

Amendment to HB 340-FN

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

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3 1 Electioneering by Public Employees. RSA 659:44-a is repealed and reenacted to read as  
4 follows:

5 659:44-a Electioneering by Public Employees.

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

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

12 III. For the purposes of this section, "electioneer" means to visibly display or audibly  
13 disseminate information by a public employee while in the performance of his or her official duties  
14 that a reasonable person would believe expressly advocates for or against a candidate, political party  
15 or warrant article by:

16 (a) Distributing or posting a card, handbill, poster, placard, picture, pin, sticker,  
17 circular, or any other form of communication that expressly advocates for or against any candidate,  
18 political party, or warrant article during an officially declared election period.

19 (b) Making public statements in favor of or against any candidate, political party, or  
20 warrant article. This does not include acts or statements which are part of the public employee's  
21 official duties, including but not limited to a department head commenting on his or her  
22 department's budget, describing the effect of a warrant article on his or her department or the town  
23 or city clerk preparing a voter guide.

24 (c) Organizing or conducting surveys, questionnaires, forums, or events that expressly  
25 advocate for or against any candidate, political party, or warrant article.

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

27 IV. Nothing in this section shall prohibit:

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

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

5           (c) Public employees engaging in strictly neutral voter registration drives or activities  
6 limited to general election awareness, such as announcing election dates or polling locations, without  
7 any reference to or discussion of candidates, parties, or warrant articles, and provided such activities  
8 are authorized by law.

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

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

15           (f) Public employees who are appointed to office by the chief executive or legislative body  
16 of the public employer from providing information and recommendations concerning items over  
17 which they have authority including but not limited to providing information, recommendations, or  
18 statements about the budget and warrant articles.

19           (g) Public employees from assisting elected officials with the preparation of voter guides.

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

21           2 Effective Date. This act shall take effect upon its passage.