

Rep. Lane, Merr. 16  
Rep. Berry, Hills. 39  
April 14, 2023  
2023-1385h  
08/10

Amendment to SB 157-FN

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

2  
3 1 New Subdivision; Election Audits. Amend RSA 660 by inserting after section 31 the following  
4 new subdivision:

5 Election Audits

6 660:32 Audit Authorized. The secretary of state shall conduct an audit of tabulation of ballots  
7 after each state primary, general elections, and after the presidential primary.

8 660:33 Equipment and Technical Assistance. The secretary of state shall procure the equipment  
9 and arrange for any required technical assistance to support the audit process. The equipment  
10 selected shall be capable of:

- 11 I. Reading all ballots used by any town or city ward in its elections.  
12 II. Scanning approximately 2,000 ballots per hour.  
13 III. Capturing an image of both sides of the ballot.  
14 IV. Recording the voters' choices.  
15 V. Assigning a unique identifier to each record.  
16 VI. Displaying the ballot image and voter choice for randomly selected ballots by the unique  
17 identifier.

18 660:34 State Election Audit.

19 I. The secretary of state shall randomly select not less than 8 towns or city wards to be  
20 audited. The secretary of state may divide towns or city wards into groups for the selection based on  
21 criteria such as the estimated number of election day ballots to be processed. The selection of towns  
22 or city wards to be audited shall be non-public and made after any ballot counting device memory  
23 cards have been programed.

24 II. The secretary of state shall not announce which towns or city wards have been selected to  
25 be audited until at least 12:00 p.m. on election day.

26 III. Each audit team shall consist of at least 2 individuals appointed by the secretary of  
27 state. One such individual shall have been trained by the secretary of state in the audit process and  
28 the use of audit equipment. The other individual, if not trained by the secretary of state in the audit  
29 process and the use of audit equipment, shall be an elected election official. The secretary of state  
30 may enlist the support of technical experts as an audit team member to assist with the technology  
31 being used.

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1           IV. The audit shall be open to the public but no one except audit team members shall be  
2 allowed to touch any ballot or any of the audit equipment.

3           V. Preliminary results from each audit shall be announced by the audit team at the  
4 conclusion of the town or city ward audit. The secretary of state shall report final results pursuant  
5 to paragraph VII.

6           VI. A random sample of not fewer than 100 of the audited paper ballots scanned shall be  
7 selected shall be compared with the voters' choices recorded for each ballot. Any differences  
8 identified during the comparison shall be documented. In the event of significant differences, the  
9 secretary of state may expand the number of ballots sampled and compared with the voters' choices  
10 recorded for each ballot and may order a full hand recount.

11          VII. The secretary of state shall make the results of the audits available prior to 12:00 p.m.  
12 on the Friday after the election, except that any full hand recount conducted under paragraph VI  
13 shall be performed under the provisions of RSA 660:4 through RSA 660:6 and no costs for such  
14 recount shall be assessed against any candidate. The secretary shall also report the results of all  
15 audits to the ballot law commission, and the chairpersons of the house of representatives and senate  
16 standing committees with jurisdiction over election law.

17          2 Effective Date. This act shall take effect upon its passage.

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AMENDED ANALYSIS

This bill requires the secretary of state to conduct audits of a certain number of ballot counting machines after state primaries, general elections, and presidential primaries.