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May 27, 2025
2025-2461h
08/05

Amendment to SB 213-FN

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

2 AN ACT relative to electioneering by public employees.

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

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5 1 Electioneering by Public Employees. RSA 659:44-a is repealed and reenacted to read as
6 follows:

7 659:44-a Electioneering by Public Employees.

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

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

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

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

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

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

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

24 IV. Nothing in this section shall prohibit:

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

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

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

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

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

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

20 2 Effective Date. This act shall take effect upon its passage.

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AMENDED ANALYSIS

This bill defines electioneering in relation to public employees.