

CHAPTER 327  
HB 1567-FN - FINAL VERSION

16Mar2022... 1014h  
26May2022... 2071CofC  
26May2022... 2132EBA

2022 SESSION

22-2486  
11/05

HOUSE BILL                    ***1567-FN***

AN ACT                    relative to consequences resulting from election official misconduct.

SPONSORS:                Rep. Alliegro, Graf. 7; Rep. Silber, Belk. 2

COMMITTEE:               Election Law

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AMENDED ANALYSIS

This bill allows the attorney general investigate misconduct by an election official, and if convicted, remove the official's right to vote. The bill also authorizes the attorney general to impose a civil penalty against the local government entity in which an election official was found to have negligently engaged in misconduct.

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                                 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT                    relative to consequences resulting from election official misconduct.

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

1            327:1 Provisions for Purity of Elections; Official Misconduct; Consequences. Amend RSA 666:3 to  
2 read as follows:

3            666:3 Official Misconduct.

4            I. **(a)** Any public officer upon whom a duty relating to elections is imposed who shall knowingly fail  
5 to perform such duty or who shall knowingly perform it in such a way as to hinder the objects thereof shall  
6 be guilty of a misdemeanor if no other penalty is provided by law.

7                    ***(b) The attorney general shall investigate misconduct by an election official. If an election***  
8 ***official is convicted, the attorney general shall remove the official's right to vote in accordance with part I,***  
9 ***article 11 of the New Hampshire constitution.***

10            II. **(a)** Any public officer upon whom a duty relating to elections is imposed who shall negligently  
11 fail to perform such duty or who shall negligently perform it in such a way as to hinder the objects thereof,  
12 as found pursuant to RSA 666:2, shall cause the county, city, town, school district, village district, or other  
13 political subdivision, where such conduct occurred to be subject to a civil penalty of not less than \$250 nor  
14 more than \$1000 for each act.

15                    ***(b) Prior to the imposition of a civil penalty under subparagraph (a), the attorney general shall***  
16 ***notify the county, city, town, school district, village district, or other political subdivision of the state's***  
17 ***intention to seek such penalty. The notice of intent to seek a civil penalty shall include notice of the***  
18 ***opportunity to respond, within 45 days, as to why the penalty shall not be imposed. The attorney general***  
19 ***is authorized to negotiate and settle with such county, city, town, school district, village district, or other***  
20 ***political subdivision without court action, provided that any civil penalty paid as settlement shall be paid to***  
21 ***the attorney general for deposit into the general fund.***

22                    ***(c) If the county, city, town, school district, village district, or other political subdivision***  
23 ***disputes the final determination of the attorney general, that political subdivision may appeal the attorney***  
24 ***general's penalty assessment to the superior court.***

25            III. The attorney general shall notify the county, city, town, school district, village district, or other  
26 political subdivision that is subject to this section of the state's intention to seek a civil penalty, and of the  
27 ability to negotiate with and to settle with such county, city, town, school district, village district, or other  
28 political subdivision without court action, provided that any civil penalty paid as settlement shall be paid to  
29 the attorney general for deposit into the general fund.

30            IV. If an entity is subject to a civil penalty under this section, the entity shall also be subject to the  
31 payment of restitution damages.

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1           327:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 08, 2022  
Effective Date: September 06, 2022

