HB 387 - AS INTRODUCED

2023 SESSION

23-0598
08/04

HOUSE BILL ***387***

AN ACT permitting election ballots to be viewed pursuant to a right to know request.

SPONSORS: Rep. Hoell, Merr. 27; Rep. Kofalt, Hills. 32; Rep. Mazur, Hills. 44; Rep. Hynes, Hills. 2; Rep. Popovici-Muller, Rock. 17

COMMITTEE: Election Law

ANALYSIS

This bill permits election ballots to be viewed pursuant to a right to know request.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

23-0598
08/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT permitting election ballots to be viewed pursuant to a right to know request.

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

1 Sealing and Certifying Ballots. Amend RSA 659:95 to read as follows:

659:95 Sealing and Certifying Ballots.

[~~I.~~] Immediately after the ballots cast at a state election have been tabulated and the result has been announced and the return has been made, the moderator or the moderator's designee, in the presence of the selectmen or their designee, shall place the cast, canceled, and uncast ballots, including such ballots from any additional polling places, and further including the successfully challenged and rejected absentee ballots still contained in their envelopes, in the containers provided by the secretary of state as required by RSA 659:97 and shall seal such container with the sealer provided by the secretary of state as required by RSA 659:97. The moderator or the moderator's designee shall then enter in the appropriate blanks on such sealer on each container the number of cast, canceled, and uncast ballots in such container and shall endorse in the appropriate place on such sealer a certificate in substance as follows: Enclosed are the ballots from the state election in the town of _____ (or in ward _____ in the city of _____) held on _____, 20 ___, Box _____ of _____, to be preserved in accordance with RSA 33-A:3-a. The moderator and the selectmen or their designee shall sign their names in the appropriate blanks on the sealer.

II. Ballots[~~, including cast, cancelled, and uncast ballots and successfully challenged and rejected absentee ballots still contained in their envelopes, prepared or preserved in accordance with the election laws~~] shall ***not*** be exempt from the provisions of RSA 91-A. This exemption shall apply to any ballots or absentee voter affidavits prepared for or used in any election conducted by the state or any political subdivision, including federal elections. ***Canceled and uncast ballots and successfully challenged and rejected absentee ballots still contained in their envelopes, prepared or preserved in accordance with the election laws shall be exempt from the provisions of RSA 91-A. Under no circumstances shall a request under RSA 91-A for information to connect a ballot with a specific voter be granted.***

2 Delivery of Ballots to Town Clerk. Amend RSA 659:98 to read as follows:

659:98 Delivery of Ballots to Town Clerk. The moderator, or the moderator's designee, and the selectmen, or their designee, after they have sealed and certified the state election ballots as provided in RSA 659:95 and RSA 659:96, shall deliver the sealed containers to the town or city clerk, or to the clerk's designee, who shall in their presence enter in the appropriate place on each sealer the time of day and shall sign his or her name in the appropriate blank on the sealer. The clerk or

the clerk's designee shall, without breaking the seals or otherwise changing the condition of the containers, deposit the containers in the town or city hall. Containers containing ballots and absentee balloting materials that have been sealed after an election according to instructions provided by the secretary of state shall be stored in a location under the direction of the clerk. A log shall be maintained by the clerk specifying the location and the containers at the location. Once stored, the containers shall be accessible only to individuals working under the direction of the town clerk, as required for recounts, ***by a person filing a right to know request under RSA 91-A,*** or as necessary for the secretary of state to verify the container storage. When the containers are removed to allow for destruction of ballots in accordance with RSA 33-A:3-a, the destruction of the ballots and absentee balloting materials shall be the final entry in the log.

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