

**HB 340-FN - AS INTRODUCED**

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

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ANALYSIS

This bill defines electioneering in relation to public employees

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 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 RSA 659:44-a is repealed and reenacted to read as  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, as defined in RSA 273-A:1, IX, shall electioneer while in the  
5 performance of his or her official duties.

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

8 III. For the purposes of this section, "electioneer" means to act in any way designed or  
9 having the effect of influencing the vote of a voter on any question or office, including but not limited  
10 to:

11 (a) Distributing or displaying campaign materials for a campaign during an officially  
12 declared election period in an unbiased manner.

13 (b) Making public statements in favor of or against any candidate, political party, or  
14 measure.

15 (c) Organizing or conducting surveys, forums, or events that are expressly or primarily  
16 political.

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

18 VI. Nothing in this section shall prohibit:

19 (a) Lawful participation by candidates, political parties, or private groups in public  
20 parades, fairs, festivals, or similar events, including the display of campaign materials or the  
21 solicitation of voter support, provided such participation is conducted in accordance with applicable  
22 laws and regulations and does not intentionally favor one candidate, party, or measure over another.

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

27 (c) Public employees engaging in strictly neutral voter registration drives or activities  
28 limited to general election awareness, such as announcing election dates or polling locations, without  
29 any reference to or discussion of candidates, parties, or measures, and provided such activities are  
30 authorized by law.

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

5           VII. Any person who violates this section shall be guilty of a misdemeanor.

6           2 Effective Date. This act shall take effect January 1, 2026.

**HB 340-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to electioneering by public employees.

**FISCAL IMPACT:**

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

\*Expenditure = Cost of bill

\*Appropriation = Authorized funding to cover cost of bill

<b>Estimated Political Subdivision Impact</b>				
	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
<b>County Revenue</b>	\$0	\$0	\$0	\$0
<b>County Expenditures</b>	Indeterminable			
<b>Local Revenue</b>	\$0	\$0	\$0	\$0
<b>Local Expenditures</b>	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](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