REGULAR CALENDAR

February 4, 2025

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Election Law to which was referred HB 474,

AN ACT requiring a second witness at the counting of write-in votes. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Claudine Burnham

FOR THE MAJORITY OF THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

MAJORITY
COMMITTEE REPORT

Committee:	**Election Law**
Bill Number:	**HB 474**
Title:	**requiring a second witness at the counting of write-in votes.**
Date:	**February 4, 2025**
Consent Calendar:	**REGULAR**
Recommendation:	**OUGHT TO PASS WITH AMENDMENT 2025-0216h**

STATEMENT OF INTENT

This bill as amended simplifies who the second witness is during the election processes and is supported by the Secretary of State. By passing this bill as amended, it protects voters' write-in ballot when it is displayed as a digital image on a counting device and ensures the vote is cast according to the voter.

Vote 10-7.

Rep. Claudine Burnham
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Election Law

HB 474, requiring a second witness at the counting of write-in votes. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Claudine Burnham for the **Majority** of Election Law. This bill as amended simplifies who the second witness is during the election processes and is supported by the Secretary of State. By passing this bill as amended, it protects voters' write-in ballot when it is displayed as a digital image on a counting device and ensures the vote is cast according to the voter. **Vote 10-7.**

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

February 4, 2025

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Election Law to which was referred HB 474,

AN ACT requiring a second witness at the counting of write-in votes. Having considered the same, and being unable to agree with the Majority, report with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Gerald Ward

FOR THE MINORITY OF THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

MINORITY
COMMITTEE REPORT

Committee:	**Election Law**
Bill Number:	**HB 474**
Title:	**requiring a second witness at the counting of write-in votes.**
Date:	**February 4, 2025**
Consent Calendar:	**REGULAR**
Recommendation:	**INEXPEDIENT TO LEGISLATE**

STATEMENT OF INTENT

This well-meaning bill, as amended, is redundant and unnecessary. The tabulation of write-in votes is already undertaken by election officials, normally at least two under the direction of the moderator, who are elected themselves and/or have been sworn-in on the day of the election and thus are allowed behind the guardrail. The single new sentence in the amendment simply addresses the process for a new technology and adds the requirement that the second person be an election official, removing the requirement that they be a member of the opposite party. Inexplicably, it also does not address the method used for tabulating write-in votes when physical ballots are examined, instead of requiring the same process for the two procedures and thus creates two systems for the same process.

Rep. Gerald Ward
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Election Law

HB 474, requiring a second witness at the counting of write-in votes. **INEXPEDIENT TO LEGISLATE.**

Rep. Gerald Ward for the **Minority** of Election Law. This well-meaning bill, as amended, is redundant and unnecessary. The tabulation of write-in votes is already undertaken by election officials, normally at least two under the direction of the moderator, who are elected themselves and/or have been sworn-in on the day of the election and thus are allowed behind the guardrail. The single new sentence in the amendment simply addresses the process for a new technology and adds the requirement that the second person be an election official, removing the requirement that they be a member of the opposite party. Inexplicably, it also does not address the method used for tabulating write-in votes when physical ballots are examined, instead of requiring the same process for the two procedures and thus creates two systems for the same process.

Original: House Clerk
Cc: Committee Bill File

Rep. Burnham, Straf. 2
Rep. Bailey, Straf. 2
Rep. Wherry, Hills. 13
Rep. Wood, Merr. 13
February 3, 2025
2025-0216h
09/08

Amendment to HB 474

Amend the bill by replacing section 1 with the following:

1 Counting of Votes; Counting Write-In Votes. Amend RSA 659:64-a, I to read as follows:

I. In a town or city that uses a ballot counting device approved by the ballot law commission pursuant to RSA 656:40 and which prints or digitally displays an image of all write-in votes as part of the device's report of votes cast, a moderator may use the printed or digitally displayed images to count write-in votes in place of examining each ballot to obtain the name of the person who received a write-in vote. ***This counting shall take place in the presence of another sworn-in election official.***

2025-0216h

AMENDED ANALYSIS

This bill requires a second witness who is another sworn-in election official if a moderator uses a ballot counting device's printed or digitally displayed images to count write-in votes in place of examining each ballot to obtain the name of the person who received a write-in vote.

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 474

BILL TITLE: requiring a second witness at the counting of write-in votes.

DATE: February 4, 2025

LOB ROOM: 306-308

MOTIONS: **OUGHT TO PASS WITH AMENDMENT**

Moved by Rep. Burnham	Seconded by Rep. Harvey-Bolia	AM Vote: 17-0

Amendment # 2025-0216h

Moved by Rep. Burnham	Seconded by Rep. Harvey-Bolia	Vote: 10-7

☐ **WITHOUT RECOMMENDATION**

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Claudine Burnham, Clerk

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 474

BILL TITLE: requiring a second witness at the counting of write-in votes.

DATE: 2/4/25

LOB ROOM: 306-308

MOTION: (Please check one box)

☒ OTP ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ (*if offered*)

☐ Interim Study (2nd year)

Moved by Rep. Burnham Seconded by Rep. Harvey-Bolia Vote: _____

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☒ Adoption of Amendment # _____ (*if offered*)

☐ Interim Study (2nd year)

Moved by Rep. Burnham Seconded by Rep. Harvey-Bolia Vote: VV - Yes

MOTION: (Please check one box)

☐ OTP ☒ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ (*if offered*)

☐ Interim Study (2nd year)

Moved by Rep. Burnham Seconded by Rep. Harvey-Bolia Vote: 10-7

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ (*if offered*)

☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

☐ **WITHOUT RECOMMENDATION**

CONSENT CALENDAR: _____ YES _____ NO

Minority Report? V Yes _____ No If yes, author, Rep: Ward Motion_____

Respectfully submitted: Claudine Burnham

Rep Claudine Burnham, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK
2025 SESSION

1/11/2025 12:11:20 PM
Roll Call Committee Registers - 2025 draft Report

Election Law

Bill #: HB474 **Motion:** OTP-A **AM #:** 2025-0215h **Exec Session Date:** 2/4/2025

Members	YEAS	Nays	NV
Berry, Ross Chairman	1		
Qualey, James R Vice Chairman	1		
Prudhomme-O'Brien, Katherine J.	1		
Burnham, Claudine R Clerk	1		
Wherry, Robert J	1		
Wood, Clayton D	1		
Harvey-Bolia, Juliet	1		
See, Alvin B	1		
Guzofski, James H	1		
Toner, Travis J	1		
Lane, Connie Boyles		1	
Ward, Gerald W.R.		1	
Gilmore, Gary R		1	
Muirhead, Russell		1	
Bay, Luz		1	
Grill, Jessica		1	
Wilhelm, Matthew B.		1	
Newsom, James		1	
TOTAL VOTE:	10	7	

Rep. Burnham, Straf. 2
Rep. Bailey, Straf. 2
Rep. Wherry, Hills. 13
Rep. Wood, Merr. 13
February 3, 2025
2025-0216h
09/08

Amendment to HB 474

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I. In a town or city that uses a ballot counting device approved by the ballot law commission pursuant to RSA 656:40 and which prints or digitally displays an image of all write-in votes as part of the device's report of votes cast, a moderator may use the printed or digitally displayed images to count write-in votes in place of examining each ballot to obtain the name of the person who received a write-in vote. ***This counting shall take place in the presence of another sworn-in election official.***

UNAPPROVED

2025-0216h

AMENDED ANALYSIS

This bill requires a second witness who is another sworn-in election official if a moderator uses a ballot counting device's printed or digitally displayed images to count write-in votes in place of examining each ballot to obtain the name of the person who received a write-in vote.

UNAPPROVED

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 474

Bill Title: Relative to filing for office and witnessing affidavits.
Date: 1/28/2025

ROOM: 306-308

Time Public Hearing Called to Order: 1:30pm
Time Adjourned: 1:44pm

Committee Members: Chair-Berry, VC-Qualey, Burnham, Prudhomme-O'Brien, Wherry, Wood, Harvey-Bolia, See, Guzofski, Toner, Lane, Ward, Gilmore, Muirhead, Bay, Grill, Wilhelm, Newsom

Bill Sponsors: Rep. Burnham, Rep. Wood, Rep. Bailey, Rep. Wherry

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

TESTAMONY

- Rep. Burnham – Sponsor – introduce
  : Q: Grill – Bipartisan for local elections
  A: Yes, to keep consistently.
  Q: See – If moderator is an independent, what is the bipartisan option?
  A: Perhaps a member of another party.
- Brodie Deshais, Oppose – NHMA – issues with Bi-partisan
  Q: See- Would it be too difficult to provide additional screens for the public to watch the count.
  A: Can't speak for availability for each town.
  Q: See – the new machines is on a small laptop so public cant really see.
  Q: Gilmore – some towns do not have machines so how can this be done?
  A: It's just for machines
- DSOS, Hennessy - Explains the process of the voting machines. Opposes the bipartisan party to be the 2nd witness.
  Q: Wherry – Mentions in law that counting to be public. Would another RSA be more appropriate location?
  A: Does not have law book in front of her but if that is what is written, then yes.

Respectfully submitted: Rep. Claudine Burnham, Clerk

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 474

BILL TITLE: **requiring a second witness at the counting of write-in votes.**

DATE: **1/28/25**

ROOM: **306-308** **Time Public Hearing Called to Order:** 1:30

Time Adjourned: 1:48 pm

(please circle if present)

Committee Members: Reps. Berry, Qualey, Burnham, Prudhomme-O'Brien, Wherry, Wood, Harvey-Bolia, See, Guzofski, Toner, Lane, Ward, Gilmore, Muirhead, Bay, Grill, Wilhelm and Newsom

Bill Sponsors:
Rep. Burnham **Rep. Wood** **Rep. Bailey**
Rep. Wherry

TESTIMONY

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

Email

SIGN UP SHEET

Register Your Opinion If Not Testifying

Committee: Election Law

Date: 1/28/25

Bill #: 474

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

Name	Address	Phone	Representing	Pro	Con
Brodie Deshaies			NHMA		X

House Remote Testify

Election Law Committee Testify List for Bill HB474 on 2025-01-28

Support: 7 Oppose: 6 Neutral: 0 Total to Testify: 0

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane	Signed Up
Lucas, Janet	Campton, NH janluca1953@gmail.com	An Elected Official	Myself	Oppose	No	No	1/26/2025 3:02 PM
Punturieri, Paul	Moultonborough, NH ppunturieri@yahoo.com	An Elected Official	Myself	Oppose	No	No	1/26/2025 8:03 PM
Lee, Aimee	Plymouth, NH townclerk@plymouthnh.gov	An Elected Official	Myself	Oppose	No	No	1/27/2025 11:37 AM
Richardson, Daniel	Nashua, NH daniel6_22@comcast	A Member of the Public	Myself	Support	No	No	1/27/2025 4:02 PM
Petrusewicz, Carol	Rochester, NH clmcc2befree@yahoo.com	A Member of the Public	Myself	Support	No	No	1/27/2025 5:15 PM
Fritchy, Heather	DERRY, NH hfritchy@gmail.com	A Member of the Public	Myself	Support	No	No	1/27/2025 8:32 PM
Sweeney, Michele	Derry, NH blue.beauty.lady@gmail.com	A Member of the Public	Myself	Support	No	No	1/27/2025 9:23 PM
Kelley, Mary	Dover, NH midgekelley1@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/27/2025 10:35 PM
Willcutt, Hannah	North Sutton, NH Hannah.willcutt@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/28/2025 9:32 AM
Register, Curtis	Durham, NH REGISTER.CURTIS@GMAIL.COM	An Elected Official	Myself	Oppose	No	No	1/28/2025 12:13 PM
Pauer, Eric	Brookline, NH secretary@BrooklineGOP.org	A Member of the Public	Myself	Support	No	No	1/28/2025 7:31 PM
Roux, Dan	Manchester, NH bealightk2020@gmail.com	A Member of the Public	Myself	Support	No	No	1/28/2025 11:35 PM
Roux, Deb	Manchester, NH sunnydays1729@gmail.com	A Member of the Public	Myself	Support	No	No	1/28/2025 11:37 PM

HB 474

Paul Punturieri

As a long time moderator, I oppose this bill because it is unnecessary and vague. We already allow observers. Are the witnesses allowed to interfere or disrupt the proceedings? In addition, local elections are non-partisan. This ill will accomplish nothing but further perpetuate the false narrative that cheating is occurring and is now targeting moderators. Vote ITL

Aimee Lee

A voter has the legal right to request a recount of votes, therefore it is not necessary to have this bill. I oppose this bill.

Carol Petrusewicz

This makes perfect sense! Thank you for finding the oversight and making this correction.

While I think it's pathetic that we can't trust each other, this would solve problems of mistrust so I support it.

Dan Roux

Deb Roux

Please approve this bill, it is in the NH Constitution.

Thank you and God bless,

Deb Roux

HB 474 - AS INTRODUCED

2025 SESSION

25-0736
09/08

HOUSE BILL ***474***

AN ACT requiring a second witness at the counting of write-in votes.

SPONSORS: Rep. Burnham, Straf. 2; Rep. Wood, Merr. 13; Rep. Bailey, Straf. 2; Rep. Wherry, Hills. 13

COMMITTEE: Election Law

ANALYSIS

This bill requires a second witness who is registered with an opposing party if a moderator uses a ballot counting device's printed or digitally displayed images to count write-in votes in place of examining each ballot to obtain the name of the person who received a write-in vote.

- - - -

25-0736
09/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT requiring a second witness at the counting of write-in votes.

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

1 Counting of Votes; Counting Write-In Votes. Amend RSA 659:64-a, I to read as follows:

I. In a town or city that uses a ballot counting device approved by the ballot law commission pursuant to RSA 656:40 and which prints or digitally displays an image of all write-in votes as part of the device's report of votes cast, a moderator may use the printed or digitally displayed images to count write-in votes in place of examining each ballot to obtain the name of the person who received a write-in vote. ***This counting shall take place in the presence of a second witness who is registered with an opposing party.***

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