

**Senate Election Law and Municipal Affairs Committee**  
*Vivian Hall 271-3091*

**HB 1298**, relative to the disposal of electronic ballot counting device external memory devices.

**Hearing Date:** April 1, 2026

**Time Opened:** 1:30 p.m.

**Time Closed:** 1:38 p.m.

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

**Members of the Committee Absent :** Senator Rochefort

**Bill Analysis:** This bill requires the external memory devices from certain electronic ballot counting devices to be destroyed in the same way as ballots.

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**Sponsors:**  
Rep. Berry

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**Who supports the bill:** Representative Robert Wherry, Hillsborough District 13.

**Who opposes the bill:** David B. Nelson and Cory Stone.

**Who is neutral on the bill:** Brendan O'Donnell, Deputy Secretary of State.

**Summary of testimony presented in support:**

**Senator Tim Lang, Senate District 2**

- Senator Lang introduced HB 1298 on behalf of the sponsor.

**Neutral Information Presented:**

**Brendan O'Donnell, Deputy Secretary of State**

- Mr. O'Donnell explained that municipalities must keep ballot machine memory cards as long as ballots: 22 months for federal and 60 days for local.
- HB 1298 would clarify that after this period; memory cards must be disposed of like other election materials.
- He said that disposal can mean either physically destroying the card or wiping all its data.

- Wiping allows the cards to be reused if no election data remains.
- Mr. O'Donnell argued that this flexibility would help reduce costs, especially for machines with expensive proprietary memory cards.
- For devices using standard USB memory, towns can choose to destroy or wipe and reuse them

**Senator Gray** said he did not see the option to wipe them and asked if it was included in the bill.

**Mr. O'Donnell** clarified that the verbiage used is “disposed of” and explained that this is interpreted to mean eliminating all prior election data on memory cards —either by physically destroying them or fully wiping their internal memory.

**Senator Lang** confirmed that the distinction in the bill exists to address the two different types of technology that handle and dispose of their data differently.

**Mr. O'Donnell** agreed, adding that during the retention period, towns should not destroy older ACU memory cards, since they may need to be reassigned to other municipalities still using those devices under Ballot Law Commission rules.

**Senator Gray** asked if he took in line 12 and put in language that says, “for purposes of this chapter, destruction includes wiping all data from the device”, if he would object to that.

**Mr. O'Donnell** said that would be fine saying, “destruction of the physical memory card or destruction of the data that is inside the memory card by wiping it.”

**Senator Grey** encouraged Mr. O'Donnell to provide language he would be comfortable with to the committee.