

TOWN OF HOOKSETT
Public Meeting

A meeting with members of the Hooksett Supervisors of the Checklist and the Town Clerk will be held on Friday, October 15, 2021 at 12:30PM in Room 204 in the Town Municipal Building, 35 Main Street, Hooksett, NH.

1. Roles and responsibilities
 - a. Town Clerk
 - b. Supervisors of the Checklist
2. Town Charter
 - a. Section 8.2, Initiative petitions
 - b. Section 8.6, Recall of Officeholders

Attendees

- Todd Rainier, Town Clerk
- Alex Walczyk, Town Councilor at Large
- Supervisors of the Checklist
 - Barbara Brennan
 - Stephen Burkhart
 - Kim Daggett

Todd - Explained a high level of the required process for making Charter changes (per the town Charter). He noted that if an item impacts the budget - it goes to the voters. This is applicable for Petitions.

Roles and responsibilities (between Supervisors of the Checklist and Town Clerk)

- Supervisors of the Checklist
 - The Supervisors of the Checklist shall have such powers and duties as are specified under New Hampshire law and in this Charter.
- Town Clerk
 - The Town Clerk shall have such powers and duties as are specified by this charter and state law. The Town Clerk may assign duties to his/her designee. To the extent there is any conflict between the powers and duties of the Town Clerk as are specified by this charter and state law, state law shall control.

The group concluded that there was no need to make adjustments to the Town Charter at this time.

Two sections of the Town Charter were discussed, Section 8.2 and Section 8.6.

Stephen referenced the Charter Amendments starting on page 33 of the Hooksett Town Charter (Effective July 1, 2019). The group discussed Charter amendments that are related and were made effective July 1, 2011:

- 8.2.A, 8.2.B

- 8.7 was deleted

For Section 8.2

Steven [and Todd] mentioned that Paragraph 2 should come in line with what the state Statute says. Changes noted below - replace the words "Town Clerk" in Paragraph 2 with "Supervisors of the Checklist".

Sec. 8.2. Initiative Petitions.

A. The Council shall hold a public hearing and act, by taking a vote, on the merits of every initiative petition, which concerns a matter in which the Town is empowered to act. The petition shall be addressed to the Council, shall contain a request for passage or repeal of a particular measure set forth in the petition and shall be signed by not less than two percent (2%) of the registered voters of the Town.

The initiative petition shall include the personal signature and legible name and address of each petitioner and shall be filed with the Town Clerk as one instrument of endorsement. The ~~Town Clerk~~ **Supervisors of the Checklist** shall verify the number of registered voters signing the petition and shall attach thereto a certificate showing the result of such examination. Within seven (7) business days, the Town Clerk shall transmit the petition and certificate to the Town Council and shall send a copy of the certificate to the first signer of the petition.

The petition shall be considered valid following certification unless written objection regarding the number of signatures certified is made by a voter no more than seven (7) business days after the certificate has been issued. The validity of any such objection shall be determined by the Council.

For Section 8.6

Stephen - Provided information regarding the laws on verification that the person whose signature is on a petition is a registered voter in the town / city vary. And that the board of Selectmen bear the ultimate responsibility for determining if a petition satisfies the laws' requirements. Or at the request the clerk or supervisors can perform the verification.

Stephen also provided information from RSA 39:3 Articles that explicitly assigns the responsibility to the Supervisors of the Checklist, but does authorize a city clerk to perform the verification in a city.

Stephen provided and referenced RSA 655:41 Certification which explicitly states that the supervisors of the checklist shall certify whether or not the signer is a registered voter in said town or ward.

However, it also states that the clerk may perform responsibilities of the supervisors of the checklist under this section [RSA 655:41].

Todd - There was a relatively recent court case Rockingham Superior Court 04-E-0361 (case was in 2015). This had to do with the recall of elected officials - in that case, the ruling was found that the Town's recall provision in its charter was invalid.

After further discussion the group effectively **concluded that Section 8.6 should be stricken from the Hooksett Town Charter.**

Next steps:

- Todd?
 - Have Legal review Section 8.2 and determine if it conflicts with state law.
 - Could we have Section 8.2 simply reference a State Statute RSA 39:3 Articles and RSA 655:41 Certification?
 - Ask legal: Can we put both Section 8.2 and 8.6 on the same ballot? For example in the next election, or should they be on separate ballots (separate elections)?