

## CHAPTER 666

### PROVISIONS FOR PURITY OF ELECTIONS

#### General

**666:1 General Penalty.** Any person guilty of an offense against any provision of the laws relating to elections for which no penalty is specified shall be guilty of a violation if a natural person or guilty of a misdemeanor if any other person.

**666:2 Official Malfeasance.** A moderator, supervisor of the checklist, selectman or town clerk shall be guilty of a misdemeanor if at any election:

- I. He shall knowingly receive and count any illegal vote; or
- II. He shall knowingly omit to receive and count any legal vote; or
- III. He shall knowingly remove any vote from the number of legal votes cast; or
- IV. He shall knowingly add any illegal vote to the number of legal votes cast; or
- V. He shall receive or count any vote given at such election by proxy, that is, without the personal delivery of such vote by the person entitled to give the same; or
- VI. He shall fraudulently declare the state of the vote in the election of any officer.

**666:3 Official Misconduct.** 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.

#### Challengers

**666:4 Challengers Appointed by Party Committee.** The state committee of a political party may appoint a person to act as challenger of voters at any polling place in the state at a state election. A city or town committee of such a party may appoint a person to act as such challenger at any polling place in such city or town at a town election, business meeting, or city election. A statement signed by the chairman of the committee appointing him shall be sufficient evidence of the authority of any such challenger. He may be reasonably compensated for his services by the political party whose committee appointed him. He shall be assigned by the moderator or other election officer presiding at the polling place to such position within the polling place as will enable him to see and hear each voter as he offers to vote. Nothing herein contained shall deprive any other person of the right to challenge a voter as provided by law.

**666:5 Challengers Appointed by Attorney General.** The attorney general may appoint a person to act as challenger of voters at any polling place in the state at a state election. A statement signed by the attorney general appointing him shall be sufficient evidence of the authority of any such challenger. He shall be assigned by the moderator or other election officer presiding at the polling place to such position or positions within the polling place as will enable him to see and hear each voter as he offers to vote. Nothing herein contained shall deprive any other person of the right to challenge a voter as provided by law.

#### Illegal Influence

**666:6 False Documents, Names or Endorsement.** Any person who shall, without authority, sign the name of another person to any letter or other document, or falsely represent that any other has written such letter or document, knowing such representation to be false, for the purpose of influencing votes, or who shall by false representation, use, employ or assign the name of any other person, or a fictitious name on a radio or television broadcast or other means of communication, to signify endorsement of a political party, candidates or programs, or, for the purpose of influencing votes, shall be guilty of a misdemeanor.

**666:7 Publication of Forged Document.** Whoever publishes any such forged letter or document, knowing the same to be forged, with like intent, shall be guilty of a misdemeanor if a natural person and shall be guilty of a felony if any other person.

**666:7-a Impersonation of Candidates.** . I. Any person who places a telephone call during which the person falsely represents himself or herself as a candidate for office shall be guilty of a misdemeanor.

II. (a) Whoever violates paragraph I shall be subject to a civil penalty not to exceed \$1,000.

(b) The court, upon petition of the attorney general, may levy upon any person who violates the provisions of RSA 666:7-a a civil penalty in an amount not to exceed \$1,000 per violation. All penalties assessed under this paragraph shall be paid to the secretary of state for deposit into the general fund.

(c) The attorney general shall have authority to 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 without court action, provided any civil penalty paid as settlement shall be paid to the secretary of state for deposit into the general fund.

### **Enforcement of the Election Laws**

**666:8 Attorney General.** The attorney general shall be responsible for the enforcement of the election laws as provided in RSA 7:6-c.

**666:9 Examination on Complaint.** Repealed by Chapter 152, Laws of 1997

**666:10 Procedure.** Repealed by Chapter 152, laws of 1997

**666:11 Prosecution.** Repealed by Chapter 152, Laws of 1997

**666:12 Testimonial Privilege.** No witness in any proceeding for the violation of election laws shall be excused from giving his testimony upon the ground that such testimony would incriminate him; but no such testimony shall be used against him at any time or in any prosecution. And any person who voluntarily discloses the facts to the proper authorities and procures a conviction in any such proceeding shall not be prosecuted for his connection with the bribery or attempted bribery.

**666:13 Impounding Ballots.** If directed by the attorney general as part of his enforcement of the election laws, the state police which he designates shall collect all ballots requested from the town and city clerks who have custody of the ballots. The state police shall deliver the ballots to the public facility which is designated by the attorney general.

**666:14 Administrative Complaint Procedures.** The attorney general may establish an administrative complaint procedure for the resolution of complaints of federal voting law violations, pursuant to the Help America Vote Act of 2002, Public Law 107-252. The attorney general may adopt administrative rules under RSA 541-A to implement the complaint resolution procedures. The ballot law commission is hereby designated as the body providing alternative dispute resolution as required by section 402(a)(2)(I) of the Help America Vote Act of 2002, Public Law 107-252.