

Secretary of State Wm. Gardner

Concord, NH

October 7, 2019

Dear Secretary Gardner,

I hereby file a complaint against the Manchester City Clerk's office and challenge the city's election procedure regarding the election of charter commission members on the upcoming November ballot.

On October 7th, 2019 I requested from the Manchester City Clerk's office a declaration of candidacy so I could run for the charter commission. I was told by the Clerk staff that the filing period has passed and I could not file as a candidate. I am a registered voter in Manchester and meet candidacy requirements.

I believe this is in direct violation of the statute that allowed for the Manchester School District Charter Commission to be established and filled. HB 544, which was signed into law on or about July 10, 2019, established a charter commission for the Manchester school district. The legislation states that charter commission members shall be elected in accordance with RSA 49-B:4.

RSA 49-B:4 states, "Declarations of candidacy for the commission shall be filed as provided in RSA 669:19, except that **the filing period shall begin on the fourth Wednesday before the election and end on the Friday of the following week.**" (Emphasis mine.)

If following the statute, the filing period in Manchester should begin on October 8, 2019, which is the fourth Wednesday before the election (on November 5, 2019). Although there was a primary election in September 2019 in Manchester, charter commission member candidates were not listed on any September ballot, as the election for said commission is in the November election.

Unless the city of Manchester opens the filing period for charter commission members on October 8, 2019, it is in direct violation of the letter and spirit of the law in my opinion.

I respectfully request an inquiry by your office and to correct any election law infractions regarding the above.

Sincerely,

A handwritten signature in cursive script that reads "Mark Warden". The signature is written in dark ink and is positioned above the printed name.

Mark Warden

215 Laxson Ave. Manchester NH 03103

CHAPTER 174
HB 544 - FINAL VERSION

2019 SESSION

19-0405
08/04

HOUSE BILL **544**

AN ACT relative to the governance of the Manchester school district.

SPONSORS: Rep. Long, Hills. 10

COMMITTEE: Education

ANALYSIS

This bill requires the establishment of a charter commission to recommend a procedure to revise, amend, or replace the Manchester school district charter without legislative approval.

Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears ~~[in brackets and struckthrough.]~~

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

19-0405
08/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT relative to the governance of the Manchester school district.

Be it Enacted by the Senate and House of Representatives in General Court convened:

174:1 New Subdivision; Manchester School District Charter Commission. Amend RSA 49-B by inserting after section 14 the following new subdivision:

Manchester School District Charter Commission

49-B:15 Manchester School District; Charter Commission Established.

I. A charter commission shall be established to develop a local procedure, which does not require the approval of the legislature, to revise, amend, or replace the Manchester school district charter, established in 1846 as amended in 1848, as amended by chapter 301 of the 1909 Laws of New Hampshire, as amended by chapter 323 of the 1909 Laws of New Hampshire, as amended by chapter 249 of the 1915 Laws of New Hampshire, as amended by chapter 302 of the 1915 Laws of New Hampshire, as amended by chapter 52 of the 1972 Laws of New Hampshire. The charter commission shall submit its recommendations for a procedure to revise, amend, or replace the Manchester school district charter in the form of a ballot question to the Manchester school district voters for a vote at the November 2020 regular election. If the ballot question is approved then the Manchester school district charter shall be revised, amended, or replaced in accordance with the local procedure approved by the school district voters and, effective on the date the ballot question is approved, the Manchester school district shall be solely responsible for revising, amending, or replacing the charter.

II.(a) The charter commission shall consist of 9 members who shall be registered voters of the Manchester school district, and who shall run without party designation.

(b) The election of charter commission members shall be held in conjunction with the regular November elections in 2019 in accordance with RSA 49-B:4.

III. The charter commission shall have all the powers and duties of a charter commission established pursuant to this chapter and shall comply with the provisions of this chapter, except as otherwise indicated in this section.

174:2 Repeal. The following are repealed:

I. 1846, as amended by 1848, as amended by 1909, 301 as amended by 1909, 323 as amended by 1915, 249, as amended by 1915, 302, as amended by 1972, 52, relative to the Manchester city charter amendments.

II. RSA 49-B:15, relative to the Manchester school district charter commission.

174:3 Contingency. If Manchester school district voters approve a ballot question at the November 2020 regular election to adopt a school district charter which includes a procedure to allow the Manchester school district to amend the charter without the approval of the legislature, and to repeal the existing Manchester school district charter established in 1846, as amended by 1848, as amended by 1909, 301 as amended by 1909, 323 as amended by 1915, 249, as amended by 1915, 302, as amended by 1972, 52, then section 2 of this act shall take effect on the date such ballot question is approved. If the ballot question is not approved section 2 of this act shall not take effect.

174:4 Effective Date.

I. Section 2 of this act shall take effect as provided in section 3 of this act.

II. The remainder of this act shall take effect upon its passage.

Approved: July 10, 2019

Effective Date:

I. Section 2 shall take effect as provided in section 3.

II. Remainder shall take effect July 10, 2019.

49-B:4 Charter Commission; Membership; Procedure; Preliminary Report. –

I. The charter commission shall consist of 9 members, all of whom shall be registered voters of the municipality and elected as hereinafter provided.

(a) Within 5 days after the deadline for requesting a recount of a vote confirming the establishment of a charter commission, or within 5 days after the recount if a recount is requested, the municipal officers shall meet to order a special election to be held on a Tuesday not less than 35 days or more than 60 days after such meeting for the purpose of electing charter commission members provided, however, that in a municipality with biennial elections, the special election shall be held on a Tuesday not less than 25 days or more than 133 days after such meeting. For purposes of this subparagraph, the provisions of RSA 40:4-c relative to recounts shall apply, except that a recount must be requested no later than the first Friday following the vote.

(b) Members shall be elected in the same manner as the municipal officers except that they shall be elected at large and without party designation. The names of the candidates shall be arranged on the ballot in an order determined by lot, publicly selected by the city or town clerk. Declarations of candidacy for the commission shall be filed as provided in RSA 669:19, except that the filing period shall begin on the fourth Wednesday before the election and end on the Friday of the following week.

II. Within 5 days after the deadline under RSA 669:30 for requesting a recount, 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. However, if a recount is requested, such notice shall be given within 5 days after the last recount is completed. The date, time, and place of the organizational meeting shall be fixed by the 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. Vacancies occurring on the commission shall be filled by vote of the commission from the voters of the municipality. Members shall serve without compensation but shall be reimbursed from the commission's account for expenses lawfully incurred by them in the performance of their duties.

III. 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.

IV. (a) 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.

(b) In addition to funds made available by a municipality, the charter commission account may receive funds from any other source, public or private, provided that no contribution of more than \$50 shall be accepted from any source other than the municipality unless the name and address of the person or agency making the contribution and the amount of the contribution are disclosed in writing filed with the clerk. Within 30 days after submission of its final report the charter commission shall file with the clerk a complete account of all its receipts and expenditures for public inspection. Any balance remaining in its account shall be credited to the municipality's surplus account.

V. Before issuing its preliminary report, the charter commission shall hold at least 2 public hearings, scheduled at its discretion. At least one of such hearings shall be for the purpose of receiving information, views, comments, and other pertinent material relative to its functions and 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. 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.

VI. (a) 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 commission shall also file the preliminary report with the secretary of state, the attorney general, and the commissioner of the department of revenue administration as provided in RSA 49-B:4-a, I.

(b) The preliminary report shall include a written opinion by an attorney admitted to the bar of this state that the

Source. 1994, 112:1, eff. July 10, 1994.

Section 669:17-c

669:17-c Candidate Notification to Selectmen. – Any person who has been removed from any position in the state which requires bonding and who subsequently becomes a candidate for any elected office that requires bonding under RSA 41:6, shall inform the governing body in that town of all facts relevant to the removal from office no later than the last day of the filing period for candidates. The board of selectmen shall then inform the town's bonding agent who shall determine the candidate's ability to be bonded under RSA 41:6.

Source. 2004, 184:3, eff. Jan. 1, 2005.

Section 669:17-d

669:17-d Discontinuing Office of Elected Treasurer. – When a town votes to discontinue an elected treasurer office, the person holding the elected office of treasurer at the time of the vote to discontinue it shall continue to hold office until the annual town election first following the discontinuance of the office, at which time the elected office of treasurer shall terminate irrespective of the length of that officer's term.

Source. 2007, 35:8, eff. July 13, 2007.

By Official Ballot

Section 669:18

669:18 Nominations; Partisan Ballot System. – In a town which has adopted the partisan ballot system as provided in RSA 669:12, nominations shall be made by caucus as provided in RSA 669:37-669:53.

Source. 1979, 410:1, eff. July 1, 1979.

Section 669:19

669:19 Nominations; Nonpartisan Ballot System. – In a town which has adopted the nonpartisan ballot system as provided in RSA 669:13, all candidates shall file a declaration of candidacy with the town clerk during the filing period for town candidates. All candidates who file on the last day of the filing period shall do so in person before the town clerk. The filing period shall begin on the seventh Wednesday and end on the Friday of the following week before the town election. Such declaration of candidacy shall be prepared by the town clerk in substantially the following form: I, _____, declare that I am domiciled in the town of _____, and that I am a registered voter therein; that I am a candidate for the office of _____ and hereby request that my name be printed on the official nonpartisan ballot of the town of _____.

Source. 1979, 410:1. 1983, 154:1. 1987, 299:4. 1988, 126:2. 1994, 4:31. 2008, 148:2. 2011, 40:1, eff. July 8, 2011.

Section 669:20

669:20 Nomination Petitions. – [Repealed 2008, 148:4, I, eff. Aug. 5, 2008.]

Section 669:21

669:21 Number of Petitions. – [Repealed 2008, 148:4, II, eff. Aug. 5, 2008.]



OFFICE OF THE CITY CLERK – MANCHESTER, NH
FILINGS FOR NON-PARTISAN MUNICIPAL PRIMARY ELECTION
SEPTEMBER 17, 2019

FILING PERIOD: July 8, 2019 to July 19, 2019

(Current as of: 7/19/2019 at 5:00 p.m.)

SCHOOL CHARTER COMMISSION MEMBER

Name	Address	File Date
Leslie Want	623 Belmont Street	7/8/2019
Pat Long	112 Hollis Street	7/8/2019
Tim Baines	75 Stark Street, Apt. 1	7/8/2019
Jimmy Lehoux	220 S. Hall Street	7/9/2019
Matthew Ping	408 Rimmon Street #1	7/9/2019
James R. Gaudet	153 Roysan Street	7/10/2019
Ross W. Terrio	130 S. Cypress Street	7/10/2019
Lou D'Allesandro	332 St. James Avenue	7/11/2019
Mary C. Freitas	279 Candia Road	7/11/2019
Glenn RJ. Ouellette	112 Auburn Street	7/12/2019
Karen Soule	79 Riverwalk Way	7/15/2019
Gary Hamer	221 Sylvester Street	7/15/2019
Susan C. Lord	66 Alexander Drive	7/15/2019
Michael "Mike" Lopez	191 Woodbury Street	7/15/2019
Kathleen N. Sullivan	192 S. Mammoth Road	7/16/2019
Andre Rosa	408 Rimmon Street # 2	7/16/2019
Shannon Moloney	7 Eagle Nest Way	7/16/2019
Shane Rozamus	7 Eagle Nest Way	7/16/2019
Amy Allen	136 Long Pond Brook Way	7/16/2019
William John Infantine	89 Windward Lane	7/16/2019
Candace Moulton	211 S. Elm Street #1	7/16/2019
John Clayton	241 North Street	7/17/2019
Jon Claude Hopwood	445 Mast Road	7/17/2019
Ben Dion	35 Dewey Street	7/17/2019
Joede C. Brown	169 Cartier Street #3	7/17/2019
Lisa M. Freeman	28 Dearborn Street	7/18/2019
Albert "Al" Jernigan	428 Candia Road	7/19/2019
Linda Garrish Thomas	265 Edward J Roy Drive, Unit 210	7/19/2019
Joseph Lachance	555 S. Commercial Street #401	7/19/2019
William R. Roy	23 Cambridge Court	7/19/2019
Carla Gericke	63 Durette Court	7/19/2019
Amy Bradley	895 Bridge Street	7/19/2019
Glenn B. Turgeon	91 Wilmot Street	7/19/2019
Robert R. Ambrogi	1280 Union Street	7/19/2019
Sarah Ambrogi	1280 Union Street	7/19/2019
Amber Jodoin	152 N. Adams Street	7/19/2019
Ann Kalasky	14 Rosewood Lane	7/19/2019

How to File for Office

Becoming a Candidate for Office

***Now Available: A Candidate's Guide to Municipal Office**

At every municipal general election, the following officers shall be elected: The mayor, two aldermen at-large, two school committeemen at-large, the commissioner of welfare and one alderman, one school committee member, one moderator, one ward clerk and three selectmen by the voters in each ward. The next scheduled municipal election for these positions will be the primary in September of 2019. For more information regarding the upcoming municipal elections, please call the Office of the City Clerk at (603) 624-6455.

In order to run for an elected position in Manchester City Government, an individual must have the following qualifications and submit the following completed applicable forms to the City Clerk during the filing period:

- Declaration of Candidacy
- Nominating Petitions
- Assent to Candidacy

Declarations of Candidacy will be accepted when the 2019 municipal filing period opens at 8:00 a.m. on July 8, 2019 through 5:00 p.m. on July 19, 2019. There is no better way to make a difference in your local government than serving in any one of a variety of elected positions!

Mayor

- Must be a citizen of the United States by birth or naturalization
- Must be a resident of Manchester for one (1) year preceding and shall continue to be a resident during the term of office
- Must be a registered and qualified voter in Manchester
- File a Declaration of Candidacy
- Submit a filing fee of one hundred dollars (\$100.00) to the Office of the City Clerk. Two hundred (200) Nominating Petitions completed and signed by registered voters in the city of Manchester may be submitted in lieu of the filing fee. Nominating Petitions will not be accepted by the City Clerk without first submitting a notarized Assent to Candidacy form.

Alderman or Alderman At-Large

- Must be a citizen of the United States by birth or naturalization
- Must have and maintain a domicile in Manchester during the term of office
- Must be a registered and qualified voter in Manchester
- File a Declaration of Candidacy
- Submit a filing fee of fifty dollars (\$50.00) to the Office of the City Clerk. One hundred (100) Nominating Petitions completed and signed by registered voters residing in the ward of the candidate may be submitted in lieu of the filing fee. Nominating Petitions will not be accepted by the City Clerk without first submitting a notarized Assent to Candidacy form.

School Committee or School Committee At-Large

- Must be a citizen of the United States by birth or naturalization
- Must have and maintain a domicile in Manchester during the term of office
- Must be a registered and qualified voter in Manchester
- File a Declaration of Candidacy
- Submit a filing fee of twenty-five dollars (\$25.00) to the Office of the City Clerk. Fifty (50) Nominating Petitions completed and signed by registered voters residing in the ward of the candidate may be submitted in lieu of the filing fee. Nominating Petitions will not be accepted by the City Clerk without first submitting a notarized Assent to Candidacy form.

Moderator, Ward Clerk, Selectman

- Must be a citizen of the United States by birth or naturalization
- Must have and maintain a domicile in Manchester during the term of office
- Must be a registered and qualified voter in Manchester
- File a Declaration of Candidacy
- There are no filing fees

Charter Commission Member

- Must be a citizen of the United States by birth or naturalization
- Must have and maintain a domicile in Manchester during the term of office
- Must be a registered and qualified voter in Manchester
- File a Declaration of Candidacy
- There are no filing fees

Note: Charter Commissioners are elected to review the City Charter not less than once every ten (10) years. The next scheduled charter review will likely occur sometime in 2022.

If you have any questions, please contact us at (603) 624-6455 or via [Email](#).