



40 Marple by the Town Clerk who provided information to me which I thought was important to the  
41 Council to discuss as it gives the Council options.

42  
43 Todd Rainier: I became aware of the passing of Representative Marple today. I started looking at  
44 statutes and how the vacancy would be filled. I contacted Deputy Secretary of State David  
45 Scanlon. We discussed the statutes that provide guidance on that. RSA 668:8 talks about the  
46 vacancy and RSA 655:81 talks about the procedure for nominations and the timeline for a special  
47 election. We traded a couple calls back and forth over the course of a few hours. Ultimately,  
48 there is an opportunity for the Town Council to act, should they choose to. In the law, it states  
49 may, not shall, so you may act to declare a vacancy and ask that the Governor and Executive  
50 Council declare a date for a Special General Election. The reason for this happening in the short  
51 timeline is the Governor and Executive Council meet tomorrow and we need to provide word to  
52 the Secretary of State's office today so they can prepare documents to present to the Governor  
53 and Executive Council tomorrow. There is a timeline for this declaration of special election; it is  
54 80-180 days. We have our town election 83 days from Thursday. We have an opportunity,  
55 should you choose to, to request the Governor and Executive Council declare that vacancy and  
56 declare March 10<sup>th</sup> also be a special general election for this one seat along with the Town and  
57 School Election. We have had special elections, we had one in 2017, RSA 661:8, Section V  
58 states "No special election shall be held after March 15 of the second year of the biennium, as  
59 determined by RSA 655:81, I." In other words, March 10 would be the last Tuesday before that  
60 position would remain vacant until the November general election in 2020.

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62 Chair Sullivan: If the Town Council decides not to seek a special general election, then the term  
63 for this vacancy would not start until January 2021. Between now and then, there would only be  
64 3 representatives under the general court.

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66 Councilor Karolian: When is the next meeting with the Governor and Executive Council?

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68 Todd Rainier: I do not know when the next meeting is; I think it is in January.

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70 Councilor Karolian: They could address this in January?

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72 Todd Rainier: They wouldn't be able to act upon it because the timeline per statute is 80-180  
73 days. There are two different timelines. The standard statute states "The special election shall be  
74 held on a Tuesday not less than 110 or more than 124 days following the date the Governor and  
75 Council declare that there shall be a special election; provided, however, that if one or more  
76 municipalities where a special election for state representative will be held have a regularly-  
77 scheduled election occurring between 80 and 180 days following the day that the governor and  
78 council declare that there shall be a special election, the governor and council shall set the date of

79 the election to coincide with the regularly-scheduled election.” They have to declare the date per  
80 the timeline.

81

82 Councilor Karolian: If this didn’t go to them tomorrow, why can’t it go in January?

83

84 Todd Rainier: We would have fewer than the 80 days as the timeline is 80-180 days. There has  
85 to be a primary which would be 49 days prior to the general election and prior to that there has to  
86 be a filing period. All of these things have to occur before the general election. In the case of a  
87 State Representative, there has to be a primary before the general election.

88

89 Councilor Walczyk: Thank you for putting this together. Do we have enough time to get the seat  
90 properly vacant for an election in March?

91

92 Todd Rainier: March 15 is the hard deadline. March 15 is not a Tuesday, so the deadline has to  
93 be March 10.

94

95 Councilor Walczyk: What do we need to do now? Does the Council need to make a motion?

96

97 Todd Rainier: As far as the law goes, you may choose to do that or choose to have more  
98 discussion or choose to leave that vacant but you need to make that decision.

99

100 Councilor Walczyk: My condolences to the Marple family. If we have the opportunity to have a  
101 representative, then we should do so.

102

103 Councilor Levesque: When would be the primary?

104

105 Todd Rainier: January 21<sup>st</sup> would be the primary

106

107 Councilor Levesque: This will be an added expense.

108

109 Todd Rainier: Yes, there would be an expense. Presumably, a special election for one seat, I  
110 could not speculate as I don’t have a precedent for this for cost. The Supervisors of the Checklist,  
111 Town Clerk and Councilors would have to be there. We could run it with minimal staff. The  
112 purchase of the ballots would be a cost and it would depend on the number of candidates that  
113 come forward. If we have 2 or 3 candidates, then we have a race. I can’t speculate. The cost of  
114 the ballot and the additional coding on the memory cards for the Accuvotes. I presume it would  
115 be minimal. There is an uncontested primary statute 655:82, “In the event no party has more than  
116 one candidate file, and no non-party or other candidate files a declaration of intent, the primary  
117 election shall not be conducted. In such case, the special election shall be held on the day  
118 previously fixed as the day for the holding of the special primary election.”

119 Councilor Levesque: I feel we should have a chance to keep our representation up. It is an  
120 unfortunate thing but I think we should do it.

121  
122 Councilor Duhaime: With the unfortunate passing of Dick Marple, it is a chance to get some new  
123 blood out there. I think we should do it.

124  
125 Councilor Karolian: What is the alternative if we don't do this?

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127 Todd Rainier: If you choose to take no action, that seat would remain vacant. The filing period  
128 for the primary in September is June 3-June 20, 2020. The primary is September 8, 2020. The  
129 general election is November 3, 2020. The term would commence January 6, 2021.

130  
131 Councilor Karolian: I am going on the record objecting to 91-A: 2 in regards to being an  
132 emergency. I don't think this constitutes an emergency per say. There are other avenues to be  
133 taken. I need to go on the record pursuant to that. Under 91-A: 2, II-a, "If a member of the public  
134 body believes that any discussion in a meeting of a body, including in a non-public session,  
135 violates this chapter, the member may object to the discussion. If the public body continues the  
136 discussion despite the objections, the objecting member may request that his or her objection be  
137 recorded in the minutes and may then continue to participate in the discussion without being  
138 subject to the penalties of RSA 91-A: 8, IV or V."

139  
140 Chair Sullivan: So noted. Special meetings and emergency meetings can be called by the  
141 Chairman or at the request of 6 Councilors. My decision alone could have impacted something  
142 the Town could be interested in and I would be negligent in my duties not to give the Council the  
143 opportunity to hear the facts and make a decision.

144  
145 Councilor Walczyk: When would the term expire?

146  
147 Todd Rainier: That is a good question that I didn't research. I presume it would expire between  
148 when they get an oath and when the next election is.

149  
150 Councilor Tsantoulis: Because of the short notice, there was no opportunity to prepare ourselves  
151 and research the attendance of Mr. Marple. That would be important. I know he was elderly and I  
152 don't know his attendance record. If it's not necessary to do it now, we lose this seat that may  
153 not have been filled anyways. How important is all this to be dealt with today as opposed to the  
154 next meeting of the Governor and Council. I am not convinced this needs to be acted on today.

155  
156 Councilor Karolian: The hard time I have with it is we don't know if we go through with this,  
157 how long it is for. We don't know when this term expires. I would think it is fairly important to  
158 know when Marple's term was to expire. If we are going to have a special election or general

159 election and the position will only last a few months, I think that would be a disservice to the tax  
160 payers.

161

162 Chair Sullivan: State Representatives are elected for two year terms. They would be up for  
163 reelection with the normal primary and the November election every two years. This term,  
164 regardless of the individual who wins or lose, they would not be a State Representative of the  
165 General Court as of January 6, 2021. Terms of delegation would end January 6<sup>th</sup>, 2021 unless  
166 they seek and win election.

167

168 Councilor Karolian: Am I to understand that this election, if there is a special election to fill this  
169 seat, that seat would expire January 2021.

170

171 Councilor Sullivan: That would be my assertion. As a result, people would be applying in the  
172 filing period June 3-June 20, 2020. He would have been elected in 2018, the serving term is  
173 January 6, 2019-2021. The election of State Reps would have taken place November 6, 2018.

174

175 Councilor Karolian: He would have been seated in January 2019?

176

177 Todd Rainier: The oath would have been early January 2019. Representative Tom Walsh is here  
178 and may be able to answer some questions as his term is similar.

179

180 André Garron: I googled the term of State Representatives Marple. He was elected November 6,  
181 2018, and seated in 2019. His term ends December 4, 2020.

182

183 Chair Sullivan: Does the Council consent to have Public Input?

184

185 *No Councilors objected to opening the meeting to Public Input.*

186

187 Councilor Walczyk: In light of Councilor Tsantoulis' question regarding Mr. Marple's  
188 attendance record, Mr. Marple attended 21 meetings to date. The most recent one was on  
189 September 25. It goes back to January 2. Every month except July and August and there were  
190 multiple meetings per month.

191

192 State Representative Thomas Walsh, 15 Berry Hill Road: Thank you Chair and Council. I serve  
193 on the Planning Board and am also a State Rep for the Town of Hooksett and currently serving  
194 my fourth term. It was terrible news to lose Representative Marple, his attendance was good to  
195 say the least. Our election is in November, we are sworn in at the beginning of December, and  
196 then our first day is the first Wednesday following the first Tuesday in January which is  
197 organization day which is why you see a difference in some of the dates. The end of his term  
198 would be December 2020.

199 Councilor Sullivan: Mr. Rainier indicated the calendar in which the Council has the authority to  
200 request the Executive Council to declare a vacancy. He indicated that in order for that to happen,  
201 there is a restriction of holding a special meeting after March 15, 2020. We couldn't request the  
202 Governor and Council to hold a special election after March 15. We have to stay in the 80-180  
203 day range.

204  
205 State Representative Walsh: There is a deadline but I came here to express my opinion even  
206 though I think representation is the most important thing in our form of government, it probably  
207 is too late to bother with it now. Even though the term ends in December, our official duties,  
208 especially in the second year of the biennium, end much sooner. Realistically, by the time this all  
209 gets done, even if you decide to go with tomorrow's deadline with the Executive Council, you  
210 are looking at not getting sworn in by the end of March. Even if the election is on March 10, I  
211 can't tell you when the next session is. It is the call of the chair. If the calendar is moving in such  
212 a way that we don't need a session, he would have to make a special arrangement with the  
213 Secretary of State, etc. We are still looking at the end of March no matter what. Second year of  
214 the biennium, we have no budget issues. The first year we go into June. Without the budget  
215 issues in the second half, we start winding down in April. By the time you get done with the  
216 expense to the Town, the victor will only be there for a couple months. I don't know if it is worth  
217 it. It is over by May and we go into filing period in June. The cycle starts over. The only  
218 exception to that are vetoes in September. Just to give you another example, there are a couple  
219 other towns that are in a similar situation and have voted to not spend the money because of the  
220 limited effectiveness; those towns are Bedford and Hollis. That is my recommendation. I believe  
221 in representation but I am explaining the reality of how it works. Not only that but it is going to  
222 be an awfully complicated election between the filing period being around Christmas, the  
223 primary being the day after Martin Luther King day, if there is one. Then we have the first in the  
224 nation primary then a town and school election and then throw this in the middle of it. I don't  
225 know if it makes sense. It would be my advice to not do this.

226

227 Councilor Sullivan: Any process questions?

228

229 André Garron: If we were to have a special election and the person was nominated, is it your  
230 understanding that they would serve until December 4, 2020?

231

232 State Representative Walsh: Correct. It would be the balance of 2020. From the election on  
233 March 10 to whatever date it is in December.

234

235 Councilor Sullivan: My point of view is that it was important to call the meeting, so we are  
236 aware of the possibilities within our authority. To me it comes down to if this council wants to  
237 request a special election or leave that position vacant? Are we willing to remain with 3 State  
238 Representatives? I didn't think it was my authority to say let's not have an emergency meeting.

239 *Councilor Tsantoulis made a motion to leave the recently vacated seat of State Representative*  
 240 *Marple vacant until the next regularly scheduled election, seconded by Councilor Karolian.*

241

242 Councilor Karolian: That was enlightening from State Representative Walsh about the actual  
 243 working time of a State Representative. It is a couple months at the expense of the local tax  
 244 payers. That was interesting information.

245

246 Councilor Duhaime: It is an interesting point of view from Mr. Walsh. Again, it is getting people  
 247 involved. We have a hard time getting volunteers and sometime Council members. I don't know  
 248 if this election would generate getting more people involved. I don't know if this is a missed  
 249 opportunity. I always brag to people that New Hampshire is the easiest State to get elected. To  
 250 leave that seat empty is a shame. I know there is a little cost to it but we are about democracy and  
 251 having that chance.

252

253 Councilor Tsantoulis: I want to mention that I wasn't suggesting at all not having an election. I  
 254 just think we should have an election when it is scheduled. There will be an opportunity to fill  
 255 that vacancy at the proper time and we still have representation as needed.

256

257 Councilor Karolian: I am not questioning the Chair's request for calling the Emergency meeting.  
 258 That is your call. I want it on the record pursuant to the RSA that I don't feel that this was an  
 259 emergency and did not want to be held accountable for a meeting may not follow the RSA.  
 260 Having said that, I would like to call the question.

261

262 **Roll Call #2**

263 **R. Duhaime-No**

264 **J. Durand- Absent**

265 **C. Jones- No**

266 **J. Levesque- No**

267 **A. Walczyk- No**

268 **A. Comai- Absent**

269 **C. Karolian- Yes**

270 **T. Tsantoulis- Yes**

271 **J. Sullivan- No**

272 **Motion fails (2-5).**

273

274 Chair Sullivan: Does that give an indication that we will ask our Town Clerk to seek a special  
 275 meeting? Is that sufficient to meet that requirement?

276

277 Todd Rainier: I would presume that we would need a positive motion; I have prepared a  
 278 document for signatures.

279 *Councilor Levesque made a motion to declare a vacancy in the Office of the Representatives to*  
280 *the New Hampshire General Court- District #24, we respectfully request Governor and*  
281 *Executive Council declare a special election be held concurrent with the Hooksett town*  
282 *election March 10, 2020, to fill the vacancy, per RSA 655:81, seconded by Councilor*  
283 *Duhaime.*

284  
285 Councilor Levesque: I think this is the correct move.

286  
287 Councilor Duhaime: If Dick Marple was here he would raise his voice, tell us what we are doing  
288 wrong. The Constitution states we have rights and he would say we need to have this election as  
289 we need representation.

290  
291 **Roll Call #3**  
292 **A. Comai- Absent**  
293 **C. Jones- Yes**  
294 **A. Walczyk- Yes**  
295 **J. Durand- Absent**  
296 **R. Duhaime- Yes**  
297 **T. Tsantoulis- No**  
298 **J. Levesque- Yes**  
299 **C. Karolian- No**  
300 **J. Sullivan- Yes**  
301 **Motion carries (5-2).**

302  
303 Chair Sullivan: Again, we send our condolences to State Representative Marple's family.

304  
305 *Chair Sullivan made a motion to adjourn at 3:54pm, seconded by T. Tsantoulis. Motion*  
306 *carries.*

307  
308 ***Respectfully submitted,***

309  
310 ***Recording Clerk***  
311 ***Leann Fuller***

312  
313  
314 **Please see subsequent meeting minutes for any amendments to these minutes.**

315

316