

HB 404-FN - AS INTRODUCED

2015 SESSION

15-0089  
03/01

HOUSE BILL

***404-FN***

AN ACT

relative to showing a ballot.

SPONSORS:

Rep. Hoell, Merr 23; Rep. Burt, Hills 39; Rep. Rideout, Coos 7; Rep. Itse, Rock 10

COMMITTEE:

Election Law

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ANALYSIS

This bill reverses changes made to the prohibition on showing a ballot that were enacted in the 2014 regular legislative session and changes the penalty for violations.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                   relative to showing a ballot.

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

1           1 Showing or Specially Marking a 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  
5 RSA 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 means.~~]

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

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

12          IV. Any person willfully violating any of the provisions of this section shall be guilty of a  
13 violation ***with a fine not exceeding \$10.***

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

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

19          2 Effective Date. This act shall take effect January 1, 2016.

LBAO  
15-0089  
01/20/15

### HB 404-FN - FISCAL NOTE

AN ACT                    relative to showing a ballot.

#### **FISCAL IMPACT:**

The Department of Justice and New Hampshire Association of Counties state this bill, **as introduced**, may decrease state and county expenditures by an indeterminable amount in FY 2016 and each year thereafter. There will be no fiscal impact on local expenditures, or state, county, and local revenue.

#### **METHODOLOGY:**

The Department of Justice states this bill amends RSA 659:35 by striking the prohibition against taking a digital image of a voter's marked ballot and distributing or sharing the image via social media or by any other means. The Department states it will no longer need to spend investigator and assistant attorney general resources on complaints regarding photographs of marked ballots. The Department currently has four such pending complaints.

The New Hampshire Association of Counties states this bill will limit any fine issued under statute to \$10. The Association further states the bill may decrease prosecution costs by an indeterminable amount.

The Judicial Branch states the bill will have no fiscal impact, as Branch statistics show that no prosecutions have been brought pursuant to RSA 659:35 in the ten fiscal years from 2005 to 2014.