

CHAPTER 82  
HB 366-FN – FINAL VERSION

6Feb2014... 2223h  
25Mar2014... 1051h

2014 SESSION

13-0679  
03/09

HOUSE BILL            ***366-FN***

AN ACT                relative to showing a ballot.

SPONSORS:            Rep. Horrigan, Straf 6

COMMITTEE:          Election Law

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AMENDED ANALYSIS

This bill adds the acts of a voter allowing his or her marked ballot to be seen and a voter distributing or sharing a photograph or digital image of his or her marked ballot to the prohibitions on showing or specially marking ballots. This bill changes the penalty for willful violations of the prohibitions from a misdemeanor to a violation. This bill also requires posters at each polling place highlighting the prohibitions on showing or specially marking ballots.

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Explanation:          Matter added to current law appears in ***bold italics***.  
                                Matter removed from current law appears [~~in brackets and struck through~~].  
                                Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Fourteen*

AN ACT                    relative to showing a ballot.

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

1            82:1 Showing or Specially Marking Ballot. Amend RSA 659:35 to read as follows:

2            659:35 Showing or Specially Marking Ballot.

3            I. No voter shall allow his **or her** ballot to be seen by any person with the intention of letting  
4 it be known how he **or she** is about to vote **or how he or she has voted** except as provided in RSA  
5 659:20. ***This prohibition shall include taking a digital image or photograph of his or her***  
6 ***marked ballot and distributing or sharing the image via social media or by any other***  
7 ***means.***

8            II. No voter shall place a distinguishing mark upon his **or her** ballot nor write in any name  
9 as the candidate of his **or her** choice with the intention of thereby placing a distinguishing mark  
10 upon ~~his~~ **the** ballot.

11            III. No voter shall use or attempt to use any ballot not given him **or her** by the ballot clerk  
12 to accomplish any of the acts or purposes prohibited by paragraph I or II or both.

13            IV. Any person willfully violating any of the provisions of this section shall be guilty of a  
14 ~~misdemeanor~~ **violation.**

15            V. ***Before each state election, the secretary of state shall prepare and distribute to***  
16 ***the town and ward clerks a sufficient number of posters measuring 8-1/2 inches by 11***  
17 ***inches highlighting the provisions of paragraphs I through IV.***

18            VI. ***Each town and ward clerk shall prominently post the posters referred to in***  
19 ***paragraph V at each polling place in his or her town or ward.***

20            82:2 Effective Date. This act shall take effect September 1, 2014.

21

22            Approved: June 11, 2014

23            Effective Date: September 1, 2014