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# Committee Report

**CONSENT CALENDAR**

**February 12, 2019**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Election Law to which was referred  
HB 345,**

**AN ACT relative to certification of devices for the  
electronic counting of ballots. Having considered the  
same, report the same with the following amendment,  
and the recommendation that the bill OUGHT TO PASS  
WITH AMENDMENT.**

**Rep. William Pearson**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	Election Law
Bill Number:	HB 345
Title:	relative to certification of devices for the electronic counting of ballots.
Date:	February 12, 2019
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2019-0385H

### STATEMENT OF INTENT

Currently, 129 municipalities in NH use the Accuvote ballot counting devices. Most of these devices were put into service 20 - 25 years ago. These devices and replacement parts for them are no longer being manufactured. During the public hearing on this bill, testimony identified problems with these devices including memory card failures, jammed tabulators, and unreliable write-in ballot deflectors. This bill, as amended, requires that, at least every five years, the Ballot Law Commission (BLC) must review devices currently in use to determine if they require upgrading. It further requires the BLC to review new device(s) to determine if they are capable of meeting the requirements for elections held in this state. The commission is required to file a report with the Secretary of State that outlines its determination. There is no change to the provision that directs the BLC to review devices for the electronic counting of ballots upon the request of either the Secretary of State or other persons or entities. This bill was supported by the NH City and Town Clerks Association and the NH Municipal Association.

Vote 20-0.

Rep. William Pearson  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

### Election Law

**HB 345**, relative to certification of devices for the electronic counting of ballots. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William Pearson for Election Law. Currently, 129 municipalities in NH use the Accuvote ballot counting devices. Most of these devices were put into service 20 - 25 years ago. These devices and replacement parts for them are no longer being manufactured. During the public hearing on this bill, testimony identified problems with these devices including memory card failures, jammed tabulators, and unreliable write-in ballot deflectors. This bill, as amended, requires that, at least every five years, the Ballot Law Commission (BLC) must review devices currently in use to determine if they require upgrading. It further requires the BLC to review new device(s) to determine if they are capable of meeting the requirements for elections held in this state. The commission is required to file a report with the Secretary of State that outlines its determination. There is no change to the provision that directs the BLC to review devices for the electronic counting of ballots upon the request of either the Secretary of State or other persons or entities. This bill was supported by the NH City and Town Clerks Association and the NH Municipal Association. **Vote 20-0.**

Original: House Clerk  
Cc: Committee Bill File

**HB 345:**

Currently, 129 municipalities in NH use the Accuvote Ballot Counting Devices. Most of these devices were put into service 20 - 25 years ago. These devices and replacement parts for these devices are no longer being manufactured. During the public hearing, testimony was provided relative to problems with these devices including memory card failures, jammed tabulators, and unreliable write-in ballot deflectors. This bill, as amended, requires that at least every five years the Ballot Law Commission must review devices currently in use to determine if the devices require upgrading, and review new device(s) to determine if they are capable of meeting the requirements for elections held in this state. The commission shall file a report with the Secretary of State that outlines its determination. There is no change to the provision that directs the Ballot Law Commission to review devices for the electronic counting of ballots upon the request of the Secretary of State or other persons or entities. This bill was supported by the NH City and Town Clerks Association and the NH Municipal Association.

Amendment to HB 345

1 Amend the bill by replacing section 1 with the following:

2

3 1 Electronic Ballot Counting Devices; Approval by the Ballot Law Commission. Amend RSA  
4 656:41 to read as follows:

5 656:41 Approval by Ballot Law Commission. The ballot law commission shall act as a board to  
6 examine devices for the electronic counting of ballots. The commission shall, whenever requested,  
7 examine any device which may be capable of meeting the requirements for elections held in this  
8 state *and shall, at least every 5 years, review current and new devices to determine*  
9 *whether the devices require upgrading. The commission, after such review, shall file an*  
10 *explanatory report with the secretary of state within 30 days of its determination that*  
11 *outlines the basis for its determination, taking into account such factors as hardware and*  
12 *software standards, policies and procedures, security requirements, and usability. The*  
13 commission shall approve ~~such~~ a device *upon request* in its discretion, and no device shall be  
14 used in any election in this state unless it reads the voter's choice on a paper ballot and is of a type  
15 so approved by the ballot law commission. Any device that is altered must be re-approved before it  
16 is used in any election in this state. For the purposes of this section, a device shall be considered  
17 altered if any mechanical or electronic part, hardware, software, or programming has been altered.

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# Voting Sheets

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 345

**BILL TITLE:** relative to certification of devices for the electronic counting of ballots.

**DATE:** February 12, 2019

**LOB ROOM:** 308

**MOTIONS: OUGHT TO PASS WITH AMENDMENT**

Moved by Rep. W. Pearson

Seconded by Rep. Lang

AM Vote: Voice Vote

Amendment # 2019-0385H

Moved by Rep. W. Pearson

Seconded by Rep. Lang

Vote: 20-0

**CONSENT CALENDAR: YES**

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,



Rep Edith DesMarais, Clerk



HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 345

BILL TITLE: relative to certification of devices for the electronic counting of ballots.

DATE: 2/6/19

LOB ROOM: 308

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # 0266 (if offered)
- Interim Study (2nd year)

*Withdrawn*

Moved by Rep. Bergeron Seconded by Rep. Meynahan Vote: NO VOTE

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # 0385 (if offered)
- Interim Study (2nd year)

*Recessed TO 2/12 11 AM*

*Withdraw motion*

Moved by Rep. Pearson Seconded by Rep. Lang Vote: YV(A)

*Aye*

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

*EXE*

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

*2-12-2019*  
*2-12-2019*

Moved by Rep. Pearson Seconded by Rep. Lang Vote: 20-0

CONSENT CALENDAR:  YES  NO

Minority Report?  Yes  No If yes, author, Rep: \_\_\_\_\_ Motion \_\_\_\_\_

Respectfully submitted: Edith M DesMarais  
Rep Edith DesMarais, Clerk



2019 SESSION

Election Law

Bill #: 345 Motion: OTPA AM #: 03854 Exec Session Date: 2/12/19

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Cote, David E. Chairman	20		
Moynihan, Wayne T. Vice Chairman	1		
Ward, Gerald W.R.	2		
Pearson, William A.	3		
DesMarais, Edith M. Clerk	4		
Komi, Richard N.	5		
Bergeron, Paul R.	6		
Sandler, Catt	7		
Hamer, Heidi M.	8		
Higgins, Peg	9		
Lane, Connie B.	10		
Morrill, David J. <i>MANNY ESPINOZA</i>	11		
Hoelzel, Kathleen M.	12		
Gay, Betty I.	13		
Lang, Timothy P.	14		
Prudhomme-O'Brien, Katherine T.	15		
Hayward, Peter T.	16		
Merlino, Timothy A. <i>ERIN HEAVESSEY</i>	17		
Owens, Becky A. <i>TIM FEOLLE</i>	18		
Rooney, Abigail G.	19		
<b>TOTAL VOTE:</b>	<b>20</b>	<b>0</b>	

Rep. Bergeron, Hills. 29  
February 8, 2019  
2019-0385h  
11/10

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11 *outlines the basis for its determination, taking into account such factors as hardware and*  
12 *software standards, policies and procedures, security requirements, and usability. The*  
13 commission shall approve ~~such~~ a device *upon request* in its discretion, and no device shall be  
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15 so approved by the ballot law commission. Any device that is altered must be re-approved before it  
16 is used in any election in this state. For the purposes of this section, a device shall be considered  
17 altered if any mechanical or electronic part, hardware, software, or programming has been altered.

# Hearing Minutes

# HOUSE COMMITTEE ON ELECTION LAW

## PUBLIC HEARING ON HB 345

**BILL TITLE:** relative to certification of devices for the electronic counting of ballots.

**DATE:** January 10, 2019

**LOB ROOM:** 308                      **Time Public Hearing Called to Order:** 10:00am

**Time Adjourned:** 10:45am

**Committee Members:** Reps. Cote, Moynihan, DesMarais, Ward, W. Pearson, Komi, Bergeron, Sandler, Hamer, Higgins, Lane, Morrill, Hoelzel, Gay, Lang, Prudhomme-O'Brien, Hayward, Merlino, Owens and Rooney

**Bill Sponsors:**

Rep. Long                                      Rep. Bergeron

### TESTIMONY

**Rep. Long:** Voting Machines are failing. We need reliable machines. There is a high breakdown rate and voters are losing confidence in them.

**Q. Rep. PrudhommeO'Brien:** Could it be partly because voter workers are rushing putting them through?

**A.** Because they are wearing out. Many districts are no longer using this machine. We can only get replacement parts from discontinued machines.

**Q. Rep. Hoetzel:** Can the Moderator run prior testing? Do they have routine maintenance?

**A.** Not sure, some clerks may?

**Q. Rep. Lang:** Have you brought up the issues of buying new machines?

**A.** Have considered it.

**\*Rep. Bergeron:** After the O'Brien era, the Secretary of State centralized control yet some are looking at new voting systems. There is the expectation of local districts getting them, but they need permission to replace problem machines. RSA 656:42 lists the requirements but are product specific. We need to change the statute to update it. We shouldn't need to change a statute to be able to update. We shouldn't need a law to be proactive. We shouldn't have to run the machines into the ground first increasing the error and failure rate. At least we should have a review but can wish to amend this for it.

**Q. Rep. Pearson:** Regarding 656:2, Why didn't you remove specific language?

**A.** At least it provides some guidelines. It could be repealed if we get new machines.

**Q. Rep. Pearson:** What if in 5 years there are no better devices?

**A.** The language to "improve" or update covers contingencies.

**Q. Rep. Pearson:** If the software is fine after 5 years, OK so why the "shall"?

**A.** That could be modified.

**Q. Rep. Lang:** Did you realize a district needed to "apply"?

**A.** Did not know since the process is centralized.

**Q. Rep. Moynihan:** Does this legislation require all in NH have to change machines?

**A.** No. If machines are OK, they don't need to, but will have the opportunity if needed.

**\*Nordgrin:** From Hanover, supports the bill. See attached.

**Piatsu:** City Clerk from Nashua. She supports the bill. They have had problems in Nashua and is aware that other areas have them as well. Was not aware they had to apply to address them because of a ballot law. The machines need updating both firmware and/or machines. Asked the SOS to affirm they were working properly. Supports ongoing verification that the machines are working and feels they must be tested prior to use and then with the memory card. They also need testing of the backup systems. They have had memory card failure. Approval must be done before using.

**Q. Rep. Lang:** Have you had failures?

**A.** Yes.

**Mary Till, Moderator in Derry:** Supports the bill. Machines are so old they can't take advantage of software updating. LHS stopped manufacturing them in 2007.

**Q. Rep. Lang:** Can they be programmed to return "over votes"?

A. Ours are too old. 1.5% of Derry voters "over vote". Machine tapes show over votes. Absentee voters have a higher level. They could be put into the hand count.

**Q. Rep. Lane:** Will you explain an over vote?

A. It can appear to be an over vote i.e. sometimes a fold, speck, or cross out.

**Q. Prudhomme O'Brien:** Does it negate all of the ballot?

A. No - just the specific race.

**Q. Rep. Moynihan:** Does a human see the ballot?

A. No. If it is a machine fault, it is still not identified.

**Alvin See:** The Bill doesn't say who is allowed to request the double check. We should have a ballot commission that could be a central clearing house of resources. The machines could be checked through with a hand count.

**Dep. Secretary of State, David Scanlon:** Agree they should be reviewed after 5 years. Towns now decide what devices, but they must be approved. The town is responsible for the cost and maintenance. Other communities around the state are still using old machines. There was an event on 2/15 to demonstrate newer devices. NH has a complex ballot. See attached example, as is a staggered ballot. LHS has an updated device. He believes it is time to look at newer models.

**Q. Rep. Sandler:** Are there any greater or lesser issues with the current vs. the newer?

A. Yes - a basic model with ports disabled will count only. The memory card is programmed and if a rogue programmer messes with it, it could be an issue. The newer machines have many more options.

**Q. Rep. Lane:** RSA 654:42 would be affected, how would we address this?

A. This bill could be altered to address these issues.

**Q. Rep. Pearson:** If a voter voted for two instead of one, would it be a clear issue? If a voter had a hand count and there was an issue i.e. a smudge, would it identify?

A. No one would know whose ballot it was to be able to have it fixed.

**Q.** Current law would permit it to be done if know who the voter is?

A. If machine kicked it back and voter was right there, maybe.

**Q. Prudhomme O'Brien:** Are you aware of any area towns or neighboring states are using the new devices?

A. Maine and Massachusetts are.

**Q. Prudhomme O'Brien:** Are you aware of any states providing the machines?

A. Most elections are run by counties, not the states. They are very different systems.

Respectfully Submitted by: Rep DesMarais



HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 345

BILL TITLE: relative to certification of devices for the electronic counting of ballots.

DATE:

ROOM: 308 305

Time Public Hearing Called to Order: 10 AM

Time Adjourned: 10:45

(please circle if present)

Committee Members: Reps. Cote, Moynihan, DesMarais, Ward, W. Pearson, Komi, Bergeron, Sandler, Hamer, Higgins, Lane, Morrill, Hoelzel, Gay, Lang, Prudhomme, O'Brien, Hayward, Merlino, Owens and Rooney Sandler

Bill Sponsors:

Rep. Long

Rep. Bergeron

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

① Long: Machine failing - need reliable machines  
High Breakdown rate. Voters lose confidence  
P.O. Brien \* Could be voter rushing?

Hoelzel Moderators run prior test? Have routine maint?  
Not sure check may

Lang Have brought issue to new machines  
Have considered

② Bergeron. Hand out

after crisis divide <sup>505</sup> centralization of control  
yet new voting systems - local expectation but need  
permission to replace problem machines

656:42 list requirements - product specific.  
Need change statute to update  
Shouldn't need law to be proactive  
Shouldn't have to run into ground - increasing error  
Failure

at least a review - wish to comment

? Pearson

1. 656:2 why didn't remove specific language  
At least provides some guidelines - could be  
repealed if new machines.
2. What if in 5 yrs. no better devices?  
"Improve" or update census
3. If software fails after 5 years ok why "shall"

? Lang - Did realize needed to "apply"  
Did not know since centralized

Manninen: Does legislation require all have to change?  
No - if ok don't need to, but have opportunity  
if need

③ Nordgren \* Letter  
Hansen - support. attached

④ Piattu - City Clerk Nashua Support

Problems in Nashua & aware of others  
not aware had to apply to ballot law  
Needs updating - firmware and/or machine  
asked SOS to affirm working properly  
Support on-going verification working  
must be tested prior & memory card - also need  
testing of backup. Have had memory card failure  
improve must be



1-10-19

? Lang - Have had failure?  
yes

⑤ Mary Till Moderator - Deny

Supped: Machines can take advantage of software updates

LHS stopped manufacturing 2007

Can be program to return "over vote"?

Ours too old

1.5% 250 deny voters over

Machiner tapes show over vote

Absentee higher level - could be put into hand count.

? Lane - Explain over vote?

appears more votes

Sometimes fold, or speck or cross out

? O'Brien - does it negate all

no - only specific race

? Maynehan Does a human see?

no

If machine fault - still not identified

⑥ Alvin Lee

But doesn't say who is allowed to request  
 Have ballot ~~board~~ Commission be a central  
 clearing house of resources.

Hand

No questions.

⑦ David Scanlon

Dep. 505

Agree 5 years. Towns slow decide, device  
 must be approved, Town responsible for cost  
 and maintenance.

Other communities using around state use

Scarlone cont.

2/15 event

Pro-active to see newer devices. NH has complex ballot. See example attached - Staggered Ballot.

LHS has an updated device

Believes appropriate time to look at.

? Sandler

Any greater or lesser issues with current vs. newer.

Yes - a basic model + ports disabled - <sup>count</sup> memory card - programmed - if require <sup>only</sup> programmer - could be issue  
New have many more options

? Rep Lane - 656.42 would be affected, how would we address? This bill could address

? Pearson

If vote for 2 - clear issue

If voter had hand count and an issue <sup>ie smudge</sup> would

No one would know who.

Accurate could spit back out if over-vote  
ie smudge, fold or erasure.

? Lang

Current law - would permit to do

? ~~pardner~~ O'Brien

Aware of any of area towns or neighboring states using new devices.

Maine & Massachusetts

Aware of any states providing machines  
most are run by counties, not the state. Very different systems







HB 342

FC 213H

FC 213H

# Testimony





TESTIMONY IN SUPPORT OF HB 345  
Election Law Committee

January 9, 2019

Dear Honorable Chairperson Cote and Committee Members,

On behalf of the Town of Hanover, I would like to provide this testimony in SUPPORT of HB 345, an act relative to certification of devices for the electronic counting of ballots.

As the elected Town Clerk in Hanover, I take exceptional pride in our Town's ability to conduct a fair, accurate, transparent, and efficient voting process. We rely on nearly 100 citizen volunteers per election, and we often have numerous observers in tow to inspect our voter check-in, absentee ballot, and ballot counting procedures. Technology has evolved in nearly all facets of administering our elections, especially with the advent of the Statewide voter database, ElectioNet. With this tool and other current technologies (such as email, robust word processing and spreadsheet tools), we have been able to enhance the reliability of several of our election processes.

It's high time some of this enhancement makes it over to ballot tabulation. We, like many municipalities across New Hampshire, use the Accuvote-OS Precinct count electronic ballot counting devices. These machines were developed in the late 1980's and were manufactured until 2007. As these machines have been out of production for well over a decade, parts for repair and replacement are becoming increasingly difficult to find and expensive to acquire. Our machines in Hanover have been in constant operation for over twenty years, and there is no sustainable path forward to ensure they will remain in peak operating condition. Plus, several years ago, we identified a need to boost our machine count from two to three to help with voter flow (given that we process over one thousand absentee ballots at prominent elections); however, purchasing another reliable unit is currently not an option.

The Town of Hanover wants to do better on this front. We need ballot tabulation machine options approved by the Ballot Law Commission on a consistent and reliable basis. Please know that I am not supporting this legislation to simply chase new technology for its own sake. Rather, New Hampshire needs modern and secure tabulating machines where we have ready access to parts, service, and replacement and/or additional machines. To this end, I urge you to support HB345. Thank you for your consideration.

Sincerely,

Elizabeth A. McClain  
Director of Administrative Services and Town Clerk  
betsy.mcclain@hanovernh.org

Representative Pat Long, Hillsborough District 10 Manchester

Testimony HB 345

01/10/2019

Dear Chairman Cote and Honorable Members of the Election Law Committee,

We pride ourselves in running efficient elections in our cities and towns here in New Hampshire. Election day is filled with many moving parts. We often have new staff working the polls, voters who have questions about the process, and an endless number of tasks to do to ensure every eligible voter is able to cast a ballot without problems.

Over the last few cycles we have had something else added to our checklist and that is making sure the tabulators are working properly. The tabulators we are currently using were purchased more than 20 years ago. The machines break frequently and since they are not being made anymore it is becoming harder and more expensive to fix them. In some of our cities and towns they have allocated funds to purchase new machines to replace the ones we have now, but we cannot purchase new ones without approval of a new machine from the Ballot Law Commission.

We are asking that you pass HB 345 so that we can ensure new, secure machines are being approved and our cities and towns can ensure that election day is smooth for all voters who show up to the polls.

Thank you for your attention to this matter.

## Support for HB 345

My name is Mary Till, Town Moderator in Derry, NH. I rise in support of HB 345 relative to the certification of devices for the electronic counting of ballots.

The capabilities of computers and software are constantly increasing. I get updates to the software on my computer multiple times a year. Today's software will not run on the physical computer I had in 2007. As we learn more and more of the deficiencies in the ability of machines to ascertain voter intent, new ideas, new software is developed to try to address these deficiencies, but older machines cannot take advantage of these updates.

I recently had occasion to talk with Mike Carlson, a representative of LHS Associates, the firm that programs and services our election software and hardware. He informed me that LHS stopped manufacturing the ACCU-Vote machines we are using in New Hampshire over ten years ago in 2007. This comment came in response to an inquiry by me about whether the machines could be programmed to return an over-voted ballot immediately to the voter so it could be corrected rather than void the vote on the over-voted race with is currently the case. He informed me that other states in the northeast which they service have programmed their machines to do just that. However, since our machines are so old, it is not possible to insert that level of new programming.

The machine tapes that are run at the close of each election, report the number of overvoted ballots. Because Derry has 6 voting machines and because we only had two polling places in the November 2018 elections, we were able to reserve one machine at each polling place to process the absentee ballots. In the November 2018 elections in Derry, the voting machines used to tabulate in-person ballots showed an overvote ratio of between 1 and 1.5%. That's over 250 Derry voters who had one or more of their votes negated because the machine could not discern voter intent. However, the machines used to process absentee ballots, which have been folded one or more times for sending through the mail had an overvote percentage in excess of 5%.

Section 301 of the Help America Vote Act of 2002, requires that the voting system shall provide the voter with the opportunity to correct an over voted ballot. With new hardware and software, Derry voters and voters all over New Hampshire would have the opportunity to correct these deficiencies. In the case of absentee voters, an overvoted ballot could be returned to election officials for a hand count where voter intent would not be confused with a shadow caused by a fold.

I urge you to support this important legislation which will allow NH to take advantage of the latest programming designed to help the voter make sure his/her vote is cast and counted the way they intended.



## Merrill, Donna

---

**From:** Cote, David  
**Sent:** Thursday, January 10, 2019 6:24 PM  
**To:** Merrill, Donna  
**Cc:** ~House Election Law Committee  
**Subject:** Fwd: HB345

Donna-

Please print and add to the appropriate file.

Thank you.

Sent from my iPhone

Begin forwarded message:

**From:** Jeff Silvestro <[jeffs@lhsassociates.com](mailto:jeffs@lhsassociates.com)>  
**Date:** January 10, 2019 at 1:18:43 PM EST  
**To:** <[David.Cote@leg.state.nh.us](mailto:David.Cote@leg.state.nh.us)>  
**Subject:** HB345

Representative Cote,

My name is Jeff Silvestro, I am President and Owner of LHS Associates, Inc. My company is located in Salem, NH and currently sells, services and supports the AccuVote tabulators in throughout New England. I was present today at the hearing on HB345, however I chose not to make a statement. I am writing to make myself available to the Election Law Committee as an expert on voting systems. I am available anytime to meet with individual members of the committee or the committee as a whole to answer any questions regarding vote tabulators in the state.

Please feel free to contact me at anytime.

All the best,

JEFF SILVESTRO  
President  
LHS Associates, Inc.  
Toll Free: 888-547-8683  
Direct #: 978-651-2515  
Fax: 603-212-0027  
[jeffs@lhsassociates.com](mailto:jeffs@lhsassociates.com)

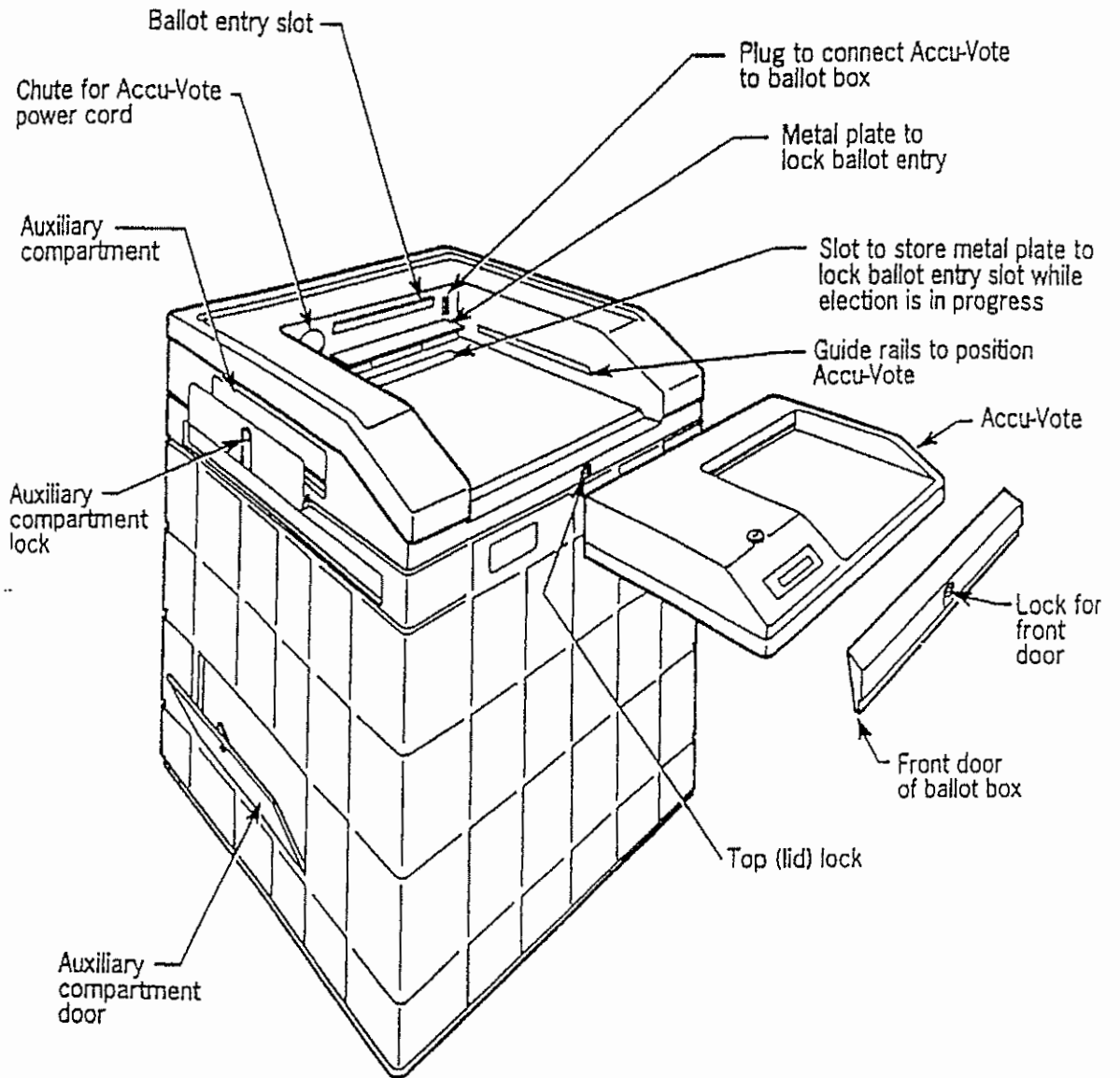
### CONFIDENTIALITY NOTICE

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**HB345 – relative to certification of devices for the electronic counting of ballots – Amendment**

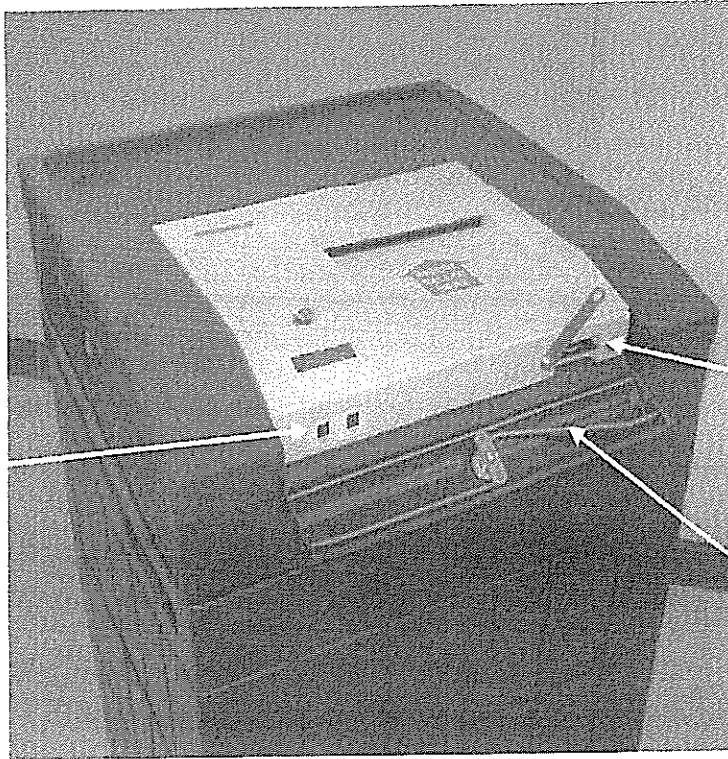
Amend language to read, on line 6, *and shall review current devices and firmware and either approve new devices or upgrade current devices or firmware at least every five years.*

# Ballot Box



Note: Front door shown unattached

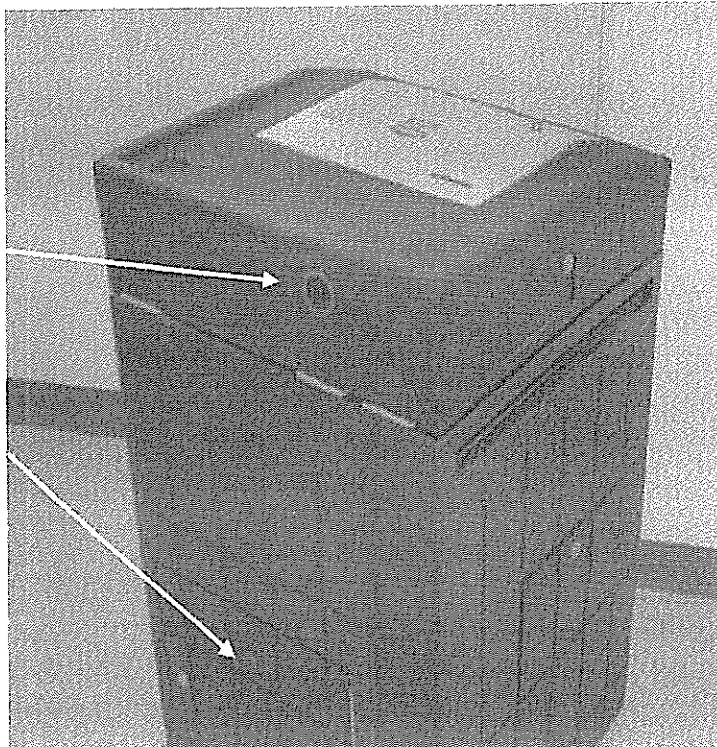
FIGURE 2



YES/NO  
BUTTONS

MEMORY CARD  
COMPARTMENT

FRONT  
SECURITY DOOR



POWER  
CORD SLOT

BALLOT  
BOX DOOR  
& LOCK

# Bill as Introduced

HB 345 - AS INTRODUCED

2019 SESSION

19-0677

11/10

HOUSE BILL           **345**

AN ACT               relative to certification of devices for the electronic counting of ballots.

SPONSORS:           Rep. Long, Hills. 10; Rep. Bergeron, Hills. 29

COMMITTEE:          Election Law

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ANALYSIS

This bill requires the ballot law commission to approve a new secure electronic ballot counting device at regular intervals.

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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.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen.*

AN ACT                   relative to certification of devices for the electronic counting of ballots.

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

1           1 Electronic Ballot Counting Devices; Approval by the Ballot Law Commission. Amend RSA  
2 656:41 to read as follows:

3           656:41 Approval by Ballot Law Commission. The ballot law commission shall act as a board to  
4 examine devices for the electronic counting of ballots. The commission shall, whenever requested,  
5 examine any device which may be capable of meeting the requirements for elections held in this  
6 state *and shall approve a new secure device at least every 5 years*. The commission shall  
7 approve [~~such~~] a device *upon request* in its discretion, and no device shall be used in any election  
8 in this state unless it reads the voter's choice on a paper ballot and is of a type so approved by the  
9 ballot law commission. Any device that is altered must be re-approved before it is used in any  
10 election in this state. For the purposes of this section, a device shall be considered altered if any  
11 mechanical or electronic part, hardware, software, or programming has been altered.

12           2 Effective Date. This act shall take effect 60 days after its passage.