REGULAR CALENDAR

April 30, 2024

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Election Law to which was referred SB 537-FN, allowing the processing of absentee ballots.

WITHOUT RECOMMENDATION

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Election Law**
Bill Number:	**SB 537-FN**
Title:	**allowing the processing of absentee ballots.**
Date:	**April 30, 2024**
Consent Calendar:	**Regular Calendar**
Recommendation:	**WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill establishes a system for processing absentee ballots prior to election day. The bill was requested by municipal clerks, who want the opportunity to begin processing absentee ballots prior to election day for two reasons: to allow for better time management of the process, and to allow voters to cure any errors that they may have made to their ballot. Testimony indicated that the most common error was forgetting to sign the back of the envelope and most voters were able to correct that omission prior to election day. This process allows more Granite Staters to vote. Contrary to what you may hear, curing an absentee ballot does not create two classes of voters – you have the right to cure your ballot when you vote at the polls. The bill helps reduce the stress and anxiety of poll workers because it allows the absentee ballots to be processed prior to election day, giving workers more time to focus on other important election day duties. The process was proven to be effective in 2018 and the clerks want to codify this improvement in our election laws. Those supporting the bill want to assist our hardworking poll workers when the method has been proven effective and makes it easier to manage the polls. This is a bipartisan bill that passed the Senate unanimously and deserves the support of the House.

Amendment:

Rep. Connie Lane

Statement in support of Inexpedient to Legislate: This bill mandates an election process created for COVID-19 called absentee ballot pre-processing. This means that absentee ballots will be handled, have their envelopes opened, and be examined before election day in order to make election day run smoother and "ballot cure" deficiencies that are discovered. While this process was admittedly necessary during COVID-19 due to the influx of absentee ballots used to avoid congregating at voting locations, we have since seen absentee ballot request levels return to normal (roughly 10% depending on the locality). Since this is mandatory, it was opposed by many clerks and election officials throughout the state, including the Manchester city clerk, who has historically supported the option of pre-processing. During testimony, no one could give an answer as to why this is necessary now, and that is because it is not necessary. Opening absentee ballots before election day invites the opportunity for errors, degrades the election process, and turns Election Day into Election Weekend. Furthermore, this creates a new unnecessary burden on election workers, increasing their hours for a process that could be entirely unnecessary. A town that has 10 absentee ballots will have to establish a whole new process for something that could take them minutes on election day. This bill is unnecessary, unfunded, and unwise, and should be deemed Inexpedient To Legislate

Amendment:

Rep. Ross Berry

Original: House Clerk
Cc: Committee Bill File

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Election Law

SB 537-FN, allowing the processing of absentee ballots. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill establishes a system for processing absentee ballots prior to election day. The bill was requested by municipal clerks, who want the opportunity to begin processing absentee ballots prior to election day for two reasons: to allow for better time management of the process, and to allow voters to cure any errors that they may have made to their ballot. Testimony indicated that the most common error was forgetting to sign the back of the envelope and most voters were able to correct that omission prior to election day. This process allows more Granite Staters to vote. Contrary to what you may hear, curing an absentee ballot does not create two classes of voters – you have the right to cure your ballot when you vote at the polls. The bill helps reduce the stress and anxiety of poll workers because it allows the absentee ballots to be processed prior to election day, giving workers more time to focus on other important election day duties. The process was proven to be effective in 2018 and the clerks want to codify this improvement in our election laws. Those supporting the bill want to assist our hardworking poll workers when the method has been proven effective and makes it easier to manage the polls. This is a bipartisan bill that passed the Senate unanimously and deserves the support of the House.

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Rep. Ross Berry

Original: House Clerk
Cc: Committee Bill File

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on SB 537-FN

BILL TITLE: allowing the processing of absentee ballots.

DATE: April 30, 2024

LOB ROOM: 301-303

MOTIONS: OUGHT TO PASS

Moved by Rep. Lane | Seconded by Rep. Brennan | Vote: 10-10

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Qualey | Seconded by Rep. Alexander Jr. | Vote: 10-10

☑ **WITHOUT RECOMMENDATION**

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Jessica Grill, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

4/23/2024 3:23:57 PM
Roll Call Committee Registers Report

2024 SESSION

Election Law

Bill #: SB 537-FN Motion: ITL AM #: _____ Exec Session Date: April 30, 2024

Members	YEAS	Nays	NV
Berry, Ross Chairman	X		
Prudhomme-O'Brien, Katherine J.	X		
Qualey, James R. Vice Chairman	X		
Ankarberg, Aidan	X		
Burnham, Claudine R	X		
Wherry, Robert J	X		
Wood, Clayton D	X		
Osborne, Jason M.	X		
Kuttab, Katelyn	X		
Alexander, Joe H.	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 Clerk		X	
Howard, Heath		X	
Rafter, Hal W		X	
TOTAL VOTE:	10	10	

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

2024 SESSION

4/23/2024 3:23:57 PM
Roll Call Committee Registers Report

Election Law

Bill #: SB 539-FN Motion: OTP AM #: _____ Exec Session Date: April 30, 2024

Members	YEAS	Nays	NV
Berry, Ross Chairman		X	
Prudhomme-O'Brien, Katherine J.		X	
Qualey, James R. Vice Chairman		X	
Ankarberg, Aidan		X	
Burnham, Claudine R		X	
Wherry, Robert J		X	
Wood, Clayton D		X	
Osborne, Jason M.		X	
Kuttab, Katelyn		X	
Alexander, Joe H.		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 Clerk	X		
Howard, Heath	X		
Rafter, Hal W	X		
TOTAL VOTE:	10	10	

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON SB 537-FN

BILL TITLE: **allowing the processing of absentee ballots.**

DATE: **April 30, 2024**

LOB ROOM: **301-303** **Time Public Hearing Called to Order:** **10:00 a.m.**

Time Adjourned: **10:45 a.m.**

Committee Members: Reps. Berry, Qualey, Grill, Ankarberg, Burnham, Wherry, Wood, Kuttab, Lane, Ward, Hamer, Hamblet, Bay, H. Howard and Rafter

Bill Sponsors:
Sen. Soucy **Sen. Perkins Kwoka** **Rep. Brennan**
Rep. Lane

TESTIMONY

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

Senator Donna Soucy introduced the bill

- Bill was requested by Cities and Town Clerks Association
- Goal is to allow absentee ballots to be preprocessed in order to manage work flow for city/town clerks
- Having a public process for pre-processing alleviates some of the time spent managing the checklist and processing absentee ballots on Election Day
- To the extent that the process is complete before Election Day, voters who have made mistakes on their ballots have the opportunity to cure their ballots
- There are a couple of changes from the additional version; the bill as amended mandates that clerks schedule 2 dates for ballot pre-processing vs 1 and adds more direction regarding the curing process to ensure uniformity
- We also wanted to make this process optional to accommodate larger cities/towns
- This process has been done before 2020; this was costly because the processing was done in one place
- Question - Rep Wood - What part of the bill would be optional?
- Answer - The original bill proposes an optional curing process; first amendment added a requirement of 2 days for absentee ballot curing; recommend bill be amended again to make the process optional
- Question - Rep Wood - Why would the curing process be mandated?
- Answer - Amendment was drafted by Sen Gray. The goal was to endure that as many people who have cast absentee ballots can participate in the process. This would allow as many ballots as possible to be counted.
- Question - Rep Lane - Handwriting analysis was mentioned. How would this be included in the process?
- Answer - The bill includes some language about signature verification; this language is existing in the RSA and should be removed. The bills intent does not revert back to signature verification and this is not current practice due to litigation.
- Question - Rep Lane - Concerned with passing the bill that includes this language
- Answer - This is a reasonable concern and it would be preferred to remove this language from the RSA
- Question- Rep Lane - Would it be better to allow for up to 2 days of curing?
- Answer - Original bill makes it optional, no specific reason why 2 days was picked
- Question - Rep Hamer - If an error is found in the ballot, how do we contact voters?

- Answer - That would need to be addressed in the election manual; right now contact information is requested and there is time to contact voters with pre-processing.

Linda Bundy
- Supports bill

Tina Gilford - Town Clerk Derry
- Supports bill
- Spoke about page 3 line 22
- The need for an outer envelope
- To be able to read signature - Who's ballot is this

Olivia Zink
- Non partisan measure
- Has written testimony

Dan Healy
- NH City and Town Clerks want "option"
- Wants outlines of pre-processing
- Supports original bill
- Wants clarification on "curing" of absentee ballot guidance

Respectfully submitted,

Rep Jessica Grill, Clerk

SIGN UP SHEET

Register Your Opinion If Not Testifying

Committee: Election Law

Date:4/30/24

Bill #: SB537

****Please Print All Information****

Name	Address	Phone	Representing	Pro	Con
Olivia Zink	4 Park St Concord	715-8197	Open Democracy	✓	
ANDREW HARMON	138 MAIN ST NEW HAMPTON	992-4053	self	✓	
Tina Guilford	14 Manning St. Derry	432-6105		✓	
Rep Timothy Horrigan	Stafford 10			✓	

SB 634-FN- FISCAL NOTE
AS INTRODCUED

AN ACT relative to campaign finance.

FISCAL IMPACT:
The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill, as introduced, as it is awaiting information from the Department of State. The Department of State indicates they will need more time to provide the fiscal note worksheet as they are currently occupied with preparations for the presidential primaries. When completed, the fiscal note will be forwarded to the Senate Clerk's Office.

AGENCIES CONTACTED:
Department of State

Any candidate whose receipts or expenditures did not exceed $1,000 during the election cycle shall attest thereto in the report due under RSA 664:6, I(a)(9) in the online campaign finance system prescribed by the secretary of

presentation on television shall be clearly legible and shall use letters equal to or greater than 12 percent of the vertical picture height and shall be broadcast for not less than 4 seconds at the conclusion of the advertisement.

IX. Any advertising that is not a political advertisement because it does not advocate the success or defeat of a party, measure, or candidate, but which mentions or depicts a candidate shall include the statement: "This advertisement has been paid for by (name of sponsor) and has not been authorized by any candidate."

X. Physical political advertisements purchased prior to January 1, 2025 may use the term fiscal agent in place of treasurer as required in this chapter.

~~13~~12 Prerecorded Political Messages. Amend RSA 664:14-a, I-II to read as follows:

I. In this section, "prerecorded political message" means a prerecorded audio message delivered ~~[by] to a telephone by~~;

~~a~~A candidate, ~~or~~ political committee, or any person; ~~or~~

~~Any person~~ when the content of the message expressly ~~or implicitly~~ advocates or is the functional equivalent of express advocacy, candidate, promoting the success or defeat of any political party, candidate, or measure, ~~or person~~ at any election, or contains information about any candidate, measure, or party.

II. No person shall deliver or knowingly cause to be delivered a prerecorded political message unless the message contains, or a live operator provides, within the first 30 seconds of the message, the following information:

(a) The name of the candidate, measure, or of any organization or organizations the person is calling on behalf of.

(b) The name of the person or organization paying for the delivery of the message and the name of the ~~[fiscal agent]~~ ***treasurer***, if applicable.

~~14~~13 Approval of Candidate or Treasurer. Amend RSA 664:15 to read as follows:

664:15 Approval of Candidate or ~~[Fiscal Agent]~~ ***Treasurer***.

A person or business organization publishing a newspaper or periodical or selling billboard space or operating a radio or television station or public address system shall not publish, print, or broadcast any political advertising by or in behalf of a candidate in an election unless the same shall be signed by or authorized in writing by the candidate or ~~[his fiscal agent]~~ ***treasurer***.

~~15~~14 Subpoena Power. Amend RSA 664:20 to read as follows:

664:20 Subpoena Power.

In the exercise of ~~[his]~~ ***the*** powers and duties ***of the attorney general*** under this chapter, the attorney general is authorized to require the appearance of individuals and to secure testimony and evidence by use of a subpoena duces tecum.

~~16~~15 Penalty; Cross Reference Removed. Amend RSA 664:21, IX to read as follows:

IX. Any individual, committee, or organization responsible for reporting under RSA 664:6~~[, 664:6-a,]~~ and 664:7 that files a report with illegible material content shall receive a written warning for a first offense and shall be charged a civil penalty of $1,000 per offense for any subsequent offenses.

~~17~~16 Repeal. The following are repealed:

I. RSA 664:3-a, relative to registration of political advocacy organizations.

II. RSA 664:6-a, relative to reporting by political advocacy organizations.

III. RSA 664:9-a, relative to itemized statements filed by facsimile transmission.

IV. RSA 664:10, relative to social activities.

~~18~~17 Effective Date. This act shall take effect January 1, 2025.

LBA
24-3079
Revised 12/29/23

Commented [CL42]: The office of the SOS pointed out that the existing statute was better written and that the changes that were made in HB 1091 did not promote transparency.

Commented [CL43]: Existing section VIII will need to renumbered. It permits the use of an internet site on signs or placards.

Commented [CL44]: HB 1091 language and recommended by SOS.

Commented [CL45]: HB1091 includes language requested by the SOS regarding removal of "implicitly" b/c it violates case law. Grammatically, the section needed to be rewritten so that the clause beginning "when the content" applies to the all 3 - the candidate, political committee, or any person. Otherwise, it is ambiguous.

Commented [CL46]: Need to review if the mandatory reporting dates are being included. We need to include the SB 530 provisions ASAP so that they apply to the remainder of the 2024 elections.

committee to make such a report or to cause the same to be made. No member of such committee shall make or permit any unlawful expenditure or act by said committee, in whole or in part, or consent thereto, or aid, abet or conspire to make or permit the same.

~~12~~11 Signature, Identification, and Lack of Authorization. RSA 664:14 is repealed and reenacted to read as follows:

664:14 Signature, Identification and Lack of Authorization.

I. All political advertising shall comply with the provisions of this section.

~~I.~~II. All political advertising shall be signed at the beginning or the end. The signature shall state, "Paid for by (name of the candidate or political committee), (address of the candidate or political committee), (name of the treasurer) treasurer or (name of chairman) chairman". Political advertising in the form of signs or placards may contain an Internet address in lieu of the signature requirements of this section, if the Internet address is printed or written in a size of type or lettering large enough to be clearly legible and the website immediately and prominently displays all of the information required by this section through the election cycle. In the case of political advertising or communication made on behalf of a political committee registered with the secretary of state pursuant to RSA 664:3, the name and address on the advertisement shall match the name and address registered with the secretary of state.

~~II.~~III. Political advertising to promote the success or defeat of a measure by a business organization, labor union, or other enterprise or organization shall be signed. The name of the enterprise or organization shall be indicated, and the chairman or treasurer of the enterprise or organization shall sign his or her name and the address of the signer. Nothing in this section shall be construed to permit contributions which are prohibited under RSA 664:4.

~~III.~~IV. For the purposes of RSA 664:14, political advertising shall include any communication, including, but not limited to, yard signs, leaflets, and mailed or e-mailed messages, which expressly advocate the success or defeat of a warrant article to be voted on at a town, school district, or village district ~~meeting or election~~. Nothing in this section shall be construed to apply to communcations at a town, school, or village district meeting, at which communications shall be governed by the moderator.

~~IV.~~V. Nothing in this section shall be construed to apply to a lone individual who independently authors, produces, and distributes political advertising, ~~in the form of a leaflet, pamphlet, and handbill~~.

VI. (a) In the case of printed or written ~~matter~~communication, [including material distribute by email, social media, or through other digital formats], the signature, position, and address of the signer shall be printed or written in a size of type or lettering large enough to be clearly legible.

~~VI.(a) In the case of political advertising broadcast on radio, television, the Internet, or any public address system, the name and address of the signer shall be clearly identified~~

(b) All political advertising via video or oral media ~~broadcast on television or the Internet~~ shall identify the name of the candidate or political committee paying ~~who pays~~ for the political advertisement ~~or whose advertisement is paid for by a political committee~~. Such identification shall be made both aurally and visually whenever possible in the format of the political advertisement. The visual presentation shall be clearly legible and shall use letters equal to or greater than 12 percent of the vertical picture height and shall air for not less than 4 seconds at the conclusion of the broadcast.

VII. Notwithstanding any other provision of this section, buttons or any printed or written political advertising which is attached to or displayed on any clothing or motor vehicle need not be signed if equal to or smaller than 72 square inches.

VIII. Notwithstanding any other provision of this section, any political advertisement ~~advertising~~ in support of or in opposition to a candidate by a candidate or political committee shall comply with this paragraph. If the political advertisement ~~advertising~~ is not authorized by the candidate or political committee of the candidate ~~committee~~, the political advertisement ~~advertising~~ shall so state and shall identify the sponsor of the political advertisement. All such political advertising shall include the statement: "This advertisement has been paid for by (name of sponsor) and has not been authorized by any candidate." Such statement shall be made both aurally and visually if ~~broadcast~~ disseminated via video media, including but not limited to ~~on~~ television, social media, YouTube, or cable. The visual

Commented [CL36]: This section is in HB 1091 and was added by the SOS.

Commented [CL37]: This language was added by the SOS.

Commented [CL38]: Change made by SOS.

Commented [CL39]: "Communication" is defined to include all formats and media, so should include the list set out in the changes of the SOS [in brackets]. We need to compare this section to the definition of communication to be sure that there are no contradictions or confusion.

Commented [CL40]: This language is in HB 1091 and recommended by the SOS.

Commented [CL41]: HB 1091 combines Sections VI and VII. Section (a) deals with written communication and (b) deals with video and oral media.

have been filed as required by this section.

~~10~~9 Statements of Receipts and Expenditures Filed Electronically. RSA 664:9-b is repealed and reenacted to read as follows:

664:9-b Statements of Receipts and Expenditures Filed Electronically.

A political committee or a candidate shall electronically file their statements of receipts and expenditures, as required by RSA 664:6, 664:7, and 664:7-b, by uploading the statement to the secretary of state's campaign finance system through its website. The committee or candidate may publicly release receipt and expenditure information under this section more frequently than is required by RSA 664:6, 664:7, and 664:7-b provided the receipt and expenditure report is up to date when due. Statements of receipts and expenditures, as required by RSA 664:6, 664:7, and 664:7-b, may also be filed by *delivering the report to the secretary of state's office, by U.S. Mail,* or [~~means of~~] electronic mail to elections@sos.nh.gov through the end of the 2024 election cycle. Statements filed via the campaign finance system shall be publicly available on the secretary of state's website. Statements filed via electronic mail shall be publicly available on the secretary of state's website within 7 days after the statement is filed.

~~11~~10 Public Inspection, Treasurers. Amend RSA 664:11-13 to read as follows:

664:11 Public Inspection. All statements[~~, assents,~~] and registrations filed by [~~state committees,~~] candidates[,] and political committees shall be open to public inspection. ***Such statements and registrations shall be published on*** [~~The~~] ***the website of the*** secretary of state[~~shall publish on the Internet information on all contributions reported under this chapter, including the name of the contributor, the contributor's home state, and the date of the contribution~~].

664:12 [~~Fiscal Agent~~] ***Treasurer***.

As part of the declaration of candidacies filed by candidates for governor, councilor, state senator, ***state representative,*** and county officer [~~and other primary candidacies~~], every such candidate shall designate some [~~person~~individual, who may be the ***individual*** candidate [~~himself~~], as [~~his financial agent~~] ***the treasurer*** for the purpose of the primary and general election campaign. If [~~his~~] candidacy for such office is established by a primary petition or nomination petitions, there shall be filed together with such petitions the name of the [~~fiscal agent~~] ***treasurer*** for such candidate. A candidate who is nominated by write-in vote at the primary shall, prior to making any campaign expenditures, file with the secretary of state the name of [~~his fiscal agent~~] ***the treasurer***. [~~All~~] ***The treasurer shall approve all*** sums expended or contracted for payment in the [~~primary or general election campaign in behalf of such candidate shall be reported by the candidate or his political committee or both to his fiscal agent, and the candidate or his fiscal agent shall make or approve all disbursements in behalf of his candidate subsequent to his designation as fiscal agent~~] ***election cycle*** and join with the candidate in making and filing the statements required by this chapter.

664:13 Committee Treasurer.

If [~~a political committee has no treasurer, or if~~] the treasurer fails to make a report, it shall be the duty of each member of said committee who received or pays out any money in behalf of said

Commented [CL33]: 1091 anticipates mandatory filing being phased in over the next 2 election cycles. 1091 includes SB 350 in its provisions to go into effect until mandatory filing is required. The SOS version includes the provisions of SB 530 at this point in the bill.

Commented [CL34]: Person could include an entity.

Commented [CL35]: I'm not sure that we need this word here.

~~requirements of paragraphs I through IV, provided that the total contribution or expenditure made in behalf of a candidate or political committee in this state whether directly or indirectly does not exceed the limit for personal contributions in RSA 664:4.~~

~~VI. The provisions of this section shall apply to a political committee for an individual candidate who is seeking a federal office whose holder is chosen by the voters of this state only. Such a committee which is required by federal law to file with the federal government reports relative to receipts and expenditures in support of such one candidate may choose to voluntarily file with the secretary of state copies of reports made to the federal government in accordance with the timetable established by federal laws for such reports.~~

~~VII. Any political committee that is exempt from taxation under sections 501(c)(4), 501(c)(5), or 501(c)(6) of the United States Internal Revenue Code of 1986 may disclose, but shall not be required to disclose in its itemized statement of receipts, the identity of its donors. Any political committee affected by this section who chooses not to disclose the identity of its donors shall place the following disclosure on all communications to voters: "This organization has an exemption under the federal law and is not required, and chooses not, to disclose its donors."~~

~~7~~6 Registering and Reporting by Candidates. Amend RSA 664:7 to read as follows:

664:7 ***Registering and*** Reporting by Candidates. ***Prior to filing any campaign finance statements, each*** [~~Each~~] candidate at the primary or general election for governor, councilor, state senator, ***state*** representative [~~to general court~~], or county officer ***shall register with the secretary of state through the secretary of state's online campaign finance system. Additionally, any candidate***, who has ***receipts or*** expenditures exceeding $1,000 ***in an election cycle***, shall file statements ***as required in RSA 664:9-b*** before and after an election in like manner and detail as prescribed in RSA 664:6, ***I-VI*** [~~II, II-a, III, IV, and V, excepting, however, the expenditures of political committees of the party to which the candidate belongs in elections other than primaries~~].

Commented [CL31]: Check these citations given all the changes in these provisions.

~~8~~7 Statement Retention. Amend RSA 664:7-a to read as follows:

664:7-a Statement Retention. Statements or reports required to be filed under RSA 664:6 and 664:7 shall be held in original form for 6 years from the election for which they are filed, after which time they may be destroyed. ***The secretary of state shall be responsible for the retention of the original form of statements filed using the campaign finance system.***

~~9~~8 Reporting by Candidates for Speaker of the House of Representatives. Amend RSA 664:7-b to read as follows:

664:7-b Reporting by Candidates for Speaker of the House of Representatives.

I. Each candidate seeking election to the office of speaker of the house of representatives shall:

(a) Have filed all statements required under RSA 664 that are then due relating to the candidate's most recent election for state representative.

~~(a)~~(b) File statements before and after ~~the such~~ election for the speaker of the house of representatives in like manner and detail prescribed in RSA 664:6, [~~II, II-a, and III~~] ***I-III***, except that the date of the respective election, rather than the date of the primary or general election, shall determine the dates of such statements; and

Commented [CL32]: Check citations since these provisions are being amended.

~~(b)~~(c) Register as a political committee, pursuant to RSA 664:3, on the date that such person becomes a candidate for speaker of the house of representatives, notwithstanding the definition of the term "political committee" in RSA 664:2, III.

II. In this section, and notwithstanding RSA 664:2, II, the term "candidate" means an individual ~~person~~ who seeks nomination for election, or election, to the office of the speaker of the house of representatives, and for purposes of this section, a person shall be deemed to seek nomination for election, or election if such individual~~person~~:

(a) Has received gifts or contributions for such purposes; or

(b) Has given [~~his or her~~] consent to another person to receive gifts or contributions or make expenditures on behalf of such person and if such other person has received such gifts or contributions for such purposes.

III. No candidate shall be entitled to the office of speaker of the house of representatives until the sworn itemized statements, [~~required to be filed by the candidate or on the candidate's behalf~~] ***except for the final statement required to be filed after the election,***

not be publicly available in the secretary of state's campaign finance system, and their personal identifying information shall be exempt from disclosure under RSA 91-A. Any receipts from a contributor with aggregate receipts of $50 or under shall appear on the statements as unitemized receipts. Any receipt that exceeds a contributor's aggregate total of $200 for each election cycle shall be reported with the contributor's occupation, the name of the contributor's employer, and the city or town of the contributor's principal place of business, if any. The statement shall also show each expenditure with the full name and postal address of the payee or promisee of payment, the date paid or obligated, whichever occurred first, and the specific nature and amount of each expenditure. Statements shall cover the period beginning the day after the last day covered in the prior statement period up to and including the Sunday before the statement is due. ***For a candidate or candidate political committee, as defined in RSA 664, where the candidate has not filed a declaration of candidacy or intent, as defined in RSA 655, for the current election cycle, only subparagraphs (a), (b), (c), and (i) apply.*** Statements shall be filed not later than 5 PM according to the following schedule:

(a) First Wednesday in June after the state general election;

(b) First Wednesday in December one year after the state general election;

(c) Wednesday 12 weeks before primary election;

(d) Wednesday 3 weeks before primary election;

(e) Wednesday before primary election;

(f) Second Wednesday after the primary election;

(g) Wednesday 3 weeks before general election;

(h) Wednesday before general election;

(i) ~~Fourth~~ Second **Wednesday** after the general election.

II. Any political committee whose receipts or expenditures do not exceed $1,000 for an election cycle need not file. However, when a committee's accumulated receipts or expenditures for an election cycle exceed $1,000, the committee shall file a statement, inclusive of all receipts and expenditures for the election cycle, at the next reporting deadline, and shall continue to file at each reporting deadline.

III. Any political committee whose independent expenditures, in aggregate, exceed $1,000 shall file an itemized statement with the secretary of state which shall be received by the secretary of state not later than 48 hours after such expenditures are made, and thereafter each time a further $1,000 is expended. Such itemized statements shall cover the period during which independent expenditures totaling $1,000 were made. Each statement shall include a certification by the chairman of the political committee that the independent expenditure meets the definition in RSA 664:2, XI. Each statement shall contain the date of each independent expenditure; the name and address of the person to whom the expenditure was made; the name of the candidate on whose behalf or against whom each independent expenditure was made; the amount of each expenditure; the purpose of each expenditure, and the aggregate amount of all previous independent expenditures. If the independent expenditure is made in support of or in opposition to more than one candidate, the statement made under this paragraph shall allocate the way in which the expenditure was made among the candidates on a reasonable basis. For the purposes of this paragraph, "reasonable basis" means a statement that reflects the benefit, or the burden reasonably expected to be derived or suffered by each candidate. The filing requirements of this paragraph shall be in addition to all other filing requirements under this section, and shall not be limited to the filing periods during which expenditures must otherwise be reported.

IV. Any political committee not subject to a registration fee under RSA 664:3 which has any outstanding debt, obligation, or surplus following the election cycle shall have its registration automatically renewed for the next election cycle. All other registered political committees will be conditionally renewed pending receipt by the secretary of state of the registration fee required under RSA 664:3. Political committees that report a zero balance and notify the secretary of state that they are filing their final statement will expire. Statements shall continue to be filed according to RSA 664:6, I until a zero balance is reported.

~~V. Any national political party committee of a party as defined in RSA 652:11 may make contributions or expenditures on behalf of state candidates without complying with the~~

Commented [CL28]: Review to be sure that we are not limiting disclosures that we wanted to add or that it does not adversely affect our intent to include candidates' funds or expenditures before they formerly file.

Commented [CL29]: 1091 has this as a new section II. I think it makes it easier to read with a new section.

Commented [CL30]: Existing statute says "second" and SOS changed it in its version.

Candidate or ~~candidate~~ political committee of a candidate Unlimited

Any other political committee
or political party Unlimited
Political advocacy organization
Unlimited

~~VI. A partnership or labor organization may establish its own political committee, which may make contributions to a candidate, political committee, or political party, so long as the funds used by the political committee are separate from the other partnership or labor organization funds.~~

32 Prohibited Coercion of Political Contributions. Amend RSA 664:4-a, I to read as follows:

I. No person shall knowingly coerce, or attempt to coerce, any classified state employee to give or withhold a contribution to any political campaign or political committee, or to any candidate, party or cause, for the purpose of ***promoting the success or defeat*** of any candidate or political party.

43 Surplus Campaign Contributions and Deficits. Amend RSA 664:4-b to read as follows:

664:4-b Surplus Campaign Contributions ***and Deficits***.

Surplus campaign contributions ***and deficits at the end of an election cycle shall be reported as the opening balance in the next election cycle's first statement. Surplus contributions*** may be used [~~after a general or special election~~] for fund raising activities and any other politically related activity sponsored by the candidate, or for donations to charitable organizations. Such surplus campaign contributions, however, shall not be used for personal purposes ***or other prohibited expenditures under RSA 664:5. All expenditures shall be reported according to RSA 664:6 through RSA 664:9. Special election cycle surpluses and deficits shall continue to be reported according to RSA 664:6 until a zero balance is reported.***

54 Prohibited Political Expenditures. Amend RSA 664:5 to read as follows:

664:5 Prohibited Political Expenditures.

No expenditure or use of a contribution, tangible or intangible, shall be made for the purpose of promoting the success or defeat of any political party, measure, or candidate:

I. By a political committee~~[, except the political committee of a political party,]~~ unless the political committee meets the requirements of RSA 664:3, I.

II. ~~[By a political committee which is organized to support a candidate in any election, or to such candidate or the candidate's fiscal agent unless the committee secures and files the written consent of the candidate or the candidate's fiscal agent with the secretary of state in accordance with RSA 664:3, III.~~

~~III.~~] **By any person, candidate, or political committee, for political advertising in** any format, including but not limited to **newspaper, periodical, or on a radio or television broadcast, or on a billboard, if at a rate more or less than the applicable rates to be filed with the secretary of state.**

~~[IV, V. [Repealed.]]~~

~~[VI.~~] ***III.*** By any foreign national, as defined in 52 U.S.C. section 30121(b) and 11 C.F.R. section 110.20(a)(3), ~~for any purpose, including for the use of telephones, facsimile machines, vehicles, and computers, for electioneering. For the purposes of this paragraph, "electioneering" means to act in any way specifically designed to influence the vote of a voter on any question or office~~.

65 Reporting by Political Committee. RSA 664:6 is repealed and reenacted to read as follows:

664:6 Reporting by Political Committees.

I.Any political committee whose receipts or expenditures exceed $1,000 in an election cycle, shall file with the secretary of state an itemized statement, in the form prescribed by the secretary of state, signed by its chairman and treasurer. The $1,000 threshold shall not apply to political committees renewed under RSA 664:6, V; these political committees shall continue to file until a zero balance is reported. The statement shall detail the full name and postal address of each contributor in alphabetical order, the amount of the contribution, the date it was received, and the aggregate total for each election cycle. For contributors who, in the aggregate, donate $50 or less in an election cycle, their personal identifying information shall

Commented [CL20]: Since political advocacy organization is a type of political committee, doesn't the preceding text apply to it? Why have 2 different limits for different types of political committees?

Commented [CL21]: Since no change to this language, it is not in 1091.

Commented [CL22]: HB 1091 also amends section II of 664:4-a to add the word "measure".

Commented [CL23]: Does this need to be reinstated? Why?

Commented [CL24]: Do we want to keep this? IS there compliance with this provision now?

Commented [CL25]: This language is surplusage.

Commented [CL26]: 1091 reorganized the existing language of the statute (which is what is in SB 534). There is no substantial difference, and the SOS prefers this language.

Commented [CL27]: Check citation. It is different in 1091.

purpose of the committee and shall indicate whether the committee will be making independent expenditures. The registration shall also include a statement of the name, address, occupation, and principal place of business of its chairperson and treasurer and the names and address of other officers. The committee shall file an amendment to its registration within 14 days of any change in the officers or purpose of the committee.

(c) The political committee of a candidate or a political committee of a political party that registers under this chapter shall not be required to pay the $50 administration fee provided in subparagraph (a).

II. No member of a political committee which is required to register under RSA 664:3, I, shall do any act directly or indirectly on behalf of the committee to promote the success or defeat of a political party, a measure, or a candidate, unless the requirements of RSA 664:3, I are met.

III. All political committees' registrations under this chapter shall be valid from the date of registration through 21 days after the primary or general election, whichever is appropriate, unless terminated sooner, in writing, by the chairperson and the treasurer of the political committee. However, any political committee which has a continuing obligation to report as required under RSA 664:6 shall have its registration automatically renewed according to RSA 664:6, V.

IV. Any political committee that is exempt from taxation under sections 501(c)(4), 501(c)(5), or 501(c)(6) of the United States Internal Revenue Code of 1986 may disclose, but shall not be required to disclose in its itemized statement of receipts, the identity of its donors. Any political committee affected by this section who chooses not to disclose the identity of its donors shall place the following disclosure on all communications to voters: "This organization has an exemption under federal law and is not required, and chooses not, to disclose its donors."

V. For purposes of filing campaign finance reports pursuant to RSA 664:6 and RSA 664:7, a candidate for office may choose to file as a candidate or, if such candidate creates a candidate committee, as a ~~candidate~~ political committee.

7 Prohibited Political Contributions. RSA 664:4 is repealed and reenacted to read as follows:

664:4 Prohibited Political Contributions.

No contribution, whether tangible or intangible, shall be made to a candidate, a political committee, or political party, or in behalf of a candidate or political committee or political party, directly or indirectly, for the purpose of promoting the success or defeat of any candidate, measure, or political party during any state election cycle:

I. By any partnership as such or by any partner acting in behalf of such partnership.

II. By any labor union or group of labor unions, or by any officer, director, executive, agent, or employee acting on behalf of such union or group of unions, or by any organization representing or affiliated with any such union or group of unions, or by any officer, director, executive, agent, or employee acting on behalf of such organization.

III. By any person:

(a) If made anonymously or under a name not that of the donor.

(b) If made in the guise of a loan.

(c) If any other manner concealed.

(d) In excess of the limits established in paragraph IV.

IV. By an individual or corporation in excess of the following amounts per election cycle:

Contributed to: Maximum amount of contributions:

Candidate or ~~candidate~~ political committee of a candidate $15,000

Any other political committee
or political party $30,000
Political advocacy organization
Unlimited

V. By any candidate or political committee in excess of the following amounts:

Contributed to: Maximum amount of contributions:

Commented [CL14]: Why limited to "member of political committee"? Shouldn't it be the political committee, itself?

Commented [CL15]: We need to review the numbering of these sections when done with edits. Existing III is being replaced by this paragraph. This language is currently paragraph IV

Commented [CL16]: This is amending existing paragraph V. It deletes the reference to "political advocacy organization". Do we need to rethink that deletion?

Commented [CL17]: This is existing paragraph VI.

Commented [CL18]: If we go with mandatory online campaign financing, we need to insert the exception provisions, which are in 1091, on page 5, line 30.

Commented [CL19]: Since political advocacy organization is a type of political committee, doesn't the preceding text apply to it ("any other political committee")? Why have 2 different limits for different types of political committees?

XXIII: "Election cycle" means the period of time beginning on the twenty-second day after a state general election through 21 days after the next state general election. For special elections, the election cycle shall be the period of time from when a vacancy is created through 21 days after the special election.

XXIV. "Person" is an individual, collection of individuals, business organization, club, or any other entity created under the law.

XXV. "Individual" means a human being.

XXVI. "Organization" includes 2 or more individuals; business entities formed under state law, except those entities qualified under section 501(c)(3) of the United States Internal Revenue Code of 1986; or any other association of individuals or entities formed under state law that is not registered as a business entity.

Commented [CL11]: This definition was moved from 664:2 III (b), replacing "natural person" with "individual".

XXIV. "Success or defeat" means the support, praise, opposition, promotion, or attack of a political candidate, **candidate,** ~~or~~ **candidates,** ~~or a~~ **measure,** ~~or~~ **measures.**

Commented [CL12]: Change made to make it consistent with the other provisions in the bill.

6 **664:3 Registration of Political Committees.**

I.(a) Any political committee, except the political committee of a political party, shall register with the secretary of state as provided in this section. Registration shall be made through the secretary of state's online campaign finance system. A political committee may register at any time during the election cycle, but the committee's registration shall be received by the secretary of state not later than 48 hours after the committee meets at least one of the criteria under RSA 664:2, III. The registration shall be accompanied by an itemized statement of the receipts and expenditures, if any, made by the political committee in the current election cycle prior to registration. Such itemization shall be made pursuant to the manner set forth in RSA 664:6. The registration shall also be accompanied by an administration fee of $50, unless exempt pursuant to subparagraph (c), which shall be deposited by the secretary of state into the general fund.

Commented [CL13]: Why is this excepted?

(b) Each political committee shall designate a treasurer who is a citizen of this state and who is authorized to receive all process and other legal documents on behalf of the political committee, and through whom may be obtained access to all books and records of the political committee. The political committee shall file with the secretary of state a statement of the

~~organization, organized for gain or profit, and includes any enterprise which is expressly made exempt from income taxation under the United States Internal Revenue Code of 1986. It does not include a political committee of a political party as defined in RSA 664:2, III.~~

4 Definitions; Push-Polling. Amend RSA 664:2, XVII to read as follows:

XVII. "Push-polling" means:

(a) Communications with voters promoting the success or defeat of any candidate for public office or measure by any means, including telephone, text, via the Internet, through social media, or digitally; and

(b) Asking questions related to opposing candidates for public office which state, imply, or convey information about the candidate's character, status, or political stance or record; and

(c) Conducting such communication in a manner which is likely to be construed by the voter to be a survey or poll to gather statistical data for entities or organizations which are acting independent of any particular political party, candidate, measure, or interest group as part of a series of like communication that consist of more than 2,000 connected calls that last less than 2 minutes in presidential, gubernatorial, United States senatorial, or United States congressional elections; or conducting such calling as part of a series of like telephone calls that consist of more than 500 connected calls that last less than 2 minutes in executive council, state senate, city, town, school district, or village district elections; or conducting such calling as part of a series of like telephone calls that consist of more than 200 connected calls that last less than 2 minutes in state representative elections; and

(d) Conducting such communication for purposes other than bona fide survey and opinion research.

~~V. "Bona fide survey and opinion research" means the collection and analysis of data regarding opinions, needs, awareness, knowledge, views, experiences, and behaviors of a population, through the development and administration of surveys, interviews, focus groups, polls, observation, or other research methodologies, in which no sales, promotional, or marketing efforts are involved, and through which there is no attempt to influence a participant's attitudes or behavior. Bona fide survey and opinion research includes message testing, which is the study for research purposes of how randomly selected individuals react to positive or negative information on a candidate, elected public official, or ballot question.~~

5 Definitions; Receipts. Amend RSA 664:2, XIX to read as follows:

XIX. "Receipts" shall mean the receipt of money or anything of value or the receipt of a legally binding commitment to receive money or thing of value in the future for the purpose of promoting the success or defeat of a political party, candidate, ~~or~~ candidates, ~~or a~~ measure, or measures. Receipts shall not include amounts received by a political committee in commercial transactions in the ordinary course of any trade or business conducted by the political committee or in the form of investments in the political committee or amounts received by the political committee from payors who, at the time of payment, prohibited, in writing, the use of the payment as an expenditure.

~~VI. "Segregated fund" shall mean a segregated account of money that consists of funds that were paid directly to such account by persons other than the covered political committee that controls the account from which only expenditures defined in paragraph IX are made.~~

~~VII. "Clearly identified candidate" means that the name of the candidate involved appears; a photograph or drawing of the candidate appears; or the identity of the candidate is otherwise apparent.~~

~~"Political advocacy organization" means any entity that makes expenditures of $1000 or more an election cycle for communication that is functionally equivalent to express advocacy such that, when taken as a whole, such communication is likely to be interpreted, all or in part, by a reasonable person as promoting the success or defeat of a candidate or candidates, of a measure or measures, taking into account whether the communication involved mentions a candidacy, a political party, or takes a position on a candidate's character, qualifications, or fitness for office. For the purposes of this chapter, a contribution from a political advocacy organization to a candidate or other political committee is communication that is functionally equivalent to express advocacy.~~

6. New Paragraphs; Definitions; Election Cycle, Person, Individual, Organization. Amend RSA 664:2 by inserting after paragraph XXII the following new paragraphs:

Commented [CL8]: These definitions are not changing, so are not in 1091.

Commented [CL9]: This definition is not changing, so is not in 1091.

Commented [CL10]: These definitions are not changing, so are not in 1091.

acquisition or other activities conducted in preparation for or conjunction with communications or activities described in this paragraph.

(4) Childcare expenses incurred by a candidate if the expenses are a direct result of the candidate's activities.

(5) An independent expenditure, as defined in paragraph XI.

~~s constituting independent expenditures, as defined in paragraph XI, and expenses incurred by a candidate for child care. Travel and subsistence expenditures related to constituent service or to an office sought or held are permissible.~~

(b) "Expenditure" does not include:

(1) The candidate's expenses for non-campaign travel and subsistence;

(2)Activity designed to encourage individuals to register to vote or to vote, if that activity or communication does not mention a clearly identified candidate;

(3) Any communication by any membership organization or corporation to its members or stockholders, if the primary purpose of that membership organization or corporation is not for the purpose of promoting the success or defeat of a candidate or candidates and measure or measures; or

(4) Any communication by any political committee member that is not made for the purpose of promoting the success or defeat of a candidate or candidates or measure or measures.

(5) Payment for incidental items, such as auto expenses and child care that the candidate chooses to pay for with personal funds.

~~IX. "Measure" shall mean any constitutional amendment or question that is submitted or intended to be submitted to a popular vote at an election.~~

Commented [CL7]: Definition is not changing, so not included in 1091.

3 Definitions: Inderpendent Expenditures. RSA 664:2, IX-XIII are repealed and reenacted to read as follows:

XI. "Independent expenditure~~s~~" means the disbursement of funds for an expenditure~~s~~ made by a political committee or person ~~that pay for the development and distribution of a communication that expressly advocates the election or defeat of a clearly identified candidate or candidates or the success or defeat of a measure or measures, which are~~ made without cooperation or consultation with any political committee, political party, candidate, or ~~any authorized committee or~~ agent of such candidate, and which are not made in concert with, or at the request or suggestion of any political party, candidate, or ~~any authorized committee or~~ agent of such candidate.

XII. "Full name" means the ~~an individual's~~ full legal name of a person ~~first name, middle name or initial, if any, and full legal last name,~~ making the identity of the contributor apparent by unambiguous reference.

XIII. "~~Individual's~~ Person's post office address" means:

(a) If an individual, the address used by the individual for voter registration purposes; and ~~or contributor's street address of their domicile or~~

(b) If a person that is not an individual, the primary business location of the person, both of which shall include a street and ~~their~~ post office box, if any, city, state, and zip code.

(c) "Individual's post office address" shall not mean:

a. An individual's business address.

b. An individual's vacation home address or rental property address when the home or rental property is owned, but not occupied by the contributor.

c. Any address not that of the contributor.

~~X. "Occupation" means an individual's official job title resulting from employment at or ownership of any agency or organization or other entity.~~

~~"Principal place of business" means the primary organization or employer from which an individual's principal income is derived and shall include the employer's official name and the employer's post office address.~~

~~XI. "Business organization" means any enterprise, whether corporation, partnership, limited liability company, proprietorship, association, business trust, real estate trust, or other form of~~

~~(b) As used in this paragraph, "organization includes, but is not limited to, 2 or more natural persons; entities formed under state law, except those entities qualified under section 501(c)(3) of the United States Internal Revenue Code of 1986; committees formed by a candidate exploratory campaign, or political party; and any other association of natural persons or entities formed under state law that is not registered as a business entity.~~

~~"Political party" or "party" means any political organization or number of persons which can nominate candidates in any manner prescribed by law and has done so for the current election. The definition of the word "party" contained in RSA 652:11 shall not apply to this chapter.~~

~~"Political committee of a political party" means a state, county, regional, city, ward, or town committee of a political party. A regional committee shall be composed only of members whoare residents of towns or cities that form a contiguous land area, and shall have been created and approved by the state committee of the political party. To establish regional committees, a party shall amend its by-laws to authorize them in principle; a copy of the by-law authorization and evidence of the approval for each regional committee by the state committee shall be filed by the political party with the secretary of state before the first Wednesday in June immediately following the amendment.~~

2 Definitions; Political Advertising, Communication, Contribution, and Expenditure. RSA 664:2, VI - IX are repealed and reenacted to read as follows:

VI. "Political advertising" means any paid communication or expenditure by any medium or in any format, ~~including buttons or printed material attached to motor vehicles, which~~ that expressly advocates the success or defeat of any party, ~~measure,~~ candidate, candidates, measure, or measures~~person at any election~~.

VII. "Communication" means imparting, exchanging, or sending, of information by any medium or in any format, including~~shall include~~, but not be limited to: publication in any newspaper or other periodical, ~~or on any~~ Internet ~~Site~~, social media, or other digital method; broadcasting on radio, television, or over any public address system; transmission by telephone, email, or facsimile; placement on any billboards, trucks or mobile billboards, outdoor facilities, window displays, posters, cards, pamphlets, leaflets, flyers, or other circulars, or in any direct mailing, digital or otherwise.

VIII."Contribution" means a~~n~~ything of value made for the purpose of promoting the success or defeat of a candidate, candidates, measure, measures, or political party, including but not limited to a payment, gift, subscription, assessment, contract, payment for services, dues advance, forbearance, ~~or~~ loan to a candidate or political committee, personal or professional services for less than full consideration, or ~~made for the purpose of influencing the nomination or election of any candidate~~. ~~"Contributions" shall include~~ the use of any thing of value. ~~, but shall not include the services of volunteers who receive no pay therefor or the use of personal resources by a candidate on behalf of his or her candidacy. Contributions may be used by candidates for expenses incurred by a candidate for child care.~~

IX. (a) "Expenditure" means any of the following that promotes the success or defeat of a political party, candidate, candidates, measure, or measures: the purchase, payment, contribution, subscription distribution, loan, advance, deposit, or gift ~~disbursement~~ of money or anything of value; ~~or~~ the making of a legally binding commitment to make a purchase, payment, contribution, subscription distribution, loan, advance, deposit, or gift of money or anything of value~~such a disbursement~~ in the future; or the transfer of funds by a political committee to another political committee or to a candidate ~~for the purposes of promoting the success or defeat of a candidate or candidates or measure or measures~~. ~~"~~Expenditure~~"~~ includes disbursement of funds for:

(1) Communications:

(A) That contain express advocacy or its functional equivalent supporting or opposing the election of a candidate, candidates, measure, or measures; or

(B) That promote the success or defeat of a party, candidate, candidates, measure, or measures regardless of whether the communication or activities contain express advocacy or its functional equivalent.

(2) Partisan voter activity, partisan voter registration activity, partisan get-out-the-vote activity, or other partisan campaign-related activities.

(3) Research, design, production, polling, data analytics, mailing or social media list

Commented [CL4]: Moved to a separate definition of its own at the end 664 II. Replaced "natural person" with "individual".

Commented [CL5]: These definitions are not changing, so are not in 1091.

Commented [CL6]: We may be able to revise (1) so that it deletes subsection (b).

ANALYSIS

This bill makes various changes to the laws that regulate the financing of political campaigns.

Explanation: Matter added to current law appears in *bold italics.*
Matter removed from current law appears [~~bracketed and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
04/05/2024 1217s 24-3079
09/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to campaign finance.

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

~~1 Applicability of Chapter; Political Expenditures and Contributions. Amend RSA 664:1 to read as follows:~~

~~664:1 Applicability of Chapter.~~

~~The provisions of this chapter shall apply to all state primary, general, and special elections, but shall only apply to presidential preference primaries as provided in this section. The provisions relating to political advertising, push polling, and enforcement, RSA 664:14 through RSA 664:22, shall additionally apply to presidential primary, city, town, school district[, and] or village district *meetings or* elections.~~

~~2~~ 1 **Definitions;** Candidate and Political Committee~~Political Expenditures and Contributions~~. **RSA 664:2,** II - III ~~and 664:3~~ **are repealed and reenacted to read as follows:**

~~664:2 Definitions.~~

~~A. As used in this chapter:~~

~~"Election" means any general biennial or special election, political party primary, or presidential preference primary as provided in RSA 664:[1].~~

II. **"Candidate" means an**~~y person publicly declared as such and for whom votes are sought in an election.~~ individual who seeks election to any public office or party position to be voted at a primary, general, or special election, whether or not the public office or party position has been specifically identified at such time and whether or not such individual is nominated or elected. An individual should be considered a candidate seeking election, or re- election, if the individual has:

(a) Taken the action necessary to qualify for election, such as filing as a candidate;

(b) Taken the action or authorized any other person to obtain, nominating petitions to qualify for election, or election to office; or

(c) Received contributions or made expenditures, or given consent to any other person to receive contributions or make expenditures, with the purpose to bring about the individual's nomination for election, or election, to office at any time during the election cycle.

III. ~~(a)~~ **"Political committee" means: A** group ~~any organization~~ **of 2 or more persons that** receive contributions or makes expenditures for the purpose of ~~promoting~~ **the success or defeat of a** political party, **candidate,** ~~or~~ **candidates,** ~~or~~ **measure, or measures,** including but not limited to the following. ~~Types of political committees~~:

(a) Candidate committee created by a candidate running for office;

(b) Political advocacy organization to promote issues and ideas that may influence voters' choices on the ballot as further defined in RSA 664:2, XXII;

(c) Political committee of a political party as further defined in RSA 664:2, V ~~to support candidates of the party running for office~~**;**

(d) The committee of a segregated fund established by any organization with a separate legal existence the purpose of which is to promote the success or defeat of a political party, **candidate,** ~~or~~ **candidates,** ~~or~~ **measure, or measures.** ~~; or~~

~~Committee not created by a candidate and does not fall within RSA 664:2, III, (b) through (d).~~

Commented [CL1]: These changes are from HB 1091 and were part of the SOS revisions.

Commented [CL2]: This definition is not changing, so is not included in 1091.

Commented [CL3]: This is the definition in HB 1091 with some changes by the SOS. It requires contributions or expenditures to be a PC and makes it clear that the items listed as examples are NOT exclusive. The goal is to simplify the definition and make it necessary to list every conceivable type of PC.

SB 534-FN - AS AMENDED BY THE SENATE

AN ACT relative to campaign finance.

SPONSORS: Sen. Gray, Dist 6

COMMITTEE: Election Law and Municipal Affairs

TESTIMONY in SUPPORT of SB 537-FN April 30, 2024 10:00 am

House Election Law Committee
Legislative Office Building Room 301-303
Concord, NH 03301

Chairman Berry and Members of the House Election Law Committee,

I support SB 537-FN, allowing the processing of absentee ballots.

My town clerk and moderator are in favor of allowing preprocessing of absentee ballots. During the 2020 elections, they encountered a number of ballots with inner envelopes that had errors or omissions. In each instance, they were able to contact the voter who then came and completed the inner envelope correctly. The voters were pleased and grateful for this opportunity that ensured their votes would be counted.

With larger towns and cities, in addition to providing voters with a way to cure their ballots, preprocessing can make counting the ballots on election day more efficient for election workers.

The Senate House Election and Municipal Affairs Committee unanimously voted this bill OTP, and the full Senate approved it by a voice vote.

I ask that you do the same and vote Ought to Pass on SB 537.

Respectfully submitted,
Linda Bundy
Antrim

Open Democracy
AN EQUAL VOICE FOR ALL

April 30, 2024

Election Law, Legislative Office Building, Concord, NH 03301

TESTIMONY in SUPPORT of SB 537

Good Morning Chair and Members of Election Law Committee,

My name is Olivia Zink with Open Democracy, a nonpartisan nonprofit and a voter in Franklin. I am submitting testimony in support of SB 537 - allowing for the preprocessing of absentee ballots. Election workers and voters want this. Please listen.

In 2020, amidst the dramatically increased number of absentee ballot submissions during the height of COVID-19, New Hampshire allowed for pre-processing of absentees. This pre-processing: gives election officials the ability to open envelopes and ensure they have correct signatures prior to election day, helps support our election officials by saving time on election day, and allows voters to ensure their vote is counted by correcting any mistakes they made on the outside envelope. Needless to say election workers were relieved by the opportunity to open the outer envelope in advance making their election day workload more manageable.

Thirty-nine states permit election officials to begin processing absentee/mail ballots prior to the election.[1] Pre-processing absentee ballots is a nonpartisan measure that helps to lessen the strain on election workers and speed up the processing time for overall ballot tallying without sacrificing security or accuracy.

Many of New Hampshire's citizens require absentee ballots for a variety of reasons. If they make a mistake on their absentee ballot SB 537 gives them more of an opportunity to correct it and assure their vote is counted. Please vote SB 537 ought to pass - support New Hampshire's hard-working election officials and allow them to pre-process absentee ballots.

Respectfully,

Olivia Zink
Open Democracy , 4 Park St, #301, Concord, NH 03301 603-715-8197

[1] Table 16: When Absentee/Mail ballot processing and counting can begin. (2024, December 12). https://www.ncsl.org/elections-and-campaigns/table-16-when-absentee-mail-ballot-processing-and-counting-can-begin

are not experts. If they make a mistake on their absentee ballot, they may need a change to cure it.

Please vote SB 537 Ought to pass. By allowing voters to securely and safely vote by absentee ballot, more voters will participate in the process. Town and city clerks appreciated having this system in place in 2020. Please hear our election officials' requests and provide them with this tool.

Respectfully,



Kathryn Langille,Public Policy Fellow.
Open Democracy Action
4 Park St, Suite 301
Concord, NH 03301

April 30th, 2024

The Honorable Ross Berry
Chairman, Election Law
Legislative Office Building,
Concord, NH 03301

TESTIMONY in SUPPORT of SB 537

Good Morning Chair and Members of Election Law Committee,

For the record, my name is Kathryn Langille, and I am a 20 year old voter from Concord. I am a student at Saint Anselm College, serving as Open Democracy Action's Public Policy Fellow. Open Democracy Action, a non-partisan, non-profit, pro-voter organization with over 36,000 members. Open Democracy Action's mission is fixing our democracy, specifically campaign finance reform, redistricting and honest elections in New Hampshire.

Covid 19 has exposed many fundamental weaknesses in New Hampshire's system of voter registration, absentee balloting and in-person elections. In 2020, we allowed for pre-processing of absentees. Election workers and voters were grateful for the opportunity to open the outer envelope. Pre-processing absentee ballots, which involves opening envelopes and ensuring they have correct signatures prior to election day, helps support our election officials by saving time on election day, and allows voters to ensure their vote is counted by correcting any mistakes they made on the outside envelope

The Special Committee on Voter Conference final report says "Consideration should be given by the legislature to allow for the pre-processing of absentee ballots by opening the outer envelopes, as was allowed in 2020, for all elections. Testimony stated that it worked well, aided local officials in completing their jobs, and did not affect accuracy or security."[1] This bill was requested and is supported by Supervisors of the Checklist state-wide.

As a college student, I attend school in Manchester NH, making it easy for me to come home to Concord to vote in person. So many of my peers, however, are not close to home. Additionally, many of my peers haven't read the 400 pages of election laws and

[1] https://www.sos.nh.gov/sites/g/files/ehbemt561/files/2022-12/final-report.pdf

average who make an error on their absentee ballot ahead of election day in Manchester are no less important than those who vote properly, but every municipality must follow the same process of ballot curing so that all voters are treated equally in NH. This amendment fails to define what that process should look like in a manner that affords everyone, election officials and voters alike, a consistent and reliable opportunity to ensure every vote counts on election day.

ABSENTEE PREPROCESSING

I believe absentee preprocessing to be an important tool for communities to use during state and federal elections with unusually high absentee demand. During the COVID pandemic, Manchester's average absentee requests per state/federal election soared from 2,214 to 15,705 for the state general election alone. With that said, preprocessing in Manchester (and Nashua to a lesser extent) is a much different exercise than every other community.

On October 31, 2020, we had over 100 people involved in Manchester's twelve-ward preprocessing event. The logistics alone were tough given that we had to create twelve individual wards with 6' boundaries around each to replicate the mandated Election-Day boundaries between workers and challengers/observers. The only relatively affordable space I could find in the city to accommodate this massive footprint with parking availability was the Downtown Double Tree for a cost of $4,678. The October preprocessing event cost Manchester a total of **$19,631** to process **14,206** absentees. Unfortunately, the cost of preprocessing is for set-up, staffing and infrastructure, those costs are similar whether you preprocess 14,000 or 4,000 absentees. The event was an incredible success and I firmly believe we couldn't have gotten through the 2020 Presidential Election during a pandemic without preprocessing. Pat and I have discussed a plan to significantly increase election worker pay in 2024 which, if approved by the BMA, will increase the cost of a preprocessing event to approximately $38,000 - $40,000. **I have exactly $0 for preprocessing absentee ballots in my FY25 proposed budget for the City Clerk's Office.**

I'm appreciative of Senator Soucy putting in a bill that would add an important election tool for all cities and towns within state election law. It is unlikely, however, that Manchester would see such an inordinate amount of absentee ballot requests in November to justify triggering an optional preprocessing event but the addition of an opaque requirement of mandatory ballot curing is untenable. At the end of the day, the Manchester City Clerk's Office will follow any election law passed by the legislature but I can assure you there will be both financial and functional issues with this bill as currently written should it become law.

Matthew Normand
City Clerk
Office of the City Clerk
One City Hall Plaza
Manchester, NH 03101
T:(603) 792-6630 F:(603) 624-6481

Good afternoon Heidi, Pat and Ross –

First of all, I apologize for the length of this email. I am including the three of you on the same email so you all get the same information regarding SB537 that is heading to House. SB537 is Sen. Soucy's absentee preprocessing bill that was later amended by Sen. Gray. I spoke at length about preprocessing absentees with Donna earlier this year and she agreed to put in legislation at the time. Our discussion essentially centered on that if the Democrats were going to push preprocessing going into the Presidential Election cycle, we would prefer that it was codified in state law (rather than by Executive Order in 2020) so that everyone knew and played by the same rules. I had asked her for two things in the legislation: make preprocessing *optional* for municipalities and *give us as much time as possible* between the preprocessing event and Election Day given all the elections tasks that fall on local officials in the waning days before election day. The bill provided us with the option to hold an event up to the Thursday prior to an election; not optimal in the least but we would live with it. I have spoken with Donna since the Senate Election Law and Municipal Affairs Committee voted 5-0 to amend and pass SB537. She understands my opposition to this new version of the bill. I also shared my concerns with Rep. Berry yesterday and he indicated that if there is any hope of fixing this bill to be workable for all local election officials, it will require the help of the democrats on the House Election Law Committee.

BALLOT CURING

SB537 now ***mandates*** that the "clerk shall schedule at least 2 dates to open absentee ballot outer envelopes in the three weeks prior to the election." This is a process commonly referred to as ballot curing whereby we open all absentee outer envelopes received to that point in time, look at the inner affidavit envelope, and once we identify any that may be rejected at the polls on Election Day, we are required to track down the voter to fix (or cure) their absentee ballot submittal. If you take out the 2020 elections since it was such an anomaly to normal elections and voting behavior, we average 37 rejected ballots during a state or federal election that are rejected for "curable" reasons: application name and affidavit name do not match; missing signatures on either; missing ballot; missing affidavit; etc. The bill does not explain how clerks would be required to cure these defects. Are we calling or emailing the voter and instructing them to come to the office to fix their ballots? Any absentee voters located outside of Manchester at the time of the contact are going to be upset that they have to come back to the office or their ballot won't count. Are we mailing them back the defective absentee ballot? Am I really just mailing Heidi Hamer's defective ballot to whomever just answered my call in Florida? Are we sending an entirely new absentee ballot and request back to the voter at the domicile address? It seems that the amendment adds more confusion than clarity.

I also understand the politics of this issue. I have heard the ballot curing amendment is an attempt to back into signature verification of absentee voters that the court ruled unconstitutional in 2018. Some believe that if the state provides an opportunity to cure your defective absentee ballot, it will satisfy a portion of the judge's ruling that voters must be afforded notice (ballot curing) if they are subject to rejection based on their penmanship. <u>This reason ignores the main reason the judge enjoined the state law – election officials are NOT handwriting experts.</u> Legislators on the other side of the aisle, want a ballot curing process in advance of the election to harvest lost votes through voter error. I agree that the votes of those 37 voters on

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Suite 900
Washington, D.C. 20005
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Testimony from:
Matthew Germer, Director, Governance, R Street Institute

In SUPPORT of SB 537, "An Act allowing the processing of absentee ballots."

April 30, 2024

House Election Law Committee

Chairman Berry and Members of the Committee:

My name is Matthew Germer, and I conduct research on election reform for the R Street Institute, a nonprofit, nonpartisan public policy research organization. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government across a variety of policy areas, including election reform. This is why Senate Bill 537 is important to us.

State legislatures should be focused on election reforms that improve the voting experience for all eligible voters while making efficient use of taxpayer dollars and ensuring trustworthy elections. Senate Bill 537 improves the process governing absentee ballots by authorizing election officials to pre-process—but not count—absentee ballots in advance of Election Day. If this bill is enacted, New Hampshire would take a meaningful step toward producing faster election results, bolstering voter confidence, and improving election integrity.

Currently, New Hampshire election officials cannot remove ballots from their outer envelope until Election Day.[1] Senate Bill 537 would allow officials to begin the labor-intensive process of removing ballots from the outer envelope, examining the affidavit on the inner envelope, and addressing problematic ballots in advance of Election Day. By allowing this pre-processing, New Hampshire election officials can place their full attention on conducting a top-quality voting experience while the polls are open, as well as producing fast and accurate counts once the polls are closed.

This legislation includes two important features that are critical to promoting public trust in elections. First, the bill gives localities the discretion to decide whether pre-processing is appropriate for their jurisdiction. By empowering local officials to decide the specifics of pre-processing, including whether to pre-process ballots at all, Senate Bill 537 maintains local control over election administration. Second, the bill requires cities and towns to provide two public notices in the days leading up to pre-processing

[1] RSA 657:18. https://www.gencourt.state.nh.us/rsa/html/lxiii/657/657-mrg.htm?id=8589992027.

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Washington, D.C. 20005
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to ensure that ballots are handled with transparency and oversight. These safeguards for voters will promote greater confidence along with improved efficiency of the election process.

If this bill becomes law, New Hampshire will join the 39 other states that allow pre-processing before Election Day.[2] This list includes states like Florida, North Carolina and Texas—states that take election integrity seriously and often feature high-profile, competitive races much like New Hampshire. Under the intense spotlight of national attention, the pre-processing of absentee ballots has allowed these states to produce fast results and imbue more confidence in the accuracy of the outcomes. As our country grapples with a crisis in election confidence, reducing the time it takes for results to be announced may help to curtail the spread misinformation and conspiracies.[3]

While it is understandable to have concerns about adjusting the mechanics of an election, pre-processing of ballots is a proven solution for improved election administration. I urge the committee to advance Senate Bill 537 and pave the way for more efficient and trustworthy election administration.

Thank you for your time,

Matthew Germer
Director, Governance
R Street Institute
(714) 609-6288
mgermer@rstreet.org

[2] "Table 16: When Absentee/Mail Ballot Processing and Counting Can Begin," NCSL. Dec. 22, 2023. https://www.ncsl.org/elections-and-campaigns/table-16-when-absentee-mail-ballot-processing-and-counting-can-begin.

[3] Ryan Williamson & Matt Germer, "Combating Misinformation Through Election Reform," https://www.rstreet.org/research/combating-misinformation-through-electoral-reform.

Letter in Support of Senate Bill 537

Dear Chairman Berry and members of the Election Law Committee,

Thank you for the opportunity to write to you in support of SB 537, the bill to streamline New Hampshire's voting process by permitting town and city clerks to pre-process absentee ballots. I am writing to you today in support of SB 537 on behalf of Secure Democracy USA. Secure Democracy USA is a national, nonpartisan nonprofit organization that works to improve election integrity and to ensure all eligible citizens have the freedom to vote how they choose.

Currently, clerks cannot open, verify, or otherwise process absentee ballots until Election Day. **During the 2020 presidential election, 31% of total votes cast in New Hampshire — amounting to more than 250,000 voters — were cast via absentee ballot.**[1] That adds up to a significant amount of administrative work for town and city clerks to ensure ballots are counted accurately and in a timely manner, particularly in smaller localities that may only have a small staff and volunteer pool dedicated to election administration.

SB 537 presents a practical and fiscally responsible opportunity to make processing and verifying absentee ballots faster and more efficient for voters and local clerks. This bill would ease the administrative burden and time crunch on clerks that is inherent to limiting processing solely to Election Day, by allowing clerks to begin reviewing and verifying absentee ballots up to five days in advance.

Processing the outer envelope in advance of Election Day can have a profound impact on the election administration process for election officials and voters. Clerks and moderators would be able to verify the voter's name is on the checklist and ensure the voter completed the affidavit and signed it. This process is critical to election security by ensuring that only absentee ballots from qualified voters will be counted on Election Day. Rather than speeding through this important procedure, the bill would provide clerks and moderators the time needed to properly review affidavit envelopes. Ballots would be ready for counting on Election Day, and election results could then be reported faster to the public.

[1] U.S. Election Assistance Commission: Election Administration and Voting Survey Report 2020 https://www.eac.gov/sites/default/files/EAVS%202020/State%20Data%20Briefs/2020_EAVS_Data_Brief_NH_508c.pdf

Research additionally shows that the longer results take to report, the less confidence the voting public has that the results are accurate. Beyond easing the administrative burden on clerks and moderators, pre-processing can have a measurable effect on public trust in our elections.

SB 537 is a practical, common sense solution and step forward for New Hampshire's electoral system. Secure Democracy USA strongly supports SB 537 and encourages all members of the committee to report the bill "Ought to Pass."

Sincerely,

Samantha Buckley

Secure Democracy USA is a nonpartisan, 501(c)(4) nonprofit organization that works to improve election integrity across the United States. We educate policymakers and the public about what it takes to safeguard our voting system, and collaborate with state leaders, election administrators, election integrity experts, and allies to ensure that all eligible citizens have the freedom to vote how they choose.

SB 537 **April 30, 2024**

Election Law Committee Members

Granite State Taxpayers **Opposes SB 537**

This bill allows for preprocessing of absentee ballots, partially removes the requirement for absentee ballots be placed in outer envelopes and allows clerks to help cure defects.

GST supports revising New Hampshire voter law to make our voting system simple to understand and execute, resistant to fraud, and available exclusively to bona fide residents of New Hampshire who are citizens of the United States.

The election strategy that has the least opportunity for fraud is one where:
- individuals themselves, in person, go to a polling place on election day and
- they show proof of identity, citizenship, and residence in New Hampshire in order to vote.

Election integrity is enhanced when fewer people are involved in handling ballots and ballot processing, including absentee ballots, occurs over a limited time, enhancing oversight.

In 2005, the Carter-Baker Commission on Federal Election Reform proposed a uniform system of requiring a photo ID in order to vote in U.S. elections. The report also pointed out that widespread absentee voting makes vote fraud more likely.

SB 537:
- extends absentee ballot processing up to three weeks before an election.
- requiring clerks to contact voters and assist them in revising (curing) any errors.
- adds a situation where absentee ballots need not be protected by an outer envelope.

None of these changes, particularly exposing ballots to review and additional handling over an extended period of time and mandating that clerks intervene in the process, will increase the security of elections.

Consequently, Granite State Taxpayers opposes SB 537.

Additionally, since we support voting law that is easy to understand, we oppose SB 537 that would increase the relevant statute RSA 659:49-b from 83 to 576 words.

Granite State Taxpayers **recommends a vote AGAINST SB 537.**

Ray Chadwick, Chairman
Granite State Taxpayers

Corinne Dodge

I support SB 537 because it allows applicants the time to cure their ballot if he or she has made an error by mistake. A functioning democratic republic should not be making it harder for its citizens to vote.

Ken Goodal

I can't fix mine after I put it in the machine, why do mail in votes get an opportunity to be "Fixed"? Real Simple, I put mine in the machine, you put yours in the mail. DONE!

And in the current climate of mistrust in the election system politicians decide to do this and allow mail in votes to be opened early and "Checked for errors", this is madness!

Robin Mower

I have worked at dozens of elections in a small town that can nonetheless receive many absentee ballots. The ability to PREPROCESS absentee ballots allows Town Clerks/elected officials valuable flexibility of time. For example, the ballot can be marked as an Absentee Ballot in the voter checklist in between in-person voters when there is a lull in lines. This is particularly helpful when longer lines are anticipated, for example, during lunch hours and rush-hours.

Carol Petrusewicz

Absentee ballots should only be processed on Election Day when the polls are open.

SB 537-FN - AS AMENDED BY THE SENATE

04/05/2024 1238s

2024 SESSION

24-3084
08/10

SENATE BILL ***537-FN***

AN ACT allowing the processing of absentee ballots.

SPONSORS: Sen. Soucy, Dist 18; Sen. Perkins Kwoka, Dist 21; Rep. Brennan, Merr. 9; Rep. Lane, Merr. 16

COMMITTEE: Election Law and Municipal Affairs

AMENDED ANALYSIS

This bill:

I. Allows for the preprocessing of absentee ballots.

II. Removes the requirement that absentee ballots be placed in outer envelopes unless such ballots are mailed to town or city clerks. The bill also allows clerks to open outer envelopes to allow applicants time to cure defects.

- -

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 allowing the processing of absentee ballots.

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

1 Absentee Voting; Procedure by Clerk. Amend RSA 657:18 to read as follows:

657:18 Procedure by Clerk. Upon receipt of an outer envelope purporting to contain an official absentee voting ballot, the clerk of the city or town shall, subject to RSA 657:16, attach thereto the application for an absentee ballot submitted by said voter and record the information pursuant to RSA 657:15. All such envelopes shall be preserved unopened until election day ***except as provided by RSA 659:49-b***.

2 Opening Absentee Ballot Outer Envelopes. RSA 659:49-b is repealed and reenacted to read as follows:

659:49-b Opening Absentee Ballot Outer Envelopes.

The outer Envelopes of absentee ballots may be opened by:

I. The town or city clerk or their designee on dates specified by the clerk. The clerk shall schedule at least 2 dates to open absentee ballot outer envelopes in the 3 weeks prior to the election. Clerk shall post, at least 5 days prior to the dates in an appropriate public place a notice of the time and place of the opening of the outer envelopes. After the outer envelope has been opened, the affidavit envelope shall be examined for errors that could cause the absentee ballot to be rejected. If errors are found, the clerk shall use information such as phone number or email address to contact the voter and notify them of the error and posable corrective actions. Affidavit envelopes shall be secured until it is processed pursuant to RSA 659:50 or RSA 659:55-a.

II. The moderator or the moderator's designee during partial processing of absentee ballots prior to an election as authorized in RSA 659:55-a. After the outer envelope has been opened, the affidavit on the inner envelope shall be examined, the voter's name shall be announced, an opportunity for a challenge of the ballot shall be given. Information on the checklist for the absentee voter may be highlighted to help facilitate processing of the ballot on election day. If correctable affidavit errors are found, the clerk shall use information such as phone number or email address to contact the voter and notify them of the error and posable corrective actions. Affidavit envelopes shall be secured until it is processed pursuant to RSA 659:50.

III. The moderator or the moderator's designee may open absentee ballot outer envelopes on election day at any time after the opening of the polls. Affidavit envelopes shall be secured until it is processed pursuant to RSA 659:50.

3 New Section; Partial Processing of Absentee Ballots Prior to an Election. Amend RSA 659 by inserting after section 55-a the following new section:

659:55-a Partial Processing of Absentee Ballots Prior to an Election.

I. The moderator, or his or her designee, may begin the processing of absentee ballots prior to the opening of the polls, in accordance with RSA 659:49-b, provided that the clerk shall post, at least 5 days prior to processing, in an appropriate public place and prior to election day, notice of the time and place of the processing. If the moderator chooses to do so it shall be posted in 2 appropriate public places, one of which shall be the public body's Internet website, if such exists, or shall be printed in a newspaper of general circulation in the city or town at least 48 hours, excluding Sundays and legal holidays, prior to such meeting. A copy of the notice shall be provided to the secretary of state. The partial processing of absentee ballots prior to an election shall occur on the Thursday, Friday, Saturday, or Monday prior to the date of the election after the posting of the checklist. The moderator shall be assisted by at least 3 other election officers as defined under RSA 652:14. Members of the general public may observe this process. Under no circumstances shall absentee ballots be counted prior to the closing of the polls.

II. Once notice of the processing has been posted, all absentee ballots received shall be partially processed. Only one session for the partial processing of absentee ballots may be scheduled prior to an election.

III. Except as otherwise provided, the moderator, or his or her designee, shall adhere to the procedures detailed in RSA 659:49-b, RSA 659:50, RSA 659:51, RSA 659:52, RSA 659:53, RSA 659:54, RSA 659:54-a, RSA 666:4, and RSA 666:5.

4 Absentee Ballots and Related Materials; Outer Envelopes. Amend RSA 657:7, II and III to read as follows:

II. Affidavit envelopes of sufficient size to contain the ballots on which shall be printed the following:

YOUR COMPLETED ABSENTEE BALLOT MUST BE SEALED IN THIS ENVELOPE

I do hereby certify under the penalties for voting fraud set forth below that:

I am a voter in the city or town of _____, New Hampshire.

One of the following applies to me:

1) I will be absent on election day. Absence includes:

a) I will be out-of-town on election day.

b) I will be unable to vote in person because I will be working.

c) I will be unable to vote in person because I will be caring for children or infirm adults, with or without compensation.

d) I am voting absentee on the Monday immediately before the election, the National Weather Service has issued a winter storm warning, blizzard warning, or ice storm warning that applies to my town/ward, and I have concerns for traveling in the storm.

2) I am unable to vote in person due to disability.

3) I am unable to vote in person due to observance of a religious commitment, which prevents me from voting in person.

4) I am confined to a penal institution for a misdemeanor or while awaiting trial.

I have carefully read or had read to me the absentee voting instructions. I personally marked the absentee ballot enclosed in this envelope or, due to a disability, I had assistance in marking the absentee ballot.

Voter Signature_____

Printed Name _____

Voter Address_____

A person assisting a voter with a disability shall sign this statement on this envelope acknowledging the assistance.

I attest that I assisted (print voter name) _____ because the voter is a person with a disability. I marked the ballot and/or this form as instructed by the voter.

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed $2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed $5,000.

III. Return envelopes of size sufficient to contain the preceding envelope addressed to the town and city clerks of the state in which absentee voters shall return their ballots***, if such ballots are returned by mail***. On the envelopes shall be printed "Enclosed is the ballot of an absentee voter" and, at the top thereof, 4 blank spaces with the words "Name, Voting Address, Ward, Town or City" appropriately printed thereon. ***Absentee ballots returned to town or city clerks in person shall not be required to be placed in such outer envelopes.***

5 Absentee Voting; Refusal to Certify; Procedure. Amend RSA 657:16 to read as follows:

657:16 Refusal to Certify; Procedure. If he or she refuses to certify the application, the town or city clerk shall notify the applicant in writing within 7 days to that effect. The town or city clerk shall provide the applicant with an absentee ballot and a notice that the ballot will not be counted unless the applicant submits the documents necessary to complete an absentee registration. The applicant shall be advised in writing what documents, if any, have been received in proper form and which the applicant must submit***. If the applicant submits such documents via mail, he or she shall do so by enclosing them*** in the outer envelope that contains the absentee ballot envelope. ***An applicant hand delivering such documents need not enclose them in the outer envelope.*** The town or city clerk shall mark the absentee ballot application, the absentee ballot affidavit, and the outer envelope***, if applicable,*** with the words "Not Registered." Upon receipt of [~~an~~] ***a mailed*** outer envelope marked "Not Registered," the clerk shall open the outer envelope. If the applicant returns the required documents with the absentee ballot by the date set for correcting the checklist under RSA 654:27 and RSA 654:28, the town or city clerk shall forward the registration forms to the

supervisors of the checklist and, if the applicant is found to be qualified, the applicant shall be registered and his or her absentee ballot shall be processed in the same manner as the absentee ballot of a previously registered voter. All documents received after the deadline for correcting the checklist under RSA 654:27 and RSA 654:28 shall be processed as election day registrations under RSA 654:7-a. If the ballot is returned without the required documents in proper form, the ballot shall be marked in the manner set forth by law for successfully challenged absentee ballots and preserved in accordance with RSA 33-A:3-a. The clerk shall preserve the application of any applicant who is not registered as a voter until the time set by law for the destruction of the ballots after the election at which time the application shall be destroyed. Any justice of the superior court has jurisdiction in equity upon such notice as he or she may order to require that the name of the person making application for an absentee ballot be placed upon the checklist or registered as a member of any party and be sent an absentee ballot.

6 Absentee Voting; Procedure by Voter. Amend RSA 657:17, I to read as follows:

I. After marking the ballot, the voter or the person assisting a blind voter or voter with a disability who is unable to mark his or her ballot shall enclose and seal the same in an inner envelope. The voter shall execute the affidavit on the envelope. A person assisting a blind voter or voter with a disability who needs assistance executing the affidavit shall sign a statement on the affidavit envelope acknowledging the assistance. ***If*** the voter or the person assisting the blind voter or voter with a disability who needs assistance ***is mailing the absentee ballot to the town or city clerk, the voter or the person assisting the blind voter or voter with a disability*** shall enclose and seal the inner envelope with the affidavit in an outer envelope. The voter or the person assisting a blind voter or voter with a disability shall then endorse on the outer envelope the voter's name, address, and voting place. The absentee ballot shall be delivered to the city or town clerk from whom it was received in one of the following ways:

(a) The voter or the voter's delivery agent may personally deliver the envelope***, in which case the voter or the voter's delivery agent need not enclose the affidavit envelope in the outer envelope***; or

(b) The voter or the person assisting the blind voter or voter with a disability may mail the ***ballot and affidavit envelope within the outer*** envelope to the city or town clerk, with postage affixed.

7 Processing Absentee Ballots. Amend the introductory paragraph in RSA 659:50, I to read as follows:

I. The moderator shall begin processing absentee ballots by clearly announcing that he or she is about to [~~open the envelopes~~] ***process the absentee ballots*** which were delivered to him or her. The moderator shall then [~~remove the envelope containing the ballots of each absentee voter and~~], for those absentee ballots where the absentee voter has not been verified by the clerk as

provided in RSA 657:17-a, [~~shall~~] compare the signature on the affidavit with the signature on the application for the ballot. If:

8 Effective Date.

I. Sections 1-3 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

LBA
24-3084
Amended 4/17/24

SB 537-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2024-1238s)

AN ACT allowing the processing of absentee ballots.

FISCAL IMPACT: [ ] State [ ] County [ ] Local [X] None

METHODOLOGY:

The Office of Legislative Budget Assistant states this bill, as amended by the Senate, has no fiscal impact on state, county and local expenditures or revenue.

AGENCIES CONTACTED:

Department of State and New Hampshire Municipal Association

LBA
24-3084
Amended 4/17/24

SB 537-FN FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2024-1238s)

AN ACT allowing the processing of absentee ballots.

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