

SB 83 - AS AMENDED BY THE HOUSE

03/18/2021 0717s
3Jun2021... 1608h

2021 SESSION

21-0174
11/05

SENATE BILL **83**

AN ACT adopting omnibus legislation relative to elections.

SPONSORS: Sen. Gray, Dist 6

COMMITTEE: Election Law and Municipal Affairs

AMENDED ANALYSIS

This bill adopts legislation:

I. Relative to recount fees.

II. Relative to itemized statements filed by political committees and candidates.

III. Providing for optional town meeting 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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT adopting omnibus legislation relative to elections.

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

1 1 Sponsorship. This act consists of the following proposed legislation:

2 Part I: LSR 21-0226, relative to recount fees, sponsored by Sen. Gray, Prime/Dist. 6.

3 Part II: LSR 21-0521, relative to itemized statements filed by political committees and
4 candidates, sponsored by Sen. Gray, Prime/Dist. 6.

5 Part III: LSR 21-0853, providing for optional town meeting procedures and allowing
6 preprocessing of absentee ballots, sponsored by Sen. Kahn, Prime/Dist. 10; Sen. Prentiss, Dist. 5;
7 Sen. Rosenwald, Dist. 13; Sen. Perkins Kwoka, Dist. 21; Sen. Soucy, Dist. 18; Sen. Cavanaugh, Dist.
8 16; Sen. Watters, Dist. 4; Rep. Parshall, Ches. 10; Rep. Fenton, Ches. 8.

9 2 Legislation Enacted. The general court hereby enacts the following legislation:

10

11

PART I

12

Relative to Recount Fees.

13

1 State General Election Recounts; Fees. Amend RSA 660:2 to read as follows:

14

I. If the difference between the vote cast for the applying candidate and a candidate declared
15 elected shall be less than **or equal to one quarter of one percent (0.25%)** of the total votes cast in
16 the towns which comprise the office to be recounted, ~~[the following fees shall apply:]~~ **no fee is due.**

17

**II. If the difference between the vote cast for the applying candidate and a
18 candidate declared elected shall be greater than one quarter of one percent but less than
19 or equal to one percent of the total votes cast in the towns which comprise the office to be
20 recounted, the following fees shall apply:**

21

(a) Candidate for president, United States senator or governor, ~~[\$500]~~ **\$1,000.**

22

(b) Candidate for United States representative, ~~[\$250]~~ **\$500.**

23

(c) Candidate for executive councilor, ~~[\$100]~~ **\$200.**

24

(d) Candidate for state senator or county officer, ~~[\$50]~~ **\$100.**

25

(e) Candidate for state representative, ~~[\$10]~~ **\$20.**

26

~~[H.]~~ **III.** If the difference between the vote cast for the applying candidate and a candidate
27 declared elected shall be ~~[between]~~ **greater than** one percent and **less than or equal to 2** percent
28 of the total votes cast in the towns which comprise the office to be recounted, the following fees shall
29 apply:

30

(a) Candidate for president, United States senator or governor, ~~[\$1,000]~~ **\$2,000.**

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- (b) Candidate for United States representative, [~~\$500~~] **\$1,000**.
(c) Candidate for executive councilor, [~~\$200~~] **\$400**.
(d) Candidate for state senator or county officer, [~~\$100~~] **\$200**.
(e) Candidate for state representative, [~~\$20~~] **\$40**.

~~[III.]~~ **IV.** If the difference between the vote cast for the applying candidate and a candidate declared elected shall be ~~[between]~~ **greater than** 2 percent and **less than or equal to** 3 percent of the total votes cast in the towns which comprise the office to be recounted, the following fees shall apply:

- (a) Candidate for president, United States senator or governor, [~~\$2,000~~] **\$4,000**.
(b) Candidate for United States representative, [~~\$1,000~~] **\$2,000**.
(c) Candidate for executive councilor, [~~\$400~~] **\$800**.
(d) Candidate for state senator or county officer, [~~\$200~~] **\$400**.
(e) Candidate for state representative, [~~\$40~~] **\$80**.

~~[IV.]~~ **V.** If the difference between the vote cast for the applying candidate and a candidate declared elected shall be greater than 3 percent of the total votes cast in the towns which comprise the office to be recounted, the candidate shall pay the fees as provided in RSA 660:2, ~~[III]~~ **IV** and shall agree in writing with the secretary of state to pay any additional costs of the recount. The secretary of state may require that the applying candidate pay the estimated additional costs of the recount prior to commencing the recount.

2 State General Election Recounts; Reference Changed. Amend RSA 660:6, III to read as follows:

III. If any person who has applied for a recount loses the recount by a margin of less than one percent of the total votes cast in the towns which comprise the district for the office recounted, the secretary of state shall return to the person within 10 days of the recount any fees that were paid in excess of those required by RSA 660:2, ~~[I.]~~ **II**.

3 Effective Date. Part I of this act shall take effect 60 days after its passage.

PART II

Relative to Itemized Statements Filed by Political Committees and Candidates.

1 Political Expenditures and Contributions; Reports of Receipts and Expenditures. RSA 664:9-a and RSA 664:9-b are repealed and reenacted to read as follows:

664:9-a Reports of Receipts and Expenditures Filed Electronically. A political committee of a candidate or a candidate may file such candidate's report of receipts and expenditures, pursuant to RSA 664:6, RSA 664:7, and RSA 664:7-b, electronically online by using the New Hampshire Campaign Finance System, which may also be used to register, file reports, and search information filed by candidates, political committees, and candidate committees.

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664:9-b Reports of Receipts and Expenditures Filed by Other Methods. A political committee of a candidate or a candidate may file such candidate's required reports as an email attachment, a facsimile, or a paper copy, provided that:

I. The font size of the document as printed is not less than a 12 point font.

II. Email attachments are to be in portable document format archive (PDF/A) or other acceptable format as determined by the secretary of state.

III. The report is mailed, delivered, or sent to the secretary of state on or before the date and time that the report is due.

2 New Section; Reports; Legibility Required. Amend RSA 664 by inserting after section 9-b the following new section:

664:9-c Reports; Legibility Required. A political committee of a candidate or a candidate who files a report pursuant to RSA 664:9-b shall be responsible for ensuring the report is legible. The political committee of a candidate or a candidate shall file an amended copy of such candidate's report within one week after being notified by the secretary of state or attorney general's office that such report is non-compliant.

3 Effective Date. Part II of this act shall take effect 60 days after its passage.

PART III

Providing for Optional Town Meeting Procedures.

1 Expenditures Prior to Meeting. Amend RSA 32:13, II to read as follows:

II. This subdivision shall not be construed to affect the authority of the local governing body~~[in towns with a March annual meeting and a January through December fiscal year]~~ to make expenditures between ~~[January 1]~~ **the beginning of the fiscal year** and the date a budget is adopted which are reasonable in light of ~~[prior year's appropriations and expenditures for the same purposes during the same time period]~~ **appropriations and expenditures which were approved for the same purposes for the immediately preceding fiscal period.**

2 Effective Date. Part III of this act shall take effect September 1, 2021.

PART III

Relative to Recount Fees.

1 State General Election Recounts; Fees. Amend RSA 660:2 to read as follows:

I. If the difference between the vote cast for the applying candidate and a candidate declared elected shall be less than **or equal to one quarter of one percent (0.25%)** of the total votes cast in the towns which comprise the office to be recounted, ~~[the following fees shall apply:]~~ **no fee is due.**

II. **If the difference between the vote cast for the applying candidate and a candidate declared elected shall be greater than one quarter of one percent but less than or equal to one percent of the total votes cast in the towns which comprise the office to be recounted, the following fees shall apply:**

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- (a) Candidate for president, United States senator or governor, [~~\$500~~] **\$1,000.**
- (b) Candidate for United States representative, [~~\$250~~] **\$500.**
- (c) Candidate for executive councilor, [~~\$100~~] **\$200.**
- (d) Candidate for state senator or county officer, [~~\$50~~] **\$100.**
- (e) Candidate for state representative, [~~\$10~~] **\$20.**

[~~II~~] **III.** If the difference between the vote cast for the applying candidate and a candidate declared elected shall be [~~between~~] **greater than** one percent and **less than or equal to** 2 percent of the total votes cast in the towns which comprise the office to be recounted, the following fees shall apply:

- (a) Candidate for president, United States senator or governor, [~~\$1,000~~] **\$2,000.**
- (b) Candidate for United States representative, [~~\$500~~] **\$1,000.**
- (c) Candidate for executive councilor, [~~\$200~~] **\$400.**
- (d) Candidate for state senator or county officer, [~~\$100~~] **\$200.**
- (e) Candidate for state representative, [~~\$20~~] **\$40.**

[~~III~~] **IV.** If the difference between the vote cast for the applying candidate and a candidate declared elected shall be [~~between~~] **greater than** 2 percent and **less than or equal to** 3 percent of the total votes cast in the towns which comprise the office to be recounted, the following fees shall apply:

- (a) Candidate for president, United States senator or governor, [~~\$2,000~~] **\$4,000.**
- (b) Candidate for United States representative, [~~\$1,000~~] **\$2,000.**
- (c) Candidate for executive councilor, [~~\$400~~] **\$800.**
- (d) Candidate for state senator or county officer, [~~\$200~~] **\$400.**
- (e) Candidate for state representative, [~~\$40~~] **\$80.**

[~~IV~~] **V.** If the difference between the vote cast for the applying candidate and a candidate declared elected shall be greater than 3 percent of the total votes cast in the towns which comprise the office to be recounted, the candidate shall pay the fees as provided in RSA 660:2, [~~III~~] **IV** and shall agree in writing with the secretary of state to pay any additional costs of the recount. The secretary of state may require that the applying candidate pay the estimated additional costs of the recount prior to commencing the recount.

2 State General Election Recounts; Reference Changed. Amend RSA 660:6, III to read as follows:

III. If any person who has applied for a recount loses the recount by a margin of less than one percent of the total votes cast in the towns which comprise the district for the office recounted, the secretary of state shall return to the person within 10 days of the recount any fees that were paid in excess of those required by RSA 660:2, [~~I~~] **II.**

3 Effective Date. Part III of this act shall take effect 60 days after its passage.

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PART IV

Relative to Itemized Statements Filed by Political Committees and Candidates.

1 Political Expenditures and Contributions; Reports of Receipts and Expenditures. RSA 664:9-a and RSA 664:9-b are repealed and reenacted to read as follows:

664:9-a Reports of Receipts and Expenditures Filed Electronically. A political committee of a candidate or a candidate may file such candidate's report of receipts and expenditures, pursuant to RSA 664:6, RSA 664:7, and RSA 664:7-b, electronically online by using the New Hampshire Campaign Finance System, which may also be used to register, file reports, and search information filed by candidates, political committees, and candidate committees.

664:9-b Reports of Receipts and Expenditures Filed by Other Methods. A political committee of a candidate or a candidate may file such candidate's required reports as an email attachment, a facsimile, or a paper copy, provided that:

I. The font size of the document as printed is not less than an 8 point font.

II. Email attachments are to be in portable document format archive (PDF/A) or other acceptable format as determined by the secretary of state.

III. The report is mailed, delivered, or sent to the secretary of state on or before the date and time that the report is due.

2 New Section; Reports; Legibility Required. Amend RSA 664 by inserting after section 9-b the following new section:

664:9-c Reports; Legibility Required. A political committee of a candidate or a candidate who files a report pursuant to RSA 664:9-b shall be responsible for ensuring the report is legible. The political committee of a candidate or a candidate shall file an amended copy of such candidate's report within one week after being notified by the secretary of state or attorney general's office that such report is non-compliant.

3 Effective Date. Part IV of this act shall take effect 60 days after its passage.

PART V

Providing for Optional Town Meeting Procedures.

1 Expenditures Prior to Meeting. Amend RSA 32:13, II to read as follows:

II. This subdivision shall not be construed to affect the authority of the local governing body ~~in towns with a March annual meeting and a January through December fiscal year,~~ to make expenditures between ~~January 1~~ **the beginning of the fiscal year** and the date a budget is adopted which are reasonable in light of prior ~~year's~~ **years'** appropriations and expenditures for the same purposes during the same time period.

2 Effective Date. Part V of this act shall take effect September 1, 2021.