

HB 514-FN - AS INTRODUCED

2025 SESSION

25-0636

07/08

HOUSE BILL ***514-FN***

AN ACT allowing private persons to sue for violations of election laws.

SPONSORS: Rep. Berry, Hills. 44; Rep. Alexander Jr., Hills. 29; Rep. Giasson, Hills. 29; Rep. Mazur, Hills. 44; Rep. Reinfurt, Hills. 29; Rep. Seidel, Hills. 29; Sen. Murphy, Dist 16

COMMITTEE: Election Law

ANALYSIS

This bill allows for private parties to sue the state for violations of RSA 659.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

In the Year of Our Lord Two Thousand Twenty Five

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

CHAPTER 546-D

546-D:1 Definitions. In this chapter:

546-D:2 Initial Notice of Violations of Election Law

III. The department of justice shall allow complaints to be filed through an online portal system established by the department, through a physical mailbox, or email through an email submission. A confirmation receipt shall be immediately provided to the claimant using the same manner as the claimant who filed the complaint.

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1 IV. The department of justice may take all measures and steps necessary to ensure
2 claimants receive their requested relief.

3 V. Any findings, determinations, or actions or inactions taken by the department of justice
4 shall not limit or restrict the right of any person to seek injunctive relief in superior court.

5 546-D:3 Notice to Superior Court.

6 I. If, under RSA 546-D:2, the department of justice fails to respond within 5 business days, if
7 the claimant files their complaint within 15 days of an election, or if the claimant finds that the
8 department's response is insufficient, the claimant may file an additional complaint in superior court
9 seeking injunctive relief.

10 II. Claimants shall be entitled to institute an action as a representative or representatives of
11 a class as established under RSA 358-A:10-a.

12 546-D:4 Claims Filed Against the State and Its Agent. When a claim filed pursuant to this
13 chapter is against both the state and an agent, official or employee of the state, the superior court
14 shall determine whether the state is responsible for the actions of the agent, employee or official. If
15 the superior court determines that the state is responsible for the actions of the agent, employee or
16 official; the agent, employee or official shall be dismissed as a defendant and the plaintiff shall
17 proceed solely against the state.

18 546-D:5 Claimants' Rights Against Others. The adjudication by the superior court on any claim
19 before it shall not deprive the claimant of any other legal rights she or he may have against another
20 party.

21 546-D:6 Settlement. Any payment made pursuant to this chapter shall be in full settlement of
22 any liability on behalf of the agency which was subject to the claim and no further action may be
23 instituted in any court of law for recovery of damages against that agency on any matter arising out
24 of that particular claim.

25 546-D:7 Attorneys' Fees. No attorney representing a claimant shall charge or collect fees for
26 legal services rendered to the claimant unless the fees have been approved by the superior court, as
27 the case may be. In determining the amount of allowable fees, the superior court shall consider,
28 among other things, the nature, length, and complexity of the services performed, the usual and
29 customary charge for work of like kind, and the benefits resulting to the claimant as a result of the
30 legal services performed.

31 546-D:8 Exceptions.

32 I. Without otherwise limiting or defining the sovereign immunity of the state and its
33 agencies, the provisions of this chapter shall not apply to:

34 (a) Any claim which is based upon the exercise of a legislative or judicial function.

35 (b) Any claim based upon an act or omission of a state officer, employee, or official when
36 such officer, employee, or official is exercising due care in the execution of any statute or any rule of
37 a state agency.

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1 (c) Any claim based upon the exercise or performance or the failure to exercise or
2 perform a discretionary executive or planning function or duty on the part of the state or any state
3 agency or a state officer, employee, or official acting within the scope of his office or employment.

4 (d) Any claim arising out of an intentional tort, including assault, battery, false
5 imprisonment, false arrest, intentional mental distress, malicious prosecution, malicious abuse of
6 process, libel, slander, misrepresentation, deceit, invasion of privacy, interference with advantageous
7 relations, or interference with contractual relations, provided that the employee whose conduct gives
8 rise to the claim reasonably believes, at the time of the acts or omissions complained of, that his
9 conduct was lawful, and provided further that the acts complained of were within the scope of official
10 duties of the employee for the state.

11 2 Effective Date. This act shall take effect January 1, 2026.

**HB 514-FN- FISCAL NOTE
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FISCAL IMPACT:

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
Expenditures*	Indeterminable Increase More then \$500,000 to \$1,000,000 or less per fiscal year			
<i>Funding Source</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

The Department of Justice (DOJ) states that although the Department is already required to investigate alleged violations under RSA 659, the conditions of this bill would require timelines for these investigation. Therefore the DOJ's Election Law Unit would need additional staff to adhere to these timelines and additional investigations, complaints, and lawsuits. However, the bill does not provide funding nor does it authorize new positions. For a detailed estimated cost breakdown, refer to the table below.

ESTIMATED FISCAL IMPACT (ROUNDED) FOR ADDITIONAL STAFF			
	FY 2026	FY 2027	FY 2028
Assistant Attorney General (1 position)	\$125,000	\$128,000	\$128,000
Investigator General (1 position)	\$121,000	\$127,000	\$132,000
Office space, computers, office equipment, travel, and other supplies (includes vehicle for investigator in FY 2026)	\$55,900	\$8,600	\$8,600

Total Estimated Cost	\$301,900	\$263,600	\$268,600
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The overall settlement costs cannot be estimated however the DOJ anticipates a cost of more than \$500,000 to \$1,000,000 or less per fiscal year between the additional staff and the unknown settlements.

This bill could possibly result in an increase in civil cases in the Superior Court, however, there is no way to predict how many such actions would occur so any such increase is indeterminable. The Judicial Branch has provided average cost information for civil cases in the Superior Court:

NH Judicial Branch Average Civil Case Estimates

Judicial Branch Average Cost	FY 2025	FY 2026
Superior Court Complex Civil Case	\$1,430	\$1,473
Superior Court Routine Civil Case	\$535	\$552

Common Civil Case Fees

Superior Court Fees	As of 2/12/2020
Original Entry Fee	\$280
Third-Party Claim	\$280
Motion to Reopen	\$160

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association