Bill as Introduced

2011 SESSION

11-0650
03/05

HOUSE BILL   *197-LOCAL*

AN ACT   relative to processing absentee ballots.

SPONSORS: Rep. Day, Hills 7

COMMITTEE: Election Law

ANALYSIS

This bill eliminates certain restrictions relating to when absentee ballots may be processed.

- -

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT   relative to processing absentee ballots.

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

1   1 Processing Absentee Ballots. Amend RSA 659:49 to read as follows:

2   659:49 Processing Absentee Ballots.

3   [I.] Processing of previously received absentee ballots [shall] *may* begin [at 1:00 p.m.] *any*

4   *time after the moderator declares the polls open.* The processing of the absentee ballots shall

5   not unnecessarily interfere with normal voting procedures, nor shall the polls be closed at any time

6   during the processing of such ballots. Absentee ballots which are received [after 1:00 p.m. and] prior

7   to 5:00 p.m. *on election day* shall be processed as soon after receipt as possible. Under no

8   circumstances shall absentee ballots be *segregated and* counted [prior to the closing of the polls]

9   *separately as absentee ballots, but they shall be intermingled with all other ballots, after*

10   *being processed through the checklist, and they shall be counted with all other ballots*

11   *after the polls are closed.*

12   [II. Notwithstanding the provisions of paragraph I, upon the written challenges of 10 or

13   more voters who are present at the polls no later than 1:00 p.m., the moderator shall postpone the

14   processing of all absentee ballots until after the polls close and prior to the counting of all ballots cast

15   in the election.]

16   2 Effective Date. This act shall take effect 60 days after its passage.

Hearing Minutes

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 197-L

BILL TITLE: relative to processing absentee ballots.

DATE: 2/1/11

LOB ROOM: 308   **Time Public Hearing Called to Order:**   11:47 AM

Time Adjourned: 12:12 PM

(please circle if present)

Committee Members: Reps. Bates, Scala, Drisko, Jasper, Hoelzel, Doherty, Eaton, Birdsell, Byrnes, DeJong, DeLemus, Erickson, Reilly, Thomas, Cote, Pierce, Brunelle and Gimas.

Bill Sponsors: Rep. Day, Hills 7

TESTIMONY

*   Use asterisk if written testimony and/or amendments are submitted.

Rep. Day – Approached by assistant moderator in Goffstown to submit this bill. This would allow moderators to open absentee ballots earlier than the 1:00 pm now in law.

Challengers ability to view opening of absentee ballots.

Deputy Scanlan – Secretary of State – Oppose – Ballots are being processed. If absentee voter is in town on the day of election they should vote in person and this bill would take that opportunity away from that person. "Intermingling" – that happens now.

Paul Twomey – Agrees with much of what Deputy Scanlan says. Suggests 1:00 pm but opportunity to move it back to 11:00 am if previously posted. 3400 votes were rejected in 2008.

Respectfully submitted,

Kathleen M. Hoelzel

Kathleen Hoelzel, Clerk

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 197-L

BILL TITLE: relative to processing absentee ballots.

DATE: 2/1/11

LOB ROOM: 308   Time Public Hearing Called to Order: 11:47 an

Time Adjourned: 12:12 pm

(please circle if present)

Committee Members: Reps. Bates, Scala, Drisko, Jasper, Hoelzel, Doherty, Eaton, Birdsell, Byrnes, DeJong, DeLemus, Erickson, Reilly, Thomas, Cote, Pierce, Brunelle and Gimas

Bill Sponsors: Rep. Day, Hills 7

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Day approached by assistant moderator in Goffstown to submit this bill. This would allow moderators to open absentee ballots earlier than the 1:00 pm now in law.

? Challenges ability to view opening of absentee ballots

Deputy Scanlon. Secretary of State oppose - ballots are being processed. If absentee voter is in town on the day of election they should vote in person & this bill would take that opportunity away from that person. "Intermingling" - that happens now.

Paul Twomey - agrees w/ much of what Deputy Scanlon says. Suggests 1:00 pm but opportunity to move it back to 11:00 am if previously posted. 3400 votes were rejected in 2008.

Voting Sheets

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 197-L

BILL TITLE: relative to processing absentee ballots.

DATE: 2/22/11

LOB ROOM: 308

Amendments:

Sponsor: Rep.   OLS Document #:

Sponsor: Rep.   OLS Document #:

Sponsor: Rep.   OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Hoelzel

Seconded by Rep. Byrnes

Vote: 17-1 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Gerald Vita, Clerk

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 197-L

BILL TITLE: relative to processing absentee ballots.

DATE: 3/12/11

LOB ROOM: 308

Amendments:

Sponsor: Rep.   OLS Document #:

Sponsor: Rep.   OLS Document #:

Sponsor: Rep.   OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)   ITL

Moved by Rep. Hoelzel

Seconded by Rep. Byrnes

Vote: (Please attach record of roll call vote.)   17-1

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Hoelzel

Seconded by Rep. Byrnes

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 18 - 0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Kathleen M. Hoelzel

Rep. _____ Clerk

ELECTION LAW

Bill #: _197_   Title: _____

PH Date: ___/___/___   Exec Session Date: _02_/_22_/_2011_

Motion: _ITL_   Amendment #: _____

MEMBER	YEAS	NAYS
Bates, David, Chairman	✓	
Scala, Dino A, V Chairman		✓
Drisko, Richard B	✓	
Jasper, Shawn N	✓	
Hoelzel, Kathleen M	✓	
Doherty, Shaun S	✓	
Eaton, Stephanie	✓	
Birdsell, Regina M	✓	
Byrnes, John J	✓	
DeJong, Cameron W	✓	
DeLemus, Susan C	✓	
Erickson, Duane H	✓	
Reilly, Harold T	✓	
Thomas, Joseph D	✓	
Cote, David E	✓	
Pierce, David M	✓	
Brunelle, Michael D	✓	
Gimas, John G	✓	

TOTAL VOTE: 17   1

Printed: 1/4/2011

Committee
Report

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on <u>ELECTION LAW</u> to which was referred HB197-L,

AN ACT relative to processing absentee ballots. Having considered the same, report the same with the following Resolution: RESOLVED, That it is INEXPEDIENT TO LEGISLATE.

Rep. Kathleen M Hoelzel

FOR THE COMMITTEE

Original: House Clerk
    Cc: Committee Bill File

COMMITTEE REPORT

Committee:	ELECTION LAW
Bill Number:	HB197-L
Title:	relative to processing absentee ballots.
Date:	February 23, 2011
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

HB 197 would allow moderators to open absentee ballots at any time on election day. Present law requires that absentee ballots be opened at 1:00 p.m. This uniform rule gives challengers notice of when to observe and dispute the counting of improperly cast ballots. HB 197 would deprive our elections of this protection by permitting moderators to open absentee ballots at any time of the day. Consequently people wouldn't know when to be present to challenge those ballots.

Vote 17-1.

Rep. Kathleen M Hoelzel
FOR THE COMMITTEE

Original: House Clerk
  Cc: Committee Bill File

CONSENT CALENDAR

ELECTION LAW
HB197-L, relative to processing absentee ballots. **INEXPEDIENT TO LEGISLATE.**
Rep. Kathleen M Hoelzel for ELECTION LAW. HB 197 would allow moderators to open absentee ballots at any time on election day. Present law requires that absentee ballots be opened at 1:00 p.m. This uniform rule gives challengers notice of when to observe and dispute the counting of improperly cast ballots. HB 197 would deprive our elections of this protection by permitting moderators to open absentee ballots at any time of the day. Consequently people wouldn't know when to be present to challenge those ballots. **Vote 17-1.**
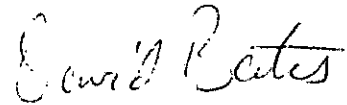
Original: House Clerk
      Cc: Committee Bill File

HB 197 would allow moderators to open absentee ballots at any time on election day. Present law requires that absentee ballots be opened at 1:00 p.m. This uniform rule gives challengers notice of when to observe and dispute the counting of improperly cast ballots. HB 197 would deprive our elections of this protection by permitting moderators to open absentee ballots at any time of the day. Consequently people wouldn't know when to be present to challenge those ballots.

Kathleen M. Hoelzel for the Committee

COMMITTEE REPORT

COMMITTEE: _Election Law_

BILL NUMBER: _hb 197_

TITLE: _____

DATE: _02-22-2011_   CONSENT CALENDAR: YES ☑   NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS W/ AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.
_____

STATEMENT OF INTENT:

HB 197 would allow moderators to open absentee ballots at any time on election day. Present law requires that absentee ballots be opened at 1:00 PM. This uniform rule gives challengers notice of when to observe and dispute the counting of improperly cast ballots. HB 197 would deprive our elections of this protection by permitting moderators to open absentee ballots at any time of the day. Consequently people wouldn't know when to be present to challenge those ballots

COMMITTEE VOTE: _17-1_

RESPECTFULLY SUBMITTED,

Rep. _Kathleen M. Hoelzel_

For the Committee

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rev. 02/01/07 - Yellow