

Senate Election Law and Municipal Affairs Committee

Vivian Hall 271-3091

HB 1306, relative to the counting of absentee ballots.

Hearing Date: April 1, 2026

Time Opened: 1:45 p.m.

Time Closed: 2:05 p.m.

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

Members of the Committee Absent : None

Bill Analysis: This bill creates the absentee ballot certificate and requires certain counts of absentee ballots to be performed by the moderator and the clerk and recorded on the absentee ballot certificate.

Sponsors:

Rep. Burnham

Rep. Wood

Rep. Wherry

Rep. DeRoy

Sen. Gray

Who supports the bill: 25 individuals signed in support of HB 1306. Contact vivian.hall@gc.nh.gov for further details.

Who opposes the bill: Sarah Burke Cohen, New Hampshire Municipal Association; Katherine Phelps; and Leigh Hutchinson.

Who is neutral on the bill: None.

Summary of testimony presented in support

Representative Claudine Burnham, Strafford District 2

- Representative Burnham introduced HB 1306, which would create a standardized worksheet for counting absentee ballots, mirroring the process used for same-day ballots.
- The bill would formalize existing practices, since many clerks already track absentee ballots, improving consistency and transparency across municipalities.
- The worksheet would require detailed accounting of absentee ballots, incorporating input from local clerks and election officials.

- She noted that David Scanlan and Brendon O'Donnell from the Secretary of State recommended a 48-hour reporting deadline.

Senator Rochefort asked about the background of the bill.

Representative Burnham explained there were concerns about the lack of transparency with the actual count of absentee ballots.

Senator Gray suggested dividing the worksheet, so clerks complete the top section and moderators the bottom, consistent with existing practice, and recommended adding a line for absentee ballots spoiled on election day; he then asked Rep. Burnham whether she had any objections to the change.

Representative Burnham agreed to add a line for ballots spoiled on election day but expressed a preference for keeping the worksheet unified under clerks, while remaining open to assigning some portions to moderators if needed.

Senator Lang asked what this bill is trying to accomplish.

Representative Burnham clarified that clerks track absentee ballots throughout processing, with minimal moderator involvement on election day, primarily for transparency since ballots aren't counted when received.

Senator Lang emphasized that on the checklist, with every absentee ballot that is cast, the voter has a mark that is put on the checklist to count how many absentee ballots came in.

Representative Burnham explained that clerks do not count absentee ballots when received from the Secretary of State or track outgoing versus returned ballots, focusing only on those ready to be cast on election day.

Representative Robert Wherry, Hillsborough District 13

- Representative Wherry explained that the worksheet provides a detailed, system-wide view of absentee ballots at every stage, from receipt to return.
- He noted this approach has been discussed for three years among moderators and clerks to improve transparency and accountability.
- He said the goal is to ensure clear tracking of all ballots would eliminate questions about missing ballots and addressing election integrity concerns.

Neutral Information Presented:

Brendan O'Donnell, Deputy Secretary of State

- Mr. O'Donnell stated that the Secretary of State has expressed concern over this bill, even with the amendment that would extend the deadline to be 48 hours as opposed to on election night.
- He emphasized that requiring local election officials to complete this new certificate needs to be viewed in the context of all their other election duties.

- He described the extensive duties of local election officials on election day, including ballot counting, reconciliation, and reporting, and noted that existing safeguards make additional absentee ballot inventories unnecessary.

Senator Gray raised concern that absentee ballots, especially in cities where they're kept at city hall, could be misused since there is limited control beyond the ballot box. He stated that the moderator certificate provides a check on absentee ballots, and this would address the concerns people have raised.

Mr. O'Donnell disagreed that there are no controls over the ballots. He said they are kept securely in town clerk's offices and are only mailed out when there is a request received. He explained that extra absentee ballots smuggled in on election day would be caught by the standard reconciliation checks of names, totals, and ballot inventory.

Senator Gray asked if there is not a line on the moderator certificate that says number of absentee ballots used on election day.

Mr. O'Donnell explained that election officials track absentee ballots by starting with pre-election returns from SPRS, adding ballots received on election day, and then using that total as the starting point when counting ballots as a moderator.

Senator Gray asked whether there is still a requirement to record how many unused absentee ballots are used on election day.

Mr. O'Donnell said he didn't know the specific line for that type of use of an absentee ballot.