

Senate Election Law and Municipal Affairs Committee

Jessica Bourque 271-2104

HB 474, requiring a second witness at the counting of write-in votes.

Hearing Date: April 15, 2025

Time Opened:10:18 a.m.

Time Closed:10:22 a.m.

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

Members of the Committee Absent: Senator Lang

Bill Analysis: This bill requires a second witness who is another sworn-in election official if a moderator uses a ballot counting device's printed or digitally displayed images to count write-in votes in place of examining each ballot to obtain the name of the person who received a write-in vote.

Sponsors:

Rep. Burnham

Rep. Wood

Rep. Bailey

Rep. Wherry

Who supports the bill: Erin Hennessey (Deputy Secretary of State), Rep. Ross Berry, Rep. McFarlane

Who opposes the bill: Sarah Burke Cohen (NH Municipal Association)

Summary of testimony presented:

Representative Ross Berry, for the Prime Sponsor, Hillsborough-District 44

- This bill attempts to codify something already in the election law handbook. It says that another sworn election official must be present when counting write-in votes.
- There has been an increase in write-in votes as people use them to have their ballot hand-counted and thinks this is a reasonable requirement.

Senator Rochefort asked why 7 members of the House Committee opposed the bill.

- Representative Berry said he can't speak for the seven as he was one of the ten in favor, but he believes they thought it wasn't necessary.

Senator Gray asked about the process for write-in votes using the new voting system because it is significantly different than the old system.

- Representative Berry said most of the new machines use a monitor. It is not a big deal in those situations, as they are already happening in public.
- The new system makes it even more publicly available.

Senator Gray said that under the old system, someone counting the write-in ballot had physical paper that they could see, feel, and touch. The new system has paper ballots, but they no longer sort all the ballots to find the write-ins; they use an electronic system to identify write-in votes and record the names. Then they use that list to identify how many votes. Senator Gray said he explained this because he wants to make sure the public understands the difference.

- Representative Berry said the old system was a scanning system where the ballot was separated, and the new ones are digital images where you can see the ballot.

Senator Gray clarified that during a recount, paper ballots would still be the ballots counted.

- Representative Berry agreed and said he is adamant it stays that way and quoted former Secretary of State Gardner, “you can’t hack a pencil”.