

HB 1264-FN - VERSION ADOPTED BY BOTH BODIES

21Mar2024... 1041h

2024 SESSION

24-2009

08/10

HOUSE BILL

1264-FN

AN ACT

relative to the definition of accessible voting systems.

SPONSORS:

Rep. M. Paige, Rock. 11; Rep. Vallone, Rock. 5; Rep. Guthrie, Rock. 15; Rep. Lynn, Rock. 17; Rep. M. Smith, Straf. 10; Sen. Altschiller, Dist 24; Sen. Carson, Dist 14

COMMITTEE:

Election Law

ANALYSIS

This bill directs cities and towns to enable access to voting for individuals with disabilities during 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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to the definition of accessible voting systems.

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

1 1 Statement of Findings. The general court finds that:

2 I. Voting is one of our citizen's most fundamental rights. It is of the utmost importance that
3 all eligible voters have equal access and opportunity to participate in all elections held in this state.

4 II. Certain individuals with disabilities, including individuals who have visual impairments
5 or other disabilities that interfere with effective reading, writing, or use of printed material, face
6 unique challenges in casting their votes privately and independently, particularly in local elections,
7 as currently most cities and towns do not provide accessible voting systems for local elections.

8 III. Title II of the Americans with Disabilities Act and its implementing regulations ("ADA")
9 require the state, cities, and towns to make their programs, services, and activities accessible to
10 qualified individuals with disabilities. (42 U.S.C. sections 12131-12134, 28 C.F.R. sections
11 35.130, 35.160). Elections held by the state, cities and towns are "services, programs, and activities"
12 under the ADA. Under the ADA, the state, cities and towns must provide "appropriate auxiliary
13 aids and services" to enable voters with disabilities "an equal opportunity to participate in, and enjoy
14 the benefits of" their elections, including the same opportunity to exercise their right to vote
15 independently and privately as is enjoyed by persons without disabilities.

16 IV. The current state practice is to ensure that every polling location provides an accessible
17 voting system to enable individuals with disabilities to have equal access to vote independently and
18 privately only for state elections with a federal office on the ballot. Accessible voting systems are
19 generally not made available at polling locations for local elections. As a result, with very few
20 exceptions, individuals with disabilities are not universally afforded equal opportunities to vote
21 privately and independently as individuals without disabilities in local elections, in violation of the
22 ADA.

23 2 Accessible Voting System; Definition. Amend RSA 652:16-d to read as follows:

24 652:16-d Accessible Voting System. "Accessible voting system" shall mean the system chosen by
25 the state ***in federal elections or by municipalities in local elections*** to meet the accessibility for
26 individuals with disabilities requirements of section 301 of the Help America Vote Act of 2002, 42
27 U.S.C. section 15481, ***52 U.S.C. section 21081, and Title II of the Americans with Disabilities***
28 ***Act, 42 U.S.C. section 12132***, that has the capacity to print a paper ballot marked with the votes
29 chosen by the voter.

30 3 New Section; Accessible Voting Systems. Amend RSA 659 by inserting after section 20-a the
31 following new section:

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1 659:20-b Accessible Voting Systems.

2 I. Every city, every town, and every school district which has adopted an official ballot
3 system shall:

4 (a) Ensure that each polling place has at least one accessible voting system.

5 (b) Enter into a pilot agreement with the secretary of state for the use of accessible
6 voting systems in local elections.

7 (c) Bear the cost of programming for the city, town, or school district election with the
8 vendor chosen and contracted with by the secretary of state, including any transfer of the system to
9 and from the vendor.

10 (d) Store and maintain the accessible voting system or systems in a secure manner
11 following election security guidance issued by the secretary of state.

12 II. The secretary of state shall:

13 (a) Enter into a pilot program agreement with cities and towns and provide accessible
14 voting systems for use in city, town, and school elections.

15 (b) Provide guidance for programming the local ballots onto the accessible voting
16 systems.

17 (c) Provide security guidance for the local storage and maintenance of the accessible
18 voting system or systems used for city, town, and school district elections.

19 4 Repeal. The following are repealed:

20 I. RSA 659:20-b, I(b) relative to cities, towns, and school districts entering into a pilot
21 agreement with the secretary of state for the use of accessible voting systems in local elections.

22 II. RSA 659:20-b, II(a) relative to cities, towns, and school districts entering into a pilot
23 program with the secretary of state for the use of accessible voting systems for use in local elections.

24 5 Effective Date.

25 I. Section 4 of this act shall take effect June 30, 2025.

26 II. The remainder of this act shall take effect January 1, 2025.

LBA
24-2009
Amended 4/17/24

HB 1264-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2024-1041h)

AN ACT relative to the definition of accessible voting systems.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation, as amended by the House, has a total fiscal impact of less than \$10,000 in each of the fiscal years 2025 through 2027.

AGENCIES CONTACTED:

Department of State and New Hampshire Municipal Association