HB 1364 - AS AMENDED BY THE HOUSE

14Mar2024... 0890h

2024 SESSION

24-2307
08/02

HOUSE BILL ***1364***

AN ACT relative to intimidation of election officials, officers, and workers, improper influence over the electoral process, and tampering with electronic ballot counting devices, voter lists or rosters, voter registration systems, and voting system components or passwords.

SPONSORS: Rep. Read, Rock. 10; Rep. Muirhead, Graf. 12; Rep. Guthrie, Rock. 15; Rep. Gallager, Merr. 20

COMMITTEE: Election Law

AMENDED ANALYSIS

This bill makes it a crime to intimidate election officers, officials, and workers, to improperly influence the electoral process, and to tamper with electronic ballot counting devices, voter lists or rosters, voter registration systems, and voting system components or passwords.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to intimidation of election officials, officers, and workers, improper influence over the electoral process, and tampering with electronic ballot counting devices, voter lists or rosters, voter registration systems, and voting system components or passwords.

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

1 Intimidation of Election Officials, Officers, and Workers. Amend RSA 659:40-b, I to read as follows:

I. No person shall use or threaten force, violence, or any tactic of coercion or intimidation to knowingly discourage, interfere with, or compel any election officer, as defined in RSA 652:14, ***any election official, any election worker,*** and other appointed individuals assisting at the polling place, such as ballot clerks and greeters, from engaging in or completing duties related to an election ***or in retaliation against the election official, officer, or worker on account of the official's, officer's, or worker's performance of the their duties***.

2 Improper Influence. Amend RSA 640:3 to read as follows:

640:3 Improper Influence.

I. A person is guilty of a class B felony if he ***or she***:

(a) Threatens any harm to a public servant, party official or voter with the purpose of influencing his ***or her*** action, decision, opinion, recommendation, nomination, vote or other exercise of discretion; or

(b) Privately addresses to any public servant who has or will have an official discretion in a judicial or administrative proceeding any representation, argument or other communication with the purpose of influencing that discretion on the basis of considerations other than those authorized by law; or

(c) Being a public servant or party official, fails to report to a law enforcement officer conduct designed to influence him ***or her*** in violation of subparagraph (a) or (b) hereof.

II. A person is guilty of a class A misdemeanor if he or she knowingly and without consent makes publicly available, including but not limited to, through the Internet, personal information about an election officer, official, or worker or an election officer's, official's, or worker's family or household member if:

(a) The dissemination poses an imminent and serious threat to the officer's, official's, or worker's safety or the safety of an officer's, official's, or worker's family or household member; and

(b) The person making the information publicly available knows or reasonably should know of any imminent and serious threat.

[II.] ***III.*** "Harm" means any disadvantage or injury, to person or property or pecuniary interest, including disadvantage or injury to any other person or entity in whose welfare the public servant, party official, or voter is interested, provided that harm shall not be construed to include the exercise of any conduct protected under the First Amendment to the United States Constitution or any provision of the federal or state constitutions.

IV. "Personal information" means a person's home address, home telephone number, personal mobile telephone number, or personal email address; a photograph of a person; directions to person's home; or a photograph or description of a person's home, vehicle, or vehicle license plate.

3 Tampering with Electronic Ballot Counting Devices, Voter Lists or Rosters, Voter Registration Systems, and Voting System Components or Passwords. Amend RSA 659:42 to read as follows:

659:42 Tampering With Electronic Ballot Counting Devices***, Voter Lists or Rosters, Voter Registration Systems, and Voting System Components or Passwords***.

I. Whoever shall tamper with or injure or attempt to injure ***or facilitate unauthorized access to*** any electronic ballot counting device for the counting of ballots to be used or being used in an election or whoever shall prevent or attempt to prevent the correct operation of such device or whoever shall tamper with software used in the counting of ballots or design such software so as to cause incorrect tabulation of the ballots or any unauthorized person who shall make or have in his or her possession a key to an electronic ballot counting device to be used or being used in an election shall be guilty of a class B felony if a natural person or guilty of a felony if any other person.

II. Except for the purpose of conducting official duties as expressly authorized by law, a person shall not knowingly mutilate or erase any name, figure, or word on a voter registration list or polling place roster; remove or destroy a registration list or polling place roster; or mutilate, erase, or remove any part of a list or roster from the place where it has been deposited with an intention to destroy it, to procure or prevent the election of any person, or to prevent any voter from voting.

III. A person shall not knowingly access, or attempt to access, the statewide voter registration system except for the purpose of conducting official duties as authorized by law.

IV. A city or town clerk shall not knowingly create, permit any person to create, or disclose to any person an image of the hard drive of any voting system component without the express permission of the secretary of state.

V. A person shall not knowingly publish or cause to be published passwords or other confidential information relating to an electronic voting system. In addition to any other remedies and penalties provided by this section, the town or city clerk shall immediately revoke any authorized access rights of a person found to be in violation of this paragraph.

VI. The provisions of this section shall not apply to authorized vulnerability disclosure programs and bug bounty programs.

VII. Violators of the provisions above are guilty of a class B felony if a natural person or guilty of a felony if any other person.

VIII. The designated election official may follow the requirements of this section when voting system components are deployed for use or stored at a voting site and polling center.

IX. It shall be a class B misdemeanor for knowingly failing to comply with this section, unless the designated election official files notice with the secretary of state of inability to comply due to timeline and or funding constraints and lays out a timeline for compliance.

4 Effective Date. This act shall take effect January 1, 2025.

LBA
24-2307
Amended 3/18/24

HB 1364- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2024-0890h)

AN ACT relative to intimidation of election officials, officers, and workers, improper influence over the electoral process, and tampering with electronic ballot counting devices, voter lists or rosters, voter registration systems, and voting system components or passwords.

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

Estimated State Impact - Increase / (Decrease)				
	FY 2024	**FY 2025**	**FY 2026**	**FY 2027**
Revenue	$0	$0	$0	$0
Revenue Fund	None			
Expenditures	$0	Indeterminable		
Funding Source	General Fund			
Appropriations	$0	$0	$0	$0
Funding Source	None			

Estimated Political Subdivision Impact - Increase / (Decrease)				
	FY 2024	**FY 2025**	**FY 2026**	**FY 2027**
County Revenue	$0	$0	$0	$0
County Expenditures	$0	Indeterminable		
Local Revenue	$0	$0	$0	$0
Local Expenditures	$0	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