

CONSENT CALENDAR

January 24, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Executive Departments and Administration to which was referred CACR 30,

AN ACT officers of the government. Providing that the elected positions of inspectors general are created.

Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Tony Lekas

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Executive Departments and Administration
Bill Number:	CACR 30
Title:	officers of the government. Providing that the elected positions of inspectors general are created.
Date:	January 24, 2022
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

If passed by the legislature and adopted by the people this constitutional amendment would create the elected positions of five Inspectors General. While they would be able to investigate any malfeasance by government officials they would in particular have the authority to investigate election irregularities. This would result in yet another government department which would require staffing, offices, etc. There is no assurance that such Inspectors General would do their work in a fair and thorough manner. These would be elected political positions and as the political winds change they could be used for partisan purposes. If the legislature is concerned about election irregularities it can pass legislation requiring the Secretary of State to perform investigations and audits of election results. If there are concerns about the Secretary of State not diligently performing such duties there is no assurance that the Inspector Generals would do better. As for dealing with other government malfeasance, there are existing avenues for dealing with that, including a recent constitutional amendment granting the citizens of the state standing to sue in such instances. If the legislature decides that the current avenues for dealing with such problems are inadequate it has the power to provide other options without an amendment to our constitution. While this is a well meaning bill intended to deal with what may be real problems it is not necessary as there are other avenues for dealing with the concerns it would address.

Vote 17-0.

Rep. Tony Lekas
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Executive Departments and Administration

CACR 30, officers of the government. Providing that the elected positions of inspectors general are created. **INEXPEDIENT TO LEGISLATE.**

Rep. Tony Lekas for Executive Departments and Administration. If passed by the legislature and adopted by the people this constitutional amendment would create the elected positions of five Inspectors General. While they would be able to investigate any malfeasance by government officials they would in particular have the authority to investigate election irregularities. This would result in yet another government department which would require staffing, offices, etc. There is no assurance that such Inspectors General would do their work in a fair and thorough manner. These would be elected political positions and as the political winds change they could be used for partisan purposes. If the legislature is concerned about election irregularities it can pass legislation requiring the Secretary of State to perform investigations and audits of election results. If there are concerns about the Secretary of State not diligently performing such duties there is no assurance that the Inspector Generals would do better. As for dealing with other government malfeasance, there are existing avenues for dealing with that, including a recent constitutional amendment granting the citizens of the state standing to sue in such instances. If the legislature decides that the current avenues for dealing with such problems are inadequate it has the power to provide other options without an amendment to our constitution. While this is a well meaning bill intended to deal with what may be real problems it is not necessary as there are other avenues for dealing with the concerns it would address. **Vote 17-0.**

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on CACR 30

BILL TITLE: officers of the government. Providing that the elected positions of inspectors general are created.

DATE: January 24, 2022

LOB ROOM: 302-304

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. T. Lekas

Seconded by Rep. Grote

Vote: 17-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep John Sytek, Clerk



2021 SESSION

Executive Departments and Administration

Bill #: CACR 30 Motion: ITL AM #: _____ Exec Session Date: 1-24-22
CEKAS = GROVE

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
McGuire, Carol M. Chairman	X		
Roy, Terry Vice Chairman <i>RHODES</i>	X		
Sytek, John Clerk	X		
Pearson, Stephen C.	X		
Yakubovich, Michael	X		
Lekas, Tony	X		
Alliegro, Mark C.	X		
Bailey, Glenn	X		
Lanzara, Tom E.	X		
Santonastaso, Matthew	X		
Goley, Jeffrey P.	X		
Schuett, Dianne E.			
Jeudy, Jean L.	X		
Schmidt, Peter B.	X		
Schultz, Kristina M. <i>MARSH</i>	X		
Fellows, Sallie D.	X		
Fontneau, Timothy J.			
Grote, Jaci L.	X		
O'Brien, Michael B. <i>McORRIGAN</i>	X		
TOTAL VOTE:			

17.0

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON CACR 30

BILL TITLE: officers of the government. Providing that the elected positions of inspectors general are created.

DATE: January 24, 2022

LOB ROOM: 302-304 **Time Public Hearing Called to Order:** 1:15 p.m.

Time Adjourned: 1:20 p.m.

Committee Members: Reps. McGuire, Rhodes, Sytek, S. Pearson, Yakubovich, T. Lekas, Alliegro, Bailey, Lanzara, Santonastaso, Goley, P. Schmidt, Fellows, Grote, Schuett, Jeudy and Marsh, Horrigan

Bill Sponsors:
Rep. Abramson

TESTIMONY

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

Rep. Bailey introduced the CACR in the absence of the sponsor.

Alvin See, Loudon, representing himself spoke “slightly opposed” to the CACR. He felt that the Attorney General investigated now and who would investigate the inspectors if fraud was alleged? He took Committee questions and a discussion ensued.

House Remote Testify

Executive Departments and Administration Committee Testify List for Bill CACR30 on 2022-01-24

Support: 4 Oppose: 26 Neutral: 0 Total to Testify: 0

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>Non-Germane</u>	<u>Signed Up</u>
Lane, Connie	Concord, NH nhlanes@comcast.net	An Elected Official	Merrimack House District 12	Oppose	No	No	1/21/2022 5:23 PM
levesque, cassandra	Barrington, NH cassandra.levesque@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No	1/22/2022 11:03 AM
ONeill, Kevin	Salisbury, NH raptorko@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/22/2022 1:17 PM
Hackmann, Kent	Andover, NH hackmann@uidaho.edu	A Member of the Public	Myself	Oppose	No	No	1/22/2022 2:05 PM
Nardino, Marie	Andover, NH mdnardino@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/22/2022 4:15 PM
Hamer, Heidi	Manchester, NH heidi.hamer@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No	1/22/2022 5:15 PM
Almy, Susan	Lebanon, NH Susan.almy@comcast.net	An Elected Official	Myself	Oppose	No	No	1/22/2022 8:38 PM
Glass, Jonathan	Cornish, NH jglass1063@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/23/2022 9:21 AM
Crandell-Glass, Jane	Cornish, NH bostonjane@me.com	A Member of the Public	Myself	Oppose	No	No	1/23/2022 9:32 AM
Broshek, Mary Anne	Andover, NH mabandsadie@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/23/2022 10:33 AM
Gilman, Julie	Exeter, NH Julie.gilman@leg.state.nh.us	An Elected Official	Town of Exeter	Oppose	No	No	1/23/2022 3:13 PM
Oxenham, Lee	Plainfield, NH leeoxenham@comcast.net	An Elected Official	Myself	Oppose	No	No	1/23/2022 6:03 PM
Chase, Wendy	Rollinsford, NH wendy.chase@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No	1/23/2022 7:40 PM

Doherty, David	Pembroke, NH ddoherty0845@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/24/2022 8:10 AM
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Support	No	No	1/24/2022 8:17 AM
Meuse, David	Portsmouth, NH David.Meuse@leg.state.nh.us	An Elected Official	Rockingham 29	Oppose	No	No	1/24/2022 8:40 AM
Bouchard, Donald	MANCHESTER, NH donaldjbouchard@gmail.com	An Elected Official	Myself	Oppose	No	No	1/24/2022 9:17 AM
Hakken-Phillips, Mary	Hanover, NH mhp4nhrep@gmail.com	An Elected Official	Myself	Oppose	No	No	1/24/2022 9:31 AM
Palmer, William	Cornish, NH wspalmer56@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/24/2022 9:35 AM
Darling, Gisela	Andover, NH darlinggi@tds.net	A Member of the Public	Myself	Oppose	No	No	1/24/2022 10:40 AM
Lewis, Elizabeth	Nashua, NH ecop.lewis@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/24/2022 2:07 PM
Moulton, Caroline	Andover, NH carolinemoulton@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/24/2022 2:33 PM
Pugh, BARBARA	Amherst, NH barbara.pugh@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/24/2022 2:43 PM
Cahill, Michael	Newmarket, NH michael.cahill@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No	1/24/2022 3:16 PM
Loveless, Eric	Bedford, NH nassur34@protonmail.com	A Member of the Public	Myself	Support	No	No	1/24/2022 4:28 PM
Chester, Russan	Bedford, NH russan.chester@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2022 4:42 PM
sciarappa, micheal	Bedford, NH michaeljosephs1956@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2022 4:42 PM
Wells, Ken	Andover, NH kenwells3@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/24/2022 9:39 PM
Hamblet, Joan	PORTSMOUTH, NH jhamblet4@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/24/2022 10:07 PM
Dontonville, Roger	Enfield, NH rdontonville@gmail.com	An Elected Official	Myself	Oppose	No	No	1/24/2022 10:07 PM

Overview: NH's Non-Compliance with HAVA, **Section 301** (a) (1) (A) (iii) requiring election-day voters using optical scans to be notified of over votes and have a chance to correct/request replacement ballot. Codification of the federal requirement is in keeping with NH's commitment and law to "enfranchise as many citizens as possible and to count their votes whenever possible. RSA 659:64" (2016 EPM, p. 41).

Problems:

1. Required compliance by Jan. 1, 2006 (no waiver allowed) ¹
2. Has been known since 2000 Presidential election that over votes are usually mistakes, often not the voter's fault and most likely to affect low income, less educated voters who are **inclined to vote Democratic**.² At least four known possibilities for election fraud with over voted ballots using the AccuVote system.
3. Enforcement provisions of HAVA law through administrative complaint procedure, §15512 (NH AG's office/Ballot Law Commission) or USD0J, §15511, not real options. AG's opinion in November 2019 and Bud Fitch's in Jan. 22, 2018 claimed printing directions on ballots fulfilled requirement for "**a paper ballot system**." ³ Documentation available.
4. \$5 million initial funding (\$20 million authorized, with 5% state matching funds required) was dependent on state plan for continuing compliance sent to EAC Sept. 30, 2003 ⁴ published in Federal Register March 24, 2004. Includes election-day over vote notification requirement for optical scans, Section 301.

May 14, 2003 - Secretary of State received and deposited \$5 million in HAVA Title I funds. ⁵

5. In testimony opposing HB 1486, Deputy SoS Scanlan told the House ELC on Jan.23, 2018 NH was in compliance with law, backed up by Bud Fitch's memo of Jan. 22, 2018. ⁶ Memo available.

Background: Gardner appointed 19-person HAVA committee in Feb. 2003, chaired by David Scanlan and including Gardner, Anthony Stevens from SoS and Bud Fitch from AG's office. ⁷ Legislature passed HB 577 and HB 627 in 2003 to bring NH into compliance with HAVA requirements. NO MENTION of over vote notification in legislative history of two bills. (Non-germane amendment to HB 627 exempted ballots from RSA 91-A.) NO MENTION of over vote notification requirement in March 2006 Ballot Law Commission hearing to certify updated software. Transcript available.

Possible Remedies:

- 1, 2. At least two people meet with Gardner. He agrees to direct vendor to program fall elections to reject election-day over voted ballots and to direct local officials to

review rejected absentee ballots to determine voter intent if possible. Agrees to work with legislator to codify this HAVA requirement into law in next legislative session.

3. NH AG publicly and in writing acknowledges error in not addressing issue when first notified in Sept. 2017 and error in his Nov. 2019 opinion addressed to Deborah Sumner, with copy sent to Bill Gardner. Claimed no appeal to Ballot Law Commission was allowed. Documentation available.

4. Since 5% of state matching funds (nearly \$790,000) depended on NH compliance, what state agency should investigate what LOOKS like fraud? ⁸

5. Scanlan and Fitch publicly and in writing acknowledge their 2018 error re: HB 1486 to House and Senate Election Law Committees, bill's sponsor, Rep. Douglas Ley, and Deborah Sumner, who brought this to the legislative committee's attention. (Both Scanlan and Fitch said NH was in compliance by printing directions on ballot.)

NOTES:

¹ <https://www.doj.nh.gov/election-law/documents/title-iii-hava.pdf>

(See Sec. 301. "(d) Effective Date--Each State and jurisdiction shall be required to comply with the requirements of this section on and after January 1, 2006.")

See p. 11 and Appendix A (A63-A65) of "State of New Hampshire 2005 State Plan Draft "The State will require optical scanning systems to reject ballots with over-votes." PDF copy available

² 2004 Election Day Survey Report, Election Data Services, Inc., Sept. 27, 2005

<https://www.eac.gov/research-and-data/2004-election-administration-voting-survey>

"Jurisdictions with the lowest income and education levels tended to report the highest percentage of overvotes and undervotes. The percentages tended to drop to a lower level at the second-to-third lowest income and education categories." P. 142

Reported error rate of central count in Florida, November 2000, 5 times precinct level because "in-precinct tallying systems allowed the voter to feed his ballot into the machine and immediately be notified if he had overvoted an office.....this allowed a voter to correct his ballot and resubmit it." Chapter 10, first page

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>

"First, we show that ballots with overvotes on non-presidential races were more likely to contain presidential overvotes compared to ballots with no overvotes elsewhere. Second, we show that ballots with presidential overvotes appear to have been cast by Democratically-inclined individuals..."

“Overall, the evidence we present implies that a disproportionate fraction of the presidential overvotes cast in Broward and Miami-Dade Counties in the 2000 election were produced by Democrats and this diminished the vote total of Al Gore.” From Abstract

³ 2004 Election Survey Report, p. 265, pdf defines paper ballot voting system as “A system of recording votes on paper ballot cards that are counted and tabulated manually” and optical scan as “A system of recording votes by marks in voting response fields on ballot cards that are read by an optical scanner or similar sensor.”

⁴ NH 2003 plan of Sept. 30, 2003 published in Federal Register of March 24, 2004(pp. 14736-14771)

<https://www.govinfo.gov/content/pkg/FR-2004-03-24/pdf/04-5839.pdf>

“Establish voting system standards consistent with HAVA, Section 301” p.14755-56. See also “Plan Management” p. 14756 “The Secretary of State will manage the implementation of the NH State plan...”

See “Final Report: Administration of Payments Received Under the Help America Vote Act by the New Hampshire Secretary of State,” US Election Assistance Commission Office of the Inspector General, May 1, 2003 through September 30, 2015, Attachment B-OMB Circulars, pp. 4-5

https://www.eac.gov/sites/default/files/eac_assets/1/6/NH_Final_Performance_Audit_Report.pdf

To receive funding (§15403), “The request must provide certification that the State will use funds in accordance with current law and guidelines stated in Section 301....submit certification that its current voting machines are consistent with the guidelines stated in Section 301....”

⁵ ibid. See Timeline, p. 2 of 13

⁶ Leg. History of HB 1486, 2018.

http://gencourt.state.nh.us/SofS_Archives/2018/house/HB1486H.pdf

⁷ “State of New Hampshire, 2005 State Plan Draft, “ June 24, 2005. “The optical scanners will be set to reject [over voted] ballots, affording voters the opportunity to correct over votes.” P. 12. Also, Appendix A-63-65. Committee members named, p. 61. PDF copy available.

⁸ ibid, p. 29

Prepared by Deborah Sumner
474A Great Rd.
Jaffrey, NH 03452
(603) 532-8010
July 30, 2020



State of New Hampshire

2005 State Plan Draft

As required by Public Law 107-252,
Help America Vote Act 2002, Section 253 (b)

William M. Gardner
Secretary of State
State House, Room 204
Concord, NH 03301-4989

June 24, 2005



New Hampshire Secretary of State
State Plan

File: StatePlan
2005-06-24
PAF

APPENDIX A:

Compliance with HAVA Title III Requirements

The following chart provides a point-by-point summary of how New Hampshire will satisfy every requirement in Title III of HAVA.

Requirement	New Hampshire's Status <i>(Meets, Partially meets or does not meet requirements)</i>	Action Planned
SEC. 301. VOTING SYSTEMS STANDARDS		
(a) REQUIREMENTS- Each voting system used in an election for Federal office shall meet the following requirements		
(1) IN GENERAL-		
(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, or direct recording electronic system) shall	Meets requirement.	Additional voter education and instructions planned.
(i) permit the voter to verify (in a private and independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted;		See 301 (a)(1)(B).



New Hampshire Secretary of State
State Plan

Requirement	New Hampshire's Status (Meets, Partially meets or does not meet requirements)	Action Planned
<p>(ii) provide the voter with the opportunity (in a private and independent manner) to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and</p> <p>(iii) if the voter selects votes for more than one candidate for a single office-- (I) notify the voter that the voter has selected more than one candidate for a single office on the ballot; (II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and (III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.</p>	<p>Meets requirement.</p>	<p>Additional voter education and instructions planned. See Section 301 (a)(1)(B).</p>
<p>(B) A State or jurisdiction that uses a paper ballot voting system, a punch card voting system, or a central count voting system (including mail-in absentee ballots and mail-in ballots), may meet the requirements of subparagraph (A)(iii) by</p>	<p>Partially Meets. Non-compliant. Systems identify over-voting. Require poll workers to inform voter of the error. The Systems do not show error to voter directly.</p>	<p>The State will partially meet this requirement through installation of accessible voting systems. The State will require optical scanning systems to reject ballots with over votes.</p>
<p>(i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and</p>	<p>Partially meets requirement.</p>	<p>Addition voter education and instructions planned.</p>

Orville Fitch

From: Orville Fitch
Sent: Monday, January 22, 2018 10:29 AM
To: David Scanlan
Subject: Help America Vote Act requirement - overvoted ballots -

Dave,

The Help America Vote Act requires a state to meet the requirements for notifying a voter of the presence and consequences of an over vote by establishing a voter education program which notifies each voter of the effect of casting multiple votes for an office and, provides the voter with instructions on how to correct the ballot before it is cast, in our case through obtaining a replacement ballot.

Instructions printed on the ballot and informational material provided and posted at the polls constitute a voter education program specific to New Hampshire's voting system.

SEC. 301. VOTING SYSTEMS STANDARDS.

(a) REQUIREMENTS.—Each voting system used in an election for Federal office shall meet the following requirements:

(1) IN GENERAL.—

(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, or direct recording electronic system) shall—

...

(iii) if the voter selects votes for more than one candidate for a single office—

(I) notify the voter that the voter has selected more than one candidate for a single office on the ballot;

(II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and

(III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

(B) A State or jurisdiction that uses a paper ballot voting system, a punch card voting system, or a central count voting system (including mail-in absentee ballots and mail-in ballots), may meet the requirements of subparagraph (A)(iii) by—

(i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and

(ii) providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).

(C) The voting system shall ensure that any notification required under this paragraph preserves the privacy of the voter and the confidentiality of the ballot.

Orville B. Fitch II
Elections Legal Counsel, Assistant Secretary of State
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(603) 271-5335

DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

November 20, 2019

SENT VIA EMAIL AND U.S. MAIL

Deborah Sumner
474A Great Road
Jaffrey, NH 03452

Re: Request for Appeal to the Ballot Law Commission
ProLaw #: 2019140198

Dear Ms. Sumner:

On October 23, 2019, you emailed this Office requesting an appeal to the Ballot Law Commission of your concerns related to federal Help America Vote Act (or "HAVA") laws. Specifically, you have expressed concerns that New Hampshire is not in compliance with these laws.

"The State shall make a final determination with respect to a complaint prior to the expiration of the 90-day period which begins on the date the complaint is filed, unless the complainant consents to a longer period for making such a determination." 52 U.S.C.A. § 21112.

"If the State fails to meet the deadline applicable under subparagraph (H), the complaint shall be resolved within 60 days under alternative dispute resolution procedures established for purposes of this section. The record and other materials from any proceedings conducted under the complaint procedures established under this section shall be made available for use under the alternative dispute resolution procedures." 52 U.S.C.A. § 21112.

RSA 664:14 outlines the administrative complaint procedure, which encompasses your concern:

The attorney general may establish an administrative complaint procedure for the resolution of complaints of federal voting law violations, pursuant to the Help America Vote Act of 2002, Public Law 107-252. The attorney general may adopt administrative rules under RSA 541-A to implement the complaint resolution procedures. The ballot law commission is hereby designated as the

body providing alternative dispute resolution as required by section 402(a)(2)(I) of the Help America Vote Act of 2002, Public Law 107-252.

The combination of the above-referenced federal and state statutes means that the Ballot Law Commission has jurisdiction over a complaint only if the State does not make a final determination prior to the expiration of the 90-day period.

This Office concludes that New Hampshire is compliant with HAVA law requirements and there has been no violation.

HAVA laws outlines the voting systems requirements under 52 U.S.C.A § 21081. This provision lists three requirements for a participating state's voting system:

1. Shall permit the voter to verify (in a private and independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted;
2. Shall provide the voter with the opportunity (in a private and independent manner) to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and
3. If the voter selects votes for more than one candidate for a single office—shall:
 - a. notify the voter that the voter has selected more than one candidate for a single office on the ballot;
 - b. notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and
 - c. provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

52 U.S.C.A § 21081.

However, these three requirements are all subject to a specific exception provided under this same provision.

“A State or jurisdiction that uses a paper ballot voting system, a punch card voting system, or a central count voting system (including mail-in absentee ballots and mail-in ballots), may meet the requirements of subparagraph (A)(iii) by—

(i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and

(ii) providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).”

(emphasis added).

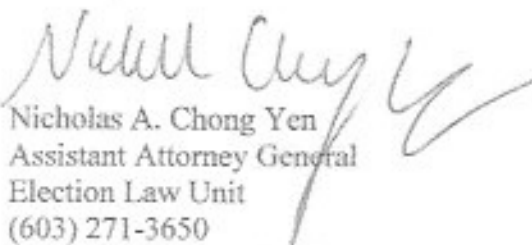
In the first instance, New Hampshire triggers this exception because the State utilizes a paper ballot voting system.

With respect to the two requirements under this sub-provision, New Hampshire is in full compliance. There are several resources available on the Secretary of State's website, including but not limited to: (i) Election Procedure Manual; (ii) Election Statutes; and (iii) documents associated with voting in New Hampshire, which adequately notifies voters of the effect of casting multiple vote for office.

Additionally, on Election Day, all polling locations prominently display posters that detail how to mark a ballot, and instruct voters to speak with a moderator to receive another ballot if the initial one has been spoiled. There are also instructions on the ballot telling a voter his or her vote may not count if he or she votes for too many candidates in the same race.

Based on the foregoing, we conclude that New Hampshire has not violated HAVA laws and is in compliance with the above-referenced requirements.

Sincerely,



Nicholas A. Chong Yen
Assistant Attorney General
Election Law Unit
(603) 271-3650
nicholas.chongyen@doj.nh.gov

cc: William M. Gardner, Secretary of State



Archived: Thursday, May 19, 2022 9:57:10 AM
From: Deborah Sumner
Sent: Thursday, January 27, 2022 9:57:37 AM
To: ~House Executive Departments and Administration
Cc: Max Abramson
Subject: Support for CACR 30 (Inspector General): Example why this office is needed
Importance: Normal

Dear Honorable Members of the Executive Departments and Administration,

I only learned about this bill today, so didn't get something to you in time for the hearing on 1/24.

I support the concept of inspector general and have copied below an example of why we need that position (I have no comments on or suggestions to improve the specific text).

I first reported this problem to the Attorney General, who didn't respond and then to legislative leaders who didn't respond. And, there was no response to the Nov. 5, 2020 email to Legislative Budget Assistant staff, either.

Currently there appears to BE no place to report what looks like fraud involving the SoS office. There SHOULD be. Government officials should always be accountable to the public.

Thank you.

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

"Telling the truth about the past helps cause justice in the present. Achieving justice in the present helps us tell the truth about the past."

James Loewen

Begin forwarded message:

From: Deborah Sumner <dsumner@myfairpoint.net>
Subject: Fwd: Report of Fraud by SoS office
Date: November 5, 2020 at 10:12:14 AM EST
To: denise.doyon@leg.state.nh.us
Cc: michael.kane@leg.state.nh.us, stephen.smith@leg.state.nh.us,
Maryjane.Walner@leg.state.nh.us, Lou.Dallesandro@leg.state.nh.us,
chuck.morse@leg.state.nh.us, donna.soucy@leg.state.nh.us

Haven't received a response to the question I asked Oct. 26: "If this is not the place for me to report it, is there a RIGHT place to do so?"

Am including a few other people on LBA and the chairs of the House and Senate Finance Committees, who are member of the Fiscal Committee because I notice they

are scheduled to meet Nov. 20. Hopefully, one of them will be able to answer my question.

Thank you.

Deborah Sumner

PS Am also adding Sen. Morse and Soucy because they didn't answer the question I asked them (and House leaders) nearly a year ago.

Begin forwarded message:

From: Deborah Sumner <dsumner@myfairpoint.net>
Subject: Report of Fraud by SoS office
Date: October 26, 2020 at 11:32:35 AM EDT
To:

Dear Legislative Budget Assistant, Audit Division

I first became aware of what looks like fraud in Dec. 2019 because the NH AG is not enforcing a federal law (required by HAVA). Reported to him in Sept. 2017.

I emailed the AG, legislative leaders and my reps and senator Dec. 12 (Subject: Federal Law Violation: Who Should Investigate?)

It now appears that NH has been illegally disenfranchising unknowable thousands of voters since Jan. 2006 and that our NH elections have been subject to at least four KNOWN possibilities for election fraud with over voted ballots with the AccuVote system NH uses. Those specifics are known by the SoS, AG, NH governor and others and yet the AG still refuses to enforce the law.

Apparently, **NH accepted federal HAVA money which REQUIRED that compliance (and eliminated three of those fraud possibilities) and it appears individuals in the SoS and AG office mislead the federal government.**

WHO should investigate what appears to be an extremely significant error by the Attorney General and Secretary of State? A state agency, or should this be referred to a federal agency for investigation?

Part of the requirement for receiving the federal funds was a 5% state matching amount, which was predicted to be nearly \$790,000.

Since then, it has become clear that the USDOJ is not enforcing the law (but has put nothing in writing), either (first reported to USDOJ May 2018) and the Election Assistance Commission has no enforcement authority.

However, since this sure looks like fraud (NH said it would comply, received the money, no evidence it ever intended to comply) is your agency where I should report this (**re: the state funds matching piece**)?

Thank you. I'm including an overview and the evidence NH is NOT currently in compliance with this federal law requirement. Both the AG and SoS Gardner rejected the restorative justice proposal, which is still an option as far as I'm concerned.

If this is not the place for me to report it, is there a RIGHt place to do so?

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

Subject: In Support of CACR 30 the elected positions of inspectors general are created
From: Daniel Richardson <daniel6_22@comcast.net>
Date: 1/23/2022, 10:55 PM
To: HouseExecutiveDepartmentsandAdministration@leg.state.nh.us
CC: Tom Lanzara <tomlanzara@gmail.com>, Max Abramson <Max.Abramson@leg.state.nh.us>

Ref: Jan 24, 2022 Committee Meeting

HOUSE EXECUTIVE DEPARTMENTS AND ADMINISTRATION COMMITTEE -

I write in support of CACR 30. This resolution establishes the positions of inspectors general to investigation elections fraud and fraud by elected officials, as well as allows an inspector general with probable cause to prosecute findings of fraud.

As a 2020 Poll Challenger, I can attest that many misdeeds occurred during Election Day Operations and during Absentee Ballot Preprocessing. I personally place many call to EDO and to NH-AG about blatant violations of statutes. The NH-AG hired personnel from Dept of Safety to act in their stead.Action, when it happened, resulted in no perceivable change in violations.

A duly-elected and local inspector general would be responsive to witness, collect facts and interview real-time election process corruption. This bill still needs amendment to insert certain specifics to make it viable.

Please do amend CACR 30 and ultimately recommend OTP.

Daniel Richardson, Nashua

CA CR 30 - AS INTRODUCED

2022 SESSION

22-2770
07/11

CONSTITUTIONAL AMENDMENT
CONCURRENT RESOLUTION **30**

RELATING TO: officers of the government.
PROVIDING THAT: the elected positions of inspectors general are created.
SPONSORS: Rep. Abramson, Rock. 37
COMMITTEE: Executive Departments and Administration

ANALYSIS

This constitutional amendment concurrent resolution establishes the positions of inspectors general to investigation elections fraud and fraud by elected officials, as well as allows an inspector general with probable cause to prosecute findings of fraud.

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 Two

CONCURRENT RESOLUTION PROPOSING CONSTITUTIONAL AMENDMENT

RELATING TO: officers of the government.

PROVIDING THAT: the elected positions of inspectors general are created.

Be it Resolved by the House of Representatives, the Senate concurring, that the Constitution of New Hampshire be amended as follows:

1 I. That the second part of the constitution be amended by inserting after article 96 the
2 following new article:

3 [Art.] 96-a. [Inspectors General; mode of election, duties, compensation, etc.] There shall be
4 biennially elected, by ballot, five inspectors general, for investigating instances of fraud, bribery,
5 corruption, waste, abuse, and perjury involving any elected or appointed official or public institution.
6 Inspectors general shall also have the authority to investigate fraud occurring during state, county,
7 and municipal government elections. The freeholders and other inhabitants in each county,
8 qualified to vote for senators, shall some time in the month of November, give in their votes for one
9 inspector general; which votes shall be received, sorted, counted, certified, and returned to the
10 secretary's office, in the same manner as the votes for senators, to be by the secretary laid before the
11 senate and house of representatives on the first Wednesday following the first Tuesday of January.
12 Upon finding probable cause that an elected or appointed official, or a public institution, operating
13 under an official capacity has engaged in fraud, bribery, corruption, waste, abuse, and perjury, an
14 inspector general shall have the power to petition the court to remove that official, or investigation of
15 the institution, with the cost of legal fees for the accused paid by the state if they are acquitted.
16 Upon finding probable cause that any person engaged in election fraud pertaining to state, county,
17 and municipal government elections under this article, an inspector general shall have the power to
18 prosecute such instances of fraud. The rate of compensation for inspectors general shall be set by
19 the general court as a matter of law, and the votes on such compensation occurring in both houses
20 shall be determined by yeas and nays, and the names of persons, voting for or against the bill, shall
21 be entered on the journal of each house respectively.

22 II. That the above amendment proposed to the constitution be submitted to the qualified
23 voters of the state at the state general election to be held in November, 2022.

24 III. That the selectmen of all towns, cities, wards and places in the state are directed to
25 insert in their warrants for the said 2022 election an article to the following effect: To decide
26 whether the amendments of the constitution proposed by the 2022 session of the general court shall
27 be approved.

28 IV. That the wording of the question put to the qualified voters shall be:

CACR 30 - AS INTRODUCED
- Page 2 -

1 “Are you in favor of amending the second part of the constitution by inserting after article 96 a new
2 article to read as follows:

3 [Art.] 96-a. [Inspectors General; mode of election, duties, compensation, etc.] There shall be
4 biennially elected, by ballot, five inspectors general, for investigating instances of fraud, bribery,
5 corruption, waste, abuse, and perjury involving any elected or appointed official or public institution.
6 Inspectors general shall also have the authority to investigate fraud occurring during state, county,
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11 house of representatives on the first Wednesday following the first Tuesday of January. Upon
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13 an official capacity has engaged in fraud, bribery, corruption, waste, abuse, and perjury, an inspector
14 general shall have the power to petition the court to remove that official, or investigation of the
15 institution, with the cost of legal fees for the accused paid by the state if they are acquitted. Upon
16 finding probable cause that any person engaged in election fraud pertaining to state, county, and
17 municipal government elections under this article, an inspector general shall have the power to
18 prosecute such instances of fraud. The rate of compensation for inspectors general shall be set by
19 the general court as a matter of law, and the votes on such compensation occurring in both houses
20 shall be determined by yeas and nays, and the names of persons, voting for or against the bill, shall
21 be entered on the journal of each house respectively.”

22 V. That the secretary of state shall print the question to be submitted on a separate ballot or
23 on the same ballot with other constitutional questions. The ballot containing the question shall
24 include 2 squares next to the question allowing the voter to vote “Yes” or “No.” If no cross is made in
25 either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall
26 be the same as the regular official ballot except that the words “Questions Relating to Constitutional
27 Amendments proposed by the 2022 General Court” shall be printed in bold type at the top of the
28 ballot.

29 VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it
30 becomes effective when the governor proclaims its adoption.

31 VII. Voters' Guide.

32 AT THE PRESENT TIME, the attorney general, who is appointed, is tasked with
33 prosecuting instances of fraud committed by an elected or appointed official or public institution and
34 enforcing all election laws in New Hampshire.

35 IF THE AMENDMENT IS ADOPTED, inspectors general, elected in the same
36 number and manner as executive counselors, shall have the authority to investigate and prosecute
37 elected or appointed official or public institutions for instances of fraud, as well as investigate and

- 1 prosecute instances of election fraud.