

**Senate Election Law and Municipal Affairs Committee**  
*Tricia Melillo 271-3077*

**SB 73-FN**, relative to Help America Vote Act (HAVA) grants.

**Hearing Date:** January 24, 2023

**Members of the Committee Present:** Senators Gray, Murphy, Abbas, Soucy and Perkins Kwoka

**Members of the Committee Absent :** None

**Bill Analysis:** This bill requires the secretary of state to establish a grant system for cities and towns to access monies from Help America Vote Act grants for the use of improving election security and technology.

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**Sponsors:**

Sen. Perkins Kwoka	Sen. Watters	Sen. Rosenwald
Sen. Soucy	Sen. Chandley	Sen. Whitley
Sen. Altschiller	Sen. D'Allesandro	Sen. Fenton
Sen. Prentiss	Rep. Ward	Rep. Lane
Rep. Hamblet	Rep. Bay	Rep. H. Howard

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**Who supports the bill:** 108 people signed in support of the bill. Sign in sheets will be provided upon request to the Committee Aide.

**Who opposes the bill:** 5 people signed in opposition of the bill. Sign in sheets will be provided upon request to the Committee Aide.

**Summary of testimony presented in support:**

**Senator Perkins Kwoka**

- This bill will create a grant program for the state to distribute over \$12 million in unused HAVA (Help America Vote Act) funds, received in 2002.
- The grants will help municipalities prepare for the impending 2024 elections.
- It also removes a restriction currently in statute to control the spending of such funds, which would be an impediment to such a grant program.
- She believes the \$12.8 million dollars could be used to strengthen our elections.
- Municipalities across the state will need to replace their ballot counting devices as soon as possible.
- The company that services the AcuVote machines has stated that they can no longer guarantee parts and that the software is out of date.
- The Ballot Law Commission has begun the process of choosing a new ballot counting device and it will be critical for each and every community to have access to the newer model.
- Ultimately, using the HAVA funds so that cities and towns can secure these devices will improve election infrastructure in the state and ensure elections continue to run smooth.

- She suggested the committee amend the language on page 1, line 16 to add the word “accessible” in front of technology to make sure it will be available.
- She believes we need to do everything we can to foster trust in our democratic institutions.
- Allocating long unused funds to purchase new devices will do just that while also preventing a financial burden from falling on municipalities.
- This is an urgent matter with a clean solution.

### **McKenzie St. Germain – NH Campaign for Voting Rights**

- She believes this legislation is crucial to towns, election officials, and our overall election infrastructure.
- It is crucial that municipalities replace the current ballot counting devices.
- If they are not financially able to purchase new devices they will have face hand counting and in the larger towns that is not sustainable.
- The time lines for towns getting the funding for the new devices in their budgets is really small.
- Towns are responsible for funding those machines.
- Nothing in the bill says we need to spend the HAVA funds down to zero.
- Using some of the funds to support NH towns in purchasing the new devices is a fiscally responsible decision.
- One of the accessible uses of funds in the Help America Vote Act is replacing and updating voting systems.
- This legislation meets two of the recommendation that were made in the Special Committee on Voter Confidence Report.
- One recommendation was to replace the ballot counting devices.
- The other recommendation was to use state and federal funds to implement the recommendations so that municipalities have the resources to conduct elections.

### **Olivia Zink – Open Democracy (Giving testimony from Judith Ackerson, Supervisor of the Checklist in Franklin)**

- After Judith was elected she learned that her personal laptop was needed to enter in the data to the ElectionNet system.
- She tried getting her laptop to connect with the system, even calling the HAVA office for guidance but ended up having to use the old laptop of another SoC in her ward.
- It is really important that there is funding available for local communities to provide laptops for election officials to do their jobs.
- She does not believe they should be relying on personal lap tops for Supervisors of the Checklists to do their jobs.
- Senator Gray asked Secretary Scanlan to look into this issue.
- Judith supports this bill so that grants can be given to provide secure laptops to access ElectionNet or the new system.

### **Louise Spencer – Kent Street Coalition**

- The towns are tasked with running local, state and federal elections.
- It is incumbent upon the state to provide resources for them to do that.
- There is a universal concern that we update the ballot counting devices.
- They need to provide funding to make this happen.
- It is not fair to ask the towns to bear that burden.

- This seems like a logical place to get the funding for the updates needed.

#### **Matt Mooshian – 603 Forward**

- The current ballot counting machines are aging.
- Starting in 2024 the manufacturer will not be able to supply parts.
- The continued repair and maintenance of these devices is a burden on municipalities.
- With the way budget seasons fall it puts a tight timeline on municipalities to be able to approve the funding for the new devices.
- It is important to take immediate action now.
- In his town they have a lot to budget for and upgraded election equipment should not be one of them.
- The Secretary of State's office has \$12.8 million which could be used to buy new devices and save towns from this additional burden.
- This legislation will help election officials run safe and secure elections.

#### **Margaret Burns – NH Municipal Association**

- This bill provides a grant funding opportunity for cities and towns to help them run elections.
- They are hearing significant anxiety from local election officials about the fate of the machines, what the new machines will be, how much they will cost and whether there will be funding.
- The decision to use ballot counting machines is a local decision, not a mandated one, but they would hate to see municipalities that have chosen to use the device not be able to because of lack of funding.

#### **Summary of testimony presented in opposition:**

##### **David Scanlan – Secretary of State**

- Congress passed the Help America Vote Act in 2002.
- They appropriated a significant amount of money to the states and New Hampshire's share was about \$17 million dollars.
- The requirements were that the state would use the money to create a state wide centralized voter database, provide accessible voting equipment for individuals with disabilities, provide poll-worker training, voter education and provide enforcement activities through the Attorney General's office.
- At the time, the state met those requirements, the voter database went live in 2006, and accessible voting was made available at every polling location.
- The legislature decided to create the election fund and bank the principle amount that was left over which was about \$12 million dollars.
- The idea was that the state would move forward using the interest to fund the ongoing mandates of HAVA.
- Currently, that money supports the HAVA office of the election division housed in the state archives.
- There are four full time employees that work entirely on HAVA provisions and requirements.
- That includes extensive training for local election officials and data quality in the centralized voter database.
- They also have to pay vendors that maintain the code in the database system and for the accessible voting equipment.

- Along with the employees in that office they have to pay vendors that maintain and support software code in the database system.
- They are replacing the legacy voter database system with a brand new system.
- They are on the third generation of accessible voting equipment in the polling place.
- They can now vote independently and privately like any other voter in the polling place.
- Last year, they used the funds to create an opportunity for individuals with sight disabilities to be able to vote on their own and mail in their ballot.
- Currently, it is a local decision whether a town wants to count their ballots using an electronic counting device.
- A little more than half the towns use a counting device.
- It is primarily the small towns that still hand count.
- They are rigorously testing potential alternatives to the AcuVote device.
- They have four companies that they are looking at.
- VotingWorks was tested in the last general election.
- In the upcoming local elections, Dominion will be tested in Milford and Londonderry and the ES&S device will be tested in Winchester.
- Clear Ballot is looking for a town that will sponsor them as a trial.
- These tests will continue through the town meetings next year.
- The ballot law commission will hopefully make a choice next year.
- The HAVA funds we have are being responsibly managed and the money is being spent in a productive way.
- NH should be proud of the way these funds have been managed.
- If they spend the principle down they will have to take at least a million dollars a year, from the general fund, to maintain the HAVA mandates.
- There is a lot of legislation being considered that will change the way they do elections in NH and they all have costs associated with implementation.
- Whether it is paying for postage on absentee ballots or conducting audits after the election is over, there is a cost for each election.
- The way the election fund is maintained adds stability.

TJM

Date Hearing Report completed: January 27, 2023