

Bill as Introduced

HB 487-FN - AS INTRODUCED

2011 SESSION

11-0647
03/09

HOUSE BILL *487-FN*

AN ACT relative to election day registrants.

SPONSORS: Rep. Jasper, Hills 27; Rep. DeLemus, Straf 1; Rep. Drisko, Hills 5; Sen. Boutin,
Dist 16

COMMITTEE: Election Law

ANALYSIS

This bill requires election day registrants who do not verify their identity to return a mailed identity verification.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to election day registrants.

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

1 1 Identity Verification. Amend RSA 654:12, V to read as follows:

2 V.(a) The election official approving the application for registration as voter of a person who
3 does not present an approved form of photo identification as proof of identity when registering, shall
4 mark the voter registration form to indicate that no photo identification was presented **and shall**
5 **inform the person that, if he or she is a first-time election day registrant in**
6 **New Hampshire, he or she will receive a letter of identity verification.** The person entering
7 the voter information into the centralized voter registration database shall determine if the person is
8 listed in the system as having been previously registered in the town or ward reported by the
9 applicant on the voter registration form. If the person is a new registrant who has not been
10 previously registered anywhere in New Hampshire or if the centralized voter registration database
11 does not confirm a previous registration claimed on the voter registration form, the election official
12 shall cause the record created in the centralized voter registration database to indicate that the
13 person is a new applicant in New Hampshire and that no photo identification was presented. When
14 municipalities enter information on people who register on election day into the centralized voter
15 registration database, to the extent practical applicants who are registering for the first time in
16 New Hampshire and who also register without presenting an approved photo identification shall be
17 entered first.

18 (b) The secretary of state shall cause a letter of identity verification to be mailed by first
19 class mail to each voter identified at a state general election as a first-time election day registrant in
20 New Hampshire who also did not verify his or her identity with an approved photo identification.
21 The letter shall be mailed within 90 days after the general election. The secretary of state shall
22 mark the envelope with instructions to the United States Post Office not to forward the letter and to
23 provide address correction information. The letter shall notify the person that a person who was
24 unable to present photo identification registered or registered and voted using his or her name and
25 address and instruct the person **to return the letter within 30 days with a written**
26 **confirmation that the person registered and voted or** to contact the attorney general
27 immediately if he or she did not register and vote.

28 (c) The secretary of state shall cause any letters mailed pursuant to subparagraph (b)
29 that are returned as undeliverable by the United States Post Office to be referred to the attorney
30 general. **The secretary of state shall also prepare and forward to the attorney general a list**
31 **of all persons who were mailed letters under subparagraph (b) and have not confirmed**

1 *their registration.* Upon receipt of notice from a person who receives a letter of identity
2 verification that the person did not register and vote, or upon receipt of a referral from the secretary
3 of state, the attorney general shall cause an investigation to be made to determine whether
4 fraudulent registration or voting occurred.

5 2 Effective Date. This act shall take effect January 1, 2012.

LBAO
11-0647
01/19/11

HB 487-FN - FISCAL NOTE

AN ACT relative to election day registrants.

FISCAL IMPACT:

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 487-FN

BILL TITLE: relative to election day registrants.

DATE: 2/22/11

LOB ROOM: 308 **Time Public Hearing Called to Order:** 1:10 pm

Time Adjourned: 1:43 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. Jasper, Hills 27; Rep. DeLemus, Straf 1; Rep. Drisko, Hills 5; Sen. Boutin, Dist 16

TESTIMONY

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

Rep. Shawn Jasper – Sponsor – Discussions of a few years ago. Went through house and was killed in senate.

Presently a person registers on election day and then Secretary of State mails a letter. Letter may not get to the voter. This bill would instruct the person (voter) to return the letter in 30 days (see lines 25 & 26). Penalties would be under “voter fraud”.

David Scanlan – Deputy Secretary of State – In 2008 presidential election 200+ were first time voters who did not have photo I.D. In last general election, 23,512 voters registering on election day. Of those voters above 49 did not have photo I.D. during last 2010 election. There would have to be a revision of the fiscal note if this bill refers to all elections in the state. The fiscal note is not available at this time. Penalty is under RSA 654:7. All who register for the first time without photo I.D. are sent a letter.

Phyllis Woods – self – There are issues – Flaw in the bill – mailed in 90 days and returned in 30 days means the candidate is in office. Also, this means four months before the question of validity of voter is decided. Even if there is a serious penalty threat there will still be.

Deputy Scanlan – NH statutes allow affidavit for voter to register/vote. There does not seem to be many instances of voter fraud.

Re: 4 month delay


Manchester – large number of voters

Rural towns – computer input takes time

Melissa Bernatis – America Votes – Urges ITL

Share arguments of last session bill. Transient individuals domestic violence victims

Respectfully submitted,

A handwritten signature in cursive script that reads "Kathleen M. Hoelzel". The signature is written in black ink and is positioned above the typed name.

Kathleen M. Hoelzel, Clerk

HOUSE COMMITTEE ON ELECTION LAW

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TESTIMONY

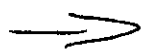
* Use asterisk if written testimony and/or amendments are submitted.

Rep Shawn Jasper - Sponsor - discussions of a few years ago. Went through house and was killed in Senate. Presently - a person registers on election day and then Sec. of State mails a letter. Letter may not get to the voter. This bill would instruct the person (voter) to return the letter in 30 days. (See lines 25+26). Penalties would be under "voter fraud"

Deputy David Scanlon - Sec. of State.

In 2008 presidential election 200+ were first time voters who did not have photo I.D.

In last gen'l. 235,42 voters registering on election day. Of those voters above 49 did not have photo I.D. during last election. There would have to be a provision of the fiscal note if this bill refers to all elections in the state. The fiscal note is not



available at this time.

Penalty is under RSA 654:7
~~Class A misdemeanor.~~

All who register for the first time without
photo ID are sent a letter presently

Phyllis Woods - self - there are issues
Flaw in the bill - mailed in 90 days &
returned in 30 days means the
Candidate is in office. Also, this means
four months before the question of
validity of voter is decided.
Even if there is a serious penalty
threat there will still be

Dep. Scarlou: NH ^{654:12} statutes allow affidavit for
voter to register / vote.
There does not seem to be many instances
of voter fraud.

- re: 4 month delay.
Manchester - large number of voters
Rural towns - computer input
takes time

Melissa Bernatis - America Votes - Urgent
share arguments of last session bill.
Transparent individuals -
domestic violence victims

Voting Sheets

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 487-FN

BILL TITLE: relative to election day registrants.

DATE: 3/9/11

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. Doherty

Seconded by Rep. Pierce

Vote: 16-0 (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: Unanimous

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Kathleen Hoelzel, Clerk

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 487-FN

BILL TITLE: relative to election day registrants.

DATE:

3/9/11

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.

Doherty

Seconded by Rep.

Fierce

Vote:

(Please attach record of roll call vote.)

16-0

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:

UNANIMOUS

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

Statement of Intent:

Refer to Committee Report

Respectfully submitted,

Kathleen M. Hoelzel

Rep. Kathleen Hoelzel, Clerk

ELECTION LAW

Bill #: HB 487 Title: _____

PH Date: 1/1/11

Exec Session Date: 03/09/2011

Motion: OTP

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 <i>absent</i>		
Reilly, Harold T	✓	
Thomas, Joseph D	✓	
Cote, David E	✓	
Pierce, David M	✓	
Brunelle, Michael D <i>absent</i>		
Simas, John G <i>Keans</i>	✓	
TOTAL VOTE:	16	0

Committee Report

CONSENT CALENDAR

March 10, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on ELECTION LAW to which was referred HB487-FN,

AN ACT relative to election day registrants. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. Shaun S Doherty

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	ELECTION LAW
Bill Number:	HB487-FN
Title:	relative to election day registrants.
Date:	March 10, 2011
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill requires that a voter who does not verify their identity upon registration be mailed a letter and instructed that the recipient return the letter to the Secretary of State within thirty days. By having the recipient return the letter, the committee believes it would improve the verification process and prevent unnecessary investigations.

Vote 16-0.

Rep. Shaun S Doherty
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

ELECTION LAW

HB487-FN, relative to election day registrants. **OUGHT TO PASS.**

Rep. Shaun S Doherty for ELECTION LAW. This bill requires that a voter who does not verify their identity upon registration be mailed a letter and instructed that the recipient return the letter to the Secretary of State within thirty days. By having the recipient return the letter, the committee believes it would improve the verification process and prevent unnecessary investigations. **Vote 16-0.**

Original: House Clerk
Cc: Committee Bill File

HB 487

This bill requires that a voter who does not verify their identity upon registration be mailed a letter and instructed that the recipient return the letter to the Secretary of State within thirty days. By having the recipient return the letter, the committee believes it would improve the verification process and prevent unnecessary investigations.

Rep. Shaun S. Doherty for the Committee

David Bates

COMMITTEE REPORT

Doherty

COMMITTEE: Election Law

BILL NUMBER: HB 487

TITLE: _____

DATE: 03-09-2011 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:

This bill requires that a voter ^{who} ~~that~~ does not verify their identity upon registration be mailed a letter and ^{instructed} ~~provides~~ that the recipient return the letter to ^{the} ~~the~~ Sec. of State within 30 days. By having the recipient return the letter, the committee ^{believes it would improve the verification process} ~~will benefit any potential~~ ^{investigations} ~~investigation~~ and prevent unnecessary ~~follow ups~~.

COMMITTEE VOTE: 16-0

RESPECTFULLY SUBMITTED,

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

Rep. Shawn S. Doherty
For the Committee