

Amendment to SB 43

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

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3 AN ACT removing articles of clothing from the definition of electioneering and the use of
4 electronic poll book devices.
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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; Wearing of Clothing. Amend RSA 652:16-h, I to read as follows:

9 I. Wearing clothing or paraphernalia that displays a candidate's name, likeness, or logo, a
10 ballot measure's number, title, subject, or logo, a political party's name or logo, or any
11 communication that a reasonable person would believe explicitly advocates for or against any
12 candidate, political party, or measure. ~~[provided that]~~ A person **who is** eligible to vote or register to
13 vote in the voting district who is unable to **reasonably** remove or cover **such** clothing ~~[-that~~
14 ~~explicitly advocates for or against any candidate, political party, or measure,]~~ may wear such
15 clothing in the polling place while actively **and expeditiously** engaged in the process of registering
16 to vote or while actively **and expeditiously** engaged in the process of voting

17 2 Electronic Poll Books. Amend RSA 652:27, I to read as follows:

18 I. Cities and towns are hereby authorized to use electronic poll book devices for voter
19 registration and check-in for elections, ***town meetings, as defined in RSA 38:1, including the***
20 ***business session under RSA 652:16-e, special meetings as defined in RSA 39:4, and***
21 ***deliberative sessions under RSA 652:16-f where voting is contemplated,*** provided that any city
22 or town using electronic poll book devices shall comply with all statutes directly or indirectly related
23 to voter checklists and maintenance of the statewide centralized voter registration database
24 including the processes related to voter registration, voter check-in and check-out, the processing of
25 absentee ballots, the collection of all fields of data required for registration or check-in, and the
26 delivery of that data to the secretary of state in a format compatible with the statewide centralized
27 voter registration database. The provisions of RSA 654:34, RSA 659:55, RSA 659:13, RSA 659:14,
28 and RSA 659:23, as they relate to manual entries on a paper checklist, are hereby waived in order to
29 accommodate an electronic poll book, provided the same information required of the voter is obtained
30 and recorded by the electronic poll book, and can be retrieved and/or printed at any time including
31 during an election. In addition, nonpublic data related to individual voter data shall remain
32 confidential, and no voter data shall be released or retained by an electronic poll book vendor,

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1 including its agents, or any company or individual that provides software, hardware, or services to
2 the vendor for any purpose. An electronic poll book vendor shall not have access to any voter data
3 except as specifically necessary to setup, maintain, or train for an electronic poll book program
4 authorized under RSA 652:27. Adequate back-up systems shall be in place as determined by the
5 local election officials for local elections and the secretary of state for all other elections. A back-up
6 system shall include a "real time" download or accurate account of voters who have checked in or
7 registered on the day of the election. The electronic poll book shall have the ability to generate a
8 paper voter checklist completely marked to reflect participation in the election up to the time of any
9 system failure or malfunction, and sufficient number of high speed printers shall be available in the
10 polling place to produce a back-up paper checklist for use in the event of a system failure, or a paper
11 checklist shall be marked in parallel with the electronic poll book reflecting the real time check-in of
12 voters with a lag time of no more than 30 minutes. A marked checklist shall be printed upon the
13 completion of every election along with any reports required by statute and shall be retained by the
14 clerk.

15 3 Effective Date. This act shall take effect 60 days after its passage.

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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.