

LEGISLATIVE COMMITTEE MINUTES

SB83

Bill as
Introduced

SB 83 - AS INTRODUCED

2021 SESSION

21-0174
11/05

SENATE BILL **83**
AN ACT adopting omnibus legislation relative to elections.
SPONSORS: Sen. Gray, Dist 6
COMMITTEE: Election Law and Municipal Affairs

ANALYSIS

This bill adopts legislation:

- I. Clarifying the circumstances under which certain persons are disqualified from performing certain duties of an election official.
- II. Relative to the establishment of an election information portal.
- III. Relative to recount fees.
- IV. Relative to itemized statements filed by political committees and candidates.
- V. Providing for optional town meeting procedures and allowing preprocessing of absentee ballots.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT adopting omnibus legislation relative to elections.

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 21-0174, relative to the disqualification of certain persons from performing duties as
3 an election official, sponsored by Sen. Gray, Prime/Dist. 6.

4 Part II: LSR 21-0175, relative to the establishment of an election information portal, sponsored
5 by Sen. Gray, Prime/Dist. 6.

6 Part III: LSR 21-0226, relative to recount fees, sponsored by Sen. Gray, Prime/Dist. 6.

7 Part IV: LSR 21-0521, relative to itemized statements filed by political committees and
8 candidates, sponsored by Sen. Gray, Prime/Dist. 6.

9 Part V: LSR 21-0853, providing for optional town meeting procedures and allowing
10 preprocessing of absentee ballots, sponsored by Sen. Kahn, Prime/Dist. 10; Sen. Prentiss, Dist. 5;
11 Sen. Rosenwald, Dist. 13; Sen. Perkins Kwoka, Dist. 21; Sen. Soucy, Dist. 18; Sen. Cavanaugh, Dist.
12 16; Sen. Watters, Dist. 4; Rep. Parshall, Ches. 10; Rep. Fenton, Ches. 8.

13 2 Legislation Enacted. The general court hereby enacts the following legislation:

14

15

PART I

16 Relative to the Disqualification of Certain Persons from Performing Duties as an Election Official.

17 1 Pre-Election Procedure; Disqualification of Certain Persons. Amend RSA 658:24 to read as
18 follows:

19 658:24 Disqualification of Certain Persons. Any person, other than a moderator, clerk,
20 selectman, inspector of election, or supervisor of the checklist, whose name appears on a ballot for an
21 elective position, other than a position of an election official, shall be disqualified from performing
22 duties as an election official in that election. A moderator, clerk, selectman, inspector of election, or
23 supervisor of the checklist whose name appears on a ballot for an elective position, other than the
24 position of an election official, shall be disqualified from the handling of marked ballots and the
25 counting of votes *pursuant to RSA 659:58*.

26 2 Election Procedure; Counting of Votes; Disqualification of Officials. Amend RSA 659:58 to
27 read as follows:

28 659:58 Disqualification of Officials. Any election official~~[, other than the moderator,]~~ who is also
29 a candidate for office, *other than a position of an election official*, shall not be allowed to remain
30 *in the area designated for the handling of marked ballots and for the counting of votes*
31 within the guardrail during the counting of votes for an office for which he is a candidate. Such

1 official shall disqualify himself from election duties relating to the tabulation of votes; and the
2 moderator shall appoint an assistant who shall take the same oath as, serve in the same capacity as,
3 and have all the powers of the election official who is disqualified until such official may properly
4 return. *The moderator may assign any election official disqualified pursuant to this*
5 *section to other duties not related to the tabulation of votes.*

6 3 Effective Date. Part I of this act shall take effect 60 days after its passage.

7 PART II

8 Relative to the Establishment of an Election Information Portal.

9 1 Purpose. It is the intent of the legislature to modernize the application processes for new
10 voter registration, requesting absentee ballots, and requesting changes to name, domicile, and party
11 affiliation in the statewide voter database.

12 2 New Subdivision; Election Information Portal. Amend RSA 652 by inserting after section 27
13 the following new subdivision:

14 Election Information Portal

15 652:28 Election Information Portal.

16 I. The secretary of state is hereby authorized to develop, in consultation with the
17 department of information technology, the department of safety, division of motor vehicles, and city
18 and town clerks and supervisors of the checklist, an online election information portal which citizens
19 may use to:

20 (a) Complete a new voter application.

21 (b) Request an absentee ballot.

22 (c) Request changes to the statewide centralized voter registration database, such as
23 name, domicile address, mailing address, and party affiliation.

24 II. Voters electing to use the portal shall provide the same information and pursuant to the
25 same time frames as outlined in statutes related to voter registration and maintenance of the
26 statewide centralized voter registration database, including RSA 654:7, RSA 654:8, RSA 654:16
27 through RSA 654:19, and RSA 654:34, except that the information may be provided in a format the
28 secretary of state deems suitable for electronic submission. Any information submitted to the portal
29 shall be handled in a manner consistent with relevant voter and election laws, including RSA 654,
30 and shall be retrievable and printable at any time including during the processing of the
31 information. In addition, nonpublic data related to individual voter data shall remain confidential.

32 III. The secretary of state shall not implement any election information portal established
33 pursuant to this section, such that the public can access or otherwise utilize such portal, until
34 January 1, 2022.

35 3 Effective Date. Part II of this act shall take effect 60 days after its passage.

36 PART III

37 Relative to Recount Fees.

1 State General Election Recounts; Fees. Amend RSA 660:2, I-III to read as follows:

2 I. If the difference between the vote cast for the applying candidate and a candidate declared
3 elected shall be less than one percent of the total votes cast in the towns which comprise the office to
4 be recounted, the following fees shall apply:

- 5 (a) Candidate for president, United States senator or governor, [~~\$500~~] **\$1,000.**
6 (b) Candidate for United States representative, [~~\$250~~] **\$500.**
7 (c) Candidate for executive councilor, [~~\$100~~] **\$200.**
8 (d) Candidate for state senator or county officer, [~~\$50~~] **\$100.**
9 (e) Candidate for state representative, [~~\$10~~] **\$20.**

10 II. If the difference between the vote cast for the applying candidate and a candidate
11 declared elected shall be between one percent and 2 percent of the total votes cast in the towns
12 which comprise the office to be recounted, the following fees shall apply:

- 13 (a) Candidate for president, United States senator or governor, [~~\$1,000~~] **\$2,000.**
14 (b) Candidate for United States representative, [~~\$500~~] **\$1,000.**
15 (c) Candidate for executive councilor, [~~\$200~~] **\$400.**
16 (d) Candidate for state senator or county officer, [~~\$100~~] **\$200.**
17 (e) Candidate for state representative, [~~\$20~~] **\$40.**

18 III. If the difference between the vote cast for the applying candidate and a candidate
19 declared elected shall be between 2 percent and 3 percent of the total votes cast in the towns which
20 comprise the office to be recounted, the following fees shall apply:

- 21 (a) Candidate for president, United States senator or governor, [~~\$2,000~~] **\$4,000.**
22 (b) Candidate for United States representative, [~~\$1,000~~] **\$2,000.**
23 (c) Candidate for executive councilor, [~~\$400~~] **\$800.**
24 (d) Candidate for state senator or county officer, [~~\$200~~] **\$400.**
25 (e) Candidate for state representative, [~~\$40~~] **\$80.**

26 2 Effective Date. Part III of this act shall take effect 60 days after its passage.

27 PART IV

28 Relative to Itemized Statements Filed by Political Committees and Candidates.

29 1 Political Expenditures and Contributions; Reports of Receipts and Expenditures Filed
30 Electronically. Amend RSA 664:9-b to read as follows:

31 664:9-b Reports of Receipts and Expenditures Filed Electronically. A political committee of a
32 candidate or a candidate may electronically report receipts and expenditures, as required by RSA
33 664:6, 664:7, and 664:7-b, by [~~uploading~~] **sending** the report to the **address provided by the**
34 secretary of [~~state's website~~] **state for the reports in portable document format (PDF) or other**
35 **acceptable format on or before the date that the itemized report of receipts and**
36 **expenditures is due.** The report shall be **posted and** publicly available on the website [~~on or~~
37 ~~before the date that an itemized statement of receipts and expenditures is due~~]. The committee or

1 candidate may publicly release receipt and expenditure information under this section more
2 frequently than is required by RSA 664:6, 664:7, and 664:7-b provided the receipt and expenditure
3 report is up to date when due.

4 2 New Section; Reports; Legibility Required. Amend RSA 664 by inserting after section 9-b the
5 following new section:

6 664:9-c Reports; Legibility Required. A political committee of a candidate or a candidate who
7 files a report by facsimile pursuant to RSA 664:9-a, electronically pursuant to RSA 664:9-b, or in
8 hard copy shall be responsible for ensuring the report is legible.

9 3 Effective Date. Part IV of this act shall take effect 60 days after its passage.

10 PART V

11 Providing for Optional Town Meeting Procedures and Allowing Preprocessing of Absentee Ballots.

12 1 Expenditures Prior to Meeting. Amend RSA 32:13, II to read as follows:

13 II. This subdivision shall not be construed to affect the authority of the local governing
14 body [~~in towns with a March annual meeting and a January through December fiscal year,~~] to make
15 expenditures between [~~January 1~~] **the beginning of the fiscal year** and the date a budget is
16 adopted which are reasonable in light of prior [~~year's~~] **years'** appropriations and expenditures for the
17 same purposes during the same time period.

18 2 New Section; Optional Town Meeting Procedures. Amend RSA 39 by inserting after section 2-
19 b the following new section:

20 39:2-c Optional Town Meeting Procedure. Towns, village districts, and school districts that are
21 unable to hold in-person annual meetings due to health or safety concerns may conduct virtual
22 meetings in accordance with this section. At the option of the governing body, the town, village
23 district, or school district meetings may be convened and proceed to approve the posted warrant
24 articles in the following fashion:

25 I. The governing body shall host a live virtual meeting and information session, during
26 which the proposed optional town or school district meeting procedures shall be outlined and
27 warrant articles discussed. At least 7 days prior to this informational session, notice shall be mailed
28 to all registered voters describing the procedures to be followed for conducting an annual meeting
29 pursuant to this section. After the live, virtual meeting is adjourned, questions and comments from
30 the public shall be solicited and received via electronic mail, voice mail, text message, or by other
31 electronic means.

32 II. Within 7 days of the information session, the governing body shall hold another live
33 virtual meeting to consider and address comments received from the public. The governing body
34 shall then discuss, debate, and may amend the posted warrant. The final warrant, as amended,
35 shall then be made available electronically for printing by voters to be brought to the voting session,
36 which shall be scheduled for a date and time to be determined by the governing body.

1 III. Voting on final warrant articles shall be by secret ballot cast by voters through drive-up
2 procedures to ensure appropriate safety. In a town or district that uses the official ballot for the
3 election of officers and has not yet held its town or district election, an official ballot shall be printed
4 for the election of officers and other items that are required to be placed on the official ballot. All
5 other warrant articles shall be printed on a separate ballot ("the alternative ballot").

6 IV. The election of officers and action on other items on the initial ballot shall be effective. If
7 the optional voting procedures are approved, then all other votes on warrant articles shall be deemed
8 the final action of the meeting, provided that if the operating budget warrant article is not approved,
9 the governing body may vote to:

10 (a) Convene a meeting before September 1 to adopt an operating budget; or

11 (b) Elect to deem that the meeting has adopted the previous year's operating budget
12 article, not including separate warrant articles.

13 V. In a town or district using the official ballot referendum (SB 2) form of annual meeting
14 that has held its deliberative session but has not yet held its official ballot voting sessions, the
15 governing body may choose to use the drive up procedures in paragraph III for the official ballot
16 voting session, and paragraphs I and II shall not apply.

17 3 Partial Processing of Absentee Ballots Prior to an Election. RSA 659:55-a is repealed and
18 reenacted to read as follows:

19 659:55-a Partial Processing of Absentee Ballots Prior to an Election.

20 I. The moderator, or his or her designee, may begin the processing of absentee ballots prior
21 to the opening of the polls provided that the clerk shall post, in an appropriate public place and prior
22 to election day, notice of the time and place of the processing. If the moderator chooses to do so, it
23 shall be posted in 2 appropriate public places, one of which shall be the public body's Internet
24 website, if such exists, or shall be printed in a newspaper of general circulation in the city or town at
25 least 48 hours, excluding legal holidays, prior to such meeting. A copy of the notice shall be provided
26 to the secretary of state. The partial processing of absentee ballots prior to an election shall occur on
27 the Thursday, Friday, Saturday, Sunday, or Monday prior to the date of the election after the
28 posting of the checklist. The moderator shall be assisted by at least 3 other election officers as
29 defined under RSA 652:14. Members of the general public may observe this process. Under no
30 circumstances shall absentee ballots be counted prior to the opening of the polls.

31 II. Once notice of the processing has been posted, all absentee ballots received by the end of
32 the day preceding the posted time for the meeting shall be partially processed. Only one session for
33 the partial processing of absentee ballots may be scheduled prior to an election.

34 III. Except as otherwise provided, the moderator, or his or her designee, shall adhere to the
35 procedures detailed in RSA 659:49-b, RSA 659:50, RSA 659:51, RSA 659:52, RSA 659:53, RSA
36 659:54, RSA 659:54-a, RSA 666:4, and RSA 666:5.

* 37 Effective Date. Part V of this act shall take effect September 1, 2021.

SB 83 - AS AMENDED BY THE SENATE

03/18/2021 0717s

2021 SESSION

21-0174

11/05

SENATE BILL **83**

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SPONSORS: Sen. Gray, Dist 6

COMMITTEE: Election Law and Municipal Affairs

AMENDED ANALYSIS

This bill adopts legislation:

I. Clarifying the circumstances under which certain persons are disqualified from performing certain duties of an election official.

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9 Part V: LSR 21-0853, providing for optional town meeting procedures and allowing
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12 16; Sen. Watters, Dist. 4; Rep. Parshall, Ches. 10; Rep. Fenton, Ches. 8.

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22 duties as an election official in that election. A moderator, clerk, selectman, inspector of election, or
23 supervisor of the checklist whose name appears on a ballot for an elective position, other than the
24 position of an election official, shall be disqualified from the handling of marked ballots and the
25 counting of votes *pursuant to RSA 659:58*.

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29 a candidate for office, *other than a position of an election official*, shall not be allowed to remain
30 *in the area designated for the handling of marked ballots and for the counting of votes*
31 within the guardrail during the counting of votes for an office for which he is a candidate. Such

SB 83 - AS AMENDED BY THE SENATE

- Page 2 -

1 official shall disqualify himself from election duties relating to the tabulation of votes; and the
2 moderator shall appoint an assistant who shall take the same oath as, serve in the same capacity as,
3 and have all the powers of the election official who is disqualified until such official may properly
4 return. *The moderator may assign any election official disqualified pursuant to this*
5 *section to other duties not related to the tabulation of votes.*

6 3 Effective Date. Part I of this act shall take effect 60 days after its passage.

7 PART II

8 Relative to the Establishment of an Election Information Portal.

9 1 Purpose. It is the intent of the legislature to modernize the application processes for new voter
10 registration, requesting absentee ballots, and requesting changes to name, domicile, and party
11 affiliation in the statewide voter database.

12 2 New Subdivision; Election Information Portal. Amend RSA 652 by inserting after section 27
13 the following new subdivision:

14 Election Information Portal

15 652:28 Election Information Portal.

16 I. The secretary of state is hereby authorized to develop, in consultation with the
17 department of information technology, the department of safety, division of motor vehicles, and city
18 and town clerks and supervisors of the checklist, an online election information portal which citizens
19 may use to:

20 (a) Complete a new voter application.

21 (b) Request an absentee ballot.

22 (c) Request changes to the statewide centralized voter registration database, such as
23 name, domicile address, mailing address, and party affiliation.

24 II. Voters electing to use the portal shall provide the same information and pursuant to the
25 same time frames as outlined in statutes related to voter registration and maintenance of the
26 statewide centralized voter registration database, including RSA 654:7, RSA 654:8, RSA 654:16
27 through RSA 654:19, and RSA 654:34, except that the information may be provided in a format the
28 secretary of state deems suitable for electronic submission. Any information submitted to the portal
29 shall be handled in a manner consistent with relevant voter and election laws, including RSA 654,
30 and shall be retrievable and printable at any time including during the processing of the
31 information. In addition, nonpublic data related to individual voter data shall remain confidential.

32 III. The secretary of state shall not implement any election information portal established
33 pursuant to this section, such that the public can access or otherwise utilize such portal, until
34 January 1, 2022.

35 3 Effective Date. Part II of this act shall take effect 60 days after its passage.

36 PART III

37

SB 83 - AS AMENDED BY THE SENATE

- Page 3 -

1 Relative to Recount Fees.

2 1 State General Election Recounts; Fees. Amend RSA 660:2 to read as follows:

3 I. If the difference between the vote cast for the applying candidate and a candidate declared
4 elected shall be less than *or equal to* one *quarter of one* percent (*0.25%*) of the total votes cast in
5 the towns which comprise the office to be recounted, [~~the following fees shall apply:~~] *no fee is due.*

6 *II. If the difference between the vote cast for the applying candidate and a*
7 *candidate declared elected shall be greater than one quarter of one percent but less than*
8 *or equal to one percent of the total votes cast in the towns which comprise the office to be*
9 *recounted, the following fees shall apply:*

10 (a) Candidate for president, United States senator or governor, [~~\$500~~] *\$1,000.*

11 (b) Candidate for United States representative, [~~\$250~~] *\$500.*

12 (c) Candidate for executive councilor, [~~\$100~~] *\$200.*

13 (d) Candidate for state senator or county officer, [~~\$50~~] *\$100.*

14 (e) Candidate for state representative, [~~\$10~~] *\$20.*

15 [~~III.~~] *III.* If the difference between the vote cast for the applying candidate and a candidate
16 declared elected shall be [~~between~~] *greater than* one percent and *less than or equal to* 2 percent
17 of the total votes cast in the towns which comprise the office to be recounted, the following fees shall
18 apply:

19 (a) Candidate for president, United States senator or governor, [~~\$1,000~~] *\$2,000.*

20 (b) Candidate for United States representative, [~~\$500~~] *\$1,000.*

21 (c) Candidate for executive councilor, [~~\$200~~] *\$400.*

22 (d) Candidate for state senator or county officer, [~~\$100~~] *\$200.*

23 (e) Candidate for state representative, [~~\$20~~] *\$40.*

24 [~~III.~~] *IV.* If the difference between the vote cast for the applying candidate and a candidate
25 declared elected shall be [~~between~~] *greater than* 2 percent and *less than or equal to* 3 percent of
26 the total votes cast in the towns which comprise the office to be recounted, the following fees shall
27 apply:

28 (a) Candidate for president, United States senator or governor, [~~\$2,000~~] *\$4,000.*

29 (b) Candidate for United States representative, [~~\$1,000~~] *\$2,000.*

30 (c) Candidate for executive councilor, [~~\$400~~] *\$800.*

31 (d) Candidate for state senator or county officer, [~~\$200~~] *\$400.*

32 (e) Candidate for state representative, [~~\$40~~] *\$80.*

33 [~~IV.~~] *V.* If the difference between the vote cast for the applying candidate and a candidate
34 declared elected shall be greater than 3 percent of the total votes cast in the towns which comprise
35 the office to be recounted, the candidate shall pay the fees as provided in RSA 660:2, [~~III~~] *IV* and
36 shall agree in writing with the secretary of state to pay any additional costs of the recount. The
37 secretary of state may require that the applying candidate pay the estimated additional costs of the

1 recount prior to commencing the recount.

2 2 State General Election Recounts; Reference Changed. Amend RSA 660:6, III to read as
3 follows:

4 III. If any person who has applied for a recount loses the recount by a margin of less than
5 one percent of the total votes cast in the towns which comprise the district for the office recounted,
6 the secretary of state shall return to the person within 10 days of the recount any fees that were paid
7 in excess of those required by RSA 660:2, [~~I~~] II.

8 3 Effective Date. Part III of this act shall take effect 60 days after its passage.

9

10

PART IV

11

Relative to Itemized Statements Filed by Political Committees and Candidates.

12

1 Political Expenditures and Contributions; Reports of Receipts and Expenditures. RSA 664:9-a
13 and RSA 664:9-b are repealed and reenacted to read as follows:

14

664:9-a Reports of Receipts and Expenditures Filed Electronically. A political committee of a
15 candidate or a candidate may file such candidate's report of receipts and expenditures, pursuant to
16 RSA 664:6, RSA 664:7, and RSA 664:7-b, electronically online by using the New Hampshire
17 Campaign Finance System, which may also be used to register, file reports, and search information
18 filed by candidates, political committees, and candidate committees.

19

664:9-b Reports of Receipts and Expenditures Filed by Other Methods. A political committee of
20 a candidate or a candidate may file such candidate's required reports as an email attachment, a
21 facsimile, or a paper copy, provided that:

22

I. The font size of the document as printed is not less than an 8 point font.

23

II. Email attachments are to be in portable document format archive (PDF/A) or other
24 acceptable format as determined by the secretary of state.

25

III. The report is mailed, delivered, or sent to the secretary of state on or before the date and
26 time that the report is due.

27

2 New Section; Reports; Legibility Required. Amend RSA 664 by inserting after section 9-b the
28 following new section:

29

664:9-c Reports; Legibility Required. A political committee of a candidate or a candidate who
30 files a report pursuant to RSA 664:9-b shall be responsible for ensuring the report is legible. The
31 political committee of a candidate or a candidate shall file an amended copy of such candidate's
32 report within one week after being notified by the secretary of state or attorney general's office that
33 such report is non-compliant.

34

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

35

36

PART V

37

Providing for Optional Town Meeting Procedures.

38

1 Expenditures Prior to Meeting. Amend RSA 32:13, II to read as follows:

1 II. This subdivision shall not be construed to affect the authority of the local governing
2 body~~[- in towns with a March annual meeting and a January through December fiscal year,]~~ to make
3 expenditures between ~~[January 1]~~ *the beginning of the fiscal year* and the date a budget is
4 adopted which are reasonable in light of prior ~~[year's]~~ *years'* appropriations and expenditures for the
5 same purposes during the same time period.

6 2 Effective Date. Part V of this act shall take effect September 1, 2021.

SB 83 - AS AMENDED BY THE HOUSE

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COMMITTEE: Election Law and Municipal Affairs

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- I. Relative to recount fees.
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8 16; Sen. Watters, Dist. 4; Rep. Parshall, Ches. 10; Rep. Fenton, Ches. 8.

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11 PART I

12 Relative to Recount Fees.

13 1 State General Election Recounts; Fees. Amend RSA 660:2 to read as follows:

14 I. If the difference between the vote cast for the applying candidate and a candidate declared
15 elected shall be less than *or equal to one quarter of one percent (0.25%)* of the total votes cast in
16 the towns which comprise the office to be recounted, ~~[the following fees shall apply:]~~ *no fee is due.*

17 *II. If the difference between the vote cast for the applying candidate and a*
18 *candidate declared elected shall be greater than one quarter of one percent but less than*
19 *or equal to one percent of the total votes cast in the towns which comprise the office to be*
20 *recounted, the following fees shall apply:*

21 (a) Candidate for president, United States senator or governor, ~~[\$500]~~ *\$1,000.*

22 (b) Candidate for United States representative, ~~[\$250]~~ *\$500.*

23 (c) Candidate for executive councilor, ~~[\$100]~~ *\$200.*

24 (d) Candidate for state senator or county officer, ~~[\$50]~~ *\$100.*

25 (e) Candidate for state representative, ~~[\$10]~~ *\$20.*

26 ~~[H.]~~ *III. If the difference between the vote cast for the applying candidate and a candidate*
27 *declared elected shall be [between] greater than one percent and less than or equal to 2 percent*
28 *of the total votes cast in the towns which comprise the office to be recounted, the following fees shall*
29 *apply:*

30 (a) Candidate for president, United States senator or governor, ~~[\$1,000]~~ *\$2,000.*

SB 83 - AS AMENDED BY THE HOUSE

- Page 2 -

1 (b) Candidate for United States representative, [~~\$500~~] **\$1,000**.

2 (c) Candidate for executive councilor, [~~\$200~~] **\$400**.

3 (d) Candidate for state senator or county officer, [~~\$100~~] **\$200**.

4 (e) Candidate for state representative, [~~\$20~~] **\$40**.

5 [~~III~~] **IV**. If the difference between the vote cast for the applying candidate and a candidate
6 declared elected shall be [~~between~~] **greater than** 2 percent and **less than or equal to** 3 percent of
7 the total votes cast in the towns which comprise the office to be recounted, the following fees shall
8 apply:

9 (a) Candidate for president, United States senator or governor, [~~\$2,000~~] **\$4,000**.

10 (b) Candidate for United States representative, [~~\$1,000~~] **\$2,000**.

11 (c) Candidate for executive councilor, [~~\$400~~] **\$800**.

12 (d) Candidate for state senator or county officer, [~~\$200~~] **\$400**.

13 (e) Candidate for state representative, [~~\$40~~] **\$80**.

14 [~~IV~~] **V**. If the difference between the vote cast for the applying candidate and a candidate
15 declared elected shall be greater than 3 percent of the total votes cast in the towns which comprise
16 the office to be recounted, the candidate shall pay the fees as provided in RSA 660:2, [~~III~~] **IV** and
17 shall agree in writing with the secretary of state to pay any additional costs of the recount. The
18 secretary of state may require that the applying candidate pay the estimated additional costs of the
19 recount prior to commencing the recount.

20 2 State General Election Recounts; Reference Changed. Amend RSA 660:6, III to read as
21 follows:

22 III. If any person who has applied for a recount loses the recount by a margin of less than
23 one percent of the total votes cast in the towns which comprise the district for the office recounted,
24 the secretary of state shall return to the person within 10 days of the recount any fees that were paid
25 in excess of those required by RSA 660:2, [~~I~~] **II**.

26 3 Effective Date. Part I of this act shall take effect 60 days after its passage.

27
28 PART II

29 Relative to Itemized Statements Filed by Political Committees and Candidates.

30 1 Political Expenditures and Contributions; Reports of Receipts and Expenditures. RSA 664:9-a
31 and RSA 664:9-b are repealed and reenacted to read as follows:

32 664:9-a Reports of Receipts and Expenditures Filed Electronically. A political committee of a
33 candidate or a candidate may file such candidate's report of receipts and expenditures, pursuant to
34 RSA 664:6, RSA 664:7, and RSA 664:7-b, electronically online by using the New Hampshire
35 Campaign Finance System, which may also be used to register, file reports, and search information
36 filed by candidates, political committees, and candidate committees.

1 664:9-b Reports of Receipts and Expenditures Filed by Other Methods. A political committee of
2 a candidate or a candidate may file such candidate's required reports as an email attachment, a
3 facsimile, or a paper copy, provided that:

4 I. The font size of the document as printed is not less than a 12 point font.

5 II. Email attachments are to be in portable document format archive (PDF/A) or other
6 acceptable format as determined by the secretary of state.

7 III. The report is mailed, delivered, or sent to the secretary of state on or before the date and
8 time that the report is due.

9 2 New Section; Reports; Legibility Required. Amend RSA 664 by inserting after section 9-b the
10 following new section:

11 664:9-c Reports; Legibility Required. A political committee of a candidate or a candidate who
12 files a report pursuant to RSA 664:9-b shall be responsible for ensuring the report is legible. The
13 political committee of a candidate or a candidate shall file an amended copy of such candidate's
14 report within one week after being notified by the secretary of state or attorney general's office that
15 such report is non-compliant.

16 3 Effective Date. Part II of this act shall take effect 60 days after its passage.
17

18 PART III

19 Providing for Optional Town Meeting Procedures.

20 1 Expenditures Prior to Meeting. Amend RSA 32:13, II to read as follows:

21 II. This subdivision shall not be construed to affect the authority of the local governing
22 body [~~in towns with a March annual meeting and a January through December fiscal year,~~] to make
23 expenditures between [~~January 1~~] *the beginning of the fiscal year* and the date a budget is
24 adopted which are reasonable in light of [~~prior year's appropriations and expenditures for the same~~
25 ~~purposes during the same time period~~] *appropriations and expenditures which were approved*
26 *for the same purposes for the immediately preceding fiscal period.*

27 2 Effective Date. Part III of this act shall take effect September 1, 2021.
28

29 PART III

30 Relative to Recount Fees.

31 1 State General Election Recounts; Fees. Amend RSA 660:2 to read as follows:

32 I. If the difference between the vote cast for the applying candidate and a candidate declared
33 elected shall be less than *or equal to one quarter of one percent (0.25%)* of the total votes cast in
34 the towns which comprise the office to be recounted, [~~the following fees shall apply~~] *no fee is due.*

35 II. *If the difference between the vote cast for the applying candidate and a*
36 *candidate declared elected shall be greater than one quarter of one percent but less than*
37 *or equal to one percent of the total votes cast in the towns which comprise the office to be*
38 *recounted, the following fees shall apply:*

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- Page 4 -

- 1 (a) Candidate for president, United States senator or governor, [~~\$500~~] **\$1,000**.
- 2 (b) Candidate for United States representative, [~~\$250~~] **\$500**.
- 3 (c) Candidate for executive councilor, [~~\$100~~] **\$200**.
- 4 (d) Candidate for state senator or county officer, [~~\$50~~] **\$100**.
- 5 (e) Candidate for state representative, [~~\$10~~] **\$20**.

6 [~~II~~] **III**. If the difference between the vote cast for the applying candidate and a candidate
7 declared elected shall be [~~between~~] **greater than** one percent and **less than or equal to** 2 percent
8 of the total votes cast in the towns which comprise the office to be recounted, the following fees shall
9 apply:

- 10 (a) Candidate for president, United States senator or governor, [~~\$1,000~~] **\$2,000**.
- 11 (b) Candidate for United States representative, [~~\$500~~] **\$1,000**.
- 12 (c) Candidate for executive councilor, [~~\$200~~] **\$400**.
- 13 (d) Candidate for state senator or county officer, [~~\$100~~] **\$200**.
- 14 (e) Candidate for state representative, [~~\$20~~] **\$40**.

15 [~~III~~] **IV**. If the difference between the vote cast for the applying candidate and a candidate
16 declared elected shall be [~~between~~] **greater than** 2 percent and **less than or equal to** 3 percent of
17 the total votes cast in the towns which comprise the office to be recounted, the following fees shall
18 apply:

- 19 (a) Candidate for president, United States senator or governor, [~~\$2,000~~] **\$4,000**.
- 20 (b) Candidate for United States representative, [~~\$1,000~~] **\$2,000**.
- 21 (c) Candidate for executive councilor, [~~\$400~~] **\$800**.
- 22 (d) Candidate for state senator or county officer, [~~\$200~~] **\$400**.
- 23 (e) Candidate for state representative, [~~\$40~~] **\$80**.

24 [~~IV~~] **V**. If the difference between the vote cast for the applying candidate and a candidate
25 declared elected shall be greater than 3 percent of the total votes cast in the towns which comprise
26 the office to be recounted, the candidate shall pay the fees as provided in RSA 660:2, [~~III~~] **IV** and
27 shall agree in writing with the secretary of state to pay any additional costs of the recount. The
28 secretary of state may require that the applying candidate pay the estimated additional costs of the
29 recount prior to commencing the recount.

30 2 State General Election Recounts; Reference Changed. Amend RSA 660:6, III to read as
31 follows:

32 III. If any person who has applied for a recount loses the recount by a margin of less than
33 one percent of the total votes cast in the towns which comprise the district for the office recounted,
34 the secretary of state shall return to the person within 10 days of the recount any fees that were paid
35 in excess of those required by RSA 660:2, [~~I~~] **II**.

36 3 Effective Date. Part III of this act shall take effect 60 days after its passage.

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PART IV

Relative to Itemized Statements Filed by Political Committees and Candidates.

1 Political Expenditures and Contributions; Reports of Receipts and Expenditures. RSA 664:9-a and RSA 664:9-b are repealed and reenacted to read as follows:

664:9-a Reports of Receipts and Expenditures Filed Electronically. A political committee of a candidate or a candidate may file such candidate's report of receipts and expenditures, pursuant to RSA 664:6, RSA 664:7, and RSA 664:7-b, electronically online by using the New Hampshire Campaign Finance System, which may also be used to register, file reports, and search information filed by candidates, political committees, and candidate committees.

664:9-b Reports of Receipts and Expenditures Filed by Other Methods. A political committee of a candidate or a candidate may file such candidate's required reports as an email attachment, a facsimile, or a paper copy, provided that:

I. The font size of the document as printed is not less than an 8 point font.

II. Email attachments are to be in portable document format archive (PDF/A) or other acceptable format as determined by the secretary of state.

III. The report is mailed, delivered, or sent to the secretary of state on or before the date and time that the report is due.

2 New Section; Reports; Legibility Required. Amend RSA 664 by inserting after section 9-b the following new section:

664:9-c Reports; Legibility Required. A political committee of a candidate or a candidate who files a report pursuant to RSA 664:9-b shall be responsible for ensuring the report is legible. The political committee of a candidate or a candidate shall file an amended copy of such candidate's report within one week after being notified by the secretary of state or attorney general's office that such report is non-compliant.

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

PART V

Providing for Optional Town Meeting Procedures.

1 Expenditures Prior to Meeting. Amend RSA 32:13, II to read as follows:

II. This subdivision shall not be construed to affect the authority of the local governing body ~~in towns with a March annual meeting and a January through December fiscal year,~~ to make expenditures between ~~[January 1]~~ *the beginning of the fiscal year* and the date a budget is adopted which are reasonable in light of prior ~~[year's]~~ *years'* appropriations and expenditures for the same purposes during the same time period.

2 Effective Date. Part V of this act shall take effect September 1, 2021.

Amendments

Sen. Kahn, Dist 10
January 27, 2021
2021-0117s
11/06

Amendment to SB 83

1 Amend the introductory paragraph of RSA 39:2-c as inserted by section 2 of part V of the bill by
2 replacing it with the following:

3

4 Towns, village districts, and school districts that are unable to hold in-person annual meetings due
5 to health or safety concerns may conduct virtual meetings in accordance with this section. At the
6 option of the governing body, as defined in RSA 21:48, the town, village, district, or school district
7 meetings may be convened and proceed to approve the posted warrant articles in the following
8 fashion:

9

10 Amend the introductory paragraph of RSA 39:2-c, IV, as inserted by section 2 of part V of the bill by
11 replacing it with the following:

12

13 IV. The election of officers and action on other items on the initial ballot shall be effective.
14 All other votes on warrant articles shall be deemed the final action of the meeting, provided that if
15 the operating budget warrant article is not approved, the governing body may vote to:

Amendment to SB 83

1 Amend the bill by replacing Part III with the following:

2

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~~PART III~~

4

Relative to Recount Fees.

5

1 State General Election Recounts; Fees. Amend RSA 660:2 to read as follows:

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I. If the difference between the vote cast for the applying candidate and a candidate declared elected shall be less than *or equal to* one *quarter of one* percent (*0.25%*) of the total votes cast in the towns which comprise the office to be recounted, ~~[the following fees shall apply:]~~ *no fee is due.*

II. If the difference between the vote cast for the applying candidate and a candidate declared elected shall be greater than one quarter of one percent but less than or equal to one percent of the total votes cast in the towns which comprise the office to be recounted, the following fees shall apply:

- (a) Candidate for president, United States senator or governor, ~~[\$500]~~ *\$1,000.*
- (b) Candidate for United States representative, ~~[\$250]~~ *\$500.*
- (c) Candidate for executive councilor, ~~[\$100]~~ *\$200.*
- (d) Candidate for state senator or county officer, ~~[\$50]~~ *\$100.*
- (e) Candidate for state representative, ~~[\$10]~~ *\$20.*

~~[H.]~~ *III.* If the difference between the vote cast for the applying candidate and a candidate declared elected shall be ~~[between]~~ *greater than* one percent and *less than or equal to* 2 percent of the total votes cast in the towns which comprise the office to be recounted, the following fees shall apply:

- (a) ~~Candidate for president, United States senator or governor, [\$1,000]~~ *\$2,000.*
- (b) Candidate for United States representative, ~~[\$500]~~ *\$1,000.*
- (c) Candidate for executive councilor, ~~[\$200]~~ *\$400.*
- (d) Candidate for state senator or county officer, ~~[\$100]~~ *\$200.*
- (e) Candidate for state representative, ~~[\$20]~~ *\$40.*

~~[H.]~~ *IV.* If the difference between the vote cast for the applying candidate and a candidate declared elected shall be ~~[between]~~ *greater than* 2 percent and *less than or equal to* 3 percent of the total votes cast in the towns which comprise the office to be recounted, the following fees shall apply:

- (a) Candidate for president, United States senator or governor, ~~[\$2,000]~~ *\$4,000.*
- (b) Candidate for United States representative, ~~[\$1,000]~~ *\$2,000.*

Amendment to

- Page 2 -

1 (c) Candidate for executive councilor, [~~\$400~~] **\$800**.

2 (d) Candidate for state senator or county officer, [~~\$200~~] **\$400**.

3 (e) Candidate for state representative, [~~\$40~~] **\$80**.

4 [~~IV~~] **V**. If the difference between the vote cast for the applying candidate and a candidate
5 declared elected shall be greater than 3 percent of the total votes cast in the towns which comprise
6 the office to be recounted, the candidate shall pay the fees as provided in RSA 660:2, [~~III~~] **IV** and
7 shall agree in writing with the secretary of state to pay any additional costs of the recount. The
8 secretary of state may require that the applying candidate pay the estimated additional costs of the
9 recount prior to commencing the recount.

10 2 State General Election Recounts; Reference Changed. Amend RSA 660:6, **III** to read as
11 follows:

12 **III**. If any person who has applied for a recount loses the recount by a margin of less than
13 one percent of the total votes cast in the towns which comprise the district for the office recounted,
14 the secretary of state shall return to the person within 10 days of the recount any fees that were paid
15 in excess of those required by RSA 660:2, [~~I~~] **II**.

16 3 Effective Date. Part **III** of this act shall take effect 60 days after its passage.

UNAPPROVED

Amendment to SB 83

1 Amend the bill by replacing section 2 of Part V of the bill with the following:

2
3 2 New Section; Optional Town Meeting Procedures. Amend RSA 39 by inserting after section 2-
4 b the following new section:

5 39:2-c Optional Town Meeting Procedure.

6 I. A town, village district, or school district that is unable to hold an in-person annual
7 meeting due to health or safety circumstances arising from a state of emergency declared by the
8 governor or the general court pursuant to RSA 4:45 may conduct a virtual annual meeting in
9 accordance with this section. At the option of the governing body, as defined in RSA 21:48, the town,
10 village district, or school district meeting may be convened and proceed to act upon the posted
11 warrant articles as described in this section. In a town or district that has adopted the provisions of
12 RSA 40:13, the process described in this section shall take the place of both the deliberative session
13 and the official ballot voting day, as those terms are defined in RSA 652. In a town or district that
14 has not adopted the provisions of RSA 40:13, the process described in this section shall take the
15 place of the business session, as defined in RSA 652:16-e, but the official ballot voting day shall be
16 held in accordance with RSA 669 on the date prescribed for the annual town meeting in RSA 39:1 or
17 39:1-a, unless it is postponed as provided in RSA 669:1.

18 II. The governing body shall host a meeting and information session, during which the
19 proposed optional town or school district meeting procedures shall be outlined and warrant articles
20 discussed. In a town or district that has adopted the provisions of RSA 40:13, this meeting shall be
21 held during the period prescribed for the deliberative session under RSA 40:13, III. A physical
22 location for the meeting is not required, but public access by telephone and other electronic means
23 shall be provided. At the request of the governing body, the moderator shall preside; otherwise the
24 chair of the governing body shall preside. The governing body may choose to allow or not allow
25 public comment at the meeting. At least 7 days prior to this meeting, notice shall be mailed to all
26 registered voters describing the procedures to be followed for conducting an annual meeting
27 pursuant to this section. After the meeting is adjourned, questions and comments from the public
28 shall be solicited and received via electronic mail, voice mail, text message, or other electronic
29 means.

30 III. Within 7 days after the first meeting, the governing body shall hold another meeting in
31 the same manner and subject to the same access requirements to consider and address comments
32 received from the public. The governing body shall then discuss and debate and may amend the

Amendment to
- Page 2 -

1 posted warrant. The final warrant, as amended, shall then be made available on the town or
2 district's website, or at its offices if it does not have a website. However, ballots to be cast by voters
3 shall be made available only at the drive-up voting session described in paragraph III.

4 IV. Voting on final warrant articles shall be by secret ballot cast by voters through drive-up
5 procedures to ensure appropriate public health and safety. In a town or district that has adopted the
6 provisions of RSA 40:13, voting shall take place on the date prescribed for the second session of the
7 annual meeting under RSA 40:13, VII, voting on all questions will be by official ballot, and all
8 provisions of law relative to the second session of an annual meeting under RSA 40:13, shall apply.
9 In a town or district that has not adopted the provisions of RSA 40:13, all warrant articles will be
10 printed on a ballot as yes/no questions, with two squares or ovals after each question, one with the
11 word "yes" beside it and one with the word "no" beside it. Voters shall show an appropriate photo
12 identification as described in RSA 659:13 to receive a ballot. The provisions of RSA 658:9, relative to
13 arrangement of the polling place, shall not apply. Voters may complete their ballots in their vehicles
14 or elsewhere on the premises, and shall deliver them to the moderator or designee, who shall place
15 the ballots in the ballot box or ballot-counting device.

16 V. All votes on warrant articles shall be deemed the final action of the meeting, provided
17 that in a town or district that has not adopted the provisions of RSA 40:13, if the operating budget
18 warrant article is not approved, the governing body may vote to:

19 (a) Convene a meeting before September 1 to adopt an operating budget; or

20 (b) Elect to deem that the meeting has adopted the previous year's operating budget
21 article, not including separate warrant articles.

Amendment to SB 83

1 Amend the bill by replacing Part IV with the following:

2

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PART IV

4

Relative to Itemized Statements Filed by Political Committees and Candidates.

5

1 Political Expenditures and Contributions; Reports of Receipts and Expenditures. RSA 664:9-a and RSA 664:9-b are repealed and reenacted to read as follows:

6

7

664:9-a Reports of Receipts and Expenditures Filed Electronically. A political committee of a candidate or a candidate may file such candidate's report of receipts and expenditures, pursuant to RSA 664:6, RSA 664:7, and RSA 664:7-b, electronically online by using the New Hampshire Campaign Finance System, which may also be used to register, file reports, and search information filed by candidates, political committees, and candidate committees.

10

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12

664:9-b Reports of Receipts and Expenditures Filed by Other Methods. A political committee of a candidate or a candidate may file such candidate's required reports as an email attachment, a facsimile, or a paper copy, provided that:

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15

I. The font size of the document as printed is not less than an 8 point font.

16

17

II. Email attachments are to be in portable document format archive (PDF/A) or other acceptable format as determined by the secretary of state.

18

19

III. The report is mailed, delivered, or sent to the secretary of state on or before the date and time that the report is due.

20

21

2 New Section; Reports; Legibility Required. Amend RSA 664 by inserting after section 9-b the following new section:

22

23

24

25

664:9-c Reports; Legibility Required. A political committee of a candidate or a candidate who files a report pursuant to RSA 664:9-b shall be responsible for ensuring the report is legible. The political committee of a candidate or a candidate shall file an amended copy of such candidate's report within one week after being notified by the secretary of state or attorney general's office.*

26

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

↳ That such

Amendment to SB 83

1 Amend the bill by replacing Part III-V with the following:

2

3

PART III

4

Relative to Recount Fees.

5

1 State General Election Recounts; Fees. Amend RSA 660:2 to read as follows:

6

I. If the difference between the vote cast for the applying candidate and a candidate declared
7 elected shall be less than *or equal to* one *quarter of one* percent (*0.25%*) of the total votes cast in
8 the towns which comprise the office to be recounted, ~~[the following fees shall apply:]~~ *no fee is due.*

9

*II. If the difference between the vote cast for the applying candidate and a
10 candidate declared elected shall be greater than one quarter of one percent but less than
11 or equal to one percent of the total votes cast in the towns which comprise the office to be
12 recounted, the following fees shall apply:*

13

(a) Candidate for president, United States senator or governor, ~~[\$500]~~ *\$1,000.*

14

(b) Candidate for United States representative, ~~[\$250]~~ *\$500.*

15

(c) Candidate for executive councilor, ~~[\$100]~~ *\$200.*

16

(d) Candidate for state senator or county officer, ~~[\$50]~~ *\$100.*

17

(e) Candidate for state representative, ~~[\$10]~~ *\$20.*

18

~~III.~~ *III.* If the difference between the vote cast for the applying candidate and a candidate
19 declared elected shall be ~~[between]~~ *greater than* one percent and *less than or equal to* 2 percent
20 of the total votes cast in the towns which comprise the office to be recounted, the following fees shall
21 apply:

22

(a) Candidate for president, United States senator or governor, ~~[\$1,000]~~ *\$2,000.*

23

(b) Candidate for United States representative, ~~[\$500]~~ *\$1,000.*

24

(c) Candidate for executive councilor, ~~[\$200]~~ *\$400.*

25

(d) Candidate for state senator or county officer, ~~[\$100]~~ *\$200.*

26

(e) Candidate for state representative, ~~[\$20]~~ *\$40.*

27

~~III.~~ *IV.* If the difference between the vote cast for the applying candidate and a candidate
28 declared elected shall be ~~[between]~~ *greater than* 2 percent and *less than or equal to* 3 percent of
29 the total votes cast in the towns which comprise the office to be recounted, the following fees shall
30 apply:

31

(a) Candidate for president, United States senator or governor, ~~[\$2,000]~~ *\$4,000.*

32

(b) Candidate for United States representative, ~~[\$1,000]~~ *\$2,000.*

Amendment to SB 83

- Page 2 -

1 (c) Candidate for executive councilor, [~~\$400~~] **\$300**.

2 (d) Candidate for state senator or county officer, [~~\$200~~] **\$400**.

3 (e) Candidate for state representative, [~~\$40~~] **\$80**.

4 [~~IV-~~] **V**. If the difference between the vote cast for the applying candidate and a candidate
5 declared elected shall be greater than 3 percent of the total votes cast in the towns which comprise
6 the office to be recounted, the candidate shall pay the fees as provided in RSA 660:2, [~~III~~] **IV** and
7 shall agree in writing with the secretary of state to pay any additional costs of the recount. The
8 secretary of state may require that the applying candidate pay the estimated additional costs of the
9 recount prior to commencing the recount.

10 **2 State General Election Recounts; Reference Changed.** Amend RSA 660:6, III to read as
11 follows:

12 **III.** If any person who has applied for a recount loses the recount by a margin of less than
13 one percent of the total votes cast in the towns which comprise the district for the office recounted,
14 the secretary of state shall return to the person within 10 days of the recount any fees that were paid
15 in excess of those required by RSA 660:2, [~~I-~~] **II**.

16 **3 Effective Date.** Part III of this act shall take effect 60 days after its passage.

17
18 **PART IV**

19 **Relative to Itemized Statements Filed by Political Committees and Candidates.**

20 **1 Political Expenditures and Contributions; Reports of Receipts and Expenditures.** RSA 664:9-a
21 and RSA 664:9-b are repealed and reenacted to read as follows:

22 **664:9-a Reports of Receipts and Expenditures Filed Electronically.** A political committee of a
23 candidate or a candidate may file such candidate's report of receipts and expenditures, pursuant to
24 RSA 664:6, RSA 664:7, and RSA 664:7-b, electronically online by using the New Hampshire
25 Campaign Finance System, which may also be used to register, file reports, and search information
26 filed by candidates, political committees, and candidate committees.

27 **664:9-b Reports of Receipts and Expenditures Filed by Other Methods.** A political committee of
28 a candidate or a candidate may file such candidate's required reports as an email attachment, a
29 facsimile, or a paper copy, provided that:

30 **I.** The font size of the document as printed is not less than an 8 point font.

31 **II.** Email attachments are to be in portable document format archive (PDF/A) or other
32 acceptable format as determined by the secretary of state.

33 **III.** The report is mailed, delivered, or sent to the secretary of state on or before the date and
34 time that the report is due.

35 **2 New Section; Reports; Legibility Required.** Amend RSA 664 by inserting after section 9-b the
36 following new section:

2021-0717s

AMENDED ANALYSIS

This bill adopts legislation:

- I. Clarifying the circumstances under which certain persons are disqualified from performing certain duties of an election official.**
- II. Relative to the establishment of an election information portal.**
- III. Relative to recount fees.**
- IV. Relative to itemized statements filed by political committees and candidates.**
- V. Providing for optional town meeting procedures.**

Committee Minutes

SENATE CALENDAR NOTICE
Election Law and Municipal Affairs

Sen James Gray, Chair
Sen Regina Birdsell, Vice Chair
Sen Ruth Ward, Member
Sen Donna Soucy, Member
Sen Rebecca Perkins Kwoka, Member

Date: February 3, 2021

HEARINGS

Monday

02/08/2021

Election Law and Municipal Affairs	REMOTE	9:00 a.m.
(Name of Committee)	(Place)	(Time)

9:00 a.m. **SB 86-FN** adopting omnibus legislation relative to planning and zoning.

9:30 a.m. **SB 83** adopting omnibus legislation relative to elections.

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. To join the webinar: <https://www.zoom.us/j/95037663992>
 2. Or Telephone: Dial(for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799, or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
 3. Or iPhone one-tap: US: 13126266799, 95037663992# or 16465588656, 95037663992#
 4. Webinar ID: [950 3766 3992](https://www.zoom.us/j/95037663992)
 5. To view on YouTube, click here: <https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>
- The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 86-FN
Sen. Kahn
SB 83
Sen. Gray

Tricia Melillo 271-3077

James P. Gray
Chairman

Senate Election Law and Municipal Affairs Committee
Tricia Melillo 271-3077

SB 83, adopting omnibus legislation relative to elections.

Hearing Date: February 8, 2021

Members of the Committee Present: Senators Gray, Birdsell, Ward, Soucy and Perkins Kwoka

Members of the Committee Absent : None

Bill Analysis: This bill adopts legislation:

I. Clarifying the circumstances under which certain persons are disqualified from performing certain duties of an election official.

II. Relative to the establishment of an election information portal.

III. Relative to recount fees.

IV. Relative to itemized statements filed by political committees and candidates.

V. Providing for optional town meeting procedures and allowing preprocessing of absentee ballots.

Sponsors:

Sen. Gray

Who supports the bill: Senator James Gray, Senator Jay Kahn, Liz Tentarelli, Cordell Johnston, Olivia Zink, Pamela Raley, Susan Kaplan, Cynthia Walter, Maureen Ellermann, Barbara Reed, Bob Perry, Julie Thompson, Jane Westlake, Mary Boyle, Bev Cotton, Sherry Frost, Linda Bundy, Don House, Ann Podlipny, Renia Woods, Ann Garland, Phil Hatcher, Deborah Leavitt, Donna Maskwa, Mary Kelley, Nicole Fordey, Patrice Zboya, John Hurley, Jim Verschueren, Richard DeMark, Susan Richman, Ruth Perencevich, William Maddocks, Laura Aronson

Who opposes the bill: Curtis Howland, Holly Beene, Cindy Kudlik, Alvin See, Alexandra Mennella

Who is neutral on the bill: None

Summary of testimony presented in support:

Senator James Gray – Parts I - IV

- Part I of the bill has to do with the disqualification of election officials.
- In some communities an official working the election may also be running for office.
- There are two statutes that regulate this, and they have competing language.
- The intent of part I is to clean up the language so the two statutes are consistent.
- Currently, in smaller towns, it is hard to find people to run for office and to disqualify election officials creates a burden on those communities.
- There are other duties that they can do that does not involve the election results.
- Part II of the bill is an information portal.
- In New Hampshire we can file our taxes over the internet, this portal will allow a resident to change or update certain information of their voter registration in the same way.
- They could also request an absentee voter application through this portal.

- New Hampshire needs to get into the 21st century and combine with other portals in the state making it more convenient for voters.
- Part III has to do with the cost of doing recounts.
- He would welcome the Committee's input on how much to charge.
- As the system gets better and better with counting the votes on election day, the fees that are being charged now do not come close to what it costs to do the recount.
- When an election is recounted, generally each candidate will increase by 2 or 3 votes.
- The machine will not count a ballot that has been marked incorrectly but an election official doing a hand count will see the voter's intent and count it.
- This is not a large percentage. The fees should accurately reflect the cost.
- Part IV has to do with the itemized statements that are required of candidates.
- There is an electronic system that the state has that you can put in the information that is required by state law about your donors and your expenses.
- This makes it easy for people that are interested for
- There are Senate candidates that are advised by not to use the state system to upload their data.
- If you look at what is eventually sent in and reported, it is unreadable, and that does not fulfill the spirit of the requirement.
- He does not think we need to expand on the financial reports required but does believe those that are should be submitted and should be legible.
- This statute says that if a candidate is going to submit one of the financial reports and not use the state system to do it, then are responsible for it being legible.
- If all someone can see on the report are a bunch of dots or symbols, that is not meeting the requirement.
- He believes that some of the dollar limits that are in state law now, that candidates have to get information from the donors for, causes people to limit their donations.
- This bill does not change that now, but he would like to see changes like that in the future.
- He would only like to solve this one part now. That the information that is required, actually be legible.
- Senator Perkins Kwoka asked if in Part IV, on page 3, lines 33 – 34, where it talks about uploading a PDF vs. sending something in the mail, he could explain how someone would comply with that.
 - Senator Gray replied that one of the things that make the reports that the secretary is receiving illegible, is if they are sent by a fax machine. There is no way for any of us to know the quality of what is being received on the other end when we fax something. He added that he would be happy to change the language to be more inclusive or descriptive, but most people send the report by email where you can see the quality of the information.
- Senator Birdsell asked why would they not just require filing the report online.
 - Senator Gray replied that sometimes technology limits people from being able to file and paper versions of the reports work well and are legible.

Senator Jay Kahn – Part V

- This part reflects a continuation of HB 1129, the emergency legislation for town meetings that was adopted last year.
- Section I states that if a local governing body has been unable to adopt their budget prior to its fiscal year, they can continue to operate the governing body until the new budget is adopted.
- In Section II, it begins to address optional town meeting procedures, described on line 21, page 4, and these are only in place if a governing body is unable to hold in person annual meetings due to health or safety concerns.
- For clarification purposes, he is submitting an amendment to the committee which will define what is meant by governing body using RSA 21:48 as a reference.
- The rest of Section II describes the virtual meeting procedure if needed.
- Also, in the amendment, for clarification, it states that the election of officers on a warrant article will be effective regardless of the final action on the warrant articles.

- Section III has to do with the partial processing of absentee ballots.
- After the passage of SB 2, a couple of town clerks in his district shared a couple of issues that still needed to be addressed.
- Municipalities that have Sunday newspapers will be able to notify their residents of the partial processing of absentee ballots.
- On line 27, it allows the partial processing to happen on Sunday as well as the preceding days.
- The last ballots a town could receive would be on the Saturday before the election and this will allow the election officials to process those on Sunday.
- Senator Perkins Kwoka asked for more context as it seems as if they are asking the towns to convene twice and then have a drive through voting procedure. She added that on lines 29 – 31 of page 4, the language around questions from the public, might be a little tough for towns to comply with.
 - Senator Kahn replied that in section II, paragraph I and II, these are the current emergency procedures of HB 1129. This provides for the information session to take place upon adjournment, the comments and questions received from the public after that shall be considered by the governing body for possible accommodation in the articles that go forward for the ballots.
- Senator Ward asked if on page 4, in Section II, where it talks about not making an expenditure between the beginning of the fiscal year and the date a budget is adopted, he wants to set a time limit because it could go for quite a long time.
 - Senator Kahn replied that she is correct it could. He is only aware that this past year towns that could not complete their meetings in the spring did so in the summer. This is trying to make sure that the spending that took place from the start of the fiscal year through August could take place.
- Senator Ward commented that in her part of the district they do not read newspapers and asked what would be the safest place to notify the residents of an upcoming event.
 - Senator Kahn answered that the two announcements that are required by law, towns generally put them on the town hall and with posters on roadways. The town might not have its own newspaper, but the closest daily newspaper would be used. The Union Leader and Concord Monitor are two places that are available for public notices and could be useful for the towns served by them.

Liz Tentarelli – NH League of Women Voters – Support for Part IV

- They support modernizing the election process, and this is a positive step forward.
- It always people from the safety of their homes to change some information

Cordell Johnston – NH Municipal Association

- Part I and V of the bill they support, and they have no position on the others.
- In Part I, they appreciate making the clarification of who can do what consistent in both statutes.
- Part V, Section I, addresses the issue that most towns have annual meetings in March when they adopt the budget, even though their fiscal year began January 1st.
- There is a provision in RSA 32:13, that they can make expenditures between the date of the fiscal year and date the budget is adopted.
- This current law only applies to towns that have a January fiscal year and March meeting.
- The language in this section would allow the same provision for those towns that have a May town meeting.
- Last year those towns had to postpone their meetings until late July and some even until August.
- They could take advantage of the provision that would allow them to still operate so an emergency order was needed.
- This will make that order permanent so they can spend money during the gap period.

- In answer to Senator Ward's question, as a practical matter the time limit would be September 1st, because towns have to provide their adopted budget to the DRA in order to have the tax rates set.
- Section II they support but think it needs work so that the process is clarified as many municipalities have questions.
- Some of the questions asked are who presides at the virtual meeting and does the voting have to happen on a particular day.
- They have been answering questions on the fly but if this goes into law permanently, it would be helpful if as many details as possible could be addressed.
- They support Section III, but it does not include everything that was in SB 2 that the Senate has adopted.
- It does not include how the checklist is marked and when challenges are made to the absentee ballots.
- He believes all the processes for absentee ballots need to be reconciled.

David Scanlan – Deputy Secretary of State

- He suggests that under Part IV, on line 33, it would be helpful if they left the word uploading in there, and have it read “by uploading to the electronic campaign finance system or sending the report.”
- They want people to file electronically if they can and the language seems to imply that it should just be sent in the form of a PDF document.
- The language should encourage the use of the campaign finance system or to file legible reports.
- In addition to requiring it to be emailed to the SOS in a PDF format, it may be a good idea to require a minimum font size.
- That is one of the problems they have with reports that are filed to them, the font is a size that nobody can read.
- Part V, on line 21, where it talks about implementing the procedures when needed “due to health or safety concerns”, they would prefer to see that language more defined and stronger.
- This process removes the opportunity for towns people to vote on the amendments being presented on warrant articles.
- It gives that authority to the governing body, the same body that makes the decision to use this format. It should be clarified that it is for emergencies and as a last resort process.
- Senator Soucy asked if the campaign finance reports are scanned by the Secretary of State's office.
 - Mr. Scanlan replied that they are. He continued, that there are two ways reports can be filed. They can be uploaded directly to the online system or people that want to use paper forms can hand deliver, fax, or email an attachment. When they receive those, they scan them into the system so they can be viewed on the website and they scan them as they were received.
- Senator Soucy asked if it could be the scanning equipment that is the issue with the forms that are unreadable.
 - Mr. Scanlan replied that usually it is the copy they receive that is the issue. It is either illegible or a bad copy.

Summary of testimony presented in opposition: None

Speakers

ELECTION LAW AND MUNICIPAL AFFAIRS
 SB 83 2/8/2021

Name	Representing	Position	Testifying
Tentarelli, Liz	League of Women Voters NH	Support	Yes
Kahn, Jay	Senate District 10	Support	Yes
Johnston, Cordell	NH Municipal Association	Support	Yes
Gray, Senator James	Senate District 6	Support	Yes
Zink, Olivia	Open Democracy Action	Support	No
Raley, Pamela	Myself	Support	No
Kaplan, Susan	Myself	Support	No
Walter, Cynthia	Myself	Support	No
Ellermann, Maureen	Myself	Support	No
Reed, Barbara	Myself	Support	No
Perry, Bob	Myself	Support	No
Howland, Curtis	Myself	Oppose	No
thompson, julie	Myself	Support	No
Westlake, Jane	Myself	Support	No
Boyle, Mary	Myself	Support	No
Cotton, Bev	Myself	Support	No
Frost, Sherry	Myself	Support	No
Beene, Holly	Myself	Oppose	No
Bundy, Linda	Myself	Support	No
House, Don	Myself	Support	No
Podlipny, Ann	Myself	Support	No
Woods, Renia	Myself	Support	No
Garland, Ann	Myself	Support	No
Hatcher, Phil	Myself	Support	No
Leavitt, Deborah	Myself	Support	No
Kudlik, Cindy	Myself	Oppose	No
Maskwa, Donna	Myself	Support	No
Kelley, Mary	Myself	Support	No
Fordey, Nicole	Myself	Support	No
Zboya, Patrice	Myself	Support	No
Hurley, John	Myself	Support	No
Verschueren, Jim	Myself	Support	No
DeMark, Richard	Myself	Support	No
Richman, Susan	Myself	Support	No
Perencevich, Ruth	Myself	Support	No
Maddocks, William	Myself	Support	No
See, Alvin	Myself	Oppose	No
Aronson, Laura	Myself	Support	No
Mennella, Alexandra	Myself	Oppose	No

Voting Sheets

**Senate Election Law
& Municipal Affairs Committee
EXECUTIVE SESSION RECORD
2021 Session**

Bill # 83 Omnibus

Hearing date: 2-8-2021

Executive Session date: 3/8/21

Motion of: Part III Amendment 0346s Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Part IV Amendment 0564s Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Part V Amendment ~~0564s~~ Committee Vote: 3-2

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Perkins-Kwoka	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Reported out by: At the end. Line 25

Notes: That such Report is Non-Compliant

**Senate Election Law
& Municipal Affairs Committee
EXECUTIVE SESSION RECORD
2021 Session**

1:28 p.m.
3/8/21
sent Request
to OLS!

Bill # 83 Omnibus

Hearing date: 2-8-2021

Executive Session date: 3/8/21

Motion of: OTP Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: OTP/A Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. GRAY

Notes:
~~RPK Concern - clarify procedure "sending"~~
~~JG - Amendment for section 14~~
~~JG - Objects to V - ? SOS - Study this.~~

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Monday, March 8, 2021

THE COMMITTEE ON Election Law and Municipal Affairs
to which was referred **SB 83**

AN ACT adopting omnibus legislation relative to elections.

Having considered the same, the committee recommends that the Bill
OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 0717s

Senator James Gray
For the Committee

Tricia Melillo 271-3077

General Court of New Hampshire - Bill Status System

Docket of SB83

Docket Abbreviations

Bill Title: adopting omnibus legislation relative to elections.*Official Docket of SB83.:*

Date	Body	Description
1/26/2021	S	Introduced 01/06/2021 and Referred to Election Law and Municipal Affairs; SJ 3
2/3/2021	S	Remote Hearing: 02/08/2021, 09:30 am; Links to join the hearing can be found in the Senate Calendar; SC 10
3/9/2021	S	Committee Report: Ought to Pass with Amendment #2021-0717s , 03/18/2021; SC 15
3/18/2021	S	Committee Amendment #2021-0717s , RC 24Y-0N, AA; 03/18/2021; SJ 8
3/18/2021	S	Ought to Pass with Amendment 2021-0717s, RC 24Y-0N, MA; OT3rdg; 03/18/2021; SJ 8
3/31/2021	H	Introduced (in recess of) 02/25/2021 and referred to Election Law HJ 4 P. 50
4/15/2021	H	==CANCELLED== Public Hearing: 04/22/2021 10:30 am Members of the public may attend using the following link: To join the webinar: https://zoom.us/j/99446784139 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
4/15/2021	H	Public Hearing: 04/23/2021 10:30 am Members of the public may attend using the following link: To join the webinar: https://zoom.us/j/96682102830 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
4/29/2021	H	Full Committee Work Session: 05/05/2021 10:00 am Members of the public may attend using the following link: To join the webinar: https://zoom.us/j/98783397971 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
5/12/2021	H	Executive Session: 05/19/2021 10:00 am Members of the public may attend using the following link: To join the webinar: https://zoom.us/j/99392215410
5/26/2021	H	Committee Report: Ought to Pass with Amendment #2021-1608h (Vote 20-0; CC) HC 26 P. 5
6/3/2021	H	Amendment #2021-1608h : AA VV 06/03/2021 HJ 8 P. 5
6/3/2021	H	Ought to Pass with Amendment 2021-1608h: MA VV 06/03/2021 HJ 8 P. 5
6/10/2021	S	Sen. Gray Moved Nonconcur with the House Amendment; Requests C of C, MA, VV; 06/10/2021; SJ 19
6/10/2021	S	President Appoints: Senators Gray, Ward, Soucy; 06/10/2021; SJ 19
6/10/2021	H	House Refuses to Accede to Senate Request for CofC (Rep. B. Griffin): MA VV 06/10/2021

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 83

Senate Committee: ELMA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # 0564s ✓

- amendment # 0346s ✓

- 0717s ✓

- amendment # 0506s ✓

- amendment # 0117s ✓

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # _____ ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

___ Enrolled Bill Amendment(s)

___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

as amended by the senate

as amended by the house

___ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Committee Aide

8/5/21
Date

Senate Clerk's Office 