

SB 489-FN - AS INTRODUCED

2024 SESSION

24-2882

08/10

SENATE BILL ***489-FN***

AN ACT relative to election audits.

SPONSORS: Sen. Gray, Dist 6

COMMITTEE: Election Law and Municipal Affairs

ANALYSIS

This bill requires the secretary of state to conduct audits of a certain percentage of ballot counting devices to be used at state primary and general elections.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to election audits.

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

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

Election Audits

4 660:32 Audit Authorized. The secretary of state shall conduct an audit of tabulation of ballots
5 after each state primary, general elections, and after the presidential primary.

6 660:33 Equipment and Technical Assistance. The secretary of state shall develop policies,
7 procure the equipment, and arrange for any required technical assistance to support the audit
8 process of ballot counting devices used in state elections in accordance with RSA 660:34.

9 660:34 State Election Audit.

10 I. The secretary of state shall randomly select not less than 8 ballot counting devices used by
11 towns or city wards to be audited. The secretary of state may divide towns or city wards into groups
12 for the selection based on criteria such as the device vendor or estimated number of election day
13 ballots to be processed. The selection of towns or city wards to be audited shall be non-public and
14 made after any ballot counting device memory cards have been programmed.

15 II. The secretary of state shall not announce which devices in the towns or city wards have
16 been selected to be audited until after the polls are open on election day.

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

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

25 V. Preliminary results from each device audited shall be announced by the audit team at the
26 conclusion of the town or city ward audit. The secretary of state shall report final results pursuant
27 to paragraph VII.

28 VI.(a) A random sample of the ballots counted and/or scanned by the device being audited,
29 shall be selected and shall be compared with the voters' choices recorded for that ballot. The sample
30 size shall be as follows:

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1 (1) If 4 percent of the ballots counted and/or scanned by the device is greater than
2 100, then 4 percent of the ballots counted and/or scanned shall be audited.

3 (2) If 4 percent is equal to or less than 100 ballots, then 100 ballots or the total
4 number of ballots counted and/or scanned shall be audited, whichever is smaller.

5 (b) Any differences identified during the comparison shall be documented. In the event
6 of significant differences, the secretary of state may expand the number of ballots sampled and
7 compared with the voters' choices recorded for each ballot and may order a full hand recount.

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

14 2 Effective Date. This act shall take effect upon its passage.

SB 489-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to election audits.

FISCAL IMPACT:

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill, as introduced, as it is awaiting information from the Department of State. The Department of State indicates they will need more time to provide the fiscal note worksheet as they are currently occupied with preparations for the presidential primaries. When completed, the fiscal note will be forwarded to the Senate Clerk's Office.

AGENCIES CONTACTED:

Department of State