

HB 1223 - AS INTRODUCED

2026 SESSION

26-2718

08/05

HOUSE BILL **1223**

AN ACT relative to the moderator's authority to verify the device count during an election.

SPONSORS: Rep. Scully, Hills. 8; Rep. See, Merr. 26; Rep. Kenny, Hills. 13; Rep. Wood, Merr. 13; Rep. Cambrils, Merr. 4; Sen. Pearl, Dist 17; Sen. Avard, Dist 12

COMMITTEE: Election Law

ANALYSIS

This bill enables the moderator to conduct a hand count of ballots in order to verify the device count during an election.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to the moderator's authority to verify the device count during an election.

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

1 1 New Section; Authority of Moderator; Device Count. Amend RSA 659 by inserting after
2 section 60 the following new section:

3 659:60-a Authority of Moderator to Verify the Device Count.

4 I. At his or her sole discretion, a moderator may perform a hand count of the votes of any
5 race in any election and compare the hand count total to the tabulator print out total, in order to
6 verify that the votes in that race are being tabulated accurately.

7 II. In the event that the hand count total does not match the tabulator total, the hand count
8 total shall prevail and the moderator shall use the hand count results to certify the election in that
9 race.

10 III. If the moderator certifies the election using the hand count, instead of the machine
11 count, the moderator shall report this fact to the city or town clerk.

12 IV. The moderator shall report to the city or town clerk which election result was
13 determined by hand count and shall report the following for that election:

14 (a) The total vote recorded by the machine.

15 (b) The total votes counted by hand.

16 (c) The machine-count election result.

17 (d) The hand-count election result.

18 (e) The difference in election result between the machine-count and the hand-count for
19 the candidates affected.

20 2 General Content of Return. Amend RSA 659:73, VI-VII to read as follows:

21 VI. *If the results reported as specified by paragraph I include the moderator's*
22 *hand-count results in lieu of the machine results, these machine results shall also be*
23 *reported as an addendum.*

24 VII. The town or city clerk may require that forms be completed under this section earlier
25 than the time required by the secretary of state.

26 ~~VII.] VIII.~~ VIII. The city or town clerk shall, within 7 days of an election, post copies of the
27 election return forms submitted to the secretary of state under paragraphs I and II of this section.
28 The city or town clerk shall post copies in the 2 places where the municipality regularly posts notices
29 of its governing body meetings, which may include the municipality's main website and any social
30 media accounts utilized by the municipality.

31 3 Effective Date. This act shall take effect 60 days after its passage.