

HB 447-FN - AS AMENDED BY THE HOUSE

3Jan2024... 2366h

2023 SESSION

23-0382

08/10

HOUSE BILL

447-FN

AN ACT

relative to the purchase of election equipment.

SPONSORS:

Rep. Telerski, Hills. 11; Rep. Elberger, Hills. 5; Rep. Lane, Merr. 16; Sen. Soucy,
Dist 18

COMMITTEE:

Election Law

ANALYSIS

This bill allows grants to be given to cities and towns for the purchase of election equipment.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the purchase of election equipment.

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

1 1 Election Fund; Grants for Cities and Towns. Amend RSA 5:6-d, III to read as follows:

2 III. The secretary of state ~~[is authorized to]~~ **shall** accept, budget, and, subject to the
3 limitations of this paragraph, expend monies in the election fund received from any party for the
4 purposes of conducting elections, voter and election official education, the purchase or lease of
5 equipment that complies with the Help America Vote Act of 2002, Public Law 107-252, or with RSA
6 659:13, V, reimbursing the department of safety for the actual cost of voter identification cards,
7 election law enforcement, enhancing election technology, making election security improvements,
8 and improvements to related information technology, including acquisition and operation of an
9 automated election management system. ***Except as provided in this section, the secretary of***
10 ***state*** ~~[With the exception of federal and state portions of funds associated with the 2018 Election~~
11 ~~Reform Program, the secretary of state]~~ shall not expend any monies in the election fund unless the
12 balance in the fund following such expenditures shall be at least 12 times the estimated annual cost
13 of maintaining the programs established to comply with the Help America Vote Act of 2002, Public
14 Law 107-252. ***The secretary of state shall expend funds in the election fund established in***
15 ***this section and those funds associated with the 2018 Election Reform Program and other***
16 ***funds received by the state under RSA 5:6-d, II to assist in an equitable manner the***
17 ***purchase of equipment by towns and cities for the use of conducting elections and***
18 ***improving election security through the purchase of technology, including ballot counting***
19 ***devices, electronic poll books, and dedicated laptops to be used to access the election***
20 ***information system established by the secretary of state. The funds used pursuant to this***
21 ***paragraph shall be administered, regulated, and maintained by the secretary of state and***
22 ***shall be subject to the following restrictions:***

23 (a) *The principal amount of the election funds spent shall not exceed \$3,000,000.*

24 (b) *The amount awarded to each town and city shall be no more than one-half of*
25 *the estimated cost of the requested technology. Each town and city shall return any excess*
26 *funds to the secretary of state within 6 months of the purchase of the requested technology*
27 *by the town or city.*

28 (c) *The authority to disburse funds under this paragraph shall terminate upon*
29 *the disbursement of \$3,000,000 or December 31, 2027, whichever occurs first. Any funds not*
30 *disbursed pursuant to this paragraph shall be returned to the election fund established in*
31 *RSA 5:6-d, I by January 31, 2028.*

HB 447-FN - AS AMENDED BY THE HOUSE

- Page 2 -

1 2 Effective Date. This act shall take effect 60 days after its passage.

HB 447-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2023-2366h)

AN ACT relative to the purchase of election equipment.

FISCAL IMPACT: ☒ State ☐ County ☒ Local ☐ None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures	\$0	Indeterminable decrease \$0 to \$1,800,000 (Election Fund)		
		\$1,000,000 to \$1,200,000 (General Fund)	\$1,000,000 to \$1,200,000 (General Fund)	\$1,000,000 to \$1,200,000 (General Fund)
<i>Funding Source(s)</i>	Election Fund and General Fund			
Appropriations	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

- Does this bill provide sufficient funding to cover estimated expenditures? ☒ See Below
- Does this bill authorize new positions to implement this bill? ☒ N/A

Estimated Political Subdivision Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
Local Revenue	\$0	Indeterminable Increase up to \$3,000,000		
Local Expenditures	\$0	Indeterminable Increase up to \$3,000,000		

METHODOLOGY:

This bill authorizes the Secretary of State to use funds from the election fund, associated funds from the 2018 Election Reform Program, and additional funds received by the State for the purpose of assisting towns and cities in purchasing election equipment and enhancing election security through technology. The funds are to be used equitably and are subject to specific restrictions, including the principal amount of the election funds spent not exceeding \$3,000,000, a limit of not more than 1/2 the estimated cost of technology awarded to each town and city, and a termination of the authority to disburse funds after reaching \$3,000,000 or by December 31, 2027, whichever occurs first. Any remaining funds not disbursed are to be returned to the election fund by January 31, 2028.

The Department of State indicates this bill allocates up to \$3,000,000 of the principal amount of the election fund to aid cities and towns with up to half of the anticipated expenses for requested election technology. Additionally, the Department interprets the bill to remove the requiring of the election fund to maintain twelve times the estimated annual cost, as well as, specifically excluding all spending authorized in RSA 5:6-d, III. Furthermore, the Department assumes the authority of the Secretary of State to allocate election fund funds for any purposes outlined in RSA 5:6-d, III is revoked. Consequently, with the assumptions stated above, all funding for the Department's Help America Vote Again (HAVA) Office, including the maintenance of the statewide voted education system, accessible voting equipment, and election training, would be eliminated. Since these functions are essential, \$1,000,000 to \$1,200,000 of General Funds would need to be allocated to the Department to supplement the HAVA budget for FY 2025, with the Department requesting these additional General Funds in their budget request beginning with the FY 2026-2027 operating budget.

Additionally, the Election Fund will have an indeterminable increase in expenditures up to \$3,000,000, across FY 2025 through FY 2028, for the payments made to the municipalities. This amount will be offset by the funding being removed for the HAVA office budget, however, the timing and the total amount of funds, up to \$3,000,000, transferred to the municipalities is unknown.

The New Hampshire Municipal Association states they will see an indeterminable increase in aid up to \$3,000,000 but is unable to calculate the exact amount. Additionally, the local expenditures will increase to the extent they require additional election equipment and security as municipalities are required to pay half of the cost.

AGENCIES CONTACTED:

Department of State and New Hampshire Municipal Association