

2022 Election Law Changes

(New sections and amended sections are in italics)

RSA 652:27, I Elections; Electronic Poll Books; Backup Checklist. There is one small change to Paragraph I. I. Cities and towns.....with a lag time of no more than 30 minutes. A marked.....retained by the clerk. **(Amended by Chapter 276 (SB 364) Effective August 23, 2022)**

RSA 653:1, V Elected for 2-Year Term. V. One sheriff, one county attorney, one county treasurer, one register of deeds, and one register of probate by the voters in each county; *provided that, at the 2022 state general election, and at each subsequent state general election, any such officer in Rockingham county shall be chosen in the county by the voters for a 4-year term.* **Amended by Chapter 283 (HB 1397) Effective August 30, 2022**

RSA 654:31, II Copies of Voter Checklist; Availability. II. In towns and cities, the public checklist as corrected by the supervisors shall be open for the examination of any person at all times before the opening of a meeting or election at which the list is to be used. The supervisors of the checklist or city or town clerk shall furnish *a physical copy or an electronic copy* of the most recent public checklist of their town or city to any person requesting such copy. *If a person requests an electronic copy, the supervisors of the checklist, or the city or town clerk, shall notify the person requesting the copy of the electronic format options available from which the person requesting may choose.* The supervisors of the checklist or the city or town clerk may only provide checklist information for their town or city. No further changes in this paragraph. **(Amended by Chapter 201 (HB 1496) Effective August 16, 2022)**

RSA 654:31, IV Availability of Checklist and Voter Information; Municipal Voter History.

IV. The secretary of state shall, upon request.....in each state election, *and municipal election* for the preceding 2 years. No further changes. **(Amended by Chapter 54 (HB 1010) Effective July 19, 2022)**

RSA 655:17 Declaration of Candidacy. Declarations of candidacy shall be in the *appropriate* following form and signed by the candidate:

I. For candidates for delegate to the state party convention: I, _____, declare that I am domiciled in Ward ____, in the city (or town or unincorporated place) of _____, county of _____, state of New Hampshire, in state representative district county ____ and district ____, and am a registered voter herein; that I am a registered member of the ____ party; that I am a candidate for delegate to the state convention to be made at the primary election to be held on the ____ day of _____; and I hereby request that my name be printed on the official primary ballot of the party in which I am registered as a candidate for such election. I declare that I am not a federal employee which makes me ineligible to file as a candidate for this office. If I have been convicted of a felony, I declare that I have completed my sentence as required in RSA 607-A:2. I further declare, that, if elected as such delegate, I will not withdraw; and that, if elected, I will be qualified for and will assume the duties of said office.

II. For all other declarations of candidacy: I, _____, declare that I am domiciled in Ward ____, in the city (or town or unincorporated place) of _____, county of _____, state of New Hampshire, and am a registered voter herein; that I am a registered member of the ____ party; that I am a candidate for nomination for the office of _____ to be made at the primary election to be held on the ____ day of _____; and I hereby request that my name be printed on the official primary ballot of the party in which I am registered as a candidate for such nomination. I declare that I am not a candidate for incompatible offices as defined in RSA 655:10, and that I am not a federal employee which makes me ineligible to file as a candidate for this office. If I have been convicted of a felony, I declare that I have completed my sentence as required in RSA 607-A:2. I further declare that, if nominated as a candidate

for said office, I will not withdraw; and that, if elected, I will be qualified for and will assume the duties of said office. **(Amended by Chapter 10 (HB 55) Effective March 23, 2022)**

RSA 656:5 Preparation of Voting Materials; Ballots; Party Columns.

I. No changes in this paragraph

II. The position of party columns shall be rotated on the ballots used so that each party column shall appear thereon, to the extent practicable, an approximately equal number of times, in the first, last, and each intermediate column position across the state, without requiring more than one unique column order or ballot format for each town, ward, or unincorporated place. Before the close of the period during which a person may accept the nomination of a party committee pursuant to RSA 655:32, the secretary of state shall develop as many generic column rotation plans for use in general elections as he or she might reasonably expect to be needed for different numbers of party columns on the general election ballot. If the number of party columns expected on the general election ballot changes such that one or more additional generic column rotation plans are needed, the secretary of state shall, from time to time, prepare such additional plans as are needed for any general election.

III. *Party column rotation on the general election ballot shall be determined by randomly selecting state senate districts for each column required to be on the ballot. Senate district numbers 1 through 24 reflecting each of the 24 senate districts shall be randomly drawn for each party column. If there are not enough senate districts left to be evenly divided by the number of columns, the secretary of state shall assign the towns and city wards of the remaining senate districts to the party columns so as to achieve as equal a population representation for each party column as is reasonably possible.*

IV. Immediately following the close of the period during which a person may accept the nomination of a party committee pursuant to RSA 655:32, the secretary of state or designee shall publicly select by lot the actual party columns to be positioned according to the generic column rotation plan established pursuant to paragraphs II and III. **(Amended by Chapter 252 (HB 514) Effective August 23, 2022)**

RSA 656:42 X Electronic Ballot Counting Devices; Rules; Internet Access.

X. No electronic ballot counting device shall have access to or be connected to the Internet. (Inserted by Chapter 62 (HB 1157) Effective July 19, 2022)

RSA 656:42, XI Electronic Ballot Counting Devices; Rules; Over Voted Ballots.

XI. The electronic ballot counting device shall be programmed to require that a ballot which contains more than the allowable number of votes for an office or ballot question on the ballot, known as an "over voted ballot", be returned to the election day voter by the device. The voter shall be instructed to place the ballot in an auxiliary compartment to be hand counted by election officials after the polls close. Over voted ballots of absentee voters shall be placed in the auxiliary compartment by the moderator or his or her appointee to be counted after the polls close. (Inserted by Chapter 134 (HB 1163) Effective July 7, 2022)

RSA 658:24 Disqualification of Certain Persons. No changes until last sentence: A moderator, clerk, selectman, inspector of election, or supervisor of the checklist whose name appears on a ballot for an election position, other than the position of an election official, shall be disqualified from the handling of marked ballots and the counting of votes *pursuant to RSA 659:58.* **(Amended by Chapter 212 (SB 242) effective August 16, 2022)**

RSA 659:13, II(b) Voting Procedure; Obtaining a Ballot. (b) In addition to the forms of photo identification authorized in subparagraph (a), the identification requirements of paragraph I may be satisfied by verification of the person's identity by a moderator or supervisor of the checklist or the clerk of a town, ward, or city, provided that if any person authorized to challenge a voter under RSA 659:27 objects to such verification, identifies the reason for the objection in writing, and states the specific source of the information or personal knowledge upon which the challenge of the photo identification is based, the voter shall be required to execute a challenged voter affidavit as if no verification was made. *When an election official uses personal recognizance as a substitute for required documentation under this section, the moderator or clerk shall print in the margin of*

the checklist, next to the name of the voter so qualified, one of the following to identify the official who validated the voter: "P-x-AB" where "P" indicates personal recognizance; "x" shall be "M" for moderator or "C" for clerk; and AB are the first and last initials of the moderator or clerk. By initialing the checklist, the moderator or clerk personally affirms, under penalty of perjury, the identity of the voter they are qualifying to vote.

(Amended by Chapter 239 (SB 418) Effective January 1, 2023)

RSA 659:13, I(c) Election Procedure; Obtaining a Ballot. (c)(1) If the voter does not have a valid photo identification, the ballot clerk shall *direct the voter to see the supervisor of the checklist.*

(2) *The supervisor of the checklist shall review the voter's qualifications and determine if the voter's identify can be verified.*

(3) *If the supervisor of the checklist cannot verify the voter's identity, the supervisor of the checklist shall inform the voter that he or she may execute a challenged voter affidavit and cast an affidavit ballot in accordance with RSA 659:23-a. The voter shall receive an explanatory document prepared by the secretary of state explaining the proof of identity requirements. If the voter executes a challenged voter affidavit and casts an affidavit ballot, the ballot clerk shall mark the checklist in accordance with uniform procedure developed by the secretary of state.*

(4) *If the voter executes a challenged voter affidavit and casts an affidavit ballot, the moderator or the moderator's designee shall take a photograph of the voter and immediately print and attached the photograph to the duplicate copy of the affidavit voter verification letter to be delivered to the secretary of state. The photograph shall be 2 inches by 2 inches, or larger, and may be in color or in black and white. The moderator or his or her designee who took the photograph and the voter shall then sign the challenged voter affidavit. The moderator or designee shall delete the photograph from the camera in the presence of the voter. If the moderator or his or her designee is unable to take the voter's photograph due to equipment failure or other cause beyond the moderator's or his or her designee's reasonable control, the voter may execute a challenged voter affidavit and cast an affidavit ballot without a photograph.*

(5) *If the voter objects to the photograph requirement because of religious beliefs, he or she may execute an affidavit of religious exemption in accordance with RSA 659:13-b, which shall be attested to by an election officer and attached to the challenged voter affidavit.*

(6) *The person entering voter information into the centralized voter registration database shall cause the records to indicate when a voter has not presented a valid photo identification and has executed a challenged voter affidavit and cast an affidavit ballot. (Amended by Chapter 239 (SB 418) Effective January 1, 2023)*

RSA 659:13, II Voting Procedure; Obtaining a Ballot. (d) *The secretary of state shall provide training for supervisors of the checklist on how the nonpublic data in the statewide centralized voter registration database may be used to satisfy voter identification requirements.*

(e) *The secretary of state shall develop and make available an informational pamphlet explaining the procedure established in RSA 260:21 for obtaining a picture identification card for voter identification purposes only.*

(Inserted by Chapter 239 (SB 418) Effective January 1, 2023)

RSA 659:23-a Affidavit Ballots. I. *For all elections, if a voter on election day is registering to vote for the first time in New Hampshire and does not have a valid photo identification establishing such voter's identification, or does not meet the identity requirements of RSA 659:13, then such voter shall vote by affidavit ballot pursuant to this section.*

II. *The authorized election official shall hand the affidavit ballot voter an affidavit voter package and explain its use. The affidavit voter package shall be designed, produced, and distributed by the secretary of state, and shall contain the following:*

(a) *A prepaid U.S. Postal Service Priority Mail Express (overnight delivery) envelope addressed to the secretary of state for the affidavit voter to return the affidavit verification letter described in subparagraph (b) and any required missing documentation that necessitated voting by affidavit ballot. The return addresses on this envelope shall be for the office of the secretary of state.*

(b) An affidavit voter verification letter, in duplicate form, which lists all the documents required to qualify to vote in the state of New Hampshire. The authorized election official shall mark on both copies of the verification letter which qualifying documents were not provided, thereby necessitating voting by affidavit ballot. One copy of the affidavit verification letter shall be given to the voter; the other copy shall be retained by the authorized election official. The voter shall be required to return their copy of the affidavit verification letter and a copy of any required documentation to the secretary of state in the provided prepaid U.S. Postal Service envelope within 7 days of the date of the election in order for the ballot to be certified.

III. The moderator shall mark each affidavit ballot "Affidavit Ballot #___# sequentially, starting with the number "1".

IV. All affidavit ballots shall be cast in person at the polling place, placed in a container designated "Affidavit Ballots," and hand counted after polls have closed using a method prescribed by the secretary of state for hand counting and confirmation of candidate vote totals. After completion of counting, the moderator shall note and announce the total number of votes cast for each candidate, and the total number of affidavit ballots cast in the election. No later than one day after the election, the moderator shall forward all affidavit ballot verification letters to the secretary of state using a secure means of transmission or delivery.

V. On the seventh day after the election, if an affidavit ballot voter has failed to return the verification letter with the missing voter qualifying documentation to the secretary of state, either in person or using the prepaid U.S. Postal Service Priority Mail Express Envelope, the secretary of state shall instruct the moderator of the town, city, ward, or district in which the affidavit ballot was cast to retrieve the associated numbered affidavit ballot and list on a tally sheet, by candidate or issue, the votes cast on that ballot. The counting of votes on affidavit ballots identified by the secretary of state as unqualified shall be conducted by the town, city, ward, or district using the same methods of counting and observation utilized on the day of the election for hand counted ballots. The votes cast on such unqualified affidavit ballots shall be deducted from the vote total for each affected candidate or each affected issue.

VI. No later than 14 days after the election, any town, city, ward, or district in which any affidavit ballots were cast, and not subsequently verified, shall provide to the secretary of state a summary report, by race or ballot issue, of the total votes cast by the unqualified voters. The total vote minus the unqualified affidavit ballot vote for each race or issue shall be the final vote to be certified by the appropriate certifying authority.

VII. The names of affidavit voters whose verification letters are either not returned to the secretary of state or which do not provide the required voter qualifying information shall be referred by the secretary of state to the New Hampshire attorney general's office for investigation in accordance with RSA 7:6-c.

VIII. Any written, electronic, or other information related to an affidavit voter who provides the required information verifying their right to vote shall not be subject to disclosure under RSA 91-A or any other law.

IX. All written documentation relating to affidavit ballots shall be delivered to the secretary of state by local election officials in sealed packages using a secure means of transportation and stored pursuant to RSA 659:95 through 659:103. (Inserted by Chapter 239 (SB 418) Effective January 1, 2023)

659:40-b Intimidation of Election Officers. I. No person shall use or threaten force, violence, or any tactic of coercion or intimidation to knowingly discourage, interfere with, or compel any election officer, as defined in RSA 652:14, and other appointed individuals assisting at the polling place, such as ballot clerks and greeters, from engaging in or completing duties related to an election.

II. Whoever violates the provisions of this section or who conspires to violate the provisions of this section shall be guilty of a class B felony. (Inserted by Chapter 234 (SB 405) Effective January 1, 2023)

RSA 659:58 Disqualification of Officials. Any election official, who is also a candidate for office, *other than a position of an election official*, shall not be allowed to remain *in the area designated for the counting of votes* within the guardrail during the counting of votes for an office for which he is a candidate. Such official shall disqualify himself from election duties relating to the tabulation of votes; and the moderator shall appoint an assistant who shall take the same oath as, serve in the same capacity as, and have all the powers of the election official who is disqualified until such official may properly return. *The moderator may assign any election official disqualified pursuant to this section to other duties not related to the tabulation of votes.* **(Amended by Chapter 212 (SB 242) Effective August 16, 2022)**

RSA 659:73, IV Elections; General Content of Returns; Over Voted Ballots.

IV (k) For each election, the number of over voted ballots.

(l) For each contest or ballot question, the number of overvotes and undervotes.

(Inserted by Chapter 134 (HB 1163) Effective July 7, 2022)

RSA 659:75 Forwarding; Retaining Copies of Return. I. No changes in paragraph.

II. For a city or town that uses an AccuVote electronic ballot counting device in a state election, the town or ward clerk shall print and forward a paper copy of the long report tape to the secretary of state with the return of votes form and shall keep a paper copy of the long report tape with the paper return of votes form that is retained by the town or city clerk in accordance with paragraph I. **(Amended by Chapter 78 (HB 1527) Effective July 19, 2022)**

RSA 659:98 Delivery of Ballots to Town Clerk. The moderator, or the moderator's designee, and the selectmen, or their designee, after they have.....no changes.....deposit the containers in the town or city hall, *Containers containing ballots and absentee balloting materials that have been sealed after an election according to instructions provided by the secretary of state shall be stored in a location under the direction of the clerk. A log shall be maintained by the clerk specifying the location and the containers at the location. Once stored, the containers shall be accessible only to individuals working under the direction of the town clerk, as required for recounts, or as necessary for the secretary of state to verify the container storage. When the containers are removed to allow for destruction of ballots in accordance with RSA 33-A:3-a, the destruction of the ballots and absentee balloting materials shall be the final entry in the log.* **(Amended by Chapter 73 (HB 1457) Effective July 19, 2022)**

RSA 659:104 Penalties. I. *Where no other penalty is provided, whoever violates any provision of this chapter shall be subject to a civil penalty not less than \$250 nor more than \$1,000.*

II. The attorney general shall notify persons subject to this section of the state's intention to seek a civil penalty, and of the ability to negotiate with and to settle with such suspected violators without court action, provided that any civil penalty paid as settlement shall be paid to the secretary of state for deposit into the general fund.

(Inserted by Chapter 234 (SB 405) Effective January 1, 2023)

RSA 660:17-a Affidavit Ballots; Recounts. In any election or referendum, if the total number of affidavit ballots submitted for any local, district, county, or statewide race or issue would, if counted in favor of either candidate or position, alter the outcome of the election, the deadlines for filing recount requests imposed by RSA 660:1, 660:7, 660:10, 660:12, and 660:13 shall be extended until after the deadline for submitting affidavit verification materials in RSA 659:23-a. In such instance, the secretary of state shall publish new deadlines for filing recounts. (Inserted by Chapter 239 (SB 418) Effective January 1, 2023)

RSA 660:17-b Recount of Additional Offices on Ballots Involved in Recounts. For general election recounts of state representative races, the secretary of state's office shall, in addition to recounting the state representative race:

I. Conduct an audit of the votes cast on those ballots for President, United States Senate, United States House of Representatives, or governor.

II. Conduct such audit using the ballots for 10 of the state representative races to be recounted. The races shall be selected randomly. If less than 10 races are to be recounted, the ballots for each recounted race shall be audited;

III. Select the office to be audited for each recount; and

IV. Allow a full recount of any race where there is a discrepancy of greater than one percent from the election results reported to the secretary of state.

(Inserted by Chapter 262 (HB 1467) Effective August 23, 2022)

RSA 662:2 Councilor Districts – re-apportioned executive council districts (Amended by Chapter 46 (SB 241) Effective May 6, 2022)

RSA 662:3 State Senate Districts – re-apportioned state senate districts. (Amended by Chapter 45 (SB 240) Effective May 6, 2022)

RSA 662:4 County Commissioner Districts – re-apportioned county commissioner districts (Amended by Chapter 4 (HB 54) Effective February 24, 2022)

RSA 662:6 Delegates to State Party Conventions. At every state primary election, the voters shall elect delegates to each state party convention in the same manner and in the same proportion as state representative districts. (Repealed and re-enacted by Chapter 10 (HB55) Effective March 23, 2022)

RSA 664:4 Prohibited Political Contributions. No contribution, whether tangible or intangible, shall be made to a candidate, a political committee, or political party, or in behalf of a candidate or political committee or political party, directly or indirectly, for the purpose of promoting the success or defeat of any candidate or political party at any state primary or general election:

I. By any partnership as such or by any partner acting in behalf of such partnership.

II. By any labor union or group of labor unions, or by any officer, director, executive, agent, or employee acting in behalf of such union or group of unions, or by any organization representing or affiliated with any such union or group of unions, or by any officer, director, executive, agent, or employee acting in behalf of such organization.

III. By any person:

(a) if made anonymously or under a name not that of the donor.

(b) If made in the guise of a loan.

(c) If any other manner concealed.

(d) If made without the knowledge and written consent of the candidate or the candidate's fiscal agent, a political committee or its treasurer, or not to any one of the same.

(e) In excess of the limits established in paragraph IV.

IV. By a person or corporation in excess of the following amounts:

Maximum amount contributed during exploratory phase

Contributed to Candidate or Candidate Committee - \$5,000

Contributed to a non-candidate political committee or political party - \$10,000

Contributed to a Political Advocacy Organization – unlimited

Additional maximum amount that may be contributed for the primary election:

Contributed to Candidate or Candidate Committee - \$5,000

Contributed to a non-candidate political committee or political party - \$10,000

Contributed to a Political Advocacy Organization – unlimited

Additional maximum amount that may be contributed for the general election:

Contributed to Candidate or Candidate Committee - \$5,000

Contributed to a non-candidate political committee or political party - \$10,000

Contributed to a Political Advocacy Organization – unlimited

Total maximum amount of contribution:

Contributed to Candidate or Candidate Committee - \$15,000

Contributed to a non-candidate political committee or political party - \$30,000

Contributed to a Political Advocacy Organization – unlimited

V. By any candidate committee, non-candidate political committee, or political advocacy organization in excess of the following amounts:

Maximum amount contributed during exploratory phase

Contributed to Candidate or Candidate Committee - \$10,000

Contributed to a non-candidate political committee or political party - unlimited

Contributed to a Political Advocacy Organization – unlimited

Additional maximum amount that may be contributed for the primary election:

Contributed to Candidate or Candidate Committee - \$10,000

Contributed to a non-candidate political committee or political party - unlimited

Contributed to a Political Advocacy Organization – unlimited

Additional maximum amount that may be contributed for the general election:

Contributed to Candidate or Candidate Committee - \$10,000

Contributed to a non-candidate political committee or political party - unlimited

Contributed to a Political Advocacy Organization – unlimited

Total maximum amount of contribution:

Contributed to Candidate or Candidate Committee - \$30,000

Contributed to a non-candidate political committee or political party - unlimited

Contributed to a Political Advocacy Organization – unlimited

VI. A partnership or labor organization may establish its own political committee, which may make contributions to a candidate, political committee, or political party, so long as the funds used by the political committee are separate from the other partnership or labor organization funds.

(Repealed and re-enacted by Chapter 93 (SB 348) Effective January 1, 2023)

RSA 664:21, V Political Expenditures and Contributions; Penalties. V(a) Whoever violates any of the provisions of RSA 664:16-a shall be subject to a civil penalty not to exceed \$1,000.

(b) Whoever violates, or orders, aids, or abets a violation of RSA 664:17, relative to removing, defacing, or destroying political advertising on private property, shall be subject to a civil penalty of \$250 for each piece of political advertising removed, defaced, or destroyed, up to a maximum of \$2,000.

(c) The court, upon petition of the attorney general, may levy upon any person who violates the provisions of RSA 664:16-a or RSA 664:17 the civil penalties under subparagraphs (a) and (b).

(d) The attorney general shall notify suspected violators of RSA 664:16-a or RSA 664:17 of the state's intention to seek a civil penalty, to negotiate, and to settle with such suspected violators without court action. **(Amended by Chapter 234 (SB 405) Effective January 1, 2023)**

RSA 664:21 Political Expenditures and Contributions; Penalties. VIII. (a) *Whoever violates any provision of RSA 664:14, or a provision of RSA 664:17 not related to removing, defacing, or destroying political advertising as provided for in paragraph V of this section, shall be subject to a civil penalty not to exceed \$1,000.*

(b) *The attorney general shall notify suspected violators of this section of the state's intention to seek a civil penalty, to negotiate, and to settle with such suspected violators within the civil penalty limits established in this section without court action.*

(c) *Whoever is subject to a civil penalty under this paragraph shall also be subject to the payment of restitution for damages.*

IX. *Any individual, committee, or organization responsible for reporting under RSA 664:6, 664:6-a, and 664:7 that files a report with illegible material content shall receive a written warning for a first offense and shall be charged a civil penalty of \$1,000 per offense for any subsequent offenses.*

(Inserted by Chapter 234 (SB 405) Effective January 1, 2023)

RSA 666:3 Provisions for Purity of Elections; Official Misconduct; Consequences. I. Any public officer upon whom a duty relating to elections is imposed who shall knowingly fail to perform such duty or who shall knowingly perform it in such a way as to hinder the objects thereof shall be guilty of a misdemeanor if no other penalty is provided by law.

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

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

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

(Amended by Chapter 234 (SB 405) Effective August 16, 2022)

RSA 666:3 Provisions for Purity of Elections; Official Misconduct; Consequences. I(a) Any public officer upon whom a duty relating to elections is imposed who shall knowingly fail to perform such duty or who shall knowingly perform it in such a way as to hinder the objects thereof shall be guilty of a misdemeanor if no other penalty is provided by law.

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

II (a) Any public officer upon whom a duty relating to elections is imposed who shall negligently fail to perform such duty or who shall negligently perform it in such a way as to hinder the objects thereof, as found pursuant to RSA 666:2, shall cause the county, city, town, school district, village district, or other political subdivision, where such conduct occurred to be subject to a civil penalty of not less than \$250 nor more than \$1000 for each act. (b) *Prior to the imposition of a civil penalty under subparagraph (a), the attorney general shall notify the county, city, town, school district, village district, or other political subdivision of the state's intention to seek such penalty. The notice of intent to seek a civil penalty shall include notice of the opportunity to respond, within 45 days, as to why the penalty shall not be imposed. The attorney general is authorized to negotiate and settle with such county, city, town, school district, village district, or other political subdivision without court action, provided that any civil penalty paid as settlement shall be paid to the attorney general for deposit into the general fund.*

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

III. The attorney general shall notify the county, city, town, school district, village district, or other political subdivision that is subject to this section of the state's intention to seek a civil penalty, and of the ability to

negotiate with and to settle with such county, city, town, school district, village district, or other political subdivision without court action, provided that any civil penalty paid as settlement shall be paid to the attorney general for deposit into the general fund.

IV. If an entity is subject to a civil penalty under this section, the entity shall also be subject to the payment of restitution damages. **Amended by Chapter 327 (HB 1567) Effective September 6, 2022**

RSA 666:5-a Challengers; Where Positioned. *Notwithstanding any other provision of law to the contrary, a challenger appointed pursuant to RSA 666:5 shall be assigned by the moderator or other election official presiding at the polling place to such position or positions within the polling place as will enable such challenger to see and hear the hand-counting of ballots for the tabulation of votes, and to maintain a line of sight on any electronic ballot counting device. Nothing in this section shall deprive any other person of the right to observe the hand-counting of ballots for the tabulation of votes as provided by law.*

Inserted by Chapter 282 (HB 1174) Effective July 11, 2022

RSA 670:2-a Optional Election of Commissioners in Districts. I. Notwithstanding the provisions of RSA 670:2, any village district may at any annual meeting under an article in the warrant for the meeting elect 5 rather than 3 commissioners by a majority vote of the legal voters present and voting at the annual meeting in the manner provided in paragraph II. **(Amended by Chapter 59 (HB1069) Effective July 19, 2022)**