

# Bill as Introduced

HB 1673-FN - AS INTRODUCED

2012 SESSION

12-2011  
03/05

HOUSE BILL

**1673-FN**

AN ACT

relative to complaints of election law violations.

SPONSORS:

Rep. Bates, Rock 4; Rep. Tucker, Rock 17

COMMITTEE:

Election Law

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ANALYSIS

This bill eliminates the requirement that complaints to the attorney general of election law violations be in writing. This bill also requires the attorney general to submit regular reports on election complaints to the general court.

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Explanation:

Matter added to current law appears in **bold italics**.

Matter removed from current law appears [~~in brackets and struck through~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twelve*

AN ACT relative to complaints of election law violations.

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

1 1 Enforcement of the Election Laws. Amend RSA 7:6-c to read as follows:

2 7:6-c Enforcement of the Election Laws.

3 ***I. Upon receipt of a [written] complaint [signed] by a voter of the state of New Hampshire, or***  
 4 ***upon his or her own motion, the attorney general may in his or her discretion, conduct***  
 5 ***investigations to determine whether any violation of the election laws has occurred and may***  
 6 ***prosecute anyone responsible for such a violation. In conducting an investigation under this section***  
 7 ***the attorney general may enlist the aid of the county attorneys, the state police, and other public***  
 8 ***officers. In the exercise of his or her powers and duties under this section, the attorney general may***  
 9 ***hold hearings and require the attendance of individuals by the use of subpoena and may require the***  
 10 ***production of books, documents, records, and other tangible goods by use of subpoena duces tecum.***  
 11 ***Any testimony required by the attorney general at a hearing which he or she is empowered to hold***  
 12 ***under this section shall be given under oath. The attorney general shall maintain records of***  
 13 ***complaints and investigations of alleged violations of the election laws.***

14 ***II. The attorney general shall report to the general court by September 1, 2012 and***  
 15 ***at least once during every 6-month period thereafter on the disposition of all complaints of***  
 16 ***alleged violations of the election laws received. The attorney general shall submit the***  
 17 ***report to the standing committees of the senate and house of representatives with***  
 18 ***jurisdiction over election law. The report shall include, but not be limited to the following:***

19 ***(a) A summary of each complaint received during the preceding 6 months, or***  
 20 ***during the period since the previous report if such period is less than 6 months. The***  
 21 ***summary for each complaint shall include, at a minimum, the date received, the nature of***  
 22 ***the alleged violation, and the date of the alleged violation.***

23 ***(b) A description of the response to each complaint received and whether the***  
 24 ***complaint was investigated.***

25 ***(c) For each complaint not investigated, an explanation of why the complaint***  
 26 ***was not investigated.***

27 ***(d) For each complaint investigated, the results of the investigation and a***  
 28 ***description of actions taken following the investigation.***

29 2 Political Expenditures and Contributions; Complaints. Amend the introductory paragraph of  
 30 RSA 664:18 to read as follows:

31 Any candidate or voter may make complaint ~~(in writing)~~ to the attorney general of any violation  
 32 of any of the provisions of this chapter.

33 3 Effective Date. This act shall take effect 60 days after its passage.

**HB 1673-FN - AS INTRODUCED**

**- Page 2 -**

LBAO  
12-2011  
01/03/12

**HB 1673-FN - FISCAL NOTE**

**AN ACT** relative to complaints of election law violations.

**FISCAL IMPACT:**

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill as it is awaiting information from the Department of Justice. When completed, the fiscal note will be forwarded to the House Clerk's Office.

**HB 1673 FISCAL NOTE**

**AN ACT** relative to complaints of election law violations.

**FISCAL IMPACT:**

The Department of Justice states this bill will have no fiscal impact on state, county, and local expenditures and revenue.

**METHODOLOGY:**

The Department of Justice states this bill eliminates the requirement that complaints to the attorney general of election law violations be in writing and requires the attorney general submit regular reports on election complaints to the standing committees of the senate and house of representatives with jurisdiction over election law. The Department states that any costs associated with this bill could be absorbed by the Department.

HB 1673-FN - AS AMENDED BY THE HOUSE

7Mar2012... 0956h

2012 SESSION

12-2011  
03/05

HOUSE BILL

***1673-FN***

AN ACT relative to complaints of election law violations.

SPONSORS: Rep. Bates, Rock 4; Rep. Tucker, Rock 17

COMMITTEE: Election Law

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AMENDED ANALYSIS

This bill requires the attorney general to submit regular reports on election complaints to the general court.

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6 prosecute anyone responsible for such a violation. In conducting an investigation under this section  
7 the attorney general may enlist the aid of the county attorneys, the state police, and other public  
8 officers. In the exercise of his *or her* powers and duties under this section, the attorney general may  
9 hold hearings and require the attendance of individuals by the use of subpoena and may require the  
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22 *the alleged violation, and the date of the alleged violation.*

23 (b) *A description of the response to each complaint received and whether the*  
24 *complaint was investigated.*

25 (c) *For each complaint not investigated, an explanation of why the complaint*  
26 *was not investigated.*

27 (d) *For each complaint investigated, the results of the investigation and a*  
28 *description of actions taken following the investigation.*

29 (e) *An update on all complaints received but not resolved during a prior*  
30 *reporting period.*

**HB 1678-FN - AS AMENDED BY THE HOUSE**

**- Page 2 -**

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



LBAO  
12-2011  
Revised 01/04/12

**HB 1673 FISCAL NOTE**

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The Department of Justice states this bill eliminates the requirement that complaints to the attorney general of election law violations be in writing and requires the attorney general submit regular reports on election complaints to the standing committees of the senate and house of representatives with jurisdiction over election law. The Department states that any costs associated with this bill could be absorbed by the Department.

**HB 1673-FN – AS AMENDED BY THE SENATE**

7Mar2012... 0956h

04/25/12 1717s

2012 SESSION

12-2011

03/05

**HOUSE BILL *1673-FN***

AN ACT relative to complaints of election law violations.

SPONSORS: Rep. Bates, Rock 4; Rep. Tucker, Rock 17

COMMITTEE: Election Law

**AMENDED ANALYSIS**

This bill requires the attorney general to submit regular reports on election complaints to the general court.

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*II.(a) Beginning January 31, 2013, the attorney general shall, at least once during every 6-month period, provide a rolling report to the general court on the status of all complaints of alleged violations of the election laws received. The attorney general shall submit the report to the standing committees of the senate and house of representatives with jurisdiction over election law.*

*(b) The report shall include, but not be limited to the following:*

*(1) A summary of complaints received during the preceding 6 months, or during the period since the previous report if such period is less than 6 months, including the number of complaints categorized by type of complaint and month received.*

*(2) For each complaint investigated, the results of the investigation and a description of actions taken following the investigation.*

*(3) For each complaint not investigated, an explanation of why the complaint was not investigated.*

*(c) The requirements of subparagraph (b)(2) or (b)(3) may be satisfied by including with the report, for the complaint described, a closure letter, settlement agreement, cease and desist order, or complaint filed with a court, or any other official communication.*

2 Effective Date. This act shall take effect upon its passage.

LBAO

12-2011

Revised 01/04/12

### HB 1673 FISCAL NOTE

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The Department of Justice states this bill will have no fiscal impact on state, county, and local expenditures and revenue.

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CHAPTER 95  
HB 1673-FN - FINAL VERSION

7Mar2012... 0956h  
04/25/12 1717s

2012 SESSION

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HOUSE BILL            ***1673-FN***

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HB 1673-FN - FINAL VERSION

7Mar2012... 0956h  
04/25/12 1717s

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STATE OF NEW HAMPSHIRE

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2 7:6-c Enforcement of the Election Laws.

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4 ~~New Hampshire~~], or upon his *or her* own motion, the attorney general may in his *or her* discretion,  
5 conduct investigations to determine whether any violation of the election laws has occurred and may  
6 prosecute anyone responsible for such a violation. In conducting an investigation under this section  
7 the attorney general may enlist the aid of the county attorneys, the state police, and other public  
8 officers. In the exercise of his *or her* powers and duties under this section, the attorney general may  
9 hold hearings and require the attendance of individuals by the use of subpoena and may require the  
10 production of books, documents, records, and other tangible goods by use of subpoena duces tecum.  
11 Any testimony required by the attorney general at a hearing which he *or she* is empowered to hold  
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CHAPTER 95  
HB 1673-FN - FINAL VERSION  
- Page 2 -

1 *agreement, cease and desist order, or complaint filed with a court, or any other official*  
2 *communication.*

3 95:2 Effective Date. This act shall take effect upon its passage.

4

5 Approved: May 29, 2012

6 Effective Date: May 29, 2012

# Amendments





Amendment to HB 1673-FN

1 Amend the bill by replacing all after the enacting clause with the following:

2  
3 1 Enforcement of the Election Laws. Amend RSA 7:6-c to read as follows:

4 7:6-c Enforcement of the Election Laws.

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**Amendment to HB 1673-FN**  
**- Page 2 -**



1        2 Effective Date. This act shall take effect upon its passage.

# Committee Minutes

**ATTENDANCE**

**AMENDED**

Printed: 03/22/2012 at 12:26 pm

**SENATE CALENDAR NOTICE  
PUBLIC AND MUNICIPAL AFFAIRS**

23

- ✓ Senator John Barnes, Jr. Chairman
- ✓ Senator Jeanie Forrester V Chairman
- ✓ Senator David Boutin
- ✓ Senator Amanda Merrill
- ✓ Senator Nancy Stiles

START: 9:50 AM  
STOP: 10:15 AM

For Use by Senate Clerk's Office ONLY

Bill Status

Docket

Calendar

Proof:  Calendar  Bill Status

**Date: March 22, 2012**

**HEARINGS**

**Tuesday**

**3/27/2012**

**PUBLIC AND MUNICIPAL AFFAIRS**

**LOB 101**

**9:00 AM**

(Name of Committee)

(Place)

(Time)

**EXECUTIVE SESSION MAY FOLLOW**

**Comments:** PLEASE NOTE THE CHANGE OF TIMES FOR THESE HEARINGS AND THE ADDITION OF HB 1224.

- 9:00 AM HB1354 relative to a person's residence for voting and all other legal purposes.
- 9:30 AM HB1664-FN (New Title) establishing a committee to study transferring election law enforcement to the secretary of state.
- 9:50 AM HB1673-FN relative to complaints of election law violations.
- 10:10 AM HB1719 relative to the filing period for elections.
- 10:30 AM HB1224 (New Title) allowing municipalities to send tax, water, and sewer bills electronically.
- 11:00 AM HB137-FN-L relative to the state fire code and the state building code.

**Sponsors:**

**HB1354**

Rep. David Bates  
Sen. John Barnes, Jr.

Rep. David Bettencourt  
Rep. Dan McGuire

Rep. Shawn Jasper  
Rep. Andrew Renzullo

Rep. William O'Brien  
Rep. Timothy Comerford

**HB1664-FN**

Rep. David Bates  
Rep. Pamela Tucker

Rep. William O'Brien

Rep. Andrew Renzullo

Rep. Timothy Comerford

**HB1673-FN**

Rep. David Bates

Rep. Pamela Tucker

**HB1719**

Rep. David Bates

**HB1224**

Rep. Robert Rowe

**HB137-FN-L**

Rep. Kenneth Hawkins

Rep. Carol McGuire

Debra Martone 271-3092

Sen. John Barnes, Jr.

Chairman

# Public and Municipal Affairs Committee

## Hearing Report

**TO:** Members of the Senate

**FROM:** Deb Martone, Legislative Aide

**RE:** Hearing report on HB 1673-FN – relative to complaints of election law violations.

**HEARING DATE:** March 27, 2012

**MEMBERS OF THE COMMITTEE PRESENT:** Senators Barnes, Forrester and Stiles.

**MEMBERS OF THE COMMITTEE ABSENT:** Senators Merrill and Boutin.

**Sponsor(s):** Representatives Bates and Tucker

**What the bill does:** requires the Attorney General to submit regular reports on election complaints to the General Court.

**Who supports the bill:** Representative Bates

**Who opposes the bill:** No one

**Who takes no position on the bill:** Claire Ebel, NH Civil Liberties Union

### Summary of testimony received:

• Senator Barnes opened the hearing at 9:50 am and introduced the prime sponsor, Representative Bates, who explained the bill would require the Attorney General to provide information to House and Senate policy committees having jurisdiction over election law matters.

• Per Representative Bates, there's a problem with the absence of real information. Legislators need reporting on election law complaints filed with the Attorney General, what enforcement actions are taken, and the outcome of those investigations. Right now we have virtually no information.

•Committee members were given a letter sent by Representative Bates to the Attorney General's Office in November of 2010, requesting information on complaints that had been filed. The Attorney General's Office never produced the requested information. The impetus for Representative Bates' letter was push polling, which has recently surfaced as an issue in this state for various polling companies. These types of companies are seriously concerned about doing business in New Hampshire because of the way the related statutes are being interpreted and enforced. This was the type of information Representative Bates was seeking to receive. It would allow legislators to address defects in statutes and make clarifications.

•Senator Barnes pointed out the language in the proposal states the Attorney General *may* in his or her discretion conduct investigations. Representative Bates clarified the bill does not give the Attorney General's Office the option to report; they must report to House and Senate committees every six months. They do, however, have the option whether to prosecute or investigate a complaint.

•Senator Stiles remarked the way she understands the bill, the AG may decide to prosecute, but any complaint has to be filed with the Legislature. She does question why the reporting has to be every six months. Why not report on an annual basis, say, every September or July? Pick a date before the state primary, or even after perhaps. Wouldn't once a year be adequate? Representative Bates disagreed; reporting on an annual basis is not timely enough. Every six months starting on September 1<sup>st</sup> will hopefully supply the Legislature with helpful information. Legislators need information on a timely basis, closer to the time the complaints are occurring.

•Representative Bates suggested part of the problem could be a lack of resources in the Attorney General's Office. However, we can't ascertain that unless we have adequate reporting; once a year is not sufficient.

•Senator Stiles suggested reporting on December 1<sup>st</sup> any complaints received from September forward, with a follow-up report in July on complaints that have been acted on. Representative Bates indicated he is open to committee suggestions on best reporting times.

•Senator Barnes reiterated his concerns with the way the bill is currently written. He's afraid, should the Attorney General's Office using their discretion decide not to investigate a complaint, that there would be no useful reporting information to give to legislators. Representative Bates disagreed. He indicated at this point in time, we have no idea how many complaints are received. If we can pinpoint some kind of a number of complaints that are lodged, legislators might then take further action. The Attorney General has an obligation to investigate complaints; they shouldn't be able to ignore them.



•Senator Barnes also remarked he had a problem with the fiscal note on the bill. The more complaints received, the greater the potential for investigations, which could prove costly for the AG. "That's a baloney fiscal note."

•Representative Bates asked Senator Barnes not to confuse the request to report with the obligation to investigate and resolve complaints. That's what the office exists for.

•Senator Forrester indicated the Methodology section of the bill regarding written complaints conflicts with the language of the bill. Representative Bates indicated the Methodology language pertained to the original bill; it has not been revised.

•Claire Ebel, Executive Director of the NH Civil Liberties Union, asserts it is essential for legislators to have direct knowledge of election violation complaints filed with the Attorney General's Office. They cannot make decisions in a vacuum. Legislators need this information; they have a right to the information and they should receive it.

•Ms. Ebel suggests the reporting date on Line 14 in the bill should be January 1, 2013 as the beginning reporting date, to ensure receipt of both the primary and general election complaints. Then in July you can receive the outcome or status of each investigation. Ms. Ebel also suggests this issue be included in the proposed study committee of HB 1664-FN. Such action would give the Attorney General's Office time to implement reporting procedures.

•Senator Barnes closed the hearing at 10:15 am.

**Action:** Senator Forrester and Senator Stiles will meet with the Secretary of State's Office and the Attorney General's Office in an attempt to reach a consensus on reporting requirements. The committee agreed to delay action on the bill pending results of that meeting.

dam

[file: HB 1673-FN report]  
Date: March 29, 2012

# Speakers



# Committee Report

**STATE OF NEW HAMPSHIRE**  
**SENATE**  
**REPORT OF THE COMMITTEE**

Date: April 18, 2012

**THE COMMITTEE ON Public and Municipal Affairs**  
to which was referred House Bill 1673-FN

**AN ACT** relative to complaints of election law violations.

Having considered the same, the committee recommends that the Bill:

**OUGHT TO PASS WITH AMENDMENT**

**BY A VOTE OF: 4-0**

**AMENDMENT # 1717s**

**Senator Jeanie Forrester**  
**For the Committee**

**Debra Martone 271-3092**

## New Hampshire General Court - Bill Status System

**Docket of HB1673**

Docket Abbreviations

**Bill Title:** relative to complaints of election law violations.*Official Docket of HB1673:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/4/2012	H	<b>Introduced</b> 1/4/2012 and Referred to Election Law; <b>HJ 7</b> , PG.363
2/8/2012	H	Public Hearing: 2/14/2012 10:30 AM LOB 308
2/15/2012	H	Executive Session: 2/21/2012 1:00 PM LOB 308
2/21/2012	H	Committee Report: Ought to Pass with Amendment #0956h for Mar 7 (Vote 18-1; CC); <b>HC 18</b> , PG.1064
2/21/2012	H	Proposed Committee Amendment <b>#2012-0956h</b> ; <b>HC 17</b> , PG.1028-1029
3/7/2012	H	Amendment #0956h Adopted, VV; <b>HJ 21</b> , PG.1301-1302
3/7/2012	H	<b>Ought to Pass with Amendment</b> #0956h: MA VV; <b>HJ 21</b> , PG.1301
3/7/2012	S	Introduced and Referred to Public and Municipal Affairs
3/22/2012	S	Hearing: 3/27/12, Room 101, LOB, 9:50 a.m.; <b>SC12</b>
4/18/2012	S	Committee Report: Ought to Pass with Amendment <b>#2012-1717s</b> , 4/25/12; <b>SC16</b>
4/25/2012	S	Committee Amendment 1717s; AA, VV
4/25/2012	S	<b>Ought to Pass with Amendment</b> 1717s, MA, VV; OT3rdg
5/9/2012	H	House Concurs with Senate AM #1717s (Rep Bates): MA DIV 308-12
5/16/2012	S	Enrolled
5/17/2012	H	Enrolled; <b>HJ 46</b> , PG.2480
5/31/2012	H	Signed By Governor 05/29/2012; Effective 05/29/2012; Chapter 0095

NH House

NH Senate

# Other Referrals

# COMMITTEE REPORT FILE INVENTORY

HB 1623-FW ORIGINAL REFERRAL \_\_\_\_\_ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE
- HEARING REPORT
- \_\_\_\_\_ HANDOUTS FROM THE PUBLIC HEARING
- \_\_\_\_\_ PREPARED TESTIMONY AND OTHER SUBMISSIONS
- SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 17175 \_\_\_\_\_ - AMENDMENT # \_\_\_\_\_

- AMENDMENT # 15455 \_\_\_\_\_ - AMENDMENT # \_\_\_\_\_

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED       AS AMENDED BY THE HOUSE

FINAL VERSION       AS AMENDED BY THE SENATE

\_\_\_\_\_ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): AMENDED FISCAL NOTE 01/04/12

DATE DELIVERED TO SENATE CLERK

06/29/12

Debra A. Martore  
BY COMMITTEE AIDE