

HB 1429-FN - AS INTRODUCED

2026 SESSION

26-2560  
08/06

HOUSE BILL            ***1429-FN***

AN ACT                enabling ballot counting to be paused in certain circumstances.

SPONSORS:            Rep. Dargie, Hills. 43; Rep. Petrigno, Hills. 43

COMMITTEE:          Election Law

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ANALYSIS

This bill enables ballot counting to be paused in certain circumstances.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 enabling ballot counting to be paused in certain circumstances.

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

1 1 New Paragraphs; Counting Ballots; Pause in Counting. Amend RSA 659:23 by inserting after  
2 paragraph II the following new paragraphs:

3 III. The moderator of any polling place where the moderator believes that the ballot  
4 counting will extend beyond 12:00 a.m. may pause the ballot counting no earlier than 11:00 p.m.  
5 Vote counting shall resume the next morning at a time chosen by the moderator, at the same  
6 location, and shall continue until complete.

7 IV. The moderator shall announce the pause and when and where the process will resume.

8 V. All work-in-process documents shall be preserved, identified as to what they are, and  
9 kept on site. The moderator, collaborating with the select board or school board, shall ensure the  
10 ballots and associated materials are securely stored overnight, with no less than 2 election officials  
11 or one official and one police officer present the entire time.

12 VI. A chain of custody form published by the secretary of state shall be completed by the  
13 clerk and signed by the moderator, clerk, and all officials who were present overnight.

14 VII. Up to 5 members of the public may be present in the room where the ballots and  
15 materials are held, but outside the guardrails, for all or part of the overnight period. The election  
16 official(s) who are present may equitably rotate the observers into the room if six or more members  
17 of the public wish to observe the scene at the same time.

18 VIII. The select board or school board, as appropriate, shall have the scene recorded with  
19 time-stamped audio and video and, to the extent possible, live broadcast the scene on the governing  
20 body's website and a local cable channel, if one is available.

21 2 Effective Date. This act shall take effect 60 days after its passage.

**HB 1429-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT enabling ballot counting to be paused in certain circumstances.

**FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.**

<b>Estimated State Impact</b>				
	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
<b>Expenditures*</b>	\$0	Indeterminable Increase		
<i>Funding Source(s)</i>	General Fund			
<b>Appropriations*</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

**\*Expenditure = Cost of bill**

**\*Appropriation = Authorized funding to cover cost of bill**

**METHODOLOGY:**

This bill allows polling places where the moderator believes that the ballot counting will extend beyond 12:00 a.m. to pause the ballot counting no earlier than 11:00 p.m. The bill outlines procedures for securely storing ballots overnight, including the presence of election officials or law enforcement, completion of a chain of custody form, and allows up to five members of the public to be present in the room where the ballots and materials are held for the overnight time period. It also requires video and audio recording of the storage area and if possible, a live broadcast of the scene.

The Department of State indicates that this bill conflicts with various existing statutes (specifically RSA 659:63 & RSAs 659:77-659:79) that currently require vote counting and tabulation to be completed without adjournment and mandate timely submission of election returns. Delaying ballot counting could conflict with these laws, potentially triggering legal consequences. The Secretary of State anticipates the need for extensive legal consultation with the Attorney General's office and additional training for election officials. Due to these complexities, the fiscal impact is an indeterminable increase to state expenditures.

It is assumed that any fiscal impact would occur after FY 2026.

**AGENCIES CONTACTED:**

Department of State