02/13/2025   0263s
5Jun2025... 2475h

2025 SESSION

25-0926
08/02

SENATE BILL   **43**

AN ACT   removing articles of clothing from the definition of electioneering and the use of electronic poll book devices.

SPONSORS: Sen. Lang, Dist 2

COMMITTEE: Election Law and Municipal Affairs

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AMENDED ANALYSIS

This bill allows certain articles of clothing supporting a candidate or measure to be worn by a voter in the process of casting his or her vote. This bill also allows the use of electronic poll book devices in town meetings, special meetings, and deliberative sessions.

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Explanation: Matter added to current law appears in ***bold italics.***
                 Matter removed from current law appears [in brackets and struckthrough.]
                 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT   removing articles of clothing from the definition of electioneering and the use of
                         electronic poll book devices.

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

1   217:1 Electioneering; Wearing of Clothing. Amend RSA 652:16-h, I to read as follows:

2   I. Wearing clothing or paraphernalia that displays a candidate's name, likeness, or logo, a ballot

3   measure's number, title, subject, or logo, a political party's name or logo, or any communication that a

4   reasonable person would believe explicitly advocates for or against any candidate, political party, or

5   measure.[, provided that] A person *who is* eligible to vote or register to vote in the voting district who is

6   unable to *reasonably* remove or cover *such* clothing [that explicitly advocates for or against any candidate,

7   political party, or measure,] may wear such clothing in the polling place while actively *and expeditiously*

8   engaged in the process of registering to vote or while actively *and expeditiously* engaged in the process of

9   voting.

10   217:2 Electronic Poll Books. Amend RSA 652:27, I to read as follows:

11   I. Cities and towns are hereby authorized to use electronic poll book devices for voter registration

12   and check-in for elections, *town business and deliberative sessions and special meetings, and school*

13   *district business and deliberative sessions and special meetings* provided that any city or town using

14   electronic poll book devices shall comply with all statutes directly or indirectly related to voter checklists

15   and maintenance of the statewide centralized voter registration database including the processes related

16   to voter registration, voter check-in and check-out, the processing of absentee ballots, the collection of all

17   fields of data required for registration or check-in, and the delivery of that data to the secretary of state in a

18   format compatible with the statewide centralized voter registration database. The provisions of RSA

19   654:34, RSA 659:55, RSA 659:13, RSA 659:14, and RSA 659:23, as they relate to manual entries on a

20   paper checklist, are hereby waived in order to accommodate an electronic poll book, provided the same

21   information required of the voter is obtained and recorded by the electronic poll book, and can be

22   retrieved and/or printed at any time including during an election. In addition, nonpublic data related to

23   individual voter data shall remain confidential, and no voter data shall be released or retained by an

24   electronic poll book vendor, including its agents, or any company or individual that provides software,

25   hardware, or services to the vendor for any purpose. An electronic poll book vendor shall not have access

26   to any voter data except as specifically necessary to setup, maintain, or train for an electronic poll book

27   program authorized under RSA 652:27. Adequate back-up systems shall be in place as determined by

28   the local election officials for local elections and the secretary of state for all other elections. A back-up

29   system shall include a "real time" download or accurate account of voters who have checked in or

30   registered on the day of the election. The electronic poll book shall have the ability to generate a paper

31   voter checklist completely marked to reflect participation in the election up to the time of any system

1   failure or malfunction, and sufficient number of high speed printers shall be available in the polling place

2   to produce a back-up paper checklist for use in the event of a system failure, or a paper checklist shall be

3   marked in parallel with the electronic poll book reflecting the real time check-in of voters with a lag time of

4   no more than 30 minutes. A marked checklist shall be printed upon the completion of every election along

5   with any reports required by statute and shall be retained by the clerk.

       217:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 15, 2025
Effective Date: September 13, 2025