

CHAPTER 134  
HB 1163 - FINAL VERSION

15Mar2022... 0741h  
12May2022... 1990EBA

2022 SESSION

22-2367  
11/04

HOUSE BILL            **1163**

AN ACT                relative to over voted ballots.

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

COMMITTEE:          Election Law

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AMENDED ANALYSIS

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

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

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

AN ACT                   relative to over voted ballots.

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

1           134:1 New Paragraph; Electronic Ballot Counting Devices; Rules; Over Voted Ballots. Amend RSA  
2 656:42 by inserting after paragraph IX the following new paragraph:

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

9           134:2 New Subparagraphs; Elections; General Content of Returns; Over Voted Ballots. Amend RSA  
10 659:73, IV by inserting after subparagraph (j) the following new subparagraphs:

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

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

13           134:3 New Paragraph; Electronic Ballot Counting Devices; Rules; Over Voted Ballots. Amend RSA  
14 656:42 by inserting after paragraph X the following new paragraph:

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

21           134:4 Contingency. If HB 1157 of the 2022 regular legislative session becomes law, section 1 of this  
22 act shall not take effect and section 3 of this act shall take effect 30 days after its passage. If HB 1157 of  
23 the 2022 regular legislative session does not become law, section 1 of this bill shall take effect 30 days  
24 after its passage and section 3 of this act shall not take effect.

25           134:5 Effective Date.

26                   I. Sections 1 and 3 of this act shall take effect as provided in section 4 of this act.

                  II. The remainder of this act shall take effect 30 days after its passage.

Approved: June 07, 2022

Effective Date:

I. Section 1 and 3 effective as provided in section 4

II. Remainder effective July 7, 2022