

CONCORD SCHOOL DISTRICT REVISED CHARTER
AS ADOPTED BY THE VOTERS AT THE 2011 CONCORD CITY ELECTION

[Note: This Charter supersedes the School District Charter as enacted by the New Hampshire Legislature, which is repealed in accordance with section 213:2 of chapter 213 of the New Hampshire Session Laws of 2010.]

1 District Established. The Concord School District, established by law as the union School District of Concord, is hereby continued, with all the rights, immunities, powers and privileges, and subject to all the duties and liabilities as are established by general law for the government of school districts and municipal corporations. All existing property of the District shall remain vested in it. The boundaries of the District shall be as established by law.

2 Elections. [This section superseded, see note below and Section 2 printed below.]

The election officers in each ward whose duty it is to conduct regular state general elections shall conduct an election, as hereinafter provided, on the Tuesday after the first Monday in November, annually to elect three members of the board of education of the Concord School District to serve terms of three years each. The School District Clerk and Treasurer shall be elected for three-year terms commencing with the November 2012 election, except that the District Treasurer will continue to be appointed by the School Board in accordance with Section 4, if legislation permitting such appointment is enacted and takes effect prior to the November, 2012, election. For the purposes of this election, the District voters shall cast their ballots in their respective wards for the election of members of the board of education. **[Section 2 as printed above was adopted by the voters at the 2011 election, but was amended at the same election by the amendment printed below. Section 2 as printed below is the current language now in effect.]**

2 Elections.

I. The election officers in each ward whose duty it is to conduct regular city elections shall conduct an election, as hereinafter provided, on the Tuesday after the first Monday in November, annually, to elect members of the board of education to three-year terms, as follows:

(a) Beginning with the November 2012 election: three persons at-large from the entire School District.

(b) Beginning with the November 2013 election: one person from School Voting District A; one person from School Voting District B; and one person from School Voting District C.

(c) Beginning with the November 2014 election: one person from School Voting District A; one person from School Voting District B; and one person from School Voting District C.

II. School Voting District A shall consist of all parts of the Concord School District which lie within City Wards 1, 2, 3, 4. School Voting District B shall consist of all parts of the Concord School District which lie within City Wards 5, 6, 7. School Voting District C shall consist of all parts of the Concord School District which lie within City Wards 8, 9 10.

III. The School District Clerk and Treasurer shall be elected for three-year terms commencing with the November 2012 election, except that the District Treasurer will continue to be appointed by the School Board in accordance with Section 4, if legislation permitting such appointment is enacted and takes effect prior to the November, 2012, election. **[NOTE: Legislation related to the Concord School Board's nomination of District Treasurer was not enacted prior to the November, 2012 election.]**

IV. For the purposes of this election, the voters shall cast their ballots in their respective words for the election of members of the board of education.

3 Elections to Be Held in Conformity with Applicable State Election Laws. The Concord School District elections, including qualification of voters, absentee voting, preparation of ballots, polling hours, vote counting and recounting, and all other matters not otherwise addressed in this charter shall conform to all applicable general election laws of the State of New Hampshire.

4 Governing Body. All the powers of the District shall be vested in the board of education of nine members. Members of the board shall take office at the first regular meeting in January following their election. The board shall, at its first regular meeting in January, choose one of its members as president for a term of one year. The chief administrative officer shall preside over the election of the president. The board shall then elect a vice-president and secretary. The Board also shall choose some other person, who is not a member of the Board or an employee of the District, to serve as a deputy clerk in the event the District Clerk is absent or unavailable. For the 2012 calendar year only, the Board shall appoint a District Treasurer (who may be an employee of the District) and a District Clerk (who may not be an employee of the District) to serve until their successors are elected and take office following the 2012 election. As stated in Section 2, the District Treasurer will continue to be appointed by the School Board, if legislation permitting such appointment is enacted and takes effect prior to the November, 2012, election.

5 Qualifications. No person shall be a candidate for election as member of the board of education who is not a duly qualified voter in the District. Whenever a board member

ceases to be a resident of the District, the board shall declare his seat vacant and shall fill the vacancy as herein provided.

6 Compensation. Members of the board of education shall receive compensation equivalent to the amount received by city councilors for their services.

7 All Meetings Public. All meetings of the board of education shall be public. Regular meetings shall be held on the first Monday of each month, provided that if any such Monday is a legal holiday said meeting shall be held on the first Tuesday of that month. Special meetings shall be held on call of the president or on written request of at least five members of the board. The board shall establish its own rules, and a majority shall constitute a quorum for the transaction of its business. Nothing herein shall prevent the board from holding non-public sessions which comply with the provisions of RSA 91-A.

8 Action by Resolution. District legislation shall be by resolution, adopted by a majority vote of those present, which shall be recorded by some officer or employee of the District designated by the board, and which shall be available to public inspection at the offices of the District during reasonable business hours. In the adoption of resolutions, the president of the board shall have a voice and vote in the determination.

9 General Powers. Except as herein otherwise provided, the board of education shall have and exercise all the powers and discharge all the duties conferred on or imposed upon school boards, school district and school committees by general laws now in force or hereafter enacted.

10 Finances. The fiscal and budget year of the District shall end on June 30 annually, in accordance with RSA 194:15. The board, shall develop and maintain accounting control over the finances of the District and make and file required financial reports. The treasurer shall review and verify all claims against the District before paying the same.

11 Budget Procedure. The board of education shall prepare in a timely fashion an annual estimate of the District's expenditures for the ensuing fiscal year, itemized in such detail as may be required by the state board of education. A public hearing on this budget shall be held by the board of education at some convenient place in the District prior to the making of the budget appropriation. Public announcement of the time and place shall be duly advertised not less than 10 days prior to such hearing. The budget appropriation shall be made by the board of education not later than sixty days prior to the beginning of the fiscal year for which it shall apply. No additional appropriation shall be made for any purpose not included in the annual budget as adopted, unless approved by seven members of the board after a public hearing held to discuss such additional appropriation.

12 Use of Funds. After the annual budget has been adopted by the board of education, it shall be a charge upon the residents and ratable estates of the District in the same manner as a budget adopted by the city of Concord. The president of the board, or some officer designated by the board, shall from time to time as the occasion requires draw upon the treasurer of the city of Concord for funds necessary for the support of the District. After the annual budget has been adopted, no money shall be drawn from the District treasury, nor any obligation for the expenditure of money or property of the District be incurred, except pursuant to and in accordance with state law, including RSA 32:11 and RSA 198:20-b. The Board shall adopt an investment policy in accordance with RSA 197:23-a.

13 Independent Audit. An independent audit shall be made of all accounts of the District at least annually, and more frequently if deemed necessary by the board. Such audit shall be made by a certified public accountant. Any District officer or employee may be required by the board to give a bond for the faithful performance of his duties, and all officers or employees of the District receiving or disbursing District funds or otherwise required by law to be bonded shall be so bonded. All official bonds shall be corporate surety bonds and the premiums shall be paid by the District. The bonds shall be filed with the chief administrative officer of the District designated by the board.

14 Borrowing. Subject to the applicable provisions of general law, the board of education by resolution approved by at least 2/3 of its members may authorize the borrowing of money for any purpose within the scope of the powers vested in the District and may issue bonds of the District or other evidences of indebtedness therefore, and may pledge the full faith, credit and resources of the District for the payment of the obligations created thereby. Borrowing for a term exceeding one year shall be authorized by the board only after a duly advertised public hearing. The board shall have the authority, when issuing bonds or other obligations of the District, to negotiate with the city of Concord for the use of its facilities and credit.

15 Oath of Office. Every person elected or appointed to any District office, before entering upon the duties of his office, shall take and subscribe to an oath of office as provided by law, which shall be filed and kept in the office of the District. Written notice of election or appointment of any District officer shall be mailed to him at his address by the District Clerk or some other person designated by the board, within 48 hours after the appointment is made or the vote is canvassed.

16 Conflicts of Interest. No elective or appointive officer of the District shall take part in a decision concerning the business of the District in which he has a financial interest aside from his salary as such officer or employee, direct or indirect, greater than any other citizen or taxpayer. No officer or employee shall devote any District property or labor to private use, except as may be provided by law or resolution of the board.

17 Miscellaneous Provisions. Status of records of the District shall be determined to be public or non-public in accordance with RSA 91-A. All general law relative to the government of the school district and the powers of school boards is hereby continued in force and shall apply to the District.

18 Definitions.

I. "Amendment" means the enactment or repeal of a single section or subsection of a charter pertaining to any one subject matter, and any related section the meaning or operation of which is changed as a result of the enactment or repeal.

II. "Revision" means multiple changes in the basic form of government proposed by several enactments or repeals.

19 Charter Revisions, Adoptions, Procedure.

I. The School Board may determine by a vote of at least two-thirds of its members that the revision of the School District charter is necessary or that adoption of a new School District charter is necessary and shall, provide for the establishment of a charter commission to carry out such purpose as provided herein; or

II. On the written petition of a number of voters registered to vote in School District elections equal to at least 20 percent of the number of voters casting ballots at the last regular School District election, but in no case fewer than 1,000 voters, the School Board shall provide for the establishment of a charter commission for the revision of the School District charter or for the preparation of a new School District charter in the form and manner provided herein.

III. The following procedure shall be used for the alternative method set out in paragraph II above.

(a) Any five voters of the School District may file with the School District Clerk an affidavit stating they will constitute the petitioners' committee, circulate the petition and file it in proper form. The affidavit shall state the names and addresses of the members and specify the address to which all notices to the committee are to be sent. The petitioners' committee may designate additional voters of the municipality, who are not members of the committee, to circulate the petition. Promptly after the affidavit is filed, the clerk shall issue petition blanks to the committee.

(b) The petition forms shall be printed on paper of uniform size and may consist of as many individual sheets as are reasonably necessary. Petition forms shall be prepared by the clerk at the expense of the School District.

(1) Petition forms shall carry the following legend in bold lettering at the top of each form on the face thereof:

**School District of Concord
Petition**

“Each of the undersigned voters respectfully requests the Concord School Board to provide for an election of the voters in the School District to consider whether a charter commission should be established for the purpose of revising the School District charter or establishing a new School District charter.”

Each signature affixed to a petition shall be in ink or other indelible instrument and shall be followed by the place of domicile of the voter with street and number, if any. No petition shall contain any party or political designation.

(2) The School District Clerk shall note the date of each petition form issued and all petitions, unless sooner filed on a completed basis, shall become null and void for every purpose on the 120th day after the date of issue by the School District Clerk.

(3) Each petition form shall have printed on its back an affidavit to be executed by the circulator, stating that he or she personally circulated the petition, the number of signatures thereon, that all the signatures were affixed in his or her presence, that he or she believes them to be genuine signatures of the persons whose names they purport to be, that each signer has signed no more than one petition, and that each signer had an opportunity before signing to read the petition.

(4) Petition forms shall be assembled as one document and filed at one time with the clerk who shall note thereon the date of filing.

(5) The petitioners’ committee shall file the completed petition forms with the School District Clerk no later than June 1 of the year of the regular School District election at which the petition question is intended to be presented.

IV. Within 20 days after the completed petition is filed, the School District Clerk shall prepare a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective or noncompliant, and shall promptly send a copy of the certificate to the petitioners’ committee by mail, and shall file a copy with the School Board.

(a) A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners’ committee files a notice of

intention to amend it with the School District Clerk within 5 days after receiving the copy of his noncompliance certificate. Within 10 days after the date of filing of the notice of intention, the committee may file a supplementary petition to correct the deficiencies in the original petition. Such supplementary petition shall in form and content comply with the requirements for an original petition under paragraph III.

(b) Within 10 days after the filing of a supplementary petition the School District Clerk shall complete and file a certificate as to its sufficiency in the manner provided for an original petition.

(c) When an original or supplementary petition has been certified as insufficient, the committee may, within 5 days after receiving the copy of the clerk's certificate, file a request with the School Board for review. The School Board shall inspect the petitions within 10 business days and shall make a decision followed by a certification, copies of which shall be filed with the clerk and mailed to the committee. The certificate of the School Board shall be a final determination of the sufficiency of the petitions.

(d) Any petitions finally determined to be insufficient shall become null and void and of no further force or effect. Such petitions shall be stamped void by the School District Clerk and shall be sealed and retained by the clerk.

V. Within 30 days after the adoption of an order under paragraph I or the receipt of a certificate or final determination of sufficiency under paragraph IV, the School Board shall by order submit the question for establishment of a charter commission to the voters at the next regular School District election. The question to be submitted to the voters shall be in substance as follows:

"Shall a charter commission be established in Concord for the purpose of revising the Concord School District charter or establishing a new School District charter?"

20 Charter Commission, Membership, Procedure.

I. The charter commission shall consist of nine members, all of whom shall be registered voters in the School District and elected as hereinafter provided.

(a) Within 5 days after the deadline for a recount of a vote confirming the establishment of a charter commission, the School Board shall meet to order a special election to be held on the Tuesday not less than 56 days nor more than 63 days after such meeting for the purpose of electing charter commission members.

(b) Members shall run without party designation and shall be elected as follows:

(1) two members who shall be from wards 1, 2, 3 and 4;

(2) two members who shall be from wards 5, 6 and 7;

(3) two members who shall be from wards 8, 9 and 10; and

(4) three members who shall run at-large.

(c) Each candidate for charter commission shall be required to file reports of all contributions to and expenditures by the candidate with the School District Clerk in the same manner and form, and at the same times that candidates for the office of Mayor, Councilor-at-large or Ward Councilor are required to file reports with respect to elections under ordinances of the City of Concord in force at the time such reports are to be filed. Failure to comply with these reporting requirements shall subject the candidate to the penalties applicable at the time such reports are to be filed with respect to candidates for the office of Mayor, Councilor-at-large or Ward Councilor.

II. The School District Clerk shall within 7 days after the election of the charter commission members, notify those elected to the charter commission of the date, time and place of the initial organizational meeting of the charter commission. Such date, time and place shall be fixed by the School District Clerk and 7 days' notice of the organizational meeting shall be given. The charter commission shall organize by electing from its members a chairman, vice chairman and a secretary and shall file notice thereof with the School District. Vacancies occurring on the commission shall be filled by vote of the commission from the list of voters of the Concord School District eligible to serve. 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) The School District shall provide the School District 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 School District officers, officials and employees during ordinary working hours. Within 20 days after the election of a charter commission, the School District officers shall credit to the charter commission account the sum of \$4,000. The School District may from time to time appropriate or transfer additional funds to the charter commission account. Such funds may be raised by taxation, borrowed or transferred from surplus accounts.

(b) In addition to funds made available by the School District, the charter commission may by majority vote accept funds from any other source, public or private. No contribution of more than \$50 shall be accepted from any source other

than the School District 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 School District Clerk. Within 30 days after submission of its final report the charter commission shall file with said clerk a complete account of all its receipts and expenditures for public inspection. Any balance remaining in its account shall be credited to the School District's surplus account.

V. Within 14 days after its organizational meeting, the charter commission shall hold a public meeting for the purpose of receiving information, views, comments and other pertinent material relative to its functions. Within 170 days after its election, the charter commission shall prepare a preliminary report including the text of the charter or charter revision which the commission intends shall be submitted to the voters as well as any explanatory information the commission deems desirable. The commission shall cause such report to be printed and made available by placement of the report on the School District's public website and at the City of Concord's public libraries, and shall provide sufficient copies of the preliminary report to the School District to permit its distribution to each voter requesting it. At least one public hearing shall be held on the preliminary report within thirty days of submittal of the preliminary report. Within 231 days after its election, the charter commission shall submit to the School Board its final report, which shall include (a) the full text and explanation of the proposed new charter or charter revision, (b) such comments as the commission deems desirable, (c) an indication of the major differences between any current and proposed charters, and (d) a written opinion by an attorney admitted to the bar of this state that the proposed charter or charter revision is not in conflict with the constitution or the general laws. Minority reports, if filed, shall not exceed 1,000 words. All public hearings before a charter commission shall be held within the City of Concord at such times and places as may be specified in a notice (i) published at least 7 days prior to the hearing in a newspaper having general circulation in the City of Concord, (ii) posted at least 7 days prior to the hearing on the School District's public website and at the City of Concord's main public library, but hearings may be adjourned from time to time without further published notice.

VI. Upon the filing of the final report, the School Board shall order, as determined by the charter commission, the proposed new charter or charter revision to be submitted to the voters at the next School District election held at least 45 days after the filing of the final report.

VII. The charter commission shall continue in existence for 60 days after submission of final report to the School Board for the purpose of winding up its affairs.

21 Charter Amendments, Procedure.

I. The School Board may determine by a vote of at least two thirds of its members that amendments to the School District charter are necessary and, by order, provide for notice and hearing on them in the same manner as provided in IV(a)

herein. Such hearing shall be held not more than 90 days nor less than 70 days before the regular School District election at which the petition question is intended to be presented. Within 7 days after the hearing, the School Board may order the proposed amendment or amendments to be placed on a ballot at the next School Board election held not less than 60 days after the order is passed.

(a) Each amendment shall be limited to a single subject, but more than one section of the charter may be amended as long as it is germane to that subject.

(b) Alternative statements of a single amendment are prohibited.

II. On the written petition of a number of voters registered to vote in School District elections equal to the lesser of at least (i) 20 percent of the number of voters casting ballots at the last regular School District election or (ii) 2000 voters, but in no case fewer than 1,000 voters, the School Board shall, by order, provide that proposed amendments to the charter be placed on a ballot in accordance with the procedures set out below.

(a) Each amendment shall be limited to a single subject but more than one section of the charter may be amended as long as it is germane to that subject.

(b) Alternative statements of a single amendment are prohibited.

II-a. The following procedure shall be used in the alternative method set out in paragraph II:

(a) Any five voters of the School District may file with the School District Clerk an affidavit stating that they shall constitute a petitioners' committee. Such affidavit shall be signed by the members of such committee and an additional 20 voters of the School District and shall include:

(1) The language of the proposed amendment.

(2) The names and addresses of the committee members.

(3) The address to which all notices to the committee are to be sent.

(b) The petitioners' committee, or voters of the School District designated by the committee, may circulate the petition and file it in proper form.

(c) Promptly after the affidavit is filed by the petitioners' committee, the School District Clerk shall file a certified copy of the affidavit, including the proposed amendment, for review of the proposed amendment by the state officials designated in

section 22 of this charter. Promptly after receiving approval of the proposed amendment from the state officials in accordance with section 22 of this charter, the School District Clerk shall issue petition blanks to the committee.

III. The petition forms shall carry the following legend in bold lettering at the top of each form on the face thereof:

Petition to Amend the Charter of the School District of Concord

“Each of the undersigned voters respectfully requests the Concord School Board to provide for an election of the voters in the School District to consider an amendment to the School District charter as set out below.”

No more than one subject may be included in a petition. The petitioners’ committee shall file the completed petition forms with the School District Clerk no later than May 1 of the year of the regular School District election at which the petition question is intended to be presented. Except as provided in this section 21 of this charter, in all other respects the form, content and procedures governing amendment petitions shall be the same as provided for charter revision and adoption petitions under section 19 of this charter, including procedures relating to filing, sufficiency and amendments.

IV. (a) Within 10 days of receipt of a report that a petition is sufficient, the School Board shall by order provide for a public hearing on the proposed amendment. The notice of the hearing shall be (i) published at least 7 days prior to the hearing in a newspaper having general circulation in the City of Concord, (ii) posted at least 7 days prior to the hearing on the School District’s public website and at the City of Concord’s main public library, and shall contain the text of the proposed amendment and a brief explanation. The hearing shall be conducted by the School Board or a committee appointed by it.

(b) Within 7 days after the public hearing, the School Board or the committee appointed by it shall file with the clerk a report containing the final draft of the proposed amendment and a written opinion by an attorney admitted to the bar of this state that the proposed amendment is not in conflict with the general laws or the constitution. In the case of a committee report, a copy shall be filed with the School Board.

(c) Within 7 days after the hearing, the School Board shall order the proposed amendment to be placed on the ballot at the next regular School District election.

22 Approval and Review.

I. The School District Clerk shall file a certified report with the secretary of state, attorney general, and the commissioner of the department of revenue administration for review pursuant to RSA 49-B:5-a, as follows:

(a) Within 10 days of the filing of the preliminary report relative to any new School District charter, charter revision, or charter amendment, if initiated by a charter commission or the School Board, the clerk shall file a certified copy of said report.

(b) Promptly after the filing of the petitioners' affidavit relative to a charter amendment, the School District Clerk shall file a certified report consisting of a copy of said affidavit.

II. If the secretary of state, the attorney general, or the commissioner of the department of revenue administration do not approve the proposed charter, charter revision or charter amendment question, if initiated by a charter commission or the School Board, shall not be placed on the School District ballot. If the proposed charter amendment was initiated by a petitioners' committee, official petition forms shall not be provided. If judicial review under par. III determines that the proposed charter, charter revision, or charter amendment is not objectionable, the question may be placed on the ballot or official petition forms may be provided as appropriate.

III. The School Board, any member of the charter commission, if applicable, or any member of the petitioners' committee that has promoted the charter revision or amendment may seek judicial review of a decision of the secretary of state, attorney general or the commissioner of the department of revenue administration by a petition to the superior court within 30 days of said decision.

23 Submission to Voters. The method of voting at school district elections when a question relating to a charter revision, a charter adoption or a charter amendment is involved shall be in the manner prescribed for school board elections.

I. In the case of a charter revision or a charter adoption, the question to be submitted to the voters shall include a summary which explains both the current form of government utilized by the School District as well as the changes in that form of government which will occur if the charter revision or charter adoption question is approved by the voters. The question to be submitted to the voters shall be in substance as follows:

"Shall the School District approve the (charter revision) (new charter) recommended by the charter commission?"

II. In the case of a charter amendment, the question to be submitted to the voters shall be in substance as follows:

"Shall the School District approve the charter amendment reprinted (summarized) below?"

III. Voter Information

(a) In the case of a charter revision or charter adoption, at least 45 days prior to the date of the election the School Board shall cause the final report of the charter commission to be printed and made available by placement of the report on the School District's public website and at the City of Concord's public libraries, and shall make copies available to the voters in the School District Clerk's office and shall post the report in the same manner that proposed city ordinances are posted.

(b) In the case of a charter amendment, at least 45 days prior to the date of the election, the School Board shall cause the proposed amendment and any summary thereof to be printed and made available by placement of the report on the School District's public website and at the City of Concord's public libraries, and shall make copies available to the voters in the School District Clerk's office and shall post the amendment and any summary thereof in the same manner that proposed ordinances are posted.

IV. (a) If a majority of the ballots cast on any question under paragraph I favor acceptance, the new charter or charter revision shall become effective as provided in paragraph V(a) of this section.

(b) If at least 60 percent of the ballots cast on any question under paragraph II favor acceptance, the new charter amendment shall become effective as provided in paragraph V(b) of this section.

V. (a) Charter revisions, new charters, or revocations of a charter adopted by the voters shall become effective immediately for the purpose of conducting necessary elections; otherwise charter revision, new charters, and revocations of charters become effective on the first day of the next succeeding school budget year or as specified in any transition provisions of the charter.

(b) Charter amendments adopted by the voters shall become effective on the first day of the next succeeding School District budget year or on a date determined by the School Board, whichever occurs first.

24 Recording. Within three days after the results of the election have been declared, the School District Clerk shall prepare and sign triplicate certificates setting forth any charter that has been adopted or revised and any charter amendment approved. One certificate shall be recorded in the office of the secretary of state, one certificate shall be deposited in the office of the city clerk, and one certificate shall be retained by the clerk of the School District.

25 2021 Charter Commission Established.

I. There is hereby established a charter commission whose members shall be elected at the regular School District election to be held in November 2021 for the purpose of reviewing the Concord School District charter, revising the charter or establishing a new School District charter.

II. This 2021 Charter Commission shall consist of nine members who shall be elected in accordance with section 20, I(b) of this charter. The 2021 Charter Commission shall have all the powers and duties of a charter commission established pursuant to section 19 of this charter and shall comply with the provisions of this charter governing charter commissions, subject only to the exception that the 2021 Charter Commission shall be established automatically pursuant to paragraph I of this section.

Effective Date. This revised charter was approved by the voters at the city election held on November 8, 2011, and takes effect at 12:01 a.m. on November 9, 2011.