

# Committee Report

**CONSENT CALENDAR**

**March 8, 2021**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Election Law to which was referred  
HB 372-FN,**

**AN ACT relative to enforcement of the elections laws.**

**Having considered the same, report the same with the  
following resolution: RESOLVED, that it is  
INEXPEDIENT TO LEGISLATE.**

**Rep. Joe Sweeney**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>Election Law</b>
Bill Number:	<b>HB 372-FN</b>
Title:	<b>relative to enforcement of the elections laws.</b>
Date:	<b>March 8, 2021</b>
Consent Calendar:	<b>CONSENT</b>
Recommendation:	<b>INEXPEDIENT TO LEGISLATE</b>

### STATEMENT OF INTENT

This bill permits county attorneys and municipal prosecutors to enforce election laws. Currently enforcement of election laws is the responsibility of the Attorney General's office. We heard from a representative of our state's various county attorneys that counties are not currently prepared to handle the bandwidth this bill presents, creating an unfunded mandate from the state. Additionally not all communities have municipal prosecutors. While members of the House Election Law Committee understood the intent of this legislation to create uniform and improved enforcement of our election laws, the difficulties in implementation and disparate application from community to community led the committee to unanimously recommend this bill be found Inexpedient to Legislate.

Vote 20-0.

Rep. Joe Sweeney  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

Election Law

**HB 372-FN**, relative to enforcement of the elections laws. **INEXPEDIENT TO LEGISLATE.**

Rep. Joe Sweeney for Election Law. This bill permits county attorneys and municipal prosecutors to enforce election laws. Currently enforcement of election laws is the responsibility of the Attorney General's office. We heard from a representative of our state's various county attorneys that counties are not currently prepared to handle the bandwidth this bill presents, creating an unfunded mandate from the state. Additionally not all communities have municipal prosecutors. While members of the House Election Law Committee understood the intent of this legislation to create uniform and improved enforcement of our election laws, the difficulties in implementation and disparate application from community to community led the committee to unanimously recommend this bill be found Inexpedient to Legislate. **Vote 20-0.**

Original: House Clerk

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### **STATEMENT OF INTENT**

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Vote 20-0.

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## CONSENT CALENDAR

Election Law

**HB 372-FN**, relative to enforcement of the elections laws. **INEXPEDIENT TO LEGISLATE.**

Rep. Joe Sweeney for Election Law. This bill permits county attorneys and municipal prosecutors to enforce election laws. Currently enforcement of election laws is the responsibility of the Attorney General's office. We heard from a representative of our State's various county attorneys that counties are not currently prepared to handle the bandwidth this bill presents, creating an unfunded mandate from the state. Additionally not all communities have municipal prosecutors. While members of the House Election Law Committee understood the intent of this legislation to create uniform and improved enforcement of our election laws, the difficulties in implementation and disparate application from community to community led the committee to unanimously find this bill Inexpedient to Legislate. **Vote 20-0.**

Original: House Clerk

Cc: Committee Bill File

HB 372 ~~374~~

372 REPORT:

This bill permits county attorneys and municipal prosecutors to enforce election laws. Currently enforcement of election laws is the responsibility of the Attorney General's office. We heard from a representative of our State's various county attorneys that counties are not currently prepared to handle the bandwidth this bill presents, creating an unfunded mandate from the state. Additionally not all communities have municipal prosecutors. While members of House Election Law understood the intent of this legislation to be uniform and better enforcement of our election laws, the difficulties in implementation and disparate application from community to community led the Committee to unanimously find this bill inexpedient to legislate.

Submitted by Rep. J Sweeney  
..for the Committee



**Archived:** Thursday, April 22, 2021 11:18:24 AM

**From:** [Miriam Simmons](#)

**Sent:** Thursday, April 22, 2021 9:41:30 AM


**To:** [Miriam Simmons](#)

**Subject:** HB 371 CR reports

**Response requested:** No

**Importance:** Normal

**Attachments:**

[HB 371 Cr draft.docx](#) 

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**From:** Bgriffinlo <bgriffinlo@aol.com>

**Sent:** Sunday, March 28, 2021 8:50 PM

**To:** Miriam Simmons <miriam.simmons@leg.state.nh.us>

**Cc:** Bgriffinlo <bgriffinlo@aol.com>

**Subject:** reports

Miriam

I think this is it. These are Joe's. Let me know if indeed you have them all - or not.

Barbara

# Voting Sheets

**HOUSE COMMITTEE ON ELECTION LAW**

**EXECUTIVE SESSION on HB 372-FN**

**BILL TITLE:** relative to enforcement of the elections laws.

**DATE:** March 8, 2021

**LOB ROOM:** Remote / Hybrid

**MOTIONS: INEXPEDIENT TO LEGISLATE**

Moved by Rep. Sweeney

Seconded by Rep. W. MacDonald

Vote: 20-0

**CONSENT CALENDAR: YES**

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep Natalie Wells, Clerk

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on Bill # HB 372-FN

BILL TITLE: Relative to Enforcement of the election laws.

DATE: 3/8/21

LOB ROOM: 306

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_
- Interim Study (2nd year) (if offered)

Moved by Rep. Sweeney      Seconded by Rep. MacDonald      Vote: 20:0

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_
- Interim Study (2nd year) (if offered)

Moved by Rep. \_\_\_\_\_      Seconded by Rep. \_\_\_\_\_      Vote: \_\_\_\_\_

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_
- Interim Study (2nd year) (if offered)

Moved by Rep. \_\_\_\_\_      Seconded by Rep. \_\_\_\_\_      Vote: \_\_\_\_\_

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_
- Interim Study (2nd year) (if offered)

Moved by Rep. \_\_\_\_\_      Seconded by Rep. \_\_\_\_\_      Vote: \_\_\_\_\_

CONSENT CALENDAR:         YES         NO

Minority Report?         Yes         No    If yes, author, Rep: \_\_\_\_\_    Motion \_\_\_\_\_

Respectfully submitted: Rep Natalie Wells  
Rep Natalie Wells, Clerk



2021 SESSION

**Election Law**

Bill #: 392-FN Motion: ITL AM #: \_\_\_\_\_ Exec Session Date: 3-8-21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Griffin, Barbara J. Chairman	✓		
MacDonald, Wayne D. Vice Chairman	✓		
Prudhomme-O'Brien, Katherine J.	✓		
Sweeney, Joe	✓		
Hayward, Peter T.	✓		
Mooney, Maureen C.	✓		
Torosian, Peter E.	✓		
Berry, Ross	✓		
Groen, Fenton	✓		
Qualey, James R.	✓		
Wells, Natalie J. Clerk	✓		
Cote, David E.	✓		
<del>Ward, Gerald W.R.</del> <i>Megan Murray</i>	✓		
Bergeron, Paul R.	✓		
Sandler, Catt	✓		
Hamer, Heidi M.	✓		
Lane, Connie B.	✓		
Freitas, Mary C.	✓		
Hamblet, Joan L.	✓		
Muirhead, Russell	✓		
<b>TOTAL VOTE:</b>	<b>20</b>	<b>0</b>	

# Hearing Minutes

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 372-FN

**BILL TITLE:** relative to enforcement of the elections laws.

**DATE:** March 4, 2021

**LOB ROOM:** LOB Hybrid      **Time Public Hearing Called to Order:** 2:47 p.m.

**Time Adjourned:** 3:00 p.m.

**Committee Members:** Reps. B. Griffin, W. MacDonald, Wells, Prudhomme-O'Brien, Sweeney, Hayward, Mooney, Torosian, Berry, Groen, Qualey, Cote, Ward, Bergeron, Sandler, Hamer, Lane, Freitas, Hamblet and Muirhead

**Bill Sponsors:**

Rep. Abramson

Rep. Harvey-Bolia

Rep. Yakubovich

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**\*Representative Max Abramson – Sponsor.** I represent Hampton, Hampton Falls and Seabrook. Currently is someone steals your campaign signs you go to the police. You have video of someone, capture it, have all the info, but in NH, these violate, go thru AG. If you steal a campaign sticker, political sign, have to call AG office. Contact them, their very busy, almost every legislators had stories, no one was able to prosecute a case, even though they had stuff.

This bill allows county attorneys and municipal prosecutors to take this up. Whether a misdemeanor or felony have not been able to go forward with these cases. Want people who comes from out of state, issues to be addressed. Willing to do legislative work for an Amendment.

**Question: Rep Muirhead** – Have you spoken to county attorney, contacted?

**Answer:** I have not spoken with county attorney directly. I've spoken to legislators who talked to municipal prosecutors

**Kate Horrigan: Brief follow up** on county attorneys to take this on. At this point, county attorneys are not, but amend it for municipal prosecutors.

**Question: Rep Mooney-** how much heavy requirements?

**Answer:** Need to hire additional reporting of this bill. County budgets are tight right now, don't feel have enough at this time.

**Question: Rep Groen** – Actual investment – prosecution if reporting eliminated

**Answer:** I'd have to take that report and get back to you.

**Question: Rep Ward** – I wonder do county attorneys take hearings and testimony?

**Answer:** Take testimony, that would be the extent of it.

Hearing adjourned at 3:00pm

Respectfully submitted,  
Representative Natalie Wells  
Committee Clerk

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

Rep Max Abramson





ELECTION LAW PUBLIC HEARING

3-4-21

HB 372-FN

OPENING: 2:46PM

**\*Representative Max Abramson – Sponsor.** I represent Hampton, Hampton Falls and Seabrook. Currently is someone steals your campaign signs you go to the police. You have video of someone, capture it, have all the info, but in NH, these violate, go thru AG. If you steal a campaign sticker, political sign, have to call AG office. Contact them, their very busy, almost every legislators had stories, no one was able to prosecute a case, even though they had stuff.

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Kate Horrigan: Brief follow up on county attorneys to take this on. At this point, county attorneys are not, but amend it for municipal prosecutors.

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Question: Rep Groen – Actual investment – prosecution if reporting eliminated

Answer: I'd have to take that report and get back to you.

Question: Rep Ward – I wonder do county attorneys take hearings and testimony?

Answer: Take testimony, that would be the extent of it.

Closing: 3:00pm

Respectfully submitted,

Representative Natalie Wells

# House Remote Testify

## Election Law Committee Testify List for Bill HB372 on 2021-03-04

Support: 4 Oppose: 15 Neutral: 0 Total to Testify: 1

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Signed Up</u>
Abramson, Max	Seabrook, NH Max.Abramson@leg.state.nh.us	An Elected Official	Myself	Support	Yes (5m)	3/3/2021 10:15 PM
Anastasia, Patricia	Londonderry, NH patti.anastasia@gmail.com	A Member of the Public	Myself	Support	No	3/3/2021 10:26 PM
Josephson, Timothy	Canaan, NH josephsonth@gmail.com	A Member of the Public	Myself	Oppose	No	3/3/2021 11:47 PM
Billingham, Carla	Salem, NH billingham2@comcast.net	A Member of the Public	Myself	Oppose	No	3/4/2021 10:55 AM
Gaudette, Sheryl	Hudson, NH sgaudette1@outlook.com	A Member of the Public	Myself	Support	No	2/25/2021 6:25 PM
Horgan, Kathryne	CONCORD, NH khorgan@dupontgroup.com	A Lobbyist	NH Association of Counties	Oppose	No	2/26/2021 10:01 AM
Bates, David	Warner, NH dbates3@yahoo.com	A Member of the Public	Myself	Oppose	No	2/27/2021 7:18 AM
Fenner-Lukaitis, Elizabeth	Warner, NH glukaitis@mcttelecom.com	A Member of the Public	Myself	Oppose	No	2/27/2021 4:04 PM
Wells, Ken	Andover, NH kenwells3@gmail.com	A Member of the Public	Myself	Oppose	No	2/28/2021 2:38 PM
Johnson, Sara	Warner, NH nhchicagocubfan@gmail.com	A Member of the Public	Myself	Oppose	No	3/1/2021 5:43 AM
Lucas, Janet	Campton, NH janluca1953@gmail.com	A Member of the Public	Myself	Oppose	No	3/1/2021 9:27 AM
Campbell, Kay	Epsom, NH kkcampbell43@yahoo.com	A Member of the Public	Myself	Support	No	3/1/2021 10:37 AM
Baber, Kristine	Dover, NH kmbaber@gmail.com	A Member of the Public	Myself	Oppose	No	3/1/2021 10:57 AM

Walker, April	Greenville, NH april@morefrogs.com	A Member of the Public	Myself	Oppose	No	3/1/2021 1:46 PM
Reed, Barbara	N. Swanzey NH, NH moragmcp83@outlook.com	A Member of the Public	Myself	Oppose	No	3/2/2021 1:15 AM
Courser, Rebecca	Warner, NH rcourser@hotmail.com	A Member of the Public	Myself	Oppose	No	3/2/2021 9:15 AM
Cook, Richard	Warner, NH r_cook@mcttelecom.com	A Member of the Public	Myself	Oppose	No	3/2/2021 9:31 AM
Hope, Lucinda	Tilton, NH lmhope46@gmail.com	A Member of the Public	Myself	Oppose	No	3/3/2021 7:33 PM
Waterman, Raymond	Merrimack, NH prwaterman@aol.com	A Member of the Public	Myself	Oppose	No	3/3/2021 7:55 PM

# Testimony

HB 372




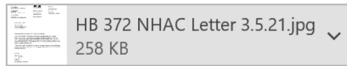
Kate Horgan <khorgan@dupontgroup.com>

To ~House Election Law Committee



3/5/2021

 Follow up. Start by Friday, March 5, 2021. Due by Friday, March 5, 2021.



Good afternoon Election Law Committee Members,

Attached please find an updated letter from the NHAC regarding the question probed during the committee hearing. Please let me know if you have any questions. Thank you.

-Kate

Kathryn Horgan  
The Dupont Group  
29 School St. | Ste. 200 | Concord, NH 03301  
603-228-3322 x111  
[khorgan@dupontgroup.com](mailto:khorgan@dupontgroup.com)



**President**

Wendy Piper  
Grafton County Commissioner

**Vice President**

Tom Tombarello  
Rockingham County Commissioner

**At Large Member**

Toni Pappas  
Hillsborough County Commissioner

**At Large Member**

Cathy Stacey  
Rockingham County Register of Deeds



29 School St., Ste. 200  
Concord, NH 03301

[info@nhcounties.org](mailto:info@nhcounties.org)

[www.nhcounties.org](http://www.nhcounties.org)

**Immediate Past President**

Chuck Weed  
Cheshire County Commissioner

**Treasurer**

Suzanne Collins  
Coos County Treasurer

**Bylaws Chair**

Chris Coates  
Cheshire County Administrator

Friday, March 5, 2021

Chairman Griffin  
Election Law Committee  
Concord, NH 03301

Chairman Griffin and Members of the Election Law Committee:

The NH Association of Counties would like follow up on a question put to Kate Horgan, NHAC's Executive Director, at the original hearing of HB 372 regarding the removal of the reporting requirements. While removing the reporting requirements would reduce a portion of the workload associated with this bill, the County Attorneys reported that this would still put an undue burden on the County Attorneys Offices, which are already working at capacity and would require the hiring of additional staff.

The Association would recommend if the committee is interested in moving forward with the bill that they remove the county attorneys from the language and proceed with this as an authority of municipal prosecutors.

Sincerely,



Wendy Piper  
President  
NH Association of Counties



March 4, 2021

Honorable Barbara Griffin  
House Election Law Committee  
State House  
Concord, New Hampshire

*Via Electronic Delivery Only*

*Re: HB 372, relative to enforcement of the election laws.*

Dear Chair Griffin and members of the House Election Law Committee:

HB 372 would expand the authority of both county attorneys and municipal prosecutors to the investigation and enforcement of the state election laws, as well as require periodic reporting to the General Court on such investigations and enforcement actions in some circumstances. At present, the investigation and enforcement of the state election laws are conducted by or at the behest of the Department of Justice's Elections Division.

HB 372 would expand the authority of municipal prosecutors in two important ways. First, it would enable them to "enlist the aid of the state police, and other public officers" in the investigation and prosecution of the state election laws. Presumably, this would allow local prosecutors to direct the activities of the state police, Secretary of State, and any other relevant state officials as it relates to the prosecutorial process. Second, it would expand the authority of municipal prosecutors to allow them to seek subpoenas from grand juries on their own initiative – rather than rely on the relevant county attorney's office – and expand their authority outside of Circuit Court to prosecute felony level offenses at Superior Court, if those felonies are violations of the election laws (and, presumably, any related offenses).

It is important to note that municipal prosecutors appointed pursuant to RSA 41:10-a are optional local officials. Although all municipalities engage in some form of prosecution of violations and misdemeanors, not all municipalities appoint an attorney to handle such prosecution in accordance with RSA 41:10-a. Many rely on their local police officers for prosecution services. As such, any authority to investigate violations of the election laws, prosecution of those laws, and reporting to the General Court is entirely dependent upon whether a particular municipality has chosen to appoint an attorney as its municipal prosecutor. Any municipality which has would have greater authority to pursue violations of the election laws and those prosecutors would have greater authority than similarly situated prosecutors in other municipalities.

NHMA is not taking a position on HB 372.

Sincerely,

*Natch Greyes*

Natch Greyes  
Municipal Services Counsel

cc: Committee members

**Archived:** Monday, April 12, 2021 10:06:46 AM

**From:** [Kate Horgan](#)

**Sent:** Friday, February 26, 2021 1:24:28 PM

**To:** ~House Election Law Committee

**Subject:** HB 372

**Importance:** Normal

**Attachments:**

HB 372 NHAC Letter 2.26.21.pdf ;

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Chair Griffin and Members of the Election Law Committee,

Attached please find a letter from the NH Association of Counties regarding their opposition to HB 372. Please let me know if you have any questions and thank you for your consideration.

-Kate

Kathryn Horgan

The Dupont Group

29 School St. | Ste. 200 | Concord, NH 03301

603-228-3322 x111

[khorgan@dupontgroup.com](mailto:khorgan@dupontgroup.com)



signature\_6  
72331662

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**Archived:** Monday, April 12, 2021 10:06:47 AM  
**From:** Natch Greyes  
**Sent:** Tuesday, March 2, 2021 12:36:50 PM  
**To:** ~House Election Law Committee  
**Subject:** HB 372, relative to enforcement of the election laws  
**Importance:** Normal  
**Attachments:**  
HB372\_Letter.pdf ;

---

Dear Chair Griffin and members of the House Election Law Committee,

Please find attached written testimony on HB 372, relative to enforcement of the election laws.

Thank you,  
-Natch Greyes



Natch Greyes  
**Municipal Services Counsel**  
New Hampshire Municipal Association  
25 Triangle Park Drive  
Concord, NH 03301  
Tel: (603) 224-7447  
[www.nhmunicipal.org](http://www.nhmunicipal.org)

**Archived:** Monday, April 12, 2021 10:06:47 AM

**From:** [Kate Horgan](#)

**Sent:** Friday, March 5, 2021 12:46:29 PM

**To:** ~House Election Law Committee

**Subject:** HB 372

**Response requested:** Yes

**Importance:** Normal

**Attachments:**

HB 372 NHAC Letter 3.5.21.jpg ;


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Good afternoon Election Law Committee Members,

Attached please find an updated letter from the NHAC regarding the question posed during the committee hearing. Please let me know if you have any questions. Thank you.

-Kate

Kathryn Horgan  
The Dupont Group  
29 School St. | Ste. 200 | Concord, NH 03301  
603-228-3322 x111  
[khorgan@dupontgroup.com](mailto:khorgan@dupontgroup.com)

 signature\_1  
846354939

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**Archived:** Monday, April 12, 2021 10:06:47 AM  
**From:** [Andrew Noyes](#)  
**Sent:** Wednesday, March 10, 2021 3:26:53 PM  
**To:** [~House Election Law Committee](#)  
**Subject:** HB 372  
**Importance:** Normal

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Please support HB372. Quite simply, election laws must be upheld. Municipal prosecutors having the ability to go after those who break the laws will have a major impact on both petty and serious infractions of election law.

Respectfully,  
Andrew Noyes  
--  
-Andrew Noyes

**Archived:** Monday, April 12, 2021 10:06:47 AM  
**From:** [michael winters](#)  
**Sent:** Wednesday, March 10, 2021 6:56:31 PM  
**To:** [~House Election Law Committee](#)  
**Subject:** HB372  
**Importance:** Normal

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Support HB 372.

[Sent from Yahoo Mail for iPhone](#)

**Archived:** Monday, April 12, 2021 10:06:47 AM  
**From:** [Raelene Ouellette](#)  
**Sent:** Thursday, March 11, 2021 8:02:18 PM  
**To:** [~House Election Law Committee](#)  
**Subject:** HB372  
**Importance:** Normal

---

Dear House Election Law Committee I'm asking you to kindly support bill HB372, allowing municipal prosecutors to go after people who steal campaign signs, vote twice, or break other election laws.

Thank You!

Kind Regards,

Raelene Ouellete  
Seabrook, NH

**President**  
Wendy Piper  
Grafton County Commissioner

**Vice President**  
Tom Tombarello  
Rockingham County Commissioner

**At Large Member**  
Toni Pappas  
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Suzanne Collins  
Coos County Treasurer

**Bylaws Chair**  
Chris Coates  
Cheshire County Administrator

Friday, February 26, 2021

Chairman Griffin  
Election Law Committee  
Concord, NH 03301

Chairman Griffin and Members of the Election Law Committee:

The NH Association of Counties would like to register its opposition for HB 372-FN, AN ACT relative to enforcement of the elections laws

This bill would allow county attorneys to prosecute anyone in violation of an election law and every six months provide a rolling report of all outstanding complaints received with their status. The NH Association of Counties and the County Attorneys are opposed to this bill as there is already an avenue to prosecute election crimes through the Office of the Attorney General, which has an established elections investigation division. This bill would put undue burden on the county attorney's office, which are already working at capacity, requiring the hiring of additional staff.

The Association believes that HB 372 would not be a benefit to all NH and is unnecessary. We would recommend that you vote this bill Inexpedient to Legislate.

Sincerely,



Wendy Piper  
President  
NH Association of Counties

**President**

Wendy Piper  
Grafton County Commissioner

**Vice President**

Tom Tombarello  
Rockingham County Commissioner

**At Large Member**

Toni Pappas  
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Coos County Treasurer

**Bylaws Chair**

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Cheshire County Administrator

Friday, March 5, 2021

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Election Law Committee  
Concord, NH 03301

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The NH Association of Counties would like follow up on a question put to Kate Horgan, NHAC's Executive Director, at the original hearing of HB 372 regarding the removal of the reporting requirements. While removing the reporting requirements would reduce a portion of the workload associated with this bill, the County Attorneys reported that this would still put an undue burden on the County Attorneys Offices, which are already working at capacity and would require the hiring of additional staff.

The Association would recommend if the committee is interested in moving forward with the bill that they remove the county attorneys from the language and proceed with this as an authority of municipal prosecutors.

Sincerely,



Wendy Piper  
President  
NH Association of Counties

Bill as  
Introduced



**HB 372-FN - AS INTRODUCED**

2021 SESSION

21-0284

11/04

HOUSE BILL            ***372-FN***

AN ACT                relative to enforcement of the elections laws.

SPONSORS:            Rep. Abramson, Rock. 37; Rep. Harvey-Bolia, Belk. 4; Rep. Yakubovich, Merr. 24

COMMITTEE:          Election Law

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ANALYSIS

This bill permits county and municipal attorneys to enforce election laws.

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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.

STATE OF NEW HAMPSHIRE

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

AN ACT relative to enforcement of the elections laws.

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

1 1 New Section; County Attorneys; Enforcement of Election Laws. Amend RSA 7 by inserting  
2 after section 34-g the following new section:

3 7:34-h Enforcement of the Election Laws.

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

14 II.(a) Beginning January 31, 2022, the county attorney shall, at least once during every 6-  
15 month period, provide a rolling report to the general court on the status of all complaints of alleged  
16 violations of the election laws received. The county attorney shall submit the report to the standing  
17 committees of the senate and house of representatives with jurisdiction over election law.

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

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

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

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

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

29 2 Enforcement of Election Laws; Municipal Prosecutors. Amend RSA 41:10-a to read as follows:

30 41:10-a Municipal Prosecutors.

1           **I.** The selectmen of towns or the appropriate appointing authorities are hereby authorized to  
2 appoint and compensate one or more qualified members of the New Hampshire bar to serve as  
3 municipal prosecutors to represent the state, in place of police officers, in cases involving civil  
4 causes, violations and misdemeanors within the jurisdiction of the municipal or district courts except  
5 as provided in RSA 502-A:20-a and RSA 502:26-c. Said municipal prosecutors shall serve at the  
6 pleasure of the appointing authority. Two or more municipalities may engage the services of a single  
7 municipal prosecutor as provided in RSA 53-A. Nothing in this section shall be construed to prohibit  
8 the state police from prosecuting any violation or misdemeanor in any district or municipal court in  
9 this state.

10           **II.(a)** *Upon receipt of a signed written complaint, or upon his or her own motion, a*  
11 *municipal prosecutor may in his or her discretion conduct investigations to determine*  
12 *whether any violation of the election laws has occurred and may prosecute anyone*  
13 *responsible for such a violation. In conducting an investigation under this section the*  
14 *municipal prosecutor may enlist the aid of the state police, and other public officers. In*  
15 *the exercise of his or her powers and duties under this section, the municipal prosecutor*  
16 *may hold hearings and require the attendance of individuals by the use of subpoena and*  
17 *may require the production of books, documents, records, and other tangible goods by use*  
18 *of subpoena duces tecum. Any testimony required by the municipal prosecutor at a hearing*  
19 *which he or she is empowered to hold under this section shall be given under oath. The*  
20 *municipal prosecutor shall maintain records of complaints and investigations of alleged*  
21 *violations of the election laws.*

22           **(b)** *Beginning January 31, 2022, the municipal prosecutor shall, at least once*  
23 *during every 6-month period, provide a rolling report to the general court on the status of*  
24 *all complaints of alleged violations of the election laws received. The municipal*  
25 *prosecutor shall submit the report to the standing committees of the senate and house of*  
26 *representatives with jurisdiction over election law.*

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

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

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

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

35           **(c)** *The requirements of subparagraph (b)(2) or (b)(3) may be satisfied by*  
36 *including with the report, for the complaint described, a closure letter, settlement*

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

3 3 Enforcement of the Election Laws. Amend RSA 666:8 to read as follows:

4 666:8 Attorney General, *County Attorney, and Municipal Prosecutors.* The attorney  
5 general, *county attorneys, and municipal prosecutors* shall be responsible for the enforcement of  
6 the election laws as provided in RSA 7:6-c, *RSA 7:34-h, and RSA 41:10-a, respectively.*

7 4 Effective Date. This act shall take effect 60 days after its passage.

# **Fiscal Note**

**HB 372-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to enforcement of the elections laws.

**FISCAL IMPACT:**     State             County             Local             None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

**COUNTY:**

<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable

**LOCAL:**

<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable

**METHODOLOGY:**

This bill allows for county attorneys and municipal prosecutors to enforce election laws. The bill requires that beginning January 31, 2022, the county attorneys and municipal prosecutors 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 and any investigations that may have been commenced.

The Department of State indicates there is no impact on the revenue or expenditures of the Department.

The Department of Justice is unable to determine what responsibilities under RSA 7:6-c will be taken on by county or municipal attorneys and what effect that may have on the Department's workload and expenditures. Such activities may include not only civil and criminal enforcement matters, but oversight of regulatory matters. This may include answering questions from the public and election officials, email and phone hotline staffing for year round concerns or questions, guidance publications and training, and poll inspections.

The New Hampshire Association of Counties states county attorney offices may need to hire additional staff to comply with the possible increase in responsibilities and workload associated with additional investigations.

The New Hampshire Municipal Association indicates the costs of investigations and prosecutions is indeterminable and dependent on an unknown number of investigations.

It is assumed this bill would be effective July 1, 2021.

**AGENCIES CONTACTED:**

Departments of State and Justice, New Hampshire Association of Counties, and New Hampshire Municipal Association