

LEGISLATIVE COMMITTEE MINUTES

**SB242**

Bill as  
Introduced

SB 242 - AS INTRODUCED

2022 SESSION

22-2894

04/05

SENATE BILL        **242**

AN ACT            relative to the disqualification of certain persons from performing the duties of an election official.

SPONSORS:        Sen. Gray, Dist 6; Sen. Ward, Dist 8; Sen. Birdsell, Dist 19

COMMITTEE:      Election Law and Municipal Affairs

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ANALYSIS

This bill revises the circumstances under which certain persons are disqualified from performing certain duties of an election official.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                   relative to the disqualification of certain persons from performing the duties of an election official.

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

1           1 Pre-Election Procedure; Disqualification of Certain Persons. Amend RSA 658:24 to read as  
2 follows:

3           658:24 Disqualification of Certain Persons. Any person, other than a moderator, clerk,  
4 selectman, inspector of election, or supervisor of the checklist, whose name appears on a ballot for an  
5 elective position, other than a position of an election official, shall be disqualified from performing  
6 duties as an election official in that election. A moderator, clerk, selectman, inspector of election, or  
7 supervisor of the checklist whose name appears on a ballot for an elective position, other than the  
8 position of an election official, shall be disqualified from the handling of marked ballots and the  
9 counting of votes *pursuant to RSA 659:58*.

10          2 Election Procedure; Counting of Votes; Disqualification of Officials. Amend RSA 659:58 to  
11 read as follows:

12          659:58 Disqualification of Officials. Any election official~~[, other than the moderator,]~~ who is also  
13 a candidate for office, *other than a position of an election official*, shall not be allowed to remain  
14 *in the area designated for the handling of marked ballots and for the counting of votes*  
15 within the guardrail during the counting of votes for an office for which he is a candidate. Such  
16 official shall disqualify himself from election duties relating to the tabulation of votes; and the  
17 moderator shall appoint an assistant who shall take the same oath as, serve in the same capacity as,  
18 and have all the powers of the election official who is disqualified until such official may properly  
19 return. *The moderator may assign any election official disqualified pursuant to this*  
20 *section to other duties not related to the tabulation of votes.*

21          3 Effective Date. This act shall take effect 60 days after its passage.

SB 242 - AS AMENDED BY THE HOUSE

21Apr2022... 1353h

2022 SESSION

22-2894

04/05

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19 *election official disqualified pursuant to this section to other duties not related to the*  
20 *tabulation of votes.*

21           3 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 212  
SB 242 - FINAL VERSION

21Apr2022... 1353h

2022 SESSION

22-2894  
04/05

SENATE BILL

**242**

AN ACT relative to the disqualification of certain persons from performing the duties of an election official.

SPONSORS: Sen. Gray, Dist 6; Sen. Ward, Dist 8; Sen. Birdsell, Dist 19

COMMITTEE: Election Law and Municipal Affairs

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CHAPTER 212  
SB 242 - FINAL VERSION

21Apr2022... 1353h

22-2894  
04/05

STATE OF NEW HAMPSHIRE

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

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9 *RSA 659:58.*

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17 capacity as, and have all the powers of the election official who is disqualified until such official may  
18 properly return. *The moderator may assign any election official disqualified pursuant to this section to*  
19 *other duties not related to the tabulation of votes.*

212:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 17, 2022  
Effective Date: August 16, 2022



# Committee Minutes

# SENATE CALENDAR NOTICE

## Election Law and Municipal Affairs

Sen James Gray, Chair  
Sen Regina Birdsell, Vice Chair  
Sen Ruth Ward, Member  
Sen Donna Soucy, Member  
Sen Rebecca Perkins Kwoka, Member

Date: December 21, 2021

### HEARINGS

Wednesday

01/12/2022

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Election Law and Municipal Affairs	State House 103	1:00 p.m.
(Name of Committee)	(Place)	(Time)
1:00 p.m. <b>SB 200</b>	relative to the election of district commissioners in Haverhill.	
1:20 p.m. <b>SB 242</b>	relative to the disqualification of certain persons from performing the duties of an election official.	
1:40 p.m. <b>SB 328</b>	relative to the date of the state primary election.	
2:00 p.m. <b>SB 364</b>	relative to the use of electronic poll books.	
2:20 p.m. <b>SB 366-FN</b>	requiring an audit of ballots cast in the 2022 primary and general election.	

### EXECUTIVE SESSION MAY FOLLOW

#### Sponsors:

<b>SB 200</b>	Sen. Giuda	Rep. Ladd	Rep. Binford	
<b>SB 242</b>	Sen. Gray	Sen. Ward	Sen. Birdsell	
<b>SB 328</b>	Sen. Gray	Sen. Avard	Sen. Ward	Sen. Sherman
<b>SB 364</b>	Sen. Perkins Kwoka	Sen. Watters	Sen. Sherman	Sen. Rosenwald
	Sen. Whitley	Sen. Soucy	Sen. Kahn	Sen. Cavanaugh
	Sen. Prentiss	Rep. Hamblet		
<b>SB 366-FN</b>	Sen. Gray	Sen. Soucy	Sen. Birdsell	Rep. Baroody

Tricia Melillo 271-3077

James P. Gray  
Chairman

**Senate Election Law and Municipal Affairs Committee**  
*Tricia Melillo 271-3077*

**SB 242**, relative to the disqualification of certain persons from performing the duties of an election official.

**Hearing Date:** January 12, 2022

**Members of the Committee Present:** Senators Gray, Ward, Soucy and Perkins Kwoka

**Members of the Committee Absent :** Senator Birdsell

**Bill Analysis:** This bill revises the circumstances under which certain persons are disqualified from performing certain duties of an election official.

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**Sponsors:**

Sen. Gray

Sen. Ward

Sen. Birdsell

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**Who supports the bill:** Senator James Gray, Senator Ruth Ward, Senator Regina Birdsell, Cristina Guilford

**Who opposes the bill:** Liz Tentarelli, Peter Basiliere, Linda Terwilliger

**Summary of testimony presented in support:**

**Senator James Gray**

- This is legislation that was part of an omnibus bill that passed the Senate last year.
- RSA 658:24 and RSA 659:58 have some conflicting language and this bill clears that up.
- The language was approved by the Secretary of State's office.
- Communities are having a hard time finding enough people to work on election day and this allows those that are on the ballot to work.
- Senator Soucy asked him to identify the sections that were in conflict.
  - Senator Gray responded that on line 9 they added the language "pursuant to RSA 659:58" and then on lines 13, 14, 19 and 20 language was added to clarify what is allowed. Those modifications reference each other and creates language that is no longer in conflict.
- Senator Soucy asked if this includes all offices as well as the Moderator.
  - Senator Gray stated that yes, it includes all election officials and the Moderator.

**Christina Guilford**

- She has always found this to be a big conflict within the statutes.
- She is glad that it is getting clarified because larger towns like hers have the same problem on election day as the smaller towns do.
- Senator Gray commented that there are some communities that are small enough, that if they do not have this clarification, they cannot hold the election.

**Summary of testimony presented in opposition:** None

TJM

Date Hearing Report completed: January 13, 2022

# Speakers



# Senate Remote Testify

## Election Law and Municipal Affairs Committee Testify List for Bill SB242 on 202 Support: 3 Oppose: 3

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Gray, James	An Elected Official	Sen. James Gray SD 6	Support
Ward, Senator Ruth	An Elected Official	Senate District 8	Support
Birdsell, Senator Regina	An Elected Official	Senate District 19	Support
Tentarelli, Liz	A Member of the Public	Myself	Oppose
Basilieri, Peter	An Elected Official	Myself	Oppose
Terwilliger, Linda	A Member of the Public	Myself	Oppose

# Voting Sheets

**Senate Election Law  
& Municipal Affairs Committee  
EXECUTIVE SESSION RECORD  
2022 Session**

Bill **SB 242**

Hearing date: 1/12/22

Executive Session date: 1/12/22

Motion of: OTP Vote: 4-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<del>Sen. Birdsell, Vice Chair</del>	<del>X</del>	<del><input type="checkbox"/></del>	<del><input type="checkbox"/></del>	<del><input type="checkbox"/></del>	<del><input type="checkbox"/></del>
Sen. Ward	X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Motion of: \_\_\_\_\_ Vote: \_\_\_\_\_

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: \_\_\_\_\_ Vote: \_\_\_\_\_

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Gray

Notes: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



# Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Wednesday, January 12, 2022

THE COMMITTEE ON Election Law and Municipal Affairs

to which was referred **SB 242**

AN ACT

relative to the disqualification of certain persons  
from performing the duties of an election official.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 4-0

Senator James Gray  
For the Committee

Tricia Melillo 271-3077

## General Court of New Hampshire - Bill Status System

**Docket of SB242**

Docket Abbreviations

**Bill Title:** relative to the disqualification of certain persons from performing the duties of an election official.Official Docket of **SB242**.

Date	Body	Description
12/14/2021	S	To Be <b>Introduced</b> 01/05/2022 and Referred to Election Law and Municipal Affairs; <b>SJ 1</b>
12/21/2021	S	<b>Hearing:</b> 01/12/2022, Room 103, SH, 01:20 pm; <b>SC 50</b>
1/26/2022	S	Committee Report: Ought to Pass, 02/03/2022; <b>SC 5</b>
2/3/2022	S	<b>Ought to Pass:</b> MA, VV; OT3rdg; 02/03/2022; <b>SJ 2</b>
3/23/2022	H	Introduced 03/17/2022 and referred to Election Law
3/30/2022	H	Public Hearing: 04/06/2022 09:30 am LOB 306-308
4/14/2022	H	Executive Session: 04/08/2022 01:00 pm LOB 306-308
4/14/2022	H	Majority Committee Report: Ought to Pass with Amendment <b>#2022-1353h</b> (Vote 11-9; RC) <b>HC 15</b> P. 14
4/14/2022	H	Minority Committee Report: Inexpedient to Legislate
4/21/2022	H	Amendment <b>#2022-1353h:</b> AA VV 04/21/2022
4/21/2022	H	<b>Ought to Pass with Amendment</b> 1353h: MA DV 176-151 04/21/2022
5/12/2022	S	Sen. Gray Moved to Concur with the House Amendment, MA, VV; 05/12/2022; <b>SJ 12</b>
6/6/2022	S	Enrolled Adopted, VV, (In recess 05/26/2022); <b>SJ 13</b>
6/7/2022	H	Enrolled (in recess of) 05/26/2022 <b>HJ 14</b>

NH House

NH Senate

# Other Referrals

**Senate Inventory Checklist for Archives**

Bill Number: SB 242 Senate Committee: ELMA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

**Bill Hearing Documents: (Legislative Aides)**

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- N/A Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- N/A Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

**Committee Action Documents: (Legislative Aides)**

All amendments considered in committee (including those not adopted):

- amendment # \_\_\_\_\_ - amendment # \_\_\_\_\_
- amendment # \_\_\_\_\_ - amendment # \_\_\_\_\_

- Executive Session Sheet
- Committee Report

**Floor Action Documents: (Clerk's Office)**

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # \_\_\_\_\_ - amendment # \_\_\_\_\_
- amendment # \_\_\_\_\_ - amendment # \_\_\_\_\_

**Post Floor Action: (if applicable) (Clerk's Office)**

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s)

Governor's Veto Message

**All available versions of the bill: (Clerk's Office)**

as amended by the senate

as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Tricia Meullo  
Committee Aide

6/14/22  
Date

Senate Clerk's Office **TW**