CHAPTER 177 SB 89 - FINAL VERSION

03/25/2021 0825s 3Jun2021... 1610h

2021 SESSION

21-0999 11/05

SENATE BILL 89

AN ACT adopting omnibus legislation relative to election procedures.

SPONSORS: Sen. Gray, Dist 6

COMMITTEE: Election Law and Municipal Affairs

AMENDED ANALYSIS

This bill adopts legislation relative to:

I. The city chief elections officer.

II. Prohibiting the taking of certain photographs within the guardrail.

III. Establishing a committee to study post election audit counting devices.

IV. The effect of certain federal laws on New Hampshire elections.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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

1	177:1 Sponsorship. This act consists of the following proposed legislation:
2	Part I. LSR 21-0999, relative to the city chief elections officer, sponsored by Sen. Gray,
3	Prime/Dist. 6.
4	Part II. LSR 21-1002, prohibiting the taking of certain photographs within the guardrail,
5	sponsored by Sen. Gray, Prime/Dist. 6.
6	Part III. LSR 21-1051, establishing a committee to study post election audit counting devices,
7	sponsored by Sen. Gray, Prime/Dist. 6.
8	177:2 Legislation Enacted. The general court hereby enacts the following legislation:
9	PART I
10	Relative to the City Chief Elections Officer.
11	1 Chief Elections Officer; City Clerk. Amend RSA 659:9-a to read as follows:
12	659:9-a City [Chief Elections Officer Duties] Clerk Uniform Practices. The city [chief
13	elections officer] clerk shall establish uniform practices and procedures that conform to state and
14	federal law for the conduct of elections at all polling places within the city. The moderators and
15	other election officials who conduct elections at the individual polling places within the city shall
16	comply with the uniform procedures established for the city by the city [ehief elections officer] $clerk$.
17	The secretary of state shall resolve any conflicting interpretations of state and federal laws arising
18	between the [ehief elections officer] city clerk and other election officials. The legislative body of
19	any city may vote to have the duties of the ward officers relative to the selection and equipping of
20	polling places assigned to the city [$\frac{\text{ehief elections officer}}{\text{clerk}}$] $clerk$.
21	2 Repeal. RSA 652:14-a, relative to city chief elections officers, is repealed.
22	3 Effective Date. Part I of this act shall take effect 60 days after its passage.
23	PART II
24	Prohibiting the Taking of Certain Photographs Within the Guardrail.
25	1 New Section; Election Procedure; Prohibited Acts; Photography. Amend RSA 659 by inserting
26	after section 45 the following new section:
27	659:45-a Certain Photography Prohibited. No person shall take or cause any photograph to be
28	taken within the guardrail that captures another voter or another voter's ballot.
29	2 Effective Date. Part II of this act shall take effect 60 days after its passage.

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PART III

1

2	Establishing a Committee to Study Post Election Audit Counting Devices.
3	1 Committee Established.
4	I. There is established a committee to study post election audit counting devices.
5	II. The members of the committee shall be as follows:
6	(a) Two members of the senate, appointed by the president of the senate.
7	(b) Three members of the house of representatives, appointed by the speaker of the
8	house of representatives.
9	III. Members of the committee shall receive mileage at the legislative rate when attending
10	to the duties of the committee.
11	IV. Duties. The committee shall determine what ballot counting equipment is available
12	which would support a post election audit in New Hampshire, and shall study the feasibility, time
13	constraints, and cost of conducting a post election audit using any vote counting equipment
14	identified. The committee may use ballots cast in prior elections to test ballot counting equipment,
15	provided that such use is in conjunction with the secretary of state and with the approval of the
16	ballot law commission.
17	V. Chairperson; Quorum. The members of the study committee shall elect a chairperson
18	from among the members. The first meeting of the committee shall be called by the first-named
19	senate member. The first meeting of the committee shall be held within 45 days of the effective date
20	of this section. Three members of the committee shall constitute a quorum.
21	VI. Report. The committee shall report its findings and any recommendations for proposed
22	legislation to the president of the senate, the speaker of the house of representatives, the senate
23	clerk, the house clerk, the governor, the secretary of state, the attorney general, and the state library
24	on or before November 30, 2021.
25	2 Effective Date. Part III of this act shall take effect upon its passage.
26	PART IV
27	Relative to the effect of certain federal laws on New Hampshire election procedures.
28	1 New Hampshire Election Procedures; Certain Federal Laws Non-Controlling.
29	Notwithstanding the adoption by the United States Congress of S.1, also known as the "For the
30	People Act of 2021," all procedures and requirements relating to elections conducted pursuant to the
31	New Hampshire constitution and as prescribed by New Hampshire law shall remain in full force and
32	effect for all state and county officers, including but not limited to those procedures and
33	requirements relating to voter eligibility, voter registration, absentee voting, conducting the vote,
34	and counting of votes.
	2 Effective Date. Part IV of this act shall take effect upon its passage.

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Approved: July 30, 2021

Effective Date:

Part I shall take effect September 28, 2021. Part II shall take effect September 28, 2021. Part III shall take effect July 30, 2021.

Part IV shall take effect July 30, 2021.