

SB 83 - AS INTRODUCED

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

ANALYSIS

This bill adopts legislation:

I. Clarifying the circumstances under which certain persons are disqualified from performing certain duties of an election official.

II. Relative to the establishment of an election information portal.

III. Relative to recount fees.

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

V. Providing for optional town meeting procedures and allowing preprocessing of absentee ballots.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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 21-0174, relative to the disqualification of certain persons from performing duties as
3 an election official, sponsored by Sen. Gray, Prime/Dist. 6.

4 Part II: LSR 21-0175, relative to the establishment of an election information portal, sponsored
5 by Sen. Gray, Prime/Dist. 6.

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

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

9 Part V: LSR 21-0853, providing for optional town meeting procedures and allowing
10 preprocessing of absentee ballots, sponsored by Sen. Kahn, Prime/Dist. 10; Sen. Prentiss, Dist. 5;
11 Sen. Rosenwald, Dist. 13; Sen. Perkins Kwoka, Dist. 21; Sen. Soucy, Dist. 18; Sen. Cavanaugh, Dist.
12 16; Sen. Watters, Dist. 4; Rep. Parshall, Ches. 10; Rep. Fenton, Ches. 8.

13 2 Legislation Enacted. The general court hereby enacts the following legislation:

14

15 PART I

16 Relative to the Disqualification of Certain Persons from Performing Duties as an Election Official.

17 1 Pre-Election Procedure; Disqualification of Certain Persons. Amend RSA 658:24 to read as
18 follows:

19 658:24 Disqualification of Certain Persons. Any person, other than a moderator, clerk,
20 selectman, inspector of election, or supervisor of the checklist, whose name appears on a ballot for an
21 elective position, other than a position of an election official, shall be disqualified from performing
22 duties as an election official in that election. A moderator, clerk, selectman, inspector of election, or
23 supervisor of the checklist whose name appears on a ballot for an elective position, other than the
24 position of an election official, shall be disqualified from the handling of marked ballots and the
25 counting of votes ***pursuant to RSA 659:58***.

26 2 Election Procedure; Counting of Votes; Disqualification of Officials. Amend RSA 659:58 to
27 read as follows:

28 659:58 Disqualification of Officials. Any election official~~[-other than the moderator,]~~ who is also
29 a candidate for office, ***other than a position of an election official***, shall not be allowed to remain
30 ***in the area designated for the handling of marked ballots and for the counting of votes***
31 within the guardrail during the counting of votes for an office for which he is a candidate. Such

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official shall disqualify himself from election duties relating to the tabulation of votes; and the moderator shall appoint an assistant who shall take the same oath as, serve in the same capacity as, and have all the powers of the election official who is disqualified until such official may properly return. ***The moderator may assign any election official disqualified pursuant to this section to other duties not related to the tabulation of votes.***

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

PART II

Relative to the Establishment of an Election Information Portal.

1 Purpose. It is the intent of the legislature to modernize the application processes for new voter registration, requesting absentee ballots, and requesting changes to name, domicile, and party affiliation in the statewide voter database.

2 New Subdivision; Election Information Portal. Amend RSA 652 by inserting after section 27 the following new subdivision:

Election Information Portal

652:28 Election Information Portal.

I. The secretary of state is hereby authorized to develop, in consultation with the department of information technology, the department of safety, division of motor vehicles, and city and town clerks and supervisors of the checklist, an online election information portal which citizens may use to:

(a) Complete a new voter application.

(b) Request an absentee ballot.

(c) Request changes to the statewide centralized voter registration database, such as name, domicile address, mailing address, and party affiliation.

II. Voters electing to use the portal shall provide the same information and pursuant to the same time frames as outlined in statutes related to voter registration and maintenance of the statewide centralized voter registration database, including RSA 654:7, RSA 654:8, RSA 654:16 through RSA 654:19, and RSA 654:34, except that the information may be provided in a format the secretary of state deems suitable for electronic submission. Any information submitted to the portal shall be handled in a manner consistent with relevant voter and election laws, including RSA 654, and shall be retrievable and printable at any time including during the processing of the information. In addition, nonpublic data related to individual voter data shall remain confidential.

III. The secretary of state shall not implement any election information portal established pursuant to this section, such that the public can access or otherwise utilize such portal, until January 1, 2022.

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

PART III

Relative to Recount Fees.

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

2 I. If the difference between the vote cast for the applying candidate and a candidate declared
3 elected shall be less than one percent of the total votes cast in the towns which comprise the office to
4 be recounted, the following fees shall apply:

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

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

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

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

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

10 II. If the difference between the vote cast for the applying candidate and a candidate

11 declared elected shall be between one percent and 2 percent of the total votes cast in the towns

12 which comprise the office to be recounted, the following fees shall apply:

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

14 (b) Candidate for United States representative, [~~\$500~~] **\$1,000**.

15 (c) Candidate for executive councilor. [~~\$200~~] **\$400**.

(d) Candidate for state senator or county officer. [~~\$100~~] **\$200.**

17 (e) Candidate for state representative. [~~\$20~~] **\$40**.

8 III. If the difference between the vote cast for the applying candidate and a candidate

9 declared elected shall be between 2 percent and 3 percent of the total votes cast in the towns which

20 comprise the office to be recounted, the following fees shall apply:

(a) Candidate for president, United States senator or governor. [~~\$2,000~~] **\$4,000**

22 (b) Candidate for United States representative ~~[\$1 000]~~ **\$2 000**

23 (c) Candidate for executive councilor [~~\$400~~] **\$800**

24 (d) Candidate for state senator or county officer [~~\$200~~] **\$400**

25 (e) Candidate for state representative [~~\$40~~] **\$80**

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

27 PART IV

Relative to Itemized Statements Filed by Political Committees and Candidates

1 Political Expenditures and Contributions: Reports of Recipients and Expenditures Filed

20 Electronically Amend PSA 664:9 b to read as follows:

664:0 b Reports of Receipts and Expenditures Filed Electronically. A political committee of a

09 candidate or a candidate may electronically report receipts and expenditures, as required by PSA

22 664:6 664:7 and 664:7 b by [unloading] sending the report to the *address provided by the*

24 secretary of [state's website] state for the reports in portable document format (PDF) or other

[illegible][illegible][illegible]

Before the date that an itemized statement of receipts and expenditures is due, the committee or

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1 candidate may publicly release receipt and expenditure information under this section more
2 frequently than is required by RSA 664:6, 664:7, and 664:7-b provided the receipt and expenditure
3 report is up to date when due.

4 2 New Section; Reports; Legibility Required. Amend RSA 664 by inserting after section 9-b the
5 following new section:

6 664:9-c Reports; Legibility Required. A political committee of a candidate or a candidate who
7 files a report by facsimile pursuant to RSA 664:9-a, electronically pursuant to RSA 664:9-b, or in
8 hard copy shall be responsible for ensuring the report is legible.

9 3 Effective Date. Part IV of this act shall take effect 60 days after its passage.

10 PART V

11 Providing for Optional Town Meeting Procedures and Allowing Preprocessing of Absentee Ballots.

12 1 Expenditures Prior to Meeting. Amend RSA 32:13, II to read as follows:

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

18 2 New Section; Optional Town Meeting Procedures. Amend RSA 39 by inserting after section 2-
19 b the following new section:

20 39:2-c Optional Town Meeting Procedure. Towns, village districts, and school districts that are
21 unable to hold in-person annual meetings due to health or safety concerns may conduct virtual
22 meetings in accordance with this section. At the option of the governing body, the town, village
23 district, or school district meetings may be convened and proceed to approve the posted warrant
24 articles in the following fashion:

25 I. The governing body shall host a live virtual meeting and information session, during
26 which the proposed optional town or school district meeting procedures shall be outlined and
27 warrant articles discussed. At least 7 days prior to this informational session, notice shall be mailed
28 to all registered voters describing the procedures to be followed for conducting an annual meeting
29 pursuant to this section. After the live, virtual meeting is adjourned, questions and comments from
30 the public shall be solicited and received via electronic mail, voice mail, text message, or by other
31 electronic means.

32 II. Within 7 days of the information session, the governing body shall hold another live
33 virtual meeting to consider and address comments received from the public. The governing body
34 shall then discuss, debate, and may amend the posted warrant. The final warrant, as amended,
35 shall then be made available electronically for printing by voters to be brought to the voting session,
36 which shall be scheduled for a date and time to be determined by the governing body.

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1 III. Voting on final warrant articles shall be by secret ballot cast by voters through drive-up
2 procedures to ensure appropriate safety. In a town or district that uses the official ballot for the
3 election of officers and has not yet held its town or district election, an official ballot shall be printed
4 for the election of officers and other items that are required to be placed on the official ballot. All
5 other warrant articles shall be printed on a separate ballot ("the alternative ballot").

6 IV. The election of officers and action on other items on the initial ballot shall be effective. If
7 the optional voting procedures are approved, then all other votes on warrant articles shall be deemed
8 the final action of the meeting, provided that if the operating budget warrant article is not approved,
9 the governing body may vote to:

10 (a) Convene a meeting before September 1 to adopt an operating budget; or

11 (b) Elect to deem that the meeting has adopted the previous year's operating budget
12 article, not including separate warrant articles.

13 V. In a town or district using the official ballot referendum (SB 2) form of annual meeting
14 that has held its deliberative session but has not yet held its official ballot voting sessions, the
15 governing body may choose to use the drive up procedures in paragraph III for the official ballot
16 voting session, and paragraphs I and II shall not apply.

17 3 Partial Processing of Absentee Ballots Prior to an Election. RSA 659:55-a is repealed and
18 reenacted to read as follows:

19 659:55-a Partial Processing of Absentee Ballots Prior to an Election.

20 I. The moderator, or his or her designee, may begin the processing of absentee ballots prior
21 to the opening of the polls provided that the clerk shall post, in an appropriate public place and prior
22 to election day, notice of the time and place of the processing. If the moderator chooses to do so, it
23 shall be posted in 2 appropriate public places, one of which shall be the public body's Internet
24 website, if such exists, or shall be printed in a newspaper of general circulation in the city or town at
25 least 48 hours, excluding legal holidays, prior to such meeting. A copy of the notice shall be provided
26 to the secretary of state. The partial processing of absentee ballots prior to an election shall occur on
27 the Thursday, Friday, Saturday, Sunday, or Monday prior to the date of the election after the
28 posting of the checklist. The moderator shall be assisted by at least 3 other election officers as
29 defined under RSA 652:14. Members of the general public may observe this process. Under no
30 circumstances shall absentee ballots be counted prior to the opening of the polls.

31 II. Once notice of the processing has been posted, all absentee ballots received by the end of
32 the day preceding the posted time for the meeting shall be partially processed. Only one session for
33 the partial processing of absentee ballots may be scheduled prior to an election.

34 III. Except as otherwise provided, the moderator, or his or her designee, shall adhere to the
35 procedures detailed in RSA 659:49-b, RSA 659:50, RSA 659:51, RSA 659:52, RSA 659:53, RSA
36 659:54, RSA 659:54-a, RSA 666:4, and RSA 666:5.

37 4 Effective Date. Part V of this act shall take effect September 1, 2021.