

Committee Report

REGULAR CALENDAR

March 8, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Majority of the Committee on Election Law to
which was referred HB 491,**

**AN ACT relative to over voted ballots. Having
considered the same, report the same with the following
resolution: RESOLVED, that it is INEXPEDIENT TO
LEGISLATE.**

Rep. Peter Torosian

FOR THE MAJORITY OF THE COMMITTEE

MAJORITY COMMITTEE REPORT

Committee:	Election Law
Bill Number:	HB 491
Title:	relative to over voted ballots.
Date:	March 8, 2021
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill proposes that, in federal elections, ballot counting machines would have to reject ballots that were detected to have more votes than are allowed for any office on the ballot and the ballot be returned to the voter for a possible correction. The majority finds this legislation problematic for both constitutional and practical reasons. There was no presentation on the cost and ability to program our counting machines to do this. This process is proposed for federal office ballots only, so in elections that do not include federal offices, the over voted ballot would not go back to the voter for correction. Ballots are rejected now, usually because of feed or fold issues, and voters are instructed to try again. No one else examines or touches the ballot. There is no way to know that the ballot was rejected for over voting unless it is examined by an election official, destroying the sanctity of the privacy of a vote. This process would not apply to our hand count voting stations as there would not be, nor should there be, an examination of the ballot so voters who over voted in those communities would not have a chance to correct. All voters have an opportunity prior to any election to obtain a sample ballot either in person or from municipalities website if that is available. Ballots have detailed instructions indicating the number of choices that can be selected for each elected positions and instructions are posted at each voting station.

Vote 11-9.

Rep. Peter Torosian
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Election Law

HB 491, relative to over voted ballots. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Peter Torosian for the **Majority** of Election Law. This bill proposes that, in federal elections, ballot counting machines would have to reject ballots that were detected to have more votes than are allowed for any office on the ballot and the ballot be returned to the voter for a possible correction. The majority finds this legislation problematic for both constitutional and practical reasons. There was no presentation on the cost and ability to program our counting machines to do this. This process is proposed for federal office ballots only, so in elections that do not include federal offices, the over voted ballot would not go back to the voter for correction. Ballots are rejected now, usually because of feed or fold issues, and voters are instructed to try again. No one else examines or touches the ballot. There is no way to know that the ballot was rejected for over voting unless it is examined by an election official, destroying the sanctity of the privacy of a vote. This process would not apply to our hand count voting stations as there would not be, nor should there be, an examination of the ballot so voters who over voted in those communities would not have a chance to correct. All voters have an opportunity prior to any election to obtain a sample ballot either in person or from municipalities website if that is available. Ballots have detailed instructions indicating the number of choices that can be selected for each elected positions and instructions are posted at each voting station. **Vote 11-9.**

Original: House Clerk

Cc: Committee Bill File

REGULAR CALENDAR

March 8, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Minority of the Committee on Election Law to
which was referred HB 491,**

**AN ACT relative to over voted ballots. Having
considered the same, and being unable to agree with
the Majority, report with the recommendation that the
bill OUGHT TO PASS.**

Rep. Connie Lane

FOR THE MINORITY OF THE COMMITTEE

MINORITY COMMITTEE REPORT

Committee:	Election Law
Bill Number:	HB 491
Title:	relative to over voted ballots.
Date:	March 8, 2021
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

During years when a federal office is on the ballot, this bill would allow ballots rejected for “over voting” by a machine to be returned to the voter for possible correction before the ballot is counted. Often, it is a stray mark on the ballot that causes the rejection of the ballot by the machine, not an error by the voter. This bill would ensure that as many ballots as possible are included in the final count by the moderator and would address the problem where voters are mistakenly disenfranchised by the machine reading stray marks. Despite claims by the majority, it does not create a special class of voters.

Rep. Connie Lane
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Election Law

HB 491, relative to over voted ballots. **OUGHT TO PASS.**

Rep. Connie Lane for the **Minority** of Election Law. During years when a federal office is on the ballot, this bill would allow ballots rejected for “over voting” by a machine to be returned to the voter for possible correction before the ballot is counted. Often, it is a stray mark on the ballot that causes the rejection of the ballot by the machine, not an error by the voter. This bill would ensure that as many ballots as possible are included in the final count by the moderator and would address the problem where voters are mistakenly disenfranchised by the machine reading stray marks. Despite claims by the majority, it does not create a special class of voters.

Original: House Clerk

Cc: Committee Bill File

Rep Peter Torosian

HB-491 ITL Vote 11/9 On Regular Calendar.

This bill proposes that that in federal elections machines would have to reject ballots that were detected to have more votes than are allowed for any office on the ballot. The majority finds this legislation problematic on both constitutional and practice fronts. There was no presentation on the cost and ability to program our counting machines to do this. This process is designated for federal office ballots only so in elections that do not include federal offices the over voted ballot would not go back to the voter for correction. Ballots are rejected now, usually because of feed or fold issues, and voters are instructed to try again. No one else examines or touches the ballot. There is no way to know that the ballot was rejected for over voting unless it is examined by an election official, destroying the sanctity of the privacy of a vote. This process would not apply to our hand count voting stations as there would not be, nor should there be, an examination of the ballot so voters who over voted in those communities would not have a chance to correct. All voters have an opportunity prior to any election to obtain a sample ballot either in person or from municipalities website if that is available. Ballots have detailed instructions indicating the number of choices that can be selected for each elected positions and instructions are posted at each voting station. The majority recommends this bill be found inexpedient to legislate

Archived: Thursday, April 22, 2021 11:18:24 AM

From: [Bgriffinlo](#)

Sent: Thursday, March 25, 2021 2:24:50 PM

To: [Miriam Simmons](#)

Cc: [Peter Torosian](#); [Bgriffinlo](#)

Subject: 491 428

Response requested: No

Importance: Normal

Attachments:

[428 and 491 Calendar.docx](#) 

Thank you Peter and Miriam

Archived: Thursday, April 22, 2021 11:18:24 AM
From: Lane, Connie B.
Sent: Wednesday, March 17, 2021 2:55:30 PM
To: Miriam Simmons
Cc: Barbara Griffin; David E. Cote
Subject: Minority Report for HB 491
Response requested: No
Importance: Normal

Miriam,
Here is the minority report for HB 491, which Rep. Cote has approved. Let me know if you need anything further.

HB 491 – relative to over voted ballots.

Majority: Inexpedient to Legislate. Minority: Ought to Pass.

Rep. Lane for the Minority.

During years when a federal office is on the ballot, this bill would allow ballots rejected for “over voting” by a machine to be returned to the voter for possible correction before the ballot is counted. Often, it is a stray mark on the ballot that causes the rejection of the ballot by the machine, not an error by the voter. This bill would ensure that as many ballots as possible are included in the final count by the moderator and would address the problem where voters are mistakenly disenfranchised by the machine reading stray marks. Despite claims by the majority, it does not create a special class of voters.

Thank you,
Connie

Connie Boyles Lane

Admitted in NH and CT

Orr&Reno

Sustained Excellence for over 70 years.

45 South Main Street, P.O. Box 3550

Concord, NH 03302-3550

Phone: 603.224.2381

Direct Ext: 603.223.9129

Fax: 603.223.9029

Mobile: 603-491-7379

www.orr-reno.com

This transmission is intended only for the designated recipient(s). It contains confidential information that may be subject to the attorney-client privilege or other confidentiality protections under applicable law. If you are not a designated recipient, you must not read, use, copy or distribute this message. If you received this transmission in error, please notify the sender by telephone (603.224.2381) or by reply e-mail and delete this message.

Archived: Thursday, April 22, 2021 11:18:24 AM

From: Bgriffinlo

Sent: Wednesday, March 24, 2021 1:05:10 PM

To: Miriam Simmons





Cc: Bgriffinlo

Subject: Fwd: reports

Response requested: Yes

Importance: Normal

Attachments:

HB 61 Majority Report - Groen.docx  HB 61 Minority - Hamer.docx  HB 291 Min
Hamer.docx  HB 292 Min - Lane.docx  HB470 - Hayward.docx  Min HB 491 - Lane.docx 

Miriam

I am forwarding what I have. As far as I know all minorities have gone through Rep. Cote. I am a bit confused because I thought you had some so I am getting out what I found last night and then will make a list of what I think we are lacking.

I email Aaron but later. How late can I schedule a hearing today?

Barbara

-----Original Message-----

From: Bgriffinlo <bgriffinlo@aol.com>

To: Bgriffinlo <bgriffinlo@aol.com>

Sent: Wed, Mar 24, 2021 8:51 am

Subject: reports

Voting Sheets

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 491

BILL TITLE: relative to over voted ballots.

DATE: March 8, 2021

LOB ROOM: Remote / Hybrid

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Torosian

Seconded by Rep. Prudhomme-O'Brien

Vote: 11-9

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Natalie Wells, Clerk

OFFICE OF THE HOUSE CLERK



1/21/2021 9:37:57 AM
 Roll Call Committee Registers
 Report

2021 SESSION

lection Law

Bill # HD491 Motion: ITL AM #: _____ Exec Session Date: 3-8-21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Griffin, Barbara J. Chairman	✓		
MacDonald, Wayne D. Vice Chairman	✓		
Rudhomme-O'Brien, Katherine J.	✓		
Weeney, Joe	✓		
Layward, Peter T.	✓		
Mooney, Maureen C.	✓		
Torosian, Peter E.	✓		
Berry, Ross	✓		
Broen, Fenton	✓		
Qualey, James R.	✓		
Nells, Natalie J. Clerk	✓		
Cote, David E.		✓	
Ward, Gerald W.R. <i>Megan Murray</i>		✓	
Bergeron, Paul R.		✓	
Sandler, Catt		✓	
Hamer, Heidi M.		✓	
Lane, Connie B.		✓	
Freitas, Mary C.		✓	
Hamblet, Joan L.		✓	
Muirhead, Russell		✓	
TOTAL VOTE:	11	9	

Hearing Minutes

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 491

BILL TITLE: relative to over voted ballots.

DATE: March 5, 2021

LOB ROOM: LOB Hybrid **Time Public Hearing Called to Order:** 10:46 a.m.

Time Adjourned: 11:18 a.m.

Committee Members: Reps. B. Griffin, W. MacDonald, Wells, Prudhomme-O'Brien, Sweeney, Hayward, Mooney, Torosian, Berry, Groen, Qualey, Cote, Ward, Bergeron, Sandler, Hamer, Lane, Freitas, Hamblet and Muirhead

Bill Sponsors:

Rep. Porter

Rep. Ley

TESTIMONY

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

***Representative Marjorie Porter** – Representative for Hillsborough, District 1

When I was a teacher and I did standardized tests for the children, I would make sure if they erased, put in correction. I think about the ballots, 2 ovals fill in and then changing their mind. If the ballot is hand counted, one can see intent of correct candidate. Machine reads as over voted and does not count. Voter and candidate do not get the vote. In MA and VT they have machines that if this happens, the ballot comes out a different side and the voter can correct his/her vote. In November 2020 a large percentage of AB counted as over voted, close races. These votes could have changed the outcome.

Question: Rep Prudhomme-O'Brien – How do you anticipate handling towns using hand counts?

Answer: They would not have this problem, it is with machines.

Question: Rep Prudomme-O'Brien – Would that mean in communities that hand count would have to see ballots right then and there?

Answer: No, asking machines, not hand.

Question: Rep Tirosian – All voters have the right to vote, follow directions on ballot. If this is absentee ballot, voter has chance to be contacted for error change, but voter cannot change machine error?

Answer: I believe line #10, absentee shall be placed in an auxiliary compartment, that's how they handle stray marks on ballot that can be read as a wrong vote.

Question: Rep Mooney - -If voter made mistake, do they have option at polls to get new ballot? How does this relate to your bill?

Answer: Their not given option. Never will someone ever say, you made a mistake unless specifically stated to them, lot of people would not know that.

***Mary Till** – I'm from Derry, Moderator from 2016-2020. I rise in support of HB491. 2020 moderator guided by standard supreme court 2003 and SOS election manuel. In Section 301 HAVA, requires voter notified of problem to correct. SOS resisted this code of machine reading error. Easy solution, vote OTP on 491. Will send in further testimony.

Question: Rep Prudhomme-O'Brien – May I ask a question. Am I correct not every community uses election machines in the state? How would voters in towns not using machines be given the same opportunity as electronic machine voting?

Answer: This bill is designed specifically for electronic ballot counting machines. Hand counts already available to review them.

Question: Rep Prudhomme-O'Brien – How exactly would they review every voter who brings ballot to ballot box, those that do hand count, moderator and officials on site look at ballot when they pass it in?

Answer: They look at ballots after election and hand counts can determine intent.

***Deb Sumner** – I have submitted testimony. I went to court over this.

The question in terms of hand count. Research shows fewer, lowest over count votes vs machines. Representative Porter mentioned educational errors, lots of people in Derry lost votes in November 2016, not read by scanner.

Ken Barnes – I asked you to vote OTP.

Chau Kelley: From Hooksett, support of HB491.

If at all possible as all American, do hand count vs machine count. We don't know what these updates do and what's happening to machines.

Rep Gay: Sounds like a great bill. I am not worried if ballot shows anybody's privacy, if it's kicking out a ballot, there are ways to shield that, it's a quick process. It's not someone being careless voting too many people, it's the machines reading it wrong.

Deputy David Scanlan: I am opposed to HB-491.

1. Earlier mentioned, Section 301 of HAVA machine over votes reject. What was not told is that NH exemption paper ballots in section B. We meet requirements by establishing voter education as it notifies voter with instructions to correct. NH does both those things, voter instructions. NH satisfies exemption from HAVA and what to do if marked incorrectly and a poster hanging inside booth does same thing.
2. Representative Prudhomme-O'Brien touched upon another really important issue. If you allow over votes counted to be rejected by machines. Voter that can correct, you are creating a different class of voters in NH. Those voters who have hand counts, fold ballot, moderator drops it in the box. Moderator does not open box and tell a voter, they have over voted. It gets counted at end of night, does not get to fix it. Same is true for absentee ballots, whether it is a hand-count town or machine count town, if voter over votes, they do not have another opportunity to correct ballots.

Marilyn Todd: In all due respect, I don't think the SOS should have any say in this matter due to lack of election integrity. They have not done anything to make us feel safe. On their position, this is first time they weighed in.

Hearing adjourned: 11:18am

Respectfully submitted,

Representative Natalie Wells, Committee Clerk

TESTIMONY

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

* Rep Marjorie Porter
Malia Till
Deborah Sumner
Ken Barnes
Ken Barnes
Chau Kelley
Rep Betty Gay
Deputy Scanlan
Marilyn Todd

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING on Bill # HB 491

BILL TITLE:
DATE:

XX Relative to over voted Ballots

3/5/21

ROOM:

306

Time Public Hearing Called to Order: 10:46

Time Adjourned: 11:28

All Present

(please circle if present)

Committee Members: Reps. B. Griffin, W. MacDonald, Wells, Prudhomme-O'Brien, Sweeney, Hayward, Mooney, Torosian, Berry, Groen, Qualey, Cote, Ward, Bergeron, Sandler, Hamer, Lane, Freitas, Hamblet and Muirhead

TESTIMONY

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

* Rep Marjorie Porter

Malia Till

Deborah Sumner

Ken Barnes

Ken Barnes

Chris Kelly

Rep Betty Gray

Deputy Sandler

Marilyn Todd

ELECTION LAW PUBLIC HEARING

3-5-21

HB-491 Relative to over voted ballots

Opening: 10:46am

***Representative Marjorie Porter** – Representative for Hillsborough, District 1

When I was a teacher and I did standardized tests for the children, I would make sure if they erased, put in correction. I think about the ballots, 2 ovals fill in and then changing their mind. If the ballot is hand counted, one can see intent of correct candidate. Machine reads as over voted and does not count. Voter and candidate do not get the vote. In MA and VT they have machines that if this happens, the ballot comes out a different side and the voter can correct his/her vote. In November 2020 a large percentage of AB counted as over voted, close races. These votes could have changed the outcome.

Question: Rep Prudhomme-O'Brien – How do you anticipate handling towns using hand counts?

Answer: They would not have this problem, it is with machines.

Question: Rep Prudomme-O'Brien – Would that mean in communities that hand count would have to see ballots right then and there?

Answer: No, asking machines, not hand.

Question: Rep Tirosian – All voters have the right to vote, follow directions on ballot. If this is absentee ballot, voter has chance to be contacted for error change, but voter cannot change machine error?

Answer: I believe line #10, absentee shall be placed in an auxiliary compartment, that's how they handle stray marks on ballot that can be read as a wrong vote.

Question: Rep Mooney - -If voter made mistake, do they have option at polls to get new ballot? How does this relate to your bill?

Answer: Their not given option. Never will someone ever say, you made a mistake unless specifically stated to them, lot of people would not know that.

***Mary Till** – I'm from Derry, Moderator from 2016-2020. I rise in support of HB491. 2020 moderator guided by standard supreme court 2003 and SOS election manuel. In Section 301 HAVA, requires voter notified of problem to correct. SOS resisted this code of machine reading error. Easy solution, vote OTP on 491. Will send in further testimony.

Question: Rep Prudhomme-O'Brien – May I ask a question. Am I correct not every community uses election machines in the state? How would voters in towns not using machines be given the same opportunity as electronic machine voting?

Answer: This bill is designed specifically for electronic ballot counting machines. Hand counts already available to review them.

Question: Rep Prudhomme-O'Brien – How exactly would they review every voter who brings ballot to ballot box, those that do hand count, moderator and officials on site look at ballot when they pass it in?

Answer: They look at ballots after election and hand counts can determine intent.

***Deb Sumner** – I have submitted testimony. I went to court over this. The question in terms of hand count. Research shows fewer , lowest over count votes vs machines. .Representative Porter mentioned educational errors, lots of people in Derry lost votes in November 2016, not read by scanner.

Ken Barnes – I asked you to vote OTP.

Chau Kelley: From Hooksett, support of HB491. If at all possible as all American, do hand count vs machine count. We don't know what these updates do and what's happening to machines.

Rep Gay: Sounds like a great bill. I am not worried if ballot shows anybody's privacy, if it's kicking out a ballot, there are ways to shield that, it's a quick process. It's not someone being careless voting too many people, it's the machines reading it wrong.

Deputy David Scanlan: I am opposed to HB-491. Earlier mentioned, Section 301 of HAVA machine over votes reject. What was not told is that NH exemption paper ballots in section B. We meet requirements by establishing voter education as it notifies voter with instructions to correct. NH does both those things, voter instructions. NH satisfies exemption from HAVA and what to do if mark incorrectly and a poster hanging inside booth does same thing. Representative Prudhomme-O'Brien touched upon another really important issue. If you allow over votes counted to be rejected by machines. Voter that can correct, you are creating a different class of voters in NH. Those voters who have hand counts, fold ballot, moderator drops it in the box. Moderator does not open box and tell a voter, they have over voted. It gets counted at end of night, does not get to fix it. Same is true for absentee ballots, whether it is a hand-count town or machine count town, if voter over votes, they do not have another opportunity to correct ballots.

Marilyn Todd: In all due respect, I don't think the SOS should have any say in this matter due to lack of election integrity. They have not done anything to make us feel safe. On their position, this is first time they weighed in.

Closed: 11:18am

Respectfully submitted,

Representative Natalie Wells

House Remote Testify

Election Law Committee Testify List for Bill HB491 on 2021-03-05

Support: 180 Oppose: 15 Neutral: 0 Total to Testify: 4

[Export to Excel](#)

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>§</u>
Sumner, Deborah	Jaffrey, NH dsumner@myfairpoint.net	A Member of the Public	Myself	Support	Yes (5m)	2
Till, Mary	Derry, NH maryforderry@yahoo.com	A Member of the Public	Myself	Support	Yes (4m)	3
Porter, Marjorie	HILLSBOROUGH, NH maporter995@gmail.com	An Elected Official	Hillsborough District 1	Support	Yes (3m)	2
barnes, ken	hopkinton, NH kbarnes@kenbarneslaw.com	A Member of the Public	Myself	Support	Yes (3m)	2
st.martin, tom	candia, NH rockygorgenh@gmail.com	A Member of the Public	Myself	Support	No	2
Dunlap, Bernice	Laconia, NH bernicerd@gmail.com	A Member of the Public	Myself	Support	No	3
Straiton, Marie	Pembroke, NH m.straiton@comcast.net	A Member of the Public	Myself	Support	No	3
Lucas, Janet	Campton, NH janluca1953@gmail.com	A Member of the Public	Myself	Support	No	3
Blanchard, Sandra	Loudon, NH sandyblanchard3@gmail.com	A Member of the Public	Myself	Support	No	3
Carter, Lilian	Deering, NH lcarter0914@gmail.com	A Member of the Public	Myself	Support	No	3
Baber, Kristine	Dover, NH kmbaber@gmail.com	A Member of the Public	Myself	Support	No	3
Torpey, Jeanne	Concord, NH jtorp51@comcast.net	A Member of the Public	Myself	Support	No	3
Mattlage, Linda	Concord, NH L.mattlage@gmail.com	A Member of the Public	Myself	Support	No	3
Jones, Andrew	Pembroke, NH arj11718@yahoo.com	A Member of the Public	Myself	Support	No	3
Podlipny, Ann	Chester, NH apodlipny57@comcast.net	A Member of the Public	Myself	Support	No	3
Jakubowski, Deborah	Loudon, NH Dendeb146@gmail.com	A Member of the Public	Myself	Support	No	3
Hackmann, Kent	Andover, NH hackmann@uidaho.edu	A Member of the Public	Myself	Support	No	3
Falk, Cheri	Wilton, NH Falk.cj@gmail.com	A Member of the Public	Myself	Support	No	3
Hampton, Doris	Canterbury, NH dandmhamp38@gmail.com	A Member of the Public	Myself	Support	No	3
Casino, Joanne	Concord, NH joannecasino@comcast.net	A Member of the Public	Myself	Support	No	3
Glassman, Barbara	Nashua, NH barbara.glassman@gmail.com	A Member of the Public	Myself	Support	No	3
Rettew, Annie	CONCORD, NH abrettew@gmail.com	A Member of the Public	Myself	Support	No	3

Spielman, Kathy	Durham, NH jspielman@comcast.net	A Member of the Public	Myself	Support	No	3
hatch, sally	Concord, NH sallyhatch@comcast.net	A Member of the Public	Myself	Support	No	3
Hruska, Jeanne	Concord, NH Jeanne@aclu-nh.org	A Lobbyist	ACLU-NH	Support	No	2
Kudlik, Cindy	Grafton, NH cindykudlik@protonmail.com	An Elected Official	Myself	Oppose	No	2
Hinkel, Robert	Dover, NH r.hinkel@gmail.com	A Member of the Public	Myself	Support	No	2
Warach, Jeffrey	Dover, NH jeffwarach@gmail.com	A Member of the Public	Myself	Support	No	2
Kelley, Mary	Dover, NH midgekelly1@gmail.com	A Member of the Public	Myself	Support	No	2
thompson, julie	durham, NH maple371@gmail.com	A Member of the Public	Myself	Support	No	2
Verschueren, Jim	Dover, NH jd.verschueren@gmail.com	A Member of the Public	Myself	Support	No	2
Whitney, Patricia	Dover, NH pjwhitney8@gmail.com	State Agency Staff	Myself	Support	No	2
Insolia, Janet	Dover, NH jinsolia@comcast.net	A Member of the Public	Myself	Support	No	2
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Support	No	2
Damon, Claudia	Concord, NH cordsdamon@gmail.com	A Member of the Public	Myself	Support	No	2
Corell, Elizabeth	Concord, NH Elizabeth.j.corell@gmail.com	A Member of the Public	Myself	Support	No	2
Higgins, Patricia	HANOVER, NH phiggins47@gmail.com	A Member of the Public	Myself	Support	No	3
Richardson, Bryan	Alexandria, NH marks-dad@ipatriots.us	A Member of the Public	Myself	Support	No	3
Brooks, Roy	Litchfield, NH brooks_rj@comcast.net	A Member of the Public	Myself	Support	No	3
Comtois, Robert	Windham, NH robcomtois@gmail.com	A Member of the Public	Myself	Support	No	3
Wright, Nancy	Moultonborough, NH Wright2nancy@roadrunner.com	A Member of the Public	Myself	Support	No	3
H, Beth	Hampton, NH Bethina.web@gmail.com	A Member of the Public	Myself	Support	No	3
Mahoney, Elisabeth	North Haverhill, NH Calgonnow13@gmail.com	A Member of the Public	Myself	Support	No	3
Spielman, James	Durham, NH jspielman@comcast.net	A Member of the Public	Myself	Support	No	3
Bettencourt, Don	Sunapee, NH Don.Bettencourt@GMail.com	A Member of the Public	Myself	Support	No	3
Casaletto, Joan	Windham, NH joanc221@gmail.com	A Member of the Public	Joan Casaletto	Support	No	3
Oljey, Melissa	Deerfield, NH oljeyfam@yahoo.com	A Member of the Public	Myself	Oppose	No	3
Cole, Fletcher	Lebanon, NH fletchercole@comcast.net	A Member of the Public	Myself	Support	No	3
Howland, Curt	Manchester, NH howland@priss.com	A Member of the Public	Myself	Support	No	3

Panek, Sandra	Pelham, NH SandyPanek@protonmail.com	A Member of the Public	Myself	Support	No	3
Paine, Mark	Londonderry, NH Painemark@msn.com	A Member of the Public	Myself	Support	No	3
Paine, Judith	Londonderry, NH Painej1953@aol.com	A Member of the Public	Myself	Support	No	3
Henneberry, Barb	Hampton, NH Bhenn2020@gmail.com	A Member of the Public	Myself	Support	No	3
Lewis, Elizabeth	Nashua, NH ecop.lewis@gmail.com	A Member of the Public	Myself	Support	No	3
Hansen, Lorraine	Rollinsford, NH lhansennh@gmail.com	A Member of the Public	Myself	Support	No	3
Comtois, Richard	Windham, NH riccoz31@comcast.net	A Member of the Public	Myself	Support	No	3
Benner, Amy	Conway, NH usernamealreadyexists@protonmail.com	A Member of the Public	Myself	Support	No	3
Longfellow, Kevin	Nashua, NH klongfel24@gmail.com	A Member of the Public	Myself	Support	No	3
Noyes, Andrew	Bethlehem, NH andynoyes123@gmail.com	A Member of the Public	Myself	Support	No	3
Cawthron, John	Nashua, NH johncaw@myfairpoint.net	A Member of the Public	Myself	Support	No	3
Barr, Lisa	Danville, NH scottbarr107@comcast.net	A Member of the Public	Myself	Support	No	3
Mathews, Lisa	Winchester, NH Lelewaggin@hotmail.com	A Member of the Public	Myself	Support	No	3
laplante, louise	Milton, NH louiselaplante04@gmail.com	A Member of the Public	Myself	Support	No	3
Pacocha, James	Hudson, NH jcpnh@hotmail.com	A Member of the Public	Myself	Support	No	3
Pacocha, Carole	hudson, NH jcpnh@hotmail.com	A Member of the Public	Myself	Support	No	3
Comeau, Olga	Dover, NH olgacomeau@comcst.net	A Member of the Public	Myself	Support	No	3
salvalzo, joseph	hudson, NH salvalzo@comcast.net	A Member of the Public	Myself	Support	No	3
Barker, Nancy	Meredith, NH Barkernancy8@gmail.com	A Member of the Public	Myself	Support	No	3
Stevens, William	Rye, NH fknvrod@yahoo.com	A Member of the Public	Myself	Support	No	3
Leiterman, James	Moultonborough, NH Leiterman2@roadrunner.com	A Member of the Public	Myself	Support	No	3
Plourde, April	Nashua, NH april.plourde@yahoo.com	A Member of the Public	Myself	Support	No	3
Durkee, David	Loudon, NH Missemmalea@icloud.com	A Member of the Public	Myself	Support	No	3
Race, Mark	Loudon, NH Walkenat76@gmail.com	A Member of the Public	Myself	Support	No	3
Milliken, Walter	Dover, NH wmilliken@me.com	A Member of the Public	Myself	Support	No	3
Hatcher, Phil	Dover, NH phil.hatcher@gmail.com	A Member of the Public	Myself	Support	No	3
Clafin, Kyri	Concord, NH kyriclafin@comcast.net	A Member of the Public	Myself	Support	No	3

Newman, Fran	Northwood, NH Lake ottagenh@gmail.com	A Member of the Public	Myself	Support	No	3
Bates, Lois	Windham, NH loisbates@ymail.com	A Member of the Public	Myself	Support	No	3
Lord, Kit	Northwood, NH kitlord@yahoo.com	A Member of the Public	Myself	Support	No	3
Durkee, Pam	Loudon, NH Missemmelea@comcast.net	A Member of the Public	Myself	Support	No	3
Locke, Wendy	Barnstead, NH Fordspaniels@gmail.com	A Member of the Public	Myself	Support	No	3
Race, Judy	Loudon, NH Earlymorning76@gmail.com	A Member of the Public	Myself	Support	No	3
Shields, John	Chester, NH jackshields1967@gmail.com	A Member of the Public	Myself	Support	No	3
Smith, Don	Pelham, NH Donaldasmith@hotmail.com	A Member of the Public	Myself	Support	No	3
Copley, Stephen	Windham, NH nhcopley@comcast.net	A Member of the Public	Myself	Support	No	3
Copley, Roanne	Windham, NH nhcopley@aol.com	A Member of the Public	Myself	Support	No	3
Shields, Deanna	Chester, NH delomi14@gmail.com	A Member of the Public	Myself	Support	No	3
Schissel, Mary	Newport, NH schissell@comcast.net	A Member of the Public	Myself	Support	No	3
St Peter, Holly	North Hampton, NH hstpeter@gmail.com	A Member of the Public	Myself	Support	No	3
St Peter, Scott	North Hampton, NH sstpeter4@gmail.com	A Member of the Public	Myself	Support	No	3
Robinson, Ellis	Grantham, NH ellismmrobinson@gmail.com	A Member of the Public	Myself	Support	No	3
Dolkart, Kenneth	Grantham, NH kenneth.dolkart@gmail.com	A Member of the Public	Myself	Support	No	3
Dolkart, Vivian	Grantham, NH viviandolkart@comcast.net	A Member of the Public	Myself	Support	No	3
Reed, Barbara	N. Swanzey NH, NH moragmcp83@outlook.com	A Member of the Public	Myself	Support	No	3
Bushueff, Catherine	Sunapee, NH agawamdesigns@gmail.com	A Member of the Public	Myself	Support	No	3
legault, bob	Fremont, NH bob.legault@comcast.net	A Member of the Public	Myself	Support	No	3
Robbins, Ashley	Milton, NH Ashleylincoln@gmail.com	A Member of the Public	Myself	Support	No	3
Waterman, Raymond	Merrimack, NH prwaterman@aol.com	A Member of the Public	Myself	Support	No	3
Waterman, Patricia	Merrimack, NH prwaterman@aol.com	A Member of the Public	Myself	Support	No	3
Schultz, Linda	Sunapee, NH 22schultz32@gmail.com	A Member of the Public	Myself	Support	No	3
Comtois, Joanne	Windham, NH joannecomtois@gmail.com	A Member of the Public	Myself	Support	No	3
Hill, Lin	Grantham, NH lin.hill007@comcast.net	A Member of the Public	Myself	Support	No	3
Robert, Carol	Lebanon, NH carol@hs-re.com	A Member of the Public	Myself	Support	No	3

Wood, David	Grantham, NH cadawood@comcast.net	A Member of the Public	Myself	Support	No	3
Wood, Carole	Grantham, NH Cadawood@comcast.net	A Member of the Public	Myself	Support	No	3
Horan, Teresa	Grantham, NH jtkchoran@gmail.com	A Member of the Public	Myself	Support	No	3
Favale, Thomas	Moultonborough, NH meshelp@sprynet.com	A Member of the Public	Myself	Support	No	3
Frey, Gina	Amherst, NH ginagfrey@gmail.com	A Member of the Public	Myself	Support	No	3
Panek, Taylour	Pelham, NH taylourpanek@criptext.com	A Member of the Public	Myself	Support	No	3
Morgan, Michelle	Bedford, NH mrmorgan@kw.com	A Member of the Public	Myself	Support	No	3
Davis, Kirk	Madison, NH kdavisfishman57@gmail.com	A Member of the Public	Myself	Support	No	3
Devost, Lynda	New Durham, NH lynda.devost@gmail.com	A Member of the Public	Myself	Support	No	3
devost, david	new durham, NH daviddevost18@gmail.com	A Member of the Public	Myself	Support	No	3
Laughner, Julie	Raymond, NH julielaughner@comcast.net	A Member of the Public	Myself	Support	No	3
Sanborn, Michelle	Alexandria, NH michelle706988@gmail.com	A Member of the Public	Myself	Support	No	3
Robinson, Eric	Newbury, NH ericprobinson@gmail.com	A Member of the Public	Myself	Support	No	3
Noyes, Megan	Bethlehem, NH Meganelizabeth1105@yahoo.com	A Member of the Public	Myself	Support	No	3
Davis, Tod	Nashua, NH todc.18@gmail.com	A Member of the Public	Myself	Support	No	3
Cantlin, Mary	Grantham, NH k_9limo@me.com	A Member of the Public	Myself	Support	No	3
Brookmeyer, Janet	Grantham, NH brookmeyermusic@gmail.com	A Member of the Public	Myself	Support	No	3
Guven, Taci	Windham, NH Taci.guven@yahoo.com	A Member of the Public	Myself	Support	No	3
Pawlyk, Steven	Windham, NH stevenpawlyk@gmail.com	A Member of the Public	Myself	Support	No	3
chapman, kevin	marlborough, NH denoet103@yahoo.com	A Member of the Public	Myself	Support	No	3
Porter, Julie	DOVER, NH impressionsandesign@gmail.com	A Member of the Public	Myself	Support	No	3
Perencevich, Ruth	Concord, NH rperence@comcast.net	A Member of the Public	Myself	Support	No	3
Porter, Don	DOVER, NH dporter_64@hotmail.com	A Member of the Public	Myself	Support	No	3
Flecker, Arthur	Bow, NH arthur.flecker3@gmail.com	A Member of the Public	Myself	Support	No	3
Huntress, Susanne	Nottingham, NH postalmaam27282@netscape.net	A Member of the Public	Myself	Support	No	3
Huntress, Roy	Nottingham, NH royebay75@gmail.com	A Member of the Public	Myself	Support	No	3
Varnum, Steve	NH, NH sfxvarnum@gmail.com	A Member of the Public	Myself	Support	No	3

Kelble, Janice	Hooksett, NH jkreflection@gmail.com	A Member of the Public	Myself	Support	No	3
Daly, Jennifer	Grantham, NH mt_daly@hotmail.com	A Member of the Public	Myself	Support	No	3
Howes, Deb	Hudson, NH debbhowes@myfairpoint.net	A Member of the Public	Myself	Support	No	3
Di Matteo, Marsha	Atkinson, NH mimi19620@gmail.com	A Member of the Public	Myself	Support	No	3
O'Rorke, Terri	Keene, NH Terrio21@yahoo.com	A Member of the Public	Myself	Support	No	3
Jachim, Nancy	Newport, NH nancyjachim@gmail.com	A Member of the Public	Myself	Support	No	3
Perry, Bob	Strafford, NH perry4nh@gmail.com	A Member of the Public	Myself	Support	No	3
Wallace, Christine	Richmond, NH Wallacec2252@gmail.com	A Member of the Public	Myself	Support	No	3
Kinney, Elizabeth	Portsmouth, NH marylandbeth07@hotmail.com	A Member of the Public	Myself	Support	No	3
Mateychuk, Nadine	North Hampton, NH nmmand3@gmail.com	A Member of the Public	Myself	Support	No	3
Homer, Courtney	Greenland, NH chomer@sloan.mit.edu	A Member of the Public	Myself	Support	No	3
Bean, Michael	Rye, NH Beanmi@gmail.com	A Member of the Public	Myself	Support	No	3
Bethuy, Donald	Nashua, NH donbethuyiii@gmail.com	A Member of the Public	Myself	Support	No	3
Ibanez, Sarah	Bedford, NH sarah.ibanez@aol.com	A Member of the Public	Myself	Support	No	3
ellermann, maureen	CONCORD, NH ellermannf@aol.com	A Member of the Public	Myself	Support	No	3
Cembalisty, Clara	Rochester, NH Taxmanrick@gmail.com	A Member of the Public	Myself	Support	No	3
Lenz, James	Plainfield, NH jlenz@alumni.duke.edu	A Member of the Public	Myself	Support	No	3
Wheeler-Russell, Jessica	CONCORD, NH WheelerJessicaAnn@gmail.com	A Member of the Public	Myself	Support	No	3
price, timothy	Fairlee, VT timothy.price6@icloud.com	A Member of the Public	Myself	Support	No	3
jakubowski, dennis	Loudon, NH dendeb146@gmail.com	A Member of the Public	Myself	Support	No	3
Desmarais, Doreen	Northwood, NH doreend@netzero.net	A Member of the Public	Myself	Support	No	3
Platt, Elizabeth-Anne	CONCORD, NH lizanneplatt09@gmail.com	A Member of the Public	Myself	Support	No	3
Sibley, Jon	windham, NH jdsibley@yahoo.com	A Member of the Public	Myself	Support	No	3
Towle, Ann	Northfield, NH AnnRTowle@gmail.com	A Member of the Public	Myself	Support	No	3
Brennan, Nancy	Weare, NH burningnan14@gmail.com	A Member of the Public	Myself	Support	No	3
St Germain, Diane	Bedford, NH diane.stgermain33@gmail.com	A Member of the Public	Myself	Support	No	3
Petrucelli, Maxine	Webster, NH maxinepet@gmail.com	A Member of the Public	Myself	Support	No	3

Petrucelli, Charles	Webster, NH chasmxpet@gmail.com	A Member of the Public	Myself	Support	No	3
Burr, Jennifer	Walpole, NH jennieburr@live.com	A Member of the Public	Myself	Support	No	3
Lamphier, Regan	Nashua, NH ReganBurkeLamphier@gmail.com	A Member of the Public	Myself	Support	No	3
Brunelle, Leigh	Manchester, NH lbrunelle11@gmail.com	A Member of the Public	Myself	Support	No	3
Howard Jr., Raymond	Alton, NH brhowardjr@yahoo.com	An Elected Official	Myself	Oppose	No	3
Steel, Sandy	Plainfield, NH selizabethsteel@gmail.com	A Member of the Public	Myself	Support	No	3
Kelley, Chau	Hooksett, NH chaukelley@gmail.com	A Member of the Public	Myself	Support	No	3
Geisler, Sandy	Londonderry, NH sandygnh1@gmail.com	A Member of the Public	Myself	Support	No	3
Beaupre', Stephen	Plainfield, NH stephenbeaupre@tds.net	A Member of the Public	Myself	Support	No	3
Osborne, Jason	Auburn, NH houserepoffice@leg.state.nh.us	An Elected Official	House Majority Office	Oppose	No	3
Clark, Denise	Milford, NH denise.m.clark03055@gmail.com	A Member of the Public	Myself	Support	No	3
Dargie, Joan	Milford, NH joan.dargie@milford.nh.gov	An Elected Official	New Hampshire City and Town Clerks Assoc	Oppose	No	3
Kiczuk, Stacie	Alton, NH Texaninnh@yahoo.com	A Member of the Public	Myself	Support	No	3
Holt, David	Somersworth, NH davholt@aol.com	A Member of the Public	Myself	Support	No	3
Smith, Jonathan	OSSIPEE, NH jhsmithnh5@gmail.com	An Elected Official	Myself	Oppose	No	3
Dostie, Donald	Colebrook, NH dadostietrucking@gmail.com	An Elected Official	Myself	Oppose	No	3
Piemonte, Tony	Sandown, NH tony.piemonte@leg.state.nh.us	An Elected Official	Myself	Oppose	No	3
Sheehan, Vanessa	MILFORD, NH vsheehan16@yahoo.com	An Elected Official	Hillsborough District 23-Milford	Oppose	No	3
Green, Rep.Dennis	Hampstead, NH dennisgreen1776@gmail.com	An Elected Official	Myself Rep. Dennis Green	Oppose	No	3
Creighton, Jim	Antrim, NH creighton4nh@gmail.com	An Elected Official	Myself	Oppose	No	3
Towne, Brenda	Greenland, NH btowne@protonmail.com	A Member of the Public	Myself	Support	No	3
See, Alvin	Loudon, NH absee@4Liberty.net	A Member of the Public	Myself	Support	No	3
Perkins, Max	greenland, NH maxperkins72@gmail.com	A Member of the Public	Myself	Support	No	3
Cianci, Leyna	Manchester, NH leynamusic@hotmail.com	A Member of the Public	Myself	Support	No	3
Stapleton, Walter	Claremont, NH waltstapleton@comcast.net	An Elected Official	Constituents	Oppose	No	3
Cianci, Christopher	Stratham, NH christopher.j.cianci@gmail.com	A Member of the Public	Myself	Support	No	3
Strang, David	Gilmanton, NH davidstrangmd@yahoo.com	State Agency Staff	Myself	Support	No	3

Greene, Bob	Hudson, NH bob.greene@leg.state.nh.us	An Elected Official	Hillsborough District 37	Oppose	No	3
McConkey, Mark	freedom, NH mrkmcconkey@gmail.com	An Elected Official	Myself	Oppose	No	3
Todd, Albert	Nashua, NH albert.todd64@gmail.com	A Member of the Public	Myself	Support	No	3
Doty, Charles Scott	Bedford, NH chasdoty@outlook.com	A Member of the Public	Myself	Support	No	3
OLIGNY, Jeff	Plaistow, NH phoneman01830@Yahoo.com	A Member of the Public	Myself	Support	No	3
Silva, Lance	Kingston, NH Lancesilva33@gmail.com	A Member of the Public	Myself	Support	No	3
Theberge, Robert	Berlin, NH rolath@hotmail.com	An Elected Official	Myself	Oppose	No	3
Tucker, Julie	03870, MA julietucker960@gmail.com	A Member of the Public	Myself	Support	No	3
Beaupre', Donna	Meriden, NH stephenbeaupre@tds.net	A Member of the Public	Myself	Support	No	3
Wilson, Sharon	Silver Lake, NH realtorsrw@hotmail.com	A Member of the Public	Myself	Support	No	3
Burke, Francis	Northwood, NH fran@fxburke.com	A Member of the Public	Myself	Support	No	3

Testimony

Archived: Monday, April 12, 2021 10:15:03 AM
From: [Barbara Glassman](#)
Sent: Tuesday, March 2, 2021 1:09:06 AM
To: ~[House Election Law Committee](#)
Subject: In support of HB 491, relative to over voted ballots.
Importance: Normal

March 2, 2021

To the Honorable Members of the House Election Law Committee:

I write in support of HB 491, relative to over voted ballots.

Surely it is time to recommend passage of this bill. Denials notwithstanding, NH is in clear violation of HAVA Sec. 301(a), stipulating that voters in federal elections must be given the opportunity to correct an over vote. LHS Associates has already enabled the return of over voted ballots to voters in Vermont and Massachusetts.

It doesn't take much for a scanner to produce a false positive. There were 8 over votes in my ward alone in the 2016 presidential primary. It's a safe bet that none of those 8 people imagined that their ballot would be misread as having more than one vote for a presidential nominee and that their vote would be invalidated. They would be rightly furious, and more so if they understood that the option to correct their misread ballot was needlessly denied.

Citizens are unknowingly losing their right to vote. Please push back against the inertia and resistance that have allowed this violation to linger so long and recommend this bill's passage.

I would also like to second the testimony of Deborah Sumner. No one is more knowledgeable about this situation or has worked harder for its correction.

Please use your power and protect our right to vote from the too frequent errors of scanners.

Thank you very much for your attention.

Sincerely,

Barbara Glassman
50 Barrington Ave., Unit 504
Nashua, NH 03062-4224
barbara.glassman@gmail.com
215-378-5356

Archived: Monday, April 12, 2021 10:15:03 AM

From: [Deborah Sumner](#)

Sent: Thursday, March 4, 2021 9:53:19 AM

To: ~House Election Law Committee

Cc: [Miriam Simmons](#); [Marjorie Porter](#); [Douglas Ley](#); Santonastaso@cheshireliberty.com; [Denise Ricciardi](#)

Subject: Testimony for HB 491 (Overvoted ballots) , March 5 Hearing

Importance: Normal

Attachments: [21-491OVFINAL.pdf](#) ;


Dear House Election Law Committee,

I have signed up to testify on HB 491 tomorrow. Please make sure committee members receive this and it is included in the legislative record for this bill.

Ms. Simmons, please confirm you have received this.

Thank you.

Deborah Sumner
474A Great Rd.
Jaffrey, NH 03452
603-532-8010

Archived: Monday, April 12, 2021 10:15:03 AM
From: Deborah Sumner
Sent: Thursday, March 4, 2021 10:04:04 AM
To: Maureen Mooney; Jim Qualey
Cc: Miriam Simmons
Subject: Fwd: Testimony for HB 491 (Overvoted ballots) , March 5 Hearing
Response requested: No
Importance: Normal
Attachments:
[21-491OVFINAL.pdf](#) 

Am resending. Evidently you aren't receiving emails sent to the ELC.

Begin forwarded message:

From: Deborah Sumner <dsumner@myfairpoint.net>
Subject: Testimony for HB 491 (Overvoted ballots) , March 5 Hearing
Date: March 4, 2021 at 9:52:59 AM EST
To: HouseElectionLawCommittee@leg.state.nh.us
Cc: "Simmons, Miriam" <Miriam.Simmons@leg.state.nh.us>, Marjorie Porter <maporter995@gmail.com>, Douglas Ley <douglas.ley@leg.state.nh.us>, "Santonastaso@cheshireliberty.com" <Santonastaso@CheshireLiberty.com>, Denise Ricciardi <Denise.Ricciardi@leg.state.nh.us>


Dear House Election Law Committee,

I have signed up to testify on HB 491 tomorrow. Please make sure committee members receive this and it is included in the legislative record for this bill.

Ms. Simmons, please confirm you have received this.

Thank you.

Deborah Sumner
474A Great Rd.
Jaffrey, NH 03452
603-532-8010

Archived: Monday, April 12, 2021 10:15:03 AM
From: [Miriam Simmons](#)
Sent: Thursday, March 4, 2021 10:37:29 AM
To: ~House Election Law Committee
Cc: [Deborah Sumner](#)
Subject: Testimony for HB 491 (Overvoted ballots) , March 5 Hearing
Response requested: No
Importance: Normal
Attachments:
[21-491OVFINAL.pdf](#) 

From: Deborah Sumner <dsumner@myfairpoint.net>
Sent: Thursday, March 4, 2021 10:02 AM
To: Maureen Mooney <Maureen.Mooney@leg.state.nh.us>; Jim Qualey <Jim.Qualey@leg.state.nh.us>
Subject: Fwd: Testimony for HB 491 (Overvoted ballots) , March 5 Hearing

Dear House Election Law Committee,

I have signed up to testify on HB 491 tomorrow. Please make sure committee members receive this and it is included in the legislative record for this bill.

Ms. Simmons, please confirm you have received this.

Thank you.

Deborah Sumner
474A Great Rd.
Jaffrey, NH 03452
603-532-8010

Archived: Monday, April 12, 2021 10:15:03 AM

From: [Barbara Glassman](#)

Sent: Thursday, March 4, 2021 6:33:24 PM

To: [Marjorie Porter](#); [Cindy Rosenwald](#); [Linda Harriott-Gathright](#); [Michael O'Brien](#); [Martin Jack](#); [Miriam Simmons](#)

Subject: Fwd: In support of HB 491, relative to over voted ballots.

Response requested: No

Importance: Normal

Ms. Simmons: Would you please include my testimony in the legislative history of this bill?
Thank you!

----- Forwarded message -----

From: **Barbara Glassman** <barbara.glassman@gmail.com>

Date: Tue, Mar 2, 2021 at 1:08 AM

Subject: In support of HB 491, relative to over voted ballots.

To: <HouseElectionLawCommittee@leg.state.nh.us>

March 2, 2021

To the Honorable Members of the House Election Law Committee:

I write in support of HB 491, relative to over voted ballots.

Surely it is time to recommend passage of this bill. Denials notwithstanding, NH is in clear violation of HAVA Sec. 301(a), stipulating that voters in federal elections must be given the opportunity to correct an over vote. LHS Associates has already enabled the return of over voted ballots to voters in Vermont and Massachusetts.

It doesn't take much for a scanner to produce a false positive. There were 8 over votes in my ward alone in the 2016 presidential primary. It's a safe bet that none of those 8 people imagined that their ballot would be misread as having more than one vote for a presidential nominee and that their vote would be invalidated. They would be rightly furious, and more so if they understood that the option to correct their misread ballot was needlessly denied.

Citizens are unknowingly losing their right to vote. Please push back against the inertia and resistance that have allowed this violation to linger so long and recommend this bill's passage.

I would also like to second the testimony of Deborah Sumner. No one is more knowledgeable about this situation or has worked harder for its correction.

Please use your power and protect our right to vote from the too frequent errors of scanners.

Thank you very much for your attention.

Sincerely,

Barbara Glassman
50 Barrington Ave., Unit 504

Nashua, NH 03062-4224
barbara.glassman@gmail.com
215-378-5356

Archived: Monday, April 12, 2021 10:15:03 AM
From: Sarah West
Sent: Friday, March 5, 2021 6:40:03 PM
To: ~House Election Law Committee
Subject: HB 491 Written Testimony
Importance: Normal

Dear Members of the Election Law Committee,

Below is written testimony from a member of the New Hampshire High School Democrats:

--

Dear Committee Members,

My name is Sara Bach and I am submitting written testimony on behalf of the New Hampshire High School Democrats.

I am testifying in support of H.B. 491 because I believe that allowing voters to revise their ballot in the event that it is an over-voted ballot is essential to maintaining our democratic processes and ensuring every legal vote is counted. In the 2020 Presidential Election, millions of provisional ballots were cast, allowing eligible Americans to confirm their eligibility and exercise their right to vote.

Therefore, I ask that members of this committee sponsor this bill, which would allow voters to correct their ballots if they are overvoted. The state legislature must continue to recognize and expand voting rights opportunities to increase voter turnout and influence in our democracy.

As a state, we can create a stronger sense of political efficacy and participation by tackling obstacles that many voters face each election. We must not ignore these pressing issues that have restricted voters in previous elections from having their ballots counted, but instead, we should support the nature of our democratic process by passing this bill.

I ask that New Hampshire representatives support this bill and encourage the opportunity to allow voters to correct their ballots and cast their vote legally and rightfully. I urge you to support the democratic process and the voting rights of New Hampshire citizens by passing H.B. 491.

Testimony in Support of HB 491, Overvoted Ballots

To Honorable Members of the House Election Law Committee:

I am Deborah Sumner, a former teacher and reporter, member of Right to Know NH and the NH Community Rights Network. I have been involved with NH voting rights and election integrity since 2008. I helped count ballots before Jaffrey began using the (formerly Diebold) AccuVote in 2004 and served two years as a ballot clerk. Because ballots were exempted from public records law in 2003, I have been to state court twice to ask to review ballots in my town (for November 2010 and November 2012). The second time was to find out why 2.5% of Jaffrey ballots contained overvotes.

Basis in NH law: "The goal must be the ascertainment of the legally expressed choice of the voters. **The object of election laws is to secure the rights of duly qualified voters, and not to defeat them.**" *Appeal of McDonough*, 149 N.H. 105, 112, (2003).

The Problem: Currently, NH has two contradictory policies, RSA 659:64 (voter intent as legal standard) and Secretary of State's policy (since Jan. 1, 2006). Mr. Scanlan, Mr. Fitch and I interpret the federal requirement differently, but I believe we agree that neither the NH AG nor the USDOJ is enforcing the law, saying this is a policy question for the legislature to decide.

Research and anecdotal evidence show less-experienced voters, those of lower income and education are more likely to be disenfranchised by overvoted ballots. That has been known since the 2000 general election and reported by the Election Assistance Commission.¹ (Specific example from Jaffrey if interested.)

A number of voters won't know that computers can't read their votes as marked unless we teach them. As a former teacher who wants everyone's vote to count and be counted, I see the system failing in that educational responsibility. The message: In NH, our votes and voters don't matter.

Why you should support this bill: Requires a simple programming change, no cost, more voters will have their votes counted, eliminates 3 of 4 known possibilities of election fraud (see HB 1486 testimony below), brings us into compliance with both federal HAVA and state election laws (RSA 659:77, RSA 666:2, RSA 656:42, RSA 659:40). A no-brainer: this bill should have unanimous support from this committee.

The data: Please see the request for the AG to investigate the high overvoted ballot rate in Derry, particularly with one computer counting only absentee ballots (**572 overvoted ballots, 14.2%**). <https://groups.google.com/g/jaffreyvoices/c/eLQQSh5AH0o>

¹ *2004 Election Day Survey Report*, Election Data Services, Inc., Sept. 27, 2005
<https://www.eac.gov/research-and-data/2004-election-administration-voting-survey>, p. 142, chap. 10, p. 1

Michael C. Herron and Jasjeet S. Sekhon, "Overvoting and Representation: An examination of overvoted presidential ballots in Broward and Miami-Dade counties," Sept. 28, 2001.
<http://sekhon.berkeley.edu/elections/election2000/HerronSekhon.pdf>

As I reported to you in my Feb. 23 email the AG has taken no action on this.

Compare Derry overvotes with:

1) our small sample of three towns, Keene and 2 Nashua wards (1,246 overvotes of 48,953 ballots tabulated by the AccuVote,) an overvoted ballot rate of 2.6%.

2) VT that reports overvotes for every race and location; MA identified only 7 overvotes (.007%) for ALL races in its 3% hand-count audit of 100,349 ballots.

NH doesn't even require overvote information to be printed for the general election. **We have no way to know how many voters are being disenfranchised or if some races are impacted more.**

Nov. 2016 top races: Mr. Scanlan acknowledged in his testimony on SB 79, that 2-3% of ballots not read by the scanner are legal votes. See testimony on HB 1486 re: margin of victory in President, US Senate and Governor's race, % of ballots showing no recorded vote for that contest (could have been invalidated as overvote, scanner not reading vote, or voter choosing not to vote for that office). All of them are within that 2-3% possibility that legal votes were NOT included in the reported results and the wrong candidate was declared "winner."

What I hope you will improve:

1) Eliminate word "vendor" from the bill.

2) Require:

A) programming for overvote AND completely blank ballot notification for all elections as CT, VT and MA do. That would give us a nearly failsafe mechanism of using the scanners, applying the same legal standard as hand count towns and recounts, and complying with election laws re: voter intent, counting all legal votes, not counting illegal ones, etc.

B) reporting of overvotes for all races and locations as VT does. Then a high overvote rate such as we saw in Derry could be investigated.

What you should know: Instead of asking the legislature to codify this HAVA requirement in 2003, DSOS Scanlan and then assistant AG Fitch asked the legislature to exempt ballots from public records law (non-germane amendment to HB 627, a HAVA-required bill). This is the "normal" way laws are passed in NH, Mr. Scanlan assured the court. PROBABLY true, but not inspiring my trust in the SoS, AG, our elections or government.

I have provided you with 1) 2018 testimony on HB 1486; 2) two examples of common overvotes that would be legal votes in handcount towns and recounts 3) information from VT and CT shared with the Town and City Clerks Association that represent best practices in ensuring voter intent is honored as much as possible.

Conclusion: In your orientation meeting, Bill Gardner told you that NH elections belong to the people and you represent US. It is YOUR constitutional responsibility to make sure that statement is true.

Deborah Sumner
474A Great Rd.
Jaffrey, NH 03452
603-532-8010 dsumner@myfairpoint.net

1) Testimony in Support of HB 1486, Jan. 23, 2018

I'm Deborah Sumner from Jaffrey and you know from my earlier testimony on HB 1520 that I went to court asking to review ballots from my town's Nov. 2012 election to make sure the 2.5% of ballots reported as "over votes" weren't caused by fraud. That wouldn't have been necessary if NH was complying with Section 301(a) of the Help America Vote Act of 2002, which requires all over voted ballots including a federal contest to be returned to voters for possible correction and RSA 659:64 (determining the intent of the voter).

In 2016, Philip Stark, statistics professor and associate dean of mathematical and physical sciences at UC Berkeley, testified in court that "There are documented instances where scanners have high rates of erroneously inferring that valid votes are over votes." This legislation is needed to bring NH into compliance with state and federal law and eliminates these known possibilities for legal votes to be invalidated as over votes.

1. Voter confusion (if a voter changes his/her mind, makes an error or crosses out one vote and fills in another oval, voter intent could be determined by visual inspection, but not by the computer)

2. Creases on absentee ballots counted as "votes"

3. Voter intent not recognized by computer

4. Stray marks/dust counted as "votes"

5. Computer or programming error

6. Specks on the paper due to the printing process

7 Three KNOWN possibilities for fraud (Note 1/29/21 4th. fraud possibility added as reported to NH AG, Governor Sununu, SoS and USDOJ.)

A. An attack could bypass the pre-election ballot testing and, during an election: turn off under-and-over vote notification. It could selectively disable over vote notification or selectively provide false over vote notification for favored or disfavored candidates.

VSTAAB, 2006 <http://nob.cs.ucdavis.edu/bishop/notes/2006-inter/2006-inter.ps>

B. Someone with access to ballots could add a tiny spot of invisible/ultraviolet ink to the oval for the PREFERRED candidate. The voter wouldn't notice it. If he/she voted for ANOTHER candidate, the scanner would read it as an over vote and be it would be invalidated. A vote for the PREFERRED candidate would likely be counted as valid.

C. Prior to recounts, over vote marks could be added to ballots (also possible in locations not using the AccuVote).

D. Voters might mark malicious patterns on the ballot that could trigger a dormant Trojan horse and cause a compromised computer to start cheating. (p. 71, *Source Code Review of the Diebold Voting System*)

My research shows that in a 2004 draft plan, NH intended to comply. It says, "The state will require optical scanning systems to reject ballots with over votes....affording voters the opportunity to correct [them]."

I'm not aware of any other state that doesn't program computers to give voters another chance with over voted ballots. Vermont and Massachusetts also program to reject completely blank ballots, which are probably the result of voters using ink the scanner can't read or circling the ovals. Returning blank and over voted ballots to voters for possible correction would make it less likely they would make the same error in the future.

LINKS to election official instructions for MA and VT (which also use the AccuVote, programmed by LHS Associates, headquartered in Salem, NH).

<https://www.town.rehoboth.ma.us/sites/rehobothma/files/pages/ma-accuvote-pollworkertraining.pdf>

<https://www.sec.state.vt.us/media/71327/electiondayprocedures.pdf>

Other states also program to return over votes for state and local elections because the same possibilities for “lost votes” are possible there. I hope you choose to add that to this bill.

2010 law required reporting of over votes to Concord and that was changed before November 2012. We have no way to know how many legal votes have been invalidated or if election fraud with over votes has occurred.

In Jaffrey, the AccuVote reported 48 over votes and 1 completely blank ballot of 2,867 cast in November 2016 (1.7%). IF that was typical state wide, with the potential of 87.5% of all NH ballots now “counted” by the AccuVote with no public oversight, **it is possible that more than 11,000 voters “lost” their votes for one or more contests in November.** That could have made a difference in some of our very close races.

The margin of victory in these contests and the percentage of voters either NOT voting in this race OR having their votes invalidated as over votes:

President: .39% / 1.5%

US Senate: .14% / 2.2%

Governor: 2.27% / 4.1% (may be off slightly since based on total federal ballots cast and some overseas voters don’t vote for state offices)

I believe this federal requirement is the result of the debacle in Florida in 2000. Since ballots are public records there, a news consortium looked at all voted ballots and found that voter intent could have been determined for 3% of the 113,820 over voted ballots they found, 2,182 for Gore and 1,309 for Bush. We should learn from Florida’s experience and not allow this unacceptable disenfranchisement of NH voters.

http://www.sptimes.com/News/111201/Lostvotes/Without_overnotes_Gor.shtml

Now, the only way over votes can occur in Florida is with an absentee ballot. Even then, election officials will examine it for voter intent. That’s what HB 1486 will require.

<http://jacksonville.com/news/metro/2016-01-01/story/dont-worry-america-florida-has-learned-how-vote-election-2000>

With passage of HB 1486, NH will show its commitment to “enfranchise as many citizens as possible and to count their votes whenever possible. RSA 659:64” (2016 EPM, p. 41), educate voters to eliminate potential for over voted and blank ballots, and eliminate three known possibilities for election fraud with ballots tabulated by the AccuVote. Thank you.

3) “Best practice” protocols to ensure voter intent honored whenever possible:

A. VT/ election-day ballots Vermont Tabulator Guide

<https://sos.vermont.gov/media/se2ja4em/vermont-vote-tabulator-guide.pdf>

C. “Overvoted race”

1 means the voter marked more candidates for an office than the “Vote for Not More Than #” for that race, OR

2 a stray mark or fold on the ballot may have been read as an extra vote.

3. Discreetly explain to the voter that too many choices were marked for one race.

ASK the voter to review the ballot to see if too many candidates were marked for one office or to look for stray marks. If the voter can’t see the error, feed the ballot again.

If the ballot is returned again with “over voted race” on the LCD screen,

- i. Ask the voter if they want to return the ballot to the entrance checklist officials to obtain and mark a new ballot.
- ii. If the voter chooses not to mark a new ballot, explain that the machine will count all properly marked races but will not count the vote in the “over voted office.”

The election official can use the plastic key to open the upper front panel access door and hold the YES button while instructing the voter to insert the ballot **OR** the voter may place the ballot in the Auxiliary compartment.

B. CT/Absentee Ballots:

In CT, there are teams that ONLY deal with absentee ballots.

1. If a quick look at the ballot shows the computer won’t read voter intent, put it in the auxiliary bin to be counted later.

A. If it contains an actual overvote (ovals filled in for both Biden and Trump, for example), you can use the override button and the AccuVote will read other votes and invalidate that one as an overvote.

2. If computer rejects a ballot, try inserting another way.

3. If it is still rejected, put in auxiliary bin to be counted by people.

<https://portal.ct.gov/-/media/SOTS/ElectionServices/Handbooks/2013ABCountersManualpdf.pdf>

Step 10. Set aside ballots to be handcounted.

B. Ballots with obvious marking errors.

Before feeding the ballots into the tabulator, take a quick look at them. Any ballots which obviously cannot be processed by the tabulator (e.g., mutilated, completed in red ink, non-No. 2 pencil, etc.) should be set aside for hand counting. **Also** set aside any ballots which contain markings that will obviously result in lost votes (e.g., some races marked with a check or an “X”; candidate name circled; name written in on the write-in line but the oval is not filled in). The point of this quick look is to spot obvious errors, not to substitute a hand count for tabulator processing. **Remember:** all offices and questions will have to be hand counted on these set aside ballots.

Step 11:

If the tabulator indicates that a ballot contains an **overvote**, check the ballot to be sure it is a true overvote (see: EXAMPLE 3) and not a stray mark through one of the ovals. Unless the ballot clearly shows an attempt by the voter to cast more than one vote for an office, the ballot should be put aside to hand count all offices. Subtract from the number of Absentee ballots machine counted. If the ballot does contain a true overvote, reinsert the ballot and press and hold the "**yes**" key at the same time to perform an *override*. When the tabulator performs an *override*, it does not count any votes for the office in which an overvote occurs, but *does* count all other properly marked votes.

To avoid unnecessary lost votes and to give effect to the intent of the voter, **WHENEVER** an "**overvote**" message is displayed while processing **absentee ballots**, the official processing the absentee ballot should inspect it to be sure that it is a genuine overvote--an attempt by the voter to vote for more candidates than allowed for an office. If it is a genuine overvote, such as the one shown in Example 3, the **override** procedure described in 11a above should be used. Unless you are sure that it is a genuine overvote, the ballot should be put aside for hand counting.

p. 44 Closing procedures:

1. Process any remaining ballots that were set aside during the day. If there are any ballots that continually reject, and the ballot is marked correctly, but contains an over-vote, over-ride the ballot in the tabulator by pressing and holding the YES button while feeding the ballot through the tabulator.
2. If there are any ballots that continually reject, and the ballot is mis-marked, hand count these ballots in accordance with the this Handbook.

Bill as
Introduced

HB 491 - AS INTRODUCED

2021 SESSION

21-0804

11/08

HOUSE BILL **491**

AN ACT relative to over voted ballots.

SPONSORS: Rep. Porter, Hills. 1; Rep. Ley, Ches. 9

COMMITTEE: Election Law

ANALYSIS

This bill requires that ballots that include a federal office and which contain more than the allowable number of votes for an office on the ballot be returned to the voter for possible correction before the ballot is counted. This bill also requires the number of over voted ballots be included in the return for each election that includes a federal office.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to over voted ballots.

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

1 1 New Paragraph; Electronic Ballot Counting Devices; Rules; Over Voted Ballots. Amend RSA
2 656:42 by inserting after paragraph IX the following new paragraph:

3 X. To comply with section 301(a) of the Help America Vote Act of 2002, Public Law 107-252
4 and RSA 659:64, the vendor programming the electronic ballot counting device shall require that a
5 ballot that includes a federal office and which contains more than the allowable number of votes for
6 an office on the ballot, known as an "over voted ballot", be returned to the election day voter for
7 possible correction before the ballot is counted. The secretary of state shall establish protocols for
8 local election officials to ensure that voters have the opportunity, in a private and independent
9 manner, to change the ballot or correct any error before the ballot is counted, including the
10 opportunity to correct the error through the issuance of a replacement ballot. Ballots of absentee
11 voters and those who choose not to correct or replace the ballot shall be placed in an auxiliary
12 compartment and counted by election officials.

13 2 New Subparagraph; Elections; General Content of Returns; Over Voted Ballots. Amend RSA
14 659:73, IV by inserting after subparagraph (j) the following new subparagraph:

15 (k) For each election that includes a federal office, the number of over voted ballots.

16 3 Effective Date. This act shall take effect 30 days after its passage.