Bill as Introduced

HB 597 – AS INTRODUCED

2001 SESSION

01-0983
03/09

HOUSE BILL ***597***

AN ACT relative to the duties of inspectors of elections.

SPONSORS: Rep. B. Hall, Hills 20; Rep. Sweeney, Hills 31

COMMITTEE: Election Law

ANALYSIS

This bill authorize any inspector of election to make a written complaint on the day of an election to the superior court when the inspector of election feels that election law procedures are violated, and the moderator either refuses to act on or report such violations, or acts in a manner which is in itself a violation of election law procedures.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 597 – AS INTRODUCED

01-0983
03/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand One

AN ACT relative to the duties of inspectors of elections.

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

1 New Section; Complaint by Inspector of Election. Amend RSA 666 by inserting after section 13 the following new section:

666:14 Complaint by Inspector of Election. On the day of any election, and no later than the second Friday after any election, any inspector of election may make a written complaint to the judge of the superior court for the county in which the municipality where the election is held is located, stating that in the inspector's belief a violation has occurred under RSA 659:34-44 and stating that the moderator has either refused to act on the violation or to report such violation under RSA 659:45, or stating that the moderator has acted in a manner which is in itself a violation of election law procedures. The complaint may ask for injunctive relief to immediately halt the conduct of the election, for a hearing to set aside the election based either on allegations of fraud which leaves the intent of the voters in doubt or on irregularities in the conduct of the election of such a nature as to affect the result, or for an inquiry concerning such violation and naming the witnesses whom the inspector desires to have examined, in which case the judge shall determine the nature and the scope of the inquiry. Such judge shall immediately proceed to act upon the complaint.

2 Effective Date. This act shall take effect January 1, 2002.

Speakers

HB 545 AM

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 597 Date 3/15/01

Committee Election Law

**** Please Print All Information ****

Name	Address	Phone	Representing	(check one) Pro	Con
[illegible]	14 Fowler Dr	887-6506	Hill 31	X	

Hearing Minutes

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 597

BILL TITLE: relative to the duties of inspectors of elections.

DATE: March 15, 2001

LOB ROOM: 308 **Time Public Hearing Called to Order:** 11:45am

Time Adjourned: 12:11pm

(please circle if present)

Committee Members: Reps. Arndt, Stritch, Flanagan, Horton, Desrosiers, Clegg, P. Davis, Reeves, Nowe, Pappas, Teschner, Bragdon, Drisko, Clemons, Buckley, Weatherspoon, Rollo, Hughes, Kacavas, Panagopoulos and Vaillancourt.

Bill Sponsors: Rep. B. Hall, Rep. Sweeney

TESTIMONY

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

Rep. Stritch in Chair.

Rep. Sweeney, Nashua, testified about irregularities inside the voting area in her ward, including a bake sale. There was no installation of rails to designate the voting area. She brought this to the attention of the moderator and the city clerk but the situation was not changed. In response to a question, she agreed that an amendment might be needed to HB597.

* **Rep. Betty Hall** testified about the past history of this type of legislation. She described an earlier bill, which came before this committee. This legislation is designed to prevent sloppy election procedures and irregularities. She provided written testimony on ballot inspectors. There should be a method to correct irregularities on Election Day. She also agreed that an amendment might be needed. She stated that some election officials do not feel that they should be responsible for enforcing all election laws.

Respectfully submitted,

Frank W. Davis

Frank W. Davis, Clerk

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 597

BILL TITLE: _____

DATE: 3-15-2001

LOB ROOM: 308 Time Public Hearing Called to Order: 11:45 AM

Time Adjourned: 12:11 PM

(please circle if present)

Committee Members: Reps. Arndt, (Stritch) (Elanagan) (Horton) Desrosiers, Clegg, (F. Davis) (Reeves) (Nowe) Pappas, Teschner, (Bragdon) Drisko, Clemons, Buckley, Weatherspoon, Rollo, Hughes, (Kacavas) Panagopoulos and (Vaillancourt)

Bill Sponsors: _____

TESTIMONY

REP STRITCH IN THE CHAIR.

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

REP. SWEENEY, NASHUA, TESTIFIED ABOUT IRREGULARITIES INSIDE THE VOTING AREA IN HER WARD, INCLUDING A BAKE SALE. THERE WAS NO INSTALLATION OF RAILS TO DESIGNATE THE VOTING AREA. SHE BROUGHT THIS TO THE ATTENTION OF THE MODERATOR AND THE CITY CLERK BUT THE SITUATION WAS NOT CHANGED. IN RESPONSE TO QUESTIONS, SHE AGREED THAT AN AMENDMENT MIGHT BE NEEDED TO HB597.

* REP. BETTY HALL, TESTIFIED ABOUT THE PAST HISTORY OF THIS TYPE OF LEGISLATION. SHE DESCRIBED AN EARLIER BILL WHICH CAME BEFORE THIS COMMITTEE. THIS LEGISLATION IS DESIGNED TO PREVENT SLOPPY ELECTION PROCEDURES AND IRREGULARITIES. ~~SHE PROVIDED~~ WRITTEN TESTIMONY ON BALLOT INSPECTORS. THERE SHOULD BE A METHOD TO CORRECT IRREGULARITIES ON ELECTION DAY. SHE ALSO AGREED THAT AN AMENDMENT MIGHT BE NEEDED. SHE STATED THAT SOME ELECTION OFFICIALS DO NOT FEEL THAT THEY SHOULD BE RESPONSIBLE FOR ENFORCING ALL ELECTION LAWS.

Sub-Committee Actions

HOUSE COMMITTEE ON ELECTION LAW

SUBCOMMITTEE WORK SESSION ON HB 597

BILL TITLE: relative to the duties of inspectors of elections.

DATE: Marchh 20, 2001

Subcommittee Members: Reps. Davis, Nowe, Bragdon, Hughes, Weatherspoon, Drisko

Comments and Recommendations:

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Bragdon

Seconded by Rep. Nowe

Vote: 6-0

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Frank Davis

Rep. Frank W. Davis
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON ELECTION LAW

SUBCOMMITTEE WORK SESSION ON 597

BILL TITLE:

DATE: 3-20-2001

Subcommittee Members: Reps. F. DAVIS, NOWE, BRAGDON, HUGHES WEATHERSPOON, DRISKO

Comments and Recommendations:

Amendments:

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Motions: OTP, OTP/A, (ITL) Interim Study (Please circle one.)

Moved by Rep. BRAGDON

Seconded by Rep. NOWE

Vote: 6-0

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. _____

Seconded by Rep. _____

Vote: _____

Respectfully submitted,

Rep. Frank Davis
Subcommittee Chairman/Clerk

Testimony

CONCORD BALLOT INSPECTORS

November 1, 1994

TO: Appointed Democratic Inspectors of Election and Alternates

FROM: Wes Stinson, Concord Democratic Chair, and Valery Mitchell, Executive Committee member

FOR MORE INFORMATION: Valery Mitchell, 224-6714; Kathi Rogers, 226-0570 or 225-6899 daytime

---

Thank you for agreeing to serve as the Democratic Party's representatives at your polling place.

Background and purpose:

For those of you new to the job, or who were previously appointed directly by the moderator, some background: NH statutes provide for two or more "inspectors of election" from the top two political parties. Each Concord ward, having over 2000 registered voters, is entitled to three ballot inspectors [the common term].

The moderator designates one inspector to serve as ballot clerk and assigns the other(s) to various duties as needed. These may include checking voters in and out, counting blank ballots, helping illiterate or disabled voters, and helping with the count.

However, the main reason you are at the polls in this position is to be your party's official representatives and advocates.

To this end, please familiarize yourself with election procedures and the correct counting of ballots, as much as possible. See information enclosed. Be on the lookout for any procedure or neglect of one that may result in a lost Democratic voting opportunity or miscounted ballot. (However, maintain diplomacy and courtesy!)

If you notice a possible problem, take your inquiry to the moderator. If you feel a serious violation is occurring, please call Democratic headquarters at 225-6899 (if busy, try 225-8225). It's particularly important that a Democrat be present at the counting of difficult ballots - not all moderators insist on this, but you should.

Term of office:

The parties submit a new list of appointees between October 1 and 15 of each general-election year. The term of office begins on the November 1 directly following, and continues for two years "or until a successor is appointed and qualified."

You will be working at the November 1994 general election, city elections in November 1995, the presidential primary in February 1996, and the September 1996 primary - plus any special elections to fill vacancies.

ADDITIONAL DRAFT NOTE 12-16: "REGULAR" inspectors are expected to work at each election and should reserve election days for the two-year term. If travel or illness will prevent you from working, notify the moderator ASAP. ALSO PLEASE NOTIFY THE PARTY so we can monitor compliance with our list.

Scheduling and compensation:

Your moderator should have contacted you by now to notify you of check-in time, which may vary by ward. Some moderators have simply expected appointees to show up without additional notice and some don't call until a few days beforehand. Call the moderator or another official immediately if you haven't yet been contacted. If you can't reach the moderator readily, try the chairman of the checklist supervisors or the ward clerk. See list attached. In future, please contact the moderator weeks ahead of the election, so we can resolve any difficulty that may come up.

You are scheduled for the entire day until the count is entirely finished. Each ward has a provision for lunch and supper money and break. (Meal money is $8, paid on Election Day; the day's stipend is $45 and will be mailed.)

Note that at least one ward (Ward 5) uses only two inspectors per party for the September primary. There is also at least one ward which uses only two for the November general election - a matter under discussion with the Secretary of State.

Alternates:

Alternates will be contacted as needed; the moderator is required by law to call down the list in sequence. Please respond to the call to the best of your ability. If you cannot work because of short notice, the moderator will go on to the next person on the list.

All inspectors:

Please review the enclosed material beforehand and (if scheduled) bring it with you to the polls.
See list, next page.

Many ballot inspectors have been drafted into filling vacancies for moderator, clerk, or supervisor of the checklist. Next year the party will be recruiting people to run for these positions, which are voted on during the next City Council election in November of 1995. So, if you have a particular interest, you could get a head start on becoming an expert and an elected (rather than appointed) ward official.

Bear in mind, for those who haven't worked before, that moderators are used to recruiting their own inspectors. The Democratic party hasn't submitted a list in about 8 years, and the Republicans have done no better. Therefore, a few moderators may be initially uncomfortable with party appointees - their main concern is an efficient and accurate election. They prize appointees who are efficient and get along well with other poll workers and with the voters.

You are taking on an important duty in keeping elections fair and accessible to Democratic voters. You've read about the many local elections which are decided by a vote or two. Your vigilance could ensure that a Democrat is rightfully elected.

ATTACHMENTS:

1) A list of the other Democratic inspectors and alternates

2) A list of elected ward officials.
(You may encounter additional election officials not on that list, who were appointed to fill vacant terms. In a few cases, moderators may also hire additional temporary officials.)

3) Statutes pertaining to inspectors of election

4) Excerpts from New Hampshire Election Procedure Manual, 1994-1995, including vote counting guidelines

5) New Laws Governing Same Day Registration - Passed 1994

6) A 1994 memo from the Secretary of State on how to count ballots for legislative races in which the voter can vote for more than one candidate. This is the procedure that should be used at your polling place and overrides a memo to ward officials from the Concord City Clerk's office dated 10-26-94.

To learn more about election law, stop by the Secretary of State's office [State House, second floor, 271-3242] for these items:

- New Hampshire Election Procedure Manual [latest edition]
- New Hampshire Election Laws and Political Calendar [latest]

The City Clerk, Betty Campbell, and her Deputy, Sharon Dery (225-8500) are also available to help new appointees.

###

NEW HAMPSHIRE ELECTION LAWS

CONCERNING INSPECTORS OF ELECTIONS

Inspectors of Election

658:2 Appointment. Each town and ward political committee of the 2 political parties which cast the largest number of votes for governor in the state at the last previous general election is authorized to appoint between September 15 and October 15 of each general election year 2 inspectors of election to act at each polling place. If the number of voters qualified to vote at a polling place shall exceed 2000, said political committees may each appoint for such polling place one additional inspector for each 1500 qualified voters or fraction thereof in excess of 2000. The town and ward political committees may also appoint such additional inspectors, equally divided between said 2 political parties, as the moderator considers necessary for the efficient conduct of the election. On or before October 15, the chairman of said political committees shall notify the appointees and the town or ward clerk and city clerk concerned as to appointments made under this authority. If any such appointments are not made by said political committees and proper notification thereof given on or before October 15, then the appointments shall be made by the selectmen of the town or ward in equal numbers from said 2 political parties.

658:3 Qualifications. The inspectors of election shall be registered to vote at the polling place where they serve.

658:4 Oath; Term. Each inspector of election shall be sworn to the faithful performance of his duties and shall hold office for 2 years from November 1 in the year in which he is appointed or until a successor is appointed and qualified.

658:5 Alternates. In making appointments of inspectors of elections as provided in RSA 658:2, town and ward political committees or town and ward selectmen may designate a list of alternates, who shall meet the same qualifications as inspectors of elections, to be called in numerical order to serve in case one or more of the principal appointees fails to accept the appointment or is otherwise unavailable to perform his duties.

658:6 Appointment by Court. In case any appointment shall not be made as herein provided or vacancies are not filled as provided in RSA 658:22, then, on application of 6 qualified voters of the town or ward, a justice of the municipal or district court shall appoint the inspectors.

Assistant Election Officials

658:7 Appointment. For all state elections, the moderator is authorized to appoint an assistant moderator who shall take the oath of office in the same manner as the moderator. The moderator may also appoint such other election officials as he deems necessary and request the town clerk to appoint an assistant town clerk. The assistant moderator, assistant town clerk and said other election officials shall take the oath of office and perform such duties and have such powers as the moderator may delegate to them, except that the power of making the declaration of the vote cast shall not be delegated to them. The provisions of this section shall apply only to the appointment of assistant election officials to serve at the central polling place. Appointment of officers to act at additional polling places shall be accomplished as provided in RSA 658:14.

658:8 Term. The term of office of each of the assistant election officials appointed as provided in RSA 658:7 shall expire at the termination of the proceedings at the election for which he was appointed.

Preparation of Polling Place

658:9 Arrangement. I. The selectmen of each town and ward shall provide for a suitable place in which to hold state elections and shall see that the same is warmed, lighted and furnished with proper supplies and conveniences. Such supplies and conveniences shall include a ballot box and a sufficient number of soft black lead pencils and booths with shelves to enable the voter to mark his ballot screened from all

the clerk at the central polling place except as otherwise provided in the election laws. The inspectors of elections appointed as provided in RSA 658:2 shall be sworn in by the assistant moderator before entering upon their duties.

658:15 Equipment. The selectmen shall equip each additional polling place in the same manner required for central polling places.

658:16 Conduct of Elections. Except as otherwise provided, the conduct of the election at the additional polling place shall be the same as at the central polling place.

658:17 Discontinuance. A voting district and polling place so established shall continue to be such for successive state elections until the town shall vote to discontinue the same, but the selectmen may from time to time increase or diminish the boundaries thereof in order to effectively accommodate the voters.

658:18 Special Provision for Cities. Cities may adopt the provisions of RSA 658:10 - 658:17. The city council shall create and discontinue the voting districts in city wards, establish the additional polling places therein, and select the election officers for the additional polling place.

Absences Among Election Officers

658:19 Moderator Pro Tem. If the moderator is absent from any state election or is unable to perform his duties, a moderator pro tempore shall be appointed by the moderator.

658:20 Clerk Pro Tem. If a town or ward clerk is absent from any state election or is unable to perform his duties and there is no deputy clerk as provided in RSA 41:18, a town or ward clerk pro tempore shall be appointed by the town clerk.

658:21 Supervisor Pro Tem. If more than one member of the board of supervisors is absent from any state election or is unable to perform his duties, a supervisor pro tempore shall be appointed by the moderator.

658:22 Inspectors Pro Tem. If any of the appointed inspectors of election shall be absent from any state election or unable to perform his duties, the selectmen shall appoint some person qualified as provided in RSA 658:3, using the list of alternate appointees provided under RSA 658:5 unless no person on said list is available.

658:23 Duties; Term. An election officer pro tempore as provided for in RSA 658:19 through 658:22 shall have all the powers and duties of the officer he replaces as provided in the election laws and shall take the oath of office in like manner. His term of office shall expire at the termination of the proceedings at the election for which he was appointed.

658:24 Disqualification of Certain Persons. Any person whose name appears on a ballot for an elective position, other than a position of an election official, shall be disqualified from performing duties as an election official in that election. A person so disqualified shall not be considered to have vacated any office but rather only to be absent therefrom. A temporary replacement shall be appointed as provided in RSA 658:19 - 658:22.

II. Repealed by Chapter 119, Laws of 1990.

Election Day Morning Procedures

658:25 Designation of Ballot Clerks. Two of the inspectors, one from each of the 2 political parties, shall be designated by the moderator at the opening of the polls to act as ballot clerks. They shall have charge of the ballots and shall furnish them to the voters. They shall be given a duplicate copy of the checklist by the town or ward clerk. The other inspectors shall be assigned such duties in the polling place as the moderator may determine including, but not limited to, the relief of the ballot clerks and the assistance of the illiterate and physically disabled in voting their ballots as provided in RSA 659:20.

658:26 Sample Ballots to be Posted. The town or city clerk shall cause the sample ballots provided for in RSA 656:18 and 656:28 to be posted outside the

Voting Sheets

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 597

BILL TITLE: **relative to the duties of inspectors of elections.**

DATE: March 27, 2001

LOB ROOM: 308

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Bragdon

Seconded by Rep. Kacavas

Vote: 17-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 17-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Frank Davis

Rep. Francis W. Davis, Clerk

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on _____

BILL TITLE: HB 597

DATE: _____

LOB ROOM: _____

Amendments:

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Motions: OTP, OTP/A, (ITL) Interim Study (Please circle one.)

Moved by Rep. BRAGDON

Seconded by Rep. KACAVAS

Vote: 17-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. _____

Seconded by Rep. _____

Vote: _____ (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: YES

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Francis W. Davis, Clerk

ELECTION LAW

Bill #: _____ Title: _____

PH Date: ____/____/____ Exec Session Date: ____/____/____

Motion: ITL Amendment #: _____

MEMBER	YEAS	NAYS
Arndt, Janet S, Chairman		
Stritch, C Donald, Vice Chairman	✓	
Flanagan, Natalie S, Honorary Chairman	✓	
Horton, Lynn C ABS.		
Desrosiers, William J	✓	
Clegg, Robert E	✓	
Davis, Francis W	✓	
Reeves, Sandra J ABS.		
Nowe, Ronald J	✓	
Pappas, Marc P	✓	
Teschner, Douglass P ABS.		
Bragdon, Peter E	✓	
Drisko, Richard B	✓	
Clemons, Jane A	✓	
Buckley, Raymond	✓	
Weatherspoon, Jacquelyne K	✓	
Rollo, Michael S	✓	
Hughes, Christopher L	✓	
Kacavas, John P	✓	
Panagopoulos, Nicholas T	✓	
Vaillancourt, Steve	✓	
	17	0
TOTAL VOTE:		

Printed: 12/21/2000

Committee Report

COMMITTEE REPORT

COMMITTEE: **Election Law**

BILL NUMBER: **HB 597**

TITLE: relative to the duties of inspectors of elections.

DATE: March 28, 2001 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

This bill would authorize inspectors of elections to request that the Superior Court halt an election if they feel that election law procedures are being violated and the moderator does not correct the matter or acts in a manner in violation of election laws. The committee believes that there are too many logistical problems to make this idea practical and also that remedies currently exist through the secretary of state and the ballot law commission.

Vote 17-0.

Rep. Peter E. Bragdon
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Election Law

HB 597, relative to the duties of inspectors of elections. **INEXPEDIENT TO LEGISLATE**
Rep. Peter E. Bragdon for Election Law: This bill would authorize inspectors of elections to request that the Superior Court halt an election if they feel that election law procedures are being violated and the moderator does not correct the matter or acts in a manner in violation of election laws. The committee believes that there are too many logistical problems to make this idea practical and also that remedies currently exist through the secretary of state and the ballot law commission. **Vote 17-0.**

COMMITTEE REPORT

COMMITTEE: Election Law

BILL NUMBER: HB 597

TITLE: relative to the duties of inspectors of elections

DATE: 3/26/01 CONSENT CALENDAR: YES ☑ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS W/ AMENDMENT

☑ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ INTERIM STUDY (Available only 2nd year of biennium)

Amendment No. _____

STATEMENT OF INTENT:

This bill would authorize inspectors of elections to request that the Superior Court halt an election if they feel that election law procedures are being violated and the moderator does not correct the matter or acts in a manner in violation of election laws. The committee believes that there are too many logistical problems to make this idea practical and also that remedies currently exist through the Secretary of State and the Ballot Law Commission.

COMMITTEE VOTE: 17-0

- **Copy to Committee Bill File**
- **Use Another Report for Minority Report**

RESPECTFULLY SUBMITTED,

Rep. Peter Bragdon
For the Committee

Rev. 07/30/99