

LEGISLATIVE COMMITTEE MINUTES

**HB1457**

Bill as  
Introduced

HB 1457-FN - AS AMENDED BY THE HOUSE

15Mar2022... 0967h

2022 SESSION

22-2319  
11/08

HOUSE BILL        ***1457-FN***

AN ACT            relative to chain of custody of ballot boxes after an election.

SPONSORS:        Rep. Yakubovich, Merr. 24; Rep. Layon, Rock. 6; Rep. Gorski, Hills. 7

COMMITTEE:       Election Law

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AMENDED ANALYSIS

This bill modifies the retention policy for ballot boxes.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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*

AN ACT relative to chain of custody of ballot boxes after an election.

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

1 1 Preservation of Ballots; Secretary of State. Amend RSA 659:98 to read as follows:

2 659:98 Delivery of Ballots to Town Clerk. The moderator, or the moderator's designee, and the  
3 selectmen, or their designee, after they have sealed and certified the state election ballots as  
4 provided in RSA 659:95 and RSA 659:96, shall deliver the sealed containers to the town or city clerk,  
5 or to the clerk's designee, who shall in their presence enter in the appropriate place on each sealer  
6 the time of day and shall sign his or her name in the appropriate blank on the sealer. The clerk or  
7 the clerk's designee shall, without breaking the seals or otherwise changing the condition of the  
8 containers, deposit the containers in the town or city hall [~~where the ballots shall be kept for a~~  
9 ~~period set forth in RSA 33-A:3-a~~]. *Containers containing ballots and absentee balloting*  
10 *materials that have been sealed after an election according to instructions provided by the*  
11 *secretary of state shall be stored in a location under the direction of the clerk. A log shall*  
12 *be maintained by the clerk specifying the location and the containers at the location. Once*  
13 *stored, the containers shall be accessible only to individuals working under the direction of*  
14 *the town clerk, as required for recounts, or as necessary for the secretary of state to verify*  
15 *the container storage. When the containers are removed to allow for destruction of ballots*  
16 *in accordance with RSA 33-A:3-a, the destruction of the ballots and absentee balloting*  
17 *materials shall be the final entry in the log.*

18 2 Effective Date. This act shall take effect 60 days after its passage.

LBA  
22-2319  
Amended 3/22/22

**HB 1457-FN- FISCAL NOTE**  
**AS AMENDED BY THE HOUSE (AMENDEMENT #2022-0967h)**

AN ACT            relative to chain of custody of ballot boxes after an election.

**FISCAL IMPACT:**     State         County       Local         None

**METHODOLOGY:**

The Office of Legislative Budget Assistant states this bill, as amended, has no fiscal impact on state, county and local expenditures or revenue.

**AGENCIES CONTACTED:**

None

CHAPTER 73  
HB 1457-FN - FINAL VERSION

15Mar2022... 0967h

2022 SESSION

22-2319  
11/08

HOUSE BILL

***1457-FN***

AN ACT

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Rep. Yakubovich, Merr. 24; Rep. Layon, Rock. 6; Rep. Gorski, Hills. 7

COMMITTEE:

Election Law

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CHAPTER 73  
HB 1457-FN - FINAL VERSION

15Mar2022... 0967h

22-2319  
11/08

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT relative to chain of custody of ballot boxes after an election.

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

- 1 73:1 Preservation of Ballots; Secretary of State. Amend RSA 659:98 to read as follows:  
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3 selectmen, or their designee, after they have sealed and certified the state election ballots as provided in  
4 RSA 659:95 and RSA 659:96, shall deliver the sealed containers to the town or city clerk, or to the clerk's  
5 designee, who shall in their presence enter in the appropriate place on each sealer the time of day and  
6 shall sign his or her name in the appropriate blank on the sealer. The clerk or the clerk's designee shall,  
7 without breaking the seals or otherwise changing the condition of the containers, deposit the containers in  
8 the town or city hall [~~where the ballots shall be kept for a period set forth in RSA 33-A:3-a~~]. ***Containers***  
9 ***containing ballots and absentee balloting materials that have been sealed after an election according to***  
10 ***instructions provided by the secretary of state shall be stored in a location under the direction of the clerk.***  
11 ***A log shall be maintained by the clerk specifying the location and the containers at the location. Once***  
12 ***stored, the containers shall be accessible only to individuals working under the direction of the town clerk,***  
13 ***as required for recounts, or as necessary for the secretary of state to verify the container storage. When***  
14 ***the containers are removed to allow for destruction of ballots in accordance with RSA 33-A:3-a, the***  
15 ***destruction of the ballots and absentee balloting materials shall be the final entry in the log.***  
16 73:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: May 20, 2022  
Effective Date: July 19, 2022

# Committee Minutes



# SENATE CALENDAR NOTICE

## Election Law and Municipal Affairs

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

Date: March 31, 2022

### HEARINGS

Monday

04/04/2022

Election Law and Municipal Affairs	State House 100	1:00 p.m.
(Name of Committee)	(Place)	(Time)
1:00 p.m. HB 1153	relative to absentee ballot requests.	
1:15 p.m. HB 1157	relative to electronic ballot counting devices.	
1:30 p.m. HB 1203-FN	relative to domicile residency, voter registration, and investigation of voter verification letters.	
1:45 p.m. HB 1457-FN	relative to chain of custody of ballot boxes after an election.	
2:00 p.m. HB 1527-FN	relative to vote returns.	
2:15 p.m. HB 1467-FN	requiring partial audits of additional offices on ballots involved in recounts.	

### EXECUTIVE SESSION MAY FOLLOW

#### Sponsors:

#### **HB 1153**

Rep. Torosian  
Rep. Wuelper

Rep. Gould  
Rep. J. Smith

Rep. Janigian

Rep. Ankarberg

#### **HB 1157**

Rep. Torosian

Rep. Janigian

#### **HB 1203-FN**

Rep. Horrigan  
Rep. Kenney

Rep. Berch  
Rep. Read

Rep. Cohen  
Rep. Spang

Rep. Frost  
Rep. Wall

#### **HB 1457-FN**

Rep. Yakubovich

Rep. Layon

Rep. Gorski

#### **HB 1527-FN**

Rep. Yakubovich

Rep. Ankarberg

Rep. Verville

#### **HB 1467-FN**

Rep. Yakubovich

Rep. Shechan

Rep. Aron

Rep. S. Boyd

Tricia Melillo 271-3077

James P. Gray  
Chairman

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

HB 1457-FN, relative to chain of custody of ballot boxes after an election.

**Hearing Date:** April 4, 2022

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

**Members of the Committee Absent :** None

**Bill Analysis:** This bill modifies the retention policy for ballot boxes.

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**Sponsors:**

Rep. Yakubovich

Rep. Layon

Rep. Gorski

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**Who supports the bill:** Representative Michael Yakubovich, Representative Paul Bergeron, Representative Peter Torosian, Alvin See, Eric Pauer, Julie Smith, List Post, Clarence Skidmore

**Who opposes the bill:** Janet Lucas

**Summary of testimony presented in support:**

**Representative Michael Yakubovich**

- It is intended to keep better track of ballots and ballot boxes after an election.
- Also, to provide more clarity to how they are stored.
- The bill would require the city and town clerks to keep a log of where the boxes are stored and who has access to them.
- Additionally, this log book would record when the ballots are destroyed.
- The Secretary of State would have access to look at the logs to verify compliance.
- In the recent year this was an issue in Bedford where ballots and ballot boxes were not accounted for.
- This will bring uniformity to all municipalities throughout the state so that there is a log book everywhere that accounts for the ballot boxes.

**Summary of testimony presented in opposition:** None

TJM

Date Hearing Report completed: April 7, 2022

# Speakers



## Senate Remote Testify

Election Law and Municipal Affairs Committee Testify List for Bill HB1457 on 202  
Support: 4 Oppose: 1

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Pauer, Eric	A Member of the Public	Myself	Support
Smith, Julie	A Member of the Public	Myself	Support
Post, Lisa CM	An Elected Official	Myself	Support
Lucas, Janet	A Member of the Public	Myself	Oppose
SKIDMORE, CLARENCE	A Member of the Public	Myself	Support

# Voting Sheets

**Senate Election Law  
& Municipal Affairs Committee  
EXECUTIVE SESSION RECORD  
2022 Session**

Bill **HB 1457**

Hearing date: 4/4/22

Executive Session date: 4/4/22

Motion of: OTF Vote: 5-0

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

Motion of: Consent Vote: 5-0

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

Motion of: \_\_\_\_\_ Vote: \_\_\_\_\_

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

Reported out by: Sen. Perkins Kwoka

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Committee Report



STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE  
FOR THE CONSENT CALENDAR

Monday, April 4, 2022

THE COMMITTEE ON Election Law and Municipal Affairs

to which was referred HB 1457-FN

AN ACT

relative to chain of custody of ballot boxes after an  
election.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Rebecca Perkins Kwoka  
For the Committee

This bill modifies the retention policy for ballot boxes to allow for the validation of the chain of custody. A log shall be maintained by the clerk specifying the location and the containers. Only individuals working under the direction of the clerk may access the ballots as required for recounts or for verification of storage. The final entry in the log shall be the destruction of the ballots.

Tricia Melillo 271-3077

## General Court of New Hampshire - Bill Status System

**Docket of HB1457**

Docket Abbreviations

**Bill Title:** relative to chain of custody of ballot boxes after an election.*Official Docket of HB1457.:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/12/2022	H	<b>Introduced</b> 01/05/2022 and referred to Election Law
1/13/2022	H	Public Hearing: 01/20/2022 11:30 am LOB 306-308
3/9/2022	H	Executive Session: 03/09/2022 10:00 a.m. LOB306-308
3/9/2022	H	Committee Report: Ought to Pass with Amendment <b>#2022-0967h</b> (Vote 20-0; CC)
3/16/2022	H	Amendment <b>#2022-0967h</b> : AA VV 03/15/2022 <b>HJ 6</b>
3/15/2022	H	<b>Ought to Pass with Amendment</b> 2022-0967h: MA VV 03/15/2022 <b>HJ 6</b>
3/22/2022	S	Introduced 03/17/2022 and Referred to Election Law and Municipal Affairs; <b>SJ 6</b>
3/31/2022	S	<b>Hearing:</b> 04/04/2022, Room 100, SH, 01:45 pm; <b>SC 14</b>
4/6/2022	S	Committee Report: Ought to Pass, 04/14/2022; Vote 5-0; CC; <b>SC 15</b>
4/14/2022	S	<b>Ought to Pass:</b> MA, VV; OT3rdg; 04/14/2022; <b>SJ 8</b>
5/13/2022	S	Enrolled Adopted, VV, (In recess 05/12/2022); <b>SJ 13</b>
5/13/2022	H	Enrolled (in recess of) 05/12/2022
5/24/2022	H	Signed by Governor Sununu 05/20/2022; Chapter 73; Eff. 07/19/2022

NH House

NH Senate

# Other Referrals

**Senate Inventory Checklist for Archives**

Bill Number: HB 1457-FD Senate Committee: ELMA

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

Final docket found on Bill Status

**Bill Hearing Documents: (Legislative Aides)**

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

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

Hearing Report

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

**Committee Action Documents: (Legislative Aides)**

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

- amendment # \_\_\_\_\_ - amendment # \_\_\_\_\_

- amendment # \_\_\_\_\_ - amendment # \_\_\_\_\_

Executive Session Sheet

Committee Report

**Floor Action Documents: (Clerk's Office)**

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

- amendment # \_\_\_\_\_ - amendment # \_\_\_\_\_

- amendment # \_\_\_\_\_ - amendment # \_\_\_\_\_

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

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

Enrolled Bill Amendment(s)

Governor's Veto Message

**All available versions of the bill: (Clerk's Office)**

as amended by the senate

as amended by the house

final version

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

Tricia Melillo  
Committee Aide

6/22/22  
Date

Senate Clerk's Office AK