

# Bill as Introduced

HB 1476 - AS INTRODUCED

2010 SESSION

10-2305  
03/09

HOUSE BILL

**1476**

AN ACT

relative to periodic verification of the checklist.

SPONSORS:

Rep. Bates, Rock 4; Rep. Splaine, Rock 16; Rep. Horrigan, Straf 7; Rep. Perry, Straf 3; Sen. Carson, Dist 14; Sen. Houde, Dist 5

COMMITTEE:

Election Law

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ANALYSIS

This bill changes which elections are used to deem a voter reregistered during the 10-year verification of the checklist.

This bill is a request of the department of state.

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Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT           relative to periodic verification of the checklist.

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

1           1 Verification Every 10 Years; Reregistration. Amend RSA 654:39, IV to read as follows:

2           IV. For the purpose of this section, a person shall be deemed reregistered and need not  
3 appear before the supervisors if:

4           (a) The person voted in [~~either of the 2 previous state general elections~~] ***any election***  
5 ***within the 4 years*** immediately preceding a 10-year verification; or

6           (b) The person [~~voted in the annual town election in the year of a 10-year verification or,~~  
7 ~~if in a city, the most recent regular city election held prior to the verification~~] ***has been added to***  
8 ***the checklist since the last state general election.***

9           2 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 177  
HB 1476 - FINAL VERSION

2010 SESSION

10-2305  
03/09

HOUSE BILL            **1476**

AN ACT                relative to periodic verification of the checklist.

SPONSORS:            Rep. Bates, Rock 4; Rep. Splaine, Rock 16; Rep. Horrigan, Straf 7; Rep. Perry,  
Straf 3; Sen. Carson, Dist 14; Sen. Houde, Dist 5

COMMITTEE:          Election Law

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CHAPTER 177  
HB 1476 - FINAL VERSION

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8 ***the checklist since the last state general election.***

9           177:2 Effective Date. This act shall take effect 60 days after its passage.

10          Approved: June 21, 2010

11          Effective Date: August 20, 2010

# Committee Minutes

**SENATE CALENDAR NOTICE  
ELECTION LAW AND VETERANS' AFFAIRS**

Senator Bette Lasky Chairman  
 Senator Matthew Houde V Chairman  
 Senator Amanda Merrill  
 Senator John Barnes, Jr.  
 Senator Sharon Carson

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/> Bill Status	
<input type="checkbox"/> Docket	
<input type="checkbox"/> Calendar	
Proof: <input type="checkbox"/> Calendar	<input type="checkbox"/> Bill Status

**Date: April 14, 2010**

**HEARINGS**

**Tuesday**

**4/20/2010**

**ELECTION LAW AND VETERANS' AFFAIRS**

**LOB 101**

**8:30 AM**

(Name of Committee)

(Place)

(Time)

**EXECUTIVE SESSION MAY FOLLOW**

8:30 AM HB341  
8:40 AM HB1476  
 9:00 AM HB1528  
 9:10 AM HB1529

relative to the date selected for the presidential primary election.  
 relative to periodic verification of the checklist.  
 relative to observing voter check-in.  
 relative to absentee voting.

**Sponsors:**

**HB341**

Rep. James Splaine

**HB1476**

Rep. David Bates  
Rep. Timothy Horrigan

**HB1528**

Rep. David Pierce

**HB1529**

Rep. Robert Perry

Sen. Sharon Carson  
Rep. Robert Perry

Sen. Matthew Houde

Rep. James Splaine

Rep. Richard Drisko

*Start 8:48  
end 8:55*

# Election Law and Veteran's Affairs

## Hearing Report

**TO:** Members of the Senate

**FROM:** Shannon Whitehead, *Legislative Aide*

**RE:** Hearing report on **House Bill 1476: AN ACT relative to periodic verification of the checklist.**

**HEARING DATE:** April 20, 2010

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**MEMBERS OF THE COMMITTEE PRESENT:** Senator Lasky, Senator Houde, Senator Barnes, Senator Merrill and Senator Carson.

**MEMBERS OF THE COMMITTEE ABSENT:** All members were present

**Sponsor(s):** Rep. Bates, Rock 4; Rep. Splaine, Rock 16; Rep. Horrigan, Straf 7; Rep. Perry, Straf 3; Sen. Carson, Dist 14; Sen. Houde, Dist 5

**What the bill does:**

- This bill changes which elections are used to deem a voter reregistered during the 10-year verification of the checklist.
- This bill is a request of the department of state.

**Who supports the bill:** Timothy Horrigan, Jim Splaine, David Scanlon (Deputy Secretary of State) Bob Perry, David Bates.

**Who opposes the bill:** No one appeared in opposition.

**Summary of testimony received:**

**Rep. Bates: Prime Sponsor**

- The bill was filed on behalf of the Secretary of State. Clear and fair
- Currently a person must vote in either of two previous general elections immediately preceding the 10-year verification, an annual town election



in the year of the verification or in the most recent regular city election held prior to the verification.

- This bill changes RSA 654:39 so that registered voters will only be removed when they do not vote in any election in the four years preceding 10-year verification.
- Senator Barnes asked Rep. Bates if he knew of any penalty for the purge checklist. The response was no.

**Timothy Horrigan:**

- This bill was a request of the Secretary of State's Office. It makes two simple changes (RSA 654:39 IV) to the periodic verification of the checklist.
- Once every ten years the voter list is cleaned up to take out listings for voters who have not recently voted. The deleted voters are free to re-register and are given ample opportunity although quite often these voters have died or moved out of state.
- The bill makes sure that two groups of active voters do not get deleted by mistake: 1) Those who missed both of the two previous general elections but who did vote in one or more other elections and 2) Those that registered after the last general election (because they just turned 18) but not actually voted yet.
- The checklist must be verified statewide at least once every ten years and a checklist can be verified more frequently after the local supervisors of the checklist request permission from the state.

**Dave Scanlon: Deputy Secretary of State**

- In support of the bill. This will be a state wide database. Should be much easier and automated. Clerks can simply just have a report generated. The overall checklist will be more update.
- In regard to Senator Barnes question about penalties, in RSA 654 shows violations if not updated.
- Senator Barnes asked if everyone is on the same time frame. Dave Scanlon responded that every town and city will purge. 2011 is the next purge.

**Funding:** Not applicable

**Future Action:** The committee voted ought to pass 5-0. First motion made by Senator Barnes. Second motion made by Senator Merrill. Senator Carson will report the bill out.

KC

Date: April 20, 2010  
Time: 8:50 AM  
Room: LOB 101

The Senate Committee on Election Law and Veterans' Affairs held a hearing on the following:

HB 1476 relative to periodic verification of the checklist.

Members of Committee present: Senator Lasky  
Senator Houde  
Senator Merrill  
Senator Barnes  
Senator Carson

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The Chair, Senator Bette Lasky, opened the hearing on House Bill 1476 and invited the prime sponsor, Representative David Bates, to introduce the legislation.

Representative David Bates: Good morning. I am Representative Bates. I'm representing Rockingham District 4 and I noticed on the list there, there are three speakers lined up to speak on this bill, which it's probably very significant overkill on this particular piece of legislation.

Well, I would be happy to defer to the Secretary of State, but I'll just mention that this 1476 was filed on behalf of the Secretary of State. It's a pretty simple change to the statutes governing the ten-year purge of the voter checklist, and it makes a couple of changes that are intended to, I think, make it clearer and more fair in terms of who is taken off the list.

Currently, a person, to remain on the list, has to have voted in either of the two previous general elections before the purge or if they're from or in a local election if they're from a town that the town election in the year of the verification or in the city and the city election in the year of the verification. There's a certain inequity there, because a person could be removed if, for whatever reason, they chose not to vote in a general election either two, three or four years prior to the purge.

So, the language here is intended to make it uniform so that a person will not be removed if they have voted in any election in the previous four years,

KC

whether it's a general election or a local town election. And, the other thing is, last change is that, they also will not be removed if they've been added to the checklist since the last general election and obviously they wouldn't have had to time to vote if they've registered subsequent to the general election. It just doesn't make sense to purge them from the list as soon as they've signed up and haven't had a chance to vote.

So, that's pretty much what it's about and I'll stop there since, if necessary, there are other speakers who are willing to talk on this, but I'll be happy to answer questions if there are any.

Senator Bette R. Lasky, D. 13: Thank you very much.

Representative Bates: Okay.

Senator Bette R. Lasky, D. 13: Any questions? Senator Barnes?

Senator John S. Barnes, Jr., D. 17: Thank you, Madam Chair. Representative, do you know if there's any penalty for towns or cities now purging their checklist?

Representative Bates: That I do not know, but there's some very competent people behind me that could answer that.

Senator John S. Barnes, Jr., D. 17: Okay, I appreciate that.

Representative Bates: Sure.

Senator Bette R. Lasky, D. 13: Not that you aren't competent. At any rate, any further questions? Thank you very much.

Representative Bates: Okay. Thank you.

Senator Bette R. Lasky, D. 13: The Chair recognizes Timothy Horrigan. Do you still wish to speak? I guess so.

Representative Timothy Horrigan: I'm still Representative Timothy Horrigan from Strafford County District 7, representing the Towns of Durham, Lee and Madbury and actually I feel this is extremely, there's an extremely illustrious group of co-sponsors on this bill, so I'm not sure how I got in on this group.

KC

But anyway, I do actually have some written testimony, which basically reiterates exactly what you just heard and what you can clearly see from reading the bill and that's about...

Senator Bette R. Lasky, D. 13: Thank you. Thank you we appreciate...

Representative Horrigan: So, might as well pass it around since I've already printed it up. **Please see Attachment #1.**

Senator Bette R. Lasky, D. 13: And we appreciate that, thank you. It's always good to look at some hard copy.

Representative Horrigan: I'd be happy to answer any questions if you have them.

Senator Bette R. Lasky, D. 13: Thank you. Seeing none, again thank you. Representative Perry has signed up and does not wish to speak and the Chair does call again the Deputy Secretary of State, Mr. Scanlan, who does wish to speak.

Deputy Secretary of State David Scanlan: Thank you, Madam Chair and members of the Committee. David Scanlan, Deputy Secretary of State. I'm here in support of this bill also. It should be noted that this is the first purge that we will have since we have implemented the statewide centralized voter database and so the whole process should be much easier this time around, because everything is going to be automated. You know, the information is right there in the database and the clerks can simply, hopefully, push a few keyboard buttons and have a report generated that shows which voters haven't been active for a period of time and can generate address labels and things like that.

So, this is an important part of the process, but because of that new database, things are going to be easier in the present and the future, and the overall checklist is going to be more up-to-date moving forward on a daily basis anyway.

So, I'd be happy to try and answer any questions.

Senator Bette R. Lasky, D. 13: Thank you and you're looking to... Senator Barnes?

Senator John S. Barnes, Jr., D. 17: What if they don't do it?

HC

Deputy Secretary Scanlan: This is RSA 654:33 and the supervisors of the checklist shall be guilty of violations if they don't keep the list up-to-date according to the statute.

Senator John S. Barnes, Jr., D. 17: Well, they're guilty of a violation, so fine and I'm guilty, so what happens? Do I get thrown out of office or do I get fined or does the town go to court or what?

Deputy Secretary Scanlan: That's a question I can't answer, I don't know. Anthony, do you, do you have the answer to that?

Senator John S. Barnes, Jr., D. 17: Obviously nothing happens, because I've never seen it in the newspaper.

Deputy Secretary Scanlan: Supervisors really do a great job.

Senator John S. Barnes, Jr., D. 17: Well, forget that question. I do have another question that may not be so difficult to answer. Is everybody on the same timeframe or has this thing started early on the ten years?

Deputy Secretary Scanlan: Everybody's on the...

Senator John S. Barnes, Jr., D. 17: The Town of Raymond, I say the Town of Raymond and we've got the they haven't had their (inaudible) they're on the same schedule as Hudson?

Deputy Secretary Scanlan: Yes.

Senator John S. Barnes, Jr., D. 17: Okay. So, everybody in the State is on the same ten year or so, every ten years, every town and city will purge. When is the next time the purge comes up? We have more registered voters in Raymond than we have citizens living there, I believe.

Deputy Secretary Scanlan: Yes, I believe it's coming up in your town, you probably have ones that....

Unidentified speaker: It's 2011, the process starts in April.

Senator John S. Barnes, Jr., D. 17: April of 2011, a year from now and they have to have it completed by the, like when?

Unidentified speaker: By the, I think it's November, I think it's September, October in that area.

HC

Senator John S. Barnes, Jr., D. 17: By the end of the year?

Unidentified speaker: The same, in about six months.

Senator John S. Barnes, Jr., D. 17: So, next year is purge time. Okay, thank you very much.

Deputy Secretary Scanlan: You're welcome.

Senator Bette R. Lasky, D. 13: Thank you. Thank you, Mr. Scanlan. Anyone else wishing to speak to House Bill 1476? Seeing none, I will close the hearing.

Hearing concluded 8:55 am

Respectfully submitted,



Kathryn Cummings  
Senate Committee Secretary  
June 23, 2010

1 Attachment

**Written Testimony in Favor of HB1476**

*AN ACT relative to periodic verification of the checklist*

Rep. Timothy Horrigan (Strafford District 7); Senate Election Law Committee; April 20, 2010

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This bill was a request of the Secretary of State's office. It makes two simple changes (RSA 654:39, IV) to the periodic verification of the checklist.

At least once every ten years, the voter list is cleaned up to take out listings for voters who have not recently voted. The deleted voters are free to re-register; and are given ample opportunity to do so—although quite often these voters have died or moved out of state.

This bill makes sure that two groups of active voters do not get deleted by mistake:

- (1) Those who missed both of the two previous General Elections, but who did vote in one or more other elections.
- (2) Those who registered after the last General Election (e.g., because they just turned 18) but have not actually voted yet.

The checklist must be verified statewide at least once every ten years; and a checklist can be verified more frequently after the local supervisors of the checklist request permission from the state. A relatively small group of citizens— 50 or 5% of the registered voters, whichever is smaller— can also petition to have the checklist verified.

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Rep. Timothy Horrigan  
(Strafford County #7)  
7A Faculty Rd; Durham, NH 03824  
ph: 603-868-3342  
email: TimothyHorrigan@mac.com

# Speakers





# Voting Sheets

# Senate Election Law & Veterans' Affairs Committee

## EXECUTIVE SESSION

Bill # HB 1476

Hearing date: 4/20/10

Executive session date: 4/20/10

Motion of: OTF

VOTE: 5-0

**Made by**  
**Senator:**

Lasky	<input type="checkbox"/>
Houde	<input type="checkbox"/>
Merrill	<input type="checkbox"/>
Carson	<input type="checkbox"/>
Barnes	<input checked="" type="checkbox"/>

**Seconded**  
**by Senator:**

Lasky	<input type="checkbox"/>
Houde	<input type="checkbox"/>
Merrill	<input checked="" type="checkbox"/>
Carson	<input type="checkbox"/>
Barnes	<input type="checkbox"/>

**Reported**  
**by Senator:**

Lasky	<input type="checkbox"/>
Houde	<input type="checkbox"/>
Merrill	<input type="checkbox"/>
Carson	<input checked="" type="checkbox"/>
Barnes	<input type="checkbox"/>

Motion of: \_\_\_\_\_

VOTE: \_\_\_\_\_

**Made by**  
**Senator:**

Lasky	<input type="checkbox"/>
Houde	<input type="checkbox"/>
Merrill	<input type="checkbox"/>
Carson	<input type="checkbox"/>
Barnes	<input type="checkbox"/>

**Seconded**  
**by Senator:**

Lasky	<input type="checkbox"/>
Houde	<input type="checkbox"/>
Merrill	<input type="checkbox"/>
Carson	<input type="checkbox"/>
Barnes	<input type="checkbox"/>

**Reported**  
**by Senator:**

Lasky	<input type="checkbox"/>
Houde	<input type="checkbox"/>
Merrill	<input type="checkbox"/>
Carson	<input type="checkbox"/>
Barnes	<input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Lasky, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Houde, Vice-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Merrill	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Carson	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Barnes	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\*Amendments: \_\_\_\_\_

Notes: \_\_\_\_\_

# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Date: April 20, 2010

THE COMMITTEE ON Election Law and Veterans' Affairs  
to which was referred House Bill 1476

AN ACT                    relative to periodic verification of the checklist.

Having considered the same, the committee recommends that the Bill:

**OUGHT TO PASS**

BY A VOTE OF:    5-0

AMENDMENT #        s

Senator Sharon M. Carson  
For the Committee

Kathy Cummings 271-3207

## New Hampshire General Court - Bill Status System

**Docket of HB1476**

Docket Abbreviations

**Bill Title:** relative to periodic verification of the checklist.*Official Docket of HB1476:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
12/10/2009	H	Introduced 1/6/2010 and Referred to Election Law; <b>HJ 6</b> , PG.241
01/14/2010	H	==RESCHEDULED== Public Hearing: 2/2/2010 1:00 PM LOB 308 (Orig 10:30 AM)
01/14/2010	H	Executive Session: 2/16/2010 10:00 AM LOB 308
02/16/2010	H	Committee Report: Ought to Pass for Mar 3 CC (Vote 16-0); <b>HC 17</b> , PG.799
03/03/2010	H	Ought to Pass: MA VV; <b>HJ 20</b> , PG.1134
03/24/2010	S	Introduced and Referred to Election Law and Veterans' Affairs; <b>SJ 11</b> , Pg.263
04/15/2010	S	Hearing: April 20, 2010, Room 101, LOB, 8:40 a.m.; <b>SC16</b>
04/21/2010	S	Committee Report: Ought to Pass 4/28/10; <b>SC17</b>
04/28/2010	S	Ought to Pass, MA, VV; OT3rdg; <b>SJ 16</b> , Pg.346
04/28/2010	S	Passed by Third Reading Resolution; <b>SJ 16</b> , Pg.354
05/12/2010	H	Enrolled; <b>HJ 41</b> , PG.2097
05/12/2010	S	Enrolled; <b>SJ 18</b> , Pg.504
06/24/2010	H	Signed by the Governor 06/21/2010; Effective 08/20/2010; Chapter 0177

NH House

NH Senate

Contact Us

*New Hampshire General Court Information Systems*  
 107 North Main Street - State House Room 31, Concord NH 03301

# Other Referrals

# COMMITTEE REPORT FILE INVENTORY

HB 1476 ORIGINAL REFERRAL

RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE SECRETARY AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE on which you have taken attendance

HEARING REPORT (written summary of hearing testimony)

HEARING TRANSCRIPT (verbatim transcript of hearing)

List attachments (testimony and submissions which are part of the transcript) by number [1 thru 4 or 1, 2, 3, 4] here: /

SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

\_\_\_ - AMENDMENT # \_\_\_\_\_      \_\_\_ - AMENDMENT # \_\_\_\_\_  
\_\_\_ - AMENDMENT # \_\_\_\_\_      \_\_\_ - AMENDMENT # \_\_\_\_\_

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED      \_\_\_ AS AMENDED BY THE HOUSE  
 FINAL VERSION      \_\_\_ AS AMENDED BY THE SENATE

\_\_\_ PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)

List by letter [ a thru g or a, b, c, d] here: \_\_\_\_\_

EXECUTIVE SESSION REPORT

\_\_\_ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK 9/28/10

Arden Cummings  
COMMITTEE SECRETARY