

HB 87 - AS AMENDED BY THE HOUSE

6Jan2022... 2246h

2021 SESSION

21-0200

11/05

HOUSE BILL

**87**

AN ACT                   relative to the definition of electioneering.

SPONSORS:           Rep. Potucek, Rock. 6; Rep. Binford, Graf. 15; Rep. Hough, Belk. 3; Rep. Layon,  
Rock. 6; Rep. Bershtein, Rock. 2; Rep. Baldasaro, Rock. 5; Rep. Ankarberg, Straf.  
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COMMITTEE:       Election Law

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AMENDED ANALYSIS

This bill amends the definition of "electioneering" by prohibiting only certain election officials from wearing clothing or paraphernalia that a reasonable person would believe explicitly advocates for or against any candidate, political party, or measure being voted.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                    relative to the definition of electioneering.

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

1            1 Electioneering; Definition. Amend RSA 652:16-h to read as follows:

2            652:16-h Electioneering. Electioneering means visibly displaying or audibly disseminating  
3 information that a reasonable person would believe explicitly advocates for or against any candidate,  
4 political party, or measure being voted.

5            **I.** Electioneering includes, but is not limited to[:

6            ~~I. Wearing clothing or paraphernalia that displays a candidate's name, likeness, or logo, a~~  
7 ~~ballot measure's number, title, subject, or logo, a political party's name or logo, or any~~  
8 ~~communication that a reasonable person would believe explicitly advocates for or against any~~  
9 ~~candidate, political party, or measure, provided that a person eligible to vote or register to vote in~~  
10 ~~the voting district who is unable to remove or cover clothing that explicitly advocates for or against~~  
11 ~~any candidate, political party, or measure, may wear such clothing in the polling place while actively~~  
12 ~~engaged in the process of registering to vote or while actively engaged in the process of voting.~~

13            ~~H.] distributing or posting a card, handbill, poster, placard, picture, pin, sticker, circular, or~~  
14 ~~any other form of communication that a reasonable person would believe explicitly advocates for or~~  
15 ~~against any candidate, political party, or measure.~~

16            **II. For the following officials, electioneering shall also include wearing clothing or**  
17 **paraphernalia that displays a candidate's name, likeness, or logo, a ballot measure's**  
18 **number, title, subject, or logo, a political party's name or logo, or any communication that**  
19 **a reasonable person would believe explicitly advocates for or against any candidate,**  
20 **political party, or measure:**

21            **(a) Election officers, as defined by RSA 652:14.**

22            **(b) Ballot clerks, as defined by RSA 658:25.**

23            **(c) Observers authorized by the moderator pursuant to RSA 659:13-a.**

24            **(d) Challengers appointed pursuant to RSA 666:4 or RSA 666:5.**

25            2 Electioneering at the Polling Place. Amend RSA 659:43, VII to read as follows:

26            VII. The distribution or posting of electioneering communications, including but not limited  
27 to posters, cards, handbills, placards, pictures, pins, stickers, **or** circulars, ~~[or articles of clothing,]~~ is  
28 prohibited within any no-electioneering corridor established outside the polling place by the  
29 moderator.

30            3 Effective Date. This act shall take effect 60 days after its passage.