

SB 89 - AS AMENDED BY THE HOUSE

03/25/2021 0825s
3Jun2021... 1610h

2021 SESSION

21-0999
11/05

SENATE BILL **89**

AN ACT adopting omnibus legislation relative to election procedures.

SPONSORS: Sen. Gray, Dist 6

COMMITTEE: Election Law and Municipal Affairs

AMENDED ANALYSIS

This bill adopts legislation relative to:

- I. The city chief elections officer.
- II. Prohibiting the taking of certain photographs within the guardrail.
- III. Establishing a committee to study post election audit counting devices.
- IV. The effect of certain federal laws on New Hampshire elections.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT adopting omnibus legislation relative to election procedures.

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

1 1 Sponsorship. This act consists of the following proposed legislation:

2 Part I. LSR 21-0999, relative to the city chief elections officer, sponsored by Sen. Gray,
3 Prime/Dist. 6.

4 Part II. LSR 21-1002, prohibiting the taking of certain photographs within the guardrail,
5 sponsored by Sen. Gray, Prime/Dist. 6.

6 Part III. LSR 21-1051, establishing a committee to study post election audit counting devices,
7 sponsored by Sen. Gray, Prime/Dist. 6.

8 2 Legislation Enacted. The general court hereby enacts the following legislation:

9 PART I

10 Relative to the City Chief Elections Officer.

11 1 Chief Elections Officer; City Clerk. Amend RSA 659:9-a to read as follows:

12 659:9-a City [~~Chief Elections Officer Duties~~] **Clerk Uniform Practices**. The city [~~chief~~
13 ~~elections officer~~] **clerk** shall establish uniform practices and procedures that conform to state and
14 federal law for the conduct of elections at all polling places within the city. The moderators and
15 other election officials who conduct elections at the individual polling places within the city shall
16 comply with the uniform procedures established for the city by the city [~~chief elections officer~~] **clerk**.
17 The secretary of state shall resolve any conflicting interpretations of state and federal laws arising
18 between the [~~chief elections officer~~] **city clerk** and other election officials. The legislative body of
19 any city may vote to have the duties of the ward officers relative to the selection and equipping of
20 polling places assigned to the city [~~chief elections officer~~] **clerk**.

21 2 Repeal. RSA 652:14-a, relative to city chief elections officers, is repealed.

22 3 Effective Date. Part I of this act shall take effect 60 days after its passage.

23 PART II

24 Prohibiting the Taking of Certain Photographs Within the Guardrail.

25 1 New Section; Election Procedure; Prohibited Acts; Photography. Amend RSA 659 by inserting
26 after section 45 the following new section:

27 659:45-a Certain Photography Prohibited. No person shall take or cause any photograph to be
28 taken within the guardrail that captures another voter or another voter's ballot.

29 2 Effective Date. Part II of this act shall take effect 60 days after its passage.

30 PART III

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1 Establishing a Committee to Study Post Election Audit Counting Devices.

2 1 Committee Established.

3 I. There is established a committee to study post election audit counting devices.

4 II. The members of the committee shall be as follows:

5 (a) Two members of the senate, appointed by the president of the senate.

6 (b) Three members of the house of representatives, appointed by the speaker of the
7 house of representatives.

8 III. Members of the committee shall receive mileage at the legislative rate when attending
9 to the duties of the committee.

10 IV. Duties. The committee shall determine what ballot counting equipment is available
11 which would support a post election audit in New Hampshire, and shall study the feasibility, time
12 constraints, and cost of conducting a post election audit using any vote counting equipment
13 identified. The committee may use ballots cast in prior elections to test ballot counting equipment,
14 provided that such use is in conjunction with the secretary of state and with the approval of the
15 ballot law commission.

16 V. Chairperson; Quorum. The members of the study committee shall elect a chairperson
17 from among the members. The first meeting of the committee shall be called by the first-named
18 senate member. The first meeting of the committee shall be held within 45 days of the effective date
19 of this section. Three members of the committee shall constitute a quorum.

20 VI. Report. The committee shall report its findings and any recommendations for proposed
21 legislation to the president of the senate, the speaker of the house of representatives, the senate
22 clerk, the house clerk, the governor, the secretary of state, the attorney general, and the state library
23 on or before November 30, 2021.

24 2 Effective Date. Part III of this act shall take effect upon its passage.

25 **PART IV**

26 Relative to the effect of certain federal laws on New Hampshire election procedures.

27 1 New Hampshire Election Procedures; Certain Federal Laws Non-Controlling.
28 Notwithstanding the adoption by the United States Congress of S.1, also known as the "For the
29 People Act of 2021," all procedures and requirements relating to elections conducted pursuant to the
30 New Hampshire constitution and as prescribed by New Hampshire law shall remain in full force and
31 effect for all state and county officers, including but not limited to those procedures and
32 requirements relating to voter eligibility, voter registration, absentee voting, conducting the vote,
33 and counting of votes.

34 2 Effective Date. Part IV of this act shall take effect upon its passage.