

SB 73-FN - AS INTRODUCED

2023 SESSION

23-0961

08/05

SENATE BILL

73-FN

AN ACT

relative to Help America Vote Act (HAVA) grants.

SPONSORS:

Sen. Perkins Kwoka, Dist 21; Sen. Watters, Dist 4; Sen. Rosenwald, Dist 13; Sen. Soucy, Dist 18; Sen. Chandley, Dist 11; Sen. Whitley, Dist 15; Sen. Altschiller, Dist 24; Sen. D'Allesandro, Dist 20; Sen. Fenton, Dist 10; Sen. Prentiss, Dist 5; Rep. Ward, Rock. 27; Rep. Lane, Merr. 16; Rep. Hamblet, Rock. 26; Rep. Bay, Straf. 21; Rep. H. Howard, Straf. 4

COMMITTEE:

Election Law and Municipal Affairs

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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Help America Vote Act (HAVA) grants.

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

1 1 Secretary of State; Election Fund; Help American Vote Act Grants. Amend RSA 5:6-d, III to
2 read as follows:

3 III. The secretary of state is authorized to accept, budget, and, subject to the limitations of
4 this paragraph, expend monies in the election fund received from any party for the purposes of
5 conducting elections, voter and election official education, the purchase or lease of equipment that
6 complies with the Help America Vote Act of 2002, Public Law 107-252, or with RSA 659:13, V,
7 reimbursing the department of safety for the actual cost of voter identification cards, election law
8 enforcement, enhancing election technology, making election security improvements, and
9 improvements to related information technology, including acquisition and operation of an
10 automated election management system. ~~[With the exception of federal and state portions of funds~~
11 ~~associated with the 2018 Election Reform Program, the secretary of state shall not expend any~~
12 ~~monies in the election fund unless the balance in the fund following such expenditures shall be at~~
13 ~~least 12 times the estimated annual cost of maintaining the programs established to comply with the~~
14 ~~Help America Vote Act of 2002, Public Law 107-252.]~~ ***The secretary of state shall establish a***
15 ***grant system for cities and towns to access monies from Help America Vote Act grants for***
16 ***the use of improving election security and technology. The grants shall be used for***
17 ***technology including but not limited to, new ballot counting devices, electronic poll books,***
18 ***and secure laptops to be used to access ElectionNet.***

19 2 Effective Date. This act shall take effect 60 days after its passage.

SB 73-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to Help America Vote Act (HAVA) grants.

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	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

METHODOLOGY:

This bill requires the Secretary of State (SOS) to establish a grant system for cities and towns to access monies from the Help America Vote Act of 2022, Public Law 107-252 (HAVA) grants for the use of improving election security and technology. The grants shall be used for technology including ballot counting devices, electronic poll books, and secure laptops to be used to access ElectionNet. This bill also removes the requirement for the SOS to maintain a balance in the election fund equal to at least 12 times the estimated annual cost of maintaining the programs established to comply with HAVA.

The Department of State indicates to create and administer the grant program they would need a Program Specialist III, labor grade 23, step 1, costing \$79,669 in FY 2024, \$83,657 in FY 2025 and \$86,363 in FY 2026 within the election division. The Department notes when the HAVA funds are exhausted this position would no longer be needed. The Department also states the additional position is the minimum needed and depending on the volume of grant applications the Department may need an additional position to ensure the compliance with the HAVA funds, including city and town compliance reporting and follow-up and Federal HAVA reporting requirements.

The Department also calculated cost by category for new election equipment. These costs will vary by city or town based on needs.

	Poll Pad	Ballot Counting Device	Secure Laptops
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One- Time	\$3,325	\$6,000 to \$8,500	\$800
Annual Software	\$300	\$1,000	N/A
Programming Fee	Indeterminable Increase	Indeterminable Increase	N/A

The Department indicates there were 308 polling locations in the last NH state election and some of the locations may use multiple ballot counting devices and poll pads while other locations may choose to hand count ballots and may or may not participate in the grant program. The Department states the number of pieces of equipment, the number of locations participating, as well as the potential cost is indeterminable but significant. Lastly, the current balance in the election fund is approximately \$12.9m. When the election fund is exhausted, approximately \$1m in State General Funds per a year would be needed to run the HAVA office.

This bill does not establish or provide an appropriation for new positions, and it is assumed any fiscal impact would occur after FY 2023.

AGENCIES CONTACTED:

Department of State