HB 1523 - AS INTRODUCED

2024 SESSION

24-2592
08/02

HOUSE BILL ***1523***

AN ACT revising the moderator's worksheet for counting votes in elections.

SPONSORS: Rep. Burnham, Straf. 2; Rep. Wherry, Hills. 13

COMMITTEE: Election Law

ANALYSIS

This bill revises the moderator's worksheet.

- -

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

24-2592
08/02

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT revising the moderator's worksheet for counting votes in elections.

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

1 General Content of Return. RSA 659:73 is repealed and reenacted to read as follows:

659:73 General Content of Return.

I. The election return forms shall either be submitted on paper, faxed, scanned, or emailed immediately after the completion of the vote count in the manner prescribed by the secretary of state. The return of votes shall include, but not be limited to:

(a) The name of each candidate printed on the ballot and the number of votes that candidate received for the listed office including any write-in votes for the same office on the same ballot where the voter did not mark the printed candidate name.

(b) For each office the total number of votes cast for each write-in candidate who received 5 or more votes and the candidate's name, along with the aggregate number of all other write-in votes cast for each candidate receiving less than 5 votes, excluding write-in votes for candidates whose names were printed on the ballot where the voter did not mark the printed candidate name and the vote is reported under subparagraph (a).

(c) For any question submitted to the voters:

(1) The number of affirmative votes.

(2) The number of negative votes.

(d) In a primary, the number of ballots cast for each party.

(e) In a general election, the number of ballots cast.

II. Within 48 hours of the closing of the polls or other time ordered by the secretary of state, the moderator shall forward to the secretary of state a list of all write-in candidates receiving between one and 4 votes in the election.

III. The secretary of state shall provide guidance for completing the return of votes in the election procedure manual issued pursuant to RSA 652:22.

IV.(a) The moderator shall fill out a moderator's certificate prepared by the secretary of state, which shall be recorded and signed by the town or ward moderator or clerk, and supervisor of the checklist within 48 hours of the closing of the polls or other time ordered by the secretary of state and submitted to the clerk. The moderator's certificate shall include:

(1) All election day ballots received by the town from all sources and confirmed as total ballots ordered by the secretary of state.

(2) All test ballots received by the town to be used to test a voting machine.

(3) All absentee ballots received by the town.

(b) The moderator will also complete a worksheet which shall include, but not be limited to a section for the reconciliation of ballots cast on election day with voter participation.

(c) The first part of the reconciliation process consists of 5 separate tallies:

(1) Ballots cast (inventory); calculated as follows:

(A) Official total election day ballots including test ballots (certified on the moderators certificate).

(B) SUBTRACT Test ballots.

(C) SUBTRACT Spoiled or canceled ballots.

(D) SUBTRACT Uncast election day ballots.

(E) ADD Ballots cast using accessible voting systems.

(F) ADD Photocopy ballots.

(G) ADD Absentee ballots cast as official election day ballots.

(H) TOTAL Number of ballots cast election day as official election day ballots.

(2) Absentee ballots cast (inventory); calculated as follows:

(A) Total received absentee ballots certified on the moderators certificate.

(B) SUBTRACT Total absentee ballots mailed to voters.

(C) SUBTRACT Spoiled or canceled ballots.

(D) ADD Ballots unreturned by voters who requested absentee ballots.

(E) Total number of state absentee ballots cast.

(F) ADD Federal office absentee ballots cast.

(G) ADD other full (UOCAVA) absentee ballots cast.

(H) TOTAL number of official absentee ballots cast which shall equal (E) plus (F) plus (G).

(I) TOTAL number of uncast official absentee ballots which shall equal (A) plus (B) plus (C).

(J) GRAND TOTAL of ballots cast which shall equal (1)(A) plus (2)(H).

(3) Voter participation tallied at check-in;

(4) Voter participation tallied at Checkout: Number of Voters having been marked as voted for Hand count cities; or Total Ballots cast from Machine total plus all votes not included in the machine total: and

(5) Hand count of ballots cast (Required).

(6) Hand count uncast general election ballots.

(7) Hand count uncast absentee ballots.

(d) The 5 counts found in (c)(2)(J) through (c)(5) should normally result in the same number of ballots cast as the number of voters participating.

(e) The reconciliation of the votes under subparagraph (c)(1)(A) should be as follows:

TOTAL subparagraph (c)(1) plus the TOTAL of subparagraph (c)(3) = TOTAL subparagraph (c)(4) = TOTAL subparagraph (c)(5)

(f) Hand count total of unused election day ballots compared to (c)(2)(J) Hand count total of unused absentee ballots compared to inventory.

V. In addition, the town will report:

(a) The number of federal offices only absentee ballots cast

(b) The number of state write-in absentee ballots cast.

(c) The number of federal write-in absentee ballots cast.

(d) For each election, the number of over voted ballots and under voted ballots.

(e) A comparison of the different methods of tallying ballots including write in votes.

(f) For each contest or ballot question, the number of overvotes and undervotes.

VI. The moderator shall record and sign a names on checklist form within 48 hours of the closing of the polls, unless the secretary of state directs otherwise, and shall submit the form to the secretary of state, with a copy to the clerk. The names on checklist form shall include, but not be limited to:

(a) The number of people who registered to vote on election day.

(b) For each party, the total number of voters registered as members of the party.

(c) The number of undeclared voters that cast ballots for each party at a state or presidential primary election.

(d) The number of undeclared voters that returned to undeclared after voting in a state or presidential primary election.

VII. The moderator shall record and sign a ballots cast form prepared by the secretary of state within 48 hours of the closing of the polls, or other time ordered by the secretary of state, and shall submit the form to the secretary of state, with a copy to the clerk. The ballots cast form shall include, but not be limited to:

(a) The number of ballots cast.

(b) The number of absentee ballots cast.

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

2 Effective Date. This act shall take effect January 1, 2025.