

Bill as
Introduced

HB 539-FN - AS AMENDED BY THE HOUSE

19Mar2019... 0302h

2019 SESSION

19-0379

11/05

HOUSE BILL

539-FN

AN ACT

establishing a committee to study the implementation of the One4All ballot in municipal elections.

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

AMENDED ANALYSIS

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

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 establishing a committee to study the implementation of the One4All ballot in municipal elections.

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

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

3 2 Membership and Compensation.

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

5 (a) Three members of the house of representatives, appointed by the speaker of the
6 house of representatives.

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

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

10 3 Duties. The committee shall:

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

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

18 4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
19 among the members. The first meeting of the committee shall be called by the first-named house
20 member. The first meeting of the committee shall be held within 45 days of the effective date of this
21 section. Three members of the committee shall constitute a quorum.

22 5 Report. The committee shall report its findings and any recommendations for proposed
23 legislation to the speaker of the house of representatives, the president of the senate, the house
24 clerk, the senate clerk, the governor, and the state library on or before November 1, 2019.

25 6 Effective Date. This act shall take effect upon its passage.

LBAO
19-0379
Amended 3/21/19

HB 539-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2019-0302h)

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

FISCAL IMPACT: State County Local None

METHODOLOGY:

This bill, as amended, establishes a committee to study the implementation of the One4All ballot in municipal elections. The Office of Legislative Budget Assistant states this bill has no fiscal impact on state, county, and local expenditures or revenue.

AGENCIES CONTACTED:

None

LBAO
19-0379
Amended 3/21/19

**HB 539-FN FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2019-0302h)**

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

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None

HB 539-FN - AS AMENDED BY THE SENATE

19Mar2019... 0302h
05/15/2019 1867s

2019 SESSION

19-0379
11/05

HOUSE BILL **539-FN**

AN ACT establishing a committee to study the implementation of Accessible Ballots.

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

AMENDED ANALYSIS

This bill establishes a committee to study the implementation of the Accessible Ballot in municipal elections.

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HB 539-FN - AS AMENDED BY THE SENATE

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6 house of representatives.

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9 the duties of the committee.

10 3 Duties. The committee shall:

11 I. Study the potential use of the Accessible Ballots technology by the electorate, the
12 availability of and access to appropriate hardware and software, municipal administration of the
13 technology, municipal interest in using the technology, legal conflicts to the use of this technology,
14 and other appropriate issues relating to the use of the Accessible Ballots in New Hampshire
15 municipal elections.

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

19 4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
20 among the members. The first meeting of the committee shall be called by the first-named house
21 member. The first meeting of the committee shall be held within 45 days of the effective date of this
22 section. Three members of the committee shall constitute a quorum.

23 5 Report. The committee shall report its findings and any recommendations for proposed
24 legislation to the speaker of the house of representatives, the president of the senate, the house
25 clerk, the senate clerk, the governor, and the state library on or before November 1, 2019.

26 6 Effective Date. This act shall take effect upon its passage.

HB 539-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2019-1867s)

AN ACT establishing a committee to study the implementation of Accessible Ballots.

FISCAL IMPACT: State County Local None

METHODOLOGY:

This bill, as amended, establishes a committee to study the feasibility of the use of existing technology to implement the Accessible Ballots in New Hampshire municipal elections. The Office of Legislative Budget Assistant states this bill has no fiscal impact on state, county, and local expenditures or revenue.

AGENCIES CONTACTED:

None

CHAPTER 262
HB 539-FN - FINAL VERSION

19Mar2019... 0302h
05/15/2019 1867s

2019 SESSION

19-0379
11/05

HOUSE BILL **539-FN**

AN ACT establishing a committee to study the implementation of Accessible Ballots.

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

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AMENDED ANALYSIS

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CHAPTER 262
HB 539-FN - FINAL VERSION

19Mar2019... 0302h
05/15/2019 · 1867s

19-0379
11/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT establishing a committee to study the implementation of Accessible Ballots.

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

1 262:1 Committee Established. There is established a committee to study the feasibility of the
2 use of existing technology to implement the Accessible Ballots in New Hampshire municipal
3 elections.

4 262:2 Membership and Compensation.

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

6 (a) Three members of the house of representatives, appointed by the speaker of the
7 house of representatives.

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

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

11 262:3 Duties. The committee shall:

12 I. Study the potential use of the Accessible Ballots technology by the electorate, the
13 availability of and access to appropriate hardware and software, municipal administration of the
14 technology, municipal interest in using the technology, legal conflicts to the use of this technology,
15 and other appropriate issues relating to the use of the Accessible Ballots in New Hampshire
16 municipal elections.

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

20 262:4 Chairperson; Quorum. The members of the study committee shall elect a chairperson
21 from among the members. The first meeting of the committee shall be called by the first-named
22 house member. The first meeting of the committee shall be held within 45 days of the effective date
23 of this section. Three members of the committee shall constitute a quorum.

24 262:5 Report. The committee shall report its findings and any recommendations for proposed
25 legislation to the speaker of the house of representatives, the president of the senate, the house
26 clerk, the senate clerk, the governor, and the state library on or before November 1, 2019.

27
28 262:6 Effective Date. This act shall take effect upon its passage.

Approved: July 19, 2019

CHAPTER 262
HB 539-FN - FINAL VERSION
- Page 2 -

Effective Date: July 19, 2019

Amendments

Election Law and Municipal Affairs
May 8, 2019
2019-1867s
11/06

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 Accessible Ballots.

4

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

6

7 1 Committee Established. There is established a committee to study the feasibility of the use of
8 existing technology to implement the Accessible Ballots in New Hampshire municipal elections.

9

10 Amend the bill by replacing section 3 with the following:

11

12 3 Duties. The committee shall:

13 I. Study the potential use of the Accessible Ballots technology by the electorate, the
14 availability of and access to appropriate hardware and software, municipal administration of the
15 technology, municipal interest in using the technology, legal conflicts to the use of this technology,
16 and other appropriate issues relating to the use of the Accessible Ballots in New Hampshire
17 municipal elections.

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

2019-1867s

AMENDED ANALYSIS

This bill establishes a committee to study the implementation of the Accessible Ballot in municipal elections.

Committee Minutes

SENATE CALENDAR NOTICE

Election Law and Municipal Affairs

Sen Melanie Levesque, Chair
 Sen Tom Sherman, Vice Chair
 Sen Jon Morgan, Member
 Sen Regina Birdsell, Member
 Sen James Gray, Member

Date: April 11, 2019

HEARINGS

	Wednesday	04/17/2019
	(Day)	(Date)
Election Law and Municipal Affairs	LOB 102	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m. HB 381	repealing requirements for transfer of appropriations in Carroll county.	
9:15 a.m. HB 429	establishing a committee to study ways to improve civic engagement in New Hampshire.	
9:30 a.m. HB 539-FN	establishing a committee to study the implementation of the One4All ballot in municipal elections.	
9:45 a.m. HB 105-FN	relative to domicile residency, voter registration, and investigation of voter verification letters.	
10:15 a.m. HB 106	relative to the terms "resident," "inhabitant," "residence," and "residency."	

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 381	Rep. Marsh	Rep. Crawford	Rep. MacDonald
Rep. DesMarais	Rep. Kanzler		
Rep. Ticehurst			
HB 429	Rep. Espitia		
Rep. Muscatel			
HB 539-FN	Rep. Bunker	Rep. Gilman	Rep. Hoelzel
Rep. Berrien	Rep. Porter		
Rep. Ward			
HB 105-FN	Rep. W. Pearson	Rep. Frost	Rep. Spang
Rep. Horrigan	Rep. Berch	Rep. Kenney	Rep. Read
Rep. Mulligan	Sen. Hennessey		
Rep. Cohen			
HB 106	Rep. W. Pearson	Rep. Frost	Rep. Spang
Rep. Horrigan	Rep. Berch	Rep. Kenney	Rep. Read
Rep. Mulligan	Sen. Hennessey		
Rep. Huot			

Tricia Melillo 271-3077

Melanie Levesque
Chairman

Senate Election Law and Municipal Affairs Committee

Tricia Melillo 271-3077

HB 539-FN, establishing a committee to study the implementation of the One4All ballot in municipal elections.

Hearing Date: April 17, 2019

Members of the Committee Present: Senators Levesque, Sherman, Morgan, Birdsell and Gray

Members of the Committee Absent : None

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

Sponsors:

Rep. Berrien

Rep. Bunker

Rep. Gilman

Rep. Hoelzel

Rep. Ward

Rep. Porter

Who supports the bill: Representative Berrien, Representative Horrigan, Representative Mulligan, Susan Covert, Jean Shiner, Dana Trahan, Margaret Byrnes

Who opposes the bill: None

Who is neutral on the bill: Deputy Secretary of State David Scanlan

Summary of testimony presented in support:

Representative Berrien

- For many years there has been a problem with people with disabilities being able to cast a secret ballot.
- The technology has improved significantly to address this problem.
- The Help America Vote Act, HAVA, appropriated funds that allowed this technology to become available at state and federal elections, but not for municipal elections.
- Municipalities need assistance to put this technology into place.
- The Secretary of State's office has a vendor who could implement technology to help the disabled.
- This bill was transformed into a study committee to bring all of the information and technology together.
- A lawsuit has already begun involving one municipality because they did not have this technology.
- Senator Levesque asked why this is only needed for municipal elections. Representative

Berrien answered that the equipment is already provided for state and federal elections, through the HAVA funds which can only be used for federal elections.

Jean Shiner

- Jean is a resident of Exeter, New Hampshire and a member of the Coalition of Blind Voters.
- The Coalition of Blind Voters has been working with the Secretary of State's office since 2016 to improve accessible secret voting.
- The One4All system has been used for them to vote and has improved over the years.
- The ballots of disabled people are rarely secret. During municipal elections the clerk has had to read the ballots to those visually impaired.
- She would like to be able to vote and cast her own ballot just like the rest of the citizens.
- Senator Morgan commented that he appreciated her coming in to testify and being involved with this important issue.
- Senator Levesque asked if during the state and federal elections she is provided with the voting machine. Ms. Shiner stated yes, because they are covered under the HAVA act. For town elections, the technology would be similar but currently they do not have them.
- Senator Levesque asked if she is satisfied with the way the voting machine works. Ms. Shiner answered yes, she is happy with the machine for the most part. The only issues are that some towns do not have the machines open or have the poll workers trained on how to use them. Training would be very helpful.

Dana Trahan

- She is a resident of Exeter.
- She has tried for two years in Exeter to pave the way for the machines.
- The equipment is relatively inexpensive, under \$1,000.
- They have had two Exeter High School students assisting with the machine programming.
- The first year the system was there but not usable. The next election the system was ready to use, but they still could not drop a ballot in the normal box.
- The toughest challenge they had implementing the system was getting the town employees and election workers to set the system up and get it going.
- Last year, Ms. Trahan left it to the town of Exeter to organize accessible voting and nothing was done.
- Senator Sherman asked if she knows how many people this would affect. Ms. Trahan answered that personally she knows of five people who would directly benefit, but there are many more – elderly people and others – that are unaware this technology exists for them to be able to cast a vote.

Summary of testimony presented in opposition: None

Neutral Information Presented:

David Scanlan - Deputy Secretary of State

- Ensuring that voting was accessible was required by the Help America Vote Act in 2002.
- Congress required that all states provide accessible voting equipment at every polling location for federal elections.
- New Hampshire has gone through this transition and is now on the 2nd generation of voting equipment.
- The state worked with the disabled community to find a system that works.
- Prior to the HAVA act, someone would have to assist the voter in the booth. The next step was using a telephone/fax system where the ballot would need to be counted by hand. Now the state has transitioned to tablets.
- The goal is that the voter is able to make their choice on an actual ballot and then deposit it into the ballot box or scanner like every other voter.
- There were a few communities in this previous election that required a new ballot, but that should not be problem going forward.
- Municipal elections are different, and over time the goal will be accomplished.
- The systems should be uniform for both federal, state, and municipal elections so voters do not have to learn a number of different systems.
- Town and city ballots can be very different, and this issue will need to be addressed.
- The Secretary of State's office is working with a vendor on a new voting system.
- In the previous election, the Secretary of State's office worked with a private vendor to improve the ballots.
- He suggests that the committee not only look at the One4All system, but all systems.
- They can use the equipment they bought with the HAVA funds, but the cost will have to be tracked.
- The state is piloting the process with the city of Concord.
- Senator Levesque asked if it is possible that the same equipment can be used for both municipal and federal elections. Mr. Scanlan answered yes, but there are a number of hurdles to overcome to do that.

TM

Date Hearing Report completed: April 19, 2019

Speakers

Voting Sheets

**Senate Election Law
& Municipal Affairs Committee
EXECUTIVE SESSION RECORD
2019 Session**

Bill # HB 539

Hearing date: 4/17/19

Executive Session date: 5/8/19

Motion of: OTP Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Levesque, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Morgan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: Com. Amend Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Levesque, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Morgan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: OTP/A Vote: 3-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Levesque, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Sherman, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Morgan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Reported out by: Sen. Sherman

Notes: Replace Overall Accessible Ballot

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Wednesday, May 8, 2019

THE COMMITTEE ON Election Law and Municipal Affairs

to which was referred **HB 539-FN**

AN ACT

establishing a committee to study the
implementation of the One4All ballot in municipal
elections.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 3-0

AMENDMENT # 1867s

Senator Tom Sherman
For the Committee

Tricia Melillo 271-3077

Docket of HB539

Docket Abbreviations

Bill Title: (Second New Title) establishing a committee to study the implementation of Accessible Ballots.**Official Docket of HB539.:**

Date	Body	Description
1/15/2019	H	Introduced 01/03/2019 and referred to Municipal and County Government HJ 3 P. 19
2/27/2019	H	Public Hearing: 03/05/2019 03:00 pm LOB 301
3/6/2019	H	Executive Session: 03/13/2019 10:00 am LOB 301
3/13/2019	H	Committee Report: Ought to Pass with Amendment #2019-0302h (NT) for 03/19/2019 (Vote 18-0; CC) HC-16 P. 10
3/19/2019	H	Amendment #2019-0302h (NT): AA VV 03/19/2019 HJ 10 P. 28
3/19/2019	H	Ought to Pass with Amendment 2019-0302h (NT): MA VV 03/19/2019 HJ 10 P. 28
4/1/2019	S	Introduced 03/28/2019 and Referred to Election Law and Municipal Affairs; SJ 12
4/11/2019	S	Hearing: 04/17/2019, Room 102, LOB, 09:30 am; SC 18
5/8/2019	S	Committee Report: Ought to Pass with Amendment #2019-1867s , 05/15/2019; SC 22
5/15/2019	S	Committee Amendment #2019-1867s , AA, VV; 05/15/2019; SJ 16
5/15/2019	S	Ought to Pass with Amendment 2019-1867s, MA, VV; OT3rdg; 05/15/2019; SJ 16
6/13/2019	H	House Concurs with Senate Amendment 1867s (Rep. Carson): MA VV 06/13/2019 HJ 19 P. 10
6/28/2019	S	Enrolled (In recess 06/27/2019); SJ 21
6/28/2019	H	Enrolled 06/27/2019 HJ 20 P. 53
7/24/2019	H	Signed by Governor Sununu 07/19/2019; Chapter 262; Eff: 07/19/2019

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 539-FN

Senate Committee: Elec. Law + MA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # 1867 _____ - amendment # _____

_____ - amendment # _____ _____ - amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

_____ - amendment # _____ _____ - amendment # _____

_____ - amendment # _____ _____ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

_____ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

_____ Enrolled Bill Amendment(s)

_____ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

as amended by the senate _____ as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Committee Aide

Date

Senate Clerk's Office jm