

## 2023 Election Law Changes

(New sections and amended sections are in italics and red)

*(Amended Effective: October 3, 2023 - HB75 Chapter 177, 2023)*

### **653:1 Elected for 2-Year Term. –**

VI. County commissioners as follows:

(c) ~~Strafford county-3 county commissioners by all the voters of the county~~ *one county commissioner by the voters in each county district;*

### **662:4 County Commissioner Districts. –**

~~Except for Strafford county where 3 county commissioners shall be elected at large,~~ For the purposes of choosing county commissioners, the counties shall be divided into districts as follows:

*IX. Strafford: District 1, the towns of Farmington, Middleton, Milton, New Durham, wards 1, 5, and 6, of the city of Rochester, and wards 1, 2, 3, 4, and 5 of the city of Somersworth; District 2, wards 1, 2, 3, and 4 of the city of Dover, and the towns of Durham, Lee, and Rollinsford; District 3, Barrington, wards 5 and 6 of the city of Dover, Madbury, wards 2, 3, and 4 of the city of Rochester, and the town of Strafford.*

*X. Sullivan: District 1, the town of Cornish and the city of Claremont; District 2, the towns of Croydon, Grantham, Newport, Plainfield, and Springfield; District 3, the towns of Acworth, Charlestown, Goshen, Langdon, Lempster, Sunapee, Unity, and Washington.*

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*(Amended Effective: July 18, 2023 – HB336 Chapter 43, 2023)*

**656:6 Designation of Office. –** Immediately to the left of the set of party columns shall be an offices column which shall list the offices, each preceded by the word "For," for which the candidates whose names are listed in the party columns have been nominated, as in "For Governor." Below ~~each such~~ *the appropriate* phrase shall be printed in small but easily legible letters: *I. "Vote for not more than \_\_\_\_\_ (here insert a number designating how many persons are to be voted for)." 1" (if there is only one office to be filled, such as the governor or state senator); or II. "Vote for up to X" (insert the number of offices to be filled) "X will be elected" (insert the number of offices to be filled).*

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*(Amended Effective: October 3, 2023 – HB244 Chapter 184, 2023)*

**657:15 Sending Absentee Ballots. –**

I. When the verification required by RSA 657:12 or 657:13 has been made, the clerk shall retain the application and, without delay, personally deliver, email, or mail to the applicant the appropriate ballot and materials as described in RSA 657:7 through 657:8 or designate an assistant to deliver such materials to the applicant. The clerk's option to email an absentee ballot to a voter shall apply only to absentee ballot applications from UOCAVA voters. The clerk shall send *mail* absentee ballots in response to verified absentee ballot requests ~~until 5:00~~ *that have been received by 12:00* p.m. on the day before the election. *The clerk shall provide an absentee ballot to any voter requesting an absentee ballot in person at the clerk's office up until 5:00 p.m. on the day before the election or as may be provided elsewhere in Title LXIII.* The clerk may not designate as an assistant any person who is a candidate for nomination or office or who is working for such a candidate. Any ballots sent pursuant to the provisions of this section shall be mailed or delivered only by officials from the city or town clerk's office and delivered only to the applicant. If the address to which the absent voter's ballot is sent is outside the United States or Canada, such papers shall be sent by air mail. Said clerks shall keep lists of the names and addresses, arranged by voting places, of all applicants to whom official absentee ballots have been sent, and shall identify those official absentee ballots which have been returned to the clerk and shall record the absentee voter applicant information in the statewide centralized voter registration database. The lists shall not be available for public inspection at any time without a court order.

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*(Repealed and reenacted Effective: August 29, 2023 – HB195 Chapter 118, 2023)*

**664:2 Definitions. –**

~~XXII. " Political advocacy organization " means any entity that spends \$5,000 or more in a calendar year to pay for a communication that is functionally equivalent to express advocacy because, when taken as a whole, such communication is likely to be interpreted by a reasonable person only as advocating the election or defeat of a clearly identified candidate or candidates or the success or defeat of a measure or measures, taking into account whether the communication involved mentions a candidacy or a political party, or takes a position on a candidate's character, qualifications, or fitness for office.~~

*XXII. " Political advocacy organization " means any entity that makes expenditures of \$2,500 or more in a calendar year for communication that is functionally equivalent to express advocacy such that, when taken as a whole, such communication is likely to be interpreted, all or in part, by a reasonable person as advocating the election or defeat of a candidate or candidates, or the success or defeat of a measure or measures, taking into account whether the communication involved mentions a candidacy, a political party, or takes a position on a candidate's character, qualifications, or fitness for office.*

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*(Repealed and reenacted Effective: June 20, 2023 – HB2 Chapter 79, 2023)*

**664:4 Prohibited Political Contributions. –**

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~~

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

	<i>Maximum amount contributed during exploratory phase</i>	<i>Additional maximum amount that may be contributed for the primary election.</i>	<i>Additional maximum amount that may be contributed for the general election.</i>	<i>Total maximum amount of contributions:</i>
<i>Contributed to:</i>				
<i>Candidate or Candidate Committee</i>	<i>Unlimited</i>	<i>Unlimited</i>	<i>Unlimited</i>	<i>Unlimited</i>
<i>Non-candidate political committee or political party</i>	<i>Unlimited</i>	<i>Unlimited</i>	<i>Unlimited</i>	<i>Unlimited</i>
<i>Political advocacy organization</i>	<i>Unlimited</i>	<i>Unlimited</i>	<i>Unlimited</i>	<i>Unlimited</i>

*(Amended Effective: July 18, 2023 – HB286 Chapter 41, 2023)*

**664:17 Placement and Removal of Political Advertising.** – No political advertising shall be placed on or affixed to any public property including highway rights-of-way or private property without the owner's consent. All political advertising shall be removed by the candidate no later than the second Friday following the election unless the election is a primary and the advertising concerns a candidate who is a winner in the primary. Signs shall not be placed on or affixed to utility poles or highway signs. Political advertising may be placed within state-owned rights-of-way as long as the advertising does not obstruct the safe flow of traffic and the advertising is placed with the consent of the owner of the land over which the right-of-way passes. No person shall remove, deface, or knowingly destroy any political advertising which is placed on or affixed to public property or any private property except for removal by the owner of the property, persons authorized by the owner of the property, or a law enforcement officer removing improper advertising. Political advertising placed on or affixed to any public property may be removed by state, city, or town maintenance or law enforcement personnel. Political advertising removed prior to election day by state, city, or town maintenance or law enforcement personnel shall be kept until one week after the election at a place designated by the state, city, or town so that the candidate, *or a member of the candidate's campaign or local political committee of the same party* may retrieve the items.

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*(Amended Effective: October 3, 2023 – SB111 Chapter 213, 2023)*

**49-D:2 Town Council-Town Manager. –**

I. As distinguished from adopting a city form of government described in RSA 49-C, a town may adopt a charter pursuant to RSA 49-B ~~which abolishes the open town meeting and vests all legislative authority in a town council as the elected body or, in the alternative, vests authority to make appropriations in a budgetary town meeting~~ *providing for one of the legislative bodies allowed under RSA 49-D:3. A town charter providing for the form of legislative body pursuant to 49-D:3, I shall have the same powers and authorities as a city council under RSA 49-C, subject to the provisions of RSA 41:16. A charter establishing ~~this form~~ a budgetary town meeting pursuant to 49-D:3, II may reserve authority by the voters, at a referendum, over amendments to land use ordinances pursuant to RSA 675 and approval of bond issues consistent with RSA 33.*

**41:16 Election and Bond. –** Every town at the annual meeting shall choose, by ballot, a town clerk, who shall record all votes passed by the town while *she or* he remains in office, and discharge all the duties of the office according to law. *The position of town clerk shall be elected regardless of the form of government established under RSA 49-D.*

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*(New Effective: October 3, 2023 – HB321 Chapter 189, 2023)*

**91-A:3 Nonpublic Sessions. –**

*IV. (a) A public body or agency may adopt procedures to review minutes of meetings held in nonpublic session and to determine by majority vote whether the circumstances that justified keeping meeting minutes from the public under RSA 91-A:3, III no longer apply. If the public body determines that those circumstances no longer apply, the minutes shall be available for release to the public pursuant to this chapter.*

*(b) In the absence of an adopted procedure to review and determine whether the circumstances no longer apply for meeting minutes kept from the public, the public body or agency shall review and determine by majority vote whether the circumstances that justified keeping meeting minutes from the public under RSA 91-A:3, III no longer apply. This review shall occur no more than 10 years from the last time the public body voted to prevent the minutes from being subject to public disclosure. Meeting minutes that were kept from the public prior to the effective date of this paragraph that are not reviewed by the public body or agency within 10 years of the effective date of this paragraph shall be subject to public disclosure without further action of the public body.*