

ARTICLE III ELECTIONS / ELECTION OFFICIALS / CONDUCT OF ELECTIONS

3-1 COMPOSITION OF BOARD OF ELECTION OFFICERS

The Supervisors of the Checklist, the Moderator, and the Town Clerk shall constitute the Board of Election Officers. The Moderator shall be chairman. The Town Clerk shall serve as the Clerk of the Board.

3-2 MODERATOR

There shall be a Moderator of the Town who shall have all the powers and duties granted by this Charter and New Hampshire State Law. The Moderator shall be elected at large at the regular Town election for a term of two (2) years. The Moderator shall have the power to appoint all election officials except those which this Charter or New Hampshire State Law requires to be elected or otherwise appointed. The Moderator shall be governed by New Hampshire State Law when determining whether all ballots from all polling places are to be counted in one (1) or more locations. A vacancy in the office of Moderator shall be filled pursuant to New Hampshire State Law.

3-3 SUPERVISORS OF THE CHECKLIST

A. Number of Supervisors and Length of Term

There shall be three (3) Supervisors of the Checklist who shall hold office for six (6) years (and until their successors are elected and certified) on a staggered basis so that one (1) Supervisor is elected at each even year regular Town election. At their first meeting after each election, the Supervisors shall elect their own chairperson for a term of two (2) years.

B. Vacancies

Vacancies in the board of Supervisors shall be filled by appointment made by the remaining Supervisors. If there is only one (1) member of the board, or if the whole board shall be vacant, the Moderator shall make the appointments (RSA 669:64). A person appointed shall hold office until the vacancy or the unexpired term(s) is filled at the next Town election.

C. Powers and Duties

The Supervisors of the Checklist shall have such powers and duties as are specified under New Hampshire State Law.

3-4 CONDUCT OF ELECTIONS

A. Date of Elections

The election officers, whose duty it is to conduct regular and special elections, shall use a Non-Partisan Official Ballot System as detailed in the election laws of the State of New Hampshire, on the second Tuesday in April to choose Town Councilors and such other officials as specified by this Charter, each of whom shall be elected by the voters of the entire town.

B. Time and Place of Elections

The election laws of the State of New Hampshire shall govern the hours of polling. The Town Council shall specify the polling place(s) of the Town and determine the hours the polls shall open and close at least thirty (30) days prior to any election.

C. Qualifications for Office

To be eligible for election to office in Merrimack, any candidate must meet the requirements of applicable New Hampshire State Law and constitutional provisions concerning such qualifications. In accordance with RSA 669:6, no person shall hold elected office unless the person has a domicile in the town. In addition to other requirements, a candidate for Town Council must be a registered voter as well as having been a resident for a minimum of one (1) year prior to the first day of the filing period for candidacy.

3-5 PREPARATION OF BALLOTS

The Town Clerk shall prepare separate ballots to be used at all local referenda and at elections at which Town officers are chosen. The ballots shall contain in appropriate sections the names of all candidates, listed in alphabetical order, without party designation. Below the list of names of the candidates of each office, there shall be as many blank spaces as there are offices to be filled at the election. No titles, military, professional, or otherwise, shall accompany the name of any candidate on the ballot.

3-6 PRESERVATION OF BALLOTS

All the ballots cast at each election shall be preserved, maintained, and sealed as required by New Hampshire State Law.

3-7 CERTIFICATION OF ELECTION AND APPOINTMENT

Except as otherwise provided by New Hampshire State Law, before performing any act under this election or appointment, each person elected or appointed shall take and subscribe to an oath to qualify him or her to enter upon the duties of office within thirty (30) days of the receipt of an official notice by certified mail. A record of the taking of such oath shall be made by the Town Clerk. Any oath required by this Section may be administered by any officer authorized by New Hampshire State Law to administer oaths. If, within thirty (30) days from the date of such election or appointment, such person shall not take, subscribe to, and file with the Town Clerk an oath of office, such neglect shall be deemed a refusal to serve and the office shall be deemed vacant, unless the Town Council shall extend the time in which such person may qualify.

3-8 CONTESTED ELECTIONS

The election laws of the State of New Hampshire shall govern the resolution of any contested election.