

Senate Election Law and Municipal Affairs Committee

Jessica Bourque 271-2104

HB 464, prohibiting certain candidates for political office from participating in counting ballots.

Hearing Date: April 15, 2025

Time Opened: 10:13 a.m.

Time Closed: 10:17 a.m.

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

Members of the Committee Absent: Senator Lang

Bill Analysis: This bill prohibits certain candidates for political office from participating in counting ballots.

Sponsors:

Rep. de Vries

Rep. H. Howard

Who supports the bill: Rep. de Vries, Rep. Heath Howard, Rep. Ross Berry, Olivia Zink (Open Democracy)

Who opposes the bill: No one

Summary of testimony presented:

Representative Ross Berry for the Prime Sponsor

- This applies to the pre-count.
- There are candidates on the ballot who are touching the ballots before the election. While he doesn't believe there is fraud occurring, this may create the perception of fraud.
- The bill was amended to say if candidates participate in the pre-count process, they must be either one of the constitutionally protected officers whose responsibilities involve conducting elections but if you are not one of those officers then you cannot touch the ballot if you are on the ballot.
- Believes this is reasonable as the process does not happen within the window of election day, it happens before election day.

Senator Gray asked if the fact that ballot counting is usually duplicative where one person counts then another counts again.

- Representative Berry responded that it does not alleviate his concern.
- He believes it to be inappropriate for candidates on the ballot to touch the ballots unless they are constitutionally required to.

Senator Gray said to Rep. Berry that there are other provisions and state laws that allow those individuals to touch unvoted ballots during the election.

- Rep Berry said he is aware of those laws and would hope to be able to clean them up in the future.
- This issue was brought to his attention, and he felt it was a reasonable response to the issue.

Representative Erica de Vries, Prime Sponsor, Rockingham-District 29

- This bill was introduced to address perception issues and ensure confidence in our elections.
- Rep. de Vries wants to avoid the perception that some candidates are gaining an advantage by handling the ballots.
- We live in a world of social media and candidates posting themselves handling ballots may lead to the perception of fraud. The posts don't necessarily show all the people watching or the duplication process.
- There is enough time for the moderators to recruit people prior to the election.
- Officers who are exempt include moderators, assistant moderators, clerks, selectmen, inspector of elections, and supervisors of the checklist. This alone is enough personnel to handle the task.
- Does not see a problem for moderators to be able to complete the process.
- Came out of House Election Law 18-0 Ought to Pass recommendation and was on consent in the House.

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Date Hearing Report completed: April 18, 2025