

Salem Charter Commission Timeline for 2022

Composition

The charter commission shall consist of 9 members, all of whom shall be registered voters of the municipality and elected in the same manner as the municipal officers except that they shall be elected at large and without party designation.

Charter Commission Election: Tuesday, April 26, 2022.

April 30 – May 4, 2022: Notice of Organizational Meeting.

Within 5 days of the Friday following the election the municipal clerk shall notify those elected to the charter commission of the date, time, and place of the organizational meeting of the charter commission.

May 17, 2022: Organizational Meeting.

The date, time, and place of the organizational meeting shall be fixed by the municipal clerk. The date shall be at least 7 days and not more than 14 days after the date of the notice.

- The charter commission shall organize by electing from its members a chairperson, a vice chairperson and a secretary and shall file notice thereof with the municipal clerk.
- The charter commission may adopt rules and regulations governing the conduct of its meetings and proceedings and may employ such legal, research, clerical, or other employees and consultants as are deemed necessary within the limits of its budget.
- Vacancies occurring on the commission shall be filled by vote of the commission from the voters of the municipality.

Town Shall Provide Support & Services

A municipality shall provide its charter commission, free of charge, with suitable office space and with reasonable access to facilities for holding public hearings, may contribute clerical and other assistance to such commission, and shall permit it to consult with and obtain advice and information from municipal officers, officials, and employees during ordinary business hours. The municipal officers shall credit to the charter commission's account a sum of at least \$100. A municipality may appropriate additional funds to the charter commission account. Such funds may be raised by taxation, borrowed, or transferred from surplus. RSA 49-B:4, IV (a).

Preliminary Report: Due October 13, 2022.

The filing of the preliminary report shall be accomplished based on the date of the election of the commission. If the charter commission was elected at a special election, or at any election in a municipality not a traditional town meeting date, within 170 days after its election. April 26 + 170 days = October 13.

Hearings Required Before Issuing Preliminary Report

Before issuing its preliminary report, the charter commission shall hold at least 2 public hearings, scheduled at its discretion. Notice of each such hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation in the municipality at least 7 days before the date of the meeting.

- At least one of such hearings shall be for the purpose of receiving information, views, comments, and other pertinent material relative to its functions.
- At least one shall be for the purpose of explaining, in general terms, its proposed preliminary report and receiving comments on its proposal. The commission may, but is not required to, provide a draft of its preliminary report at the latter hearing.

Content of Preliminary Report

The charter commission shall file with the municipal clerk a preliminary report including the text of the charter which the commission intends shall be submitted to the voters and any explanatory information the commission deems desirable and shall provide sufficient copies of the preliminary report to the municipal clerk to permit its distribution to each voter requesting it. The preliminary report shall include a written opinion by an attorney admitted to the bar of this state that the proposed charter is not in conflict with the constitution or the general laws. The commission shall also file the preliminary report with the secretary of state, the attorney general, and the commissioner of the department of revenue administration.

- Within 14 days of receipt of such report, the secretary of state, the attorney general, and the commissioner of the department of revenue administration shall notify in writing the municipal clerk and the chairman of the charter commission, if any, of his or her receipt.
- Within 45 days after the receipt of the report the secretary of state, attorney general, and commissioner of the department of revenue administration shall review the proposed charter, charter revision, or charter amendment to ensure that it is consistent with the general laws of this state and shall give notice to the municipal clerk approving or disapproving the proposed charter. Failure to specify objections to a proposed charter within 45 days shall constitute approval by the

secretary of state, attorney general, or the commissioner of the department of revenue administration.

What if Commission Does Not Recommend a New Charter?

The commission may recommend, in either its preliminary or its final report, that no new charter be adopted. If the commission makes such a recommendation in its preliminary report, the preliminary report shall be deemed a final report and shall not be submitted to the state officials for review under RSA 49-B:4-a. If the commission makes such a recommendation in either the preliminary or final report, no charter question shall be placed on the municipal ballot, and the commission shall take no further action except to wind up its affairs within 60 days after the submission of its report. RSA 49-B:4, VII.

Action on Receiving Objections by State Officials to Proposed Charter

Upon receiving notice of such objections, the charter commission may make such changes as appear necessary and resubmit the proposed charter within 30 days to the official or officials who raised the objections. Such officials shall thereafter make reasonable efforts to review the changes and provide notice of approval or disapproval to the municipal clerk in time to enable the charter commission to file its final report by the deadline.

Final Report: Due December 27, 2022

The filing of the final report shall be accomplished based on the date of the election of the commission. If the charter commission was elected at a special election, or at any election in a municipality not a traditional town meeting date, within 245 days after its election. April 26 + 245 days = December 27.

Before issuing its final report, the commission shall obtain approval from the secretary of state, attorney general, and commissioner of the department of revenue administration.

After obtaining approval, the charter commission shall submit to the municipal officers its final report, which shall include the full text and explanation of the proposed new charter, such comments as the commission deems desirable, an indication of the major differences between the current form of government and the proposed charter, and a written opinion by an attorney admitted to the bar of this state that the proposed charter is not in conflict with the constitution or the general laws.

Minority reports, if filed, shall not exceed 1,000 words.

Voting on the Charter: Next Municipal Election

Upon the submission of the final report, the municipal officers shall order the proposed new charter to be submitted to the voters at the next municipal election after the filing of the final report (unless the final report recommends that no charter be adopted).

The charter commission shall continue in existence for 60 days after submission of its final report to the municipal officers, or until the date of the election at which the charter is voted upon, whichever is later, for the purpose of winding up its affairs.

Miss A Deadline?

If the charter commission is unable to obtain approval by state officers in time to submit its final report by December 27, 2022, or otherwise does not complete its preliminary or final report in accordance with the schedule, it shall continue in existence for another year, and only one more year.

If the commission's existence continues, any requirements that have not previously been satisfied shall apply as if the commission had been elected in the second year.