

HB 1462-FN – AS INTRODUCED

2014 SESSION

14-2216
03/08

HOUSE BILL ***1462-FN***
AN ACT relative to electioneering by public employees.
SPONSORS: Rep. Gray, Straf 8; Rep. Sandblade, Hills 18
COMMITTEE: Election Law

ANALYSIS

This bill modifies the applicability of the prohibition on electioneering by public employees.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to electioneering by public employees.

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

- 1 1 Electioneering by Public Employees. Amend RSA 659:44-a to read as follows:
- 2 659:44-a Electioneering by Public Employees. No public employee, as defined in RSA 273-A:1,
- 3 **IX, or probationary, temporary, seasonal, irregular, or on-call public employee as described**
- 4 **in RSA 273-A:1, IX(d)**, shall electioneer while in the performance of his or her official duties. **No**
- 5 **person shall** ~~or~~ use government ~~property~~ **equipment**, including, but not limited to, telephones,
- 6 facsimile machines, vehicles, and computers, for electioneering. For the purposes of this section,
- 7 “electioneer” means to act in any way specifically designed to influence the vote of a voter on any
- 8 question or office. Any person who violates this section shall be guilty of a misdemeanor.
- 9 2 Effective Date. This act shall take effect January 1, 2015.

HB 1462-FN - FISCAL NOTE

AN ACT relative to electioneering by public employees.

FISCAL IMPACT:

The Judicial Branch, Department of Justice, and New Hampshire Association of Counties state this bill, **as introduced**, may increase state and county expenditures by an indeterminable amount in FY 2015 and each year thereafter. There will be no impact on local expenditures, or state, county, and local revenue.

METHODOLOGY:

The Judicial Branch states this bill expands the definition of “public employee” for purposes of the statute (RSA 659:44-a) that makes it an unspecified misdemeanor for a public employee to electioneer at work. The bill further amends the prohibition on electioneering by providing that no “person” (current statute reads no “public employee”) shall use government “equipment” (current statute reads government “property”) for purposes of electioneering. The Branch states that during the past decade, no charges were filed in any court for a violation of RSA 659:44-a; based on this experience, it is unlikely the bill will have a significant fiscal impact. Despite this, the Branch is able to provide data on the average cost of processing misdemeanor cases in trial court. The Branch projects that the average cost of processing a class A misdemeanor will be \$66.17 in FY 2015, and \$67.64 in FY 2016. The cost for processing a class B misdemeanor will be \$46.99 in FY 2015, and \$48.02 in FY 2016. These numbers do not consider the cost of any appeals that may be undertaken following trial.

The Department of Justice states it is unable to determine the number of complaints that may result from the bill, and therefore the fiscal impact is indeterminable.

The New Hampshire Association of Counties states to the extent more individuals are charged, convicted, and sentenced to incarceration in a county correctional facility as a result of the bill, the counties may have increased expenditures. The Association is unable to determine the number of individuals who might be charged, convicted or incarcerated as a result of this bill to determine an exact fiscal impact. The average annual cost to incarcerate an individual in a county correctional facility is approximately \$35,000. There is no impact on county revenue.