

HB 340-FN - AS AMENDED BY THE HOUSE

6Feb2025... 0029h

6Feb2025... 0274h

2025 SESSION

25-0651

08/06

HOUSE BILL

340-FN

AN ACT

relative to electioneering by public employees.

SPONSORS:

Rep. Berry, Hills. 44; Rep. Alexander Jr., Hills. 29; Rep. Corcoran, Hills. 28; Rep. Mazur, Hills. 44; Rep. Seidel, Hills. 29; Sen. Murphy, Dist 16

COMMITTEE:

Election Law

ANALYSIS

This bill defines electioneering in relation to public employees

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to electioneering by public employees.

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

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 RSA 659:44-a is repealed and reenacted to read as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

3 659:44-a Electioneering by Public Employees.

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

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

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

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

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

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

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

20 IV. Nothing in this section shall prohibit:

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

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

29 (c) Public employees engaging in strictly neutral voter registration drives or activities
30 limited to general election awareness, such as announcing election dates or polling locations, without

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1 any reference to or discussion of candidates, parties, or measures, and provided such activities are
2 authorized by law.

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

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

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

10 2 Effective Date. This act shall take effect upon its passage.

**HB 340-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to electioneering by public employees.

FISCAL IMPACT:

| Estimated State Impact | | | | |
|------------------------|----------------|---------|---------|---------|
| | FY 2025 | FY 2026 | FY 2027 | FY 2028 |
| Revenue | \$0 | \$0 | \$0 | \$0 |
| <i>Revenue Fund</i> | None | | | |
| Expenditures* | Indeterminable | | | |
| <i>Funding Source</i> | General Fund | | | |
| Appropriations* | \$0 | \$0 | \$0 | \$0 |
| <i>Funding Source</i> | None | | | |

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

| Estimated Political Subdivision Impact | | | | |
|--|----------------|---------|---------|---------|
| | FY 2025 | FY 2026 | FY 2027 | FY 2028 |
| County Revenue | \$0 | \$0 | \$0 | \$0 |
| County Expenditures | Indeterminable | | | |
| Local Revenue | \$0 | \$0 | \$0 | \$0 |
| Local Expenditures | Indeterminable | | | |

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association