

Amendment to HB 686-FN

1 Amend the title of the bill by replacing it with the following:

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3 AN ACT prohibiting certain public entities from conducting or sponsoring political surveys,
4 polls, or questionnaires in their official capacities.

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6 Amend the bill by replacing all after the enacting clause with the following:

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8 1 Electioneering by Public Employees. RSA 659:44-a is repealed and reenacted to read as
9 follows:

10 659:44-a Electioneering by Public Employees.

11 I. No public employee, as defined in RSA 273-A:1, IX, shall electioneer while in the
12 performance of his or her official duties.

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

15 III. For the purposes of this section, "electioneer" means to act in any way specifically
16 designed to influence the vote of a voter on any question or office.

17 IV. No public body or public employee while acting in an official capacity, shall conduct or
18 sponsor any survey, poll, or questionnaire concerning candidates, political parties, ballot measures,
19 or policies reasonably anticipated to be submitted to voters. For the purposes of this paragraph,
20 "public employees" means the persons described in RSA 273-A:1, IX(b), (c), and (d). This paragraph
21 shall not apply to bona fide academic research conducted independently by an institution of higher
22 education.

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

24 2 Effective Date. This act shall take effect upon its passage.

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AMENDED ANALYSIS

This bill prohibits certain public entities from conducting or sponsoring political surveys, polls, or questionnaires in their official capacities. This bill also exempts from such prohibition any surveys, polls, or questionnaires conducted by institutions of higher education.