

HB 420 - AS INTRODUCED

2025 SESSION

25-0726

08/11

HOUSE BILL

420

AN ACT relative to the chain of custody for ballots.

SPONSORS: Rep. Sabourin, Rock. 30; Rep. Panek, Hills. 1; Rep. Wood, Merr. 13; Rep. Bernardy, Rock. 36; Rep. Wherry, Hills. 13; Rep. Kuttub, Rock. 17; Rep. Belcher, Carr. 4; Rep. Tim Mannion, Hills. 1; Rep. Tom Mannion, Hills. 1; Rep. Sellers, Graf. 18

COMMITTEE: Election Law

ANALYSIS

This bill further defines security measures for the storage and transfer of ballots.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to the chain of custody for ballots.

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

1 1 Secretary of State to Prepare Containers, Sealers. Amend RSA 659:97 to read as follows:

2 659:97 Secretary of State to Prepare Containers, Sealers. The secretary of state shall, before
3 any state election, prepare and distribute to each town and ward clerk **reusable security** containers
4 to be used for preserving ballots and sealers to seal each such container. He **or she** shall~~[-prepare]~~
5 **provide** special **locking** containers ~~[and]~~ **with serialized proprietary** sealers to be used for
6 preserving any special and separate ballots for questions to voters. The secretary of state shall
7 prescribe the size and form of such containers and sealers, **which shall be frangible paper seals,**
8 and shall prescribe the form of any endorsement blank printed upon the sealers, provided that the
9 blank is in substance consistent with the provisions of RSA 659:95.

10 2 Delivery of Ballots to Town Clerk. Amend RSA 659:98 to read as follows:

11 659:98 Delivery of Ballots to Town Clerk. The moderator, or the moderator's designee, and the
12 selectmen, or their designee, after they have sealed and certified the state election ballots as
13 provided in RSA 659:95 and RSA 659:96, shall deliver the sealed **and locked** containers to the town
14 or city clerk, or to the clerk's designee, who shall in their presence enter in the appropriate place on
15 each sealer the time of day and shall sign his or her name in the appropriate blank on the sealer.
16 The clerk or the clerk's designee shall, without breaking the seals or otherwise changing the
17 condition of the containers, deposit the containers in the town or city hall. Containers containing
18 ballots and absentee balloting materials that have been sealed after an election according to
19 instructions provided by the secretary of state shall be stored in a location under the direction of the
20 clerk. A log shall be maintained by the clerk specifying the location and the containers at the
21 location. Once stored, the containers shall be accessible only to individuals working under the
22 direction of the town clerk, as required for recounts, or as necessary for the secretary of state to
23 verify the container storage. When the containers are removed to allow for destruction of ballots in
24 accordance with RSA 33-A:3-a, the destruction of the ballots and absentee balloting materials shall
25 be the final entry in the log.

26 3 Forwarding Ballots to the Secretary of State. Amend RSA 659:99 to read as follows:

27 659:99 Forwarding Ballots to the Secretary of State. If any person shall make a request for a
28 recount as provided in RSA 660, or if the secretary of state shall request the ballots of the recent
29 election, the clerk having the custody of such ballots shall, at the request of the secretary of state,
30 forward the ballots forthwith to the secretary of state, **noting on the chain of custody**

HB 420 - AS INTRODUCED

- Page 2 -

1 *documentation the time and date the ballots are forwarded to the secretary of state who*
2 *will certify on the chain of custody documentation what time the ballots are received.*

3 4 Effective Date. This act shall take effect 60 days after its passage.