shall be a charge against the City's budget and not the budget of the School Department. **All compensation shall be part of the annual budget ordinance adoption.**

Explanation: This amendment eliminates the monetary penalty for missed meetings and also states that all compensation shall be part of the annual budget ordinance adoption. This was recommended by the City Council's Government Operations Committee and approved by City Attorney Whitelaw.

Yes No

Question 12:

ARTICLE X - Section 10.4 Vacancies, School Board

- (A) **If a vacancy occurs on the School Board, the City Council shall appoint a person to fill the vacancy until the next municipal or state election, whichever occurs first, at which time an election shall be held for the unexpired term. All votes to fill a vacancy on the School Board shall be by “roll call vote.”**
- (B) **The City Council shall not vote to fill any vacancies on the School Board until fourteen (14) days after such vacancy has occurred. Such vote may not occur until the said vacancy has been duly posted at City Hall for fourteen (14) days and advertised in a local newspaper three (3) times. It shall take a two-thirds vote of the present membership to suspend said rule. All votes to fill a vacancy on the School Board shall be by “roll call vote.”**
- (C) **If a vacancy arises during the last year of a School Board member’s term on the City Council during the time period between the November election for the position and the end of the term in January, the City Council shall immediately appoint the newly-elected individual to fill the vacancy for the unexpired term.**

Explanation: The City Council’s Government Operations Committee unanimously approved the procedure outlined above, and the State of NH Attorney General’s Office approves this language, as does City Attorney Whitelaw. This amendment brings us into State of NH compliance for the purpose of filling vacancies on the School Board.

Yes	No
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Question 13:

ARTICLE XII – RECALL PROCEDURE.

Delete Article XII.

Explanation: The City Council’s Government Operations Committee approved deleting Article XII – Recall Procedure which was recommended by the State of NH Attorney General’s Office, Secretary of State, Department of Revenue Administration, and City Attorney Whitelaw.

Yes	No
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