

HB 491 - AS INTRODUCED

2021 SESSION

21-0804

11/08

HOUSE BILL **491**

AN ACT relative to over voted ballots.

SPONSORS: Rep. Porter, Hills. 1; Rep. Ley, Ches. 9

COMMITTEE: Election Law

ANALYSIS

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

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to over voted ballots.

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

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

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

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

15 (k) For each election that includes a federal office, the number of over voted ballots.

16 3 Effective Date. This act shall take effect 30 days after its passage.