

CHAPTER 162
HB 1298 - FINAL VERSION

11Mar2026... 0603h
04/23/2026 1507s

2026 SESSION

26-2827
08/06

HOUSE BILL

1298

AN ACT relative to the disposal of electronic ballot counting device external memory devices.

SPONSORS: Rep. Berry, Hills. 44

COMMITTEE: Election Law

AMENDED ANALYSIS

This bill requires the external memory devices from certain electronic ballot counting devices to be destroyed in the same way as ballots.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struck through.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to the disposal of electronic ballot counting device external memory devices.

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

1 162:1 Disposal and Retention Schedule; Electronic Ballot Counting Device External Storage Devices.
2 Amend RSA 33-A:3-a, XXXVI-XXXVII to read as follows:

3 XXXVI. Elections-federal elections: ballots and absentee ballot applications, affidavit envelopes,
4 lists, and electronic ballot counting device external storage devices: by the town clerk until the contest is
5 settled and all appeals have expired or at least 22 months after the election, whichever is longer. Extra
6 electronic ballot counting device external storage devices programmed for, but not used during the
7 election are exempt from preservation. ***The external storage devices of electronic ballot counting devices,***
8 ***including those that capture digital images, shall be disposed of in the same manner as ballots, absentee***
9 ***ballot applications, affidavit envelopes, and lists. Disposal may be achieved by either physically***
10 ***destroying the storage device or by secure erasure that permanently destroys all election-related data on***
11 ***the storage device, including election programming, vote tallies, and digital images.***

12 XXXVII. Elections-not federal: ballots and absentee ballot applications, affidavit envelopes, lists,
13 and electronic ballot counting device external storage devices: by the town clerk until the contest is
14 settled and all appeals have expired or at least 60 days after the election, whichever is longer. Extra
15 electronic ballot counting device external storage devices programmed for, but not used during the
16 election are exempt from preservation. ***The external storage devices of electronic ballot counting devices,***
17 ***including those that capture digital images, shall be disposed of in the same manner as ballots, absentee***
18 ***ballot applications, affidavit envelopes, and lists. Disposal may be achieved by either physically***
19 ***destroying the storage device or by secure erasure that permanently destroys all election-related data on***
20 ***the storage device, including election programming, vote tallies, and digital images.***

162:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 19, 2026
Effective Date: August 18, 2026