

HB 340-FN - AS AMENDED BY THE SENATE

6Feb2025... 0029h
6Feb2025... 0274h
01/07/2026 3053s

2025 SESSION

25-0651
08/06

HOUSE BILL

340-FN

AN ACT relative to electioneering by public employees.

SPONSORS: Rep. Berry, Hills. 44; Rep. Alexander Jr., Hills. 29; Rep. Corcoran, Hills. 28; Rep. Mazur, Hills. 44; Rep. Seidel, Hills. 29; Sen. Murphy, Dist 16

COMMITTEE: Election Law

ANALYSIS

This bill defines electioneering in relation to public employees

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to electioneering by public employees.

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

1 1 Electioneering by Public Employees. RSA 659:44-a is repealed and reenacted to read as
2 follows:

3 659:44-a Electioneering by Public Employees.

4 I. No public employee shall electioneer while in the performance of his or her official duties.
5 For purposes of this section, "public employee" shall have the same meaning as in RSA 273-A:1, IX;
6 except that, notwithstanding RSA 273-A:1, IX(b), a person appointed to office by the chief executive
7 or legislative body of the public employer shall also be included in the definition of public employee.

8 II. No public employee shall use any government property or equipment, including, but not
9 limited to, telephones, facsimile machines, vehicles, and computers, for electioneering.

10 III. For the purposes of this section, "electioneer" means to visibly display or audibly
11 disseminate information by a public employee while in the performance of his or her official duties
12 that a reasonable person would believe expressly advocates for or against a candidate, political party
13 or warrant article by:

14 (a) Distributing or posting a card, handbill, poster, placard, picture, pin, sticker,
15 circular, or any other form of communication that expressly advocates for or against any candidate,
16 political party, or warrant article during an officially declared election period.

17 (b) Making public statements in favor of or against any candidate, political party, or
18 warrant article. This does not include acts or statements which are part of the public employee's
19 official duties, including but not limited to a department head commenting on his or her
20 department's budget, describing the effect of a warrant article on his or her department or the town
21 or city clerk preparing a voter guide.

22 (c) Organizing or conducting surveys, questionnaires, forums, or events that expressly
23 advocate for or against any candidate, political party, or warrant article.

24 (d) Using official authority or influence to interfere with or affect the vote of a voter.

25 IV. Nothing in this section shall prohibit:

26 (a) Lawful participation by candidates, political parties, or private groups in public
27 parades, fairs, festivals, or similar events, including the display of campaign materials or the
28 solicitation of voter support, provided such participation is conducted in accordance with applicable

1 laws and regulations and does not intentionally favor one candidate, party, or warrant article over
2 another.

3 (b) The use of public spaces or facilities by private individuals, groups, or organizations
4 for lawful political activities, provided such use is not facilitated or promoted by public employees
5 beyond standard administrative support necessary for access and use of the space and follows any
6 relevant ordinance or law where applicable.

7 (c) Public employees engaging in strictly neutral voter registration drives or activities
8 limited to general election awareness, such as announcing election dates or polling locations, without
9 any reference to or discussion of candidates, parties, or warrant articles, and provided such activities
10 are authorized by law.

11 (d) Public employees providing information derived directly from official filing forms or
12 other legally required public documents regarding candidates who have officially filed for office,
13 provided such information is presented in an impartial and neutral manner without additional
14 commentary, analysis, or inference.

15 (e) Public universities, colleges, or institutions of higher education conducting public
16 opinion polls or surveys.

17 (f) Public employees who are appointed to office by the chief executive or legislative body
18 of the public employer from providing information and recommendations concerning items over
19 which they have authority including but not limited to providing information, recommendations, or
20 statements about the budget and warrant articles.

21 (g) Public employees from assisting elected officials with the preparation of voter guides.

22 V. Any person who violates this section shall be guilty of a misdemeanor.

23 2 Effective Date. This act shall take effect upon its passage.

**HB 340-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2025-3053s)**

AN ACT relative to electioneering by public employees.

FISCAL IMPACT:

| Estimated State Impact | | | | |
|-------------------------------|----------------|----------------|----------------|----------------|
| | FY 2025 | FY 2026 | FY 2027 | FY 2028 |
| Revenue | \$0 | \$0 | \$0 | \$0 |
| <i>Revenue Fund</i> | None | | | |
| Expenditures* | Indeterminable | | | |
| <i>Funding Source</i> | General Fund | | | |
| Appropriations* | \$0 | \$0 | \$0 | \$0 |
| <i>Funding Source</i> | None | | | |

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

| Estimated Political Subdivision Impact | | | | |
|---|----------------|----------------|----------------|----------------|
| | FY 2025 | FY 2026 | FY 2027 | FY 2028 |
| County Revenue | \$0 | \$0 | \$0 | \$0 |
| County Expenditures | Indeterminable | | | |
| Local Revenue | \$0 | \$0 | \$0 | \$0 |
| Local Expenditures | Indeterminable | | | |

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association