

HB 453-FN-A - AS INTRODUCED

2023 SESSION

23-0426

06/04

HOUSE BILL **453-FN-A**

AN ACT relative to prohibiting the folding of election ballots and providing adequate envelopes for absentee ballots to prevent folding.

SPONSORS: Rep. K. Perez, Rock. 16; Rep. Kuttab, Rock. 17; Rep. Layon, Rock. 13; Rep. Prudhomme-O'Brien, Rock. 13

COMMITTEE: Election Law

ANALYSIS

This bill prohibits paper ballots from being folded and requires ballot-sized envelopes be provided with absentee ballots to prevent absentee ballots from also being folded.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to prohibiting the folding of election ballots and providing adequate envelopes for absentee ballots to prevent folding.

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

1 1 Purpose. The purpose of this bill is to ensure ballots are not folded prior to counting or
2 recounting in order to avoid any mechanical errors, such as jamming, that might arise when ballots
3 are inserted manually into counting machines.

4 2 Official Absence, Religious Observance, and Disability Absentee Ballots; Envelops. Amend
5 RSA 656:33 to read as follows:

6 656:33 Official Absence, Religious Observance, and Disability Absentee Ballots. Prior to any
7 state election, the secretary of state shall prepare, in such quantity as the secretary of state may
8 deem necessary, absence, religious observance, and disability absentee ballots in the same form as
9 nearly as practicable as the official ballot to be used at said election. Said absentee ballots shall
10 have the words "absentee ballot" printed on them and shall be similarly endorsed and printed on
11 paper of the same color as that used for official ballots. ***Any absentee paper ballots provided***
12 ***under this section shall also be provided with an envelope large enough to encase the***
13 ***ballot in order to prevent the ballot from being folded.***

14 3 Preparation of Voting Materials; Folding Ballots Prohibited. Amend RSA 656:2 to read as
15 follows:

16 656:2 Prohibitions. No person engaged in preparing or printing a state election ballot shall
17 purloin, give away, ~~or~~ allow to be removed ~~[any such ballot]~~, ***or fold or crease in any way any***
18 ***such ballot.*** Whoever knowingly violates this provision shall be guilty of a misdemeanor if a
19 natural person or shall be guilty of a felony if any other person.

20 4 Effective Date. This act shall take effect 60 days after its passage.

**HB 453-FN-A- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to prohibiting the folding of election ballots and providing adequate envelopes for absentee ballots to prevent folding.

FISCAL IMPACT: State County Local None

| STATE: | Estimated Increase / (Decrease) | | | |
|------------------------|---|------------------------------------|----------------------------------|--------------------------------|
| | FY 2023 | FY 2024 | FY 2025 | FY 2026 |
| Appropriation | \$0 | \$0 | \$0 | \$0 |
| Revenue | \$0 | \$0 | \$0 | \$0 |
| Expenditures | \$0 | \$110,000+ | \$220,000+ | Indeterminable |
| Funding Source: | <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 prohibits paper ballots from being folded and requires ballot-sized envelopes be provided with absentee ballots to prevent absentee ballots from also being folded. Prior to any state election, the Department of State provides all city and town Clerks with 3 sets of envelopes for absentee ballots:

1. a mailing envelope for the Clerk to use to mail all absentee materials to the voter,
2. the affidavit envelope which the voters signs and places their ballot inside, and
3. the outside envelope into which the signed and sealed affidavit with ballot goes into for mailing back to the Clerk.

The Department of State indicates this bill will require the purchase of envelopes large enough to hold all of the election ballot materials without folding. In the November 2022 general elections, clerks sent out 62,709 absentee ballots. The estimated cost of larger envelopes, increased printing costs and increase mailing costs are between \$1.25 and \$1.75 per ballot. Multiplying the 62,709 absentee ballots by the mailing and envelope costs equates to an approximate increased cost of \$110,000 per an election. In presidential election years this cost is estimated to be doubled. The Department states the United States Postal Service notes that larger envelopes require additional shipping time and may require additional indeterminable expedited postage costs. Lastly, the Department notes local expenditures will increase by an

indeterminable amount depending upon the increased size and weight of the absentee materials.

AGENCIES CONTACTED:

Department of State

CONSENT CALENDAR

February 14, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Election Law to which was referred
HB 453-FN-A,**

**AN ACT relative to prohibiting the folding of election
ballots and providing adequate envelopes for absentee
ballots to prevent folding. Having considered the same,
report the same with the following resolution:**

RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Steven Smith

FOR THE COMMITTEE

COMMITTEE REPORT

| | |
|-------------------|--|
| Committee: | Election Law |
| Bill Number: | HB 453-FN-A |
| Title: | relative to prohibiting the folding of election ballots and providing adequate envelopes for absentee ballots to prevent folding. |
| Date: | February 14, 2023 |
| Consent Calendar: | CONSENT |
| Recommendation: | INEXPEDIENT TO LEGISLATE |

STATEMENT OF INTENT

This bill would have prevented the folding of ballots to reduce machine counting errors. Subsequent investigation found that there are other ways to avoid the errors which do not require legislation.

Vote 18-2.

Rep. Steven Smith
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Election Law

HB 453-FN-A, relative to prohibiting the folding of election ballots and providing adequate envelopes for absentee ballots to prevent folding. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven Smith for Election Law. This bill would have prevented the folding of ballots to reduce machine counting errors. Subsequent investigation found that there are other ways to avoid the errors which do not require legislation. **Vote 18-2.**

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 453-FN-A

BILL TITLE: relative to prohibiting the folding of election ballots and providing adequate envelopes for absentee ballots to prevent folding.

DATE: January 24, 2023

LOB ROOM: 306-308 **Time Public Hearing Called to Order:** 10:39 am

Time Adjourned: 11:41 am

Committee Members: Reps. S. Smith, Berry, Grill, Prudhomme-O'Brien, Boehm, Qualey, Ankarberg, Burnham, Kennedy, Wherry, Wood, Lane, Ward, Hamer, Hamblet, Bay, Brennan and H. Howard, Paige

Bill Sponsors:

Rep. K. Perez

Rep. Kuttab

Rep. Layon

Rep. Prudhomme-O'Brien

TESTIMONY

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

Rep. Kristine Perez, sponsor, introduced the bill and spoke in support. She said that the bill as amended would only apply to the towns and cities that used voting machines, and would prevent folding ballots. She said that her concern with folded ballots started when she worked as a poll challenger in 2018, when she saw poll workers have difficulty inserting folded absentee ballots into voting machines. She said that in the 2020 elections, issues in Windham showed that there were difficulties with folded ballots. She said that steps taken to un-fold absentee ballots are costly and time-consuming and also said that not all ballots are mailed. She said that counting issues caused by folded absentee ballots could be solved by just not folding absentee ballots. She stated that a representative from the Government Integrity Project said that the issue of overvotes and phantom votes is an issue as well, and they found in Windham that the crease of a folded ballot could cause an overvote depending on where the crease is. She explained that phantom votes are caused when the shadow of a fold goes through a candidate's name, counting as a vote towards a candidate. She said that the rate of over- and undervotes increased with folded absentee ballots and said that not all machines are capable of automatically rejecting overvotes. She concluded by stating that the integrity of the right to vote is a reasonable expectation and encouraged committee members to pass the bill.

Rep. Wherry asked how the bill would address if an absentee ballot is submitted folded anyway. Rep. Perez said that some towns currently hand-count folded ballots and the bill would address the three-fold issue: folding, overvotes and phantom votes.

Rep. Howard asked whether Rep. Perez has reached out to the SOS office to see if the new machines being considered would address these issues. She said that she had not reached out but said that her town would be testing new voting machines and said this would be a good test to see if new machines handle these issues differently.

Rep. Brennan asked if Rep. Perez knows whether it is more costly to hand-count folded ballots under the current system or use new envelopes stipulated in the bill. She said she did not know, but that the cost is two-fold, so the larger envelopes would be more costly but she is not sure how many would be used.

Rep. Lane asked whether voters would need to spend more on postage for the larger envelopes. Rep. Perez answered yes.

Rep. Wood asked if Rep. Perez knows how many folded absentee ballots are submitted per town. Rep. Perez said there were over 60K statewide during the Nov. 2022 election.

Rep. Prudhomme-O'Brien, co-sponsor, spoke in support of the bill. She said that she had previously opposed this measure in previous years and has changed her mind due to new information. She said that the town clerk and former town moderator in Derry told her that she was spending time and money processing folded ballots and that

this bill would help alleviate those efforts. She said that her town's absentee ballots were hand-counted in the last election due to concerns about absentee ballots being counted through the machines and cited the issues with phantom voting experienced in Windham. She said that Windham town officials used folding equipment that pre-scored the ballots in places where candidates' names would be covered. She said that if there is the opportunity to make voters more confident that past errors would not occur again, it is a good idea, and if community are spending more money to count ballots by hand, this is a good way to address that. She also said that this bill would address the issue of officials or voters might fold their ballots incorrectly or folding them in a way that could jam voting equipment, which creates issues with voter confidence. She said that postage costs were a reason she previously opposed this act, but that it is a balancing act and that the estimated cost is likely attainable for voters, and voters would also have to spend money on gas to vote in person.

Rep. Howard asked whether it would be cheaper to standardize folding equipment rather than shift the cost to the voter. Rep. Berry clarified that there is no designated folding equipment in NH. Rep. Prudhomme-O'Brien said that the SOS office had said that pre-scored ballots are not supposed to intersect with a candidate target, and Windham had folded the ballots incorrectly to save time due to the large number of absentee ballots.

Rep. Hamer asked how many envelopes would be required for sending absentee ballots given the higher weight. Rep. Prudhomme-O'Brien said that the same number of envelopes would be sent and communities would make an effort not to use heavy paper.

Rep. Lane asked what the amendment changes in the bill. Rep. Prudhomme-O'Brien said she wasn't sure.

Rep. Erica Layon, co-sponsor, spoke in support of the bill. She stated that the amendment would only apply the additional requirement to towns currently using voting machines to avoid additional costs. She said that she became interested in this bill when she realized there was no way to fold an absentee ballot without crossing over a target on the ballot. She said that she could not come up with another solution to make sure this was unavoidable and that this situation meant Derry poll workers were up late counting. She said that the margin of error caused by incorrect readings could've changed election results, and it was essential to determine the correct results of the election despite the large time and cost for a hand count. She said that by requiring absentee ballots to be enclosed in a non-foldable envelope, it removes the issue from poll workers and clerks. She said that it is important for poll workers to be on point and not work too late, and that it is important to ensure people continue to volunteer in elections. She said that the additional postage costs would not be significant and asked the committee what the value is in making sure your vote is counted correctly.

Rep. Boehm asked whether this should be on his show this Friday.

Rep. Burnham asked that would the suggested new envelope be a standardized envelope, specialized envelope, or manila envelope. Rep. Layon said that this depends on the length of the ballot as some towns like Derry have more state representative seats. She said that it is important to solve this problem.

Rep. Brennan asked that in the spirit of ensuring every vote is counted, how we would address the additional shipping costs for the larger envelopes. Rep. Layon said that there might be added shipping time, but that absentee ballot voters know to expect time at the post office and that voters could also save money and time delivering their absentee ballot directly to town clerks.

Rep. Horrigan spoke in opposition to the bill. He said that while he agrees what happened in Windham was a fiasco, machines are still capable of reading folded ballots. He said that the maximum size for first-class envelopes is currently below the size of a ballot, and that large envelope rates may not cover the full size of the ballots. He said that the best solution is to continue folding the ballots, maybe in a slightly larger envelope that requires fewer folds. He said that we also have to keep in mind the affidavit and other materials that need to be returned with the absentee ballot and that overseas voters may not be able to find the correct envelope sizes. He said that it would be better to keep this law as is and improve other voting procedures.

Erin Hennessey, Deputy Secretary of State, spoke to provide information from the Secretary of State's office. She did not take a position on the bill. She explained that the current process for absentee balloting is the SOS mails three envelopes to town clerks: an outside envelope, a return outside envelope, and signed affidavit envelope that holds the ballot. She said that the amendment would mean that the bill would not impact hand-count towns. She stated that there are three sizes of ballots to consider, and ideally ballots would only be printed on one side to give voters more privacy. She said that bigger towns/elections might only use a standard-size paper ballot, larger towns might use an 8.5 x 14" ballot, and an even larger town might use an 8.5 x 18" ballot and that the process called for in the bill would require a rigid envelope, plus larger envelopes to hold both of the two internal envelopes. She said that they were not able to meet with the post office to determine what kind of envelopes would be used, but that ballots large enough to fit the largest envelopes would likely not fit inside voters' mailboxes.

Rep. Boehm asked that with the current voting machines vs. newer machines, would they be able to handle ballots

that are smaller than the ones currently in use? Ms. Hennessey said that a smaller ballot would make it harder to see candidates' names. He also asked whether the post office has looked into the maximum size envelopes. Ms. Hennessey said that voters might have to pay via parcel rates.

Rep. Howard asked whether, for the new voting machines, have the capabilities and accuracies been tested on potential ballot folds. Ms. Hennessey said that the ballot law commission is responsible for authorizing new voting machines, and in post-2022 audits for the new machines, Ms. Hennessey did not encounter issues with counting folded ballots. She said that they have not tested specific folds but hope the issue would not happen again.

Rep. Brennan asked that for current absentee ballots, are voters able to place them in their standard mailboxes. Ms. Hennessey answered yes.

Rep. Wherry asked whether we know the distribution of absentee ballots that are mailed vs. handed in in person. Ms. Hennessey said she does not believe there is any tracking mechanism for delivery method in any NH town. Rep. Berry suggested that looking at data for voters who requested and submitted absentee ballots on the same day.

Louise Spencer spoke in opposition to the bill. With regards to the issue of ballot folding in Windham, she said that this was a very unique circumstance in which a machine was used to fold and crease ballots, and that the process of using the heavy stamping machine created a shadow line that led to phantom votes and overvotes being counted. She said this was a function of a folding machine and that Windham did a trial of hand-folded ballots during this election to see if this would cause the same issue and it did not occur. She said it is important to be aware that this is a very unique issue and this could be addressed by not following the same process. She also mentioned the issue of the envelopes themselves that would be used, and that these envelopes have to be pre-printed with specific information, and of a certain paper quality. She referenced an SOS committee on voting during COVID that found that costs for flat absentee ballots would be prohibitive. She also said that slower mail times would be an issue and the new envelopes would add another slowdown for both towns and voters, particularly for HAVA overseas voters. She also said that the added postage costs and delays in processing time would be a burden on voters, particularly considering that a large number of absentee voters are unable to physically travel to the town clerk's office due to travel or disability. She referenced increased costs of living and said that the extra \$0.50 can make a difference, especially if multiple household members are voting absentee. She said it was not clear whether voters would be subject to a penalty if voters were to use a standard envelope instead of the larger envelope to save money on postage. She said that SB418 has already caused timing issues for whether ballots would be delivered to overseas voters and this requirement would add extra time, running into additional problems.

Ken Eyring spoke in support of the bill. He said that he experienced the issues in the 2020 election as a Windham voter, and that he worked with the previous SOS to perform an audit of the Windham election and its discrepancies. He said that the audit confirmed that folds going through ballot holes can be misread at a 35%+ rate. He said that human error is introduced in every election and in Windham, 1,163 votes were shifted during the hand recount vs. machine count. He said he believes that if ballots continue to be folded, it should be mandatory that they be hand-counted, and stated that a previous bill addressed part of this incident by requiring machines to reject overvoted ballots but does not address the issue of phantom votes. He said that this bill would address both issues, leading to more accurate results. With regards to testing of the new machines, he said that he sat in on a BLC test of 2 machines and did not see any folded ballots being tested, which does not speak to the machines' ability to count folded ballots. He said that you need to test folds through the ovals to determine whether they can be properly counted. He reminded the committee that human error is always present and that even for the primary, town officials still folded ballots through the ovals despite previous issues. He stated that he filed a complaint addressing issues he saw in the 2022 primary and general elections. He said that Derry, which hand-counts all folded ballots, is an exemplary example and ensures the accuracy of the vote. He said that every phantom vote counted disenfranchises an actual vote, and that regarding concerns about envelope sizes, we all receive mail larger than an 8x11 piece of paper and envelope bending would not create issues with the voting machines, and that the committee should propose an amendment if this is a concern. He said that the cost is a concern, but we want to make sure the votes are accurately counted and the cost to hand-count folded ballots would be offset by this bill, as well as the time required for a hand count, given concerns about election workers staying for long hours.

Rep. Burnham asked if there has been any consideration to the use of mailing tubes to send the larger ballots. Mr. Eyring said that he had not thought of this but it is a clever suggestion and the cost would be upfront as the tube could be returned.

Chairman Smith read the entries on the blue sign-in sheet: 2 in favor.

Chairman Smith closed the hearing, and then re-opened the hearing to allow for an additional speaker.

Joan Dargie from the City & Town Clerk's Association spoke to provide information. She did not take a position on the bill. She mentioned the cost to the town, as towns are required to provide their own affidavit envelopes. She stated that it would be cost-prohibitive for towns to provide their own envelopes, particularly for towns like Milford

where ballots are 10-12 pages, and that towns that receive a large number of absentee ballots cannot hand count them all. She suggested an amendment for a single-folded absentee ballot, which might make the envelopes more feasible to procure and alleviate postage costs.

Chairman Smith closed the public hearing.

House Remote Testify

Election Law Committee Testify List for Bill HB453 on 2023-01-24

Support: 7 Oppose: 36 Neutral: 2 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> |
|---------------------|--|------------------------|---------------------|-----------------|-------------------|--------------------|
| Coon, Kate | Peterborough, NH kate2coon@gmail.com | A Member of the Public | Myself | Neutral | No | No |
| Larson, Ruth | Alton, NH ruthlarson@msn.com | A Member of the Public | Myself | Oppose | No | No |
| Damon, Claudia | Concord, NH cordsdamon@gmail.com | A Member of the Public | Myself | Oppose | No | No |
| Taylor, Gale | Concord, NH galeforcefacilitators@gmail.com | A Member of the Public | Myself | Oppose | No | No |
| Brennan, Arthur | Weare, NH arete201314@gmail.com | A Member of the Public | Myself | Oppose | No | No |
| Brennan, Nancy | Weare, NH burningnan14@gmail.com | A Member of the Public | Myself | Oppose | No | No |
| thompson, julia | durham, NH maple371@gmail.com | A Member of the Public | Myself | Support | No | No |
| Casino, Joanne | Concord, NH joannecasino@comcast.net | A Member of the Public | Myself | Oppose | No | No |
| Reed, Barbara | North Swanzey, NH BDRreed74@gmail.com | A Member of the Public | Myself | Oppose | No | No |
| Spielman, Kathy Sue | Durham, NH jspielman@comcast.net | A Member of the Public | Myself | Oppose | No | No |
| Jones, Andrew | Pembroke, NH arj11718@yahoo.com | A Member of the Public | Myself | Oppose | No | No |
| Devore, Gary | Pembroke, NH torin_asheron@yahoo.com | A Member of the Public | Myself | Oppose | No | No |
| Garland, Ann | Lebanon, NH annhgarland@gmail.com | A Member of the Public | Myself | Oppose | No | No |
| Rundell, Laura | Dover, NH laurarun45@gmail.com | A Member of the Public | Myself | Support | No | No |
| Willing, Maura | Concord, NH Maura.Willing@Comcast.net | A Member of the Public | Myself | Oppose | No | No |
| Fudge, Kim Marie | NORTH CONWAY, NH kimfudge20@gmail.com | A Member of the Public | Myself | Oppose | No | No |
| Rettew, Ann | Concord, NH abrettew@gmail.com | A Member of the Public | Myself | Oppose | No | No |
| Spencer, Louise | Concord, NH lpskentstreet@gmail.com | A Member of the Public | Myself | Oppose | No | No |
| Bowles, Margaret | Lyme, NH mcb2885@gmail.com | A Member of the Public | Myself | Oppose | No | No |
| Nardino, Marie | Andover, NH mdnardino@gmail.com | A Member of the Public | Myself | Oppose | No | No |
| Moore, Susan | Franconia, NH susan.moore.franconia@gmail.com | A Member of the Public | Myself | Oppose | No | No |
| Phillips, Betsey | Bethlehem, NH bphil36@gmail.com | A Member of the Public | Myself | Oppose | No | No |

| | | | | | | |
|--------------------------|---|------------------------|---------------|---------|----|----|
| Hatcher, Phil | Dover, NH phil.hatcher@gmail.com | A Member of the Public | Myself | Support | No | No |
| Kelley, Mary | Dover, NH midgekelly1@gmail.com | A Member of the Public | Myself | Support | No | No |
| Hansen, Lorraine | Rollinsford, NH lhansennh@gmail.com | A Member of the Public | Myself | Support | No | No |
| Moccia, Lianne | LEBANON, NH lianne.moccia@gmail.com | A Member of the Public | Myself | Oppose | No | No |
| Lamphier, Regan | Nashua, NH reganburkelamphier@gmail.com | A Member of the Public | Myself | Oppose | No | No |
| FRIEDRICH, ED | Loudon, NH erfriedrich@yahoo.com | A Member of the Public | Myself | Oppose | No | No |
| Richman, Susan | Durham, NH susan7richman@gmail.com | A Member of the Public | Myself | Support | No | No |
| MacGregor, Leslie | Grantham, NH lsmacgregor@gmail.com | A Member of the Public | Myself | Oppose | No | No |
| Nelson, Deborah | Hanover, NH dbaconnelson@gmail.com | A Member of the Public | Myself | Oppose | No | No |
| Black, William | Hanover, NH billblacknh@gmail.com | A Member of the Public | Myself | Oppose | No | No |
| Hennessey, Martha | Hanover, NH Msh4wt@gmail.com | A Member of the Public | Myself | Support | No | No |
| Allen, Mary Grace | Dover, NH marygracekatherine@gmail.com | A Member of the Public | Myself | Oppose | No | No |
| Manion, Alicia | Somersworth, NH aliciamanion@gmail.com | A Member of the Public | Myself | Oppose | No | No |
| Gaudet, Fawn | Rumney, NH fawngaudet@yahoo.com | A Member of the Public | Myself | Oppose | No | No |
| Chase, Karen | Hanover, NH kpchase@verizon.net | A Member of the Public | Myself | Oppose | No | No |
| Hinebauch, Mel | Concord, NH melhinebauch@gmail.com | A Member of the Public | Myself | Oppose | No | No |
| Steel, Sandy | PLAINFIELD, NH selizabethsteel@gmail.com | A Member of the Public | Myself | Oppose | No | No |
| Tuthill, John | Acworth, NH johng.tuthill@gmail.com | A Member of the Public | Myself | Neutral | No | No |
| O'Donnell, Alex | Weare, NH arodonnell22@gmail.com | A Member of the Public | Myself | Oppose | No | No |
| freeman, lynn | meriden, NH lef285@gmail.com | A Member of the Public | Myself | Oppose | No | No |
| St. Germain, McKenzie | Manchester, NH mstgermain@americavotes.org | A Lobbyist | America Votes | Oppose | No | No |
| Koch, Laurie | Concord, NH kochlj@aol.com | A Member of the Public | Myself | Oppose | No | No |
| Koch, Helmut | Concord, NH helmut.koch.2001@gmail.com | A Member of the Public | Myself | Oppose | No | No |

HB 453-FN-A - AS AMENDED

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Three

AN ACT relative to prohibiting the folding of election ballots and providing adequate envelopes for absentee ballots to prevent folding in all towns/cities utilizing voting machines

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

1 Purpose. The purpose of this bill is to ensure ballots are not folded prior to counting or recounting in order to avoid any mechanical errors, such as jamming, that might arise when ballots are inserted manually into counting machines.

2 Official Absence, Religious Observance, and Disability Absentee Ballots; Envelops. Amend RSA 656:33 to read as follows:

656:33 Official Absence, Religious Observance, and Disability Absentee Ballots. Prior to any state election, the secretary of state shall prepare, in such quantity as the secretary of state may deem necessary, absence, religious observance, and disability absentee ballots in the same form as nearly as practicable as the official ballot to be used at said election. Said absentee ballots shall have the words "absentee ballot" printed on them and shall be similarly endorsed and printed on paper of the same color as that used for official ballots. ***Any absentee paper ballots provided under this section shall also be provided with an envelope large enough to encase the ballot in order to prevent the ballot from being folded in any Town or City that utilize voting machines for vote counting***

3 Preparation of Voting Materials; Folding Ballots Prohibited. Amend RSA 656:2 to read as follows:

656:2 Prohibitions. No person engaged in preparing or printing a state election ballot shall purloin, give away, [or] allow to be removed [any such ballot], ***or fold or crease in any way any such ballot***. Whoever knowingly violates this provision shall be guilty of a misdemeanor if a natural person or shall be guilty of a felony if any other person.

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

HB 453-FN-A - Amended

AN ACT relative to prohibiting the folding of election ballots in all Towns/Cities that utilize Voting Machines and providing adequate envelopes for absentee ballots to prevent folding.

SPONSORS: Rep. K. Perez, Rock. 16; Rep. Kuttab, Rock. 17; Rep. Layon, Rock. 13; Rep. Prudhomme-O'Brien, Rock. 13

COMMITTEE: Election Law

ANALYSIS

This bill prohibits paper ballots from being folded and requires ballot-sized envelopes be provided with absentee ballots to prevent absentee ballots from also being folded in all Towns/Cities that utilize voting machines.

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.

HB 453-FN

From: Tom Murray (tom@pugliesecontracting.com)

To: kris2913@yahoo.com

Cc: kkuttab@gmail.com; nhstaterep@gmail.com

Date: Monday, January 23, 2023 at 08:12 PM EST

Kristine,

I am unable to testify tomorrow due to my son's surgery. Attached is a report I filed with the Commission on voter confidence this past September 2022. It is a good summary and explains the "overvote" and "phantom vote" issues. While HB 1163 (Now law) addressed the overvote issue it did not address the "Phantom vote" issue. The SB43 audit conclusions demonstrated this it disenfranchised voters 99 times according to the report. I believe HB 453 to be a bi-partisan bill to address the second part of the SB43 conclusions report, "phantom votes" by simply not allowing a ballot to be folded. I also have cc'd Katelynn Kuttab and Katherine Prudhomme O'Brien here. Thank you all for your continued service. If you have any further questions please do not hesitate to reach out.

Kindest regards,

Tom Murray, Co-founder
Government Integrity Project
4 Ledge Rd
Windham NH 03087
Cell 781-389-6107



Over-vote Report_Final.docx
19.3MB

Tom Murray

Email: Tom@pugliesecontracting.com

OVER-VOTE REPORT TESTIMONY

Submitted: September 20th, 2022



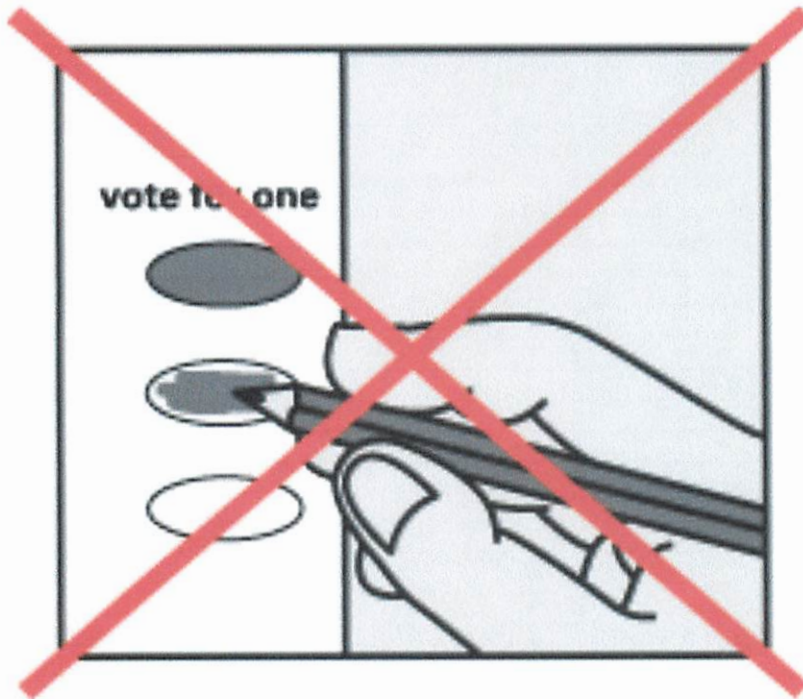
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Executive Summary

This report is submitted at the request of the co-chairs, Richard Swett and Bradford E. Cook of the Special Committee on Voter Confidence. This report is put forward to demonstrate the statewide inordinate amount of false overvotes that occurred during the November 3rd, 2020, General Election.

An overvote occurs when more votes are cast than the maximum allowed in a contest.



If you accidentally vote for more than the allowed number of candidates for a particular office.

Keep in mind that the area of the ballot that is overvoted will not be counted other than as an overvote. The rest of the ballot areas will be counted accordingly.

FOLDED BALLOTS

It is important to understand that the fold hypothesis was NOT broadly tested throughout NH Cities and Towns. This concern was brought forward during the forensic audit. Having the authority under SB 43, the auditors were requested to review other towns results with high overvote rates similar to Windham during the audit process. This was a simple and reasonable request that could have easily provided answers to some of the anomalies. The refusal to perform this logistical task was interpreted by many as a lack of openness and sincerity for a thorough investigation.

The overall findings of the auditors stated on page 106 of the SB43 Forensic Audit Report stated: *“We were able to review AccuVote report tapes from two towns (Amherst and Rye) that counted most or all absentee ballots on one machine. These tapes, unlike the ones from Windham, did not show higher blank vote rates on the absentee-ballot machines.66”*

- The footnote states: *“66 We could not review all such report tapes statewide: many are sealed among cast ballots.”*

This Statement made by the auditors is false at its face. This false statement in the auditor’s report added to an even higher degree of concern and lack of voter confidence in the audit process.

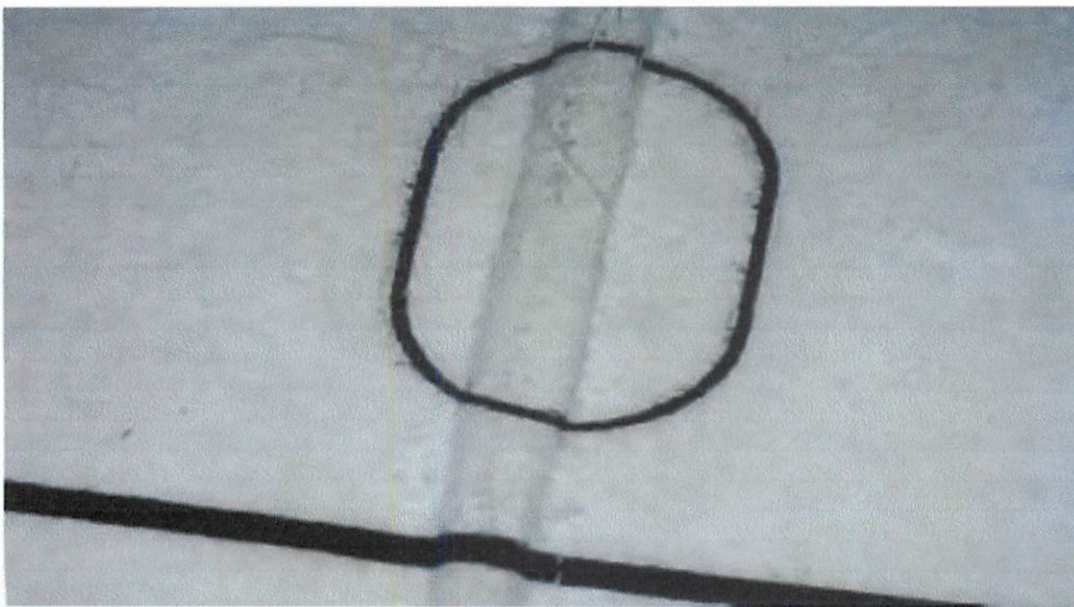
Almost every machine tape statewide was and are today still available.

The auditor’s refusal to look at high false overvoted machine rates in other Towns & Cities throughout New Hampshire was a reason to call into question the purpose for the forensic audit. There was a clear lack of effort to do a meaningful study of the high overvote rates that disenfranchised so many Granite Staters on both sides of the political spectrum.

False Overvotes

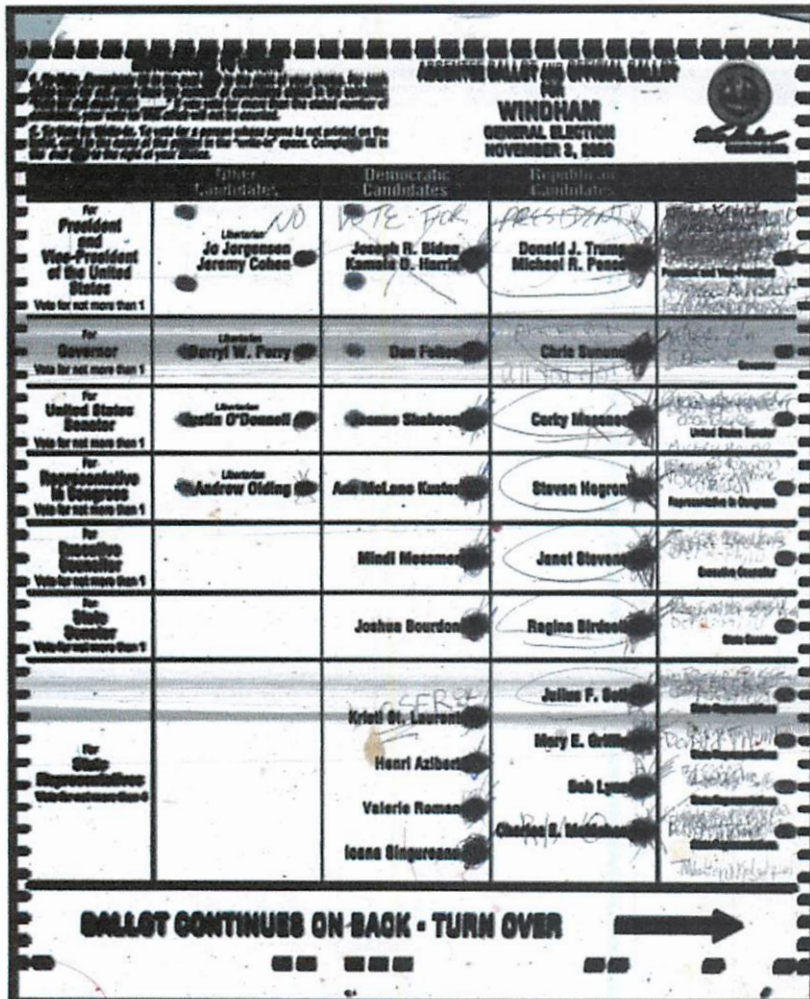
As described above, an overvote occurs when more votes are cast than the maximum allowed in a contest. The result of an overvote means the vote(s) in that contest are not counted in the final tally.

- The SB43 Audit found that folds through ballot ovals caused false overvotes.
- This provided an explanation for the high false overvote rates that occurred in the Windham General election on November 3rd 2020.
- This error appears to have caused each Windham Republican candidate to lose appx. 300 votes.



Microscopic photo of unused absentee ballot folded during the audit using the folding machine. The fold goes through Kristi St. Laurent's vote target.


The image below demonstrates many folds that went through the democratic candidate Kristi St. Laurent's oval. Creating the false overvote condition when each of the four Republican candidates had a vote selected for each of them.



Superposition of reference scans; note the many folds through St. Laurent's target

“Phantom Votes”

- As shown in the illustration above when a fold goes through an oval in a contest where less than the maximum votes are cast the fold is counted as a vote.
- When the fold goes through oval it can also be counted erroneously for that candidate.
- This instance happened appx. 99 times in the Windham Election as shown below.

| | | | | |
|--|--|--|--|---|
| For State Representatives Vote for not more than 4 | | Kristi St. Laurent <input type="radio"/> | Julius F. Soti <input type="radio"/> | State Representatives <input type="radio"/> |
| | | Henri Azibert <input type="radio"/> | Mary E. Griffin <input type="radio"/> | State Representatives <input type="radio"/> |
| | | Valerie Roman <input type="radio"/> | Bob Lynn <input type="radio"/> | State Representatives <input type="radio"/> |
| | | Ioana Singureanu <input type="radio"/> | Charles E. McMahon <input type="radio"/> | State Representatives <input type="radio"/> |
| BALLOT CONTINUES ON BACK - TURN OVER | | | |  |

A ballot with a fold likely to create a phantom vote for St. Laurent

Accuracy, reliability, and consistency

The handcount that took place in 2020 was performed by the Secretary of States office. The Hand count in 2021 was performed by the SB 43 auditors. The results were within 2 votes.

| | Hand count | | | Machine count* | | | | | |
|-------------|------------|------|------|----------------|------|------|------|------|--------|
| | 2020 | 2021 | diff | 2020 | 2021 | | | | |
| candidate | 2020 | 2021 | diff | | 1 | 2 | 3 | 4 | |
| St. Laurent | 4357 | 4355 | -2 | 4456 | 4355 | 4349 | 4352 | 4367 | |
| Azibert | 2808 | 2808 | 0 | 2787 | 2804 | 2805 | 2802 | 2800 | |
| Roman | 3443 | 3442 | -1 | 3415 | 3434 | 3436 | 3432 | 3432 | |
| Singureanu | 2782 | 2782 | 0 | 2764 | 2777 | 2778 | 2776 | 2776 | |
| Soti | 4777 | 4776 | -1 | 4480 | 4742 | 4744 | 4727 | 4700 | +/- 44 |
| Griffin | 5591 | 5591 | 0 | 5292 | 5558 | 5557 | 5540 | 5516 | +/-41 |
| Lynn | 5089 | 5089 | 0 | 4786 | 5055 | 5055 | 5037 | 5011 | +/-44 |
| McMahon | 5554 | 5554 | 0 | 5256 | 5520 | 5520 | 5502 | 5477 | +/-43 |
| write in | n/a | 34 | | 41 | 41 | 41 | 41 | 41 | |

* Machine-count results include 80 (for 2020) or 78 (for 2021) ballots that had to be hand counted. The 2021 results for machine 1 are adjusted for 11 ballots that went through the machine twice.

Two broad findings stand out here. **First, the audit hand count results are very close to the recount results.** Second, the audit machine count results are closer to the hand count

The Election Day machine results could **NOT** be re-created when the ballots were fed through each of the four machines during the SB 43 audit. In fact, the results produced by each machine during the audit were **significantly different** from one another. This validates concerns about the accuracy of the machines.

Beyond Windham

All these discoveries should have led to further investigations into similar high over vote anomalies in other municipalities by the SB43 auditors – but unfortunately, that was not the case.

So that effort was undertaken by the Government Integrity Project, which looked at multiple communities Statewide. The results were shocking – and indicate that similar “Windham Incidents” took place throughout NH towns.

That is why it is important to understand how overvotes occurred and potentially played a significant role in producing erroneous results during New Hampshire’s November 2020 General Election.

The refusal of the SB43 auditors to perform additional research into these other towns is concerning and leads to a greater distrust of NH elections.

It is important to understand how false overvotes can negatively impact elections. In 2020, it appears that voters in both parties were disenfranchised throughout the State of New Hampshire.

The following highlights some of the most egregious examples.

What we should expect:

Table 1. In-Person Overvoting, by Voting System, Florida's 2008 Presidential Race

| Voting System | In-Person Turnout | In-Person Overvotes | In-Person Overvote Rate |
|----------------------|-------------------|---------------------|-------------------------|
| Sequoia Insight Plus | 521,364 | 1262 | 0.24% |
| Premier OS or OSX | 2618392 | 848 | 0.03% |
| ES&S DS200 | 2814242 | 12181 | 0.43% |
| ES&S M-100 | 324348 | 640 | 0.20% |
| ES&S Optech | 240873 | 68 | 0.03% |
| State total | 6519219 | 14999 | 0.23% |

What we got:

IDENTIFIED STATEWIDE OVERVOTE RATES

| Town/City | Machine # | Overvote Rates % |
|--------------------|-----------|------------------|
| Merrimack | 3 | 22.78 |
| Manchester Ward 10 | 8 | 14.99 |
| Nashua Ward 8 | 8 | 9.92 |
| Windham | 2 | 8.91 |
| Goffstown | 5 | 9.42 |
| Sandown | 2 | 8.94 |
| Portsmouth | 3 | 5.2 |



Sandown

Below demonstrates similarly to Windham how Democratic voters were disenfranchised due to Overvotes. Like Kristi St. Laurent in Windham was the recipient of "Phantom votes" so was Jess Edwards in Sandown. Sandown Town Moderator Kevin Major admitted to using a folding machine, like Windham.

INSTRUCTIONS TO VOTERS

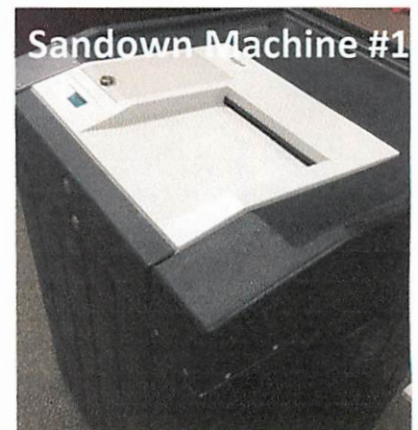
1. To Vote. Completely fill in the oval to the right of your choice. For each office vote for not more than the number of candidates stated in the sentence: "Vote for not more than ____." If you vote for more than the stated number of candidates, your vote for that office will not be counted.

2. To Vote by Write-In. To vote for a person whose name is not printed on the ballot, write in the name of the person in the "write-in" space. Completely fill in the oval to the right of your choice.

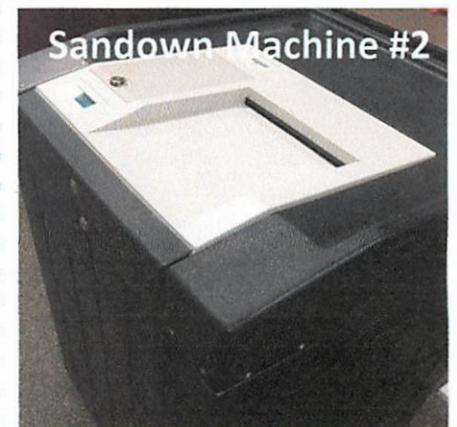
ABSENTEE BALLOT AND OFFICIAL BALLOT
FOR
SANDOWN
GENERAL ELECTION
NOVEMBER 3, 2020

SAMPLE

| Offices | Other Candidates | Republican Candidates | Democratic Candidates | Write-in Candidates |
|---|---|---|---|--|
| For President and Vice-President of the United States Vote for not more than 1 | Libertarian Jo Jorgensen Jeremy Cohen <input type="radio"/> | Donald J. Trump Michael R. Pence <input type="radio"/> | Joseph R. Biden Kamala D. Harris <input type="radio"/> | President and Vice-President <input type="radio"/> |
| For Governor Vote for not more than 1 | Libertarian Darryl W. Perry <input type="radio"/> | Chris Sununu <input type="radio"/> | Dan Feltes <input type="radio"/> | Governor <input type="radio"/> |
| For United States Senator Vote for not more than 1 | Libertarian Justin O'Donnell <input type="radio"/> | Corky Messner <input type="radio"/> | Jeanne Shaheen <input type="radio"/> | United States Senator <input type="radio"/> |
| For Representative in Congress Vote for not more than 1 | Libertarian Zachary S. Dumont <input type="radio"/> | Matt Mowers <input type="radio"/> | Chris Pappas <input type="radio"/> | Representative in Congress <input type="radio"/> |
| For Executive Councilor Vote for not more than 1 | | Janet Stevens <input type="radio"/> | Mindi Messmer <input type="radio"/> | Executive Councilor <input type="radio"/> |
| For State Senator Vote for not more than 1 | | Bill Gannon <input type="radio"/> | Jon Morgan <input type="radio"/> | State Senator <input type="radio"/> |
| | | Jess Edwards <input type="radio"/> | Michael D'Angelo <input checked="" type="radio"/> | State Representatives <input type="radio"/> |
| | | Oliver Ford <input type="radio"/> | Ben Geiger <input checked="" type="radio"/> | State Representatives <input type="radio"/> |
| | | Jason Osborne <input type="radio"/> | Matthew Krohn <input checked="" type="radio"/> | State Representatives <input type="radio"/> |
| | | Tony Piemonte <input type="radio"/> | Russ Norman <input checked="" type="radio"/> | State Representatives <input type="radio"/> |
| | | Chris True <input type="radio"/> | Jane W. Van Zandt <input checked="" type="radio"/> | State Representatives <input type="radio"/> |
| For State Representatives Vote for not more than 5 | OVERVOTE | | | |



Overvote Rate 7.0%



Overvote Rate 8.9%

BALLOT CONTINUES ON BACK - TURN OVER



This shows historically Chris True as the top vote recipient. However, in the General Election Jess Edwards is the top vote recipient due to receiving “Phantom Votes”. This also disenfranchised Democratic voters whereas their votes were falsely overvoted.

| States Representatives | | | | | | | Primary 2020 | 2018 | 2016 |
|------------------------|-------|-------|-------|-------|-------|-------|--------------|------|------|
| Blank | 1,741 | 21.3% | 2,677 | 22.7% | 4,418 | 22.1% | | | |
| Jess Edwards | 986 | 12.0% | 1,316 | 11.2% | 2,302 | 11.5% | 640 | 1427 | 313 |
| Oliver Ford | 859 | 10.5% | 1,152 | 9.8% | 2,011 | 10.1% | 396 | | |
| Jason Osborne | 909 | 11.1% | 1,194 | 10.1% | 2,103 | 10.5% | 667 | 1337 | 345 |
| Tony Piemonte | 884 | 10.8% | 1,196 | 10.1% | 2,080 | 10.4% | 666 | 1333 | 0 |
| Chris True | 942 | 11.5% | 1,283 | 10.9% | 2,225 | 11.1% | 718 | 1532 | 450 |
| Michael D'Angelo | 405 | 4.9% | 653 | 5.5% | 1,058 | 5.3% | | | |
| Ben Geiger | 364 | 4.4% | 567 | 4.8% | 931 | 4.7% | | 919 | 0 |
| Matthew Krohn | 348 | 4.3% | 569 | 4.8% | 917 | 4.6% | | | |
| Russ Norman | 352 | 4.3% | 565 | 4.8% | 917 | 4.6% | | | |
| Jane W Van Zandt | 391 | 4.8% | 621 | 5.3% | 1,012 | 5.1% | | | |



Goffstown

**OVERVOTE
RATE 1.1%**

| | |
|--------------------------|----------|
| BALLOTS CAST BY PRECINCT | |
| PRECINCT 43 | QUANTITY |
| CARD 10042 | 2290 |
| BALLOTS CAST SUMMARY | |
| BLANK VOTE | 1 |
| OVERVOTED | 25 |
| UNDERVOTED | 418 |
| WRITE-IN | 19 |

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

SIGNATURES

[Handwritten signatures]



Machine 1A



Lighting the Path to Liberty

**OVERVOTE
RATE 1.6%**

| | |
|--------------------------|----------|
| BALLOTS CAST BY PRECINCT | |
| PRECINCT 43 | QUANTITY |
| CARD 10042 | 2650 |
| BALLOTS CAST SUMMARY | |
| BLANK VOTE | 1 |
| OVERVOTED | 42 |
| UNDERVOTED | 572 |
| WRITE-IN | 23 |

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

SIGNATURES

[Handwritten signatures]



Machine 1B



Lighting the Path to Liberty

**OVERVOTE
RATE 2.9%**

| | |
|--------------------------|----------|
| BALLOTS CAST BY PRECINCT | |
| PRECINCT 43 | QUANTITY |
| CARD 10042 | 1730 |
| BALLOTS CAST SUMMARY | |
| BLANK VOTE | 1 |
| OVERVOTED | 48 |
| UNDERVOTED | 76 |
| WRITE-IN | 16 |

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

SIGNATURES

[Handwritten signatures]



Machine 2A



Lighting the Path to Liberty

OVERVOTE RATE 3.9%

| BALLETS CAST BY PRECINCT | |
|--------------------------|---------------|
| PRECINCT 43 | |
| CARD 10042 | QUANTITY 1620 |
| BALLETS CAST SUMMARY | |
| BLANK VOTE | 63 |
| OVERVOTED | 336 |
| UNDERVOTED | 14 |
| WRITE-IN | |

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

**** SIGNATURES ****

[Handwritten signatures]



Machine 2B



Lighting the Path to Liberty

OVERVOTE RATE 9.4%

| BALLETS CAST BY PRECINCT | |
|--------------------------|---------------|
| PRECINCT 43 | |
| CARD 10042 | QUANTITY 2207 |
| BALLETS CAST SUMMARY | |
| BLANK VOTE | 200 |
| OVERVOTED | 207 |
| UNDERVOTED | 17 |
| WRITE-IN | |

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

**** SIGNATURES ****

[Handwritten signatures]

Machine 5



Machine 5



Lighting the Path to Liberty

Manchester Ward 10

Machine #8 had a **14.99%** Overvote rate.

INSTRUCTIONS TO VOTERS

1. To Vote. Completely fill in the oval to the right of your choice. For each office vote for not more than the number of candidates stated in the sentence. If you vote for more than the stated number of candidates, your vote for that office will not be counted.

2. To Vote by Write-In. To vote for a person whose name is not printed on the ballot, write in the name of the person in the "write-in" space. Completely fill in the oval to the right of your choice.

ABSENTEE BALLOT AND OFFICIAL BALLOT FOR MANCHESTER WARD 10
GENERAL ELECTION
NOVEMBER 3, 2020

| Offices | Other Candidates | Republican Candidates | Democratic Candidates | Write-in Candidates |
|---|--|---|--|--|
| For President and Vice-President of the United States Vote for not more than 1 | Liberarian Jo Jorgensen Jeremy Cohen <input type="radio"/> | Donald J. Trump Michael R. Pence <input type="radio"/> | Joseph R. Biden Kamala D. Harris <input type="radio"/> | President and Vice-President <input type="radio"/> |
| For Governor Vote for not more than 1 | Liberarian Darryl W. Perry <input type="radio"/> | Chris Sununu <input type="radio"/> | Dan Feltes <input type="radio"/> | Governor <input type="radio"/> |
| For United States Senator Vote for not more than 1 | Liberarian Justin O'Donnell <input type="radio"/> | Corky Messner <input type="radio"/> | Jeanne Shaheen <input type="radio"/> | United States Senator <input type="radio"/> |
| For Representative in Congress Vote for not more than 1 | Liberarian Zachary S. Dumont <input type="radio"/> | Matt Mowers <input type="radio"/> | Chris Pappas <input type="radio"/> | Representative in Congress <input type="radio"/> |
| For Executive Council Vote for not more than 1 | | Ted Gatsas <input type="radio"/> | Mark S. Mackenzie <input type="radio"/> | Executive Council <input type="radio"/> |
| For State Senator Vote for not more than 1 | | Carla Gericke <input type="radio"/> | Lou D'Allesandro <input type="radio"/> | State Senator <input type="radio"/> |
| For State Representatives Hillsborough District 17 Vote for not more than 2 | | Dan Garthwaite <input type="radio"/> Tammy Simmons <input type="radio"/> | Heidi Hamer <input type="radio"/> Timothy Smith <input type="radio"/> | State Representatives Hillsborough District 17 <input type="radio"/> State Representatives Hillsborough District 17 <input type="radio"/> |
| For State Representatives Hillsborough District 45 Vote for not more than 2 | | Carlos Gonzalez <input type="radio"/> Amanda Higgins <input type="radio"/> | Jane Beaulieu <input type="radio"/> Connie Van Houten <input type="radio"/> | State Representatives Hillsborough District 45 <input type="radio"/> State Representatives Hillsborough District 45 <input type="radio"/> |

BALLOT CONTINUES ON BACK - TURN OVER

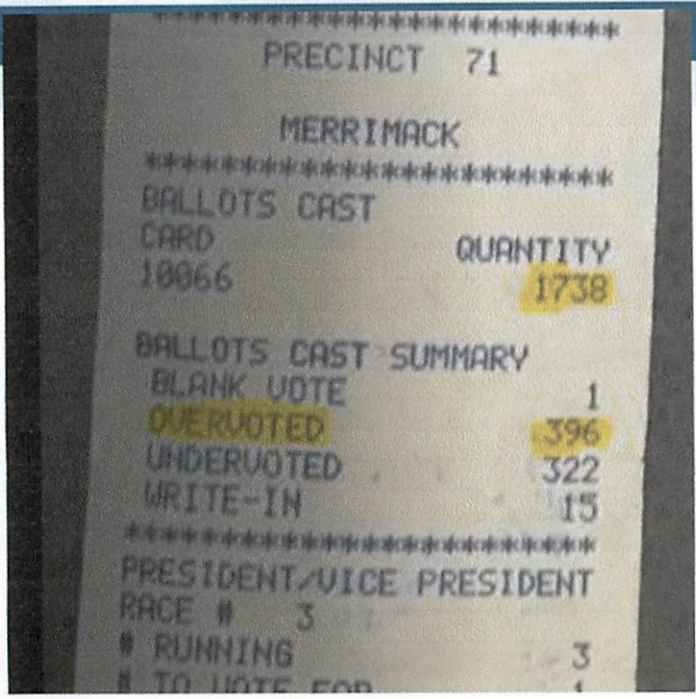
Merrimack

Machine #3 had a 22.78% Over vote rate. 396 voters were disenfranchised on this one machine.

| Merrimack | | | |
|-----------------------------------|------------------|-------|------------|
| | Ballot Machine # | | |
| | Machine #1 | % | Machine #2 |
| Merrimack: President & VP | | | |
| Blank | 12 | 1.0% | 9 |
| Other: Jo Jorgensen/Jo remy Cohen | 23 | 1.8% | 43 |
| Democrat: Biden / Harris | 537 | 42.7% | 723 |
| Republican: Trump / Pence | 677 | 53.8% | 1,071 |
| Write-in | 10 | 0.8% | 10 |
| Total | 1,259 | 7.5% | 1,856 |

| Merrimack | | | | |
|----------------------------------|------------------|-------|------------|-------|
| | Ballot Machine # | | | |
| | Machine #4 | % | Machine #5 | |
| Merrimack: President & VP | | | | |
| Blank | 7 | 0.8% | 3 | 0.2% |
| Other: Jo Jorgensen/Jeremy Cohen | 19 | 2.3% | 19 | 1.5% |
| Democrat: Biden / Harris | 391 | 42.9% | 501 | 40.5% |
| Republican: Trump / Pence | 492 | 53.9% | 708 | 57.2% |
| Write-in | 3 | 0.3% | 7 | 0.6% |
| Total | 912 | 5.5% | 1,238 | 7.4% |

| Merrimack | | | | | | |
|----------------------------------|------------|-------|------------|-------|------------|-------|
| | Machine #7 | % | Machine #8 | % | Machine #9 | % |
| Merrimack: President & VP | | | | | | |
| Blank | 21 | 0.8% | 28 | 0.9% | 18 | 0.6% |
| Other: Jo Jorgensen/Jeremy Cohen | 64 | 2.5% | 68 | 2.1% | 40 | 1.4% |
| Democrat: Biden / Harris | 1,067 | 41.6% | 1,330 | 41.1% | 2,061 | 72.1% |
| Republican: Trump / Pence | 1,400 | 54.6% | 1,801 | 55.6% | 733 | 25.6% |
| Write-in | 10 | 0.4% | 10 | 0.3% | 7 | 0.2% |
| Total | 2,562 | 15.3% | 3,237 | 19.4% | 2,859 | 17.1% |



Nashua

```

SHAT9002H068BE267A13F697
B78EB6A2D5F658701402
*****
ELECTION RESULTS REPORT
*****
GENERAL ELECTION
NASHUA, NH
DATE 11/03/20
VOTE CENTER ID 4
Ward 4
MACHINE ID 4
D/L VERSION 6
COPY 4A
ACCU-VOTE 1.96.13
REPORT USMA 2.2.4
TIME: 21:48:4111/03/20

=== 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

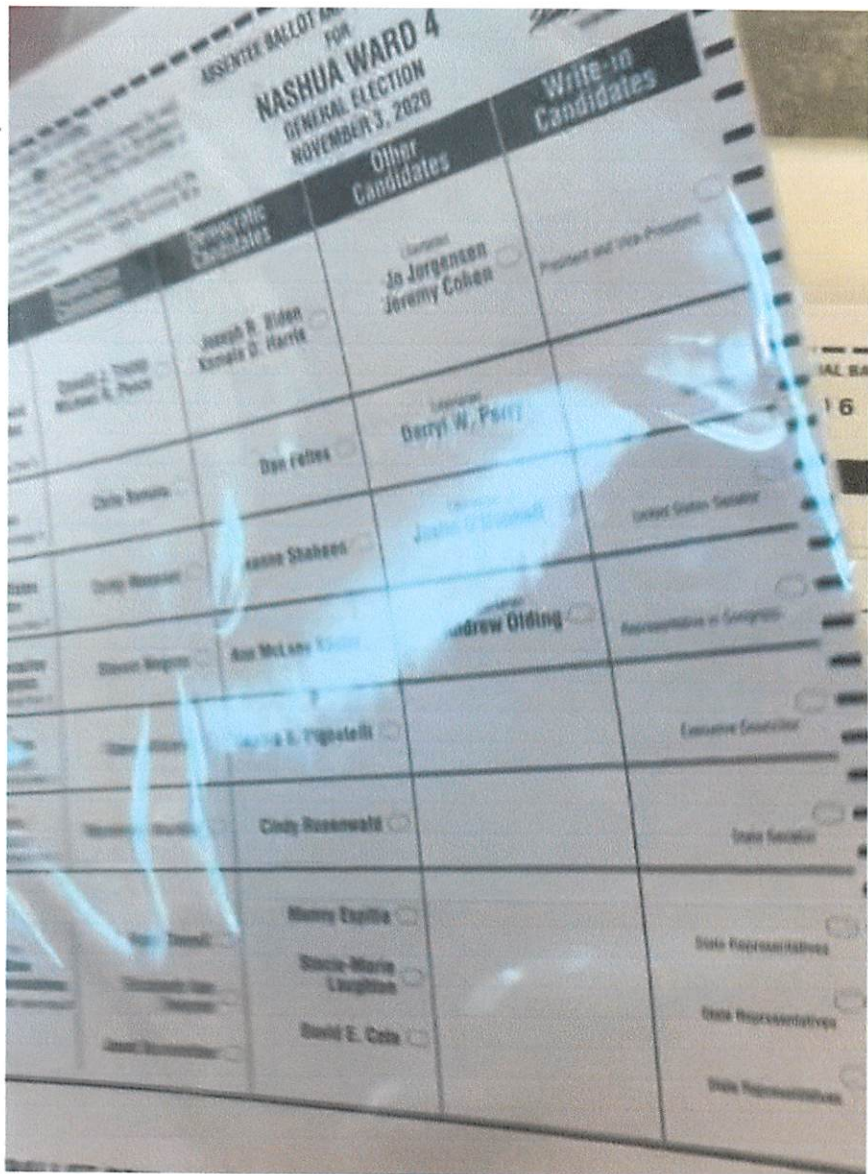
WRITE IN OPTION:
COMBINED

MESSAGE DELAY 10
RESET COUNT 1
PRECINCT CHECK: 69890
COUNTER CHECK: 61628

*****
PRECINCT 304
NASHUA 4
*****
BALLOTS CAST
CARD QUANTITY
10154 2106

BALLOTS CAST SUMMARY
BLANK VOTE 2
OVERVOTED 209
UNDERVOTED 577
WRITE-IN 36
*****

```



9.92 % Overvote rate.

Conclusions

It has been proven that false overvotes contribute to inaccurate election results. It is possible that the results may have even changed in some races.

HB 1163 was put forth by both Democrats and Republicans and signed into law on June 7th, 2022. This new law will cause voting machines to reject any ballot that is read by the machine to have an over voted race.

It is a good start, but there is much more to do.

Recommendations:

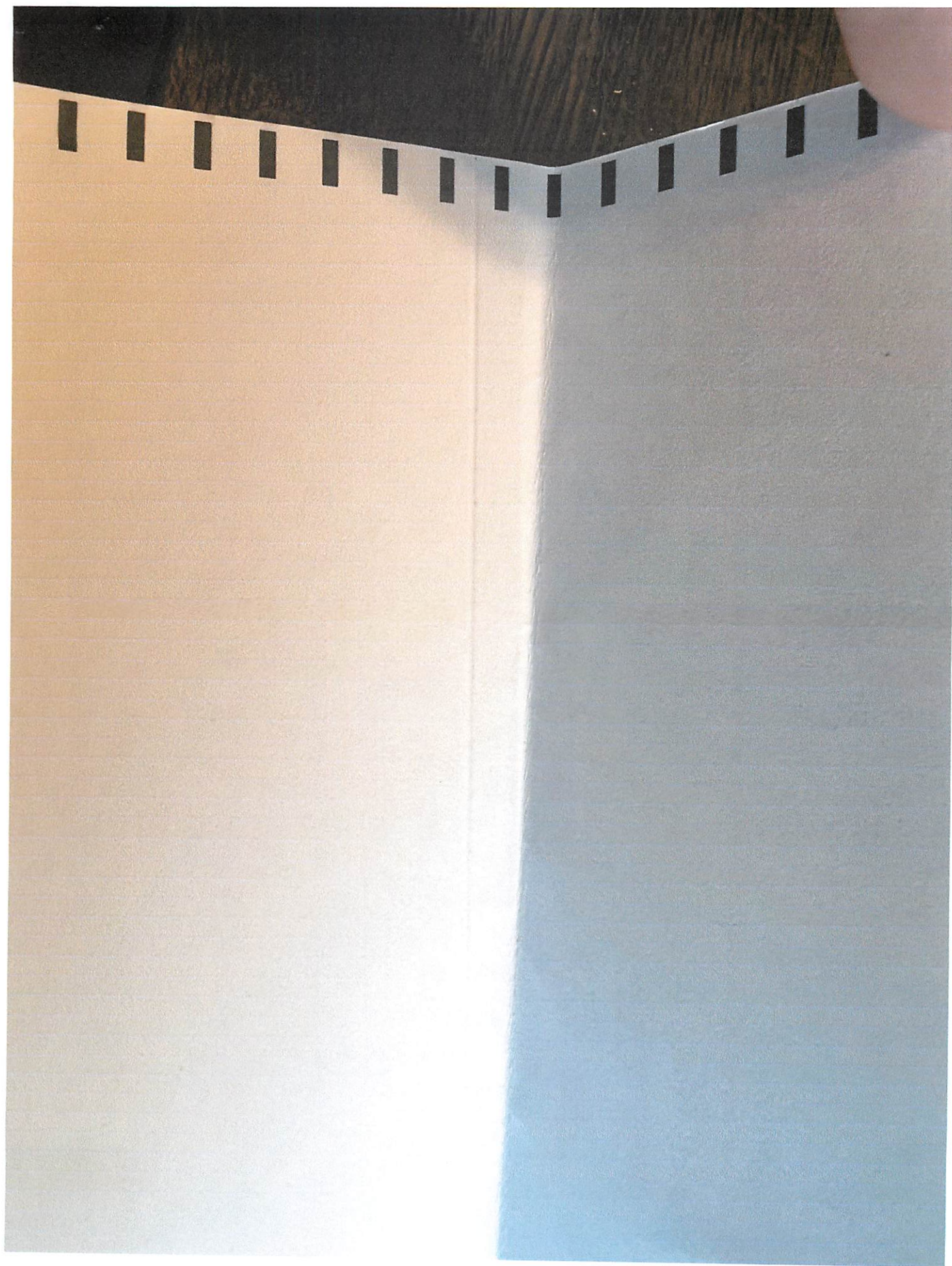
The January 2022 joint letter by the Secretary of State and the Attorney General regarding their investigation of Windham's November 2020 General Election exposed over 130 violations of election law and procedures. Corners were cut, laws and procedures were violated.

Therefore, annual training that is provided by the SOS must be required of all elected election officials.

In addition, competency of all elected election officials must be demonstrated on an annual basis.

The programming of every machine's Memory Cards must be easily validated by any member of the public.

Ballots must be made available for public inspection – thereby allowing any member of the public to perform a citizen's audit for any election.



INSTRUCTIONS TO VOTERS

- To vote, fill in the oval (s) opposite your choice (s) like this
- To write-in a person not on the ballot, write the name on the line provided for the office and fill in the oval opposite the write-in line, like this

ABSENTEE
OFFICIAL BALLOT FOR
WINDHAM
REPUBLICAN
STATE PRIMARY ELECTION
 September 13, 2022



DM Gordon
 SECRETARY OF STATE

For Governor

Vote for not more than 1

- Chris Sununu
- Karen Testerman
- Julian M. Acciard
- Jay Lewis
- Richard A. McMenamon II
- Thaddeus P. Riley
- WRITE-IN

For State Senator

Vote for not more than 1

- Regina Birdsell
- WRITE-IN

For Register of Probate

Vote for not more than 1

- Lisa A. Massahos
- WRITE-IN

For State Representatives
Rockingham District 17

Vote for not more than 4

- Cynthia Finn
- Katelyn Kuttab
- Bob Lynn
- Charles E. McMahon
- Daniel Popovici-Muller
- WRITE-IN
- WRITE-IN
- WRITE-IN
- WRITE-IN

For County Commissioner

Vote for not more than 1

- Bill Baldwin
- Steven L. Goddu
- Heather Iworsky
- John T. O'Connor
- WRITE-IN

For United States Senator

Vote for not more than 1

- Andy Martin
- Chuck Morse
- Tejasinha Sivalingam
- Kevin H. Smith
- Gerard Beloin
- John Berman
- Donald C. Bolduc
- Bruce Fenton
- Dennis Lamare
- Edmond Laplante, Jr.
- Vikram Mansharamani
- WRITE-IN

For State Representative
Rockingham District 35

Vote for not more than 1

- Julius F. Soti
- Roger W. Fillio
- WRITE-IN

For Delegates to the
State Convention
Rockingham District 17

Vote for not more than 4

- Vance Poteat
- Mark Samsel
- Thomas D. Sharpe
- Pamela M. Skinner
- Gabriel Toubia
- Anne Biele-McClure
- Bruce R. Breton
- Roy K. Dennehy
- Jennifer Draughn
- Tracy Poteat
- WRITE-IN
- WRITE-IN
- WRITE-IN
- WRITE-IN

For Representative in Congress

Vote for not more than 1

- Robert Burns
- Michael Callis
- George Hansel
- Jay Mercer
- Dean A. Poirier
- Lily Tang Williams
- Scott Black
- WRITE-IN

For Sheriff

Vote for not more than 1

- Chuck Massahos
- WRITE-IN

For County Attorney

Vote for not more than 1

- Patricia Conway
- WRITE-IN

For County Treasurer

Vote for not more than 1

- Scott Priestley
- WRITE-IN

For Delegate to the
State Convention
Rockingham District 35

Vote for not more than 1

- Roger W. Fillio
- Thomas J. Murray, Jr.
- Shannon Louise Ulery
- WRITE-IN

For Executive Councilor

Vote for not more than 1

- Janet Stevens
- WRITE-IN

For Register of Deeds

Vote for not more than 1

- Cathy Stacey
- WRITE-IN



HCS

New Hampshire House of Representatives
House Committee Services

Memorandum

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TO: Rep. Steven Smith
Chairman, Election Law Committee

FROM: Christina Dyer,
Committee Researcher

DATE: January 23, 2023

SUBJ: HB 453-FN-A: relative to prohibiting the folding of election ballots and providing adequate envelopes *[sic]* for absentee ballots to prevent folding.

SUMMARY

This bill would prohibit the folding or creasing of a ballot under penalty. This bill would also require absentee ballots are not folded and sent in envelopes large enough to encase the full ballot. HB 1247 (2022) proposed that all folded ballots be hand-counted but died in committee.

NH Law

656:2 Prohibitions. –

No person engaged in preparing or printing a state election ballot shall purloin, give away, or allow to be removed any such ballot. Whoever knowingly violates this provision shall be guilty of a misdemeanor if a natural person or shall be guilty of a felony if any other person.

656:33 Official Absence, Religious Observance, and Disability Absentee Ballots. –

Prior to any state election, the secretary of state shall prepare, in such quantity as the secretary of state may deem necessary, absence, religious observance, and disability absentee ballots in the same form as nearly as practicable as the official ballot to be used at said election. Said absentee ballots shall have the words "absentee ballot" printed on them and shall be similarly endorsed and printed on paper of the same color as that used for official ballots.

Previous Legislation

HB 1247, (2022), relative to folded ballots.

Referred to Election Law Committee, Vote 13-7

Majority: Inexpedient to Legislate

Minority: Ought to Pass

Rep. Paul Bergeron for the Majority: This bill would require that cities and towns, which use one or more electronic ballot counting devices for the counting of ballots, count by hand any ballot that has been folded after the voter has marked the ballot. The volume of ballots that would then have to be hand-counted would delay the reporting of final results at polling sites by hours and place a tremendous burden on election officials who have already put in long hours at the polls. In November 2020, for example, 32% of the total votes cast in NH were absentee ballots -- that is, folded ballots (of the 814,499 ballots cast, 260,217 were absentee ballots). It was also pointed out during committee discussion that the moderator at each election site already has the authority to direct that absentee ballots be tallied by hand rather than counted using electronic ballot counting devices. The committee felt that a decision to count folded, or absentee, ballots by hand should be left up to the discretion of local election officials.

Rep. Peter Torosian for the Minority: The minority of the committee agree with the majority that all folded ballots should be held for a hand count. The Windham audit found that some folded ballots were not read properly by ballot counting machines due to a shadow created by the fold, rendering the scanner unable to accurately score the results. There is reason to believe this can happen in other circumstances. The minority believes that this bill would add an additional measure of security by requiring all folded ballots to be hand-counted after the close of the polls. This would help to ensure that "every vote" counts and return confidence to voters that the NH Legislature takes seriously the responsibility to "safe guard" every vote.

Kate Coon

This seems like it would add more difficulty for people (Town Clerks and voters alike) who are using the mail to send in ballots-- more capacity for vote-canceling error. What do other states do? Is this really about problems with the voting machines? Let's modernize our soon to age out voting machines. And are you going to provide postage (as proposed in HB 508)? If so, I might feel more positively towards this bill.

Gale Taylor

Please make it easier to make every vote count!

Laura Rundell

It just seems like common sense to have envelopes big enough for the ballots

Maura Willing

The current administration's ideas regarding what should be taught and not taught is unacceptable. As a former teacher I firmly believe ideas, even unpleasant ones, are the basis of a strong society.

Lianne Moccia

I oppose this bill.

Regan Lamphier

Please oppose HB453. Folding a ballot will not make it illegible, and it seems like a very poor reason to disqualify anyone's vote.

ED FRIEDRICH

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John Tuthill

If bill is to be enacted envelopes should come w/ prepaid postage.

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 453-FN-A

BILL TITLE: relative to prohibiting the folding of election ballots and providing adequate envelopes for absentee ballots to prevent folding.

DATE: February 14, 2023

LOB ROOM: 306-308

MOTIONS: **INEXPEDIENT TO LEGISLATE**

Moved by Rep. Berry

Seconded by Rep. Lane

Vote: 18-2

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Jessica Grill, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/5/2023 1:43:00 PM
Roll Call Committee Registers
Report

2023 SESSION

Election Law

Bill #: 453-FU Motion: ITL AM #: _____ Exec Session Date: FEB. 14, 2023

| <u>Members</u> | <u>YEAS</u> | <u>Nays</u> | <u>NV</u> |
|---------------------------------|-------------|-------------|-----------|
| Smith, Steven D. Chairman | X | | |
| Berry, Ross Vice Chairman | X | | |
| Prudhomme-O'Brien, Katherine J. | X | | |
| Boehm, Ralph G. | X | | |
| Qualey, James R. | X | | |
| Ankarberg, Aidan | | X | |
| Burnham, Claudine R | | X | |
| Kennedy, Stephen J. | X | | |
| Wherry, Robert J | X | | |
| Wood, Clayton D | X | | |
| Lane, Connie Boyles | X | | |
| Ward, Gerald W.R. | X | | |
| Hamer, Heidi M. | X | | |
| Hamblet, Joan L. | X | | |
| Muirhead, Russell | X | | |
| Bay, Luz | X | | |
| Brennan, Angela | X | | |
| Grill, Jessica | X | | |
| Howard, Heath | X | | |
| TOTAL VOTE: | 18 | 2 | |

PALMER, WILLIAM

X