

CONSENT CALENDAR

March 9, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Election Law to which was referred
HB 1163,**

**AN ACT relative to over voted ballots. Having
considered the same, report the same with the following
amendment, and the recommendation that the bill
OUGHT TO PASS WITH AMENDMENT.**

Rep. Connie Lane

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Election Law
Bill Number:	HB 1163
Title:	relative to over voted ballots.
Date:	March 9, 2022
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2022-0741h

STATEMENT OF INTENT

This bill, as amended, addresses ballots with cross-outs, stray marks, corrections, or those with more than the permitted number of ovals completed for an office-so-called, over voted ballots. The bill requires machines to immediately return overvoted ballots to the voter so that the voter can deposit the ballot in a separate box of ballots that will be counted by hand. Previously, such ballots were accepted by the machine, but not counted for the overvoted office. As it stands now, in towns that do not use machine scanners, such overvoted ballots are hand-counted. The intent of this bill is to place all voters, those in hand-counted towns and those in machine scanned towns and cities, on equal footing.

Vote 19-1.

Rep. Connie Lane
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Election Law

HB 1163, relative to over voted ballots. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Connie Lane for Election Law. This bill, as amended, addresses ballots with cross-outs, stray marks, corrections, or those with more than the permitted number of ovals completed for an office-so-called, over voted ballots. The bill requires machines to immediately return overvoted ballots to the voter so that the voter can deposit the ballot in a separate box of ballots that will be counted by hand. Previously, such ballots were accepted by the machine, but not counted for the overvoted office. As it stands now, in towns that do not use machine scanners, such overvoted ballots are hand-counted. The intent of this bill is to place all voters, those in hand-counted towns and those in machine scanned towns and cities, on equal footing. **Vote 19-1.**

Original: House Clerk

Cc: Committee Bill File

Amendment to HB 1163
- Page 2 -

2022-0741h

AMENDED ANALYSIS

This bill requires that ballots which contain more than the allowable number of votes for an office on the ballot be returned to the voter to be hand counted by election officials after the polls close. The bill also requires the number of over voted ballots, as well as the number of overvotes and undervotes, be included in the return for each election.

Rep. Porter, Hills. 1
February 17, 2022
2022-0741h
10/05

Amendment to HB 1163

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

2

3 1 New Paragraph; Electronic Ballot Counting Devices; Rules; Over Voted Ballots. Amend RSA
4 656:42 by inserting after paragraph IX the following new paragraph:

5 X. The electronic ballot counting device shall be programmed to require that a ballot which
6 contains more than the allowable number of votes for an office or ballot question on the ballot,
7 known as an "over voted ballot", be returned to the election day voter by the device. The voter shall
8 be instructed to place the ballot in an auxiliary compartment to be hand counted by election officials
9 after the polls close. Over voted ballots of absentee voters shall be placed in the auxiliary
10 compartment by the moderator or his or her appointee to be counted after the polls close.



2022 SESSION

Election Law

Bill #: HB1163 Motion: OTP/A AM #: _____ Exec Session Date: 3-9-21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Griffin, Barbara J. Chairman	✓		
MacDonald, Wayne D. Vice Chairman	✓		
Prudhomme-O'Brien, Katherine J.	.	✓	
Sweeney, Joe	✓		
Hayward, Peter T.	✓		
Torosian, Peter E.	✓		
Berry, Ross	✓		
Groen, Fenton	✓		
Qualey, James R.	✓		
Wells, Natalie J. Clerk	✓		
Alexander, Joe H.	✓		
Cote, David E. <i>Chase</i>	✓		
Ward, Gerald W.R.	✓		
Bergeron, Paul R.	✓		
Sandler, Catt <i>Massimilla</i>	✓		
Hamer, Heidi M.	✓		
Lane, Connie B.	✓		
Freitas, Mary C.	✓		
Hamblet, Joan L.	✓		
Muirhead, Russell	✓		
TOTAL VOTE:	19	1	



2021 SESSION

Election Law

Bill #: HB 1163 Motion: OTP AM #: 2022-0741h. Exec Session Date: 3-9-22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Griffin, Barbara J. Chairman	✓		
MacDonald, Wayne D. Vice Chairman	✓)
Prudhomme-O'Brien, Katherine J.		✓	
Sweeney, Joe	✓		
Hayward, Peter T.	✓		
Mooney, Maureen C. <i>Rep Alexander</i>	✓		
Torosian, Peter E.	✓		
Berry, Ross	✓		
Groen, Fenton	✓		
Qualey, James R.	✓		
Wells, Natalie J. Clerk	✓		
Cote, David E. <i>Wendy Chase</i>	✓		
Ward, Gerald W.R.	✓		
Bergeron, Paul R.	✓		
Sandler, Catt <i>Linda Massimilla</i>	✓		
Hamer, Heidi M.	✓		
Lane, Connie B.	✓		
Freitas, Mary C.	✓		
Hamblet, Joan L.	✓		
Muirhead, Russell	✓		
TOTAL VOTE:	19	1	

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 1163

BILL TITLE: relative to over voted ballots.

DATE: February 23, 2022

LOB ROOM: 308

Time Public Hearing Called to Order: 9:35am

Time Adjourned: 10:40am

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

Bill Sponsors:

Rep. Porter

Rep. Berch

Rep. Soti

Rep. Ward

Rep. Santonastaso

Sen. Soucy

TESTIMONY

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

Rep. Marjorie Porter - Antrium Windsor Hillsborough

Relative to Over vote Ballots

- Since last year we've had (an) audit showing folds
- as over-votes
- If fills in 2 circle won't count
- Or an X and circle - know intent - fill in
- Stray marks on one circle but other filled can still tell.
- Hand count towns - no doubt it's clear when seen but machines can kick out over votes
- See 301 HAVA 2005 voter (was) notified of error & correct(ed).
- HB 1163 as original plus Amendment addresses concerns and acceptable by SOS.
- In morning of Election Day voters and AB - counted at end (of) day.
- Derry, 4.7% of Ballots counted as over votes
- One machine solely for county, AB Ballots no other votes.
- 14.2% 470 had over votes 570 voted AB lost their votes

Rep. Sweeney

- Question: **Cited** AB Ballots in Derry. How (to) notify AB person vs. someone previously voting in person?
- Answer: That's why we changed and Amended All AB will go in Auxiliary Bin to notify if errors. Both will be Hand Counted.

Rep. Alexander

- Just affects election count device. Towns not hand forms.
- Question: Why are we not hand counting towns?
- Answer: Because hand counting to clear if over voted
- Question: What if had over votes in hand counting, (could) town be able to correct?
- Answer: If that town wouldn't be noticed until actually counting. Problem comes with voter machine count. If this bill passes it would spit it out (and) go to Aux. Bin.

Rep. Groen

- Question: If voter actually Over Vote - original bill (would) be passed back to voter to correct.
- Answer: In case of original version - machine count your voter has opportunity to correct, but in hand town wouldn't have time to correct. Amendment fixes this.

Rep. Prudhomme-O'Brien

- Question: Would that be privacy issue to have set eyes on Ballot?
- Answer: No, you're not going to know how I voted, it's put in a box - no one sees it - no one looking at end (of) day.

Rep. Berry

- Question: Amendment - removes 2 classes of voters. Amendment Machine spits it out if Machine Program is over-voted.. Machine person says put it in Aux. Bin if doubt - No one sees it. Don't have time to correct.
- Answer: Problematic language removed

Rep. Bergeron

- Question: Are you aware State Law now allows that voters can get new Ballots 3 times.
- Answer: Yes, But voter may not be aware, that created problems with SOS. There is an education process.

Rep. Prudhomme-O'Brien

- Question: Are not Ballots posted to vote for x-amount (of) time? Isn't on top of a list?
- Answer: Yes, But not saying if one is reading it. People who are not familiar with over vote.

Rep. Muirhead

- Question: 2 sets of voters?
- Answer: Yes, 2 sets of voters, Machine counted towns could loose their vote. 570 over votes in Derry.

Rep. MacDonald

- Question: Do you know if Ballot machines determine immediately or take seconds?
- Answer: Does it right away, just like a dollar bill, spits it right out, No cost.

Rep. Freitas

- Question: If machine spits it out - Why doesn't (the) person right there correct vs. put in Bin?
- Answer: Exactly, why original Bill was written that way, but hand counted forms would not have (a) chance to fix it. 2 set voters

Rep. Qualey

- Question: Not uncommon in my town rejected might take 2-3 times. Is there (a) way for workers to determine over voted or difference?
- Answer: Yes - machine programed says, - worker can see machine says over voted.

***Alvin See**

- See Testimony
- Supports this bill for machine return over ballots
- Agrees with suggested amendment
- More important person than in person voter
- Urge OTP/A
- Last sentence Part I - possibility - almost of AB be hand counted - might need to be rephrased - see testimony

***Ken Eyring**

- See testimony
- Supports, feels very important bill
- Will address many issues from Windham. It is an election integrity bill - Bipartisan
- Merrimack won? many 396 votes - 22.78% over votes - one machine
- Manchester 14.99% and 2.37% over votes
- Anomalies can be seen throughout State many 1,000's across state. Not acceptable.
- This is an easy solution to (this) problem. We already have 2 types (of) voters - hand counts vs. machine.

- See times (in which) ballots actually read as over vote, but in recount it's clear to see what (was) intent of voter, have Auxiliary Bin for over votes, no longer two classes of voters.

***Mary Till**

- See Testimony
- Supports this bill
- Agree with everything already said
- Ensures intent of voter is clear. 2003 NH Supreme Court made it clear intent
- Supports Amendment

Rep. Qualey

- Question: Ballot with write in are segregated by machine. Would there be onerous (to) write in vs. over votes?
- Answer: Would not be onerous to separate. But in fact would not even happen. This is why asking voter (to) put in 3rd. pocket so (it) can be hand counted.

Dave Scanlan - SOS

- I would be opposed to Original 074h Bill. But with Amendment submitted by Rep Porter is something SOS could get behind.
- 2 Amendment's minor wording, but doesn't change.
- If ballot placed in machine - over votes return to voter separate Bin - we support.
- Thinks problem in Windham, this issue would have been a lesser degree that had.
- We have exemption in States HN use -
- Section II of Bill -there is a requirement - over votes and under votes. Easier to do over votes.
- Should drop words - "under votes" line 16 of Original Bill

Rep. Qualey

- Question: Write in plus Over Votes same Bin? I think that would be confusing.
- Answer: Not (in) same bin.

Rep. Bergeron

- Under votes terms. Accu??? machine use word 'blank' is that same as under votes?
- Answer: Not sure if machine considers Blank, I'd have to research.

Rep. Rep. Griffin ; Rep. Bergeron

- Referring to tape end right.???

Rep. Berry

- Question: Couldn't machine calculate write-ins not counted?
- Answer: I'm sure software programing could.
- I would add some towns have removed diverters?? due to jams.
- Moderator would go all thru ballots for write-ins.

Rep. Griffin

- Question: Fair to say some ballots in local Election there's no candidate and are just write-ins?
- Answer: Yes
- Question: All ballots under this would have to have diverter - no one sees - Aux. Bin tally??? about voter actually places vs. more than an open box.

David Scanlan-SOS

- Answers: Guidelines- specify what box should be. yes, There is a 3rd. bin in machines already.
- Question: Need another one"
- Answer: No

Rep. Griffin

- If I over voted, (is) a machine going to reject - workers put it in again after 2-3 times put in.

- Question: Is it as over vote? Kicking out - how many times machine counts as 1 ballot or 2 ballots?
- Answer: Due to time out - mathematical problem

David Scanlan

- Answer: Maybe someone from LHS knows how program machines read. I understand it would spit it out.

Rep. Torosian

- Question: Diverter - way used now ballot write-in - any other ballots go in there?
- Answer: No
- Question: Then over votes go in?
- Answer: They would be kicked out - set in Aux. Bin to be counted.

Rep. Alexander

- Question: Original bill Sec.II have problem - Could see Primary - gight not want to vote for all: Are you advocating eliminate Sec II?
- Answer: No - just remove line 16.

Rep. Prudhomme-O'Brien

- Question: Would this need to be approved by HAVA Act?
- Answer: Statute would trump Ballot commission, but softare changes would need to approve this.

Rep. Porter

- Two Amendments - SOS and different Amendment.
- We took out "Election day on line 7"
- Wants 2nd. Amendment:2022 - 0741.
- Answer: Seen pages from SOS VT - programmed same way.
- It is possible to get over votes and under votes - keep record of.

Daniel Healey - Derry Town Clerk

- Supports this bill after what happened in Windham
- If (it) doesn't go thru machine, it doesn't count.

Rep. Groen

- Question: Machine would not count?
- Answer: Machine takes Ballot, long tape end night, shows over votes.

Rep. Prudhomme-O'Brien

- Question: Would you have to tell over voter - How do you (vote) primary?
- Answer: That's Original Bill problem. Derry over votes 21 Candidates choose 10 - Our assumption - don't feel (they) really had issue in over vote.

Rep Qualey

- Your organization??? favors this Bill and with Amendment?
- Answer: We believe there needs to (be) some kind (of) change, this would problem solve 75% (of) issues.

Respectfully submitted,

Rep. Natalie Wells

House Remote Testify

Election Law Committee Testify List for Bill HB1163 on 2022-02-23

Support: 171 Oppose: 37 Neutral: 3 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>
Kudlik, Cindy	Grafton, NH CindyKudlik@protonmail.com	An Elected Official	Myself	Oppose	No	No	2/17/2022 9:18 AM
Sumner, Deborah	Jaffrey, NH dsumner@myfairpoint.net	A Member of the Public	Myself	Support	No	No	2/17/2022 9:22 AM
Davis, Tod	Nashua, NH todc.18@gmail.com	A Member of the Public	Myself	Support	No	No	2/17/2022 10:19 AM
Soucy, Donna	Manchester, NH donna.soucy@leg.state.nh.us	An Elected Official	SD 18	Support	No	No	2/17/2022 4:18 PM
Cawthron, John	Nashua, NH johncaw@myfairpoint.net	A Member of the Public	Myself	Support	No	No	2/18/2022 10:40 AM
Lengyel, Dorene	New London, NH doeronron@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/18/2022 2:44 PM
Hatcher, Phil	Dover, NH phil.hatcher@gmail.com	A Member of the Public	Myself	Support	No	No	2/18/2022 3:20 PM
Dargie, Paul	Milford, NH pauldargie@gmail.com	An Elected Official	Myself	Oppose	No	No	2/18/2022 6:02 PM
Hanmer, Amy	Manchester, NH ahlibbie@aol.com	A Member of the Public	Myself	Support	No	No	2/18/2022 6:40 PM
Nelson, Elizabeth	Derry, NH BethDavid@comcast.net	A Member of the Public	Myself	Support	No	No	2/18/2022 11:25 PM
Paoletti, Karin	Derry, NH Kpaoletti@comcast.net	A Member of the Public	Myself	Support	No	No	2/18/2022 11:49 PM
Jacome, Jan	Derry, NH Janjake22@gmail.com	A Member of the Public	Myself	Support	No	No	2/19/2022 5:55 AM
Moge, Michelle	Derry, NH michellemoge2009@gmail.com	A Member of the Public	Myself	Support	No	No	2/19/2022 6:42 AM

Dodge, Corinne	Derry, NH corinnedodge@hotmail.com	A Member of the Public	Myself	Support	No	No	2/19/2022 7:37 AM
Greenberg, Elizabeth	Derry, NH Lizgreenberg26@gmail.com	A Member of the Public	Myself	Support	No	No	2/19/2022 7:57 AM
Eisner, Mary	Derry, NH nhdem@msn.com	A Member of the Public	Myself	Support	No	No	2/19/2022 8:01 AM
Fongemie, Keri	Derry, NH kfongemie76@gmail.com	A Member of the Public	Myself	Support	No	No	2/19/2022 9:18 AM
knieriem, carol	concord, NH cjkniier @ gmail.com	A Member of the Public	Myself	Support	No	No	2/19/2022 9:34 AM
Murphy, Heather	Derry, NH hkm1976@icloud.com	A Member of the Public	Myself	Support	No	No	2/19/2022 10:33 AM
Anastasia, Patricia	Londonderry, NH patti.anastasia@gmail.com	A Member of the Public	Myself	Support	No	No	2/19/2022 11:29 AM
Dadekian, Maureen	Salem, NH meleneh@gmail.com	A Member of the Public	Myself	Support	No	No	2/19/2022 11:58 AM
Helenic, Victor	Salem, NH helenicv@gmail.com	A Member of the Public	Myself	Support	No	No	2/19/2022 1:02 PM
thompson, julia	durham, NH maple371@gmail.com	A Member of the Public	Myself	Support	No	Yes	2/19/2022 6:54 PM
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Support	No	No	2/19/2022 9:14 PM
Stephanie, S	Rollinsford, NH ssteph@comcast.net	A Member of the Public	Myself	Support	No	No	2/19/2022 9:41 PM
Till, Mary	Derry, NH maryforderry@yahoo.com	A Member of the Public	Myself	Support	No	No	2/20/2022 11:21 AM
Mcneil, Sara	Warner, NH saramcneil59@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/20/2022 1:38 PM
Hamer, Gary	Manchester, NH grhamer@aol.com	A Member of the Public	Myself	Support	No	No	2/20/2022 1:55 PM
Pauer, Eric	Brookline, NH secretary@BrooklineGOP.org	A Member of the Public	Self	Oppose	No	No	2/20/2022 2:57 PM
Osborne, Stephanie	Campton, NH Osbornestephanie@me.com	A Member of the Public	Myself	Support	No	No	2/20/2022 3:56 PM
QUISUMBING-KING, Cora	Dover, NH coraq@comcast.net	A Member of the Public	Myself	Support	No	No	2/20/2022 4:33 PM

King, Walter	Dover, NH genedocwk@comcast.net	A Member of the Public	Myself	Support	No	No	2/20/2022 4:49 PM
Young, Karen	Campton, NH kmyoung29@gmail.com	A Member of the Public	Myself	Support	No	No	2/20/2022 4:56 PM
Dontonville, Roger	Enfield, NH rdontonville@gmail.com	An Elected Official	Myself	Support	No	No	2/20/2022 5:21 PM
Dontonville, Anne	Enfield, NH Ardontonville@gmail.com	A Member of the Public	Myself	Support	No	No	2/20/2022 6:38 PM
Weiner, Stephanie	Lancaster, NH sjweiner03@hotmail.com	A Member of the Public	Myself	Support	No	No	2/20/2022 6:39 PM
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Neutral	No	No	2/20/2022 9:15 PM
Letellier, Kathleen	Dover, NH Kathleenletellier@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 7:15 AM
Smith, Suzanne	Hebron, NH zanne719@gmail.com	An Elected Official	Myself	Support	No	No	2/21/2022 7:32 AM
Burgess, Thomas	Peterborough, NH tburgess5@sbcglobal.net	A Member of the Public	Myself	Support	No	No	2/21/2022 8:42 AM
McLaughlin, Barbara	CHESTER, NH brbmclaughlin42@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 8:46 AM
Goudin, Mallory	Newmarket, NH mallorygoudin@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 8:46 AM
Pacheco, Manette	Chester, NH mapfoxhunter@msn.com	A Member of the Public	Myself	Support	No	No	2/21/2022 8:48 AM
Hansen, Lorraine	Rollinsford, NH lhansennh@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 10:56 AM
Henrichon, Margaret	Bedford, NH mhenrichon@comcast.net	A Member of the Public	Myself	Support	No	No	2/21/2022 11:28 AM
Fisher, Mark	Dover, NH markfisher3340@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 12:49 PM
Doherty, David	Pembroke, NH ddoherty0845@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 12:55 PM
Lewis, Elizabeth	Nashua, NH ecop.lewis@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 1:09 PM
wazir, Safiya	Concord, NH Swazir@leg.state.nh.us	An Elected Official	Myself and my Constituents	Support	No	No	2/21/2022 1:13 PM

deMichael, Elise	Henniker, NH macro-mercy.0x@icloud.com	A Member of the Public	Myself	Oppose	No	No	2/21/2022 2:28 PM
ward, janet	contocook, NH jwardnh@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/21/2022 2:37 PM
Leavitt, Deborah	Dover, NH daleavitt77@comcast.net	A Member of the Public	Myself	Support	No	No	2/21/2022 2:44 PM
Richardson, Danny	Nashua, NH richardson4you@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/21/2022 2:52 PM
Podlipny, Ann	Chester, NH apodlipny57@comcast.net	A Member of the Public	Myself	Support	No	No	2/21/2022 3:21 PM
Tucker, Katherine	Wilmot, NH katherine.s.tucker@valley.net	A Member of the Public	Myself	Support	No	No	2/21/2022 3:36 PM
Noel, Henry	Berlin, NH hw418noel@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 3:44 PM
Koch, Helmut	Concord, NH helmut.koch.2001@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/21/2022 4:03 PM
Torpey, Jeanne	Concord, NH jtorp51@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/21/2022 4:10 PM
Weston, Joyce	Plymouth, NH jweston14@roadrunner.com	An Elected Official	Myself	Support	No	No	2/21/2022 4:16 PM
Blanchard, Sandra	Loudon, NH sandyblanchard3@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/21/2022 4:18 PM
Koch, Laurie	Concord, NH kochlj@aol.com	A Member of the Public	Myself	Oppose	No	No	2/21/2022 4:19 PM
Nardino, Marie	Andover, NH mdnardino@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/21/2022 4:43 PM
Emus, Joanne	hollis, NH jremus0322@aol.com	A Member of the Public	Myself	Support	No	No	2/21/2022 5:00 PM
Oxenham, Lee	Plainfield, NH leeoxenham@comcast.net	An Elected Official	Myself	Oppose	No	No	2/21/2022 5:19 PM
Kelley, Mary	Dover, NH midgekelly1@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 5:27 PM
Rasmussen, Elissa	Brookline, NH elissa@evanshatz.com	A Member of the Public	Myself	Oppose	No	Yes	2/21/2022 5:27 PM
Cahill-Yeaton, Miriam	Epsom, NH nmyeaton.mims@yahoo.com	A Member of the Public	Myself	Oppose	No	No	2/21/2022 5:39 PM

Zirkle, Holly	Nottingham, NH gnomenclaturefun@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 5:47 PM
O'Rorke, Terri	Keene, NH terrio21@yahoo.com	A Member of the Public	Myself	Support	No	No	2/21/2022 6:11 PM
Guevarra, Catherine	Derry, NH catguevarra@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 6:26 PM
FRIEDRICH, ED	Loudon, NH erfriedrich@yahoo.com	A Member of the Public	Myself	Oppose	No	No	2/21/2022 6:26 PM
Robinson, Steven	Northwood, NH Nikkiandme@yahoo.com	A Member of the Public	Myself	Oppose	No	No	2/21/2022 6:29 PM
Guevarra, Larry	Derry, NH lguava20@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 6:30 PM
Robinson, Karen	Northwood, NH Bdabng12@yahoo.com	A Member of the Public	Myself	Oppose	No	No	2/21/2022 6:34 PM
Pumilia, MaryAnn	Laconia, NH mpumilia@frontiernet.net	A Member of the Public	Myself	Support	No	No	2/21/2022 6:44 PM
Buda, Christopher	Nashua, NH chris_buda@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/21/2022 6:46 PM
McClennen, Sarah P	North Woodstock, NH sarah@feelpeaceful.com	A Member of the Public	Myself	Support	No	No	2/21/2022 6:49 PM
Weber, Jill	Mont Vernon, NH jill@frajilfarms.com	A Member of the Public	Myself	Oppose	No	No	2/21/2022 6:49 PM
Johnson, Debra	Grantham, NH debjohnsondjj@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 6:54 PM
Guyen, Taci	Windham, NH taci.guyen@yahoo.com	A Member of the Public	Myself	Support	No	No	2/21/2022 6:56 PM
Brown, Linda	Sandown, NH Lindab@medlinesys.com	A Member of the Public	Myself	Support	No	No	2/21/2022 6:58 PM
Keeler, Margaret	New London, NH peg5keeler@gmail.com	A Member of the Public	Myself	Neutral	No	No	2/21/2022 7:00 PM
St. Onge, Bonnie	Manchester, NH Bstonge1021@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 7:00 PM
Petrusewicz, Carol	Rochester, NH clmcc2befree@yahoo.com	A Member of the Public	Myself	Support	No	No	2/21/2022 7:11 PM
Ellermann, Maureen	Concord, NH ellermannf@aol.com	A Member of the Public	Myself	Oppose	No	No	2/21/2022 7:18 PM

Amato, Anthony	Hooksett, NH tunewriter44@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 7:32 PM
Brigham, Peter and Robin	Goshen, NH pcbrig@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 7:48 PM
Thalheimer, David	Nashua, NH dthalheimerusa@me.com	A Member of the Public	Myself	Support	No	No	2/21/2022 7:55 PM
Buzzutto, Duane	Sandown, NH duanpablo@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 7:57 PM
Brown, Kathleen	Acworth, NH brown57kat@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 7:58 PM
Hall, Reva	Atlanta, GA Revadaltonhall@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 7:59 PM
Allain, David	Windham, NH dallain@mail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 8:09 PM
Bowers, Danielle	Acworth, NH bktime777@protonmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 8:10 PM
Bowers, Steven	Acworth, NH cpcliberty70@protonmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 8:13 PM
Smith, Julie	Nashua, NH cantdog@comcast.net	A Member of the Public	Myself	Support	No	No	2/21/2022 8:30 PM
Lafontaine, Lisa	Pelham, NH lisa.laf@comcast.net	A Member of the Public	Myself	Support	No	No	2/21/2022 8:39 PM
Almy, Susan	Lebanon, NH Susan.almy@comcast.net	An Elected Official	Myself	Support	No	No	2/21/2022 8:40 PM
Hagenow, Janice	Warner, NH lovestodance40@yahoo.com	A Member of the Public	Myself	Support	No	No	2/21/2022 8:43 PM
perencevich, ruth	concord, NH rperence@comcast.net	A Member of the Public	Myself	Oppose	No	No	2/21/2022 9:08 PM
landry, rosemary	meredith, NH rkqueenie@aol.com	A Member of the Public	Myself	Support	No	No	2/21/2022 9:22 PM
Krassowski, Judy	Hooksett, NH info@judykrassowski.com	A Member of the Public	Myself	Support	No	No	2/21/2022 9:25 PM
Verschueren, James	Dover, NH jd.verschueren@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 10:16 PM
MacGregor, Leslie	Grantham, NH lsmacgregor@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 10:17 PM

Rich, Cecilia	Somersworth, NH cecilia.rich@leg.state.nh.us	An Elected Official	Myself	Support	No	No	2/21/2022 10:21 PM
Schuett, Dianne	Pembroke, NH schuettforrep@yahoo.com	An Elected Official	Merr. Dist. 20	Support	No	No	2/21/2022 10:52 PM
Johnson, Paula	Nashua, NH pij53@aol.com	A Member of the Public	Myself	Support	No	No	2/21/2022 11:25 PM
Kalenderian, Marie	Windham, NH mariekalen@gmail.com	A Member of the Public	Myself	Support	No	No	2/21/2022 11:38 PM
Ewing, Donald	Meredith, NH Djewing@att.net	A Member of the Public	Myself	Support	No	No	2/21/2022 11:51 PM
pacocho, james	Hudson, NH jcpnh@hotmail.com	A Member of the Public	Myself	Neutral	No	No	2/22/2022 12:20 AM
Grassie, Chuck	Rochester, NH chuck.grassie@leg.state.nh.us	An Elected Official	Strafford 11	Support	No	No	2/22/2022 12:46 AM
Cembalisty, Clara	Rochester, NH Cqsc43@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 1:07 AM
Cembalisty, Richard	Rochester, NH taxmanrick@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 1:07 AM
Glassman, Barbara	Nashua, NH barbara.glassman@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 1:15 AM
Glassman, Martin	Nashua, NH mglassman@ieee.org	A Member of the Public	Myself	Support	No	No	2/22/2022 3:20 AM
Richardson, Bryan	Alexandria, NH marks-dad@ipatriots.us	A Member of the Public	Myself	Oppose	No	No	2/22/2022 4:15 AM
Hanks, Laurie	Grantham, NH lfhanks@comcast.net	A Member of the Public	Myself	Support	No	No	2/22/2022 5:00 AM
Blumenshine, Kent	HOLLIS, NH kblumenshine@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 6:29 AM
Haefner, Aly	Alstead, NH haefnermc@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 6:55 AM
Haefner, Benjamin	Alstead, NH haefnerbd@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 6:56 AM
Haefner, Sean	Alstead, NH haefnersp@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 6:57 AM
Haefner, Christopher	Alstead, NH chrismusic1325@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 6:57 AM

Haefner, Brigid	Goshen, NH brigidhaefner@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 6:58 AM
Haefner, Mark	Alstead, NH haefnermc@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 6:59 AM
Haefner, Mary Catherine	Warner, NH mhaefner@magdalen.edu	A Member of the Public	Myself	Support	No	No	2/22/2022 7:00 AM
Snell, Stephanie	Windham, NH sassysnell@mac.com	A Member of the Public	Myself	Support	No	No	2/22/2022 7:01 AM
Lucas, Janet	Campton, NH janluca1953@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 7:14 AM
Martsolf, Emma	Windham, NH Emmamartsolf@comcast.net	A Member of the Public	Myself	Support	No	No	2/22/2022 7:20 AM
Maddocks, William	Amherst, NH wmaddocks@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 7:40 AM
Strang, David	Gilmanton, NH davidstrangmd@yahoo.com	A Member of the Public	Myself	Support	No	No	2/22/2022 8:02 AM
Menning, Jenny	North Sutton, NH jennymenning60@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 8:05 AM
Menning, James	North Sutton, NH jrmanning@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 8:13 AM
Ferrantello, Anthony	Keene, NH ajfnino@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 8:14 AM
Dolat Bartlett, Rep Christy	Concord, NH christydbartlett@gmail.com	An Elected Official	Merrimack County 19	Support	No	No	2/22/2022 8:28 AM
Cahill, Michael	Newmarket, NH michael.cahill@leg.state.nh.us	An Elected Official	Myself	Support	No	No	2/22/2022 8:32 AM
THOMPSON, LAURA	CHESTER, NH nicnmom@hotmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 8:40 AM
Valentine, Elizabeth	Windham, NH beth_valentine@comcast.net	A Member of the Public	Myself	Support	No	No	2/22/2022 8:40 AM
Greyes, Natch	Concord, NH ngreyes@nhmunicipal.org	A Lobbyist	New Hampshire Municipal Association	Oppose	No	No	2/22/2022 8:41 AM
Blanche, Raul	Hollis, NH Raul.blanche@yahoo.com	A Member of the Public	Myself	Support	No	No	2/22/2022 8:44 AM
Jones, Cynthia	New London, NH cindyarjones@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/22/2022 9:00 AM

Myers, William	Hudson, NH Bmyers1119@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 9:15 AM
Falwell, Rita	Hampsted, NH awreet9@hotmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 9:21 AM
Richards, Martha	Holderness, NH Maplerichards@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 9:21 AM
Newton, Carolyn	Gilford, NH lynnnewton7@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/22/2022 9:24 AM
Mazur, Lisa	Goffstown, NH piperscovenh@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 9:28 AM
Clafin, Kyri	Concord, NH kyriclafin@comcast.net	A Member of the Public	Myself	Support	No	No	2/22/2022 9:52 AM
Zaenglein, Barbara	AMHERST, NH bzaenglein@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 10:04 AM
Rusch, Tracy	Auburn, NH ttrusch@mac.com	A Member of the Public	Myself	Support	No	No	2/22/2022 10:07 AM
Zaenglein, Eric	Amherst, NH henley11@comcast.net	A Member of the Public	Myself	Support	No	No	2/22/2022 10:08 AM
Wester, Elizabeth	Manchester, NH elizmwester@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 10:10 AM
Clark, Denise	Milford, NH denise.m.clark03055@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 10:42 AM
Medeiros, Jesse	Plainfield, NH bgtrck458@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 10:46 AM
Hatch, Sally	Concord, NH sallyhatch@comcast.net	A Member of the Public	Myself	Support	No	No	2/22/2022 10:59 AM
Ames, Dick	Jaffrey, NH amesinjaffrey@gmail.com	An Elected Official	Myself	Support	No	No	2/22/2022 11:08 AM
Harriott-Gathright, Linda	Nashua, NH linda.harriottgathright@leg.state.nh.us	An Elected Official	Constituents	Support	No	No	2/22/2022 11:38 AM
Ketteler, Claire	Newbury, NH cketteler@tds.net	A Member of the Public	Myself	Support	No	No	2/22/2022 11:40 AM
guischar, pamel	Atkinson, NH gap1117@aol.com	A Member of the Public	Myself	Support	No	No	2/22/2022 12:42 PM
Feder, Marsha	Hollis, NH marshafeder@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/22/2022 12:54 PM

Murray, Kate	New Castle, NH dr.karma2000@gmail.com	An Elected Official	Myself	Support	No	No	2/22/2022 1:09 PM
Ginsberg, Michael	Amherst, NH mghomepl8@yahoo.com	A Member of the Public	Myself	Oppose	No	No	2/22/2022 1:10 PM
kirsch, walter	contocook, NH kirschwalterf@yahoo.com	A Member of the Public	Myself	Support	No	No	2/22/2022 1:27 PM
Bouchard, Donald	MANCHESTER, NH donaldjbouchard@gmail.com	An Elected Official	Myself	Support	No	No	2/22/2022 1:47 PM
Kiely, Cecilia	Nottingham, NH Cecilia.kiely@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 2:19 PM
Corell, Elizabeth	Concord, NH Elizabeth.j.corell@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 2:39 PM
Sweeney-Blaise, Robyn	Epsom, NH robynblaise@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/22/2022 3:17 PM
Woods, Renia	Bow, NH renia.woods1@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 3:21 PM
Orkin, Susan	Grantham, NH susanorkin@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 3:22 PM
Keegan, John	Boscawen, NH peoresnada@tds.net	A Member of the Public	Myself	Support	No	No	2/22/2022 3:34 PM
Arabas, Jill	Hollis, NH jaarabas@yahoo.com	A Member of the Public	Myself	Support	No	No	2/22/2022 3:43 PM
Mott-Smith, Wiltrud	Loudon, NH wmottsm@worldpath.net	A Member of the Public	Myself	Support	No	No	2/22/2022 4:33 PM
Hunnewell, Richard	Holderness, NH hunnewell.richard@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 5:28 PM
Hunnewell, Anne	Holderness, NH ahunne@roadrunner.com	A Member of the Public	Myself	Support	No	No	2/22/2022 5:28 PM
Dutzy, Sherry	Nashua, NH sherry.dutzy@leg.state.nh.us	An Elected Official	Myself	Support	No	No	2/22/2022 6:27 PM
Spencer, Louise	Concord, NH lpskentstreet@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/22/2022 6:55 PM
Laughner, Julie	Raymond, NH julieloughner@comcast.net	A Member of the Public	Myself	Support	No	No	2/22/2022 7:03 PM
Dolkart, Vivian	Grantham, NH viviandolkart@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 7:32 PM

HALLOCK, LINDA	Cornish, NH lindash@mail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 8:25 PM
Taylor, Susan	Plainfield, NH sueetaylor158@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 8:37 PM
Dinzeo, David	Dover, NH dinz00@comcast.net	A Member of the Public	Myself	Support	No	No	2/22/2022 8:38 PM
Taylor, David	Plainfield, NH dstaylor342@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 8:44 PM
Shippee-Rice, Raelene	nottingham, NH dwrice73@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 8:56 PM
See, Alvin	Loudon, NH absee@4liberty.net	A Member of the Public	Myself	Support	No	No	2/22/2022 9:14 PM
Kuemmerle, Nancy	Enfield, NH nkuemmerle@une.edu	A Member of the Public	Myself	Support	No	No	2/22/2022 9:16 PM
Snell, Matthew	Windham, NH matthew.snell@outlook.com	A Member of the Public	Myself	Support	No	No	2/22/2022 9:24 PM
Freedman, Aubrey	Bridgewater, NH aubreyyfreedman@gmail.com	A Member of the Public	Myself	Support	No	No	2/22/2022 9:51 PM
Strakalaitis, Judy	Derry, NH judystrakalaitis@derrynh.org	An Elected Official	Myself	Support	No	No	2/22/2022 10:27 PM
chapman, kevin	marlborough, NH denoet103@yahoo.com	A Member of the Public	Myself	Support	No	No	2/22/2022 10:33 PM
Chadwick, Ray	Bedford, NH rfchadwick@juno.com	A Member of the Public	Myself	Oppose	No	No	2/23/2022 12:34 AM
Drake, Larry	Portsmouth, NH larrydrake57@gmail.com	A Member of the Public	Myself	Support	No	No	2/23/2022 5:54 AM
Palmer, William	Cornish, NH wspalmer56@gmail.com	A Member of the Public	Myself	Support	No	No	2/23/2022 6:37 AM
Soti, Julius	Windham, NH rep.jsoti@gmail.com	An Elected Official	Myself	Support	No	No	2/23/2022 7:04 AM
Barr, Lisa	Danville, NH scottbarr107@comcast.net	A Member of the Public	Myself	Support	No	No	2/23/2022 7:25 AM
DiMatteo, Marsha	Atkinson, NH mimi19620@gmail.com	A Member of the Public	Myself	Support	No	No	2/23/2022 8:02 AM
Del Tufo, Catherine A	Raymond, NH cdel400@msn.com	A Member of the Public	Myself	Support	No	No	2/23/2022 8:30 AM

Barr, Scott	Danville, NH Scottb1265@gmail.com	A Member of the Public	Myself	Support	No	No	2/23/2022 8:52 AM
Dufort, Liselle	Newport, NH Clerk@newportnh.gov	An Elected Official	Myself	Support	No	No	2/23/2022 9:16 AM
Gulla, Carol	NEWMARKET, NH crgulla@gmail.com	A Member of the Public	Myself	Support	No	No	2/23/2022 9:34 AM
Jones, Andrew	Pembroke, NH arj11718@yahoo.com	A Member of the Public	Myself	Oppose	No	No	2/23/2022 9:40 AM
Devore, Gary	Pembroke, NH torin_asheron@yahoo.com	A Member of the Public	Myself	Oppose	No	No	2/23/2022 9:40 AM
perry, janice	Weare, NH perryhorselady@yahoo.com	A Member of the Public	Myself	Support	No	No	2/23/2022 9:52 AM
Reed, Barbara	North Swanzey, NH BDRreed74@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/23/2022 10:17 AM
Kelley, BaoChau	Hooksett, NH chaukelley@gmail.com	A Member of the Public	Myself	Support	No	No	2/23/2022 10:51 AM
Cotran, Steven	Greenland, NH scotran@aol.com	A Member of the Public	Myself	Support	No	No	2/23/2022 10:59 AM
Belanger, Paula	Salisbury, NH pbtoxicfree@gmail.com	A Member of the Public	Myself	Support	No	No	2/23/2022 11:04 AM
Belanger, Shane	Salisbury, NH belangerbuilt@gmail.com	A Member of the Public	Myself	Support	No	No	2/23/2022 11:05 AM
Kenison, Pamela	Concord, NH pkkenison@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/23/2022 11:15 AM
Wilke, Mary	CONCORD, NH wilke.mary@gmail.com	A Member of the Public	Myself	Support	No	No	2/23/2022 11:28 AM
Nastasi, Sue	Rollinsford, NH ctcoastmetro@gmail.com	A Member of the Public	Myself	Support	No	No	2/23/2022 11:48 AM
Robinson, Ellis	Grantham, NH ellismmrobinson@gmail.com	A Member of the Public	Myself	Support	No	No	2/23/2022 11:54 AM
Azibert, Susan	Windham, NH, NH sazibert@aol.com	A Member of the Public	Myself	Support	No	No	2/23/2022 1:36 PM
McLeod, Kenna	Windham, NH Kennamcleod@comcast.net	A Member of the Public	Myself	Support	No	No	2/23/2022 2:56 PM
Hoyt, Nicole	Boscawen, NH nhoyt@townofboscawen.org	An Elected Official	Boscawen	Oppose	No	No	2/23/2022 3:50 PM

Testimony in Support of HB 1163, Overvoted Ballots

To Honorable Members of the House Election Law Committee:

If I were the Secretary of State or Attorney General, I would ask you to support this bill.

Summary:

- Non-partisan
- No extra cost (Source: LHS Associates, Jan. 2022)
- Voter privacy protected
- More voters using computers will have their votes counted.
- Voter education. If voters are aware computer can't read ballot, they're more likely to mark a computer-readable ballot next time.¹ (See p. 4 for examples.)
- Optical scanners are known to misread legal votes as overvotes. (Folds, dust, stray marks, etc.) Legal votes on those ballots would ONLY be counted if there was a recount. That disenfranchisement wouldn't occur in hand count towns. (See my linked testimony on HB 1486 in 2018, p.4.)
- Require reporting overvotes and undervotes separately so overvote anomalies like we saw in Windham and Derry can be found and corrected election night.² See p. 3.
- Treats absentee voters the same. See p. 2 for suggested ballot directions.

In his testimony opposing SB 79 last year, Mr. Scanlan estimated that 2-3% of legal votes aren't counted by scanners on election night. He had no estimate to compare disenfranchisement rates for hand counted votes.

Non-scientific voter sample of overvotes in Nov. 2020 (in 3 AccuVote towns, 1 city and 2 Nashua wards) showed total of **1,246 overvoted ballots, 2.6% of 48,953** ballots tabulated by AccuVote.) The one hand-count town showed 3 overvotes of 1,602 total ballots counted, **.19%** IF they occurred on separate ballots.

Basis in NH Law:

NH law doesn't disenfranchise voters for not following directions. Voter intent is the legal standard.

"The goal must be the ascertainment of the legally expressed choice of the voters. **The object of election laws is to secure the rights of duly qualified voters, and not to defeat them.**" *Appeal of McDonough*, 149 N.H. 105, 112, (2003). RSA 659:64, RSA 40:4-g.

¹ **RSA 659:64 Determining Intention of Voter.** – If a ballot is marked for any office in a way which does not readily admit of counting or if a disagreement over how to count the ballot for any office occurs among the election officers present and counting votes, then the ballot shall be counted for that office in accordance with the majority vote of the election officials present and counting votes; provided that, if no alternative count receives a majority vote, the ballot shall be regarded as defective for that office as provided in RSA 659:65.

RSA 40:4-g Intent of the Voter. – In any vote conducted pursuant to this chapter, every ballot shall be counted if the intent of the voter can be determined, regardless of whether the voter followed any instructions relative to marking the ballot provided before the vote.

Source. 2019, 148:1, eff. Aug. 30, 2019

² See link to Derry overvote info, showing 14.2% of absentee ballots tabulated on one computer and 4.7% of all ballots reported overvotes in November 2020, disenfranchising voters for at least one contest. We don't know why those occurred. The AG has taken no action on the request to investigate.

<https://groups.google.com/g/jaffreyvoices/c/eLQQSh5AH0o>

Research and anecdotal evidence show less-experienced voters, those of lower income and education are more likely to be disenfranchised by overvoted ballots. That has been known since the 2000 general election and reported by the Election Assistance Commission.³

Basis in Federal HAVA Law

USDOJ Clarification of Federal HAVA law re: overvoted ballots, July 28, 2021:

<https://www.justice.gov/opa/press-release/file/1417801/download>,

Election-day ballots, p. 11

Voting systems used for in-person voting where ballots are processed immediately should allow voters to verify their vote before the ballot is cast and counted, notify the voter of overvotes, and provide voters with an opportunity to change the ballot before it is cast and counted. 52 U.S.C. § 21081(a)(1)(A).

Absentee ballots, p.7

The Help America Vote Act (“HAVA”), 52 U.S.C. § 21081(a)(1)(B), requires that mail-in ballots for federal elections notify the voter of the effect of casting multiple votes for an office and contain instructions on how to correct a ballot before it is cast and counted. This includes telling voters how to get a replacement ballot if necessary.

Treating Absentee Voters the Same

Currently, it is unlikely that absentee voters will request a replacement ballot if they make an error.⁴ If voter intent is clear, law requires votes to be counted for preferred candidate.

Possible directions for all absentee ballots: (Source: Mesa County, CO where all voters vote by mail. Their election system identifies questionable markings so officials can examine them and determine voter intent.)

To vote for a candidate, completely fill in the oval to the left of your choice using blue or black ink. (Shows visual example.)

To make a correction, draw a bold line through the oval and candidate name marked by mistake. Then, completely fill in the oval next to the correct name. (Shows visual example.)

IF the AccuVote rejects an absentee ballot identified on the LCD screen as containing an overvote, HB 1163 requires election officials to put it in the auxiliary bin, with ALL contests counted by people after polls close election night. The AccuVote has an override button that would allow it to accept a ballot, invalidate the overvoted race but tabulate all others. CT and VT also use the AccuVote. See their procedures to deal with absentee overvoted ballots,

³ 2004 Election Day Survey Report, Election Data Services, Inc., Sept. 27, 2005

<https://www.eac.gov/research-and-data/2004-election-administration-voting-survey>, p. 142, chap. 10, p. 1

Michael C. Herron and Jasjeet S. Sekhon, “Overvoting and Representation: An examination of overvoted presidential ballots in Broward and Miami-Dade counties,” Sept. 28, 2001.

<http://sekhon.berkeley.edu/elections/election2000/HerronSekhon.pdf>

⁴ **RSA 659:22 Spoiled Ballots.** – If any voter spoils a ballot, he may receive others, one at a time, not exceeding 3 in all, upon returning each spoiled one. The ballots thus returned shall be immediately marked "cancelled" by the moderator over his signature and, at the close of the polls, shall be preserved as provided in RSA 659:95.

p.6-7 below. The SoS and clerks may have a better idea for dealing with computer-read overvotes on absentee ballots.

Why NH Should Report Overvotes and Undervotes separately:

Currently, NH poll tapes report overvote and undervote totals together as “blanks” for each contest. See p. 5 for Nashua Ward 1 example. For the 2020 Presidential Primary, this poll tape shows 11 overvoted and 8 completely blank ballots (no vote recorded). In the separate contests, you can see 9 R voters and 10 D voters had no vote recorded for any candidate (total of overvotes and undervotes). Some of these were probably legal votes. See p. 4 for overvote examples.

HB 1163 would require the 9 blanks in the R contest and 10 in the D to report two numbers, overvotes/undervotes for each contest, included in reports to Concord, on the SoS website and available as public records.

Example: If Windham or Derry elections officials had seen an unusually high overvote number for a particular Nov. 2020 race, they could have checked to find why and correct any error, BEFORE they sent results to Concord. That’s what our NH Constitution requires.⁵

VT requires those overvotes and undervotes (“blanks”) to be reported separately and they are included on the SoS website for each contest and location.⁶

Other info is included below. Please don’t hesitate to contact me if you have questions.

I request that this testimony be included in legislative history for this bill.

Thank you.

Respectfully,

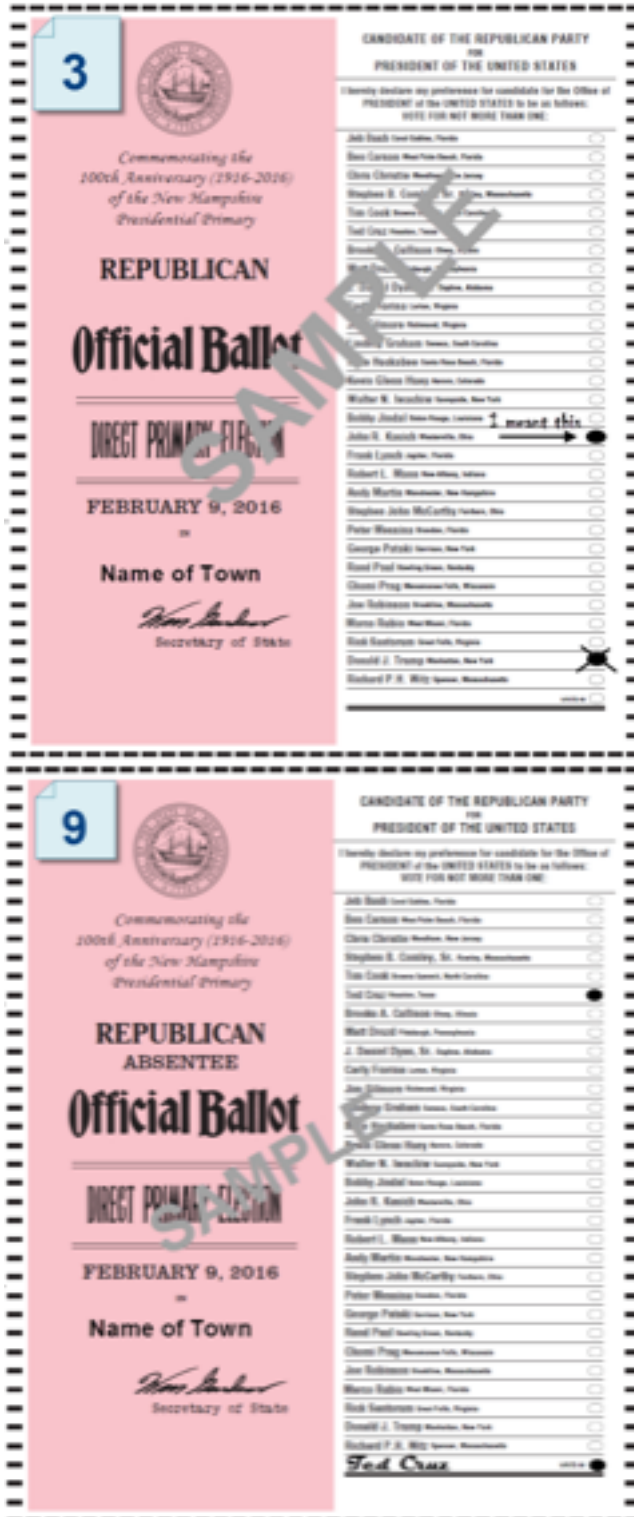
Deborah Sumner
474A Great Rd.
Jaffrey, NH 03452
603-532-8010 dsumner@myfairpoint.net

⁵ NH CONST. pt. II, art. 32 requires that the moderator “sort and count” votes in “open meeting” in the presence of the town clerk, selectmen and “all others who may take an interest in the election, and be able and willing to detect and expose any error, and obtain a correction of it immediately, when it can be most easily corrected.” Opinion of the Justices, 53 N.H. 640, 1873,

⁶ <https://sos.vermont.gov/elections/election-info-resources/elections-results-data/> See 2020 Canvas report. (Undervotes labeled as “blanks.”)

1) Legislative history for HB 1486, 2018 includes my testimony of Jan. 23, 2018
http://gencourt.state.nh.us/BillHistory/SofS_Archives/2018/house/HB1486H.pdf

2) Examples of common over votes (invalidated by scanner but legal votes in handcount towns and recounts) HB 1163 will allow more AccuVote voters to have their legal votes counted election night.



3) Current programming combines overvotes and undervotes as blanks in individual races. Example from Nashua, Ward I, 2020 Presidential Primary

Mr. Sanders has shaken up his schedule to hold three days of... and build momentum, Mr. Sanders may face even longer odds in Michigan than he did in 2016. The state that Mr. Sanders...

SHA: 90D2AD68BE267A13F697
B78EB6A2D5A558701402

ELECTION RESULTS REPORT

PRESIDENTIAL PRIMARY
NASHUA, NH

DATE 02/11/20
VOTE CENTER ID 1
Ward 1
MACHINE ID 1
D/L VERSION 5
COPY 1A
ACCU-VOTE 1.96.13
REPORT USMA 2.2.4

TIME: 21:28:2902/11/20

=== OPTIONS SETTINGS ===
RETURN / PRINT OVERRIDE:
OVERVOTED RACES N/N
BLANK VOTED RACES N/N
UNDERVOTED RACES N/N
ALL RACES BLANK N/N
STR PARTY OVERVOTES N/N
MULTI-PARTY VOTES N/N
DUPLICATE VOTES N/N
INVALID PREF. VOTE N/N

=== SORT SETTINGS ===
SORT BALLOTS WITH:
ALL RACES BLANK
WRITE-INS

=== TALLY SETTINGS ===
STR PARTY OPTION:
EXCLUSIVE

WRITE IN OPTION:
COMBINED

MESSAGE DELAY 10
RESET COUNT 1
PRECINCT CHECK: 77797
COUNTER CHECK: 10757

PRECINCT 301
NASHUA WARD 1

BALLOTS CAST
CARD QUANTITY
10001 REP 1091
10002 DEM 2451
TOTAL 3542

BALLOTS CAST SUMMARY
BLANK VOTE 8
OVERVOTED 11
UNDERVOTED 0
WRITE-IN 112

PRESIDENT OF THE U.S.
RACE # 10 PARTY:REP
RUNNING 17
TO VOTE FOR 1

BLANKS 9
ZOLTAN ISTVAN GYURKO 0
LARRY HORN 0
RICK KRAFT 1

STAR LOCKE 2
MATTHEW JOHN MATERN 2
MARY MAXWELL 6
ERIC MERRILL 3
WILLIAM N MURPHY 2
JUAN PAVNE 0
DONALD J TRUMP 910
JOE WALSH 4
BILL WELD 103
ROBERT ARDINI 0
PRESIDENT R. BODDIE 0
STEPHEN B COMLEY SR. 0
"ROCKY" DE LA FUENTE 1
BOB ELY 0
WRITE-IN 49

PRESIDENT OF THE U.S.
RACE # 20 PARTY:DEM
RUNNING 33
TO VOTE FOR 1

BLANKS 10
SAM SLOAN 1
TOM STEVER 89
DAVID JOHN THISTLE 1
THOMAS J TORBESEN 0
ELIZABETH WARREN 207
ROBBY WELLS 1
MARIANNE WILLIAMSON 1
ANDREW YANG 48
MICHAEL BENNET 10
JOSEPH R BIDEN 245
CORY BOOKER 1
MOSIE BOYD 0
STEVE BULLOCK 0
STEVE BURKE 1
PETE BUTTIGIEG 631
JULIAN CASTRO 0
ROQUE DE LA FUENTE 0
JOHN K DELANEY 0
JASON CURITTE DUNLAP 0
MICHAEL A ELLINGER 0
TULSI GABBARD 0
BEN GLEIB GLEIBERMAN 0
MARK S GREENSTEIN 1
KAMALA HARRIS 0
HENRY HEWES 0
AMY KLOBUCHAR 505
TOM KOOS 0
LORENZ KRAUS 0
RITA KRICHEVSKY 0
RAYMOND M MOROZ 0
DEVAL PATRICK 8
BERNIE SANDERS 535
JOE SESTAK 7
WRITE-IN 63

BALLOTS CAST BY PRECINCT
PRECINCT 301
CARD QUANTITY
10001 REP 1091
10002 DEM 2451
TOTAL 3542

BALLOTS CAST SUMMARY
BLANK VOTE 8
OVERVOTED 11
UNDERVOTED 0
WRITE-IN 112

WE, THE UNDERSIGNED,
DO HEREBY CERTIFY THE
ELECTION WAS CONDUCTED
IN ACCORDANCE WITH THE
LAWS OF THE STATE.

DO HEREBY CERTIFY THE
ELECTION WAS CONDUCTED
IN ACCORDANCE WITH THE
LAWS OF THE STATE.

**** SIGNATURES ****
William E Boyd
Matthew Sunderland
James Harknell
John J. ...
...

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

A. VT/ election-day ballots

Vermont Tabulator Guide as of April 2018

<https://sos.vermont.gov/elections/town-clerks/election-supplies/> (See “Vote Tabulator Guide” link.)

If a ballot is rejected by the tabulator, read the message on the tabulator LCD Screen:

C. “Overvoted race”

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

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

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

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

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

i. Ask the voter if they want to return the ballot to the entrance checklist officials to obtain and mark a new ballot.

ii. If the voter chooses not to mark a new ballot, explain that the machine will count all properly marked races but will not count the vote in the “over voted office.”

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

B. CT/Absentee Ballots: (see p. 12-14)

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

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

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

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

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

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

Step 10. Set aside ballots to be handcounted.

B. Ballots with obvious marking errors.

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

Step 11:

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

Step 12:

Some ballots will have to be hand counted. The **rule for counting ballots** is that **the intent of the voter governs....**

p. 16 To avoid unnecessary lost votes and to give effect to the intent of the voter, WHENEVER an "**overvote**" message is displayed while processing **absentee ballots**, the official processing the absentee ballot should inspect it to be sure that it is a genuine overvote--an attempt by the voter to vote for more candidates than allowed for an office. If it is a genuine overvote, such as the one shown in Example 3, the *override* procedure described in 11a above should be used. Unless you are sure that it is a genuine overvote, the ballot should be put aside for hand counting.

p. 44 Closing procedures:

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

Archived: Wednesday, May 18, 2022 10:18:44 AM
From: [Linda Brown](#)
Sent: Monday, February 21, 2022 6:58:58 PM
To: [~House Election Law Committee](#)
Subject: Election integrity
Importance: Normal

Please vote to support HB1163. We need every vote counted accurately- sometimes a race is won by just a few votes. We've lost election integrity in our State, and we desperately need to bring it back. Bill HB1163 is a great start to insure an accurate vote.

Linda Brown
Medline Systems LLC
603-329-7889

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Archived: Wednesday, May 18, 2022 10:18:43 AM
From: Ray Chadwick
Sent: Wednesday, February 23, 2022 1:04:07 AM
To: ~House Election Law Committee
Cc: dmc2015@comcast.net; danmcguire@gmail.com
Subject: Granite State Taxpayers Opposes HB 1163
Importance: Normal

Election Law Committee Members

Granite State Taxpayers Opposes HB 1163

This bill requires that ballots which contain more than the allowable number of votes for an office on the ballot be returned to the voter for possible correction before the ballot is counted.

GST supports revising New Hampshire voter law to make our voting system simple to understand and execute, resistant to fraud, and available exclusively to bona fide residents of New Hampshire.

The election strategy with the most accuracy, and the least opportunity for fraud, is one where:

- individuals themselves, in person, go to a polling place
- they show proof of identity, citizenship, and residence in New Hampshire in order to vote
- they receive a ballot, mark it in private, and place it in a counting machine or other secure container
- voted ballots are under control of local and state election officials for counting, archiving, and recounts

The proposal to return over vote ballots to voters for further processing by either them or election officials adds complexity and additional handling.

Additionally, the process creates the potential that an individual voters' ballot may be exposed to election officials either through the process of returning the ballot to the voter for correction or in case the voter doesn't choose to correct the area and the ballot is "counted by election officials."

Voters should have sole responsibility for the accuracy of their ballot and should be able to count on their ballot now being able to be seen and identified with them by election officials.

Voters should be **presumed** to be able to follow directions such as: *Vote for not more than two (2)*

Granite State Taxpayers Recommends an ITL vote for HB 1163.

Thank you for your attention and for your commitment to the citizens of New Hampshire.

Ray Chadwick, Chairman
Granite State Taxpayers
101 Powder Hill Road
Bedford, NH 03110
1-603-566-9129
www.GraniteStateTaxpayers.org

Archived: Wednesday, May 18, 2022 10:18:44 AM
From: [Robert Reside](#)
Sent: Tuesday, February 22, 2022 8:44:05 AM
To: [~House Election Law Committee](#)
Subject: HB1163 - relative to over voted ballots
Importance: Normal

Over votes are a huge problem for NH.

1. An alarming rate of votes not counted.
2. We know folds contributed to this problem (who knows what else, i.e. dust) from the Windham audit. There were high rates of over votes reported on all machines across the state.
3. The AccuVote-OS does not report what race the over vote is from just a total across all races. Total lack of granularity in reporting.
4. If the voter over voted, the voter should be given the opportunity to correct their vote rather than not have their vote counted at all.
5. Mail-in ballots that are rejected for an over vote should be hand counted to ensure that it is a true over vote.

In my opinion, all NH towns should have been hand counted if for no other reason than over votes. It was proven in the Windham audit that valid votes were not counted due to folds. The rate of over votes in every town should have been justification for hand recounts.

I support HB1163 as it addresses all these issues. I urge you all to vote in favor of HB1163.

Sincerely,
Bob Reside
Hooksett, NH

Archived: Wednesday, May 18, 2022 10:18:44 AM
From: [Juanita Sweet](#)
Sent: Tuesday, February 22, 2022 10:42:41 AM
To: [~House Election Law Committee](#)
Subject: HB1163
Importance: Normal

Good morning, my name is Juanita Sweet and I am writing to ask your support for Bill HB1263 when it comes before you for a vote tomorrow. The 2020 election showed every American how much we need voter integrity. We need this Bill passed to ensure that what occurred in our state in this last election will not occur again. Thank you very much, Juanita Sweet, Charlestown, NH

Archived: Wednesday, May 18, 2022 10:18:44 AM
From: [Michael Demars](#)
Sent: Tuesday, February 22, 2022 11:30:32 AM
To: ~[House Election Law Committee](#)
Subject: I Support this bill
Importance: Normal

I am a resident of Claremont NH, a business owner and father of two teenage boys.

[HB1163](#) is the bill that would require the voting machines be programmed to REJECT any ballot that it reads as having an over vote on it. Instead of tabulating those ballots as over voted ballots and disenfranchising voters, those ballots would be returned to the voter and the election official would instruct the ballot be inserted into an auxiliary bin - so it could be hand counted when the polls close.

This makes sense. We should trust our machines to count votes in most cases but fail over to humans when there is an issue and this bill requires that.

I urge you to support this bill!



Michael Demars
President/Owner
CCI Managed Services
Mdemars@ccimanged.com
603-542-2821

Archived: Wednesday, May 18, 2022 10:18:44 AM

From: Daniel Richardson

Sent: Monday, February 21, 2022 2:47:06 PM

To: ~House Election Law Committee

Cc: Marjorie Porter; Gerry Ward; Paul Berch; Donna Soucy; Julius Soti; Matthew Santonastaso; Tom Lanzara

Subject: In Opposition to HB 1163 relative to over voted ballots

Importance: Normal

Ref: February 23, 2022 Public Hearing

House Election Law Committee -

I write in opposition to HB 1163. This bill corrupts ballot processing, degenerates ballot integrity preservation and introduces probable fraud in recounts.

Over-voted ballot curing process already exists in NH-RSA 659:22. Also, this bill would count votes on spoiled over-voted ballots and then allow those spoiled ballots to be marked as CANCELLED.

NH-RSA 659:22 SPOILED Ballots. - **If any voter spoils a BALLOT, he may receive others**, one at a time, not exceeding 3 in all, **upon returning each SPOILED one. The ballots thus returned shall be immediately marked "cancelled"** by the moderator over his signature and, at the close of the polls, shall be preserved as provided in RSA 659:95.

This bill would allow over-voted ballots containing both counted and uncounted votes to be segregated as spoiled ballots, apart from good ballots in ballot box.

NH-RSA 659:59 Optional Counting of Votes at Additional Polling Places. - The moderator may order the assistant moderator in writing to process absentee ballots and to count the votes cast at the additional polling place in the presence of and with the assistance of the assistant town clerk and election officials in the manner prescribed by this chapter. After the processing of absentee ballots and the counting are complete, the assistant moderator shall place the counted ballots in the BALLOT box and shall seal it, and the assistant town clerk shall certify the same. The assistant moderator shall also **seal in a package the duplicate checklists used at the additional polling place together with the absentee envelopes and the SPOILED and unused ballots;** and he, together with the assistant town clerk, shall immediately deliver the BALLOT box, checklists, absentee envelopes, unused and SPOILED ballots, and a written report of his count signed by him and the assistant town

clerk to the moderator of the town at the central polling place. If the moderator does not order the counting as provided herein, the assistant moderator shall comply with the provisions of RSA 659:62.

NH-RSA 659:62 Return of Materials From Additional Polling Place. - Except as provided in RSA 659:59, upon the closing of the polls at each additional polling place, the BALLOT box at such polling place shall be sealed by the assistant moderator. Such sealing shall be done in the presence of the inspectors of election and shall be certified by the assistant clerk at such polling place. The assistant moderator **shall also seal in a package the duplicate checklists used at the additional polling place together with the unused and SPOILED ballots.** The BALLOT box and the package shall be delivered to the moderator at the central polling place without unnecessary delay and with the seals unbroken by 2 election officials designated by the assistant moderator. Such 2 election officials shall be of different political parties.

This bill throws a huge monkey wrench into doing a recount by requiring an unspecified process to recount spoiled over-voted ballots containing previously counted votes. No marking identifies which spoiled over-voted ballots were had previously counted votes and which were not. A recount would be guaranteed to grossly miscount votes.

Please reject this dangerous HB 1163 as Inexpedient-to-Legislate (ITL).

Daniel Richardson, Nashua

Archived: Wednesday, May 18, 2022 10:18:44 AM
From: [Barbara Glassman](#)
Sent: Tuesday, February 22, 2022 12:36:32 AM
To: ~[House Election Law Committee](#); [Natalie Wells](#)
Subject: In support of HB 1163, An act relative to over voted ballots.
Importance: Normal

February 21, 2022

To the Honorable Members of the House Election Law Committee:

I write in support of [HB 1163](#), An act relative to over voted ballots, and a common-sense measure, if ever there was one. The time has come to allow LHS Associates to program our voting machines (as they have done in Massachusetts and Vermont) to permit voters to correct their over votes rather than have them invalidated without informing the voters of that outcome.

Enabling overvote notification on the AccuVotes was one of the recommendations of the Windham auditors. "Overvote notification alone would not have prevented the problem in Windham: almost certainly, a full hand count would have been necessary to establish the winners. But the problem would have been identified quickly." P. 107,
<https://www.doj.nh.gov/sb43/documents/20210713-sb43-forensic-audit-report.pdf>.

This bill would also bring New Hampshire into compliance with Section 301(a) of the Help America Vote Act (HAVA), stipulating that voters in federal elections must be given the opportunity to correct an over vote.

Finally, I would like to second and endorse the testimony of Deborah Sumner of Jaffrey. No one is more knowledgeable on this subject or has worked harder for its resolution.

Thanks very much for your attention. I will also submit this as a pdf when registering remote support. I would like to request that at least one version be included with the legislative record.

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

Archived: Wednesday, May 18, 2022 10:18:44 AM

From: P Brig

Sent: Monday, February 21, 2022 7:50:29 PM

To: ~House Election Law Committee

Subject: Please Support HB 1163

Importance: Normal

Dear Committee Members,

Election integrity and faith and confidence in our elections are a great concern and priority for us. Consequently, we ask that you all please support passage of HB1163. Our ideal would be to return to paper ballots for all elections, but failing that we feel it imperative that voting machine results be tabulated with 100 percent confidence. (We also believe that voting machine be fully subject to proper audit, as well, but will leave that to other efforts to bring to fruition.)

We feel this bill would serve that end and, again, respectfully request your full support.

Thank you,
Pete and Robin Brigham
Goshen, NH

Archived: Wednesday, May 18, 2022 10:18:44 AM

From: [Julie Laughner](#)

Sent: Tuesday, February 22, 2022 7:08:35 PM

To: [~House Election Law Committee](#)

Subject: Please support HB 1163

Importance: Normal

Dear Committee members,

Please support HB 1163 which would have over vote ballots hand counted. This will help make election results more accurate. Thank you!

Julie Laughner

Raymond NH

Archived: Wednesday, May 18, 2022 10:18:44 AM
From: [Donald Ewing](#)
Sent: Tuesday, February 22, 2022 12:03:56 AM
To: [~House Election Law Committee](#)
Subject: Please support HB1163
Importance: Normal

Voting machines have different sensitivities resulting in some incorrectly identifying a significant number of ballots as over votes. It's not right for people to have their votes invalidated because of machine mistakes. HB1163 will ensure that everyone's valid votes are counted with minimal extra work on the part of election officials.

Please support HB 1163.

Thank you,

Don Ewing
Meredith, NH

[Sent from AT&T Yahoo Mail for iPad](#)

Archived: Wednesday, May 18, 2022 10:18:45 AM

From: Daniel Richardson

Sent: Sunday, February 20, 2022 9:16:47 PM

To: ~House Election Law Committee

Cc: Marjorie Porter; Gerry Ward; Paul Berch; Donna Soucy; Julius Soti; Matthew Santonastaso; Tom Lanzara

Subject: Requesting Amendment of HB 1163 relative to over voted ballots

Importance: Normal

Ref: February 23, 2022 Public Hearing

House Election Law Committee -

I write to request amendment of HB 1163. The bills insertion of "Ballots of absentee voters and those who choose not to correct or replace the ballot shall be placed in an auxiliary compartment and counted by election officials" makes no sense as over-voted races on over-voted ballots cannot be counted.

Please amend to clarify that only the races not over-voted on over-voted ballots be hand-counted by election officials.

Daniel Richardson, Nashua

Archived: Wednesday, May 18, 2022 10:18:44 AM
From: [Anthony Ferrantello](#)
Sent: Tuesday, February 22, 2022 8:20:28 AM
To: [~House Election Law Committee](#)
Subject: Support HB1163
Importance: Normal

Please support HB1163.

As too many NH voters were disenfranchised by voting machines erroneously tabulating over votes, this Bill would contribute to correcting this tabulating error.

Through vigilant quality control, HB1163 would make certain that voting machines do not tabulate over votes and thereby do not disenfranchise voters.

With HB1163, all ballots that are "read" by a voting machine as containing an over vote, would be returned to the voter so that it can be placed in an auxiliary compartment and then be hand-counted when the polls close. This would lead to a more accurate tabulation of votes.

Thank You,
Anthony Ferrantello
Keene, NH

Archived: Wednesday, May 18, 2022 10:18:44 AM

From: [Kathleen Brown](#)

Sent: Monday, February 21, 2022 8:01:32 PM

To: [~House Election Law Committee](#)

Subject: SUPPORT HB1163

Importance: Normal

Hon. Committee Members,

Please SUPPORT 1163 because too many voters are disenfranchised by machines erroneously tabulating over votes.

This bill will prohibit voting machines from tabulating over votes and thereby disenfranchise voters.

All ballots that are "read" by a voting machine as containing an over voted race, would be returned to the voter so that it can be placed in an auxiliary compartment and be hand-counted when the polls close. This would lead to a more accurate tabulation of votes.

Thank you.

Kathleen Brown

Newport NH

Archived: Wednesday, May 18, 2022 10:18:43 AM
From: [scott barr](#)
Sent: Wednesday, February 23, 2022 7:27:34 AM
To: [~House Election Law Committee](#)
Subject: Support HB1163
Importance: Normal

Dear Committee Members,

Please support HB 1163.

Too many voters are disenfranchised by machines erroneously tabulating over votes. This needs to be addressed.

There are way too many "over votes" that are improperly "counted" by voting machines across NH. Not all machines - but some - tabulate excessive numbers of over votes, thereby disenfranchising thousands of voters.

An over vote is counted when the voting machine tabulates too many votes for a race on the ballot. For instance, if the race allows for up to any four candidates to be chosen, and five ovals are counted as filled in, then the machine would count this as an over vote - and disallow all of the votes in that race.

But the machines also make mistakes and tabulate over votes when the voter properly followed directions.

During the November, 2020 general election, one Merrimack voting machine tabulated a massive number of 396 over votes on 1,738 ballots (22.78% of ballots), while another Merrimack voting machine tabulated only 14 over votes on 1,856 ballots (.75% of ballots).

Here's more examples...

- One machine in Manchester tabulated 263 over votes on 1,755 ballots (14.99%), another machine tabulated 60 over votes on 2,531 ballots (2.37%).
- One machine in Windham produced 292 over votes on 3,276 ballots (8.91%), another machine tabulated 18 over votes on 1,373 ballots (1.31%)
- One machine in Hampton produced 121 over votes on 1,273 ballots (9.51%), another machine produced 26 over votes on 1,573 ballots (1.65%)

This type of anomaly can be seen in town after town - and it is unacceptable to those who care about their votes being accurately counted.

PLEASE, if you are a true American, who loves our country vote for election integrity. If we do not have clean fair elections we will further lose our country.

Thank you,

Lisa Barr

HB 1163 - AS INTRODUCED

2022 SESSION

22-2367

11/04

HOUSE BILL **1163**

AN ACT relative to over voted ballots.

SPONSORS: Rep. Porter, Hills. 1; Rep. Berch, Ches. 1; Rep. Soti, Rock. 7; Rep. Ward, Rock. 28;
Rep. Santonastaso, Ches. 14; Sen. Soucy, Dist 18

COMMITTEE: Election Law

ANALYSIS

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

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 Two

AN ACT relative to over voted ballots.

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

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

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

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

15 (k) For each election, the number of over voted ballots.

16 (l) For each contest or ballot question, the number of overvotes and undervotes.

17 3 Effective Date. This act shall take effect 30 days after its passage.