



## MEMO

**TO:** Mayor and Council  
**FROM:** Shelli Fortin, City Clerk  
**DATE:** August 19, 2019  
**RE:** Ordinance 2019-04

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Mayor Grenier and Council Members,

I recently received a request by a citizen to file for candidacy by mail, since they will be unable to file in person for the November election. In reviewing the City Ordinance pertaining to Elections, Section 5-6 states that the notice will be signed in the presence of the City Clerk. Section 5-6 follows:

Sec. 5-6. Requirements for notice of candidacy. The notice of candidacy shall be entitled "Notice of the Candidacy of (insert full legal name of candidate) for the office of (insert mayor or councilman and ward number) of the City of Berlin, New Hampshire". Such notice shall be signed by the candidate in the presence of the city clerk. Lines shall be provided on such notice for the signature of the candidate, for his or her legal address, for the date of signing, and for the signature of the city clerk as witness. No name shall be printed on the ballot unless such notice of candidacy shall be filed as prescribed herein. (Code 1977, § 2:104.3)

After speaking with the Secretary of State's office, our City Ordinance is more restrictive than state law, NH RSA 669:19. The statute states that the notice will be filed with the Clerk's office (not necessarily in person). It only requires those who are filing on the last day of the filing period to do it in person. The relevant section of 669:19 is as follows:

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 \_\_\_\_\_.

Since NH RSA 659 requires that the local election be handled in the same manner as the State, I am requesting that the Ordinance be amended to align with the State law.