

HB 1359 - AS INTRODUCED

2022 SESSION

22-2666

11/08

HOUSE BILL **1359**

AN ACT relative to the election-day duties of incumbent election officials who also appear on the ballot.

SPONSORS: Rep. Rhodes, Ches. 15; Rep. Hough, Belk. 3; Rep. Potucek, Rock. 6; Rep. Binford, Graf. 15

COMMITTEE: Election Law

ANALYSIS

This bill clarifies what duties certain election officials may perform on election day when such officials also appear on the ballot.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the election-day duties of incumbent election officials who also appear on the ballot.

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

1 1 Absences Among Election Officers; Disqualification of Certain Persons. Amend RSA 658:24 to
2 read as follows:

3 658:24 Disqualification of Certain Persons. Any person, other than a ~~[moderator,]~~ clerk,
4 ~~[selectman, inspector of election, or supervisor of the checklist,]~~ whose name appears on a ballot for
5 an elective position~~[- other than a position of an election official,]~~ shall be disqualified from
6 performing duties as an election official in that election. A moderator, ~~[clerk,]~~ selectman, inspector
7 of election, or supervisor of the checklist whose name appears on a ballot for an elective position,
8 other than the position of an election official, shall be disqualified from the handling of marked
9 ballots and the counting of votes.

10 2 Election Procedure; Counting of Votes. Amend RSA 659:58 to read as follows:

11 659:58 Disqualification of Officials. Any election official, other than the ~~[moderator]~~ **clerk**, who
12 is also a candidate for office shall not be allowed to remain within the guardrail during the counting
13 of votes for an office for which he is a candidate. Such official shall disqualify himself **or herself**
14 from election duties relating to the tabulation of votes; and the moderator shall appoint an assistant
15 who shall take the same oath as, serve in the same capacity as, and have all the powers of the
16 election official who is disqualified until such official may properly return.

17 3 Electioneering by Election Officers. Amend RSA 659:44 to read as follows:

18 659:44 Electioneering by Election Officers. No election officer shall electioneer while in the
19 performance of his official duties. ***All election officers, except clerks, who appear on the ballot***
20 ***in an election shall remain within the spaces designated for electioneering pursuant to***
21 ***RSA 659:43 unless proceeding into the polling place to cast their own votes.*** For the purposes
22 of this section, "electioneer" shall mean to act in any way specifically designed to influence the vote
23 of a voter on any question or office. Any person who violates this provision shall be guilty of a
24 misdemeanor.

25 4 Effective Date. This act shall take effect 60 days after its passage.