

# Committee Report

**CONSENT CALENDAR**

**March 13, 2019**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Municipal and County Government to  
which was referred HB 539-FN,**

**AN ACT relating to the provision of technical assistance  
for municipal implementation of the One4all ballot.**

**Having considered the same, report the same with the  
following amendment, and the recommendation that the  
bill OUGHT TO PASS WITH AMENDMENT.**

**Rep. Julie Gilman**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	Municipal and County Government
Bill Number:	HB 539-FN
Title:	relating to the provision of technical assistance for municipal implementation of the One4all ballot.
Date:	March 13, 2019
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2019-0302h

### STATEMENT OF INTENT

This bill as amended establishes a committee to study how to support voters with disabilities as they exercise their right to vote, by secret ballot, without assistance from another voter. Currently, the State uses a program called One4All that is required for federal elections. This is a committee to answer questions regarding implementation and prepare application procedures.

Vote 18-0.

Rep. Julie Gilman  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

### Municipal and County Government

**HB 539-FN**, relating to the provision of technical assistance for municipal implementation of the One4all ballot. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Julie Gilman for Municipal and County Government. This bill as amended establishes a committee to study how to support voters with disabilities as they exercise their right to vote, by secret ballot, without assistance from another voter. Currently, the State uses a program called One4All that is required for federal elections. This is a committee to answer questions regarding implementation and prepare application procedures. **Vote 18-0.**

COMMITTEE REPORT

COMMITTEE: Munit County Govt

BILL NUMBER: HB 339

TITLE: relating to the provision of technical

DATE: \_\_\_\_\_ CONSENT CALENDAR: YES  NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No.  
0302h

STATEMENT OF INTENT:

THIS BILL AS AMENDED ESTABLISHES A COMMITTEE TO STUDY THE WAY TO SUPPORT VOTERS WITH DISABILITIES ~~FOR~~ TO THEIR RIGHT TO VOTE BY SECRET <sup>WITHOUT ASSISTANCE FROM ANOTHER VOTER</sup> BALLOT AT LOCAL ELECTIONS CURRENTLY THE STATE USES A PROGRAM CALLED ONE FALL ~~AND~~ THAT IS REQUIRED ~~FOR~~ FOR FEDERAL ELECTIONS, ~~AND~~

THIS IS A COMMITTEE TO ANSWER QUESTIONS REGARDING IMPLEMENTATION AND PREPARE ~~IMPLEMENTATION~~ PROCEDURAL APPLICATION PROCEDURES

COMMITTEE VOTE: 18-0

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Julio D. G. [Signature]  
For the Committee

Amendment to HB 539-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT establishing a committee to study the implementation of the One4All ballot in  
4 municipal elections.  
5

6 Amend the bill by replacing all after the enacting clause with the following:

7

8 1 Committee Established. There is established a committee to study the feasibility of the use of  
9 existing technology to implement the One4All ballot in New Hampshire municipal elections.

10 2 Membership and Compensation.

11 I. The members of the committee shall be as follows:

12 (a) Three members of the house of representatives, appointed by the speaker of the  
13 house of representatives.

14 (b) One member of the senate, appointed by the president of the senate.

15 II. Members of the committee shall receive mileage at the legislative rate when attending to  
16 the duties of the committee.

17 3 Duties. The committee shall:

18 I. Study the potential use of the One4All ballot technology by the electorate, the availability  
19 of and access to appropriate hardware and software, municipal administration of the technology,  
20 municipal interest in using the technology, legal conflicts to the use of this technology, and other  
21 appropriate issues relating to the use of the One4All ballot in New Hampshire municipal elections.

22 II. Prepare generic implementation and application procedures for municipalities to follow  
23 if the committee determines that the technology can be efficiently and effectively used by  
24 municipalities.

25 4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from  
26 among the members. The first meeting of the committee shall be called by the first-named house  
27 member. The first meeting of the committee shall be held within 45 days of the effective date of this  
28 section. Three members of the committee shall constitute a quorum.

29 5 Report. The committee shall report its findings and any recommendations for proposed  
30 legislation to the speaker of the house of representatives, the president of the senate, the house  
31 clerk, the senate clerk, the governor, and the state library on or before November 1, 2019.

32 6 Effective Date. This act shall take effect upon its passage.

# Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 539-FN

**BILL TITLE:** relating to the provision of technical assistance for municipal implementation of the One4all ballot.

**DATE:** March 13, 2019

**LOB ROOM:** 301

**MOTIONS: OUGHT TO PASS WITH AMENDMENT**

Moved by Rep. Gilman                                  Seconded by Rep. Porter                                  AM Vote: 15-3

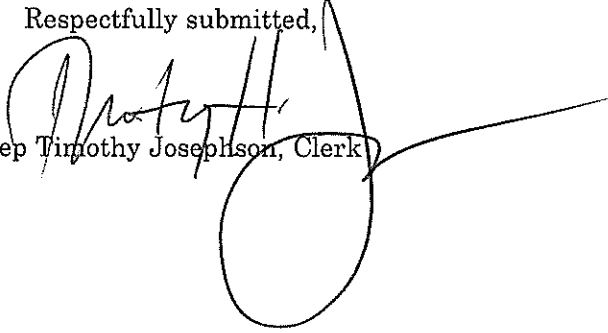
Amendment # 2019-0302h

Moved by Rep. Gilman                                  Seconded by Rep. Porter                                  Vote: 18-0

**CONSENT CALENDAR: YES**

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

Respectfully submitted,

  
Rep Timothy Josephson, Clerk



HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 539-FN

BILL TITLE: relating to the provision of technical assistance for municipal implementation of the One4all ballot.

DATE: March 13, 2019

LOB ROOM: 301

MOTION: (Please check one box)

OTP       ITL       Retain (1st year)       Adoption of Amendment # \_\_\_\_\_  
 Interim Study (2nd year)      (if offered)

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

MOTION: (Please check one box)

OTP       OTP/A       ITL       Retain (1st year)       Adoption of Amendment # 03026  
 Interim Study (2nd year)      (if offered)

Moved by Rep. Gilman      Seconded by Rep. Porter      Vote: 15-3

MOTION: (Please check one box)

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

Moved by Rep. Gilman      Seconded by Rep. Porter      Vote: 18-0

MOTION: (Please check one box)

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

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

CONSENT CALENDAR:  YES       NO

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

Respectfully submitted: [Signature]  
Rep Timothy Josephson, Clerk

OFFICE OF THE HOUSE CLERK



1/14/2019 3:24:03 PM  
Roll Call Committee Registers  
Report

2019 SESSION

Municipal and County Government

Bill #: 539 Motion: amend AM #: 03026 Exec Session Date: 3/13/19

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Carson, Clyde J. Chairman	15		
Tatro, Bruce L. Vice Chairman	1		
Porter, Marjorie A.	2		
<del>Treleven, Susan GS</del> <i>not present</i>			X
Gilman, Julie D.	3		
Josephson, Timothy Clerk	4		
Meader, David R.	5		
Dargie, Paul P.	6		
Maggiore, Jim V.	7		
Mombourquette, Donna M.	8		
Stavis, Laurel	9		
<del>Belanger, James P.</del> <i>Marsh, William</i>		1	
Migliore, Vincent Paul		2	
Abramson, Max	10		
Dolan, Tom	11		
Kittredge, <del>Derek MacMillen</del> <i>not present</i>			X
MacDonald, John T.	12		
Perreault, Mona	13		
Piemonte, Tony	14		
Pratt, Kevin M.		3	
<b>TOTAL VOTE:</b> <i>15-3</i>			



2019 SESSION

Municipal and County Government

Bill #: HB 539 Motion: OTP-A AM #: 0302h Exec Session Date: 3/13/19

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Carson, Clyde J. Chairman	18		
Tatro, Bruce L. Vice Chairman	1		
Porter, Marjorie A.	2		
Treleven, Susan GS <i>not present</i>			X
Gilman, Julie D.	3		
Josephson, Timothy Clerk	4		
Meader, David R.	5		
Dargie, Paul P.	6		
Maggiore, Jim V.	7		
Mombourquette, Donna M.	8		
Stavis, Laurel	9		
Belanger, James R. <i>Marsh, William</i>	10		
Migliore, Vincent Paul	11		
Abramson, Max	12		
Dolan, Tom	13		
Kittredge, Derek MacMillen <i>not present</i>			
MacDonald, John T.	14		
Perreault, Mona	15		
Piemonte, Tony	16		
Pratt, Kevin M.	17		
<b>TOTAL VOTE:</b>	<b>18-0</b>		

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2019-0302h

AMENDED ANALYSIS

This bill establishes a committee to study the implementation of the One4all ballot in municipal elections.

# Hearing Minutes

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 539-FN

**BILL TITLE:** relating to the provision of technical assistance for municipal implementation of the One4all ballot.

**DATE:** March 5, 2019

**LOB ROOM:** 301

**Time Public Hearing Called to Order:** 3:30 p.m.

**Time Adjourned:** 4:30 p.m.

**Committee Members:** Reps. Carson, Tatro, Josephson, Porter, Treleaven, Gilman, Meader, Dargie, Maggiore, Mombourquette, Stavis, Belanger, Abramson, Dolan, Kittredge, MacDonald, Perreault, Piemonte and Pratt

**Bill Sponsors:**

Rep. Berrien

Rep. Bunker

Rep. Gilman

Rep. Hoelzel

Rep. Ward

Rep. Porter

TESTIMONY

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

1. **Rep. Skip Barrien -- Rock 18 - PRIME SPONSOR**

- a. This bill basically has to do with ensuring that every citizen has access to a secret ballot
  - b. Initially I thought it would go to Election Law, but it has evolved to where it belongs here in M&CG
  - c. Quotes Title II of the Americans with Disabilities Act
  - d. This all started with conversations with the SoS which has then transpired that there is technology available for an accessible ballot for visually impaired/blind and other disabled individuals
  - e. It is used in state and federal elections and it is successful there for the most part. This technology is used because there is federal money for these elections
  - f. But this money cannot be used for municipal elections
  - g. In Exeter and Concord it has been used but it is arduous
  - h. The bill as amended would make it easier for towns and cities to use this
  - i. This technology is available from a proprietary vendor and we didn't need the SoS technical assistance, but from the vendor.
  - j. This bill is to find out all of the hurdles at the municipal level in implementing this
  - k. In Concord, last Tuesday the Department of Justice and the City of Concord came to an agreement that a municipality must provide this for their municipal elections (see submitted info)
- l. Q: Carson: The purpose of this bill is to require the municipalities to provide this technology? (The DoJ said that Concord, and therefore all municipalities in the state, must provide this technology to voters. There are hurdles you have to overcome -- working with different voting parts, knowing the hardware and then knowing the proprietary vendor to help you. It becomes very complicated when you have local elections because of so many moving parts)

- m. Q: Kittredge: in Rochester we have polling places for people with disabilities, it is labor intensive. This looks like it will be more labor intensive. Will the committee be looking at the cost of training? (Yes, some more upfront costs but some people will take more training than others. Currently, they have to go to the booth with someone to read the ballot with them, and then someone else marks the ballot. That's labor intensive as well) Another thing was that in the last election we had no one use our disabilities enclosure. Part of it is to educate people to know that they can vote, will the committee look at that? (yes, it is in the DoJ agreement)
- n. Q: Dolan: as admirable as this legislation appears to be, how can you help us understand how we can avoid the 28-a part of the Constitution to pass legislation without funding it? Is it your thought that money would be coming from the state? (backing up, it's the federal government that's requiring us to do this. There is no federal monies with it)
- o. Q: MacDonald: In the agreement, page 3, #14. "Undue financial burdens" -- wouldn't this amendment limit the committee by saying only One4all? (yes, but that is the technology that has been used successfully here in NH and other states, but other technologies would be able to be used)

**2. Jean Shiner - Exeter - Coalition of Blind and Visually Impaired Voters - supports the bill**

- a. Access to a ballot and a secret ballot has been a passion of mine for over 40 years
- b. It is important that a ballot is accessible for blind people to be able to vote independently, and that the ballots are placed in the same box so it is uniform.
- c. In Montpelier VT a candidate in the 70s tried to vote for himself in the place of a blind person
- d. In the past in NH, I used a fax machine to vote and print out a ballot
- e. Worked with SoS office on what could be done
- f. SoS adopted One4all with the intention that the voter experience can be geared for everybody and not just those with disabilities
- g. In the primary of 2016, the speech was terrible and names were barely recognizable
- h. In general election 2018, it was much better and the ballots were placed with the other ones
- i. SoS office is not involved with municipal elections, but in Exeter we worked to get elections
- j. High school students programmed the ballot for us, but it was not as thorough as it should be
- k. It is the right of citizens in NH to vote with a secret ballot
- l. When the accessible machine is not there, the person has to bring a sighted person in to vote with them

**3. Guy Woodland - Concord - supports the bill**

- a. Today I just voted in the special election here in Concord and was able to vote just like any other citizen
- b. I was the person who filed the complaint with the Department of Justice on behalf of every blind person in the country
- c. I am a Canadian who came to Concord in 1999 to further my career, in 2007 I became a US Citizen. They told me that voting was my most important right
- d. That fall I voted in the municipal elections in Concord but had to get a sighted person



- e. I went back in 2009, 2011, 2013, 2015 and the city refused to comply and admitted they were not meeting the requirements of Title II of ADA
  - f. I went to Concord Monitor, NHPR, promoted that I was not able to get a secret ballot
  - g. I filed the complaint in 2014, it took a year to be filed in Concord and 4 years of investigation
  - h. The settlement requires the city of Concord, starting in Nov, that each polling location will have a booth for all-access private ballots
  - i. In today's municipal election, they only provided the machine in 4 of the 7 polling locations
  - j. This is a landmark decision by the DoJ, it affects every town and city here in America
  - k. Q: Belanger: How are absentee ballots handled? (currently there are no requirements for absentee ballots, but recently in CA they are required to make the accessible voting via absentee)
4. **David Morgan, Concord - Future Insight, President and CEO - supports bill**
- a. I agree with everything the speakers have said so far
  - b. This is a really unique opportunity as the first in the nation state in voting would be great for this committee to establish a study commission
  - c. Tablet based technology and much more affordable than in the past
  - d. Tactile where you touch the screen and it speaks to you
  - e. We can program these ballots
  - f. We can create a model for municipal elections across the country
  - g. Q: Dolan: is One4all a commercial vendor that's a supplier of this technology? (it has been a proprietary product, but the SoS works with them) I'm talking about how it appears that purchases have to be made with One4all, are there other suppliers? (yes, other states use other suppliers, but One4all was identified knowing that the state already uses it for state and federal elections) if the town went to purchase something other than One4all would they be in violation? (I'm not sure)
  - h. Q: Carson: If I were doing my town budget and wanted to buy this, what's the approximate dollar amount? (\$1000 or less for the tablet per polling place. Then some pooling of resources that would allow for software processing of the ballots rather than each municipality figuring it out all themselves)
5. **Stephanie Hurd - Portsmouth - Future Insight -- supports bill**
- a. I have been with Future Insight for almost 12 years, and before I started, accessible voting as been a part of the accessibility committee
  - b. As a person with vision loss, I've seen and heard stories of those who go in to vote and the system isn't set up, the printer prints twice, it goes into a separate box, etc. That's not OK if you want private counting
  - c. The positive side is that at the state and federal side we have seen success
  - d. In the 2018 elections it was very successful. The training was right, the equipment worked, etc. It made me feel equal, it made me feel human. It's been a long time coming.
  - e. If the principle is going to be set here in Concord, we should look at that to set a model for the state
  - f. Just because it's labor intensive, that's not a reason to avoid it.
  - g. Challenges can be overcome

- h. If this were to pass, people in NH who are blind and visibly impaired would be able to have the same rights as others

**6. Dana Trahan, Exeter. Advocacy Committee of Future Insight - Supports bill**

- a. Agreed with past speakers
- b. I became legally blind in 2010
- c. The concept of accessibility is important
- d. One of the biggest things we need to focus on is the ease of this being able to happen
- e. For two elections we have tried to work with our town on accessibility
- f. They purchased the equipment, and Jean and I tried to set a model for what other towns could do
- g. We worked with high school students who volunteered their time to program the tablets and software
- h. We got to the point where it was a doable thing, there were some snags but it was doable
- i. If there's a study in place for uniformity, it should be very doable and easy for each town to do. Learning from the previous mistakes of other towns
- j. There is a big curve as far as acceptability -- some towns are excited, while some towns think they know better and that their way is fine
- k. When I go to get my ballot with my dog guide, I am now asked if I wanted to use the tablet instead of handed a paper ballot I can't use
- l. I agree with Stephanie -- there may be some struggles but they can be overcome
- m. Everyone should work with the same information across the board, hence using One4all
- n. I should not have to give up my privacy to vote -- everyone else gets a private vote, I should too
- o. This will encourage more people to come out and vote

**7. Jeffrey Dickinson - Granite State Independent Living, Advocacy Director -- supports the bill**

- a. We are supportive of a study committee
- b. You have heard a lot about how the system works for folks with visual impairments. But it also works with physical disabilities like myself. It is difficult for me to use a paper ballot and stay in the lines, etc.
- c. When I was 18, I could vote independently and secretly
- d. I am excited about this technology
- e. This is the result of 20 years of work on the part of many people in NH to get us to this point where voting can be more accessible for everybody
- f. As far as concerns about moving the bill forward, rather than reinvent the wheel, it makes more sense to use the 20 years of experience to find the best solution
- g. Technology has become relatively inexpensive, relatively easy to use
- h. We can all agree that all Americans have the right to vote secretly

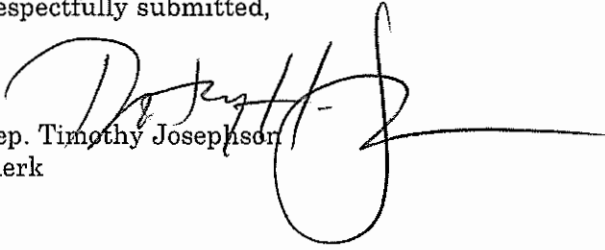
**8. Alvin Sey - Loudon - supports the bill**

- a. I wanted to offer a few personal observations
- b. About a month ago the election law committee heard a bill about accuvote machines
- c. Right now the current law says that the Ballot Law Commission approves voting machines
- d. A few weeks ago the SoS hosted a few vendors to show off voting machines here in this room
- e. One4all and Accuvote are approved

- f. One of them had a very nice set up for assistance for those who needed it, including being able to hook up the mouth breath thing to operate the screen

Respectfully submitted,

Rep. Timothy Josephson  
Clerk

A handwritten signature in black ink, appearing to read "Timothy Josephson", with a long horizontal line extending to the right from the end of the signature.

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 539-FN

BILL TITLE: relating to the provision of technical assistance for municipal implementation of the One4all ballot.

DATE: March 5, 2019

ROOM: 301

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Time Adjourned: 430

(please circle if present)

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Handwritten signature: *John Electric*

HB539-FN -- relating to the provision of technical assistance for municipal implementation of the One4all ballot

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    - h. The settlement requires the city of Concord, starting in Nov, that each polling location will have a booth for all-access private ballots

- i. In today's municipal election, they only provided the machine in 4 of the 7 polling locations
  - j. This is a landmark decision by the DoJ, it affects every town and city here in America
  - k. Q: Belanger: How are absentee ballots handled? (currently there are no requirements for absentee ballots, but recently in CA they are required to make the accessible voting via absentee)
4. David Morgan, Concord - Future Insight, President and CEO - supports bill
- a. I agree with everything the speakers have said so far
  - b. This is a really unique opportunity as the first in the nation state in voting would be great for this committee to establish a study commission
  - c. Tablet based technology and much more affordable than in the past
  - d. Tactile where you touch the screen and it speaks to you
  - e. We can program these ballots
  - f. We can create a model for municipal elections across the country
  - g. Q: Dolan: is One4all a commercial vendor that's a supplier of this technology? (it has been a proprietary product, but the SoS works with them) I'm talking about how it appears that purchases have to be made with One4all, are there other suppliers? (yes, other states use other suppliers, but One4all was identified knowing that the state already uses it for state and federal elections) if the town went to purchase something other than One4all would they be in violation? (I'm not sure)
  - h. Q: Carson: If I were doing my town budget and wanted to buy this, what's the approximate dollar amount? (\$1000 or less for the tablet per polling place. Then some pooling of resources that would allow for software processing of the ballots rather than each municipality figuring it out all themselves)
5. Stephanie Hurd - Portsmouth - Future Insight -- supports bill
- a. I have been with Future Insight for almost 12 years, and before I started, accessible voting as been a part of the accessibility committee
  - b. As a person with vision loss, I've seen and heard stories of those who go in to vote and the system isn't set up, the printer prints twice, it goes into a separate box, etc. That's not OK if you want private counting
  - c. The positive side is that at the state and federal side we have seen success
  - d. In the 2018 elections it was very successful. The training was right, the equipment worked, etc. It made me feel equal, it made me feel human. It's been a long time coming.
  - e. If the principle is going to be set here in Concord, we should look at that to set a model for the state
  - f. Just because it's labor intensive, that's not a reason to avoid it.
  - g. Challenges can be overcome
  - h. If this were to pass, people in NH who are blind and visibly impaired would be able to have the same rights as others
6. Dana Trahan, Exeter. Advocacy Committee of Future Insight - Supports bill
- a. Agreed with past speakers

- b. I became legally blind in 2010
  - c. The concept of accessibility is important
  - d. One of the biggest things we need to focus on is the ease of this being able to happen
  - e. For two elections we have tried to work with our town on accessibility
  - f. They purchased the equipment, and Jean and I tried to set a model for what other towns could do
  - g. We worked with high school students who volunteered their time to program the tablets and software
  - h. We got to the point where it was a doable thing, there were some snags but it was doable
  - i. If there's a study in place for uniformity, it should be very doable and easy for each town to do. Learning from the previous mistakes of other towns
  - j. There is a big curve as far as acceptability -- some towns are excited, while some towns think they know better and that their way is fine
  - k. When I go to get my ballot with my dog guide, I am now asked if I wanted to use the tablet instead of handed a paper ballot I can't use
  - l. I agree with Stephanie -- there may be some struggles but they can be overcome
  - m. Everyone should work with the same information across the board, hence using One4all
  - n. I should not have to give up my privacy to vote -- everyone else gets a private vote, I should too
  - o. This will encourage more people to come out and vote
7. Jeffrey Dickinson - Granite State Independent Living, Advocacy Director -- supports the bill
- a. We are supportive of a study committee
  - b. You have heard a lot about how the system works for folks with visual impairments. But it also works with physical disabilities like myself. It is difficult for me to use a paper ballot and stay in the lines, etc.
  - c. When I was 18, I could vote independently and secretly
  - d. I am excited about this technology
  - e. This is the result of 20 years of work on the part of many people in NH to get us to this point where voting can be more accessible for everybody
  - f. As far as concerns about moving the bill forward, rather than reinvent the wheel, it makes more sense to use the 20 years of experience to find the best solution
  - g. Technology has become relatively inexpensive, relatively easy to use
  - h. We can all agree that all Americans have the right to vote secretly
8. Alvin Sey - Loudon - supports the bill
- a. I wanted to offer a few personal observations
  - b. About a month ago the election law committee heard a bill about accuvote machines
  - c. Right now the current law says that the Ballot Law Commission approves voting machines



- d. A few weeks ago the SoS hosted a few vendors to show off voting machines here in this room
- e. One4all and Accuvote are approved
- f. One of them had a very nice set up for assistance for those who needed it, including being able to hook up the mouth breath thing to operate the screen

Hearing closed at 4:30pm



# Testimony

**SETTLEMENT AGREEMENT BETWEEN**  
**THE UNITED STATES OF AMERICA**  
**AND**  
**THE CITY OF CONCORD, NEW HAMPSHIRE**  
**UNDER THE AMERICANS WITH DISABILITIES ACT**  
**DJ# 204-47-62**

Press Release

This Settlement Agreement (“Agreement”) is entered into between the United States of America and the City of Concord, New Hampshire (“Concord” or the “City”).

The United States and the City hereby stipulate and agree that:

**BACKGROUND AND JURISDICTION**

1. Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131-12134, as amended (“ADA”), and its implementing regulation, require public entities to make their programs, services, and activities accessible to qualified individuals with disabilities. *See* 42 U.S.C. § 12132; 28 C.F.R. §§ 35.130, 35.160.
2. Under Title II and its implementing regulation, a public entity, in providing any aid, benefit, or service, may not: afford qualified individuals with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded to others; provide a qualified individual with a disability with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others; or otherwise limit such individuals in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service. *See* 28 C.F.R. § 35.130(b)(1).
3. Under Title II and its implementing regulation, a public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that

making the modifications would fundamentally alter the nature of the service, program, or activity. 28 C.F.R. § 35.130(b)(7).

4. Under Title II and its implementing regulation, a public entity shall furnish appropriate auxiliary aids and services where necessary to afford qualified individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity, unless the public entity can demonstrate that doing so would result in a fundamental alteration or in undue financial and administrative burdens. In order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability. 28 C.F.R. § 35.160.
5. The City is a “public entity” within the meaning of the ADA, 42 U.S.C. § 12131(1) and 28 C.F.R. § 35.104, and is therefore subject to Title II of the ADA, 42 U.S.C. §§ 12131–12134, and its implementing regulation, 28 C.F.R. Part 35.
6. The City operates services, programs, and activities within the meaning of Title II, which includes holding biannual City Elections.
7. The Department is authorized under the ADA to determine the City’s compliance with Title II of the ADA and its implementing regulation, and to resolve the matter by informal resolution, such as through the terms of this Agreement. If informal resolution is not achieved, the Department is authorized to issue findings, and, where appropriate, to negotiate and secure voluntary compliance agreements. 28 C.F.R. pt. 35, Subpart F. The Attorney General is authorized, under 42 U.S.C. § 12133, to bring a civil action to enforce Title II of the ADA.

## **INVESTIGATION**

8. On February 11, 2015, the United States notified the City by letter that it had opened an investigation in response to a complaint filed with the Department concerning the failure of the City to provide an accessible ballot to a person who is blind. In particular, the complainant alleged that the City failed to provide him with an accessible voting system that offered privacy and independence in local elections and, instead, offered only a paper ballot and assistance in completing the ballot.

9. The United States maintains that the City's failure to provide an accessible ballot to a person who is blind or vision impaired denies qualified individuals with disabilities equal access to participate in the City's Election, in violation of Title II of the ADA and its implementing regulation. 42 U.S.C. § 12132; 28 C.F.R. §§ 35.130, 35.160.
10. The United States and the City, through counsel, have conferred and agree that any dispute concerning the City's alleged failure to comply with Title II of the ADA and its implementing regulation should be settled without the delay and expense of protracted litigation.
11. The United States and the City have negotiated in good faith and hereby agree to this Agreement as an appropriate means to remedy the City's alleged violations of Title II of the ADA and its implementing regulation.

## **TERMS OF AGREEMENT**

### **General Provisions**

12. The City shall not exclude qualified individuals with disabilities from participation in or deny them the benefits of its voting program or services, or subject them to discrimination, on the basis of disability, consistent with Title II of the ADA and its implementing regulation at any City Election.
13. The City shall furnish appropriate auxiliary aids and services where necessary to afford qualified individuals with disabilities, including voters, an equal opportunity to participate in, and enjoy the benefits of the City Elections, consistent with Title II of the ADA and its implementing regulation, unless furnishing the auxiliary aids and services would fundamentally alter the nature of voting or cause undue financial and administrative burdens. Such auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability unless furnishing the auxiliary aids and services would fundamentally alter the nature of voting or cause undue financial and administrative burdens.
14. The City will provide an accessible voting system for voters who are blind or visually impaired in future City Elections unless furnishing the auxiliary aids and services would fundamentally alter the nature of voting or cause undue financial and administrative

Agreement shall prevent the United States from taking any action required to enforce any and all other applicable provisions of Title II of the ADA and its implementing regulation.

25. Any legal proceeding arising in connection with this Agreement must be brought in the United States District Court for the District of New Hampshire, and all Parties consent to the jurisdiction of that court.
26. Any legal proceeding to enforce this Agreement may seek specific performance of the terms therein, and any other relief authorized by law.
27. Failure by the United States to enforce any provision of this Agreement shall not be construed as a waiver of its right to do so with regard to any provision of this Agreement.

## Other Provisions

28. **Signatories Bind Parties.** The persons signing for the Parties represent that they are authorized to bind their respective Parties to this Agreement.
29. **Execution in Counterparts.** This Agreement may be executed in counterparts and each copy, email, or pdf will be considered an original and taken together constitute one agreement.
30. **Modification or Amendment.** This Agreement may be modified or amended only upon a written mutual agreement of the Parties.
31. **Agents and Successors Bound.** This Agreement shall be applicable to and binding upon the City Clerk, the City, its officers, agents, employees, successors, and assigns.
32. **Scope.** This Agreement is not intended to remedy any other potential violations of the ADA or any other law not specifically referenced herein. This Agreement does not affect the City's continuing obligation to comply with all aspects of the ADA, including its obligations in providing federal, state, and other elections.
33. **Severability.** If any term of this Agreement is determined by any court to be unenforceable, the other terms of this Agreement shall nonetheless remain in full force and effect, provided, however, that if the severance of any such provision materially alters the rights or obligations of the Parties, the Parties shall engage in good faith negotiations in order to adopt mutually agreeable amendments to this Agreement as may be necessary to



restore the Parties as closely as possible to the initially agreed upon relative rights and obligations.

34. **Effective Date and Term.** The effective date of this Agreement is the date of the last signature below. This Agreement will remain in effect for three (3) years from its effective date, unless extended by mutual consent of the Parties. Any legal proceeding to enforce the terms of this Agreement brought prior to its termination date shall toll the Agreement's termination during the pendency of that legal proceeding.
35. Notwithstanding Paragraph 34, this Agreement will terminate earlier than three years if the Department determines that the City has demonstrated durable compliance with Title II of the ADA with respect to its voting program.
36. Notwithstanding Paragraph 34, if the Department determines that the City has demonstrated durable compliance with a part of the Agreement and that part is sufficiently severable from the other requirements of the Agreement, the Parties agree to terminate that part of the Agreement. In determining whether the City has demonstrated durable compliance with a part of the Agreement, the Department may assess collectively all the requirements of the Agreement to determine whether the intended outcome of the part has been achieved.

The undersigned agree to the terms of this Settlement Agreement.

For the United States of America:

ERIC S. DRIEBAND  
Assistant Attorney General  
Civil Rights Division

MARY THOMAS  
Deputy Assistant Attorney General  
Civil Rights Division

REBECCA B. BOND  
Chief  
Disability Rights Section

KATHLEEN P. WOLFE  
Special Litigation Counsel  
Disability Rights Section

AMANDA L. MAISELS



Deputy Chief  
Disability Rights Section

/s/ Elizabeth Johnson  
ELIZABETH JOHNSON  
Trial Attorney  
Disability Rights Section  
Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530  
(202) 307-3543

February 26, 2019  
DATE

For City of Concord, New Hampshire:

/s/ Thomas J. Aspell, Jr.  
THOMAS J. ASPELL, JR.  
City Of Concord, NH  
City Manager  
41 Green Street  
Concord, NH 03301

02-21-2019  
DATE

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[Cases & Matters by ADA Title Coverage](#) | [Legal Documents by Type & Date](#) | [ADA Home Page](#)

HB 539 HEARING TESTIMONY

Municipal and County Government Committee

March 5, 2019

My Name is Jean Shiner and I am a resident of Exeter. I would like to thank members of the Municipal and County Government Committee for providing me the opportunity to testify on HB 539. Access to an accessible ballot and voting independently with a secret ballot has been a passion of mine for the past 40 years. Before I go further into that I want to say it is important that a ballot is accessible ensuring a blind or visually impaired person's ability to vote independently. It is also important that the ballot be put into the same box as everyone else's so that our ballots are not counted separately. Even though others may add to it, it's not the same.

Now I want to give you a snap shot of how voting access became such a passion of mine. It began in Montpelier, Vermont in the late 70's where a candidate tried to vote for themselves on a visually impaired person's ballot. At that time we voted with levered machines and the person heard the click of the lever and asked who that person was voting for. They said they were voting for themselves. That action inspired a group of us to work on a system using a cassette recorder. The reader used terms such as "row 1 lever A" to identify a lever and it would be clicked if the voter wanted to vote for the candidate matching that lever.

When I came to New Hampshire I remember using the fax machine using the phone pad to vote for various candidates. The fax machine printed out the ballot and we had to place it in a separate box. Others also voted using this same system but there was no guarantee of how many nondisabled people voted using this system. In the fall of 2015 several of us got together and started a group called The Coalition Of Blind and Visually Impaired Voters. We worked with the Secretary Of State's office and Dr. Gilbert of the University Of Florida. He was working on the Prime III Accessible Voting system (tablet, printer, key board, head phones) and the Secretary Of State's office adopted the One4All from this. It was named One4All with the intention that the voting experience could be geared not only for people with disabilities but for everyone. In the primary election of 2016 the speech was terrible and candidates' names were barely recognizable. It is much improved today and during the fall elections of 2018 we were able to vote independently and for the general election many cities and towns could put their ballots into the regular box.

This leads me to municipal elections. As you know, the Secretary Of State's office is not involved with municipal elections. Dana and I started working with Exeter in 2017. The Select Board authorized funds

to purchase the hardware for the One4All system. Students from Exeter High School worked with Dr. Gilbert and town clerk Andy Kohler and Exeter IT staff. On election day voting could not successfully be done for a number of reasons-- one being that the tablet had not been charged. In March of 2018 again high school students worked on programming the town ballot and again there were issues. I will also say that we were all not on the same page with enthusiasm for this project. Town elections (at least Exeter's) has three ballots. Programming can be accomplished. I suggest that the study committee could help flush out many of the issues and work out the way the municipalities and Secretary Of State's office can work together.

In closing I will say that it is the right of all citizens in New Hampshire to vote with a secret ballot. The recent decision between the Department Of Justice and the city of Concord to make their city elections accessible indicates that this is what all 240 towns and cities need to do. When the accessible voting machine is not at the polling place it means that visually impaired voters need to bring in a sighted person into the booth to assist in filling out the ballot. I hope that the study committee will help get towns and cities on the right track for accessible voting.

## Guy Woodland

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**From:** Frederick Berrien <fberrien@gmail.com>  
**Sent:** Wednesday, February 27, 2019 8:27 PM  
**To:** Dana; Jean Shiner; Finn, Bill; Guy Woodland; Prescott, Rose  
**Subject:** One4all legislation

HB 539 will have a hearing on Tuesday March 5 at 3pm with Municipal and County Government Committee in Legislative Office Building 301. Sorry for late notice but the schedule was just released today.

I have drawn up an amendment which I will introduce at the hearing which changes the bill to a study committee. As you may be aware we found that SOS office was using a proprietary service to convert the standard ballot into the One4all which obviates the need for technical assistance from SOS regarding the municipal elections. In a couple days I will send you a copy of the amendment spelling out the duties of the study committee.

At the committee hearing we should hear from blind voters and advocates regarding the need for One4all. It would be impressive if we have 4-6 people testify for 5-7 minutes each. If anyone knows a municipal clerk who would like to testify that would be a plus. Guy, the Concord Clerk was very interested in this... so she might want to come since she has experience using the technology.

Send me questions and I will eventually forward the amendment.

Skip Berrien

--

Skip Berrien  
NH House of Representatives - Rockingham District 18  
7 Coach Rd, Exeter, NH 03833  
603 580 1240  
[www.facebook.com/repkipberrien](http://www.facebook.com/repkipberrien)

## JUSTICE NEWS

Department of Justice

Office of Public Affairs

FOR IMMEDIATE RELEASE

Tuesday, February 26, 2019

### **Justice Department Reaches Agreement With Concord, New Hampshire, to Ensure Accessible Voting Machines in City Elections for Voters With Disabilities**

The Justice Department today reached an agreement with the city of Concord, New Hampshire, to resolve a complaint alleging that the city violated Title II of the Americans with Disabilities Act (ADA) by failing to provide an accessible ballot to a voter who is blind.

Under the agreement, the city of Concord will provide voting machines that are accessible to voters who are blind or visually impaired. The city will have the accessible machines at its polling places starting in the November 2019 city election. In addition, the city will provide training to poll workers on the use of the accessible voting machines and will develop educational materials regarding the availability of the machines in city elections.

"Through this settlement, the city of Concord will ensure that voting in city elections is accessible to voters who are blind or visually impaired," said Assistant Attorney General Eric Dreiband of the Civil Rights Division. "We commend the city's commitment to guaranteeing that voters with disabilities have equal access to voting."

This settlement is part of the Department of Justice's ADA Voting Initiative, which protects the voting rights of individuals with disabilities. A hallmark of the ADA Voting Initiative is its collaboration with jurisdictions to ensure accessibility to both polling places and the ballot.

Those interested in finding out more about this settlement or the ADA may call the Justice Department's toll-free ADA information line at 800-514-0301 or 800-514-0383 (TDD), or access its ADA website at [www.ada.gov](http://www.ada.gov). ADA complaints may be filed online at <http://www.ada.gov/complaint/>.

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**Topic(s):**

Civil Rights

**Component(s):**

Civil Rights Division

Civil Rights - Disability Rights Section

Civil Rights - Voting Section

**Press Release Number:**

19-166

*Updated February 26, 2019*

**SETTLEMENT AGREEMENT BETWEEN  
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AND  
THE CITY OF CONCORD, NEW HAMPSHIRE  
UNDER THE AMERICANS WITH DISABILITIES ACT  
DJ# 204-47-62**

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2. Under Title II and its implementing regulation, a public entity, in providing any aid, benefit, or service, may not: afford qualified individuals with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded to others; provide a qualified individual with a disability with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others; or otherwise limit such individuals in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service. *See* 28 C.F.R. § 35.130(b)(1).
3. Under Title II and its implementing regulation, a public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. 28 C.F.R. § 35.130(b)(7).
4. Under Title II and its implementing regulation, a public entity shall furnish appropriate auxiliary aids and services where necessary to afford qualified individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity, unless the public entity can demonstrate that doing so would result in a fundamental alteration or in undue financial and administrative burdens. In order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability. 28 C.F.R. § 35.160.

5. The City is a "public entity" within the meaning of the ADA, 42 U.S.C. § 12131(1) and 28 C.F.R. § 35.104, and is therefore subject to Title II of the ADA, 42 U.S.C. §§ 12131-12134, and its implementing regulation, 28 C.F.R. Part 35.
6. The City operates services, programs, and activities within the meaning of Title II, which includes holding biannual City Elections.
7. The Department is authorized under the ADA to determine the City's compliance with Title II of the ADA and its implementing regulation, and to resolve the matter by informal resolution, such as through the terms of this Agreement. If informal resolution is not achieved, the Department is authorized to issue findings, and, where appropriate, to negotiate and secure voluntary compliance agreements. 28 C.F.R. pt. 35, Subpart F. The Attorney General is authorized, under 42 U.S.C. § 12133, to bring a civil action to enforce Title II of the ADA.

## **INVESTIGATION**

8. On February 11, 2015, the United States notified the City by letter that it had opened an investigation in response to a complaint filed with the Department concerning the failure of the City to provide an accessible ballot to a person who is blind. In particular, the complainant alleged that the City failed to provide him with an accessible voting system that offered privacy and independence in local elections and, instead, offered only a paper ballot and assistance in completing the ballot.
9. The United States maintains that the City's failure to provide an accessible ballot to a person who is blind or vision impaired denies qualified individuals with disabilities equal access to participate in the City's Election, in violation of Title II of the ADA and its implementing regulation. 42 U.S.C. § 12132; 28 C.F.R. §§ 35.130, 35.160.
10. The United States and the City, through counsel, have conferred and agree that any dispute concerning the City's alleged failure to comply with Title II of the ADA and its implementing regulation should be settled without the delay and expense of protracted litigation.
11. The United States and the City have negotiated in good faith and hereby agree to this Agreement as an appropriate means to remedy the City's alleged violations of Title II of the ADA and its implementing regulation.

## **TERMS OF AGREEMENT**

### **General Provisions**

12. The City shall not exclude qualified individuals with disabilities from participation in or deny them the benefits of its voting program or services, or subject them to discrimination, on the basis of disability, consistent with Title II of the ADA and its implementing regulation at any City Election.
13. The City shall furnish appropriate auxiliary aids and services where necessary to afford qualified individuals with disabilities, including voters, an equal opportunity to

participate in, and enjoy the benefits of the City Elections, consistent with Title II of the ADA and its implementing regulation, unless furnishing the auxiliary aids and services would fundamentally alter the nature of voting or cause undue financial and administrative burdens. Such auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability unless furnishing the auxiliary aids and services would fundamentally alter the nature of voting or cause undue financial and administrative burdens.

14. The City will provide an accessible voting system for voters who are blind or visually impaired in future City Elections unless furnishing the auxiliary aids and services would fundamentally alter the nature of voting or cause undue financial and administrative burdens. The City will provide at least one functioning accessible voting system or machine (to include appropriate assistive devices, including headsets) at each City voting or polling location unless furnishing the voting system or machine would fundamentally alter the nature of voting or cause undue financial and administrative burdens.
15. For the purposes of this Agreement, the term City Election shall only mean future City of Concord, New Hampshire elections starting in November 2019 for which the City of Concord City Clerk serves, by law, as the Chief Election Officer. The term shall not include federal, state or school district elections. The City shall modify all election worker training materials and modules to convey that individuals with disabilities, including individuals who are blind or visually impaired, are eligible to vote on the accessible voting system. In addition, the City will provide training to poll workers on the use of the accessible voting system (the equipment and assistive devices). The training shall include instructions for the poll workers to provide to voters who are blind or visually impaired on the proper use of the accessible voting equipment and assistive devices.

### **Record-Keeping**

17. For the term of the Agreement, after each City Election, the City will record all complaints related to the accessible voting system brought to the attention of an election officer as defined in RSA 652:14, whether such complaints are written or oral. For each complaint, the City will also record the voting or polling place where the complaint was made, whether the voter was allowed to vote on the accessible voting system, and if not, who made the decision to deny the request and the reason the request was denied.

### **Public Education**

18. For the term of the Agreement, the City shall develop or adopt applicable state or federal public educational materials to inform citizens about the availability of the City's accessible voting system for City Elections. Such materials may include public



service announcements, press releases to be distributed to local media, and updated content to be posted on the City's websites.

## **Monitoring and Reporting**

19. The United States may review compliance with this Agreement at any time. The City will cooperate with the United States.
20. For the term of the Agreement, after each City Election, the City shall inform the United States, in writing, of any substantive modifications made to the City's accessible voting system.
21. For the term of the Agreement, after each City Election, the City shall submit to the United States a summary of efforts to implement each of the provisions and requirements of this Agreement, and the record of all complaints regarding the accessible voting system as provided in paragraph 17.
22. All materials sent to the United States pursuant to this Agreement shall be sent by email to Elizabeth.Johnson@usdoj.gov, or to the following address by common carrier Federal Express, delivery prepaid: Chief, Disability Rights Section, Civil Rights Division, U.S. Department of Justice, 1425 New York Avenue, N.W., Fourth Floor, Washington, D.C. 20005. All materials shall include a subject line referencing The City and DJ number 204-47-62.

## **Compliance**

23. In consideration of the terms of this Agreement as set forth below, the United States agrees to refrain from filing a civil suit in this matter except as provided in paragraphs 24 and 25, below.
24. If at any time the United States obtains information that the City is or is about to be in breach of any of the terms of this Agreement, the United States shall advise the City Clerk in writing by notice sent to the City Clerk by overnight mail and email. The City Clerk shall have 10 business days following the transmittal of such notice to respond in writing to the United States. However, if it is within eight weeks of an election, the United States shall advise the City Clerk by whatever means practicable and the City Clerk shall respond as soon as possible. The Parties shall thereafter attempt to resolve immediately any issues of noncompliance or potential noncompliance. If the Parties are unable to agree on a resolution of all issues, the United States may take appropriate action to enforce the terms of this Agreement and enforce Title II of the ADA and its implementing regulation. Nothing in this Agreement shall prevent the United States from taking any action required to enforce any and all other applicable provisions of Title II of the ADA and its implementing regulation.
25. Any legal proceeding arising in connection with this Agreement must be brought in the United States District Court for the District of New Hampshire, and all Parties consent to the jurisdiction of that court.
26. Any legal proceeding to enforce this Agreement may seek specific performance of the terms therein, and any other relief authorized by law.

For the United States of America:

ERIC S. DRIEBAND

Assistant Attorney General

Civil Rights Division

MARY THOMAS

Deputy Assistant Attorney General

Civil Rights Division

REBECCA B. BOND

Chief

Disability Rights Section

KATHLEEN P. WOLFE

Special Litigation Counsel

Disability Rights Section

AMANDA L. MAISELS

Deputy Chief

Disability Rights Section

/s/ Elizabeth Johnson

ELIZABETH JOHNSON

Trial Attorney

Disability Rights Section

Civil Rights Division

U.S. Department of Justice

950 Pennsylvania Avenue, N.W.

Washington, D.C. 20530

(202) 307-3543

February 26, 2019

DATE

For City of Concord, New Hampshire:

/s/ Thomas J. Aspell, Jr.

THOMAS J. ASPELL, JR.

City Of Concord, NH  
City Manager  
41 Green Street  
Concord, NH 03301

02-21-2019

DATE

# Bill as Introduced

HB 539-FN - AS INTRODUCED

2019 SESSION

19-0379  
11/05

HOUSE BILL

***539-FN***

AN ACT

relating to the provision of technical assistance for municipal implementation of the One4all ballot.

SPONSORS:

Rep. Berrien, Rock. 18; Rep. Bunker, Rock. 18; Rep. Gilman, Rock. 18; Rep. Hoelzel, Rock. 3; Rep. Ward, Rock. 28; Rep. Porter, Hills. 1

COMMITTEE:

Municipal and County Government

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ANALYSIS

This bill requires that the secretary of state provide technical assistance to political subdivisions relating to the implementation of the One4all ballot in municipal elections.

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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.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen*

AN ACT relating to the provision of technical assistance for municipal implementation of the One4all ballot.

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

- 1       1 New Section; Department and Secretary of State; Assistance in Municipal Elections. Amend  
2 RSA 5 by inserting after section 6-d the following new section:  
3       5:6-e Assistance in Municipal Elections. The secretary of state shall provide technical  
4 assistance to any political subdivisions of the state, at the request of and at no cost to such political  
5 subdivisions, for the purpose of implementing the use of the One4all Accessible Voting System in  
6 municipal elections. The secretary of state shall not be obligated to provide voting material or  
7 equipment related to the One4all Accessible Voting System.  
8       2 Effective Date. This act shall take effect 60 days after its passage.

HB 539-FN- FISCAL NOTE  
AS INTRODUCED

AN ACT relating to the provision of technical assistance for municipal implementation of the One4all ballot.

FISCAL IMPACT:  State  County  Local  None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<i>Funding Source:</i>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

**METHODOLOGY:**

This bill requires the Secretary of State to provide technical assistance to any political subdivision of the state, at the request of and at no cost to such political subdivision, for the purpose of implementing the use of the One4all Accessible Voting System in municipal elections. The Department of State indicates the One4all voting system is a ballot marking system that allows voters to make their ballot voting choices on a computer tablet which will then allow a printer to mark those choices on an actual ballot. The system is designed to permit individuals with disabilities to vote independently and in private. One4all has been developed with federal funds as a requirement under the Help America Vote Act of 2002 (HAVA) for use on ballots that contain federal candidates. Local ballots may include warrant articles for planning and zoning issues and a separate ballot for school district elections. The Department states it will share technology with cities and towns in a manner consistent with HAVA, but it is unclear what constitutes "technical assistance" and if HAVA funds can be used to help towns develop One4all systems for use in any municipality. The Department indicates that it may not be able to accommodate the associated requests from such a requirement if the demand exceeds current available resources. The cost of implementation of this legislation is indeterminable at this time.

**AGENCIES CONTACTED:**

Department of State