

Senate Election Law and Municipal Affairs Committee

Jessica Bourque 271-2104

HB 1541-FN, requiring the secretary of state to provide all voting precincts with secure containers for storing ballots.

Hearing Date: March 31, 2026

Time Opened: 9:05 a.m.

Time Closed: 9:24 a.m.

Members of the Committee Present: Senators Gray, Lang, Rochefort, Perkins Kwoka and Long

Members of the Committee Absent: None

Bill Analysis: This bill requires the secretary of state to provide all voting precincts with secure containers for storing ballots.

Sponsors:

Rep. Porcelli

Rep. Bernardy

Rep. Burnham

Rep. Kuttab

Rep. Nelson

Rep. See

Rep. Wherry

Rep. Wood

Rep. Tenczar

Rep. McGrath

Sen. Innis

Sen. McGough

Who supports the bill: Senator Dan Innis, Rep. Susan Porcelli, Rep. Robert Wherry, David Scanlan, Cory Stone, Ann-Marie O'Neil, Deborah Summer, Katherine Phelps, Brenda Towne, Al Brandano, Curtis Howland, Eric Pauer

Who opposes the bill: None

Summary of testimony presented:

Representative Susan Porcelli, Rockingham-District 19, Prime Sponsor

- Updates the current RSA 659:97.
- Under existing law, the Secretary of State (SOS) is required to provide containers for secure ballot storage for any state or federal election.
- This specifies that ballots must be secured in, durable, stackable, and locked with tamper-evident seals.
- The SOS has examined different prototypes and has chosen a particular container for this purpose.
- Epping's pilot program using these containers was successful.

- Several critical issues have occurred in the past. The problems were that they were stored in potato chip boxes, mixed with office supplies, and secured with clear tape.
- This bill also requires annual reporting on the program's progress, depending on available funding and resources to support the efforts.
- Funding should be available through the “Help America Vote Act” (HAVA) of 2002.
- Noted that the fiscal note is misleading; the containers have been identified by the SOS, and the rollout depends on HAVA funding.

Representative Bob Wherry, Hillsborough-District 13

- This would enhance security and integrity in ballot retention.
- The history of this is that a few years ago, former Deputy Secretary Hennessey started a pilot program that was successful.
- This bill had bipartisan support in the House.

David Scanlan, NH Secretary of State

- Supports this bill.
- Noted that the chain of custody for NH ballots has never been broken.
- In the past, various types of containers, such as cardboard boxes, have been used to ship and store ballots.
- His office has been exploring various containers to enhance integrity and confidence in NH elections.
- Secretary Scanlan showed the box they would like to utilize.
- These would remain in the town for 22 months according to federal law on ballot retention. If a recount occurs, they would be transferred to Concord for the recount, and after that process, the SOS will retain them for the full 22 months.
- Would like to have these distributed to the municipalities in time for the general election this November.

Senator Long asked if the HAVA money could be used for this.

Secretary Scanlan said yes, but it really isn't necessary to include that in the bill, since they have the authority to use funds from the elections budget.

Senator Long asked whether municipalities would receive twice as many of these containers.

Secretary Scanlan said enough boxes will be needed for the primary and general elections this fall, and since a presidential primary falls within the 22-month period, we will need boxes for that as well. Once the 22-month cycle ends, the boxes will be emptied and ready for reuse.

Senator Lang said that the way the bill is written, it says that this will need to be ready in time for the next election, with no wiggle room. Will this give you enough time to order and distribute these before the next election in the fall?

Secretary Scanlan said he hadn't noticed that and mentioned that having flexibility would be beneficial. Secretary Scanlan noted that they might discover something they hadn't considered during the process.

Senator Perkins Kwoka said she doesn't see any discrepancies and asked for further demonstration of how the container opens and closes.

Secretary Scanlan showed the box and its various security features.

Senator Gray mentioned that, having participated in the other boxes the SOS had, there was a feature of that box that allowed items to be slipped in, and getting the seal to stick was also a problem.

Senator Gray said that the photos of the boxes shown by the prime sponsor violate current law and were not distributed by the SOS.

Secretary Scanlan said yes, and the boxes the department used many years ago were surplus, random boxes; in many cases, towns found their own boxes. So they started ordering boxes for uniformity and consistency.

Senator Gray said that we used to use the boxes that the ballots came in. Now the SOS provides boxes.

Secretary Scanlan agreed and explained that they try to be frugal, but those boxes would wear down and break apart sometimes, and they always make sure the towns and cities have extra boxes.

Senator Gray said cities and towns still would have to provide their own boxes for town elections.

Senator Lang asked if the date is changed to after the November general election, it wouldn't be a problem because this could still be done before the bill takes effect.

Secretary Scanlan said that is correct.