

1 Committee of Conference Report on HB 1567-FN, relative to consequences resulting from election
2 official misconduct.

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5 Recommendation:

6 That the House recede from its position of nonconcurrence with the Senate amendment, and

7 That the Senate recede from its position in adopting its amendment to the bill, and

8 That the Senate and House adopt the following new amendment to the bill as amended by the
9 House, and pass the bill as so amended:

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11 Amend the bill by replacing section 1 with the following:

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13 1 Provisions for Purity of Elections; Official Misconduct; Consequences. Amend RSA 666:3 to
14 read as follows:

15 666:3 Official Misconduct.

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

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

22 ***II.(a)*** *Any public officer upon whom a duty relating to elections is imposed who*
23 *shall negligently fail to perform such duty or who shall negligently perform it in such a*
24 *way as to hinder the objects thereof, as found pursuant to RSA 666:2, shall cause the*
25 *county, city, town, school district, village district, or other political subdivision, where such*
26 *conduct occurred to be subject to a civil penalty of not less than \$250 nor more than \$1,000*
27 *for each act.*

28 ***(b)*** *Prior to the imposition of a civil penalty under subparagraph (a), the*
29 *attorney general shall notify the county, city, town, school district, village district, or other*
30 *political subdivision of the state's intention to seek such penalty. The notice of intent to*
31 *seek a civil penalty shall include notice of the opportunity to respond, within 45 days, as to*
32 *why the penalty shall not be imposed. The attorney general is authorized to negotiate and*
33 *settle with such county, city, town, school district, village district, or other political*

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1 *subdivision without court action, provided that any civil penalty paid as settlement shall*
2 *be paid to the attorney general for deposit into the general fund.*

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

The signatures below attest to the authenticity of this Report on HB 1567-FN, relative to consequences resulting from election official misconduct.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Gray, Dist. 6

Rep. B. Griffin, Hills. 6

Sen. Birdsell, Dist. 19

Rep. W. MacDonald, Rock. 5

Sen. Carson, Dist. 14

Rep. Torosian, Rock. 14

Rep. Qualey, Ches. 11

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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.