

Senate Election Law and Municipal Affairs Committee

Jessica Bourque 271-2104

HB 154, enabling voters to request to have their ballots hand-counted.

Hearing Date: April 29, 2025

Time Opened: 9:32 a.m.

Time Closed: 9:40 a.m.

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

Members of the Committee Absent: None

Bill Analysis: This bill enables voters to request to have their ballots hand-counted.

Sponsors:

Rep. See
Rep. Cambrils

Rep. Wherry
Rep. Devoid

Rep. Wood

Who supports the bill: Rep. Alvin See, Al Brandano

Who opposes the bill: Rep. Timothy Horrigan, Sarah Burke Cohen

Summary of testimony presented:

Representative Alvin See, Prime Sponsor, Merrimack-District 26

- In the last state election, there was some confusion regarding requests for hand counting when a memo was sent to moderators instructing them to record the names of voters who requested that their ballots be hand counted. To avoid having their names reported to the Attorney General, these voters could have instead marked an overvote on their ballots, which would have prompted the machine to reject them, thereby requiring a hand count without requesting that it be hand counted.
- This bill ensures that voters may have their ballots hand-counted if they choose, while also ensuring that they won't have to cause an overvote to have their ballots hand counted, thus avoiding their names being reported to the Attorney General.

Senator Lang noted that one of the functions of a ballot machine, besides counting ballots, is to ensure that only one ballot is processed at a time. He expressed concern that, as written, this bill could allow someone to cast two ballots. Senator Lang then

asked if Rep. See would be open to an amendment to the bill so that the voter hands the ballot to the election official, who would then place the ballot into the auxiliary to make certain that two ballots are not cast.

- Rep. See stated he wouldn't mind that but noted that doing so might raise privacy issues.

Senator Gray asked if Rep. See is aware that before ballot counting machines, they used to have the voter hand their ballot to the election official, who would then place it into the box.

- Rep. See said yes, and that some towns still do this.

Senator Gray asked if Rep. See is also aware that polling locations are supposed to have privacy screens, which are manila envelopes in which the ballot can be placed.

- Rep. See said yes, privacy screens must be available per statute.

Al Brandano, Kensington

- Believes this bill supports transparency, voter confidence, and the NH Constitution.
- This bill corrects errors found in HB 154, the predecessor to this bill.
- Citizens are concerned that their vote will not be counted properly when they vote.
- The NH Constitution specifically states that the moderator shall sort and count the votes and that the town selectmen and town clerk are the eyewitnesses to the count.
- In the casting of ballots, the moderators are the instructors and the moderator decides how the ballot will be handled.