

Dear Members of the Election Law Committee,

I ask that you support HB 1541 to improve the chain of custody on our ballots.

In NH, 90% of our votes are counted by voting machines. The paper ballot is the only back up we have to ensure the machines have tabulated our elections correctly. In the age of hacking, it is imperative our ballots are secure should the voters and candidates of NH need to validate election results.

I have personally participated in 10 recounts. The current practice of placing cast ballots in a mix of new and used cardboard boxes, sealing them with layers of tape (which has a known failure issue), handwriting the box count on labels as a form of traceability (e.g. 1 of 4, 2 of 4 etc.) and then using that numbering scheme to track the chain of custody has been filled with errors and issues. Worst, these issues go undetected until a recount leaving the entire NH election process and results in question when an obvious break has occurred. *We can and must do better.*

We are asking to upgrade the security of our ballots which represents the actual voter voice. This bill would require the secretary of state to implement consistent, secure, reusable containers with locks, tamper evident sealers and serialization. These elements will radically improve the integrity of our ballot management and limit the exposure of bad actors or process failures.

NH failures of the chain of custody over the last 4 years have resulted in HAVA complaints, formal BLC complaints and legal inquiry. Addressing this MUST be a priority. We cannot afford to invest in another single voting machine if we have not fixed the ballot security issue.

NH has received \$18M across all grants since 2018 with \$9.58M to date in federal awards for security grants alone. Since 2018, NH has spent \$2.3M on security leaving the balance retained. NH has one of the lowest HAVA spending rates in the country – by approx. 60% lower – gated by RSA 5:6-d which requires post-expenditure balance remain at least 12 times the estimated annual cost of HAVA compliance programs.

We have over \$12.9 Million in HAVA funds in reserve. The ballot security measures of HB 1541 should be adopted to address the current election security failures and use available HAVA funds in accordance to their stated purpose requiring no additional budget.

Below please find several contemporary examples demonstrating the necessity of passing this bill. Again, please support HB 1541

Thank you

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2020-Windham Audit- Ballot Boxes brought in by the State Police



Issue:

- **NH makes national news and this is what First in the Nation looks like!**
- Windham ballot boxes are clearly taped, retaped and can visibly be manipulated
- Over the course of the recount extra boxes were found. Were these because of sloppy chain of custody or were they added?

2024 Manchester Ward 12 recount- Image of ballot box arriving at recount



Issues:

- Reused cardboard box with multiple markings
- layers of tape applied over security tape
- Security tape clearly opened
- Electrical tape used to hold box closed
- Action: legal review and investigation

November 26, 2022 Box Delivered for Senate race recount



Issues:

- Box used was a shipping box
- Layers of tapes and labels rendering security tape to failure
- Photo shows TOP of box with red security tape marked "VOID OPENED" indicating the box was previously opened.
- Action: Formal complaint to the BLC

November 26, 2022 Box Delivered for Senate race recount



Issues:

- The 2nd photo shows red tape attached to the signature label, which indicates that the label could have been moved
- Tape is Voided
- Action: Formal complaint to the BLC

Sample Chain of custody- No tracking

Date of Receipt	Location of Ballot Boxes	Total Number of Boxes	Signature of Ballot Clerk
11/16/22	228	7	[Signature]
11/16/22	228	7	[Signature]
11/16/22	228	7	[Signature]
11/16/22	228	7	[Signature]
11/16/22	228	7	[Signature]
11/16/22	228	7	[Signature]
11/16/22	228	7	[Signature]
11/16/22	228	7	[Signature]
11/16/22	228	7	[Signature]
11/16/22	228	7	[Signature]

- Today, No serialization, no details just number of boxes listed on our transfer documents.
- When boxes come to recounts mis-numbered, no one can verify their authenticity. Serialization will fix this.