HB 495 - AS INTRODUCED

2023 SESSION

23-0381
06/08

HOUSE BILL ***495***

AN ACT relative to counting votes.

SPONSORS: Rep. D. McGuire, Merr. 14

COMMITTEE: Election Law

ANALYSIS

This bill establishes guidelines for determining which marks on a ballot constitute a vote. This bill also requires an instruction on ballots regarding requesting a new ballot.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 495 - AS INTRODUCED

23-0381
06/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to counting votes.

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

1 Instructions to Voters. Amend RSA 659:17 to read as follows:

659:17 Marking the Ballot; Instructions to Voters. The secretary of state shall provide on the top of the general election ballot the following voting instructions. The secretary of state is authorized to replace the phrase "Make the appropriate mark" with an appropriate description and example of the mark to be made for the type of ballot in use, such as "Make a cross (X) in the box," "Completely fill in the oval," or "Complete the arrow":

1) To Vote

Make the appropriate mark to the right of your choice. For each office vote for not more than the number of candidates stated in the sentence: "Vote for not more than ___." If you vote for more than the stated number of candidates, your vote for that office will not be counted.

2) To Vote by Write-In

To vote for a person whose name is not printed on the ballot, write in the name of the person in the "write-in" space. Make the appropriate mark to the right of your choice.

3) If you incorrectly mark your ballot, you may request a new ballot from the moderator.

2 Determining Intention of Voter. Amend RSA 659:64 to read as follows:

659:64 Determining Intention of Voter.

I. If a ballot is marked for any office in a way which does not readily admit of counting or if a disagreement over how to count the ballot for any office occurs among the election officers present and counting votes, then the ballot shall be counted for that office in accordance with the majority vote of the election officials present and counting votes; provided that, if no alternative count receives a majority vote, the ballot shall be regarded as defective for that office as provided in RSA 659:65. ***Election officers shall use the guidelines in paragraph II when determining how to count the ballot.***

II. Election officers counting votes shall determine whether a mark within a box, oval, or arrow, herein called a "spot," is a vote as follows:

(a) A correctly filled-in spot is a vote.

(b) Where all spots marked on the ballot are similarly marked, they are all votes, except in cases where the voter votes for more than the number of candidates permitted.

(c) Where one or 2 spots are marked differently from the rest of the marks on the ballot:

(1) If the candidate's name is crossed or scratched out, it is not a vote.

(2) If counting that spot would result in more votes for the office than permitted, it is not a vote.

(3) A small dot inside the spot is not a vote.

(4) An "X" superimposed over a correctly filled-in spot is not a vote.

(5) Tracing the edge of a spot is not a vote.

(6) A correctly filled-in spot with extra lines protruding from the spot is a vote, except as provided in subparagraph (4).

(d) If the spot for the write-in is not filled in, but the name of a person in the "write-in" space has been written in, then the write-in vote is valid.

3 General Election Recounts. Amend RSA 660:5 to read as follows:

660:5 Conduct of Recount. If directed by the secretary of state, the state police shall collect all ballots requested from the town or city clerks having custody of them and shall deliver them to the public facility designated by the secretary of state. At the time and place so appointed, the ballots cast for such office shall be counted by the secretary of state and such assistants as the secretary of state may require. When counting the ballots, the secretary of state or his or her assistants shall visually inspect each ballot ***in accordance with the guidelines in RSA 659:64, II.*** No mechanical, optical, or electronic device shall be used for the counting of ballots. The candidates, their counsel, and assistants shall have the right to inspect the ballots and participate in the recount under such suitable rules as the secretary of state may adopt. If the candidate requesting the recount cannot attend the recount, the candidate shall designate, in writing, to the secretary of state the name of an individual who will attend the recount and who will be authorized to make decisions on the candidate's behalf. Each candidate or his or her counsel or designee shall have the right to protest the counting of or failure to count any ballot. The secretary of state shall thereupon rule on said ballot and shall attach thereto a memorandum stating such ruling and the name of the candidate making the protest. If, at any time during the counting of the ballots, a discrepancy appears in any ballot for any reason, the secretary of state shall suspend the recount until the discrepancy is resolved, at which time the secretary of state shall continue the recount. In no event shall a discrepancy result in a second recount for the same candidate, as provided in RSA 660:3.

4 Constitutional Amendments Recount. Amend RSA 660:11 to read as follows:

660:11 Conduct. The secretary of state shall request that all town and city clerks forward ballots containing such proposed amendment to the secretary of state forthwith, and the clerks shall immediately forward them. At the time and place so appointed, the ballots shall be counted by the secretary of state and such assistants as the secretary of state may require. When counting the ballots, the secretary of state or his or her assistants shall visually inspect each ballot ***in***

accordance with the guidelines in RSA 659:64, II. No mechanical, optical, or electronic device shall be used for the counting of ballots. The ballots shall be open to the inspection of the petitioners and other interested persons under such suitable rules as the secretary of state may prescribe. If, after the recount, it shall appear that the result of the voting on said question is other than that declared upon the original canvass of votes, the secretary of state shall declare the result found upon recount which shall be final unless the result is changed as a result of an appeal taken to the superior court.

5 County Referendum Recounts. Amend RSA 660:12 to read as follows:

660:12 County Referendum. The secretary of state shall recount the ballots cast on any question which may be submitted to the voters of a county at a state general election under the provisions hereinafter set forth. Application for such recount shall be by written petition signed by at least 50 legal voters of said county presented to the secretary of state no later than the second Friday following the state general election. The recount shall take place at any suitable state facility in the city of Concord as may be designated by the secretary of state at such time as the secretary of state may appoint and under such rules of procedure as he or she shall determine. When counting the ballots, the secretary of state or his or her assistants shall visually inspect each ballot ***in accordance with the guidelines in RSA 659:64, II.*** No mechanical, optical, or electronic device shall be used for the counting of ballots. The secretary of state shall publish notice of the time and place of the recount once in a paper of general circulation throughout the county. The fee for such a recount on a question voted on throughout a county shall be $25 which shall be paid to the secretary of state by the person submitting the application. If, after the recount, it shall appear that the result of the voting on said question is other than that declared upon the original canvass of votes, the secretary of state shall declare the result found upon recount which shall be final unless the result is changed as a result of an appeal taken to the superior court.

6 Local Question Recounts. Amend RSA 660:14 to read as follows:

660:14 Conduct. At the time and place so appointed, the ballots shall be counted by the secretary of state and such assistants as the secretary of state may require. The ballots shall be open to the inspection of the petitioners, the officials of the city or town, counsel, if any, of the same, and other interested persons under such suitable rules as the secretary of state shall prescribe. When counting the ballots, the secretary of state or his or her assistants shall visually inspect each ballot ***in accordance with the guidelines in RSA 659:64, II.*** No mechanical, optical, or electronic device shall be used for the counting of ballots.

7 Town Election Recounts. Amend RSA 669:32 to read as follows:

669:32 Board of Recount. At the time and place so appointed and notified, the clerk shall publicly break the seal of and open the package in which the ballots of said election are kept; and, thereupon, said ballots shall be recounted by the clerk, the moderator, and the selectmen of said town who shall constitute the board of recount. When counting the ballots, the board of recount or

their assistants shall visually inspect each ballot ***in accordance with the guidelines in RSA 659:64, II.*** No mechanical, optical, or electronic device shall be used for the counting of ballots. Any member of the board of recount who is one of the candidates for the office being recounted shall disqualify himself or herself from the board of recount for all official duties of said board. The moderator shall appoint an assistant who shall take the same oath as, serve in the same capacity as and have all the powers of the recount official whom he or she has replaced.

8 Effective Date. This act shall take effect 60 days after its passage.

CONSENT CALENDAR

March 7, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Election Law to which was referred HB 495,

AN ACT relative to counting votes. Having considered the same, report the same with the following resolution:

RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Katherine Prudhomme-O'Brien

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Election Law**
Bill Number:	**HB 495**
Title:	**relative to counting votes.**
Date:	**March 7, 2023**
Consent Calendar:	**CONSENT**
Recommendation:	**INEXPEDIENT TO LEGISLATE**

STATEMENT OF INTENT

This bill aims to establish guidelines for determining which marks on a ballot constitute a vote. It would also require instructions on ballots about requesting a new ballot. The committee felt these were infrequent problems and did not warrant these efforts. Additionally, the guidelines cannot possibly cover every type of mark, and observers will still debate these marks and will ultimately receiving a ruling from the Secretary of State.

Vote 20-0.

Rep. Katherine Prudhomme-O'Brien
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Election Law

HB 495, relative to counting votes. **INEXPEDIENT TO LEGISLATE.**

Rep. Katherine Prudhomme-O'Brien for Election Law. This bill aims to establish guidelines for determining which marks on a ballot constitute a vote. It would also require instructions on ballots about requesting a new ballot. The committee felt these were infrequent problems and did not warrant these efforts. Additionally, the guidelines cannot possibly cover every type of mark, and observers will still debate these marks and will ultimately receiving a ruling from the Secretary of State. **Vote 20-0.**

Original: House Clerk
Cc: Committee Bill File

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill #: HB495 Date: 2/21/23

Committee: Election Law

**** Please Print All Information ****

Name	Address	Phone	Representing	Pro	Con
Liz Tentarelli	Newbury		self		✓
Linda Bundy	Antrim		self		✓
~~Dan Healey~~	~~New Hampshire City and Town Clerks~~				✓
Rep Timothy Horrigan	Grafton 10				✓

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 495

BILL TITLE: **relative to counting votes.**

DATE: **February 21, 2023**

LOB ROOM: **306-308** **Time Public Hearing Called to Order:** **2:04 p.m.**

Time Adjourned: **2:29 p.m.**

Committee Members: Reps. Berry, Grill, Prudhomme-O'Brien, Boehm, Qualey, Ankarberg, Burnham, Kennedy, Wherry, Wood, Lane, Ward, Hamer, Hamblet, Muirhead, Bay, Brennan and H. Howard

Bill Sponsors:
Rep. D. McGuire

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Dan McGuire,* sponsor, introduced the bill and spoke in support. He said that most ballots are completed normally, but in some cases there are strange markings made and election officials have to make a judgment as to the voter's intent. He cited his experience observing a recount where a ballot included an atypical marking for the Executive Council ballot line and there was disagreement with regards to whether or not the voter had chosen the candidate in question given that the voter had completed the rest of the ballot normally. Rep. McGuire stated that ideally, two people viewing the same ballot should reach the same conclusion as to the voter's intent. He stated that the bill lists specific types of markings and associated meaning to ensure consistency during recounts. The bill specifies that if all markings on a ballot are consistent except for 1-2 marks, the actions of the bill would apply. For example, if a voter made a small pen marking in one circle but the remaining circles were completely filled, the pen marking would not count as a vote.

Rep. Prudhomme-O'Brien referenced a completely filled circle with markings around the circle, and asked whether this could indicate that a voter was crossing out that circle. Rep. McGuire stated that the main concern was consistency, and in the case that he saw this example, the voter did not select any other candidates, indicating a vote for the selected candidate.

Rep. Boehm stated that he has told voters to request a new ballot after making a mistake and asked why a voter would not request another ballot. Rep. McGuire stated that he included this language in his bill to clarify the instructions for voters.

Rep. Grill asked who would be responsible for making a judgment on ballot markings, and whether this bill would apply to town officials or just state officials. Rep. McGuire confirmed that this guidance would be consistent for all election officials.

Rep. Howard asked how the ballot law commission had ruled for the examples referenced. Rep. McGuire stated that he was not aware of any BLC decisions but that the Secretary of State had made judgments referenced in his bill.

Rep. Lane asked how an election official would rule in the case of markings not referenced in the bill. Rep McGuire stated that the decision would default to the election official. Rep. Lane followed up to state that these examples are not all-inclusive.

Rep. Muirhead asked that if a voter places a small dot in the middle of a circle each time, whether that would count as a vote. Rep. McGuire confirmed that this was correct. Rep. Muirhead asked how optical ballot scanners read small dots. Rep. McGuire said that he did not know for sure, but that in

some cases the optical reader might count the marking as a vote, and that the readers have thresholds for the amount of markings in the circle.

Deputy Secretary of State Erin Hennessey spoke to provide information on the bill. She referenced Rep. Lane's question and stated that the bill does not account for any instances other than the examples already included in the bill. She stated that she was concerned that if someone's pen was running out of ink, their last votes would not be counted because they are not consistent with the ballot.

Rep. Wood asked for clarification on an instance included in the bill. Ms. Hennessey confirmed that the vote would count if it was consistent.

Rep. Wherry asked if the Secretary of State's office would prefer regulation or guidance. Ms. Hennessey said that the office would prefer guidance as no legislation would be exhaustive. Rep. Wherry stated that he does not think the process of regulating requesting a new ballot is bad, but asked if some guidance included in the bill would be preferable and whether the SOS's office would have additional guidance referencing examples not included. Ms. Hennessey said that the office would likely be able to find additional instances.

Rep. Lane asked if a statute would be needed for the SOS's office to provide guidance like that outlined in the bill. Ms. Hennessey stated that the office already provides guidance during training sessions prior to each election.

Rep. Muirhead asked if the guidance offered by the SOS's office aligns with the guidance included in the bill. Ms. Hennessey said that generally this is the case and the idea of judging a voter's intent is to look at the consistency of markings on the ballot.

Rep. Brennan asked whether if the bill was amended to include only the instructions for requesting a new ballot and to state that the SOS's office would provide further guidance on ballot marking, would Ms. Hennessey support it? Ms. Hennessey stated that she would be happy with that requirement.

Rep. Wherry asked if it would be possible for the SOS's office to provide more detailed guidance within the election manual beyond training so that it is codified in some way? Ms. Hennessey stated that the bill is written to be prescriptive to election officials, and that the SOS's office cannot require specific action from election officials. Rep. Wherry followed up to ask whether language needs to be clarified to instruct election officials to follow SOS's guidance. Ms. Hennessey stated she would need to follow up.

Rep. Prudhomme-O'Brien asked whether instructions on how to fill out a ballot are currently provided to voters. Ms. Hennessey stated that this is correct and most voters make standard markings on their ballots.

Acting Chair Berry read the entries on the blue sign-in sheet: 3]opposed.

Acting Chair Berry adjourned the public hearing.

House Remote Testify

Election Law Committee Testify List for Bill HB495 on 2023-02-21

Support: 9 Oppose: 106 Neutral: 1 Total to Testify: 0

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Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane
Gilman, Meg	Portsmouth, NH meggart@aol.com	A Member of the Public	Myself	Oppose	No	No
Kinney, Rev. Dr. Gail	Canaan, NH gailhrdi@aol.com	A Member of the Public	Myself	Oppose	No	No
Emus, Joanne	Hollis, NH jremus0322@aol.com	A Member of the Public	Myself	Oppose	No	No
Emus, David	Hollis, NH dhemus@aol.com	A Member of the Public	Myself	Oppose	No	No
Farnum, Ellen	Tamworth, NH ellenlynnfarnum@gmail.com	A Member of the Public	Myself	Oppose	No	No
Kelley, Mary	Dover, NH midgekelley1@gmail.com	A Member of the Public	Myself	Oppose	No	No
Borne, Steven	Rye, NH steven@consumegov.com	A Member of the Public	Myself	Oppose	No	No
Smith, Julie	Nashua, NH cantdog@comcast.net	A Member of the Public	Myself	Support	No	No
Guven, Taci	Windham, NH taci.guven@yahoo.com	A Member of the Public	Myself	Support	No	No
Mercer, Jennifer	Loudon, NH jenannmercer@gmail.com	A Member of the Public	Myself	Support	No	No
Coon, Kate	Peterborough, NH kate2coon@gmail.com	A Member of the Public	Myself	Oppose	No	No
Willing, Maura	Concord, NH Maura.Willing@Comcast.net	A Member of the Public	Myself	Oppose	No	No
Jorgensen, Patricia	NORTHFIELD, NH yellaboat@aol.com	A Member of the Public	Myself	Support	No	No
Damon, Claudia	Concord, NH cordsdamon@gmail.com	A Member of the Public	Myself	Oppose	No	No
Podlipny, Ann	Chester, NH apodlipny57@comcast.net	A Member of the Public	Myself	Oppose	No	No
Straiton, Marie	Pembroke, NH m.straiton@comcast.net	A Member of the Public	Myself	Oppose	No	No
Satterfield, Peter	Pembroke, NH psatterfield@comcast.net	A Member of the Public	Myself	Oppose	No	No
Reed, Barbara	North Swanzey, NH BDReed74@gmail.com	A Member of the Public	Myself	Oppose	No	No
Carter, Lilian	Deering, NH lcarter0914@gmail.com	A Member of the Public	Myself	Oppose	No	No
Steel, Sandy	PLAINFIELD, NH selizabethsteel@gmail.com	A Member of the Public	Myself	Oppose	No	No
Torpey, Jeanne	Concord, NH jtorp51@comcast.net	A Member of the Public	Myself	Oppose	No	No
Casino, Joanne	Concord, NH joannecasino@comcast.net	A Member of the Public	Myself	Oppose	No	No

hatch, sally	concord, NH sallyhatch@comcast.net	A Member of the Public	Myself	Oppose	No	No	
Istel, Claudia	Acworth, NH cistel79@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Liscord, Barbara McKusick	Mont Vernon, NH barbmcklis@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Dickler, Jeffrey	Rindge, NH gsgstriker@aol.com	A Member of the Public	Myself	Oppose	No	No	
Campbell, Karolyn	Epsom, NH kkcampbell43@yahoo.com	A Member of the Public	Myself	Oppose	No	No	
Walker, Deborah Klein	Meredith, NH deb.publichealth@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Huberman, Anne	Peterborough, NH Anne.Huberman@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Jones, Andrew	Pembroke, NH arj11718@yahoo.com	A Member of the Public	Myself	Oppose	No	No	
Devore, Gary	Pembroke, NH torin_asheron@yahoo.com	A Member of the Public	Myself	Oppose	No	No	
MacGregor, Leslie	Grantham, NH lsmacgregor@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Ackerson, Judith	Franklin, NH ackerjack45@gmail.com	An Elected Official	Myself	Oppose	No	No	
Ackerson, Kenneth	Franklin, NH ackerjack45@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Englund, Alfrieda	Stoddard, NH ditaenglund43@gmail.com	An Elected Official	Myself	Oppose	No	No	
Davidson, Geri	Nashua, NH geridavidson15@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Desmarais, Doreen	Northwood, NH doreend@netzero.net	A Member of the Public	Myself	Oppose	No	No	
Monsein, Marilyn	Sugar Hill, NH msquared3@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Keeler, Margaret	New London, NH peg5keeler@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Wessels, Susan	RINDGE, NH slwessels2010@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Keegan, John	BOscawen, NH peoresnada@tds.net	A Member of the Public	Myself	Oppose	No	No	
Hatcher, Phil	Dover, NH phil.hatcher@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Liebowitz, Susan	Plainfield, NH supawali@hotmail.com	A Member of the Public	Myself	Oppose	No	No	
Perry, Bob	Strafford, NH perry4nh@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Anastasia, Patricia	Londonderry, NH patti.anastasia@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Merlone, Lynn	Rindge, NH prulone@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Hershey, Jane	Rindge, NH janelhershey@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Moore, Susan	Franconia, NH susan.moore.franconia@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Rasmussen, Elissa	Brookline, NH elissa@evanshatz.com	A Member of the Public	Myself	Oppose	No	No	

Rasmussen, Kyle	Brookline, NH kyle_rasmussen@icloud.com	A Member of the Public	Myself	Oppose	No	No
Hackmann, Kent	Andover, NH hackmann@uidaho.edu	A Member of the Public	Myself	Oppose	No	No
Cotton, Bev	Weare, NH bevcott@gmail.com	A Member of the Public	Myself	Oppose	No	No
Bushueff, Catherine	Sunapee, NH agawamdesigns@gmail.com	A Member of the Public	Myself	Oppose	No	No
Phillips, Betsey	Bethlehem, NH bphill36@gmail.com	A Member of the Public	Myself	Oppose	No	No
MESERVE, BARBARA	JACKSON, NH ALLSNOWDAYS@YAHOO.COM	A Member of the Public	Myself	Oppose	No	No
Fitts, Melodie	Laconia, NH mlfitts@metrocast.net	A Member of the Public	Myself	Support	No	No
Taylor, Gale	Concord, NH galeforcefacilitators@gmail.com	A Member of the Public	Myself	Oppose	No	No
Shanks, Penelope	Keene, NH Penelope.shanks@gmail.com	A Member of the Public	Myself	Oppose	No	No
Benham, Beth	Nottingham, NH deeppeace296@gmail.com	A Member of the Public	Myself	Oppose	No	No
Laker-Phelps, Gail	Chichester, NH lpsart@tds.net	A Member of the Public	Myself	Oppose	No	No
DONTONVILLE, ROGER	Enfield, NH rdontonville@gmail.com	A Member of the Public	Myself	Oppose	No	No
Dontonville, Anne	Enfield, NH Ardontonville@gmail.com	A Member of the Public	Myself	Oppose	No	No
Olson, Sarah	Bow, NH sbrtanner@yahoo.com	A Member of the Public	Myself	Oppose	No	No
Fuentes, Sebastian	Thornton, NH sebastian@radnh.org	A Lobbyist	Rights & Democracy NH	Oppose	No	No
CALLAHAN, ELIZABETH	STRAFFORD, NH ecallahan30@gmail.com	A Member of the Public	Myself	Oppose	No	No
Varnum, Steve	Concord, NH sfxvarnum@gmail.com	A Member of the Public	Myself	Oppose	No	No
Perencevich, Ruth	Concord, NH rperence@comcast.net	A Member of the Public	Myself	Oppose	No	No
Omand, Sharon	Strafford, NH Sharonomsnd56@gmail,com	A Member of the Public	Myself	Oppose	No	No
Moreno, Laurie	Strafford, NH lzmstrafford@gmail.com	A Member of the Public	Myself	Oppose	No	No
FRIEDRICH, ED	Loudon, NH erfriedrich@yahoo.com	A Member of the Public	Myself	Oppose	No	No
Spencer, Louise	Concord, NH lpskenstreet@gmail.com	A Member of the Public	Myself	Oppose	No	No
Spencer, Rob	Concord, NH rfspencer@aol.com	A Member of the Public	Myself	Oppose	No	No
Brennan, Nancy	Weare, NH burningnan14@gmail.com	A Member of the Public	Myself	Oppose	No	No
QUISUMBING-KING, Cora	Dover, NH coraq@comcast.net	A Member of the Public	Myself	Oppose	No	No
Petrusewicz, Carol	Rochester, NH clmcc2befree@yahoo.com	A Member of the Public	Myself	Neutral	No	No
Tuthill, John	Acworth, NH johng.tuthill@gmail.com	A Member of the Public	Myself	Oppose	No	No

Bishop, Nancy	Plaistow, NH nanbis71@gmail.com	A Member of the Public	Myself	Oppose	No	No
Tucker, Katherine	Wilmot, NH katherine.s.tucker@valley.net	A Member of the Public	Myself	Oppose	No	No
Davis, Johnna	Gilford, NH jdavis@metrocast.net	A Member of the Public	Myself	Oppose	No	No
Ellermann, Maureen	Concord, NH ellermannf@aol.com	A Member of the Public	Myself	Oppose	No	No
Jennings, Cheryl	Bow, NH cheryljennings@hotmail.com	A Member of the Public	Myself	Support	No	No
DeMark, Richard	Meredith, NH demarknh114@gmail.com	A Member of the Public	Myself	Oppose	No	No
DeMark, Harriet	Meredith, NH demarknh114@gmail.com	A Member of the Public	Myself	Oppose	No	No
Palmer, William	Cornish, NH Wpalmernh@gmail.com	An Elected Official	Myself	Oppose	No	No
Lamphier, Regan	Nashua, NH reganburkelamphier@gmail.com	An Elected Official	Myself	Oppose	No	No
Mulligan, Virginia	Strafford, NH ginibelize@gmail.com	A Member of the Public	Myself	Oppose	No	No
Brennan, Jane	Weare, NH janelb@gsinet.net	A Member of the Public	Myself	Oppose	No	No
Brennan, Arthur	Weare, NH arete201314@gmail.com	A Member of the Public	Myself	Oppose	No	No
Black, Matthew	Mont Vernon, NH immsb1138@gmail.com	A Member of the Public	Myself	Oppose	No	No
Racusin, Sharon	Hanover, NH sdracusin@gmail.com	A Member of the Public	Myself	Oppose	No	No
Holtz, Anthony	Dover, NH awave28@live.com	A Member of the Public	Myself	Oppose	No	No
Itse, Daniel	Manchester, NH itsenh@comcast.net	A Member of the Public	Myself	Support	No	No
Caudill Slosberg, Margaret	Hanover, NH margaretcs08@gmail.com	A Member of the Public	Myself	Oppose	No	No
Martin, Lucretia	Hanover, NH Lucretia.L.Martin@Dartmouth.EDU	A Member of the Public	Myself	Oppose	No	No
Burton, Mary	Hanover, NH maryburton@earthlink.net	A Member of the Public	Myself	Oppose	No	No
Miles, Nancy	Hanover, NH nmiles3342@gmail.com	A Member of the Public	Myself	Oppose	No	No
Johnson, Dawn	Laconia, NH staterep@dawnjohnson4nh.com	A Member of the Public	Myself	Support	No	No
Chase, Karen	Hanover, NH kpchase@verizon.net	A Member of the Public	Myself	Oppose	No	No
Holcombe, Susan	Hanover, NH shholcombe@gmail.com	A Member of the Public	Myself	Oppose	No	No
Hinebauch, Mel	Concord, NH melhinebauch@gmail.com	A Member of the Public	Myself	Oppose	No	No
Corell, Elizabeth	Concord, NH Elizabeth.j.corell@gmail.com	A Member of the Public	Myself	Oppose	No	No
Lobdell, Sara	Concord, NH sara@opendemocracy.me	A Lobbyist	Open Democracy	Oppose	No	No
Cote, Lois	Manchester, NH, NH lcote06@outlook.com	A Member of the Public	Myself	Oppose	No	No

Holt, David	Somersworth, NH davholt@aol.com	A Member of the Public	Myself	Oppose	No	No	
Nelson, Deborah	Hanover, NH dbaconnelson@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Rettew, Ann	Concord, NH abrettew@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Hoeh, Sandra	Hanover, NH Suhoeh@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Smith, Sara	Pembroke, NH sara.rose.ssmith@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Liberman, Sheryl	Merrimack, NH saml54@comcast.net	A Member of the Public	Myself	Oppose	No	No	
Baucom, Pam	Walpole, NH ptubridybaucom@gmail.com	A Member of the Public	Myself	Oppose	No	No	
morgan, meredith	hanover, NH meredithm@kahres.org	A Member of the Public	Myself	Oppose	No	No	
Sweeney, Margaret	Campton, NH MS975@protonmail.com	A Member of the Public	Myself	Support	No	No	
Steel, Laura	Plainfield, NH lfsteel@verizon.net	A Member of the Public	Myself	Oppose	No	No	
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Ufford, Letitia	Hanover, NH letitia.ufford@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Grossman, Kathy	Hollis, NH Kathy@grossmangizmos.com	A Member of the Public	Myself	Oppose	No	No	

HB 495 Samples

Dan McGuire, 603-782-4918

Consider this ballot

Cat Party **Dog Party**

US Senator (vote for one)
A. Jones ◯ B. Jones ●

US Congressman (vote for one)
C. Jones ◯ D. Jones ●

Governor (vote for one)
E. Jones ◯ F. Jones ●

Executive Councilor (vote for one)
G. Jones ◯ H. Jones ●

State Senator (vote for one)
I. Jones ◯ J. Jones ●

State Representative (vote for one)
K. Jones ◯ L. Jones ●

Which of the following are votes?

1. M. Jones ✗ ●

(vote for one)
2. N. Jones ● ? O. Jones ●

3. P. Jones ⊙

4. Q. Jones ✳

5. R. Jones ◯

6. S. Jones ✳

7. T. Jones ◯

Steven Borne

Hello,

You create much bigger problems when you correct something that is not broken.

If the current process if fine, do not waste everyone's time with a bill that is not required.

Barbara Reed

I am vehemently opposed to HB 415- it will ELIMINATE the voters' right to privacy and potentially makes voters a target for violence by allowing all the public sees how he/she votes. These days, there has been an increasing tendency towards violence when politics are involved. This bill is contrary to the long established right to privacy when one votes.

Judith Ackerson

When there is a question of a voter's intent due to not being marked as cleanly as a full bubble on the ballot, a Democrat, Republican and the Moderator examine that ballot and come to a decision as to the validity of that vote. There is no reason to change the existing process.

Kenneth Ackerson

When there is a question of a voter's intent due to not being marked as cleanly as a full bubble on the ballot, a Democrat, Republican and the Moderator examine that ballot and come to a decision as to the validity of that vote. There is no reason to change the existing process.

of course we want transparency, but this will only deter the vote count and not accomplish the transparency we might be looking for.

Gail Laker-Phelps

Sharon Omand

The process that is in place already does this/ redundant

Laurie Moreno

I vote in opposition to Bill HB460.

Carol Petrusewicz

I think that if you went to hand counting ballots, you would not have to make reading the ballots so difficult. It is easy to see the voters intent when you hand count the ballots, from which my experience working the polls has provided. I appreciate the sponsors efforts, but the root of the issue is to simplify the voting procedures by hand counting. Even if they completely circled the candidate's name, you can easily see the voters intent. This should be simply stated- "count the vote as the voter intended." If voted for more than race allows (not more than 3 and they voted for 4) then none of those 4 in this example should be counted UNLESS the voter made it clear their intent (colored in 3 and crossed off the 4th.) I hope this helps. Thank you.

Sara Smith

,,,,,,

Margaret Sweeney

Election integrity and transparency should be top priority for law makers and should be taken very seriously.

Susan Richman

There is no indication that current methods for determining voter intent are insufficient or faulty. There is no legitimate need for HB495. Methods currently used are appropriate and sound.

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 495

BILL TITLE: relative to counting votes.

DATE: March 7, 2023

LOB ROOM: 306-308

MOTIONS: **INEXPEDIENT TO LEGISLATE**

Moved by Rep. Prudhomme-O'Brien Seconded by Rep. Qualey Vote: 20-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Jessica Grill, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/5/2023 1:43:00 PM
Roll Call Committee Registers Report

2023 SESSION

Election Law

Bill #: HB 495 **Motion:** ITL **AM #:** _____ **Exec Session Date:** 3-7-2023

Members	YEAS	Nays	NV
Smith, Steven D. Chairman	X		
~~Berry, Ross Vice Chairman.~~ PIEMONTE	X		
Prudhomme-O'Brien, Katherine J.	X		
Boehm, Ralph G.	X		
Qualey, James R.	X		
Ankarberg, Aidan	X		
Burnham, Claudine R	X		
Kennedy, Stephen J.	X		
~~Wherry, Robert J.~~ DUNN	X		
Wood, Clayton D	X		
Lane, Connie Boyles	X		
Ward, Gerald W.R.	X		
Hamer, Heidi M.	X		
Hamblet, Joan L.	X		
Muirhead, Russell	X		
Bay, Luz	X		
Brennan, Angela	X		
Grill, Jessica	X		
Howard, Heath	X		
TOTAL VOTE:	20	0	
PALMER	X		