

Sen. Giuda, Dist 2  
Sen. Birdsell, Dist 19  
Sen. Gray, Dist 6  
Sen. Ward, Dist 8  
Sen. Soucy, Dist 18  
Sen. Perkins Kwoka, Dist 21  
February 18, 2021  
2021-0432s  
11/05

Floor Amendment to SB 43

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT authorizing an audit of the Rockingham County district 7 state representative race.

4

5 Amend the bill by replacing all after the enacting clause with the following:

6

7 1 Findings. Rockingham County district 7 state representative election night results and the  
8 results of a state recount declared the same candidates elected. On appeal, the recount was upheld  
9 by the ballot law commission. Those results were certified to the New Hampshire house of  
10 representatives. The house of representatives have seated those winners of the election. The  
11 election results are therefore final; however, questions have been raised regarding the variance  
12 between the election night results and the recount results. This act authorizes an audit which will  
13 respond to those questions.

14 2 Applicability. This act is limited to authorizing an audit of the Rockingham County state  
15 representative district 7 race from the November 3, 2020 general election.

16 3 Audit Authorized.

17 I. Notwithstanding any provisions of law to the contrary, the secretary of state and attorney  
18 general are authorized to conduct an audit of the Rockingham county district 7 state representative  
19 race using the ballots cast on November 3, 2020, in Windham, New Hampshire. The audit shall  
20 include hand counting 4 separate sets of ballots from the Rockingham county district 7 state  
21 representative race. To allow for a direct comparison of the results from the 2 systems for counting,  
22 the audit hand count shall include all counts done by the ballot counting device, including votes cast  
23 for candidates on the ballot, write-in votes, and blanks or undervotes. The same sets of ballots shall  
24 be counted using a different ballot counting device for each set. The audit shall use the 4 ballot  
25 counting devices used by the town of Windham on November 3, 2020. The audit shall compare the  
26 results from each device to the results from hand counting the same set of ballots. The secretary of  
27 state and attorney general shall determine, in their discretion, the manner and process for  
28 conducting the audit.

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1           II. The audit shall be a test of the ballot counting devices, not a recount of the results of the  
2 election. The results of this audit shall not alter the official results of the Rockingham County  
3 district 7 state representative race as determined by the ballot law commission ruling on November  
4 25, 2020, upholding the recount of that race.

5           III. The audit shall be conducted in public and shall be live streamed. The methodology and  
6 results of the audit shall be made public.

7           IV. The secretary of state and the attorney general shall issue a report to the ballot law  
8 commission with a conclusion regarding whether the ballot counting devices accurately counted the  
9 sets of ballots audited. After receiving the report and pursuant to its authority under RSA 656:41,  
10 the ballot law commission shall make a determination as to whether the ballot counting device in  
11 use requires upgrading.

12           V. The secretary of state and attorney general are granted authority to unseal the ballot  
13 boxes from the town of Windham's November 3, 2020 general election in order to conduct the audit.

14           4 Effective Date. This act shall take effect upon its passage.

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AMENDED ANALYSIS

This bill authorizes an audit of the Rockingham county district 7 state representative race.