

**From:** Legal Inquiries <[legalinquiries@nhmunicipal.org](mailto:legalinquiries@nhmunicipal.org)>  
**Sent:** Thursday, July 14, 2022 1:32 PM  
**To:** Campbell, Bernie W. <[bwcampbell@SalemNH.gov](mailto:bwcampbell@SalemNH.gov)>  
**Subject:** Town of Salem - Question Regarding Charter Commission

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Good Afternoon Bernie:

The relevant provision of RSA 49-D:3, I-a, permits creation of a Charter that provides for voting on some or all matters normally addressed at an annual or special town meeting. Although that paragraph does not incorporate by reference RSA 40:13, it does use such terms as “official ballot,” and refers to requiring a “process for public hearings, debate, discussion, and amendment of questions to be placed on the official ballot.” It is unlikely a Charter could provide for ballot voting without some form of meeting where the voters could discuss, debate and amend articles to be voted on at the official ballot voting day, whether such a meeting would be called a deliberative session or not.

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**From:** Campbell, Bernie W. <[bwcampbell@SalemNH.gov](mailto:bwcampbell@SalemNH.gov)>  
**Sent:** Wednesday, July 13, 2022 1:23 PM  
**To:** Stephen Buckley <[sbuckley@nhmunicipal.org](mailto:sbuckley@nhmunicipal.org)>  
**Subject:** Question Regarding Charter Commission

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Good afternoon Attorney Buckley,

I have a question regarding charter options. We are looking at our options, and we are talking about retaining a ballot vote for some items in the charter. Are we required to adopt the full provisions of RSA 40:13, or can we create a structure that includes a ballot vote that does not adopt the full provisions for 40:13 within the charter? We had talked about holding a vote but we weren't sure we wanted to keep the deliberative session structure.

Thank you,

Bernie W. Campbell  
Chair, Charter Commission