

LEGISLATIVE COMMITTEE MINUTES

# **HB1527**

# Bill as Introduced

HB 1527-FN - AS AMENDED BY THE HOUSE

15Mar2022... 0222h

2022 SESSION

22-2120  
11/10

HOUSE BILL

***1527-FN***

AN ACT

relative to vote returns.

SPONSORS:

Rep. Yakubovich, Merr. 24; Rep. Ankarberg, Straf. 10; Rep. Verville, Rock. 2

COMMITTEE:

Election Law

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AMENDED ANALYSIS

This bill requires cities and towns that use AccuVote devices to send a paper copy of the long report tape to the secretary of state with the return of votes form.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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

1 Forwarding; Retaining Copies of Return. Amend RSA 659:75 to read as follows:  
2 659:75 Forwarding; Retaining Copies of Return.

3 *I.* One copy of the election return shall be forwarded by the town or ward clerk to the  
4 secretary of state in both paper and electronic form no later than 8:00 a.m. on the day following a  
5 state election unless the secretary of state orders them at a different time and date. The other shall  
6 be kept by the town or city clerk in accordance with RSA 33-A:3-a and shall be open to public  
7 inspection at reasonable times. If an official state election return is sealed along with the ballots,  
8 the clerk having custody of the sealed ballots shall, at the request of the secretary of state, and in the  
9 presence of a state election official, unseal the ballots and retrieve the election return. The ballots  
10 shall be immediately resealed and the election return shall be delivered to the secretary of state by  
11 the election official.

12 *II. For a city or town that uses the AccuVote electronic ballot counting device in a*  
13 *state election, the town or ward clerk shall print and forward a paper copy of the long*  
14 *report tape to the secretary of state with the return of votes form and shall keep a paper*  
15 *copy of the long report tape with the paper return of votes form that is retained by the town*  
16 *or city clerk in accordance with paragraph I.*

17 2 Effective Date. This act shall take effect 60 days after its passage.

HB 1527-FN- FISCAL NOTE  
AS INTRODUCED

AN ACT relative to the storage of total vote counts produced by electronic ballot counting devices.

FISCAL IMPACT:  State  County  Local  None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<i>Funding Source:</i>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

**LOCAL:**

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

**METHODOLOGY:**

This bill would require local election officials to photograph or scan the receipts of total vote counts produced by electronic ballot counting devices after any election and forward the images to the Secretary of State for posting in a database on the Department of State's website. The Department of State would also be required to publish a public spreadsheet on their website containing all digital data received from towns.

The Department of State indicates there would be an indeterminable increase in General Fund expenditures as the Department would need additional software enhancements to transfer data from scanned images to digital images on their websites as well as ensuring these postings are ADA compliant. Lastly, the Department states that to the extent towns do not yet have the technology to comply with this bill the State would have to provide the equipment.

The New Hampshire Municipal Association states there will be an indeterminable increase to local expenditures as the additional requirements in the bill for localities will require additional time by election officials on election nights resulting in increase personnel costs. The amount of increase in expenditures will vary by town

It is assumed the fiscal impact would not occur until FY 2023.

**AGENCIES CONTACTED:**

, Department of State and New Hampshire Municipal Association

LBA  
22-2120  
Amended 3/30/22

**HB 1527-FN FISCAL NOTE  
AS AMENDED BY THE HOUSE (AMENDMENT #2022-0222h)**

AN ACT relative to vote returns.

FISCAL IMPACT:  State  County  Local  None

**METHODOLOGY:**

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

**AGENCIES CONTACTED:**

Department of State and New Hampshire Municipal Association

CHAPTER 78  
HB 1527-FN - FINAL VERSION

15Mar2022... 0222h

2022 SESSION

22-2120  
11/10

HOUSE BILL            ***1527-FN***

AN ACT                relative to vote returns.

SPONSORS:           Rep. Yakubovich, Merr. 24; Rep. Ankarberg, Straf. 10; Rep. Verville, Rock. 2

COMMITTEE:          Election Law

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CHAPTER 78  
HB 1527-FN - FINAL VERSION

15Mar2022... 0222h

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STATE OF NEW HAMPSHIRE

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5 the secretary of state orders them at a different time and date. The other shall be kept by the town or city  
6 clerk in accordance with RSA 33-A:3-a and shall be open to public inspection at reasonable times. If an  
7 official state election return is sealed along with the ballots, the clerk having custody of the sealed ballots  
8 shall, at the request of the secretary of state, and in the presence of a state election official, unseal the  
9 ballots and retrieve the election return. The ballots shall be immediately resealed and the election return  
10 shall be delivered to the secretary of state by the election official.

11 *II. For a city or town that uses an AccuVote electronic ballot counting device in a state election,*  
12 *the town or ward clerk shall print and forward a paper copy of the long report tape to the secretary of state*  
13 *with the return of votes form and shall keep a paper copy of the long report tape with the paper return of*  
14 *votes form that is retained by the town or city clerk in accordance with paragraph I.*

15 78:2 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

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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. Sheehan

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 1527-FN, relative to vote returns.

**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 requires cities and towns that use AccuVote devices to send a paper copy of the long report tape to the secretary of state with the return of votes form.

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**Sponsors:**

Rep. Yakubovich

Rep. Ankarberg

Rep. Verville

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

**Who opposes the bill:** None

**Summary of testimony presented in support:**

**Representative Michael Yakubovich**

- This bill has to do with the tapes that come out of the vote count machines.
- It was amended in the House.
- A copy of the long form of the report tape is to be sent with the return of the vote form to the Secretary of State by the next morning.
- There should be a copy kept in the town and a copy kept by the state.
- His initial intent was to have copies of the tapes online but that has been removed from the bill itself.
- His hope is that the Secretary of State's office will transcribe them into a spreadsheet that will be accessible for the public.
- This will allow the public to see the counts from each machine.
- Senator Gray clarified that the bill does not state that it will be in a spreadsheet only that copies will be made for the town and the state.
  - Representative Yakubovich stated that is correct.

**Representative Paul Bergeron**

- The current practice is for city and town clerks to submit the long report tape from the AccuVote machine to the Secretary of State.
- It is not in the statutes but does appear on page 94 of the election procedure manual.
- By codifying it into law it will ensure that all city and town clerks will follow that recommended practice.
- They wanted to make sure that people who wanted to see the tapes locally the city or town clerk would have a copy as well.
- They do not believe this will be burdensome as it just expands on what is already done.
- Senator Gray asked if the long tape provides a little more information, like the over votes and under votes.
  - Rep. Bergeron replied that yes there is more detail in them. The short form just gives the election results. The long form gives information such as how many votes were cast.

- Senator Soucy commented that this legislation just refers to the AccuVote machines and asked would they have to amend this law if the Ballot Law Commission approved another device.
  - Rep. Bergeron replied yes. The term “long results tape” is language terminology specifically used by the AccuVote machine.

**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 HB1527 on 2022  
Support: 4 Oppose: 0

<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
SKIDMORE, CLARENCE	A Member of the Public	Myself	Support

0:00

0:00  
0:00  
0:00  
0:00  
0:00

0:00



# Voting Sheets

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

Bill **HB 1527**

Hearing date: 4/4/22

Executive Session date: 4/4/22

Motion of: OTP 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 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 checked="" 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 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 checked="" 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. Birdsell

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

# Committee Report



## General Court of New Hampshire - Bill Status System

**Docket of HB1527**

Docket Abbreviations

**Bill Title:** (New Title) relative to vote returns.*Official Docket of HB1527.:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
12/9/2021	H	<b>Introduced</b> 01/05/2022 and referred to Election Law
1/13/2022	H	Public Hearing: 01/20/2022 01:30 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>#2022-0222h</b> (NT) (Vote 20-0; CC)
3/16/2022	H	Amendment <b>#2022-0222h</b> : AA VV 03/15/2022 <b>HJ 6</b>
3/15/2022	H	<b>Ought to Pass with Amendment</b> 2022-0222h: 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, 02:00 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 78; Eff. 07/19/2022

NH House

NH Senate

# Other Referrals

**Senate Inventory Checklist for Archives**

Bill Number: HB 1527-FN 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)

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

Hearing Report

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 AL