

# Senate Election Law and Municipal Affairs Committee

*Jessica Bourque 271-2104*

**HB 1076**, relative to authorizing or rescinding the use of electronic ballot counting devices.

**Hearing Date:** March 31, 2026

**Time Opened:** 11:15 a.m.

**Time Closed:** 11:26 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 authorizes the legislative body of any municipality to authorize or rescind the use of electronic ballot counting devices.

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**Sponsors:**

Rep. DeRoy

Rep. Pauer

Rep. Burnham

Rep. Potenza

Rep. Bailey

Rep. Bernardy

Rep. Belcher

Rep. Farrington

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**Who supports the bill:** Rep. Susan DeRoy, Rep. Kelley Potenza, Cory Stone, Brad Louth

**Who opposes the bill:** Brodie Deshaies, Cordell Johnston, Chase Eagleson, Fiona Geary, Katherine Phelps, Phil Hatcher, Patricia Anastasia

**Summary of testimony presented:**

**Representative Susan DeRoy, Strafford - District 3**

- This bill authorizes individual municipalities to authorize or rescind the use of electronic ballot counting devices.
- This does not ban electronic counting devices; it only allows cities and towns to decide for themselves how to count votes.
- Tabulators are convenient, but the average voters cannot watch tabulators count their votes like they can with a hand count.

**Senator Lang** said that line 14 is confusing: “If the town has not adopted an official ballot, the clerk shall cause the same question to be printed upon a special ballot...” and asked for an explanation.

**Rep. DeRoy** said she wasn't sure.

**Senator Lang** followed up and asked why it wouldn't simply be included as a petition article on the warrant.

**Rep. DeRoy** said that would make sense.

### **Brodie Deshaies, NH Municipal Association**

- Opposes this bill.
- Mr. Deshaies reviewed his handout for the committee.
- Ultimately, voters have the ability to decide whether to use counting devices to count votes because they must approve the spending to buy those devices.
- Requires a vote to occur rather than being placed on a warrant.
- With SB 2, everything is on the ballot but for a traditional town meeting, typically only elections of officials would go on the official ballot.
- Spoke to Senator Lang's earlier question and said that not every municipality has adopted an official ballot.
- If this is going to be prescribed by law, then it should at least be considered in the normal procedures for the annual meeting.
- This would be tying the hands of local election officials.

### **Cordell Johnston, Henniker Town Moderator**

- Opposes this bill.
- This is part of a movement to render town meetings irrelevant, and it will succeed.
- Ballot counting devices are costly.
- Decisions such as this should be made at a town meeting.

### **David Scanlan, NH Secretary of State, to answer questions.**

**Senator Lang** said that, initially, he read this to mean that you would need a special ballot in traditional towns and asked what that means.

**Secretary Scanlan** said he doesn't really know what it means and can only guess. If it is done during a deliberative meeting, then it might just be a yes/no sheet of paper.

**Senator Lang** followed up and said so we are not talking about the ballot for selectman and other officials, it would have to be another ballot besides the official ballot. Why wouldn't this be done during a traditional town meeting?

**Secretary Scanlan** said he doesn't think he can answer that question because he doesn't know.

