

LEGISLATIVE COMMITTEE MINUTES

SB43

Bill as
Introduced

SB 43 - AS INTRODUCED

2021 SESSION

21-0405
11/08

SENATE BILL

43

AN ACT

relative to the allocation of electoral college votes.

SPONSORS:

Sen. Gannon, Dist 23; Sen. Avard, Dist 12; Sen. Bradley, Dist 3; Sen. Ricciardi, Dist 9; Sen. Giuda, Dist 2; Rep. Piemonte, Rock. 4; Rep. Baldasaro, Rock. 5; Rep. Welch, Rock. 13

COMMITTEE:

Election Law and Municipal Affairs

ANALYSIS

This bill apportions the state's presidential electors so that 2 at-large presidential electors shall cast their ballots for the presidential and vice-presidential candidates who received the highest number of votes in the state, and congressional district presidential electors shall cast their ballots for the presidential and vice-presidential candidates who received the highest number of votes in their respective congressional districts.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 the allocation of electoral college votes.

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

- 1 1 Nomination of Presidential Electors; Designation. Amend RSA 655:54 to read as follows:
2 655:54 Nomination of Presidential Electors. Presidential electors shall be nominated by state
3 party conventions as provided in RSA 667:21. ***The party shall nominate 2 at-large presidential***
4 ***electors and one presidential elector for each congressional district.***
- 5 2 Meetings of Presidential Electors; Conduct; Apportionment. Amend RSA 660:29 to read as
6 follows:
7 660:29 Conduct. The electors shall give their votes for president and vice-president of the
8 United States in Concord on said day and shall proceed according to law. ***Each at-large***
9 ***presidential elector shall cast his or her ballot for the presidential and vice-presidential***
10 ***candidates who received the highest number of votes in the state. Each congressional***
11 ***district presidential elector shall cast his or her ballot for the presidential and vice-***
12 ***presidential candidates who received the highest number of votes in his or her***
13 ***congressional district.***
- 14 3 Effective Date. This act shall take effect 60 days after its passage.

SB 43 - AS AMENDED BY THE SENATE

02/18/2021 0432s

2021 SESSION

21-0405

11/08

SENATE BILL **43**

AN ACT authorizing an audit of the Rockingham County district 7 state representative race.

SPONSORS: Sen. Gannon, Dist 23; Sen. Avard, Dist 12; Sen. Bradley, Dist 3; Sen. Ricciardi, Dist 9; Sen. Giuda, Dist 2; Rep. Piemonte, Rock. 4; Rep. Baldasaro, Rock. 5; Rep. Welch, Rock. 13

COMMITTEE: Election Law and Municipal Affairs

AMENDED ANALYSIS

This bill authorizes an audit of the Rockingham county district 7 state representative race.

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

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT authorizing an audit of the Rockingham County district 7 state representative race.

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

1 1 Findings. Rockingham County district 7 state representative election night results and the
2 results of a state recount declared the same candidates elected. On appeal, the recount was upheld
3 by the ballot law commission. Those results were certified to the New Hampshire house of
4 representatives. The house of representatives have seated those winners of the election. The
5 election results are therefore final; however, questions have been raised regarding the variance
6 between the election night results and the recount results. This act authorizes an audit which will
7 respond to those questions.

8 2 Applicability. This act is limited to authorizing an audit of the Rockingham County state
9 representative district 7 race from the November 3, 2020 general election.

10 3 Audit Authorized.

11 I. Notwithstanding any provisions of law to the contrary, the secretary of state and attorney
12 general are authorized to conduct an audit of the Rockingham county district 7 state representative
13 race using the ballots cast on November 3, 2020, in Windham, New Hampshire. The audit shall
14 include hand counting 4 separate sets of ballots from the Rockingham county district 7 state
15 representative race. To allow for a direct comparison of the results from the 2 systems for counting,
16 the audit hand count shall include all counts done by the ballot counting device, including votes cast
17 for candidates on the ballot, write-in votes, and blanks or undervotes. The same sets of ballots shall
18 be counted using a different ballot counting device for each set. The audit shall use the 4 ballot
19 counting devices used by the town of Windham on November 3, 2020. The audit shall compare the
20 results from each device to the results from hand counting the same set of ballots. The secretary of
21 state and attorney general shall determine, in their discretion, the manner and process for
22 conducting the audit.

23 II. The audit shall be a test of the ballot counting devices, not a recount of the results of the
24 election. The results of this audit shall not alter the official results of the Rockingham County
25 district 7 state representative race as determined by the ballot law commission ruling on November
26 25, 2020, upholding the recount of that race.

27 III. The audit shall be conducted in public and shall be live streamed. The methodology and
28 results of the audit shall be made public.

29 IV. The secretary of state and the attorney general shall issue a report to the ballot law
30 commission with a conclusion regarding whether the ballot counting devices accurately counted the

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1 sets of ballots audited. After receiving the report and pursuant to its authority under RSA 656:41,
2 the ballot law commission shall make a determination as to whether the ballot counting device in
3 use requires upgrading.

4 V. The secretary of state and attorney general are granted authority to unseal the ballot
5 boxes from the town of Windham's November 3, 2020 general election in order to conduct the audit.

6 4 Effective Date. This act shall take effect upon its passage.

SB 43 - AS AMENDED BY THE HOUSE

02/18/2021 0432s
7Apr2021... 0780h

2021 SESSION

21-0405
11/08

SENATE BILL **43**

AN ACT authorizing an audit of the Rockingham County district 7 state representative race.

SPONSORS: Sen. Gannon, Dist 23; Sen. Avar, Dist 12; Sen. Bradley, Dist 3; Sen. Ricciardi, Dist 9; Sen. Giuda, Dist 2; Rep. Piemonte, Rock. 4; Rep. Baldasaro, Rock. 5; Rep. Welch, Rock. 13

COMMITTEE: Election Law and Municipal Affairs

AMENDED ANALYSIS

This bill authorizes an audit of the Rockingham county district 7 state representative race.

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

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT authorizing an audit of the Rockingham County district 7 state representative race.

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

1 1 Purpose. Notwithstanding any provisions of law to the contrary, this act authorizes and
2 directs an audit of the ballot counting machines and their memory cards and the hand tabulations of
3 ballots regarding the general election on November 3, 2020 in Windham, New Hampshire of
4 Rockingham County district 7 house of representatives for the purpose of determining the accuracy
5 of the ballot counting devices, the process of hand tallying, and the process of vote tabulation and
6 certification of races.

7 2 Forensic Election Audit Team. A forensic election audit team shall be formed to complete the
8 audit described in section 3 and it shall be comprised of:

9 I. One person designated by town of Windham.

10 II. One person designated jointly by the offices of secretary of state and attorney general.

11 III. One person selected jointly by the designee of the town and the designee of the secretary
12 of state and attorney general.

13 3 Audit Process.

14 I. The audit process shall be determined by the forensic election audit team formed pursuant
15 to section 2, such that there is a determination as to whether the machine counting devices and
16 memory cards functioned properly on November 3, 2020, whether the number of ballots tallied by
17 hand in Windham and those tallied by hand by the secretary of state during the recount on
18 November 12, 2020 were the same as the number of ballots cast.

19 II. At a minimum the audit process referenced in section 1 shall include the following:

20 (a) All ballots shall be run through all the ballot counting machines used by the town of
21 Windham on November 3, 2020.

22 (b) Determine the total ballots cast, the total ballots counted, and total ballots received
23 from the secretary of state.

24 (c) A hand tallying of all ballots cast in Windham in the Rockingham County district 7
25 state representative race, the race for governor, and the race for United States senator.

26 III. The audit shall occur at a location other than in the town of Windham and other than
27 the customary places the secretary of state conducts recounts. The audit shall be live-streamed and
28 recorded. The facility chosen for the audit shall be sufficient to ensure live-streaming of the audit,
29 access for members of the public, security for the audit process, and overnight storage of the

SB 43 - AS AMENDED BY THE HOUSE

- Page 2 -

1 machines and materials. Public access to the audit shall be granted in equal numbers to observe, as
2 is deemed appropriate by the fire marshal for the space under federal, state, and local laws and
3 regulations, including health and safety regulations, to the following 3 groups: Windham designees;
4 designees of the secretary of state and attorney general, and members of the public. The select
5 board of the town of Windham shall select the Windham designees, the secretary of state shall
6 determine a method for selecting the members of the public.

7 IV. Windham shall be responsible for transport of the machine counting devices used in the
8 general election on November 3, 2020 to the audit location and for the return of the devices to
9 Windham upon completion of the audit. The secretary of state and attorney general shall be
10 responsible for the transport of the ballots to the audit location and for the return of the ballots to
11 their storage site. The secretary of state and attorney general shall also be responsible for arranging
12 the security at the location where the audit occurs.

13 V. The secretary of state, attorney general, and the town of Windham shall provide the
14 election audit team whatever information or documentation the auditors require to perform the
15 audit.

16 4 Forensic Election Audit Team; Report Required. Within 45 days of the conclusion of the audit,
17 the forensic election audit team shall produce a report which shall include, but not be limited to, a
18 finding as to whether the ballot counting machines and memory cards accurately counted the ballots
19 subject to the audit, whether hand tabulation procedures followed by the town of Windham at the
20 general election and hand tabulation procedures followed by the secretary of state at the recount
21 may have contributed to variances reported at the recount done for the Rockingham County district
22 7 house of representatives race in Windham, and recommendations as to what improvements to the
23 machine processing and tabulation processes might be considered in the future. The report shall be
24 provided to the secretary of state, the town of Windham, and the ballot law commission. The report
25 shall be made available to the public forthwith.

26 5 Report Required; Secretary of State and Attorney General. Within 45 days of receipt of the
27 forensic election audit team's report required pursuant to section 4, the attorney general and
28 secretary of state shall issue a report to the speaker of the house of representatives, president of the
29 senate, and the select board of the town of Windham as to results of the audit and any resulting
30 recommendations.

31 6 Report Required; Ballot Law Commission. Within 45 days after receipt of the forensic election
32 audit team's report the ballot law commission shall, in accordance with RSA 656:41, issue a report as
33 to the performance of the ballot counting devices.

34 7 Authority to Unseal Ballot Boxes. The secretary of state and attorney general shall have
35 authority to unseal the ballot boxes in order to conduct the audit. The ballots shall be boxed and
36 sealed after the audit in accordance with the procedures of RSA 659:95.

SB 43 - AS AMENDED BY THE HOUSE

- Page 3 -

1 8 Affirmation of Ballot Law Commission Ruling. The results of the audit shall not alter the
2 official results of the Rockingham County district 7 house of representatives race as determined by
3 the ruling of the ballot law commission on November 25, 2020, upholding the recount of that race.

4 9 Deadline. The forensic election audit shall be completed within 45 days of the effective date of
5 this act.

6 10 Effective Date. This act shall be effective upon passage.

SB 43 - VERSION ADOPTED BY BOTH BODIES

02/18/2021 0432s
7Apr2021... 0780h

2021 SESSION

21-0405
11/08

SENATE BILL **43**

AN ACT authorizing an audit of the Rockingham County district 7 state representative race.

SPONSORS: Sen. Gannon, Dist 23; Sen. Avard, Dist 12; Sen. Bradley, Dist 3; Sen. Ricciardi, Dist 9; Sen. Giuda, Dist 2; Rep. Piemonte, Rock. 4; Rep. Baldasaro, Rock. 5; Rep. Welch, Rock. 13

COMMITTEE: Election Law and Municipal Affairs

AMENDED ANALYSIS

This bill authorizes an audit of the Rockingham county district 7 state representative race.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT authorizing an audit of the Rockingham County district 7 state representative race.

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

1 1 Purpose. Notwithstanding any provisions of law to the contrary, this act authorizes and
2 directs an audit of the ballot counting machines and their memory cards and the hand tabulations of
3 ballots regarding the general election on November 3, 2020 in Windham, New Hampshire of
4 Rockingham County district 7 house of representatives for the purpose of determining the accuracy
5 of the ballot counting devices, the process of hand tallying, and the process of vote tabulation and
6 certification of races.

7 2 Forensic Election Audit Team. A forensic election audit team shall be formed to complete the
8 audit described in section 3 and it shall be comprised of:

- 9 I. One person designated by town of Windham.
10 II. One person designated jointly by the offices of secretary of state and attorney general.
11 III. One person selected jointly by the designee of the town and the designee of the secretary
12 of state and attorney general.

13 3 Audit Process.

14 I. The audit process shall be determined by the forensic election audit team formed pursuant
15 to section 2, such that there is a determination as to whether the machine counting devices and
16 memory cards functioned properly on November 3, 2020, whether the number of ballots tallied by
17 hand in Windham and those tallied by hand by the secretary of state during the recount on
18 November 12, 2020 were the same as the number of ballots cast.

19 II. At a minimum the audit process referenced in section 1 shall include the following:

20 (a) All ballots shall be run through all the ballot counting machines used by the town of
21 Windham on November 3, 2020.

22 (b) Determine the total ballots cast, the total ballots counted, and total ballots received
23 from the secretary of state.

24 (c) A hand tallying of all ballots cast in Windham in the Rockingham County district 7
25 state representative race, the race for governor, and the race for United States senator.

26 III. The audit shall occur at a location other than in the town of Windham and other than
27 the customary places the secretary of state conducts recounts. The audit shall be live-streamed and
28 recorded. The facility chosen for the audit shall be sufficient to ensure live-streaming of the audit,
29 access for members of the public, security for the audit process, and overnight storage of the

1 machines and materials. Public access to the audit shall be granted in equal numbers to observe, as
2 is deemed appropriate by the fire marshal for the space under federal, state, and local laws and
3 regulations, including health and safety regulations, to the following 3 groups: Windham designees;
4 designees of the secretary of state and attorney general, and members of the public. The select board
5 of the town of Windham shall select the Windham designees, the secretary of state shall determine a
6 method for selecting the members of the public.

7 IV. Windham shall be responsible for transport of the machine counting devices used in the
8 general election on November 3, 2020 to the audit location and for the return of the devices to
9 Windham upon completion of the audit. The secretary of state and attorney general shall be
10 responsible for the transport of the ballots to the audit location and for the return of the ballots to
11 their storage site. The secretary of state and attorney general shall also be responsible for arranging
12 the security at the location where the audit occurs.

13 V. The secretary of state, attorney general, and the town of Windham shall provide the
14 election audit team whatever information or documentation the auditors require to perform the
15 audit.

16 4 Forensic Election Audit Team; Report Required. Within 45 days of the conclusion of the audit,
17 the forensic election audit team shall produce a report which shall include, but not be limited to, a
18 finding as to whether the ballot counting machines and memory cards accurately counted the ballots
19 subject to the audit, whether hand tabulation procedures followed by the town of Windham at the
20 general election and hand tabulation procedures followed by the secretary of state at the recount
21 may have contributed to variances reported at the recount done for the Rockingham County district
22 7 house of representatives race in Windham, and recommendations as to what improvements to the
23 machine processing and tabulation processes might be considered in the future. The report shall be
24 provided to the secretary of state, the town of Windham, and the ballot law commission. The report
25 shall be made available to the public forthwith.

26 5 Report Required; Secretary of State and Attorney General. Within 45 days of receipt of the
27 forensic election audit team's report required pursuant to section 4, the attorney general and
28 secretary of state shall issue a report to the speaker of the house of representatives, president of the
29 senate, and the select board of the town of Windham as to results of the audit and any resulting
30 recommendations.

31 6 Report Required; Ballot Law Commission. Within 45 days after receipt of the forensic election
32 audit team's report the ballot law commission shall, in accordance with RSA 656:41, issue a report as
33 to the performance of the ballot counting devices.

34 7 Authority to Unseal Ballot Boxes. The secretary of state and attorney general shall have
35 authority to unseal the ballot boxes in order to conduct the audit. The ballots shall be boxed and
36 sealed after the audit in accordance with the procedures of RSA 659:95.

37 8 Affirmation of Ballot Law Commission Ruling. The results of the audit shall not alter the

SB 43 - VERSION ADOPTED BY BOTH BODIES

- Page 3 -

1 official results of the Rockingham County district 7 house of representatives race as determined by
2 the ruling of the ballot law commission on November 25, 2020, upholding the recount of that race.

3 9 Deadline. The forensic election audit shall be completed within 45 days of the effective date of
4 this act.

5 10 Effective Date. This act shall be effective upon passage.

CHAPTER 2
SB 43 - FINAL VERSION

02/18/2021 0432s
7Apr2021... 0780h

2021 SESSION

21-0405
11/08

SENATE BILL **43**

AN ACT authorizing an audit of the Rockingham County district 7 state representative race.

SPONSORS: Sen. Gannon, Dist 23; Sen. Avarad, Dist 12; Sen. Bradley, Dist 3; Sen. Ricciardi, Dist 9; Sen. Giuda, Dist 2; Rep. Piemonte, Rock. 4; Rep. Baldasaro, Rock. 5; Rep. Welch, Rock. 13

COMMITTEE: Election Law and Municipal Affairs

AMENDED ANALYSIS

This bill authorizes an audit of the Rockingham County district 7 state representative race.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT authorizing an audit of the Rockingham County district 7 state representative race.

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

1 2:1 Purpose. Notwithstanding any provisions of law to the contrary, this act authorizes and
2 directs an audit of the ballot counting machines and their memory cards and the hand tabulations of
3 ballots regarding the general election on November 3, 2020 in Windham, New Hampshire of
4 Rockingham County district 7 house of representatives for the purpose of determining the accuracy
5 of the ballot counting devices, the process of hand tallying, and the process of vote tabulation and
6 certification of races.

7 2:2 Forensic Election Audit Team. A forensic election audit team shall be formed to complete
8 the audit described in section 3 and it shall be comprised of:

9 I. One person designated by town of Windham.

10 II. One person designated jointly by the offices of secretary of state and attorney general.

11 III. One person selected jointly by the designee of the town and the designee of the secretary
12 of state and attorney general.

13 2:3 Audit Process.

14 I. The audit process shall be determined by the forensic election audit team formed pursuant
15 to section 2, such that there is a determination as to whether the machine counting devices and
16 memory cards functioned properly on November 3, 2020, and whether the number of ballots tallied
17 by hand in Windham and those tallied by hand by the secretary of state during the recount on
18 November 12, 2020 were the same as the number of ballots cast.

19 II. At a minimum the audit process referenced in paragraph 1 shall include the following:

20 (a) All ballots shall be run through all the ballot counting machines used by the town of
21 Windham on November 3, 2020.

22 (b) Determine the total ballots cast, the total ballots counted, and total ballots received
23 from the secretary of state.

24 (c) A hand tallying of all ballots cast in Windham in the Rockingham County district 7
25 state representative race, the race for governor, and the race for United States senator.

26 III. The audit shall occur at a location other than in the town of Windham and other than
27 the customary places the secretary of state conducts recounts. The audit shall be live-streamed and
28 recorded. The facility chosen for the audit shall be sufficient to ensure live-streaming of the audit,
29 access for members of the public, security for the audit process, and overnight storage of the

CHAPTER 2
SB 43 - FINAL VERSION
- Page 2 -

1 machines and materials. Public access to the audit shall be granted in equal numbers to observe, as
2 is deemed appropriate by the fire marshal for the space under federal, state, and local laws and
3 regulations, including health and safety regulations, to the following 3 groups: Windham designees;
4 designees of the secretary of state and attorney general; and members of the public. The select
5 board of the town of Windham shall select the Windham designees, the secretary of state shall
6 determine a method for selecting the members of the public.

7 IV. Windham shall be responsible for transport of the machine counting devices used in the
8 general election on November 3, 2020 to the audit location and for the return of the devices to
9 Windham upon completion of the audit. The secretary of state and attorney general shall be
10 responsible for the transport of the ballots to the audit location and for the return of the ballots to
11 their storage site. The secretary of state and attorney general shall also be responsible for arranging
12 the security at the location where the audit occurs.

13 V. The secretary of state, attorney general, and the town of Windham shall provide the
14 election audit team whatever information or documentation the auditors require to perform the
15 audit.

16 2:4 Forensic Election Audit Team; Report Required. Within 45 days of the conclusion of the
17 audit, the forensic election audit team shall produce a report which shall include, but not be limited
18 to, a finding as to whether the ballot counting machines and memory cards accurately counted the
19 ballots subject to the audit, whether hand tabulation procedures followed by the town of Windham at
20 the general election and hand tabulation procedures followed by the secretary of state at the recount
21 may have contributed to variances reported at the recount done for the Rockingham County district
22 7 house of representatives race in Windham, and recommendations as to what improvements to the
23 machine processing and tabulation processes might be considered in the future. The report shall be
24 provided to the secretary of state, the town of Windham, and the ballot law commission. The report
25 shall be made available to the public forthwith.

26 2:5 Report Required; Secretary of State and Attorney General. Within 45 days of receipt of the
27 forensic election audit team's report required pursuant to section 4, the attorney general and
28 secretary of state shall issue a report to the speaker of the house of representatives, president of the
29 senate, and the select board of the town of Windham as to results of the audit and any resulting
30 recommendations.

31 2:6 Report Required; Ballot Law Commission. Within 45 days after receipt of the forensic
32 election audit team's report the ballot law commission shall, in accordance with RSA 656:41, issue a
33 report as to the performance of the ballot counting devices.

34 2:7 Authority to Unseal Ballot Boxes. The secretary of state and attorney general shall have
35 authority to unseal the ballot boxes in order to conduct the audit. The ballots shall be boxed and
36 sealed after the audit in accordance with the procedures of RSA 659:95.

CHAPTER 2
SB 43 - FINAL VERSION
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1 2:8 Affirmation of Ballot Law Commission Ruling. The results of the audit shall not alter the
2 official results of the Rockingham County district 7 house of representatives race as determined by
3 the ruling of the ballot law commission on November 25, 2020, upholding the recount of that race.

4 2:9 Deadline. The forensic election audit shall be completed within 45 days of the effective date
5 of this act.

 2:10 Effective Date. This act shall be effective upon its passage.

Approved: April 12, 2021

Effective Date: April 12, 2021

Amendments

Amendment to SB 43

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

2

3 AN ACT establishing a committee to study the allocation of electoral votes.

4

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

6

7 1 Committee Established. There is established a committee to study the allocation of electoral
8 college votes.

9 2 Membership and Compensation.

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

11 (a) Two members of the senate, appointed by the president of the senate.

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

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

16 3 Duties. The committee shall study the allocation of electoral college votes.

17 4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
18 among the members. The first meeting of the committee shall be called by the first-named senate
19 member. The first meeting of the committee shall be held within 45 days of the effective date of this
20 section. Three members of the committee shall constitute a quorum.

21 5 Report. The committee shall report its findings and any recommendations for proposed
22 legislation to the president of the senate, the speaker of the house of representatives, the senate
23 clerk, the house clerk, the governor, and the state library on or before November 1, 2021.

24 6 Effective Date. This act shall take effect upon its passage.

Amendment to SB 43
- Page 2 -

2021-0036s

AMENDED ANALYSIS

This bill establishes a committee to study the allocation of electoral college votes.

Sen. Giuda, Dist 2
Sen. Birdsell, Dist 19
Sen. Gray, Dist 6
Sen. Ward, Dist 8
Sen. Soucy, Dist 18
Sen. Perkins Kwoka, Dist 21
February 18, 2021
2021-0432s
11/05

Floor Amendment to SB 43

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

2

3 AN ACT authorizing an audit of the Rockingham County district 7 state representative race.

4

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

6

7 1 Findings. Rockingham County district 7 state representative election night results and the
8 results of a state recount declared the same candidates elected. On appeal, the recount was upheld
9 by the ballot law commission. Those results were certified to the New Hampshire house of
10 representatives. The house of representatives have seated those winners of the election. The
11 election results are therefore final; however, questions have been raised regarding the variance
12 between the election night results and the recount results. This act authorizes an audit which will
13 respond to those questions.

14 2 Applicability. This act is limited to authorizing an audit of the Rockingham County state
15 representative district 7 race from the November 3, 2020 general election.

16 3 Audit Authorized.

17 I. Notwithstanding any provisions of law to the contrary, the secretary of state and attorney
18 general are authorized to conduct an audit of the Rockingham county district 7 state representative
19 race using the ballots cast on November 3, 2020, in Windham, New Hampshire. The audit shall
20 include hand counting 4 separate sets of ballots from the Rockingham county district 7 state
21 representative race. To allow for a direct comparison of the results from the 2 systems for counting,
22 the audit hand count shall include all counts done by the ballot counting device, including votes cast
23 for candidates on the ballot, write-in votes, and blanks or undervotes. The same sets of ballots shall
24 be counted using a different ballot counting device for each set. The audit shall use the 4 ballot
25 counting devices used by the town of Windham on November 3, 2020. The audit shall compare the
26 results from each device to the results from hand counting the same set of ballots. The secretary of
27 state and attorney general shall determine, in their discretion, the manner and process for
28 conducting the audit.

Floor Amendment to SB 43

- Page 2 -

1 II. The audit shall be a test of the ballot counting devices, not a recount of the results of the
2 election. The results of this audit shall not alter the official results of the Rockingham County
3 district 7 state representative race as determined by the ballot law commission ruling on November
4 25, 2020, upholding the recount of that race.

5 III. The audit shall be conducted in public and shall be live streamed. The methodology and
6 results of the audit shall be made public.

7 IV. The secretary of state and the attorney general shall issue a report to the ballot law
8 commission with a conclusion regarding whether the ballot counting devices accurately counted the
9 sets of ballots audited. After receiving the report and pursuant to its authority under RSA 656:41,
10 the ballot law commission shall make a determination as to whether the ballot counting device in
11 use requires upgrading.

12 V. The secretary of state and attorney general are granted authority to unseal the ballot
13 boxes from the town of Windham's November 3, 2020 general election in order to conduct the audit.

14 4 Effective Date. This act shall take effect upon its passage.

Floor Amendment to SB 43
- Page 3 -

2021-0432s

AMENDED ANALYSIS

This bill authorizes an audit of the Rockingham county district 7 state representative race.

Committee Minutes

SENATE CALENDAR NOTICE

Election Law and Municipal Affairs

Sen James Gray, Chair
Sen Regina Birdsell, Vice Chair
Sen Ruth Ward, Member
Sen Donna Soucy, Member
Sen Rebecca Perkins Kwoka, Member

Date: January 13, 2021

HEARINGS

	Thursday	01/21/2021
	(Day)	(Date)
Election Law and Municipal Affairs	REMOTE	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m. SB 30	permitting the towns of Tilton and Northfield to redraw their boundary lines.	
9:10 a.m. SB 31	relative to voter checklists and modifying the absentee ballot affidavit.	
9:20 a.m. SB 46	relative to the use of electronic poll books by cities and towns.	
9:35 a.m. SB 43	relative to the allocation of electoral college votes.	

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/97950833624>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: 13126266799,97950833624# or 16465588656,97950833624#
4. Webinar ID: [979 5083 3624](https://www.zoom.us/j/97950833624)
5. To view/listen to this hearing on YouTube, use this link:
<https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link:
<http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 30

Sen. Giuda
Rep. Lang

Sen. French
Rep. Harvey-Bolia

Rep. Hill
Rep. Cross

Rep. Pearl

SB 31

Sen. Gray

Sen. Ward

Rep. Lang

SB 46

Sen. Perkins Kwoka
Sen. Soucy

Sen. Rosenwald

Sen. Gray

Sen. Sherman

SB 43

Sen. Avard
Sen. Giuda

Sen. Gannon
Rep. Piemonte

Sen. Bradley
Rep. Baldasaro

Sen. Ricciardi
Rep. Welch

Tricia Melillo 271-3077

James P. Gray
Chairman

Senate Election Law and Municipal Affairs Committee
Tricia Melillo 271-3077

SB 43, relative to the allocation of electoral college votes.

Hearing Date: January 21, 2021

Time Opened: 10:13 a.m.

Time Closed: 10:30 a.m.

Members of the Committee Present: Senators Gray, Birdsell, Ward, Soucy and Perkins Kwoka

Members of the Committee Absent : None

Bill Analysis: This bill apportions the state's presidential electors so that 2 at-large presidential electors shall cast their ballots for the presidential and vice-presidential candidates who received the highest number of votes in the state, and congressional district presidential electors shall cast their ballots for the presidential and vice-presidential candidates who received the highest number of votes in their respective congressional districts.

Sponsors:

Sen. Gannon

Sen. Avard

Sen. Bradley

Sen. Ricciardi

Sen. Giuda

Rep. Piemonte

Rep. Baldasaro

Rep. Welch

Who supports the bill: Senator Bill Gannon, Senator Denise Ricciardi

Who opposes the bill: Representative Max Abramson, Representative Dianne Schuett, Brian Beihl, Judith Ackerson, Kenneth Ackerson, William Yacopucci, Pat Rosenstiel, Liz Tentarelli, Susan Richman, Nicole Fordey, Ruth Heath

Summary of testimony presented in support:

Senator Bob Gannon

- One of his constituents came to him to discuss being a disenfranchised voter.
- He would like all voters to be fairly represented in the electoral system.
- In the 2016 election, President Trump did not get any delegates from NH.
- In the 2000 election, Al Gore would have picked up another vote and brought the margin to victory down to one vote.
- Every vote does count, and he wants people to feel like they are part of the system.
- Looking at divided America today, voters do not feel like what they are doing is counting.
- In the winner take all system we have now he feels like we are in the Roman Forum.

- If you give two votes to the winner and then split the other two by Congressional District, citizens of NH would feel represented.
- The winner of the state will always take three votes.
- In the beginning he was looking at it in a partisan manner but as he has examined the issue, both sides are equally affected.
- They have adopted this system in Maine and Nebraska.
- He is submitting an amendment to the Committee which turns the bill into a bi-partisan study committee so both sides can examine the best way to make sure every vote counts.
- He would like a majority of legislators to come away from the study agreeing that this is what is good for NH and its voters.
- This has nothing to do with re-districting and everything to do with what is fair for the voters.
- He has put in calls to the Secretary of State in Maine and in Nebraska to see if both sides in their states think it is a fair distribution.
- Senator Perkins Kwoka asked if Senator Gannon had considered putting in the language of the bill that both parties should be represented on the Study Committee.
 - Senator Gannon replied that is a good idea and he supports the Committee adding that language in an amendment.

Summary of testimony presented in opposition:

Representative Max Abramson

- He disagrees with the bill as written using Congressional Districts as the split.
- They have a House version of this bill that has been re-worked.
- He does not think there is a need for a study committee and suggested that the Committee wait for the House version to work its way through the House Election Law Committee.
- The founding fathers, John Jay, James Madison, and Alexander Hamilton, when they talked about the Electoral College in the Federalist Papers, 61-68, looks like they were talking about proportional allocation.
- State Legislatures have a lot of different options, but most states use Winner Take All.
- Other options are Congressional District Popular, Congressional District Majority, which is what Maine and Nebraska use, Proportional Popular Vote, Popular Vote by State, or what is in the Belanger Bill.
- States are given broad authority on how they want to split up their Electors.
- His suggestion instead of a study committee, would be to let the House Election Law Committee go over it first and then decide if they want to go with the House version or modify it.

Patrick Rosenstiel – Senior Consultant, National Popular Vote – Chairman, Institute for Research on Presidential Elections

- He agrees that there needs to be Electoral College reform as the current system is in many ways unsustainable.
- There has been many examples of this resulting in chaos and controversy.
- It is appropriate that Electoral College reform be discussed at the state Legislative level because the United States Constitution leaves it to the various Legislatures how they want to award their electors.

- He cautioned that there have been unintended consequences and shortcomings in the Congressional District systems.
- He believes having a National Popular Vote System is the only way to have one person one vote and make sure that every voter in NH is politically relevant in Presidential Elections.
- There is a plan in place called the National Popular Vote Interstate Compact which has passed in 16 states with 196 Electoral Votes and will take effect when states with 74 or more Votes join them.
- It states that when states with 270 Electoral Votes have the bill in place, those states will award their Electors to the candidates who win the most popular vote in all 50 states and D.C.
- As this bill relates to Congressional Districts, it will create battleground Congressional Districts and it is unknown whether any of those districts will be in NH.
- There are other options, and he hopes the Legislature in NH will consider them.

Liz Tentarelli – League of Women Voters

- She supports the popular vote for the President and getting rid of the Electoral College system that is in place now.
- They oppose this bill.
- One negative effect of a number of states using proportional voting, of which there are only two right now, is that it will be far more likely that elections for president would be thrown into the House of Representatives to decide.
- If this bill were to be passed the outcome would be a diminution of the individual voters rights.
- The votes for President would move from the Electoral College to the House of Representatives, where each state has one vote.
- She asked that the Committee take a look at the written testimony she submitted which shows what would have happened if that had been in place in 2016. It would have been a very different outcome.

Representative Max Abramson

- This legislation is not a proportional allocation, there are several different proportional allocation options, but this is breakdown by Congressional Districts.

TJM
Date Hearing Report completed: January 24, 2021

Speakers

Election Law and Municipal Affairs Committee Testify List for Bill SB43 on 2021-01-21
 Support: 2 Oppose: 11 Neutral: 0 Total to Testify: 4

Name	Title	Representing	Position	Testifying
Gannon Senator Bill	An Elected Official	SD #23	Support	Yes
Rosenstiel Pat	A Member of the Public	National Popular Vote	Oppose	Yes
Tentarelli Liz	A Member of the Public	League of Women Voters NH	Oppose	Yes
Richman Susan	A Member of the Public	Myself	Oppose	No
Schuett Rep. Dianne	An Elected Official	Merr. County Dist. 20	Oppose	No
Ricciardi Sen. Denise	An Elected Official	SD9	Support	No
Fordey Nicole	A Member of the Public	Myself	Oppose	No
Heath Ruth	A Member of the Public	Myself	Oppose	No
Abramson Max	An Elected Official	Myself	Oppose	Yes
Beihl Deputy Director Brian	A Lobbyist	Open Democracy Action	Oppose	No
Ackerson Judith	A Member of the Public	Myself	Oppose	No

Ackerson Kenneth	A Member of the Public	Myself	Oppose	No
Yacopucci William	A Member of the Public	Myself	Oppose	No

Testimony



LEAGUE OF WOMEN VOTERS
NEW HAMPSHIRE

www.LWVNH.org

4 Park St Room 200
Concord, NH 03301

Jan 21, 2021

Re: SB 43, relative to [proportional] allocation of electoral votes

To: Chair Sen. Gray and members of the Election Law committee

From: Liz Tentarelli, president, League of Women Voters NH Email: LWVnewhampshire@gmail.com

Thank you for continuing your Senate work in spite of Covid impediments. I wish I could be testifying in person and seeing you all again at today's hearing on this bill to allocate New Hampshire's electoral vote on a proportional basis, such as the system used in Maine. On behalf of the League of Women Voters NH, a non-partisan organization committed to direct election of the President, I urge you to **vote Inexpedient to Legislate on SB 43.**

In the past I have testified in support of bills that would use the National Popular Vote Compact to allocate electors. While it may seem that both NPV compact and proportional allocation would accomplish similar results, in fact they would not.

Proportional electoral votes would, like the existing Electoral College, still have an imbalance in the power of each person's vote. A voter in California would still cast a ballot with much less effect than a voter in little New Hampshire because of the way electoral votes are weighted (2 senate seats + Congressional House districts=number of electoral votes in the state).

More to the point, however, is that **if many or all states used the proportional allocation system, the likelihood of one candidate achieving the required 270 electoral votes to win the Presidency is greatly reduced.** Any election with one or more strong third party candidates participating is quite likely to come up with lesser electoral votes for either of the front runners, thus throwing the election of the President into the (newly elected) House of Representatives. I hope you agree with me that such an outcome is so far removed from the will of the voters that we want to avoid it if at all possible.

My research on the internet yielded the data on the next page. The link to the method used contains math that is beyond me at this point, but it is a calculation method that has been used in many elections, here and abroad. **The research shows that the outcomes, even in several permutations, all indicate that the 2016 presidential election would have ended up in the House of Representatives for a definitive vote if proportional electoral balloting had been used.** I have not found similar data for 2020. Probably the Electoral College outcome would have been the same as we did not have a strong third-party candidate.

While I admit that NH becoming a proportional allocation state along with only Maine and Nebraska would not likely change the outcome of the next election, I believe it is "a road down which we should not go." The NH House agreed in 2017 when they voted ITL on a similar bill, HB231.

Please consider the possible ultimate effect and vote **Inexpedient to Legislate on SB 43.**

Supporting data--

Politics Stack Exchange is a question and answer site for people interested in governments, policies, and political processes. <http://politics.stackexchange.com/questions/13319/who-would-have-won-the-presidency-if-all-states-electors-were-allocated-proport>

(The following calculations appear on that website, quoted exactly below. They were made by a participant on the site who seems to have spent a great deal of time doing the math; submitted Nov. 14, 2016.)

I calculated the vote allocation using the Webster/Sainte-Laguë https://en.wikipedia.org/wiki/Webster/Sainte-Lagu%C3%AB_method method (based on results as of November 9, 2016) applied to each individual state:

- Clinton **263**
- Trump **262**
- Johnson **10**
- Stein **2**
- McMullin **1**

In the spirit of the Electoral College giving less populous states a boost in the vote, I altered the formula to award 2 votes per state to the winner of the popular vote, and the remainder allocated via Webster/Sainte-Laguë:

- Trump **269**
- Clinton **259**
- Johnson **7**
- Stein **2**
- McMullin **1**

For comparison, here I applied Webster/Sainte-Laguë to the entire United States population without splitting them based on state:

- Clinton **256**
- Trump **255**
- Johnson **17**
- Stein **1**
- McMullin **1**
- *Other 8 (these were not separated in the data source)*

National Popular Vote Is Best Option for Presidential Election Reform

Testimony before the Committee on Election Law and Municipal Affairs

New Hampshire State Senate

January 21, 2021

**Patrick Rosenstiel
Chairman, Institute for Research on Presidential Elections**

My name is Patrick Rosenstiel. I am the chairman of the Institute for Research on Presidential Elections and senior consultant to National Popular Vote.

I want to thank Chairman James Gray, Vice Chair Regina Birdsell, and the other Members of the New Hampshire Senate Committee on Election Law and Municipal Affairs for the opportunity to discuss my concerns with the proposed Senate Bill 43 and congressional district allocations of electoral votes in presidential elections.

I think most people agree that our presidential election system needs to be reformed.

In New Hampshire, S.B.43 is a bill to replace the state's winner-take-all system of awarding electoral votes with a system that allocates electors by congressional district. It mimics Maine and Nebraska's system and does not require a constitutional amendment to be enacted.

The sponsors of S.B.43 and I agree that the shortcomings of the current system present a clear threat to the future of American democracy. The idea of battleground states versus flyover states delivers chaos, instability, and tribalism, and it shakes the very foundation of trust in our national government. Unfortunately, a congressional district system of allocating electoral votes would take a bad system and make it worse.

The real problem with the current system of electing the president is that battleground state voters have all the influence over the outcome of the presidential campaign, and that influence translates to presidents' agendas as they govern. If voters in the battleground state of Florida want a prescription drug benefit, they get one. If corn farmers in Iowa want an ethanol subsidy, they get it. If rustbelt voters in Pennsylvania and Michigan want tariffs and trade wars, they get them. All this occurs at the expense of voters in flyover states, and a congressional district system would make those transactional policy outcomes even more parochial.

A real danger to democracy exists because of the fact that battleground state voters are hyper-relevant, and flyover state voters completely lack relevance in general election campaigns for president. Ninety-six percent of the 2020 presidential campaign occurred in 12 battleground

states. Voters in Michigan, Florida, North Carolina, and Pennsylvania mattered a whole bunch in the outcome, while voters in North Dakota, Texas, Vermont, and Illinois were completely ignored. A congressional district system would narrow the focus even more and render even more voters irrelevant.

The challenge for Electoral College reformers is to embrace a system that advances the principle of one-person one-vote, encourages the candidates to pay attention to the voters of all 50 states and all 435 congressional districts, and ensures the candidate who wins the most popular votes nationwide is elected president—every time.

The National Popular Vote Interstate Compact is the only reform that can deliver on these three principles of reform in time for the 2024 presidential election.

It does not require a constitutional amendment. The bill has passed in 16 jurisdictions containing a total of 196 electoral votes. It will take effect when states with 270 electoral votes have passed the bill and joined the compact. It has passed one chamber or another in nine additional states containing a total of 88 electoral votes—more than the 74 needed for the compact to go into effect. It has been supported by Republicans, Democrats, and Independents in multiple state legislatures and nationally. It is an American idea whose time has come.

There is only one way to advance the principle of one-person, one-vote in presidential elections.

There is only one way to encourage the candidates to campaign in all 50 states.

There is only one way to make sure the candidate with the most popular votes nationwide wins the presidency every time.

And there is only one way to ensure every voter in New Hampshire and in every other state is politically relevant in every presidential election.

That one way is for New Hampshire to be among the states with 74 more electoral votes to pass the National Popular Vote Interstate Compact.

Let's not confuse non-solutions for solutions. Let's pass the National Popular Vote bill and have a national popular vote for president in 2024. The future of the republic and our precious democracy depends on it.

Therefore, I'm asking you all to oppose S.B. 43, and instead consider National Popular Vote as New Hampshire's solution for the problems of our presidential election system.

January 20, 2021

Re: SB 43, relative to the allocation of electoral college votes

To: Mr. Chair Sen. Gray and the members of the Election Law and Municipal Affairs Committee

I regret that another commitment prevents me from testifying in person at tomorrow's hearing on this bill to modify how New Hampshire's electoral votes are allocated. I urge you to vote **Inexpedient to Legislate on SB 43**.

A look at history confirms that this bill is a departure from New Hampshire's long tradition of allocating electoral votes by state-wide vote totals. State-wide totals were used in the very first presidential election in 1788, and for every election since, with the sole exception of 1800, when the legislature directly chose the electors. Apparently the threat of Thomas Jefferson to the New England Federalists was so great that year that the voters could not be trusted! What threat today is causing a proposal to depart from New Hampshire's long tradition of allocating electoral votes by state-wide vote totals?

Some people argue that the approach proposed by SB 43, if applied nationally, would increase voter turnout and incentivize candidates to campaign across broader swaths of the country. Of course, it would likely have the opposite effect here in New Hampshire. Our current influence is due to the large number of independent voters who make this a battleground state. But, if every state is a battleground state, then our four electoral votes will seem meager indeed.

And the proposal comes with some risk. If adopted nationally, it greatly increases the chances that a presidential election will be thrown into the U.S. House of Representatives due to no candidate receiving a majority of the votes. This scenario is becoming more and more plausible given our current state of politics with both major parties under stress from their flanks. If viable third parties spring up in the coming years, and those parties have the ability to earn electoral votes in individual congressional districts, the possibility of no candidate obtaining a majority would seem to be high. Making a change that could increase the chance that the incoming U.S. House would choose the president does not seem like a way to strengthen our democracy.

In addition, allocating electoral votes by vote totals in congressional districts would provide even stronger incentives for the gerrymandering of those districts. Gerrymandering, whether it is in a Democratic-leaning state like Maryland, or a Republican-leaning state like Wisconsin, decreases the influence of individual voters and thereby increases voter cynicism and distrust of the whole system. Further tempting politicians to draw district lines for partisan advantage also does not seem like a way to strengthen our democracy.

Therefore, I urge you to vote **Inexpedient to Legislate on SB 43**.

Thank you.

Phil Hatcher
Dover, NH
603-988-8034
phil.hatcher@gmail.com

Tricia Melillo

From: Max Abramson <MaxAbramson@gmx.com>
Sent: Thursday, January 21, 2021 12:12 PM
To: James Gray; Regina Birdsell; Ruth Ward; Donna Soucy; Rebecca Perkins Kwoka; Tricia Melillo; ~House Election Law Committee
Subject: SB43, relative to the allocation of electoral college votes, HB370, independent redistricting commission

There are several methods available for allocating electors among the presidential candidates:

Winner Take All (WTA, 48 states) awards all electoral votes to the popular vote winner of the state.

Congressional District - Popular (CDP) awards two electoral votes to the popular vote winner of the state, with one each allocated to the popular vote winner in each individual Congressional District (CD). This approach is used by Maine and Nebraska. This is the method being proposed by SB43 (Sen. Gannon).

Congressional District - Majority (CDM) awards two electoral votes to the party winning the popular vote in a majority of the CD, with one each allocated to the popular vote winner in each individual CD.

Proportional Popular - Popular (PPV) awards two electoral votes to the popular vote winner, with the remainder allocated based on the percentage of popular vote earned.

Popular Vote by State (PVS) is the same as PPV, except all a state's electoral votes are allocated by popular vote.

Winner Take All District (WTAD) awards all electoral votes to the winner of the most districts in the state. This is the method proposed in HB370 (Rep. Belanger). Districts could be drawn to force presidential candidates to address federal issues that affect the people of New Hampshire.

Winner Take All National Popular Vote (WTA-NPV) awards all electoral votes to the popular vote winner of the reported national popular vote. This does run contrary to the intent of the Framers, but a dozen states have joined a compact to do this.

Proportional Popular - National (PPN) awards electoral votes to candidates in proportion to their respective share of the national popular vote. This also runs contrary to the intent of the Constitution and would leave New Hampshire with virtually no representation in presidential races.

There are also methods designed to encourage third party and minor party candidates to come up and address our issues before the national spotlight, as well as ways to offer an elector to candidates winning as little as 13% of the vote.

Whatever method is chosen, in my opinion, we need to have a provision built into statute that allows the state senate or executive council to assign electors as closely as possible to the intent of the voters. There are combinations in a 3-way presidential race where no candidate actually wins outright.

Independent Redistricting Commission:

I've been working on an amendment for the independent redistricting commission bill, HB121. I doubt that the language will be ready by tomorrow's hearing for House Election Law, but I'll try.

Rep. Max Abramson
Free Chad Evans.

"The problem isn't that Johnny can't read. The problem isn't even that Johnny can't think. The problem is that Johnny doesn't know what thinking is; he confuses it with feeling." --Thomas Sowell
"It is better to take refuge in the Lord than to trust in man." --Psalms 118:8

Tricia Melillo

From: Dianne Schuett
Sent: Thursday, January 21, 2021 12:07 AM
To: Tricia Melillo
Subject: Written Testimony for SB 43, Elec Law

To the Chair and members of Election Law and Municipal Affairs: I am writing instead of appearing before you because I will be attending a caucus for my own committee (House ED&A) at the same time as your hearing. I want to express my doubts about the effects of this bill if it becomes law. It does not happen often, but there have been a few elections that could have been determined or altered by New Hampshire's small number of electoral votes. Namely, 1876 when Rutherford B. Hayes won over Samuel Tilden with electoral college votes of 185-184; 1796 when John Adams won over Thomas Jefferson with electoral college votes of 71 to 68; and most recently, in 2000 when George W. Bush bested Al Gore with 271 to 266. I believe that the possibility of splitting the four votes to which we are entitled if this bill is enacted, would see any power our state might exert in an election actually diluted.

Thank you, Rep. Dianne Schuett, Merr. 20 (Chichester and Pembroke)

Voting Sheets

**Senate Election Law
& Municipal Affairs Committee
EXECUTIVE SESSION RECORD
2021 Session**

Bill # SB 43

Hearing date: 1-21-2021

Executive Session date: 2-1-21

Motion of: ITL Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Gray

Notes: HB 3761

Committee Report

General Court of New Hampshire - Bill Status System

Docket of SB43

Docket Abbreviations

Bill Title: (New Title) authorizing an audit of the Rockingham County district 7 state representative race.

Official Docket of **SB43**:

Date	Body	Description
1/13/2021	S	Introduced 01/06/2021 and Referred to Election Law and Municipal Affairs; SJ 3
1/13/2021	S	Remote Hearing: 01/21/2021, 09:35 am; Links to join the hearing can be found in the Senate Calendar; SC 7
2/3/2021	S	Committee Report: Inexpedient to Legislate; Vote 5-0; CC; 02/11/2021; SC 10
2/11/2021	S	Sen. Gannon Moved to Remove SB 43 from the Consent Calendar; 02/11/2021; SJ 4
2/11/2021	S	Sen. Gray Moved Laid on Table, RC 14Y-10N, MA ; 02/11/2021; SJ 4
2/11/2021	S	Pending Motion Inexpedient to Legislate; 02/11/2021; SJ 4
2/18/2021	S	Sen. Gray Moved to Remove From Table, RC 24Y-0N, MA ; 02/18/2021; SJ 5
2/18/2021	S	Inexpedient to Legislate, RC 0Y-24N, MF ; 02/18/2021; SJ 5
2/18/2021	S	Sen. Gray Moved Ought to Pass; 02/18/2021; SJ 5
2/18/2021	S	Sen. Giuda Floor Amendment #2021-0432s, RC 24Y-0N, AA ; 02/18/2021; SJ 5
2/18/2021	S	Ought to Pass with Amendment 2021-0432s, RC 24Y-0N, MA ; OT3rdg; 02/18/2021; SJ 5
2/18/2021	H	Introduced (in recess of) 01/06/2021 and referred to Election Law HJ 2
3/5/2021	H	Public Hearing: 03/05/2021 10:30 am Please click the link below to join the webinar: https://zoom.us/j/99327579520 Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
3/8/2021	H	Executive Session: 03/08/2021 01:00 pm Please click the link below to join the webinar: To join the webinar: https://zoom.us/j/91394352757
3/3/2021	H	==CONTINUED== Executive Session: 03/10/2021 10:20 am Members of the public may attend using the following link: To join the webinar: https://zoom.us/j/95087806399 (if necessary)
3/25/2021	H	Committee Report: Ought to Pass with Amendment #2021-0780h (Vote 20-0; CC) HC 18 P. 10
4/7/2021	H	Amendment #2021-0780h : AA VV 04/07/2021 HJ 5 P. 12
4/7/2021	H	Ought to Pass with Amendment 2021-0780h: MA VV 04/07/2021 HJ 5 P. 12
4/7/2021	H	Reconsider (Rep. Osborne): MF VV 04/07/2021 HJ 5 P. 50
4/8/2021	S	Sen. Gray Moved to Concur with the House Amendment, RC 24Y-0N, MA ; 04/08/2021; SJ 11
4/12/2021	H	Enrolled (in recess of) 04/09/2021 HJ 7 P. 99
4/12/2021	S	Enrolled RC 24Y-0N, MA , (In recess of 04/08/2021); SJ 12
4/13/2021	S	Signed by the Governor on 04/12/2021; Chapter 0002; Effective 04/12/2021

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 43

Senate Committee: ELMA

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

NA 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 # 00365 ___ - 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 # 0432 ___ - 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

10/3/21
Date

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