HB 179 - AS INTRODUCED

2023 SESSION

23-0323
06/08

HOUSE BILL ***179***

AN ACT relative to the definition of electioneering.

SPONSORS: Rep. Potucek, Rock. 13

COMMITTEE: Election Law

ANALYSIS

This bill amends the definition of "electioneering" to remove the prohibition against wearing clothing or paraphernalia that a reasonable person would believe explicitly advocates for or against any candidate, political party, or measure being voted.

- -

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

23-0323
06/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to the definition of electioneering.

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

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

652:16-h Electioneering. Electioneering means visibly displaying or audibly disseminating information that a reasonable person would believe explicitly advocates for or against any candidate, political party, or measure being voted. Electioneering includes, but is not limited to[~~:~~

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

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

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

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

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

CONSENT CALENDAR

March 15, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Election Law to which was referred HB 179,

AN ACT relative to the definition of electioneering.

Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Ross Berry

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Election Law**
Bill Number:	**HB 179**
Title:	**relative to the definition of electioneering.**
Date:	**March 15, 2023**
Consent Calendar:	**CONSENT**
Recommendation:	**INEXPEDIENT TO LEGISLATE**

STATEMENT OF INTENT

This bill attempts to alter the definition of electioneering by changing what is permissible to wear in the polling place. Last term the House passed a bill that created an exemption that would allow a person to wear whatever they pleased so long as they were in the process of voting and conducted no other activity within the polling location while wearing the otherwise prohibited clothing. This bill would weaken that and could be interpreted as allowing poll workers and observers to wear political clothing and other wearables inside the polling location. The committee did not approve of that.

Vote 20-0.

Rep. Ross Berry
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Election Law

HB 179, relative to the definition of electioneering. **INEXPEDIENT TO LEGISLATE.**

Rep. Ross Berry for Election Law. This bill attempts to alter the definition of electioneering by changing what is permissible to wear in the polling place. Last term the House passed a bill that created an exemption that would allow a person to wear whatever they pleased so long as they were in the process of voting and conducted no other activity within the polling location while wearing the otherwise prohibited clothing. This bill would weaken that and could be interpreted as allowing poll workers and observers to wear political clothing and other wearables inside the polling location. The committee did not approve of that. **Vote 20-0.**

Original: House Clerk
Cc: Committee Bill File

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 179

BILL TITLE: **relative to the definition of electioneering.**

DATE: **February 9, 2023**

LOB ROOM: **306-308** **Time Public Hearing Called to Order:** **2:01 p.m.**

Time Adjourned: **2:08 p.m.**

Committee Members: Reps. Grill, Boehm, Qualey, Burnham, Kennedy, Wherry, Wood, Lane, Ward, Hamer, Hamblet, Muirhead, Bay, Brennan and H. Howard

Bill Sponsors:
Rep. Potucek

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Acting Chair Boehm opened the public hearing.

Rep. Clayton Wood introduced the bill. He stated that the bill amends the definition of electioneering to remove the prohibition on wearing clothing related to a political party or candidate into a polling place.

Rep. Timothy Horrigan spoke in opposition to the bill. He said that previously, nobody was supposed to wear buttons, t-shirts, or hats related to a candidate or political party into a polling place, but this may have slipped through the cracks. He said that he thinks it is valuable to prohibit this attire and said that the polling place is not a "free speech zone" and that the existing restrictions make it clearer that a person should not be campaigning or electioneering vs. just wearing an item of clothing. He said that the bill would also let people wear political attire within the 100-foot zone, and that it is better to keep this space clear. He referenced a bill he is sponsoring to ban carrying firearms within a polling place. He said that people will be able to tell where the limit on electioneering is with the current restrictions because they can see people just outside the 100-ft. limit gathering with signs. He said that we should keep the restrictions in place for the neutrality of the polling place.

Rep. Boehm asked whether a similar bill was passed last year to confine the restrictions only to people working at the polls. Rep. Horrigan said that he did not remember the details of the bill but that the current restrictions are still better.

Acting Chair Boehm read the results of the blue sign-in sheet:

Acting Chair Boehm closed the public hearing.

Respectfully Submitted,

Rep Jessica Grill, Clerk

House Remote Testify

Election Law Committee Testify List for Bill HB179 on 2023-02-07

Support: 4 Oppose: 30 Neutral: 0 Total to Testify: 0

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane
Smith, Hayden	Hanover, NH hasmith1520@gmail.com	A Member of the Public	Myself	Oppose	No	No
thompson, julia	durham, NH maple371@gmail.com	A Member of the Public	Myself	Oppose	No	No
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Oppose	No	No
Reed, Barbara	North Swanzey, NH BDReed74@gmail.com	A Member of the Public	Myself	Oppose	No	No
Bushueff, Catherine	Sunapee, NH agawamdesigns@gmail.com	A Member of the Public	Myself	Oppose	No	No
Ellermann, Maureen	Concord, NH ellermannf@aol.com	A Member of the Public	Myself	Oppose	No	No
Watkins, Dan	Derry, NH dan.j.watkins@gmail.com	A Member of the Public	Myself	Oppose	No	No
Hatcher, Phil	Dover, NH phil.hatcher@gmail.com	A Member of the Public	Myself	Oppose	No	No
Holstein, Susanne	Bedford, NH srholstein@comcast.net	A Member of the Public	Myself	Oppose	No	No
Nixon, Sherrill	Exeter, NH sherri.nixon1@gmail.com	A Member of the Public	Myself	Oppose	No	No
Howland, Curtis	Manchester, NH howland@priss.com	A Member of the Public	Myself	Support	No	No
Hansen, Lorraine	Rollinsford, NH lhansennh@gmail.com	A Member of the Public	Myself	Oppose	No	No
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Oppose	No	No
Huberman, Anne	Peterborough, NH Anne.Huberman@gmail.com	A Member of the Public	Myself	Oppose	No	No
Desmarais, Doreen	Northwood, NH doreend@netzero.net	A Member of the Public	Myself	Oppose	No	No
Farnum, Ellen	Tamworth, NH ellenlynnfarnum@gmail.com	A Member of the Public	Myself	Oppose	No	No
Moore, Susan	Franconia, NH susan.moore.franconia@gmail.com	A Member of the Public	Myself	Oppose	No	No
Anastasia, Patricia	Londonderry, NH patti.anastasia@gmail.com	A Member of the Public	Myself	Oppose	No	No
Rasmussen, Elissa	Brookline, NH elissa@evanshatz.com	A Member of the Public	Myself	Oppose	No	No
Rasmussen, Kyle	Brookline, NH elissa@evanshatz.com	A Member of the Public	Myself	Oppose	No	No
Davidson, Geri	Nashua, NH geridavidson15@gmail.com	A Member of the Public	Myself	Oppose	No	No
Maldonado, Ursula	Concord, NH ursula.m.maldonado@gmail.com	A Member of the Public	Myself	Oppose	No	No

Maldonado, Luis	Concord, NH luis.n.maldonado@outlook.com	A Member of the Public	Myself	Oppose	No	No
Cote, Lois	Manchester, NH, NH lcote06@outlook.com	A Member of the Public	Myself	Oppose	No	No
Campbell, Karen	Epsom, NH klynncampbell50@gmail.com	A Member of the Public	Myself	Oppose	No	No
Bundy, Linda	Antrim, NH n_bundy@mcttelecom.com	A Member of the Public	Myself	Oppose	No	No
Terwilliger, Linda	Gilford, NH lindaterwilliger364@gmail.com	A Member of the Public	Myself	Oppose	No	No
Holt, David	Somersworth, NH Davholt@aol.com	A Member of the Public	Myself	Oppose	No	No
Beauchesne, Michael	HUDSON, NH michael.beauchesne@myfairpoint.net	A Member of the Public	Myself	Support	No	No
Whitney, Patricia	DOVER, NH pjwhitney8@gmail.com	A Member of the Public	Myself	Oppose	No	No
Alleman, Bill	Weare, NH gencourt@allemanse.com	A Member of the Public	Myself	Support	No	No
Dodge, Corinne	Derry, NH corinnedodge@hotmail.com	A Member of the Public	Myself	Oppose	No	No
Petrusewicz, Carol	Rochester, NH clmcc2befree@yahoo.com	A Member of the Public	Myself	Support	No	No
Perry, Bob	Strafford, NH perry4nh@gmail.com	A Member of the Public	Myself	Oppose	No	No

Patricia Anastasia

I oppose HB 179. Our polling place should be a neutral and unbiased area where voters can cast their votes without feeling influenced or intimidated. Allowing clothing, hats, etc., that focus on candidates or issues is no different from carrying a sign or handbill into the polling place.

Michael Beauchesne

I am in support of bill HB179. The language in the law as currently written is an infringement on my free speech in clothing. I do not want to be denied or disenfranchised to vote if for example I choose to wear a "Red Cap", regardless if there is any writing or logos because someone may believe explicitly advocates for or against any candidate, political party, or measure. I see this bill as a positive bill for New Hampshire as this bill amends the definition of "electioneering" to remove the prohibition against wearing clothing or paraphernalia that a reasonable person would believe explicitly advocates for or against any candidate, political party, or measure being voted. Again - I support HB179.

Patricia Whitney

The wearing of items designating a current candidate at the polling site should not be allowed, no matter the party affiliation. This is essentially electioneering. If there was a concerted effort by individuals from a party to go to each polling site with gear promoting their candidates, this could be considered a blatant attempt to sway voters as they mark their ballots. The sign holders outside the polling site are enough to possibly influence any last minute decisions.

Carol Petrusewicz

I support the defense of the 1st Amendment. Wearing clothing is part of each person's right to free speech. The Moderators do not enjoy asking someone to take off their hat or change their shirts so that they may vote. It holds up the lines and creates tension. The individual's rights are infringed. I agree that flyers and signs should stay outside. I agree with wanting to continue to provide an unsolicited voting space. The person wearing the hat or shirt will quickly travel through the line, resulting in that voting space still being unsolicited. Thank you for writing this bill as to rectify the 1st Amendment infringement. I am sure that you will make Moderators, who work so hard on elections, grateful. Please pass HB179

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 179

BILL TITLE: relative to the definition of electioneering.

DATE: March 7, 2023

LOB ROOM: 306-308

MOTIONS: **INEXPEDIENT TO LEGISLATE**

Moved by Rep. Boehm Seconded by Rep. Prudhomme-O'Brien Vote: 20-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Jessica Grill, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/5/2023 1:43:00 PM
Roll Call Committee Registers Report

2023 SESSION

Election Law

Bill #: HB 179 Motion: ITL AM #: _____ Exec Session Date: [redacted] 3-7-2023

Members	YEAS	Nays	NV
Smith, Steven D. Chairman	X		
~~Berry, Ross~~ Vice Chairman PIEMONTE	X		
Prudhomme-O'Brien, Katherine J.	X		
Boehm, Ralph G.	X		
Qualey, James R.	X		
Ankarberg, Aidan	X		
Burnham, Claudine R	X		
Kennedy, Stephen J.	X		
~~Wherry, Robert J~~ DUNN	X		
Wood, Clayton D	X		
Lane, Connie Boyles	X		
Ward, Gerald W.R.	X		
Hamer, Heidi M.	X		
Hamblet, Joan L.	X		
Muirhead, Russell	X		
Bay, Luz	X		
Brennan, Angela	X		
Grill, Jessica	X		
Howard, Heath	X		
TOTAL VOTE:	20	0	

PALMER X