

Bill as Introduced

SB 129-FN - AS AMENDED BY THE SENATE

03/30/11 1219s

2011 SESSION

11-0420
03/04

SENATE BILL ***129-FN***

AN ACT relative to presenting photo identification to vote in person and relative to the election fund.

SPONSORS: Sen. Carson, Dist 14; Sen. Barnes, Jr., Dist 17; Rep. Tucker, Rock 17

COMMITTEE: Public and Municipal Affairs

AMENDED ANALYSIS

This bill requires that a voter present a valid photo identification to vote in person or have his or her photograph taken by an election official to be kept on file. This bill also reduces the balance that the secretary of state is required to maintain in the election fund.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 presenting photo identification to vote in person and relative to the election fund.

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

1 1 Election Fund. Amend RSA 5:6-d, III to read as follows:

2 III. The secretary of state is authorized to accept, budget, and, subject to the limitations of
3 this paragraph, expend monies in the election fund received from any party for the purposes of
4 conducting elections, voter and election official education, the purchase or lease of voting equipment
5 which complies with Help America Vote Act of 2002, Public Law 107-252, election law enforcement,
6 and improvements to related information technology, including acquisition and operation of an
7 automated election management system. The secretary of state shall not expend any monies in the
8 election fund unless the balance in the fund following such expenditures shall be at least [15] 12
9 times the estimated annual cost of maintaining the programs established to comply with the Help
10 America Vote Act of 2002, Public Law 107-252.

11 2 Obtaining a Ballot. Amend RSA 659:13 to read as follows:

12 659:13 Obtaining a Ballot.

13 I. A person desiring to vote shall, before being admitted to the enclosed space within the
14 guardrail, ~~announce his or her name to one of the ballot clerks who shall thereupon repeat the~~
15 ~~name]~~ *approach the ballot clerk to check in. The ballot clerk shall request that the voter*
16 *present a valid photo identification meeting the requirements of paragraph II. The ballot*
17 *clerk shall announce the name of the voter;* and, if the name is found on the checklist by the
18 ballot clerk, the ballot clerk shall put a checkmark beside it and again repeat the name. The ballot
19 clerk shall state the address listed on the checklist for the voter, and ask if the address is correct; if
20 the address on the checklist is not correct, the ballot clerk shall correct the address in red on the
21 paper checklist and the supervisors of the checklist shall cause the centralized voter registration
22 database to reflect the correction. The voter, if still qualified to vote in the town or ward *and*
23 *having presented a valid photo identification verifying the voter's identity*, and unless
24 challenged as provided for in RSA ~~[659:27-33]~~ *659:27 through 659:33*, shall then be allowed to enter
25 the space enclosed by the guardrail. After the voter enters the enclosed space, the ballot clerk shall
26 give the voter one of each ballot to be voted on in that election which shall be folded as it was upon
27 receipt from the secretary of state.

28 II. A valid photo identification shall satisfy all the following:

29 (a) The identification shows the name of the individual to whom the

1 *identification was issued, and the name substantially conforms to the name in the*
2 *individual's voter registration record.*

3 *(b) The identification shows a photograph of the individual to whom the*
4 *identification was issued.*

5 *(c) The identification includes an expiration date, and the identification is not*
6 *expired.*

7 *(d) The identification was issued by the United States, the state of*
8 *New Hampshire, a political subdivision of the state of New Hampshire, an educational*
9 *institution licensed or approved by the postsecondary education commission, or a business*
10 *or institution recognized by local election officials.*

11 *III. If a voter does not have a photo identification that satisfies the requirements of*
12 *paragraph II, the photo identification requirement may be satisfied by having a digital*
13 *photograph of the voter taken by an election official to be kept on file.*

14 3 New Sections; Authority of Secretary of State. Amend RSA 659 by inserting after section 13-a
15 the following new sections:

16 659:13-b Emergency Authority for the Secretary of State. The secretary of state may suspend
17 the photo identification provisions of RSA 659:13 to the extent necessary to accommodate equipment
18 or software failure, power outages, or other unforeseen situations that prevent the provisions of RSA
19 659:13, III from being carried out.

20 659:13-c Authority to Expend Moneys From the Election Fund. The secretary of state may
21 expend moneys from the election fund established under RSA 5:6-d for the purpose of purchasing
22 equipment and implementing improvements to information technology that may be required by RSA
23 659:13, III.

24 4 Requesting Photo Identification. At any election prior to October 1, 2012, when issuing a
25 ballot pursuant to RSA 659:13, the ballot clerk shall request that the voter present a valid photo
26 identification issued by the United States, the state of New Hampshire, a political subdivision of the
27 state of New Hampshire, an educational institution licensed or approved by the postsecondary
28 education commission, or a business or institution recognized by local election officials. If the voter
29 does not have a photo identification requested under this section, the ballot clerk shall inform the
30 voter that such a photo identification will be required in future elections in order to vote.

31 5 Effective Date.

32 I. Section 2 of this act and RSA 659:13-b as inserted by section 3 of this act shall take effect
33 October 1, 2012.

34 II. The remainder of this act shall take effect 60 days after its passage.

LBAO
11-0420
Revised 02/04/11

SB 129 FISCAL NOTE

AN ACT relative to presenting photo identification to vote in person and relative to the election fund.

FISCAL IMPACT:

The Department of Safety states this bill will decrease state highway fund revenues by \$120,415, have an indeterminable fiscal impact on state highway fund expenditures, and decrease state restricted revenues by \$120,415 in FY 2012 and in each year thereafter, and will decrease local revenues by \$14,450 in FY 2013 and each fiscal year thereafter. The Department of State states this bill may increase state general fund expenditures by an indeterminable amount in FY 2012 and each fiscal year thereafter. The New Hampshire Municipal Association states this bill may increase local expenditures in FY 2012 and each fiscal year thereafter. There will be no fiscal impact on county and local revenues, or county expenditures.

METHODOLOGY:

The Department of Safety states this bill would require individuals to present valid photo identification to the ballot clerk to verify identity in order to vote. The Department states one of the forms of identification permitted would be a state issued non-driver picture identification card and this bill repeals the fee the Department collects for issuance of those cards. The Department states it estimates this repeal may reduce fee collections by \$240,830 per year (\$10 fee X approximately 24,083 non-driver identification cards issued annually). Currently, non-driver identification card fees are split in half between the Division of Motor Vehicles for the costs of issuing the cards and the highway fund ($\$240,830 \div 2 = \$120,415$). Pursuant to RSA 235:23, 12% of the preceding year's highway fund revenues are to be distributed to municipalities. The Department therefore estimates a decrease state highway fund expenditures and local revenues of \$14,450 ($\$120,415 \times 12\%$) in FY 2013 and each fiscal year thereafter.

The Department of Safety also states this bill would require programming and form changes. The Department estimates 75 hours for programming changes at \$175 per hour plus \$500 for form changes to the application for a non-drivers identification card for a total of \$13,625 in costs to be incurred in FY 2012 as a result of this bill. The Department also states this bill may generate additional requests for non-drivers identification cards as there would no longer be a

fee. The Department states it incurs a \$2.41 marquis fee per card it issues. The Department states it cannot predict the potential increase in marquis fees it could incur as a result of an increase in demand for non-driver identification cards as a result of this bill.

The Department of State states this bill would require voters to present a photo identification card issued by the state of New Hampshire, the federal government, or certain postsecondary institutions to obtain a ballot to vote, and also repeals the fee for non-driver identification cards issued by the state. The Department states this bill also requires voters showing up at the polls without valid identification to vote by provisional ballot and bring valid identification to the town clerk on a subsequent day for their vote to count. The Department states under this bill it would be required to provide provisional ballot envelopes to each polling place and will require them to provide additional staff following an election to handle the late election returns and meet certain time obligations complicated by the additional window to receive ballots after the election, including conducting recounts, preparing absentee ballots and certifying results. The Department states it is unable to determine specific staffing needs or potential costs at this time, however it predicts the following costs associated with supplying additional provisional ballot envelopes:

Number of envelopes needed	95,000
Total envelope costs (\$54 per thousand)	\$5,130
Shipping costs	\$1,000
Per Election Cost of Supplying Provisional Ballot Envelopes	\$6,130

	FY 2012	FY 2013	FY 2014	FY 2015
Cost Per Election	\$6,130	\$6,130	\$6,130	\$6,130
# Elections	1	2	0	1
Total Cost	\$6,130	\$12,260	\$0	\$6,130

The New Hampshire Municipal Association states this bill requires all voters to present valid photo identification in order to vote and voters who are unable to do so would be permitted to vote by provisional ballot. The Association states this process would increase the time needed for each voter to check in and vote and municipalities may need to respond to this by appointing additional ballot clerks or extending polling locations. In either case, the Association states there would likely be an increase in local expenditures. As the effect of this bill would vary among municipalities, the Association is unable to determine the fiscal impact on local expenditures.

LBAO
11-0420
Amended 04/15/11

SB 129 FISCAL NOTE

AN ACT relative to presenting photo identification to vote in person and relative to the election fund.

FISCAL IMPACT:

The Department of State states this bill, as amended by the Senate (Amendment #2011-1219s), will have an indeterminable impact on state expenditures in FY 2012 and each year thereafter. The New Hampshire Municipal Association states this bill will have an indeterminable impact on local expenditures. There will be no impact on state, county or local revenues, or county expenditures.

METHODOLOGY:

The Department of State states this bill adds a requirement for digital photographs of voters to be placed on file. The Department state there is no system currently in place to fulfill this requirement and estimates the cost of implementation to be between \$1,000 and \$3,000 per polling place. The Department states there is approximately 330 polling places in the state and projects the total implementation cost to fall between \$330,000 (\$1,000 X 330) and \$990,000 (\$3,000 X 330). The Department also states annual costs for training could be as much as \$50,000 per year. The Department states the source of funds for digital photography and filing capability would be from the election fund established in RSA 5:6-d.

The New Hampshire Municipal Association states this bill requires all voters to present photo identification to voter and if the voter does not present a valid identification, the requirement may be satisfied by having an election official take a digital photograph of the voter. The Association states this process would increase the workload for the election officials and municipalities may need to respond by either appointing additional election officials or by extending polling hours. The Association states in either case there likely would be an increase in local expenditures by an indeterminable amount.

SB 129-FN - AS AMENDED BY THE HOUSE

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4May2011... 1712h

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SENATE BILL ***129-FN***

AN ACT relative to presenting photo identification to vote in person and relative to the election fund.

SPONSORS: Sen. Carson, Dist 14; Sen. Barnes, Jr., Dist 17; Rep. Tucker, Rock 17

COMMITTEE: Public and Municipal Affairs

AMENDED ANALYSIS

This bill requires that a voter present a valid photo identification to vote in person. Voters without photo identification may vote by provisional ballot, provided that they subsequently appear in person before the city or town clerk and present a valid photo identification, official documentation of driver's license suspension or revocation, a waiver issued by the secretary of state, or an affidavit of religious exemption. This bill also requires that the secretary of state pay the cost ~~for a non-driver's picture identification card~~ upon presentation of a voucher to the division of motor vehicles.

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.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT relative to presenting photo identification to vote in person and relative to the election fund.

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

1 1 Obtaining a Ballot. Amend RSA 659:13 to read as follows:

2 659:13 Obtaining a Ballot.

3 *I. A person desiring to vote shall, before being admitted to the enclosed space within the*
4 *guardrail, announce his or her name to one of the ballot clerks who shall thereupon repeat the name;*
5 *and, if the name is found on the checklist by the ballot clerk, the ballot clerk shall put a checkmark*
6 *beside it and again repeat the name. The ballot clerk shall state the address listed on the checklist*
7 *for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot*
8 *clerk shall correct the address in red on the paper checklist and the supervisors of the checklist shall*
9 *cause the centralized voter registration database to reflect the correction. **The ballot clerk shall***
10 ***request that the voter present a valid photo identification meeting the requirements of***
11 ***paragraph II. If the voter does not have a valid photo identification, the ballot clerk shall***
12 ***inform the voter that he or she may vote by provisional ballot in accordance with***
13 ***RSA 659:13-b and present a valid photo identification, official documentation of driver's***
14 ***license suspension or revocation, waiver issued by the secretary of state under RSA 659:13-***
15 ***d, or affidavit of religious exemption to the city or town clerk by noon of the third business***
16 ***day after the election. If the photo identification is an out-of-state driver's license, the***
17 ***ballot clerk shall record the state of issuance on the checklist in a color designated for***
18 ***such entries and the supervisors of the checklist shall submit the information to the***
19 ***secretary of state.** The voter, if still qualified to vote in the town or ward *and having presented a**
20 **valid photo identification verifying the voter's identity,* and unless challenged as provided for*
21 *in RSA [~~659:27-33~~] 659:27 through 659:33, shall then be allowed to enter the space enclosed by the*
22 *guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each*
23 *ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary*
24 *of state.*

25 *II. A valid photo identification shall satisfy all the following:*

26 *(a) The identification shows the name of the individual to whom the*
27 *identification was issued, and the name substantially conforms to the name in the*
28 *individual's voter registration record.*

1 (b) *The identification shows a photograph of the individual to whom the*
2 *identification was issued.*

3 (c) *The identification was issued by the United States or the state of*
4 *New Hampshire, or is a valid state driver's license.*

5 2 New Sections; Provisional Ballot. Amend RSA 659 by inserting after section 13-a the following
6 new sections:

7 659:13-b Provisional Ballot.

8 I. If a voter has not presented a valid voter identification under RSA 659:13 and is otherwise
9 qualified to vote, the voter may cast a provisional ballot. The ballot clerk shall indicate on the
10 checklist that the voter has voted by provisional ballot. The provisional ballot shall be the same as
11 the ballot used at the polling place, but shall be sealed in a plain envelope by the voter after he or
12 she has marked the ballot. The voter shall insert the plain envelope into an envelope on which is
13 printed the same information as the affidavit of a challenged voter to be executed by the voter and
14 shall sufficiently identify the voter to allow verification of the ballot once the voter has confirmed his
15 or her identity.

16 II. The moderator shall prepare a list of all voters who cast provisional ballots and shall
17 retain possession of the provisional ballots in their sealed envelopes until the closing of the polls, at
18 which time the moderator shall cause the provisional ballots and the list to be delivered to the city or
19 town clerk. The clerk shall seal all provisional ballots in a separate box marked "provisional ballots."

20 III. By noon of the third business day after the election, a voter who has cast a provisional
21 ballot may appear in person before the city or town clerk and present a valid photo identification
22 meeting the requirements of RSA 659:13, II, official documentation of driver's license suspension or
23 revocation, a waiver issued by the secretary of state under RSA 659:13-d, or an affidavit of religious
24 exemption. Upon presentation of a valid photo identification, verification of driver's license
25 suspension or revocation, or receipt of a waiver issued by the secretary of state under RSA 659:13-d
26 or an affidavit of religious exemption, the clerk shall mark the list prepared by the moderator to that
27 effect. The clerk shall require each person presenting a valid photo identification, official
28 documentation of driver's license suspension or revocation, or a waiver issued by the secretary of
29 state under RSA 659:13-d, or executing an affidavit of religious exemption to sign the list next to or
30 beneath his or her name. At noon of the third business day after the election, the clerk shall forward
31 all provisional ballots for which verification of identity has been provided to the moderator. The
32 clerk shall post notice of the time and place of the processing of provisional ballots in accordance
33 with RSA 91-A.

34 IV. The moderator, upon receipt of the provisional ballots, shall immediately verify that the
35 signatures on the affidavit envelopes match the signatures on the list of provisional voters and shall
36 process the ballots so verified in the same manner as absentee ballots. The clerk shall prepare an
37 amended election return, which shall be prepared and forwarded in the same manner as any other

1 election return. Provisional ballots shall be sealed and preserved in the same manner as other
 2 ballots. The duties of the moderator under this section may be fulfilled by another election official
 3 designated by the moderator; the official so designated may be an official from another ward in the
 4 same city or town and the same official may fulfill the moderator's duties for multiple wards.

5 659:13-c Affidavit of Religious Exemption. The affidavit of religious exemption shall be in the
 6 following form:

7 AFFIDAVIT OF RELIGIOUS EXEMPTION

8 Name: _____

9 Address: _____

10 Date of birth: _____

11 I hereby swear and affirm that I adhere to the beliefs of _____ religion and therefore
 12 have a religious objection to having my photograph taken and that I do not possess a valid form of
 13 identification showing my photograph.

14 I hereby swear and affirm, under the penalties for voting fraud set forth below, that I am the
 15 identical person whom I represent myself to be and that to the best of my knowledge and belief the
 16 information above is true and correct.

17 _____
 18 (Signature of affiant)

19 In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false
 20 information when voting is a class A misdemeanor with a maximum sentence of imprisonment not to
 21 exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject
 22 to a civil penalty not to exceed \$5,000.

23 659:13-d Waiver by Secretary of State. Upon presentation of sworn evidence satisfactory to the
 24 secretary of state that a voter does not possess photo identification and also does not possess
 25 documentation necessary to obtain a nondriver's picture identification card, the secretary of state
 26 may issue a waiver of the photo identification requirement that may be presented to the clerk under
 27 RSA 659:13-b. The waiver shall be valid only for the election specified in the waiver.

28 3 Election Fund Reimbursement. Amend RSA 5:6-d, III to read as follows:

29 III. The secretary of state is authorized to accept, budget, and, subject to the limitations of
 30 this paragraph, expend monies in the election fund received from any party for the purposes of
 31 conducting elections, voter and election official education, the purchase or lease of voting equipment
 32 which complies with Help America Vote Act of 2002, Public Law 107-252, *reimbursing the*
 33 *department of safety for nondriver's picture identification cards*, election law enforcement,
 34 and improvements to related information technology, including acquisition and operation of an
 35 automated election management system. The secretary of state shall not expend any monies in the
 36 election fund unless the balance in the fund following such expenditures shall be at least 15 times
 37 the estimated annual cost of maintaining the programs established to comply with the Help America

1 Vote Act of 2002, Public Law 107-252.

2 4 Identification Cards; Voucher. Amend RSA 260:21, V to read as follows:

3 V. The fee for such card shall be \$10 and is not refundable, except that no fee shall be
4 charged to any person who, for reason of health or age, turns in his *or her* driver's license before the
5 expiration date of such license. For purposes of this section, reasons of age shall be deemed to apply
6 only to those persons over age 65. *A person who requires a photo identification card for voter*
7 *identification purposes may obtain a voucher from his or her town or city clerk or the*
8 *secretary of state exempting the person from the identification card fee. Upon presentation*
9 *of the voucher to the division, the actual costs of issuing the card shall be paid by the*
10 *secretary of state from the election fund established under RSA 5:6-d. An identification*
11 *card paid for by the secretary of state shall be valid for voter identification purposes only,*
12 *and the card shall be marked "for voter identification only."*

13 5 Final Counting; Announcement. Amend RSA 659:70 to read as follows:

14 659:70 Final Counting; Result. The final count of all votes on all ballots cast at the central and
15 additional polling places, if any, shall be combined and the moderator shall announce the final count
16 for each office *and the number of provisional ballots cast.*

17 6 Voter Education.

18 I. The department of state shall prominently display on the department's website
19 information for voters relating to the photo identification requirements established by this act. The
20 department shall also provide explanatory information relating to this act to media outlets for the
21 purpose of educating the public regarding voter identification requirements.

22 II. Every town and city clerk shall prominently display a notice prepared by the secretary of
23 state explaining the photo identification requirements for voters and directing voters to the
24 department of state's website for additional information. Such notice shall be displayed for at least
25 14 days prior to each election held after the effective date of this act during 2011 and 2012.

26 7 Applicability. In accordance with RSA 659:13, as amended by this act, ballot clerks shall
27 request that the voters present a valid photo identification at all elections after the effective date of
28 this act. However, notwithstanding such provisions, no person shall be denied the right to vote for
29 failure to present a valid photo identification or other documentation acceptable under this act prior
30 to November 1, 2012. The ballot clerks shall tally the number of voters that do not present a valid
31 photo identification at each election prior to November 1, 2012, and the town or city clerk shall
32 report the number with the election return.

33 8 Effective Date. This act shall take effect 60 days after its passage.

LBAO
11-0420
Amended 04/15/11

SB 129 FISCAL NOTE

AN ACT relative to presenting photo identification to vote in person and relative to the election fund.

FISCAL IMPACT:

The Department of State states this bill, as amended by the Senate (Amendment #2011-1219s), will have an indeterminable impact on state expenditures in FY 2012 and each year thereafter. The New Hampshire Municipal Association states this bill will have an indeterminable impact on local expenditures. There will be no impact on state, county or local revenues, or county expenditures.

METHODOLOGY:

The Department of State states this bill adds a requirement for digital photographs of voters to be placed on file. The Department state there is no system currently in place to fulfill this requirement and estimates the cost of implementation to be between \$1,000 and \$3,000 per polling place. The Department states there is approximately 330 polling places in the state and projects the total implementation cost to fall between \$330,000 (\$1,000 X 330) and \$990,000 (\$3,000 X 330). The Department also states annual costs for training could be as much as \$50,000 per year. The Department states the source of funds for digital photography and filing capability would be from the election fund established in RSA 5:6-d.

The New Hampshire Municipal Association states this bill requires all voters to present photo identification to voter and if the voter does not present a valid identification, the requirement may be satisfied by having an election official take a digital photograph of the voter. The Association states this process would increase the workload for the election officials and municipalities may need to respond by either appointing additional election officials or by extending polling hours. The Association states in either case there likely would be an increase in local expenditures by an indeterminable amount.

Amendments

Rep. Hoelzel, Rock. 2
Rep. Bates, Rock. 4
Rep. DeLemus, Straf. 1
April 27, 2011
2011-1606h
03/01

Amendment to SB 129-FN

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

2
3 1 Obtaining a Ballot. Amend RSA 659:13 to read as follows:

4 659:13 Obtaining a Ballot.

5 I. A person desiring to vote shall, before being admitted to the enclosed space within the
6 guardrail, announce his or her name to one of the ballot clerks who shall thereupon repeat the name;
7 and, if the name is found on the checklist by the ballot clerk, the ballot clerk shall put a checkmark
8 beside it and again repeat the name. The ballot clerk shall state the address listed on the checklist
9 for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot
10 clerk shall correct the address in red on the paper checklist and the supervisors of the checklist shall
11 cause the centralized voter registration database to reflect the correction. *The ballot clerk shall*
12 *request that the voter present a valid photo identification meeting the requirements of*
13 *paragraph II. If the voter does not have a valid photo identification, the ballot clerk shall*
14 *inform the voter that he or she may vote by provisional ballot in accordance with*
15 *RSA 659:13-b and present a valid photo identification to the city or town clerk within 3*
16 *days of the election. If the photo identification has an address that does not match the*
17 *address on the checklist, the ballot clerk shall record the address from the photo*
18 *identification on the checklist in a color designated for such entries and the supervisors of*
19 *the checklist shall submit the additional address information to the secretary of state. The*
20 *voter, if still qualified to vote in the town or ward and having presented a valid photo*
21 *identification verifying the voter's identity, and unless challenged as provided for in RSA*
22 *[659:27-33] 659:27 through 659:33, shall then be allowed to enter the space enclosed by the*
23 *guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each*
24 *ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary*
25 *of state.*

26 II. A valid photo identification shall satisfy all the following:

27 (a) *The identification shows the name of the individual to whom the*
28 *identification was issued, and the name substantially conforms to the name in the*
29 *individual's voter registration record.*

30 (b) *The identification shows a photograph of the individual to whom the*

1 *identification was issued.*

2 (c) *The identification was issued by the United States or the state of*
3 *New Hampshire, or is a valid state driver's license.*

4 2 New Section; Provisional Ballot. Amend RSA 659 by inserting after section 13-a the following
5 new section:

6 659:13-b Provisional Ballot.

7 I. If a voter has not presented a valid voter identification under RSA 659:13 and is otherwise
8 qualified to vote, the voter may cast a provisional ballot. The ballot clerk shall indicate on the
9 checklist that the voter has voted by provisional ballot. The provisional ballot shall be the same as
10 the ballot used at the polling place, but shall be sealed by the voter after he or she has marked the
11 ballot in a provisional ballot envelope. The envelope shall contain an affidavit to be executed by the
12 voter containing the same information as the affidavit of a challenged voter and shall sufficiently
13 identify the voter to allow verification of the ballot once the voter has confirmed his or her identity.

14 II. The moderator shall retain possession of the provisional ballots in their sealed envelopes
15 until the closing of the polls, at which time the moderator shall cause the provisional ballots to be
16 delivered to the city or town clerk.

17 III. Within 3 days of the election, a voter who has cast a provisional ballot may appear in
18 person before the city or town clerk and present a valid photo identification meeting the
19 requirements of RSA 659:13, II. Upon satisfaction of the identity of the voter, the clerk shall mark
20 the checklist and provisional ballot envelope to that effect. At the expiration of 3 days from the date
21 of the election, the clerk shall forward all provisional ballots for which verification of identity has
22 been provided to the moderator.

23 IV. The moderator, upon receipt of the verified provisional ballots, shall open the envelopes
24 and count the votes. The moderator shall prepare an amended election return, which shall be
25 prepared and forwarded in the same manner as any other election return. Provisional ballots shall
26 be sealed and preserved in the same manner as other ballots.

27 3 Election Fund Reimbursement. Amend RSA 5:6-d, III to read as follows:

28 III. The secretary of state is authorized to accept, budget, and, subject to the limitations of
29 this paragraph, expend monies in the election fund received from any party for the purposes of
30 conducting elections, voter and election official education, the purchase or lease of voting equipment
31 which complies with Help America Vote Act of 2002, Public Law 107-252, *reimbursing the*
32 *department of safety for nondriver's picture identification cards*, election law enforcement,
33 and improvements to related information technology, including acquisition and operation of an
34 automated election management system. The secretary of state shall not expend any monies in the
35 election fund unless the balance in the fund following such expenditures shall be at least 15 times
36 the estimated annual cost of maintaining the programs established to comply with the Help America
37 Vote Act of 2002, Public Law 107-252.

Amendment to SB 129-FN

- Page 3 -

1 4 Identification Cards; Voucher. Amend RSA 260:21, V to read as follows:

2 V. The fee for such card shall be \$10 and is not refundable, except that no fee shall be
3 charged to any person who, for reason of health or age, turns in his driver's license before the
4 expiration date of such license. For purposes of this section, reasons of age shall be deemed to apply
5 only to those persons over age 65. *A person who requires an identification card for voter*
6 *identification purposes may obtain a voucher from his or her town or city clerk exempting*
7 *the person from the identification card fee. Upon presentation of the voucher, the actual*
8 *costs of issuing the card shall be paid by the secretary of state from the election fund*
9 *established under RSA 5:6-d.*

10 5 Voter Education.

11 I. The department of state shall prominently display on the department's website
12 information for voters relating to the photo identification requirements established by this act. The
13 department shall also provide explanatory information relating to this act to media outlets for the
14 purpose of educating the public regarding voter identification requirements.

15 II. Every town and city clerk shall prominently display a notice prepared by the secretary of
16 state explaining the photo identification requirements for voters and directing voters to the
17 department of state's website for additional information. Such notice shall be displayed for at least
18 14 days prior to each election held after the effective date of this act during 2011 and 2012.

19 6 Effective Date. This act shall take effect 60 days after its passage.

Amendment to SB 129-FN

- Page 4 -

2011-1606h

AMENDED ANALYSIS

This bill requires that a voter present a valid photo identification to vote in person. Voters without photo identification may vote by provisional ballot. This bill also requires that the secretary of state pay the cost for a nondriver's picture identification card upon presentation of a voucher from the town or city clerk.

Rep. Hoelzel, Rock. 2
Rep. Bates, Rock. 4
Rep. DeLemus, Straf. 1
April 27, 2011
2011-1606h
03/01

Amendment to SB 129-FN

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

2
3 1 Obtaining a Ballot. Amend RSA 659:13 to read as follows:

4 659:13 Obtaining a Ballot.

5 I. A person desiring to vote shall, before being admitted to the enclosed space within the
6 guardrail, announce his or her name to one of the ballot clerks who shall thereupon repeat the name;
7 and, if the name is found on the checklist by the ballot clerk, the ballot clerk shall put a checkmark
8 beside it and again repeat the name. The ballot clerk shall state the address listed on the checklist
9 for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot
10 clerk shall correct the address in red on the paper checklist and the supervisors of the checklist shall
11 cause the centralized voter registration database to reflect the correction. *The ballot clerk shall*
12 *request that the voter present a valid photo identification meeting the requirements of*
13 *paragraph II. If the voter does not have a valid photo identification, the ballot clerk shall*
14 *inform the voter that he or she may vote by provisional ballot in accordance with*
15 *RSA 659:13-b and present a valid photo identification to the city or town clerk within 3*
16 *days of the election. If the photo identification has an address that does not match the*
17 *address on the checklist, the ballot clerk shall record the address from the photo*
18 *identification on the checklist in a color designated for such entries and the supervisors of*
19 *the checklist shall submit the additional address information to the secretary of state. The*
20 *voter, if still qualified to vote in the town or ward and having presented a valid photo*
21 *identification verifying the voter's identity, and unless challenged as provided for in RSA*
22 *[659:27-33] 659:27 through 659:33, shall then be allowed to enter the space enclosed by the*
23 *guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each*
24 *ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary*
25 *of state.*

26 II. *A valid photo identification shall satisfy all the following:*

27 (a) *The identification shows the name of the individual to whom the*
28 *identification was issued, and the name substantially conforms to the name in the*
29 *individual's voter registration record.*

30 (b) *The identification shows a photograph of the individual to whom the*

1 *identification was issued.*

2 (c) *The identification was issued by the United States or the state of*
3 *New Hampshire, or is a valid state driver's license.*

4 2 New Section; Provisional Ballot. Amend RSA 659 by inserting after section 13-a the following
5 new section:

6 659:13-b Provisional Ballot.

7 I. If a voter has not presented a valid voter identification under RSA 659:13 and is otherwise
8 qualified to vote, the voter may cast a provisional ballot. The ballot clerk shall indicate on the
9 checklist that the voter has voted by provisional ballot. The provisional ballot shall be the same as
10 the ballot used at the polling place, but shall be sealed by the voter after he or she has marked the
11 ballot in a provisional ballot envelope. The envelope shall contain an affidavit to be executed by the
12 voter containing the same information as the affidavit of a challenged voter and shall sufficiently
13 identify the voter to allow verification of the ballot once the voter has confirmed his or her identity.

14 II. The moderator shall retain possession of the provisional ballots in their sealed envelopes
15 until the closing of the polls, at which time the moderator shall cause the provisional ballots to be
16 delivered to the city or town clerk.

17 III. Within 3 days of the election, a voter who has cast a provisional ballot may appear in
18 person before the city or town clerk and present a valid photo identification meeting the
19 requirements of RSA 659:13, II. Upon satisfaction of the identity of the voter, the clerk shall mark
20 the checklist and provisional ballot envelope to that effect. At the expiration of 3 days from the date
21 of the election, the clerk shall forward all provisional ballots for which verification of identity has
22 been provided to the moderator.

23 IV. The moderator, upon receipt of the verified provisional ballots, shall open the envelopes
24 and count the votes. The moderator shall prepare an amended election return, which shall be
25 prepared and forwarded in the same manner as any other election return. Provisional ballots shall
26 be sealed and preserved in the same manner as other ballots.

27 3 Election Fund Reimbursement. Amend RSA 5:6-d, III to read as follows:

28 III. The secretary of state is authorized to accept, budget, and, subject to the limitations of
29 this paragraph, expend monies in the election fund received from any party for the purposes of
30 conducting elections, voter and election official education, the purchase or lease of voting equipment
31 which complies with Help America Vote Act of 2002, Public Law 107-252, *reimbursing the*
32 *department of safety for nondriver's picture identification cards*, election law enforcement,
33 and improvements to related information technology, including acquisition and operation of an
34 automated election management system. The secretary of state shall not expend any monies in the
35 election fund unless the balance in the fund following such expenditures shall be at least 15 times
36 the estimated annual cost of maintaining the programs established to comply with the Help America
37 Vote Act of 2002, Public Law 107-252.

1 4 Identification Cards; Voucher. Amend RSA 260:21, V to read as follows:

2 V. The fee for such card shall be \$10 and is not refundable, except that no fee shall be
3 charged to any person who, for reason of health or age, turns in his driver's license before the
4 expiration date of such license. For purposes of this section, reasons of age shall be deemed to apply
5 only to those persons over age 65. *A person who requires an identification card for voter*
6 *identification purposes may obtain a voucher from his or her town or city clerk exempting*
7 *the person from the identification card fee. Upon presentation of the voucher, the actual*
8 *costs of issuing the card shall be paid by the secretary of state from the election fund*
9 *established under RSA 5:6-d.*

10 5 Voter Education.

11 I. The department of state shall prominently display on the department's website
12 information for voters relating to the photo identification requirements established by this act. The
13 department shall also provide explanatory information relating to this act to media outlets for the
14 purpose of educating the public regarding voter identification requirements.

15 II. Every town and city clerk shall prominently display a notice prepared by the secretary of
16 state explaining the photo identification requirements for voters and directing voters to the
17 department of state's website for additional information. Such notice shall be displayed for at least
18 14 days prior to each election held after the effective date of this act during 2011 and 2012.

19 6 Effective Date. This act shall take effect 60 days after its passage.



2011-1606h

AMENDED ANALYSIS

This bill requires that a voter present a valid photo identification to vote in person. Voters without photo identification may vote by provisional ballot. This bill also requires that the secretary of state pay the cost for a nondriver's picture identification card upon presentation of a voucher from the town or city clerk.

Rep. Bates, Rock. 4
Rep. Jasper, Hills. 27
Rep. Hoelzel, Rock. 2
Rep. Scala, Carr. 5
Rep. DeLemus, Straf. 1
May 3, 2011
2011-1712h
03/10

Floor Amendment to SB 129-FN

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

2

3 1 Obtaining a Ballot. Amend RSA 659:13 to read as follows:

4 659:13 Obtaining a Ballot.

5 *I. A person desiring to vote shall, before being admitted to the enclosed space within the*
6 *guardrail, announce his or her name to one of the ballot clerks who shall thereupon repeat the name;*
7 *and, if the name is found on the checklist by the ballot clerk, the ballot clerk shall put a checkmark*
8 *beside it and again repeat the name. The ballot clerk shall state the address listed on the checklist*
9 *for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot*
10 *clerk shall correct the address in red on the paper checklist and the supervisors of the checklist shall*
11 *cause the centralized voter registration database to reflect the correction. The ballot clerk shall*
12 *request that the voter present a valid photo identification meeting the requirements of*
13 *paragraph II. If the voter does not have a valid photo identification, the ballot clerk shall*
14 *inform the voter that he or she may vote by provisional ballot in accordance with*
15 *RSA 659:13-b and present a valid photo identification, official documentation of driver's*
16 *license suspension or revocation, waiver issued by the secretary of state under RSA 659:13-*
17 *d, or affidavit of religious exemption to the city or town clerk by noon of the third business*
18 *day after the election. If the photo identification is an out-of-state driver's license, the*
19 *ballot clerk shall record the state of issuance on the checklist in a color designated for*
20 *such entries and the supervisors of the checklist shall submit the information to the*
21 *secretary of state. The voter, if still qualified to vote in the town or ward and having presented a*
22 *valid photo identification verifying the voter's identity, and unless challenged as provided for*
23 *in RSA ~~659:27-33~~ 659:27 through 659:33, shall then be allowed to enter the space enclosed by the*
24 *guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each*
25 *ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary*
26 *of state.*

27 *II. A valid photo identification shall satisfy all the following:*

28 *(a) The identification shows the name of the individual to whom the*
29 *identification was issued, and the name substantially conforms to the name in the*

1 *individual's voter registration record.*

2 (b) *The identification shows a photograph of the individual to whom the*
3 *identification was issued.*

4 (c) *The identification was issued by the United States or the state of*
5 *New Hampshire, or is a valid state driver's license.*

6 2 New Sections; Provisional Ballot. Amend RSA 659 by inserting after section 13-a the following
7 new sections:

8 659:13-b Provisional Ballot.

9 I. If a voter has not presented a valid voter identification under RSA 659:13 and is otherwise
10 qualified to vote, the voter may cast a provisional ballot. The ballot clerk shall indicate on the
11 checklist that the voter has voted by provisional ballot. The provisional ballot shall be the same as
12 the ballot used at the polling place, but shall be sealed in a plain envelope by the voter after he or
13 she has marked the ballot. The voter shall insert the plain envelope into an envelope on which is
14 printed the same information as the affidavit of a challenged voter to be executed by the voter and
15 shall sufficiently identify the voter to allow verification of the ballot once the voter has confirmed his
16 or her identity.

17 II. The moderator shall prepare a list of all voters who cast provisional ballots and shall
18 retain possession of the provisional ballots in their sealed envelopes until the closing of the polls, at
19 which time the moderator shall cause the provisional ballots and the list to be delivered to the city or
20 town clerk. The clerk shall seal all provisional ballots in a separate box marked "provisional ballots."

21 III. By noon of the third business day after the election, a voter who has cast a provisional
22 ballot may appear in person before the city or town clerk and present a valid photo identification
23 meeting the requirements of RSA 659:13, II, official documentation of driver's license suspension or
24 revocation, a waiver issued by the secretary of state under RSA 659:13-d, or an affidavit of religious
25 exemption. Upon presentation of a valid photo identification, verification of driver's license
26 suspension or revocation, or receipt of a waiver issued by the secretary of state under RSA 659:13-d
27 or an affidavit of religious exemption, the clerk shall mark the list prepared by the moderator to that
28 effect. The clerk shall require each person presenting a valid photo identification, official
29 documentation of driver's license suspension or revocation, or a waiver issued by the secretary of
30 state under RSA 659:13-d, or executing an affidavit of religious exemption to sign the list next to or
31 beneath his or her name. At noon of the third business day after the election, the clerk shall forward
32 all provisional ballots for which verification of identity has been provided to the moderator. The
33 clerk shall post notice of the time and place of the processing of provisional ballots in accordance
34 with RSA 91-A.

35 IV. The moderator, upon receipt of the provisional ballots, shall immediately verify that the
36 signatures on the affidavit envelopes match the signatures on the list of provisional voters and shall
37 process the ballots so verified in the same manner as absentee ballots. The clerk shall prepare an

1 amended election return, which shall be prepared and forwarded in the same manner as any other
2 election return. Provisional ballots shall be sealed and preserved in the same manner as other
3 ballots. The duties of the moderator under this section may be fulfilled by another election official
4 designated by the moderator; the official so designated may be an official from another ward in the
5 same city or town and the same official may fulfill the moderator's duties for multiple wards.

6 659:13-c Affidavit of Religious Exemption. The affidavit of religious exemption shall be in the
7 following form:

8 AFFIDAVIT OF RELIGIOUS EXEMPTION

9 Name: _____

10 Address: _____

11 Date of birth: _____

12 I hereby swear and affirm that I adhere to the beliefs of _____ religion and therefore
13 have a religious objection to having my photograph taken and that I do not possess a valid form of
14 identification showing my photograph.

15 I hereby swear and affirm, under the penalties for voting fraud set forth below, that I am the
16 identical person whom I represent myself to be and that to the best of my knowledge and belief the
17 information above is true and correct.

18 _____
19 (Signature of affiant)

20 In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false
21 information when voting is a class A misdemeanor with a maximum sentence of imprisonment not to
22 exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject
23 to a civil penalty not to exceed \$5,000.

24 659:13-d Waiver by Secretary of State. Upon presentation of sworn evidence satisfactory to the
25 secretary of state that a voter does not possess photo identification and also does not possess
26 documentation necessary to obtain a nondriver's picture identification card, the secretary of state
27 may issue a waiver of the photo identification requirement that may be presented to the clerk under
28 RSA 659:13-b. The waiver shall be valid only for the election specified in the waiver.

29 3 Election Fund Reimbursement. Amend RSA 5:6-d, III to read as follows:

30 III. The secretary of state is authorized to accept, budget, and, subject to the limitations of
31 this paragraph, expend monies in the election fund received from any party for the purposes of
32 conducting elections, voter and election official education, the purchase or lease of voting equipment
33 which complies with Help America Vote Act of 2002, Public Law 107-252, *reimbursing the*
34 *department of safety for nondriver's picture identification cards*, election law enforcement,
35 and improvements to related information technology, including acquisition and operation of an
36 automated election management system. The secretary of state shall not expend any monies in the
37 election fund unless the balance in the fund following such expenditures shall be at least 15 times

1 the estimated annual cost of maintaining the programs established to comply with the Help America
2 Vote Act of 2002, Public Law 107-252.

3 4 Identification Cards; Voucher. Amend RSA 260:21, V to read as follows:

4 V. The fee for such card shall be \$10 and is not refundable, except that no fee shall be
5 charged to any person who, for reason of health or age, turns in his *or her* driver's license before the
6 expiration date of such license. For purposes of this section, reasons of age shall be deemed to apply
7 only to those persons over age 65. *A person who requires a photo identification card for voter*
8 *identification purposes may obtain a voucher from his or her town or city clerk or the*
9 *secretary of state exempting the person from the identification card fee. Upon presentation*
10 *of the voucher to the division, the actual costs of issuing the card shall be paid by the*
11 *secretary of state from the election fund established under RSA 5:6-d. An identification*
12 *card paid for by the secretary of state shall be valid for voter identification purposes only,*
13 *and the card shall be marked "for voter identification only."*

14 5 Final Counting; Announcement. Amend RSA 659:70 to read as follows:

15 659:70 Final Counting; Result. The final count of all votes on all ballots cast at the central and
16 additional polling places, if any, shall be combined and the moderator shall announce the final count
17 for each office *and the number of provisional ballots cast.*

18 6 Voter Education.

19 I. The department of state shall prominently display on the department's website
20 information for voters relating to the photo identification requirements established by this act. The
21 department shall also provide explanatory information relating to this act to media outlets for the
22 purpose of educating the public regarding voter identification requirements.

23 II. Every town and city clerk shall prominently display a notice prepared by the secretary of
24 state explaining the photo identification requirements for voters and directing voters to the
25 department of state's website for additional information. Such notice shall be displayed for at least
26 14 days prior to each election held after the effective date of this act during 2011 and 2012.

27 7 Applicability. In accordance with RSA 659:13, as amended by this act, ballot clerks shall
28 request that the voters present a valid photo identification at all elections after the effective date of
29 this act. However, notwithstanding such provisions, no person shall be denied the right to vote for
30 failure to present a valid photo identification or other documentation acceptable under this act prior
31 to November 1, 2012. The ballot clerks shall tally the number of voters that do not present a valid
32 photo identification at each election prior to November 1, 2012, and the town or city clerk shall
33 report the number with the election return.

34 8 Effective Date. This act shall take effect 60 days after its passage.

2011-1712h

AMENDED ANALYSIS

This bill requires that a voter present a valid photo identification to vote in person. Voters without photo identification may vote by provisional ballot, provided that they subsequently appear in person before the city or town clerk and present a valid photo identification, official documentation of driver's license suspension or revocation, a waiver issued by the secretary of state, or an affidavit of religious exemption. This bill also requires that the secretary of state pay the cost for a nondriver's picture identification card upon presentation of a voucher to the division of motor vehicles.

Committee Minutes

4-27-2011

David Curie Questions

- ① Indiana Constitutional - decided under Fed Constitution. Part 1 Art 11 NH. does it rest on a rational basis or strict scrutiny. Is it constitutional under N.H. constitution.

②

David Bates
floor amendment if necessary.

M

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Calif. ~~fits~~

HOUSE FINANCE COMMITTEE

Legislative Office Building, Rooms 210-211

Concord, NH

Tuesday, May 10, 2011

SENATE BILL 129-FN, AN ACT relative to presenting photo identification to vote in person and relative to the election fund.

TESTIMONY OF:

Sen. Sharon Carson.	Pg. 1
David Scanlan	Pg. 2
Joan Ashwell.	Pg. 27
Claire Ebel.	Pg. 29

(Convened at 1:02 p.m.)

CHAIRMAN WEYLER: It being one o'clock, I'm going to open the public hearing on Senate Bill 129 and call upon one of the sponsors, Senator Carson.

SHARON CARSON, State Senator, Senate District #14:
Good afternoon, Mr. Chairman. For the record, my name is Sharon Carson and I have the pleasure and the distinction to represent Senate District 14 comprising the towns of Londonderry, Hudson, and Auburn. And I have today for your consideration Senate Bill 129-FN which requires that a voter present a valid photo identification in order to vote in person.

I'd like to start off by saying that this bill has been changed substantially from what was originally put in. It was changed both in the Senate and in the House. And in the interest of time, I would just like to forgo any kind of questioning because the Secretary of State is here, as well as the Chairman of election law in the House, who would be able to answer your questions about this bill much better than I could.

CHAIRMAN WEYLER: Thank you very much.

SEN. CARSON: Thank you, Mr. Chairman.

REP. OBER: We only care about finances anyway.

SEN. CARSON: That's okay. Somebody has to.

CHAIRMAN WEYLER: Okay. I'll next call upon Deputy Secretary David Scanlan.

DAVID SCANLAN, Deputy Secretary of State, Secretary of State's Office: Thank you, Mr. Chairman, Members of the Committee. I'm David Scanlan, Deputy Secretary of State, here to provide some information on this bill and I'll try and stick to the financial components of what's before you. As Senator Carson mentioned, the Senate had passed a photo identification bill for purposes of voting. The Senate version contained a requirement that if a voter did not have a photo ID that a digital photograph would be taken at the polling place of that individual, along with an affidavit stating that they are who they say they are. And that information would be -- would have been kept on file. There was a Fiscal Note attached to that that ranged -- that provided a range between \$300,000 and \$900,000. After reviewing that bill in a little more detail, it could be as simple as just providing each -- each polling place a camera or two for the purposes of taking those pictures, and the additional memory card that you put in the camera to, you know, take a bunch of photos. The estimated cost of doing that would be about \$65,000 to do it that simply. And the money that would be spent on that, we believe, could be -- could come from HAVA Funds which are Federal monies in the election fund that were provided as a result of the Help America Vote Act. Those monies would be permissible because it would be seen as an improvement to the election process. And the cameras that would be purchased would be strictly for use in elections and no other purpose. That's the history of the Senate bill.

The House version took a different tack and removed the digital photograph requirement if a voter did not have a photo ID to requiring a voter vote on what's called a provisional ballot. A provisional ballot is a ballot that the voter would mark their votes on when they are in the voting booth, but it is not counted until that time that the voter would go to the town clerk and prove their qualifications. In other words, they would have to show either a photo ID that is acceptable under the statute -- under this legislation. An acceptable ID would be a state or federally issued identification card or a -- it says a state driver's license. And I believe what the House meant when they passed that was a valid driver's license from another state. That is fairly restrictive. If a voter did not have -- does not have a valid ID, then they would be required to either go and get one from the Department of Motor Vehicles or show up at the clerk with -- with a document from Motor Vehicles saying that their license had been revoked for whatever reason because if somebody's caught with DWI or they're an habitual offender their license gets pulled from their possession. They would have to use a document saying that that was the case. Or the voter would have to obtain a waiver from the Secretary of State's Office saying that for whatever reason they are unable to get a photo ID that is valid, and therefore, needs the Secretary of State to provide a waiver. An example of a situation where that might occur is if we're talking about an elderly person who does not have a birth certificate, maybe before the laws were active or such that, you know, the state really started recording those and they can -- they don't have a documentation that they need to go to DMV to get the required identification to show up at the polling place.

Time frames may come into play as well. This -- this -- the House version of the legislation says that after an election if a voter votes by provisional ballot that they have two and a half days, two and a half business days after the election to get to the Town Clerk and submit whatever information's required. So with that brief

description, I'll just go through the sections of the bill that we expect are going to cost the State some money.

Beginning with Section 1 talks about the type of IDs that are valid. And where it talks about a voter using an out-of-state driver's license there's an additional requirement that says that the ballot clerk will mark on the checklist in a different color the state of the driver's license that was shown. And then they're to report that information to the Secretary of State's Office. I've attached a one-time cost of that of \$10,000 which would allow us to add a field onto the statewide registration database where that information could be recorded. And by doing so it would be very easy then to search the database and find out if a voter was using that same out-of-state driver's license in multiple elections. If they're using the same out-of-state identification for three elections in a row, somebody has to start asking questions, why hasn't that voter gotten a New Hampshire driver's license.

Section 2 of the bill actually does a number of things. The first would be the requirement where a voter that would vote by provisional ballot would simply be given a regular ballot and after they mark their votes on the ballot would put the ballot into an unmarked envelope and then that unmarked envelope would be put into, I'll call it an outer envelope, with an affidavit on it where it -- basically a challenged voter affidavit stating that they are who they say they are with a signature line. That signature would then be matched up when they go back to the Clerk's Office to make sure that the signatures match before they would take further action on that provisional ballot. Figuring that we would have to supply enough envelopes really to cover about 10% of the voters in New Hampshire because, obviously, we don't know at any given time how many provisional ballots are going to be issued at any one polling place, we would estimate the cost of providing enough ballots would be \$6,130 for one set of envelopes. It would be a total of \$12,260 for both sets of

envelopes.

The legislation also requires that the -- that the box in which the provisional ballots are to be placed are to be marked -- excuse me -- as containing provisional ballots. The way we would handle that is we would simply use the ballot boxes that we use for ballots generally in the election. The additional boxes we would have to purchase would cost about \$660 per election, and then to provide the seals that say provisional ballots and maybe 100 orange labels on there to identify those boxes as important would be about \$250 per election. And then the -- probably the most expensive section of that bill deals with -- this section of the bill deals with the waiver that would be submitted by the Secretary of State's Office to a voter that is unable to get a valid photo ID. If we figure that there would be one-half of 1% of the voters that would fall into that category in the state, that's one voter out of every 200, there would -- there could potentially be -- what number I have here -- 4,160 voters in an election that don't have a photo ID. If we figured that 1,000 of those are voters that just are unable to get a photo ID and would need the waiver, we figure it would require six -- the equivalent of six and a quarter part-time employees during that week of the election to basically be hearings officers to deal with request for waivers that might come in. And that's averaging figuring that one hearings officer could do four of those an hour, 15 minutes a piece. Estimate the cost of that would be about \$10,000 per election. So 10,000 for the primary, 10,000 for the general, and this bill would also apply to municipal elections, too.

So if you're voters of any town or city election that don't have or are unable to get these documents, the Secretary of State would have to have a waiver process in place for those elections as well. Mr. Chairman, I see a question here. I don't know if you want me to answer those now.

CHAIRMAN WEYLER: You can finish and then we'll go to

House Finance Committee

May 10, 2011

Senate Bill 129-FN

the questions.

MR. SCANLAN: So we estimate that the cost of Section 2 of the bill would be \$23,170 for each election. Each election meaning that for each state election, meaning a state primary or a state general or a presidential primary, and then \$10,000 cost to our Department for each municipal election cycle. The bill calls for the election fund to pay for any ID's that are administered as the result of vouchers. The election fund is, again, monies from the Help America Vote Act. Those are Federal monies to allow us to create -- create and maintain the centralized voter database to provide accessible voter equipment in each polling place, to educate voters and poll workers, and also cover the cost of the Attorney General's Office when they taken enforcement actions on the Help America Vote Act. The expense, as I mentioned earlier, are very specific and those monies can only be applied to the improvement of elections and the administration of the Help America Vote Act.

New Hampshire, when that act was created, the Legislature took a policy that we would spend as little as possible from the Federal dollars. We received about 17 million for this purpose to meet the requirements of the Federal act, and then we would bank the rest of which we currently have about \$12 million in that account and use the interest on that money to pay for the ongoing program cost. The idea being is, you know, as long as we can do that, we could run this program in perpetuity and not have to dip into the State general funds to do that. So each time we try and dip into that fund, you know, we're making that job a little bit more difficult. The reason I bring that up is because Section 4 of the bill suggests that the ID cards would be paid for out of the HAVA Funds. And I had a conversation with the Division of Motor Vehicles just to kind of get a handle on what that cost would be and I'm not sure if they're here to testify or not, but there are two answers to that. The Director of Motor Vehicles said that if the Legislature was going to require a non-photo -- a

photo -- a non-driver's photo ID and the cost would be minimal. The actual cost would be about \$5 per voter that would go and get these. The bill as it was drafted by the House says that the card would be -- should say for voter identification purposes on it only. And -- and the Director expressed to me that if they have to change the template of their software and the protocols, the cost of this could go up dramatically from that \$5 fee. So in researching this a little bit, if we assume that, you know, if we just -- and we have no idea whether these numbers are accurate or not, but if we just believe that five -- one-half of 1% of voters are going to require one of these cards, at \$5 each, that would be \$23,520 in an election cycle. Might make more sense to just bite the bullet and pay that from the general fund than to mess around with the election fund money and potentially upset the Federal, you know, the Feds by saying in an audit that we will have at some point that, you know, you've been using this item which can't be used for purposes other than elections, and therefore, we are not going to allow this expense. You know, pay some money back to the Federal government. I think it's just a lot cleaner if this Committee would consider doing that.

And then, finally, in Section 6 of the bill, it requires for education purposes that notices be posted in clerk's offices and public places letting voters know of the new requirements as far as photo ID's go. I will say that the amendment that the House passed in the last session made a major improvement as far as we're concerned in that it didn't just make this effective 60 days after passage so we would be going into the presidential primary cold turkey. It said -- it said that this bill will actually take effect for the November 2012 general election, but in the elections that we have before that, the presidential primary, municipal elections, and state primary, that voters would be asked to present a photo ID and if they do not have one they would be instructed that in future elections they're going to need one and they would also keep track of the number of voters that came without a photo ID. That actually does two things that are

very important in my opinion.

First is that it educates the voters through practice that they're going to need a photo ID to have their ballots counted in the future, and it also gives us some numbers that we can start looking at and just figuring out what the exact costs of implementing this legislation would be. So that concludes my testimony, Mr. Chairman. I'd be happy to try to answer any questions.

CHAIRMAN WEYLER: So the Amendment you're asking for would deal with the effective date and also another paragraph to describe that the election officials would keep track of the people who did not present one and who were instructed they would need one the next time and then they would be allowed to vote.

MR. SCANLAN: Actually, Mr. Chairman, that is already part of the legislation as passed by the House. So I was just mentioning that was a major improvement. I guess the one suggestion that we would make is have the Committee consider spending, you know, the \$23,000 plus or minus for the vouchers from the general fund as opposed to tapping the HAVA Fund for that money.

CHAIRMAN WEYLER: Why did you feel this would not be an expense that the HAVA Fund would cover?

MR. SCANLAN: I'll try and explain this again. The HAVA --

CHAIRMAN WEYLER: It says for voting purposes only which would seem to appeal to just the HAVA Fund.

MR. SCANLAN: The problem with that -- and that's right, and that was the justification when this Amendment was drafted that by stating it was for a specific purpose that HAVA Funds would more than likely be appropriate. The concern that was expressed to me by the Director of Motor Vehicles was that if we issue a special ID, that the cost

of the ID goes up dramatically. I don't know what up dramatically means, but quite a bit more expensive than them just issuing a non-drivers photo ID which they're already set up to do.

CHAIRMAN WEYLER: Did you ask them how much it cost to issue the 400 State Rep things which uses the same machines?

MR. SCANLAN: I did not ask that question.

CHAIRMAN WEYLER: I mean, it seems like that's not a major cost. It's just a different template.

MR. SCANLAN: That's probably a better question to ask them than me.

CHAIRMAN WEYLER: All right. Representative Ober for a question.

REP. OBER: Thank you, Mr. Chairman. When I've heard people talk about this bill they have cited people who, quote, unquote, can't get a birth certificate. So I did a little research and it appears that if you look at the states in New Hampshire, I mean states surrounding New Hampshire, you would have to be over 100 years old before you could not get a birth certificate. So how many people -- you gave us a figure -- how did you arrive at the figure to take care of those people who are over 100 and still voting? I mean, with the exception of our sitting president who seems to have a little difficulty, but his comes from Hawaii so I can't speak to that so I can only speak to the states surrounding New Hampshire. I didn't look at Alaska. I didn't look at Hawaii.

MR. SCANLAN: I don't have an answer. I mean, the number that I used is arbitrary. And -- and I readily acknowledge that. We won't know until we go through a cycle and see how this works. The number I used was an average of three voters per polling place that show up for whatever

reason are unable to get an ID. Could be as simple as they don't have transportation to get to the nearest DMV Office. You know, if they live in the Town of Grafton, New Hampshire, and the closest place is Claremont and it's a little old lady, doesn't have a car, I mean, that's problematic and they may not be able to do that in the two and a half day window. So, yeah, I -- I mean, we won't know the exact numbers until we go through this.

REP. OBER: Second question.

CHAIRMAN WEYLER: Follow-up.

REP. OBER: I understand your other cost, the amount for the envelopes, the amount for this. But as we issue, and we will be issuing additional non-driving driver's licenses for people who suddenly see a reason to have that, wouldn't you expect your cost to go down rather than to say this is the fixed cost and we'll have that per election?

MR. SCANLAN: I would expect that the costs would go down a little bit, but I can't say how much because you're always going to have people moving into the state. You're going to have voters that are coming of age, you know, reaching the age of 18 and there's always going to be that kind of a new wave of voters that may fall into this, you know, this window that we are trying to address.

REP. OBER: One last question.

CHAIRMAN WEYLER: One more.

REP. OBER: My last question is, and you may not know this and I may have to call DMV, and I -- shame on me for not having thought of it, but isn't there a specific time limit in current state law that says if you move to New Hampshire you have X number of days --

CHAIRMAN WEYLER: Sixty days.

REP. OBER: -- to get a New Hampshire driver's license. Sixty days. So we wouldn't have anybody going two or three election cycles without a New Hampshire ID. We would still need to field but to go out like that would be against current state law; is that true?

MR. SCANLAN: I believe it is.

REP. OBER: Thank you.

CHAIRMAN WEYLER: Representative McGuire for a question.

REP. MCGUIRE: Thank you, Mr. Chairman. Thank you, Mr. Scanlan. With the provisional ballot envelopes, those would be useable from one election to the next if they were left over. Is that right?

MR. SCANLAN: If there were -- if there were unused envelopes, I think the answer to that is yes.

REP. MCGUIRE: Thank you. And follow-up?

CHAIRMAN WEYLER: Follow-up.

REP. MCGUIRE: I'd like to know about how a provisional ballot works, in the sense that when I go to vote, I go to the front desk, give them my name, they give me the ballot, I go in the booth, I vote, I take my ballot to the people in the back. They check me off and put the ballot in the box. How would someone in the back know that I'm supposed to be voting provisionally and keep my ballot aside?

MR. SCANLAN: That's a good question. And I think clearly there are -- there are some processes in here that are going to have to be worked out. We do have another legislative session between now and when this would actually take effect and I think as we kind of work on this over the course of the summer we are going to identify areas that may need to be cleaned up.

REP. MCGUIRE: All right. Thank you.

MR. SCANLAN: That's a good question.

CHAIRMAN WEYLER: Representative Benn for a question.

REP. BENN: Thank you, Mr. Chairman. Mr. Scanlan, this is sort of two-part. It's my understanding that in terms of demonstrated voter fraud in this state, we've only had one case in 20 years or something like that. And if that's the case, and if we can only use HAVA Funds if we can demonstrate that it's an improvement of the voting process, how could we demonstrate to the Feds that with such low -- such a great system that we have currently that this would actually be an improvement? I think this would probably be not an improvement but would actually make voting more difficult.

MR. SCANLAN: There has been one case, I believe, of identity fraud in New Hampshire. But every election there are two or three isolated instances of voters voting improperly, either in the wrong location or more than once. They don't -- they're not very common. In fact, I'm not aware of any reports of that type of situation in the 2010 election cycle. But there have been others over the years in different areas. There is a perception out there, however, that there is fraud that takes place on a scale greater than we've been able to identify. And to the extent that you instill more voter confidence, you know, as a result of the steps that you take, you are improving elections. The more that you can tighten up the process, you are improving elections. Whether there's enough of a problem to justify certain expenses, I mean, that's the decision you have to make.

REP. BENN: Follow-up?

CHAIRMAN WEYLER: Follow-up.

REP. BENN: And so but the situations like

Representative McGuire just identified or others that it would be a difficulty for some people to get the proper ID under this law, that is clearly makes it more difficult to vote. So it's hard for me to see how you can justify a good system becoming a more difficult system.

MR. SCANLAN: The concern that we have with photo ID's, and we have been supportive of a voter ID requirement many times in the past, has been a useful tool in the polling place. The one concern we have is that a process not be implemented that is going to result in a registered voter, qualified voter, from being turned away from the polling place and not having their vote actually cast and cast meaning counted. The problem with provisional ballots and the way this particular bill is set up, our concern is that there will be people that go to the polls on Election Day and end up voting by provisional ballot and that are either unable or unwilling to go and follow through on the process of making their vote count. And to the extent that -- that, you know, people feel that their rights have been violated, it could very well end up that there could be litigation over that particular issue.

REP. BENN: Thank you.

CHAIRMAN WEYLER: Representative Cebrowski.

REP. CEBROWSKI: Thank you, Mr. Chairman. Thank you, Mr. Secretary. It appears from your comments then the numbers you use that we really should have an updated Fiscal Note. The one here seems to be older. Do we have that? Is that available to us right now? 'Cause it's difficult to say. I heard you throw out a lot of numbers and I don't think any of us have a picture of what that total number is. That would be very helpful, obviously.

MR. SCANLAN: Mr. Chairman, I'm actually reading from the Fiscal Note that I prepared. I gave a copy of it to LBA this morning so you should be getting it momentarily.

MICHAEL LANDRIGAN, Auditor, Office of Legislative Budget Assistant: Our office is working on that Fiscal Note.

CHAIRMAN WEYLER: Thank you. We probably could get that before we have the work session.

REP. CEBROWSKI: Thank you.

CHAIRMAN WEYLER: Representative Vaillancourt.

REP. VAILLANCOURT: Thank you, Mr. Chairman. Is this going to Division I at all or we going to deal with it here today?

CHAIRMAN WEYLER: It's up to -- let's see, is Division I Chair here? Yes.

REP. BELVIN: I have no particular desire for Division I to labor on this. I think it's helpful for the whole committee to have an understanding.

REP. VAILLANCOURT: I do have several questions then. Believe me, they're all of a fiscal nature. I'm not going to re-litigate the policy issues. First, can I ask two or three?

CHAIRMAN WEYLER: Yes, you may.

REP. VAILLANCOURT: Representative McGuire's already asked about envelopes being used. I'm very curious about the \$10,000 cost. If you have one week's work of six and a quarter people working that looks to me like 250 hours. You're not paying these people more than \$10 an hour, would you?

MR. SCANLAN: The -- I had actually figured \$40 per hour.

REP. VAILLANCOURT: \$40 per hour?

MR. SCANLAN: Again, these would be part-time people but they would have to be individuals that could be trained and qualified in looking at the sworn evidence that the legislation calls for to make a determination whether the person is -- you know, should get the waiver or not.

REP. VAILLANCOURT: Okay. I'm sorry, Eliza, we probably could get cheaper people than that but anyway.

CHAIRMAN WEYLER: Continue. Maybe you can do a contract and pay people \$25 an hour.

REP. VAILLANCOURT: You mentioned a \$10,000 cost to enter a field on Page 1. I think Lines 15 through 18. You have to create a field. But isn't there a cost beyond that of the secretarial cost? You're going to have to enter all this data in. That just beyond the field, isn't it going to cost you person hours to enter that data in every election?

MR. SCANLAN: Because the fields would be in what we call Election Net and that's the software program that the supervisors of the checklist use after an election to enter in the voter history and things like that, to just enter in the abbreviation of a state in various fields should be in their normal course of activity. So you probably have to hear from them directly, but I would not expect that that would be a huge effort on their part.

REP. VAILLANCOURT: So just a follow-up?

CHAIRMAN WEYLER: Follow-up.

REP. VAILLANCOURT: This would require no effort on your part. The Office of Secretary of State would not be doing anything in this.

MR. SCANLAN: The legislation says that, you know, the information will be recorded on the checklist and submitted to the Secretary of State's Office by entering this

information into the new field that's created. The statute would be in compliance.

REP. VAILLANCOURT: Just one other one then. So it looks like the cost is fairly minimal at the State level. Have you given any consideration or have your friends in the municipal association given any consideration to whether this is going to cost extra at the local levels for cities and towns?

MR. SCANLAN: I put a little mention in the Fiscal Note to information I submitted that I believe there will be additional cost at the local level, if for no other reason than dealing with the provisional ballots that are going to be in their possession. It's going to require the clerk's office to be open to allow individuals to come in and provide their documentation. And then after the time period is up, there's going to be an additional counting of ballots, of those provisional ballots that have been -- got to be valid and are going to be cast. And then that information will have to be reported to the Secretary of State's Office on amended reporting forms.

REP. VAILLANCOURT: Thank you. And if I could, just to revisit Representative Ober's question, because it seems to me that while this would cost a significant amount for the first one or two elections, that it would go down a tremendous amount year after year. I mean, if somebody needs to get a voter ID for this election, they're going to have it for the next ten times they vote. No?

MR. SCANLAN: I mean, I think just -- just thinking about it, I would come to the same conclusion. But if you look at the past history of our elections statistics, there are always, you know, huge number of people come in every election and register on Election Day. You know, there's always a lot of voters that vote by absentee. You would think that over time those numbers would tail off but for whatever reason they don't. Whenever we issue election materials for the clerks, whether it's absentee ballot

materials including, you know, envelopes and instructions and things like that, the clerks re-order those as they feel they need them. The number of those supplies doesn't drop over time, seems to hold steady. So that's why I based the numbers the way I did.

REP. VAILLANCOURT: Okay.

CHAIRMAN WEYLER: Representative Nordgren.

REP. NORDGREN: Thank you. My question was Representative Cebrowski's question to this is all written down so we can see it.

CHAIRMAN WEYLER: Very good. Thank you. Representative Elliott.

REP. ELLIOTT: Thank you, Mr. Chairman. Thank you for your testimony. I strongly support a photo ID for anybody that wants to vote, and I will vote for that part of it. But I'm opposed to the provisional vote part. And I want to ask -- my question is, do these two statements that I'm reading from your paper contradict one another? And it's on Page 4 under number 7, applicability. You state, "However, notwithstanding such provisions, no person shall be denied the right to vote for failure to present a valid photo ID or other documentation acceptable under this act prior to November the 1st, 2012." The other statement is, the provisional vote says that "Your vote doesn't count unless you bring us a license or proof or photocopy within two and a half days." My question is, do these two statements contradict one another, sir?

MR. SCANLAN: First, if I could say these aren't my statements. These are the Legislature's statements. We are going to implement whatever the Legislature, you know, decides is the best policy for New Hampshire. But --

REP. ELLIOTT: So you don't have an opinion on that?

MR. SCANLAN: I -- I don't have an opinion on those two statements.

REP. ELLIOTT: Thank you, Mr. Chairman.

CHAIRMAN WEYLER: Representative Twombly.

REP. TWOMBLY: I guess mine isn't really a Fiscal Note question so I'll withdraw it.

CHAIRMAN WEYLER: Representative Ober.

REP. OBER: Thank you, Mr. Chairman. One last question occurred to me. Dave, I'm sorry, my mind works kind of slowly. It says, "The identification issued by the United States or the State of New Hampshire or valid driver's license." And I want to ask about the State of New Hampshire piece. Is it your understanding that any identity in the state who issued a photo ID, I'm specifically thinking of New Hampshire Community Colleges, or UNH, or employee ID's issued to employees who work for the State, would that be a valid photo ID as you read the bill?

MR. SCANLAN: It's not -- that is not clear to me if state colleges and universities that issues ID to students would be a permissible ID. Clearly, you know, driver's license issued by the State of New Hampshire, you know, legislative ID's.

REP. OBER: What about employee ID? I am sure some of our employees work in Massachusetts as well as work in New Hampshire. We don't check residency to issue a UNH ID or an employee ID. The question is do you work for the state and here's your photo ID, not where do you live.

MR. SCANLAN: Yeah. I think the language in here as far as valid IDs goes is fairly narrow.

REP. OBER: How does that get -- I'm sorry, but how does that get narrow?

MR. SCANLAN: No, I believe it is narrow as opposed to the Senate version which had specific language in there providing for college ID's.

REP. OBER: Well, this says any ID issued by the State of New Hampshire. As I say, my brain is a little slow and I didn't think of that. But, you know, as I'm sitting here puttering with that language I'm thinking to myself I know at UNH we do not check whether you're a resident or not. We issue you an ID if you're a faculty member or if you're an enrolled student in the subject. But that's issued by the State of New Hampshire because it's a state --

MR. SCANLAN: I will want to get a clarification on that 'cause I'm just not sure.

REP. OBER: Okay. Thank you.

CHAIRMAN WEYLER: I have a question of how do we deal with absentee -- request for absentee ballots?

MR. SCANLAN: Those would be handled the same. There's nothing in this bill that I can see that affects the absentee balloting process.

CHAIRMAN WEYLER: My son is overseas in the military and he requests an absentee ballot. Does he have to send a photo ID along?

MR. SCANLAN: No. No. As I mentioned, this statute -- this proposed legislation does not impact the process for absentee voters.

CHAIRMAN WEYLER: That remains unchanged?

MR. SCANLAN: Yes.

CHAIRMAN WEYLER: The control is it gets mailed to a real address. If the person isn't at the address it comes

back.

MR. SCANLAN: Plus there are signatures involved of both in a request for absentee ballot and the affidavit that's signed on the envelope in which the ballot is placed.

CHAIRMAN WEYLER: So the fuss about nursing home people is taken care with absentee ballots?

MR. SCANLAN: To the extent that those voters can't make it to the polls because of physical infirmity, yes.

CHAIRMAN WEYLER: Thank you. Representative Emerton.

REP. EMERTON: Thank you, Mr. Chairman. I am not going to address the problem that -- I was a moderator for 40 years in a town that has a college and it has a state prison who they don't vote. But the nursing homes we have, we have the largest one in the state, how do we -- how do we get to these folks who are -- many of them vote and they run a bus from the nursing home. The largest, Hillsborough County, 300 something beds. How do we get these folks ID'd? Because many of them they only vote once a year. Have you done any studies with nursing homes and how this is going to affect the many nursing homes like in Manchester and Goffstown?

MR. SCANLAN: No. But having the effective date of this legislation delayed will allow us the opportunity to try to get a handle on those numbers and the processes that might be involved.

CHAIRMAN WEYLER: Absentee ballots would seem to be the way to go for nursing homes. Representative Worsman.

REP. WORSMAN: Thank you. Pretty much on as a follow-up to his question regarding the effective date. Could you explain to me how you would change Line 33 on Page 4? It says the effective date, the Act shall take effect 60 days

after passage, but it does allow for gradual implementation. How would changing that implementation date change how you gradually apply this bill?

MR. SCANLAN: I'm not suggesting that we change any of the implementation dates because they're currently in the bill that was passed by the House. The point that I'm trying to make is that before the amended version passed on the floor last week the entire bill would have gone into effect 60 days after passage.

REP. WORSMAN: I see.

MR. SCANLAN: Which means we would have been on the ground running for the presidential primary. This kind of eased up on that and allows us to go through three elections where ID's are asked for but there's no consequence if a voter does not have it. That kicks in in November of 2012. So there is an opportunity to both educate the voter and to get a better handle on the numbers of people who are going to be affected by this.

REP. WORSMAN: Thank you.

CHAIRMAN WEYLER: Some bills will say Section one, two, and three are effective October 2012 and the rest of it would be effective immediately. So that the -- part seven could go into effect immediately. Representative Nordgren for a question.

REP. NORDGREN: Thank you, Mr. Chair. I guess I'm confused about the absentee ballot issue, and particularly confused about the cost. So if people are registered in their community to vote, but they might not have the proper ID that would be required in 2012, what they should do is all absentee vote. Because you can request an absentee ballot by mail. You don't have to show an ID. So it would seem like we'll have a massive -- massive -

REP. EMERTON: Mess.

REP. NORDGREN: Who said mess?

REP. EMERTON: I did.

REP. NORDGREN: Of people who are suddenly absentee voting that we have never had before when people figure out the loophole in the system.

MR. SCANLAN: New Hampshire is not a "no excuse" absentee voting state. To vote by absentee ballot there are four specific reasons that have to apply. Religious beliefs, a disability, you're away on vacation, or you are working during hours --

REP. NORDGREN: That was my bill.

MR. SCANLAN: That was your bill. If a voter is voting by absentee for any other reason and they sign the affidavit, you know, in contradiction of what the reason is, then -- then they're potentially setting themselves up for being prosecuted for voter fraud.

CHAIRMAN WEYLER: Representative Benn for a question.

REP. BENN: Thank you, Mr. Chairman. I had thought but I'm reading this and I don't believe it says it. A municipality, can they issue a valid photo ID? 'Cause it says on Page 2, Line 3 and 4, that it's only the United States or the State of New Hampshire.

MR. SCANLAN: Not in this bill. The Senate version allowed municipalities to issue photo ID's.

REP. BENN: This one does not.

MR. SCANLAN: That's right.

REP. BENN: Thank you.

CHAIRMAN WEYLER: Representative Keans for a question.

REP. KEANS: Thank you, Mr. Chair. Mr. Scanlan, one of these sample elections that we are going to be working out the kinks on the presidential primary?

MR. SCANLAN: The presidential primary will be one of the first elections where we ask voters to present their ID. Again, there's no consequence in that election if they don't have one.

REP. KEANS: Don't you think it's going cause quite a stir?

MR. SCANLAN: I'm sorry, I didn't hear you.

REP. KEANS: Don't you think that's going to cause quite a stir on the presidential primary?

MR. SCANLAN: We'll find out.

CHAIRMAN WEYLER: Only for the crooks. Representative Baroody for a question.

REP. BAROODY: No, I'm all set.

CHAIRMAN WEYLER: Representative Keane for a question.

REP. KEANE: Back to the absentee ballot. So since we have no voter fraud, no one's ever committed voter fraud by submitting an illegal absentee ballot according to the Secretary of State's Office, so it really shouldn't be a problem. You have no history of it; is that right? No one has ever been prosecuted for voter fraud for an absentee ballot.

MR. SCANLAN: To be honest with you, I don't know the answer to that. We can certainly find out. There are a -- more than a few absentee ballots that are not counted in every election for a number of reasons. Either they show up

after the election, but there are a fairly large number where the signatures do not match. So the signature on the application for the absentee ballot and the signature on the affidavit form on the envelope, when they do not match they're not counted.

REP. KEANE: Follow-up?

CHAIRMAN WEYLER: Follow-up.

REP. KEANE: How do we define voter fraud if we have two different signatures? Do we go after those people for voter fraud? I know we have only had one case of voter fraud in years. But, I mean, isn't that voter fraud?

MR. SCANLAN: Well, it's possible it could be. You know, if -- it's possible. But I want to make it clear, too, I have never said that there's been one case of voter fraud. That somebody else's statistics.

REP. KEANE: Right. Thank you.

CHAIRMAN WEYLER: Representative Vaillancourt.

REP. VAILLANCOURT: Thank you, Mr. Chairman. I'd like to get us back to the ID issue again. I want to skirt the line between policy and fiscal which is the job of this Committee. The Election Law Committee must have had a reason for putting sections A, B, and C in. But it seems obvious that C does only have a U.S. or State of New Hampshire ID, not a college ID, not an employer ID and not a Department of Defense. Now, if this Committee were to decide that it would cost us less if we were to get rid of Section C and allow greater latitude for ID's, I think we could fiscally justify doing that. Would your opinion be that if we got rid of Section C and allowed a wider latitude in identification that we would have less expense as far as other people -- we'd lower that number of people that you're going to have six and a quarter hours working on? Is that Section C something that is going to cost us

more money to keep that?

MR. SCANLAN: I think to the extent that you broaden the number of ID's that are permissible that you would reduce the cost in other places.

REP. VAILLANCOURT: So maybe, Mr. Chairman, we need to ask the election law people if they thought that was really important that we have that.

CHAIRMAN WEYLER: I would love to be able to bring Chairman Bates forward if we'd stop asking Secretary Scanlan questions. Representative Elliott for a question.

REP. ELLIOTT: Thank you, Mr. Chairman. Did I hear you correctly, sir? Did you say that this -- that the photo ID will not be necessary in the Obama election? Did you say that?

MR. SCANLAN: No. No. The -- the way this bill goes into effect, this bill goes into effect 60 days after passage with the exception that the provisional ballot part of it does not go into effect until the November general election of 2012. So when we get to the presidential primary, the practice is going to be that the ballot clerks will ask the voter to see their ID. If they do not have an ID, they're simply going to be told you're going to need one in future elections so make sure you bring it next time, and the ballot clerks will make a notation of how many people were in that situation.

REP. ELLIOTT: Follow-up?

CHAIRMAN WEYLER: Follow-up.

REP. ELLIOTT: Again, this contradicts the statement that it is good without a photo ID until November the 1st, 2012. So that means that I can't get in unless I have a photo ID.

CHAIRMAN WEYLER: Solution would be to make various parts of the bill effective at different dates.

REP. ELLIOTT: Thank you. Yes. Thank you, Mr. Chairman.

CHAIRMAN WEYLER: Representative Simard.

REP. SIMARD: Thank you, Mr. Chairman. I think probably this whole process when you go to register to vote with your town clerk you're required to provide an ID and proof of residence, correct?

MR. SCANLAN: That's right.

REP. SIMARD: Now if on voting day I want to register to vote, I still need an ID and proof of residence; is that correct?

MR. SCANLAN: The -- the -- the Supervisors of the Checklist will ask for that information. The current law, however, states that if you show up at the polls and you do not have a photo ID when you want to register, that you can sign a challenge voter affidavit that simply says that you are who you say you are.

REP. SIMARD: Further question?

CHAIRMAN WEYLER: Further question.

REP. SIMARD: Doesn't our current law say that you have to register to vote in order to vote? And this is a two-part process. You can either do it at the town hall or you can do it at the voting place. Once you're register to vote that gives you the right to vote. These are two different operations. If you have not registered to vote and you don't qualify to register to vote, why should you be able to vote and why should we incur that extra expense of making an exception to an established law in this state so that you can come up at the last minute and vote? We still

need to be registered voters to vote. And that's -- I think we have got that problem here where we're just avoiding that whole situation of we need to be registered to vote before we can vote. These are two completely separate processes, and we're going to incur a considerable expense by confusing these processes. That's all I'm saying.

CHAIRMAN WEYLER: All right, Committee. We only got about eight more minutes scheduled for this, two or three more people who are scheduled to speak. If you keep asking questions all day we are going to have to go and recess until Thursday or Friday, 'cause I want to get the other bill hearings in. Representative Allen, hopefully, the last question.

REP. ALLEN: Thank you, Mr. Chairman. Is this going to be an additional cost to the towns?

MR. SCANLAN: I believe that it will cost the towns some more money. I just don't know how much.

REP. ALLEN: Thank you.

CHAIRMAN WEYLER: No further questions. Thank you, Secretary Scanlan.

MR. SCANLAN: Thank you.

CHAIRMAN WEYLER: Next call on Joan Ashwell.

JOAN ASHWELL, League of Women Voters of New Hampshire: Thank you. I'll be very brief. My name is Joan Ashwell. I am here representing the League of Women Voters of New Hampshire. The League opposes this bill. We followed it very closely. We believe it is an unnecessary bill because we don't have a record of voter impersonation in this state. And we also believe that people who are qualified to vote and have already been registered and qualified to vote will find that they cannot obtain the documentation needed in order to cast a vote. In other words, they will be

qualified to vote but their votes will not count. I only had one thing to say in terms that I have submitted a letter. You should all have it. And I just wanted to comment on one thing in that letter about the use of HAVA Funds to pay for photo ID's. Deputy Secretary Scanlan brought up some problems that he had with using HAVA Funds. And I realize my letter is a little bit unclear. Other states have not used HAVA Funds to supply photo ID's, because there is some question about whether that's allowable under HAVA Funds. There is currently from, and I believe it's North Carolina, an application before the Election Assistance Commission to find out whether HAVA Funds can be used for photo ID's. That has not been decided yet. And I just wanted to point it out and realized my letter made it sound like New Hampshire had asked for an opinion and it didn't. It was North Carolina. I'd be happy to answer any questions for anyone.

REP. VAILLANCOURT: I have one.

CHAIRMAN WEYLER: Representative Vaillancourt for a question.

REP. VAILLANCOURT: Thank you. Just to be clear, your opposition has nothing to do with the fiscal ramifications of this bill. You're treating this as a policy issue.

MS. ASHWELL: We do have fiscal questions. We had not had the opportunity to hear the testimony from Deputy Secretary Scanlan until just now so we found it a little hard to comment on the fiscal problems with this bill. I do think that I can say that across the country states that have implemented photo ID legislation similar to this, not exactly the same, but very similar have found that their election costs increased by 50%.

CHAIRMAN WEYLER: Further questions? Seeing none; thank you very much.

MS. ASHWELL: Thank you.

CHAIRMAN WEYLER: Next call on Claire Ebel.

CLAIRE EBEL, Executive Director, New Hampshire Civil Liberties Union: Mr. Chair, Members of the Committee, my name is Claire Ebel. I'm the Executive Director of the New Hampshire Civil Liberties Union. While I ordinarily am here testifying on policy, before you I would never dream to do so. So my undergraduate and graduate training is as an economist. So I'm going to try to talk about -- oh, I'm supposed to do this?

REP. OBER: Pull it close to you.

REP. SIMARD: Real close.

MS. EBEL: Then it's going to hiss at me, isn't it?

CHAIRMAN WEYLER: No.

MS. EBEL: All right. If you promise it won't hiss at me, I'll sit here. My notes! My notes! I'm going to try to respond to some of the questions that I've heard rather than reiterating information that you have heard given that your time is valuable and limited. There were questions about the number of people who would be affected by legislation such as this. In all of the research that has been done all across the country in states where legislation similar to this have been passed, it is approximately 10% of the voting population that requires assistance or requires the ID. And so that is a significant number of people in the State of New Hampshire. In many states it was far more significant than that. And in some states they found it was 10% of their population rather than their voting population. And so you will use those numbers as you see fit.

There are many categories of people who would be burdened by this legislation and require to spend the time and the money, and their circumstances are not like the

situations that you're describing. A woman who is just married could have registered to vote under her married name, but her driver's license is under her family name. Therefore, she doesn't have an ID. You are not eligible to get a non-driver ID in the State of New Hampshire if you have a New Hampshire driver's license. And so she cannot get a non-driver ID. Neither can I. I am registered to vote under the name of Ebel which is, coincidentally, my ex-husband's name. But because in years past I used to receive death threats against me and my children because of the job that I do, the police in Concord told me to take everything out of the name of Ebel. And so my New Hampshire driver's license does not say Claire Ebel, and therefore, it is not a legitimate identification piece if I want to vote. And I am ineligible to get a non-driver's ID. And I checked with the Concord police when this bill passed the House the first time. I'm sorry, passed the Senate. And they told me not to change my license. And so you are beginning to carve out categories who are not eligible to vote because of this bill. And when you do that, when you burden people who have individuals such as the women who marry or who divorce who have different names on the two pieces, when you burden those who have protective orders, when you burden the poor, and the elderly, and students, you are creating a constitutional crisis which is going to result in litigation and which is going to cost the State of New Hampshire a great deal of money. See, I was able to link that to dollars. I promised you that's what I would do.

You are given three days to provide the photo ID to the clerk after you cast this provisional ballot if you don't have the proper photo ID. I think that's a significant 28-a issue and I think you should look at that very carefully. Because in some towns the clerk is only there for a limited number of hours on a limited number of days. This bill says three days. Therefore, the towns that only have someone there on Tuesday and Friday afternoons, are going to have to have someone there for a full day, Wednesday and Thursday and Friday after every election in

House Finance Committee

May 10, 2011

Senate Bill 129-FN

order to deal with individuals who come to present that photo ID and have their provisional ballot counted.

There is a significant impact, an enormous fiscal impact to the State of New Hampshire because of our "First in the Nation" primary status. According to the last census, we are 96% white. We are not exactly a diverse group of people. But what we are is a population and a state that gives access to the ballot box as well as to the candidates. It is estimated that the "First in the Nation" primary brings in hundreds of millions of dollars to the businesses in this state. And you know that Michigan and Florida are waiting to take that away from us. And those hundreds of millions of dollars bring tens of millions of dollars in taxes to the coffers of the State of New Hampshire. We will not keep the "First in the Nation" primary if you do this. If you take away the right to vote to significant populations in the state, you will see that disappear. And the fiscal impact of that will be significant.

You're not going to be able to use HAVA Funds. One of the reasons you can use HAVA Funds is to make the process more accessible. This makes the process less accessible. And so you're going to have to come up with the money to pay for these photo ID's for people who can't afford them. I can afford the \$10. I just can't get one. And there are thousands of people like me who cannot get one. And if you take away my right to vote, which I have cast religiously every election since I turned 21, that's how old I am, you couldn't vote at 18 then, I will be one of the plaintiffs in that lawsuit. I urge you on fiscal grounds to say no to this bill. Thank you, Mr. Chair, for the opportunity to speak.

CHAIRMAN WEYLER: Questions. Representative McGuire.

REP. MCGUIRE: Thank you, Mr. Chairman. Thank you for coming. Are you aware of Page 4, Section 4 of this bill which to me reads that anyone can get a photo

identification for voting purposes regardless of what other kinds of photo identification they have, whether they have a driver's license or not. It just says in the cases you mention, where people cannot vote with the ID's they have so that's a person who requires a photo identification, and therefore, that person can get a voucher so there's no cost. It doesn't say any kind of a time limit. So you could get the voucher before the election at your convenience. So I don't see how anyone is being denied the possibility of getting the ID at no cost to themselves and voting.

MS. EBEL: On Page 4? I don't have numbers on the copy that I have because I downloaded it. Election Fund Reimbursement. Amend 5:6-d, Roman III, to read, paragraph III, the Secretary of State, et cetera, reimbursing the Department of Safety for non-driver's picture identification cards. I can't get one and many other people cannot.

CHAIRMAN WEYLER: This changes the law.

REP. BARRY: Previous version.

REP. OBER: I don't think she has the version that we have.

CHAIRMAN WEYLER: Do you have Arabic number four in the one you download? You may not have the latest Amendment.

MS. EBEL: Identification cards?

CHAIRMAN WEYLER: Yes.

MS. EBEL: Yes.

CHAIRMAN WEYLER: You have part of that in a different bold?

MS. EBEL: Yes, I do. That talks about the cost.

CHAIRMAN WEYLER: Then down below the part in bold. A person who requires a photo identification card for voter identification purposes may obtain a voucher. That's what Representative McGuire is talking about. If your driver's license is not sufficient to identify you at the address you have and so on, you would go and you'd say show them your driver's license and say I require one for voting purposes and they should give you a voucher.

REP. OBER: The last sentence of that section has been modified to say an identification card paid for by the Secretary of State shall be valid for voter identification purposes only and the card shall be marked for voter identification only. That takes into account the fact that we recognize that some people may not get non-driving licenses but may need a different identification card and that's what the amendment does.

MS. EBEL: With all due respect, it does not. It says upon presentation of the voucher to the Division. That is to the Division of the Department of Safety that issues non-driver identification cards and that's all they issue. They don't issue something else. If you --

CHAIRMAN WEYLER: This requires them to --

REP. OBER: To add something else.

CHAIRMAN WEYLER: -- add something else.

MS. EBEL: Then the cost of that is not in the Fiscal Note. Because they would have to set up an entirely separate process and the cost of that is going to be probably tens of thousands of dollars.

CHAIRMAN WEYLER: That's what we talked about from Secretary Scanlan. Anyway, any other questions? Thank you, Miss Ebel.

We are coming up on the time for the next bill. This


obviously needs a work session. Chairman Bates did not put in a card, but I think there's lots of questions he'd like to answer at the work session. We'll probably have one scheduled for next week. I'll discuss with you, you know, once the questions get asked, there's 55 questions. So this can't be done in five minutes. But we will schedule a work session next week so that you'll be available, hopefully, at the time we schedule it so we can have a work session on this and iron out all these questions that have been risen.

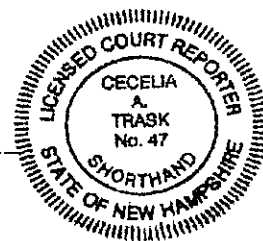
All right. Anything else for the public hearing? I close the public hearing for Senate Bill 129.

(Hearing closed at 2:07 p.m.)

CERTIFICATION

I, Cecelia A. Trask, a Licensed Court Reporter-Shorthand, do hereby certify that the foregoing transcript is a true and accurate transcript from my shorthand notes taken on said date to the best of my ability, skill, knowledge and judgment.


Cecelia A. Trask, LSR, RMR, CRK
State of New Hampshire
License No. 47



HOUSE COMMITTEE ON FINANCE

WORK SESSION ON SB 129-FN

BILL TITLE: (New Title) relative to presenting photo identification to vote in person and relative to the election fund.

DATE: May 17, 2011

LOB ROOM: 210-211 Time Work Session Called to Order: 1:05

Time Adjourned:

(please circle if present)

Committee Members: Reps. Wexler, L. Ober, Umberger, Kurk, Emerton, Rodeschin, Belyin, Elliott, Vaillancourt, Allen, Garcia, R. Barry, Cebrowski, Wm. Smith, Sova, Keane, D. McGuire, Simard, T. Twombly, Worsman, Poose, Nordgren, Baroody, Benn, Lerandean and Rosenwald.

Rep. Jim MacKay replaced Rep. Rosenwald for the day.

Bill Sponsors: Sen. Carson, Dist 14; Sen. Barnes, Jr., Dist 17; Rep. Tucker, Rock 17

TESTIMONY

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

New Fiscal Note excludes other ID's.

Deputy Secretary of State Scanlan: Express in bill other types of ID are fine. Cost of FN would go down based on variety of ID's accepted.

1,018,326 Driver Licenses total
1,045,681 Voters in NH
18,418 DMV issued for ID only

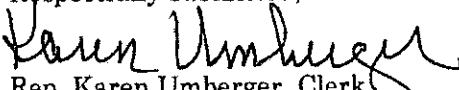
May affect 10-25 thousand voters.

Rick Bailey, Division of Motor Vehicles: Cost \$10 includes overhead. Get temporary first then get mailed later; temporary available at substation. Voter ID if used for only voting new criteria can be established.

Rep. Bates/Rep. Jasper: Section 1 – for programming – changes not required. Section 6 – educational, Sections 2 and 4 based on speculation, number of voter only ID's will probably be small. Paid for out of HAVA (Help America Vote Act) funds. 46 states have provisional ballots. Could amend state university to include all universities. History of elections costs from Secretary of State.

*Mrs. MsKinnon, President of Town Clerk's Association was present and submitted written testimony in opposition to the bill, as amended.

Respectfully submitted,


Rep. Karen Umberger, Clerk

HOUSE COMMITTEE ON FINANCE

WORK SESSION ON SB 129-FN

BILL TITLE: (New Title) relative to presenting photo identification to vote in person and relative to the election fund.

DATE: 5/17/11

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(please circle if present)

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Rep Mac Kay

Bill Sponsors: Sen. Carson, dist 14; Sen. Barnes, Jr., Dist 17; Rep. Tucker, Rock 17

TESTIMONY

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

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

Moved by Rep.

Seconded by Rep.

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

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Moved by Rep.

Seconded by Rep.

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

+ Town
clerk
accounts

May 17, 2011

Work Session 129

new Fiscal Note includes other ID's
Sec of State Scanlon

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History of Election costs from Sec. of State

Mrs. MS Kinnon - Pres. of Town Club's Assoc

LBAO
11-0420
Amended 05/16/11

SB 129 FISCAL NOTE

AN ACT relative to presenting photo identification to vote in person and relative to the election fund.

FISCAL IMPACT:

The Department of State states this bill, as amended by the House (Amendment #2011-1712h), will increase state expenditures by \$19,000 in FY 2012, \$80,670 in FY 2013, \$10,000 in FY 2014, and \$103,840 in FY 2015. The Department of Safety states this bill will increase state highway fund expenditures by \$9,000 in FY 2012. The New Hampshire Municipal Association states this bill will have an indeterminable impact on local expenditures. There will be no impact on state, county or local revenues or county expenditures.

METHODOLOGY:

The Department of State states section 1 of this bill would require ballot clerks to enter out-of-state driver's license information, if one is used for voter identification, on the checklist and report it to the Department. The Department estimates one-time cost of adding an additional field to the searchable elections database for this purpose of approximately \$10,000. The Department states section 2 of this bill would require two sets of envelopes in which to place provisional ballots. The Department estimates the cost of an additional set of envelopes would be \$6,130 per election. The Department states section 2 of this bill requires seals and labels to identify boxes containing provisional ballots. The Department estimates a total cost of \$910 per election. The Department also states it is authorized in section 2 to grant waivers of the photo identification requirement upon presentation of sworn evidence during the same period in which the Department is engaged in post election procedures. The Department estimates the total cost of employing hearings officers for this process would be approximately \$10,000 per election (1000 total waiver requests handled at 15 minutes each with the hearings officer compensated \$40 per hour). The Department states section 4 of this bill authorizes municipal clerks to issue vouchers for identification cards to be issued by the Division of Motor Vehicles, for which the \$10 fee for such a card would be paid from the election fund. The Department estimates 4,650 vouchers may be issued during an election cycle for a total of \$46,500 (4,650 X \$10 fee). The Department states section 6 of this bill requires voter education using the Department of State's website and printing notices to be posted by the clerks in each town and ward. The Department estimates this will cost approximately \$1,000 per election cycle.

The following is a summary of the costs associated with this bill as identified by the Department of State by state fiscal year and applicable elections:

	FY 2012	FY 2013	FY 2014	FY 2015
Section 1	\$10,000	\$0	\$0	\$0
Section 2	\$0	\$33,170	\$10,000	\$56,340
Section 4	\$0	\$46,500	\$0	\$46,500
Section 6	\$0	\$1,000	\$0	\$1,000
Total	\$10,000	\$80,670	\$10,000	\$103,840

Elections Impacted

FY 2012 - No Elections

FY 2013 - State General, Municipal

FY 2014 - Municipal

FY 2015 - State Primary, State General, Municipal

The Department of Safety states this bill establishes a new version of a non-driver's identification for "voter identification only", which would be issued by the Division of Motor Vehicles. The Department states it would incur \$9,000 of highway fund expenditures in fiscal year 2012 for programming and form changes for the new identification card.

The New Hampshire Municipal Association states provisions in this bill would increase the time needed for each voter to check-in and vote and increase the workload for election officials. The Association states municipalities may need to respond to this increase by appointing additional election officials or extending polling hours, which in either case would likely be an increase in local expenditures to compensate election officials. The Association states the effect and costs would vary among municipalities and therefore is unable to determine the amount of any fiscal impact.

The Office of Legislative Budget Assistant is awaiting responses from the New Hampshire Association of Counties, Judicial Council, Judicial Branch, and Department of Justice relative to the fiscal impact, if any, which may result from criminal penalties associated with this bill.



NEW HAMPSHIRE CITY AND TOWN CLERKS' ASSOCIATION
(ORGANIZED OCTOBER 19, 1926)

May 17, 2011

Kenneth Weyler, Chairman
House Finance Committee
NH House of Representatives
Concord NH 03301

Honorable Chairman Weyler and Members of the Committee:

The New Hampshire City & Town Clerks' Association is opposed to SB129 as amended. One of our major concerns is the financial impact this will have on municipalities and the state.

The amended version of SB129 allows a voter to submit a provisional ballot if the voter does not have valid photo identification. The fiscal note posted with the amended version of the bill, dated May 4, 2011, clearly states there is a financial impact for both the state and municipalities. The State costs are estimated to be \$330,000-\$900,000 and the municipal costs are indeterminable.

Town and City Costs:

- The bill Fiscal Note states, "This bill will have an indeterminable impact on local expenditures." Local expenditures are funded by property taxes.
- A photo ID requirement for voters will create additional workload for election officials.
- Additional training of election officials will be required.
- Voter education will be required for the new requirement and proper provisional balloting procedures.
- Provisional balloting may require the appointment of additional ballot clerks and polling hours to be extended.
- Provisional balloting will require town and city clerk offices to be open for three days following the election to accept valid photo identification from those voters who submitted a provisional ballot. Many small towns are only open 2-3 days per week.
- The Moderator and Clerk will be required to process the provisional ballots on Friday afternoon, following the election.

Implementing a photo ID requirement and provisional balloting will increase local expenditures; which will increase property taxes. If the Legislature desires a photo id bill, we would rather see the original version of SB129 which did not require provisional balloting.

Respectfully submitted,

Sue McKinnon, President
New Hampshire City & Town Clerks Association

Speakers

Hearing Minutes

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON SB 129-FN

BILL TITLE: (New Title) relative to presenting photo identification to vote in person and relative to the election fund.

DATE: 4/12/11

LOB ROOM: 308 **Time Public Hearing Called to Order:** 1:07 PM

Time Adjourned: 4:00 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: Sen. Carson, Dist 14; Sen. Barnes, Jr., Dist 17; Rep. Tucker, Rock 17

TESTIMONY

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

Rep. Richard Drisko , Hollis, Brookline and Mason -- Introduced the bill on behalf of Senator Carson -- HB 356 is also a photo I.D. bill which is similar to this bill, SB 129-FN.

David Scanlan, Deputy Secretary of State -- Photo ID is a useful tool for election officials. Some concerns are that provisional ballots not be used, and that no person turned away. SB 129 addresses the above issues. Funds could be taken from the HAVA (Help America Vote Act of 2002) for photos. One to three thousand dollars per polling place, 330 polling places in New Hampshire. The election fund presently states at least 15 times the estimated annual cost of maintaining the programs established to comply with the Help America Vote Act of 2002, Public Law 107-252. The bill spells out the process and qualifications and exemptions regarding photo identification for voting. There is a perception that voter fraud is present in elections and there is a call for photo ID. Photo ID would also make it easier for election officials to find the proper spelling of the name and address and verify identity by photo. If this bill passes this session voters would be asked for photo ID at next primary and town elections. This would be without penalty. Deputy Scanlan explained in detail the HAVA money received and expended and how the money can be used. New Hampshire will receive more money, 1.4 million this year from HAVA. All HAVA funds are subject to audit. There has been a request for a revised fiscal note submitted by the Secretary of State. It is forthcoming. Page 2, line 5 could be excluded and an issuance date substituted for an expiration date. (Amendment would be necessary). Within a few years photo ID interfacing with election. Net will be available. Line 13 on page 2 -- the "file" should have privacy protections.

***Assistant Attorney General Matt Mavrogeorge** – Submitted copies of proposed language changes to the bill (copy attached to these minutes). He spoke of Case #553 Crawford vs. Marion County, Indiana regarding provisional ballots. SB 129 wipes out the provisional ballot issue.

***Honorable Bob Perry** – former Election Law Committee member – Opposes bill – Hassle free access to vote. It appears that this has only to do with voter fraud. Voter fraud is not prevalent in New Hampshire. The New Hampshire Constitution states right to vote. Domicile is described. This bill poses an unnecessary burden on the voter.

Michael Skibbie – Disabilities Rights Center – People who have difficulty with mobility would have less chance to get a photo ID. He feels there is not an identified problem of voter fraud in New Hampshire. Same day photo would help the disabled.

***Terry Lochhead** – Submitted written testimony.

***Ryan Donnelly** – Opposes bill – Representing Granite State Independent Living. He feels it is unnecessary legislation. The finances of the bill concern him. He would not be objectionable if there was voter fraud.

***Honorable Joel Winters** – Written testimony attached. Opposes the bill – Speaking on behalf of the New Hampshire Liberty Alliance – Strengthen photo protection (privacy). Would want photo deleted after a period of time.

***Melissa Bernardin** – America Votes – Opposes – Written testimony attached

Cordell Johnston – New Hampshire Municipal Association – No position on the concept but have concern regarding ballot clerks and time it takes – longer lines. “Seems like an unnecessary exercise on the part of the ballot clerks because they know most of the people who come in to vote”.

Caitlin Mathill – Greenfield, NH – ID's without expiration date in colleges could prevent a lot of students from voting.

Joan F. Ashwell – League of Women Voters – Opposes – Resident of Durham and a ballot clerk. She has submitted a letter to members by email. We have not heard that there is voter impersonation in New Hampshire. In her investigation she has only found one article regarding verified voter impersonation throughout the country. Determine first that there is a problem before instituting a new law. There is also a voter challenge law.

Senator Maggie Hassan – Representing self from Exeter, N.H. – Compelled to speak on behalf of her son who is disabled. Impact on disabled and elderly. Signals to disabled that they have to take more time out of their life to exercise their right to vote. Balance rights of individuals.

***Rep. Timothy Horrigan** – Submitted information from Democracy for America – Opposes the bill

Claire Ebel – Opposes the bill – Supreme Court decision on Crawford, Indiana – There were 4 decisions in the case.

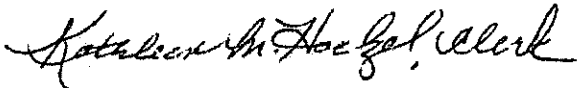
Cost: machine to take picture would cost at least \$1,000. She doesn't think we can use HAVA funds because it doesn't "improve" the election process. She feels it is "discriminatory".

Married or divorced women may have problem because of name changes.

Data and photo need to be protected and should be described in the law.

Paul Twomey – Chichester – Wishes bill to be retained. Money is a concern. Get an advisory opinion from HAVA. Expressed concern that HAVA money will run out. Concern about the time it will take at the polls. 2,000-3,000 people will need to have picture taken during a presidential election. Secretary of State getting preapproval by federal government to spend money is a must. He cited the Crawford case. He stated there will be a court case over this. The expiration date should be removed. Business recognized by local election official is an issue. Students who don't have a New Hampshire license is an issue. Residency for motor vehicle license is different than the definition of domicile. 'Newburger Case' – "Take the time to do it right".

Respectfully submitted,



Kathleen M. Hoelzel, Clerk

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revisions of ballots not be used, no person turned away. SB 129 addresses the above issues. Funds could be taken from the HAVA of 2002 for photos. One to three thousand

Dollars per polling place. The bill spells out the process and qualifications regarding photo identification for voting. There is a perception that voter fraud is present in elections and there is a call for photo I.D. Photo I.D. would also make it easier for election officials to find the proper spelling of the name and address and verify identity by photo. If this bill passes this session - voters would be asked for photo I.D. at primary and town elections. This would be without penalty. Deputy Scanlon explained in detail over

HAVA = He 13 Amer...

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Honorable

speaking for the
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
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because it doesn't "improve" the election
process. She feels it is "discriminatory";
Married or divorced women;
Date ~~is~~ and photo need to be protected and
should be described in the law.

Paul Trower - Chichester wishes bill to be retained
Money is a concern - set an advisory
opinion from HAVA. ^{opposes} Concern that HAVA money
will run out.
Concern about the time it will take at the
polls.
2-3000 people will need to have picture taken during
a presidential election.
EAC - preapproval by federal government to
spend money is a must.
He cited the Crawford case. He stated there
will be a court case over this ~~so~~
The expiration date should be removed.
Business recognized by local election official is an
issue

Students who don't have a New Hampshire license is
an issue. Residency for motor vehicles is different than
the definition of domicile. "Newburger Case"
"Take the time to do it right" 

HOUSE COMMITTEE ON FINANCE

PUBLIC HEARING ON SB 129-FN

BILL TITLE: (New Title) relative to presenting photo identification to vote in person and relative to the election fund.

DATE: May 10, 2011

LOB ROOM: 210-211 **Time Public Hearing Called to Order:** 1:00

Time Adjourned: 2:00

(please circle if present)

Committee Members: Reps. Weyler, L. Ober, Kurk, Emerton, Rodeschin, Belvin, Elliott, Vaillancourt, Allen, Garcia, R. Barry, Cebrowski, Wm. Smith, Sova, Umberger, Keane, Simard, Twombly, Worsman, Foose, Nordgren, Baroody, Benn, Lerandeau and Rosenwald.

Please note: Rep. S. Keans replaced Rep. Foose.

Bill Sponsors: Sen. Carson, Dist 14; Sen. Barnes, Jr., Dist 17; Rep. Tucker, Rock 17

TESTIMONY

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

Sen. Susan Carson, introduced the bill and spoke in support. (She) recognized that many changes.

Mr. David Scanlan, Deputy Secretary of State:

- o Talked about Senate version. Fiscal note of 4/15/11 related to that fiscal note.
 - o Estimated cost lowered to \$65,000 and could be funded by HAVA funds because this is an improvement to voting.
 - o House removed the photo requirement and instead use a provisional ballot.
 - o Said House version is fairly restrictive.

Sections of bill that will cost state money.

1. Section I - different color for out-of-state driver's license - \$10,000 to add database field.
2. Cost = \$6,130 for one set of provisional envelopes. Double for two sets of envelopes (per election). Waivers are most expensive - 1 voter out of every 200. \$10,000 per election. Applies to municipal election.
3. Cost of \$5.00 for non-driver identification card.

Rep. L. Ober asked about expenses and if those expenses wouldn't go down as people got IDs.

Mr. Scanlan: Probably.

Rep. L. Ober asked how long after a person moved to NH would they legally need to acquire a NH license.

Mr. Scanlan: I believe 60 days.

Rep. D. McGuire asked about provisional ballots.

Rep. Benn asked about voter fraud.

Mr. Scanlan said every election cycle 2-3 specific instances; also perception that election fraud is more prevalent. We are supportive of photo ID process.

Rep. Cebrowski: We should have an updated fiscal note.

Mr. Scanlan: I'm reading from new fiscal note material and new fiscal note is being prepared.

Rep. Vaillancourt asked about costs.

Mr. Scanlan: \$40 per hour.

Rep. Vaillancourt: \$10,000 to add a database field?

Mr. Scanlan: In election map. Would only enter 2 letter state abbreviation – recorded on checklist.

Rep. Vaillancourt: State level cost is minimal. Any cost at local level?

Mr. Scanlan: Have not costed that. He believes some small cost

Rep. Vaillancourt: As people get IDs, cost will go down.

Rep. Elliott asked about contradictions in fiscal note.

Mr. Scanlan: Those are statements in bills.

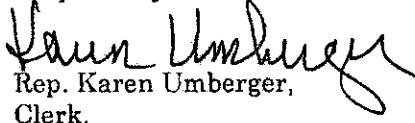
Ms. Joan Ashwell, Durham, representing League of Women Voters, NH (LWV NH), spoke in opposition to the bill.

HAVA funds – Help America Vote Act.

Ms. Clair Ebel, Concord, representing the NH Civil Liberties Union (NHCLU) spoke strongly in opposition to the bill.

A work session will be scheduled for next week.

Respectfully submitted,


Rep. Karen Umberger,
Clerk.

HOUSE COMMITTEE ON FINANCE

PUBLIC HEARING ON SB 129-FN

BILL TITLE: (New Title) relative to presenting photo identification to vote in person and relative to the election fund.

DATE: May 10, 2011

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Kans

Bill Sponsors: Sen. Carson, Dist 14; Sen. Barnes, Jr., Dist 17; Rep. Tucker, Rock 17

TESTIMONY

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

5/16/11

Pg. 1 of —

1:00 SB 129

Intro by Sen Carson recognized that many changes

— David Scanlon Dep Sec'y of State

• talked about Senate version. Fiscal note of 4/15/11 related to that fiscal note

• estimated cost lowered to \$65,000 & could be funded by HAVA funds because this is an improvement to voting.

• House removed the photo requirement & instead use a provisional ballot

• said House version is fairly restrictive

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Waivers are most expensive - 1 voter out of every 100 \$10,000 per election. Applies to municipal elections.

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Mr. Scanlon: In Election Mag. Would only enter 2 letter state abbreviation - recorded as checklist

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Mr. Scanlon - Have not coded that. He believes some small cost

Ref V - As people get ID, cost will go down -
 By Elliot - asked about contradictions in
 fiscal note.

Mr. Seaton - These are statements in bills.

Jean Ashwell - oppose

HAVA Funds - Help America Vote Act

Chaise Ehl - oppose

Works session - next week

Executive Session

SB 129 Dep Sec of State - provided info on

cost of election cycle

HAVA ^{funds} 725, K per year

more act - gets money to help with overseas voting
 1.25 million per election

* Provided info on cost of running election

fiscal note - Sec of State not providing new
 fiscal note

Sub-Committee Minutes

HOUSE COMMITTEE ON ELECTION LAW
SUBCOMMITTEE WORK SESSION ON SB 129-FN

BILL TITLE: (New Title) relative to presenting photo identification to vote in person and relative to the election fund.

DATE: 4/26/11

Subcommittee Members:  Reps. DeLemus, Hoelzel, Drisko, Birdsell, Gimas

Comments and Recommendations: Our recommendation – amendment forthcoming

Amendments:

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

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

Moved by Rep.

Seconded by Rep.

Vote:

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

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Regina Birdsell, Acting ~~Clerk~~
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON ELECTION LAW
SUBCOMMITTEE WORK SESSION ON SB 129-FN

BILL TITLE: (New Title) relative to presenting photo identification to vote in person and relative to the election fund.

DATE: 4/26/11

Subcommittee Members: Reps.

Comments and Recommendations:

*Our recommendation - amendment forthcoming
Amendment # 2011-1606 h.*

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

April 27, 2011

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

Moved by Rep.

Seconded by Rep.

Vote:

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

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.

Subcommittee Chairman/Clerk

Regina Bindsell, Acting Clerk

Minutes to subcommittee work session on SB 170

Present: Reps. DeLemus, Hoelzel, Drisko, Birdsell, Gimas

10:30 am

Started with amendment

Provisional ballots are not an issue except for the Secretary of State.

Main complaint – the provisional ballot is an issue with the primary being such a short

Rep. Drisko – could be an issue

Rep. Gimas – concerned with the amount of voters in primary

Reps. DeLemus/Hoelzel – Thinks an appropriate time for provisional ballots

Rep. Hoelzel – The provisional ballot will be mixed in with the rest of the ballots.

Provisional ballots will be separated and one person will verify ID's in Town Hall and the other will open and send to Secretary of State.

Secretary of State – Issue with provisional ballots

Town clerk – inner envelope with name and then outer envelope.

Held separately

Voter brings in ID

Clerk removes ballot and casts ballots

Clerks hold extra hours so voters come in and show ID

Moderator comes in and casts ballot

5:00 pm on Friday after election more work on town clerks

May violate _____

Issue of recounts and provisional ballots will be contested

Any state with provisional ballots

Rep. Gimas – Moderators will have to be brought in for an additional day to count the provisional ballots. Also has an issue where licenses are suspended or taken.

Secretary of State – Not sure HAVA fund could be used to get ID's in place of driver's license.

Issues

1. If license has been surrendered, where and when can they get another one.
2. Use of HAVA funds to buy cameras
3. If we use HAVA money and reduce annual maintenance from 15% to 12%. If they are more exp and with the educ. piece if we run out of money we may have to go to general fund.

Election Maint _____ Program
s/w program to generate ballots thru computer program

Educational component and capital

4. Policy decision – Do we _____ a Photo I.D. and _____ something that isn't there?
5. Burden on local organizations
6. Req___ any capital outlay needs EAC appro_____ of over 5K in spending
7. Other states have spent a lot of money for educ. Will it cost \$4.4 million for education. \$ held by EAC

HAVA Funds

Enforcement required by AG

Allows voter educ____ and _____ specific to HAVA

Title 1 money – to improve election

Cannot spend money ____ elections process prior to 2002.

Issues Continued

League of Women Voters opinion

Education cost - \$1M at the most

Media cost

8. Expiration date – To allow an issue date rather than an expiration date.
9. Photo I.D. – For absentee ballots not req. Is that constitutional?

DMV –

Turning away

Crawford vs. Marian County

Pl__ distinction on a facial ballot “as applied”. If someone brings proof that there are violations.

Issues with Vouchers

Vouchers/Provisional Ballots – They are qualified to vote but don’t bring the ID within 10 days. Their vote may not be counted.

DP’s solution

Photo ID for same day. If ____ don’t produce it and returned it starts an investigation by AG

Have to present Photo ID – they ____ be able to sign off.

Rep. Drisko – He doesn’t think its ready for prime time.

Rep. Hoelzel – Educational component is not as expensive as everyone things it is and it in_____ on all of us to educate the voters of the changes in voting system.

How is the education information written and will it be ready to present to voters.

2:50 pm - Adjourned

10:30 - start

Present

Susan Delemus
Kathleen Hoegel
Richard Drisko
Regina Gudsel
John Thomas

Started ~~an~~ w/ amendment

Provisional ballots are not an issue ~~of~~ except for the SoS.

Main complaint - the provisional ballot ~~is~~ ^{is} issue w/ the primary being ~~so~~ ^{such} short

- Drisko - could be an issue

- Thomas - concerned w/ the count of voters in primary

- Susan/Kathy - thinks an approp. time for provisional ballots

- Kathy - the pb will be mixed in w/ the rest of the ballots

- Provisional ballots will be separated & one person will verify I.D.s in Townhall & the other will open &

Send
Shift to SoS.

SoS - issue w/ PB

- Town Clerk
unseal envelope w/ name &
then outer envelope.
- held separately
- voter brings in ID
- clerk removes ballot & casts
ballots
- Clerks hold extra hours so
voters come in & show ID - ^{proof in} up close
- Moderator comes in & cast
Ballot
- 5 pm on Fri after election
- more work on town clerks
- my V. violate & 8A
- issue of recounts & PB will
be ~~un~~ contested.
- any state w/ PB

John Gimms - moderators will have
to be brought in for an additional
day to count the PB.

- Also has an issue where
licenses are suspended or
taken.

SoS - not sure HAVA fund could be
used to get PB's for in place
of Drivers license

~~3~~ Issues

- 1) If license has been surrendered where & when can they get another one.
- 2) Use of Hava funds to buy cameras
- 3) If we use Hava money + reduce annual maint for 15% \rightarrow 12%
If they are more exp + w/ the educ piece if we run out of money we may have to go to gen'l fund.

Election Maintain Prog

s/w prog. to generate ballots thru computer prog.

~~3~~ - Educ component + capital

- 4) Policy decision - ~~is~~ do we imple a photo ID ~~that~~ ~~the~~ & combat something that isn't there.
adical
- 5) Burden on local ~~as~~ organizations
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~~the~~ ~~capital~~ ~~funds~~
- 7) Other states have spent a lot of \$ for educ. Will it cost \$4.5 mil for educ ~~\$~~ held by EAC

HAVA Funds

- enforcement req by AG
- allows voter redire & long specific to HAVA

Title 1 - ^{money} to improve election

Cannot spend money on elections process prior to 2002.

Issues con't

League of Women Voters opinion
Educ cost - \$1 mil & the most
- Media cost -

8) Expiration date
- to allow an issue date rather than an expiration date.

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Photo distinction on a facial ballot
"as applied". If someone brings proof that there are violations.

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Kathy Educational component is not as expensive as everyone thinks it is & it incumbent on all of us to educate the voters of the chgs in voting system.

How is the education info written & will it be ready to present to voters.

adjourned

2:50 - over

Testimony



*Tools for Living
Life on Your Terms*

21 Chenell Drive
Concord, NH 03301-8539
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800.826.3700
tty 888.396.3459
fax 603.225.3304
www.gsil.org

NH House Election Law Committee
107 N. Main Street
Room 302 - State House
Concord, NH 03301

4/12/2011

Dear members of the House Election Law Committee:

Hello, my name is Ryan Donnelly. On behalf of Granite State Independent Living (GSIL) I am testifying against SB129. While GSIL believes it is important to ensure that all elections held in the state of New Hampshire are conducted properly, efficiently, and honestly, we believe that the new provisions laid out in this bill are unnecessary and will have a harmful impact on key segments of our population. This bill would make it more difficult for individuals with disabilities, the elderly, and the underprivileged to exercise their right to vote.

A driver's license is often the only form of photo I.D. an individual has. But not everyone in our state drives a vehicle, and these folks don't have that license. In fact, there are 42,000 voting-age citizens in New Hampshire who don't have a driver's license. Of course, one can apply for a non-driver photo I.D., but this can be challenging for an individual who cannot drive, as applications must be submitted in person at a New Hampshire DMV facility. In an effort to address this issue, the amendment to this bill would allow a photograph of a voter to be taken at the polling station prior to voting. GSIL has serious concerns about the discomfort of a person with a disability who is singled out and pulled aside to have a photo taken. The prospect of being required to do so may very well make many voters stay away from the polls. Given how much effort NH has gone through in recent years to make the polls more accessible for people with disabilities and seniors that would be a shame!

GSIL encourages the Committee to recommend Inexpedient To Legislate on SB129. The current system works well and NH does not seem to have a voter fraud problem. While good intentioned, this bill is neither worth the expense the state and municipalities would incur, nor the added difficulty that it creates for individuals such as those with disabilities and seniors who do not possess a photo I.D. Thank you for the opportunity to testify before you today, and for all of the hard work you perform on behalf of the citizens of New Hampshire.

Sincerely,

Ryan Donnelly
Regional Advocacy Facilitator



From: Bergeron, Paul
Sent: Tuesday, February 22, 2011 12:20 PM
To: '~HouseElectionLawCommittee@leg.state.nh.us'
Cc: 'David Alukonis'; 'PSilva372@aol.com'; 'governmentaffairs@nhlgc.org'
Subject: Nashua opposed to HB515, relative to voter registration and relative to procedures for absentee voting
To the Honorable Members of the House Election Law Committee:

HB 515 is scheduled for a hearing this afternoon.

Nashua opposes the provision in this bill that would require *"...the clerk...(to) verify the applicant's identity by comparing the signature on the application with the signature on the applicant's voter registration form."*

In the 2008 Presidential Election, Nashua received 4,022 absentee ballot requests (3,647 absentee ballots were cast). If this law was in effect at that time -- and assuming it took just two minutes to pull a voter's registration form, compare the signature with the absentee ballot application, then re-file the voter registration -- this process would have added 134 manhours to the absentee ballot mailing process. (4022 absentee requests times 2 minutes each divided by 60 minutes).

This would have resulted in either a delay in mailing those absentee ballots or in an increase in overtime costs to keep staff working afterhours to get these requests processed in a timely manner -- or both.

There is also a NH Superior Court case which found it "unreasonable and impracticable, if not impossible," to expect the Clerk to compare handwriting to voter registration cards.

In a 1998 suit, 98-E-0350 Nashua Civic Forum v. Eleanor Benson as City Clerk of Nashua, the Special Master's Report, approved by Justice Linda Dalianis in a Notice of Decision, stated: "Given the extraordinary effort expended by the City Clerk in the limited amount of time allotted under the City Charter and the dangers of attempting to compare signatures in the absence of handwriting expertise...the master finds that it would be unreasonable and impracticable, if not impossible, to expect the Clerk to compare handwriting on the petitions to the voter registration cards." There were approximately 2,428 signatures on the petition -- considerably less than the number of absentee ballot requests we would receive for a Presidential election; and the city clerk had 10 days under the city charter to certify the signatures on that petition, considerably more time than we would want to allot for the mailing out of an absentee ballot after receipt of a request. I would argue that it would be similarly "unreasonable and impracticable, if not impossible, to expect the Clerk to compare handwriting on the...(absentee ballot requests)...to the voter registration cards."

Finally, many years may pass before a voter makes a change in his or her voter registration which would result in an updated signature. I am certain that my signature today differs considerably than that which I applied to my voter registration card 40 years ago or a change of address even six years ago. In addition, I go to nursing homes every election to assist voters in applying for or filling out absentee ballots. Many have had strokes or suffer from arthritis or some other ailment and no longer have the strong hand and firm signature they once had. If we receive these absentee requests in the mail, should I deny these people their right to vote simply because their signatures no longer look like they do on their voter registration cards filed with us any number of years before, when they were healthier? I think not.

Nashua opposes HB515 as the proposed changes to the procedures for issuing an absentee ballot are unreasonable, would be costly, would require some level of handwriting expertise which municipal clerks do not have, will result in unnecessary delays in issuing absentee ballots, and will ultimately disenfranchise voters whose signatures have changed over time or due to physical ailment.

Paul R. Bergeron
City Clerk
229 Main Street
Nashua, NH 03060
603-589-3004

2/12/2011
Submitted by
Matt MacGeorge
Assistant Attorney General

SB 129 - Proposed Additional Language (underlined) by NH DOJ

659:13 Obtaining a Ballot.

I. A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, ~~[announce his or her name to one of the ballot clerks who shall thereupon repeat the name]~~ approach the ballot clerk to check in. The ballot clerk shall request that the voter present a valid photo identification meeting the requirements of paragraph II. The ballot clerk shall announce the name of the voter; and, if the name is found on the checklist by the ballot clerk, the ballot clerk shall put a checkmark beside it and again repeat the name. The ballot clerk shall state the address listed on the checklist for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot clerk shall correct the address in red on the paper checklist and the supervisors of the checklist shall cause the centralized voter registration database to reflect the correction. The voter, if still qualified to vote in the town or ward and having presented a valid photo identification verifying the voter's identity, and unless challenged as provided for in RSA ~~[659:27-33]~~ 659:27 through 659:33, shall then be allowed to enter the space enclosed by the guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state.

II. A valid photo identification shall satisfy all the following:

(a) The identification shows the name of the individual to whom the identification was issued, and the name substantially conforms to the name in the individual's voter registration record.

(b) The identification shows a photograph of the individual to whom the identification was issued.

(c) The identification includes an expiration date, and the identification is not expired.

(d) The identification was issued by the United States, the state of New Hampshire, a political subdivision of the state of New Hampshire, an educational institution licensed or approved by the postsecondary education commission, or a business or institution recognized by local election officials.

III. If a voter does not have a photo identification that satisfies the requirements of paragraph II, the photo identification requirement may be satisfied by having a digital photograph of the voter taken by an election official to be kept on file.

IV. A voter who satisfies the photo identification requirement by having his or her digital photograph taken pursuant to paragraph III must complete a photo identification affidavit, which shall be in the following form:

Name: _____

Address: _____

Date of birth: _____

I hereby swear and affirm, under the penalties for voting fraud set forth below, that I am the identical person whom I represent myself to be and that to the best of my knowledge and belief the information above is true and correct..

(Signature of affiant)

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently voting is subject to a civil penalty not to exceed \$5,000.

V. If a voter, who does not have a photo identification that satisfies the requirements of paragraph II, has a religious objection to having his or her digital photograph taken pursuant to paragraph III, he or she may satisfy the photo identification requirement by completing an affidavit containing the same

content as the photo identification affidavit in paragraph IV
with the addition of the following statement:

I hereby swear and affirm that I have a religious objection to having my
photograph taken.

(Signature of affiant)



U.S. Election Assistance Commission
1225 New York Ave. – Suite 1100
Washington, DC 20005

Best Practices on Provisional Voting

Background:

Section 302 of the Help America Vote Act (HAVA) creates the right for potential voters to cast provisional ballots in the event their names do not appear on the registration list or the voters' eligibility is challenged by an election official. The issuance of a provisional ballot is best described as a safety net or fail safe for the voter, in that:

- It maintains the person's intent to vote and selections until election officials determine that the person does or does not have the right to cast a ballot in the election.
- It allows the determination of the voter's eligibility to be made at a time when more perfect or complete information is available either from the voter or from the election jurisdiction.

Election officials make the decision on whether to count provisional ballots based on voter eligibility standards established in State and Federal law, including age, citizenship, and residence requirements. While HAVA establishes identification (ID) requirements for first time voters who registered by mail, many States impose stricter standards for the identification of all voters. States determine which provisional ballots meet those ID requirements.

Provisional balloting prevents the possible disenfranchisement of voters. However, the policies and procedures for administering provisional voting vary from State to State. In some States, a person can cast a provisional ballot in any precinct in the State regardless of where the person is registered. In other States, a person must cast a provisional ballot in the precinct in which the person is eligible to vote. A consistent approach within each State is key to ensuring that all voters are treated equally.

The U.S. Election Assistance Commission (EAC) issued Advisory 2005-006 in September 2005, to provide clarification on provisional voting and identification requirements. The EAC offers the following information as a complement to Advisory 2005-006 and as best practices to guide States as they administer the provisional balloting process. By recommending these practices, the EAC offers informed advice while respecting diversity among the States.

Overview of Recommendations for Best Practices

Although wide variation exists in implementing provisional voting among and within States, recommendations for best practices based on the experiences of the 2004 elections can be useful as States seek to implement provisional voting policies and procedures that are fair, transparent, and effective.

Efforts to improve provisional voting may be most effective as part of a broader effort by State and local election officials to strengthen their systems. Collecting and analyzing data about those systems will enable States to identify which aspects of the registration and electoral system cause most voters to end up casting provisional ballots. Election officials can then look to their registration system, identification requirements, or poll worker training as ways to reduce the need for voters to cast provisional ballots.

Election officials are encouraged to review these recommendations as they prepare to administer the distribution and processing of provisional ballots for the November 2006 election cycle. In 2007, the EAC will collect statistical data on provisional ballots cast in this election. Additional analysis and study will result in recommendations for continued improvement in this aspect of election administration.

The recommendations provided below are grouped based on each stage of the provisional voting process, as follows:

- Voter Outreach/Communication
- Laws, Policies and Procedures
- Staff and Poll Worker Training
- Managing Election Day
- Evaluating Voter Eligibility and Counting Provisional Ballots
- Post-Election Statistical and Systems Analysis

Voter Outreach/Communication

- Assess the usefulness and clarity of information provided to voters – both in written format and posted on web sites.
- Take advantage of mandated mailings (i.e. sample ballots and/or registration certificates) to further notify voters of the need to update their voter registration record to reflect a change in name, address, or party affiliation. In States where sample ballots are not required, mail voter registration affidavits with polling place location and address to all voters.
- Inform voters of laws regarding provisional voting. Prominently post and widely distribute provisional voting and administrative complaint procedures before, during, and after each election to ensure that voters know their provisional voting rights and what to do if they believe their right to vote was denied.

- Inform voters of laws regarding voter identification. Train registration staff and volunteers to collect and verify voter identification requirements at the initial point of registration.
- Collect required identification from voters registering by mail by including an informational handout when you mail their voter registration certificate.
- Monitor the number of registered voters that must show identification on Election Day, and take proactive steps to collect this data prior to Election Day.
- In states that require voters to provide identification in every election, educate voters and poll workers on the various types of acceptable identification.
- Provide clear, straightforward information about the process for re-enfranchising felons.
- Use election office web sites to provide helpful information to voters including whether they are registered to vote; how they can update their registration for changes of name, address or party; boundaries of precincts; location of polling places; requirements for identification; and other helpful information that will facilitate voter registration and voting. In addition, provide an 800 number that voters can use to contact their election official.
- Encourage voter outreach efforts to inform voters of the need to validate/update their voter registration records.

Laws, Policies and Procedures

- Review State laws regarding the validity of a provisional ballot when cast in the wrong precinct. It is a good practice for poll workers to direct the voter to the correct precinct in states where provisional ballots are counted only when cast in the voter's own precinct.
- Utilize State laws or regulations to require an evaluation process for provisional ballots while protecting the names of those who voted provisionally.
- Give voters who lack the needed ID a reasonable period of time to provide it to officials prior to counting provisional ballots.

Staff and Poll Worker Training

- Provide standard information resources for the training of poll workers by local jurisdictions. Examples of training materials might include maps or databases with instructions on how to locate polling places for potential voters who show up at the wrong polling place. Usable and useful information in the hands of poll workers

can protect voters from being penalized by administrative errors at the polling place.

- Ensure that state training materials provided to local jurisdictions clearly indicates that the only permissible requirement for obtaining a provisional ballot is an affirmation that the voter is registered in the jurisdiction and is eligible to vote in an election for Federal office.

Managing Election Day

- Provide poll workers with color-coded supplies, informational handouts and checklists to aid in processing provisional voters. *Example: To avoid confusion while counting ballots produce provisional ballots with a design and/or color that is different from a regular ballot.* Handouts should describe the procedures for evaluating the provisional ballot and steps the voters can take to determine if their ballots were counted. Training materials should include instructions on the options available to provisional voters.
- Ensure that each polling place has sufficient supplies for all provisional voters, i.e. ballots, envelopes, handouts, etc. States should provide guidelines for estimating the provisional supplies needed at each polling place. Offer a practical method to guide the supply of provisional ballots at polling places and that takes into account the number of voters in the district and the number of provisional ballots cast in recent elections. *Example: Connecticut and Delaware provide guidelines to local election officials on how to estimate the demand for provisional ballots. Connecticut sets the number at 1 percent of the voters in the district; Delaware sets the number at 6 percent.*
- Review the layout and staffing level of all polling places, particularly the multi-precinct polling places. To help voters cast their ballot in the right place, provide greeters, maps, and prominently posted voter information about provisional ballots, ID requirements, and related topics.
- Provide voters with printed information explaining how to check to see if their ballot was counted.
- For those States that require voters to appear at their assigned precincts, make sure voters know the importance of voting within their own precincts and ramifications of voting in another precinct. Involve the voter in deciding whether to go to the correct precinct or vote provisionally for only the higher offices at the top of the ballot.
- Establish a clear chain of custody for handling provisional ballots from production through distribution, collection, and evaluation, including written procedures for this chain of custody.

- Collect statistical information regarding number of provisional ballots cast by polling place and provide this data to the media and candidates as soon as possible after Election Day.

Evaluating Voter Eligibility and Counting Provisional Ballots

- Use a signature match method to establish that the individual who voted and the individual returning later with identification is, in fact, the same person. Compare the signature match with motor vehicle records and other databases that are available to counties.
- Prepare a written procedure and checklist for officials to identify the reason why provisional ballots are rejected. After completing the checklist disclose them publicly. *Example: Check the applicable box "unregistered voter," "lack of signature match," "wrong precinct", etc..*
- Notify voters regarding whether their provisional ballots are counted. Provide information to enable voters to determine if they are registered for future elections and, if not, what they need to do to become registered.
- Verify provisional ballots in a timely manner. The time by which election officials must make their eligibility determinations is particularly important in presidential elections because of the need to certify electors to the Electoral College. Consider how to divide the time constraints imposed in a presidential election by the safe-harbor provisions regarding certification to the Electoral College. Since some part of this 5-week period will be consumed by the eligibility evaluation, take care to provide a sufficient period of time for challenges.

Post-Election Statistical and Systems Analysis

- Collect data systematically on the provisional voting process to permit consistent evaluation of State procedures and assess changes from one election to the next. *Example: (1) number of provisional ballots cast by county; (2) reasons why provisional ballots were cast and number counted and not counted, by category; (3) measures of variance among jurisdictions; and (4) time required to process and research provisional ballots by jurisdiction.*
- Analyze your State's provisional voting system, by asking the following questions:
 - 1) Does the provisional voting system distribute, collect, record, and tally provisional ballots with sufficient accuracy to be seen as procedurally legitimate by both supporters and opponents of the winning candidate?
 - 2) Does the tally include all votes cast by properly registered voters who correctly completed the steps required?

- 3) Is the provisional voting system sufficiently structured to perform well under the pressure of a close election when ballot evaluation will be under scrutiny and litigation looms?
- 4) Do the procedural requirements of the system permit a cost-efficient, accurate and timely operation? Are the administrative requirements of the system reasonable given the availability of staff and other resource requirements?
- 5) How great is the variation in the use of provisional voting in counties or equivalent levels of voting jurisdiction within the State? Is the variation great enough to cause concern that the system may not be administered uniformly across the State?

CONCLUSION

The EAC recommends that States take the following actions:

- Recognize that the first step to improving quality is to see the provisional voting process as a system and to take a systems approach to regular evaluation through standardized metrics with explicit goals for performance.
- Allow the provisional ballot to be a procedure for change of address for the voter or for registering the voter for the next election and future elections.
- Establish a clear chain of custody for handling provisional ballots from production through distribution, collection, and evaluation, including written procedures for this chain of custody.
- Collect data systematically on the provisional voting process to enable an ongoing evaluation of how well States' voting procedures are working. Assess changes from one election to the next. The effort should start in the 2006 election and should include collecting the following data:
 - Provisional votes cast and counted by jurisdiction, with details on why the voter had to vote provisionally (lack of ID, not on list, challenged at polling place, issued absentee ballot) and the number of ballots actually counted in each category.
 - Reasons why provisional ballots were not counted.
 - Measures of variance among jurisdictions.
 - Number of poll workers trained in the administration of provisional voting by polling place.
 - Number of jurisdictions posting information on provisional voting in the polling place.
 - Time required to process and research ballots by jurisdiction.

Identified in West as Unconstitutional or Preempted

West's Annotated Indiana Code
Title 3. Elections
Article 5. General Provisions
Chapter 2. Definitions
3-5-2-40.5 "Proof of Identification"

Sec. 40.5. "Proof of Identification" refers to a document that satisfies all the following:

- (1) The document shows the name of the individual to whom the document was issued, and the name conforms to the name in the individual's voter registration record.
- (2) The document shows a photograph of the individual to whom the document was issued.
- (3) The document includes an expiration date, and the document:
 - (A) is not expired; or
 - (B) expired after the date of the most recent general election.
- (4) The document was issued by the United States or the state of Indiana.

West's Annotated Indiana Code
Title 3. Elections
Article 11. Voting Methods, Supplies, and Equipment
Chapter 8. Voting Procedures Generally
3-11-8-25.1 Voter to provide proof of identification; challenge by precinct election board member.

Sec. 25.1. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at an election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in the election, a precinct election officer shall ask the voter to provide proof of identification. The voter shall produce the proof of identification before being permitted to sign the poll list.

(c) If:

- (1) the voter is unable or declines to present the proof of identification; or
- (2) a member of the precinct election board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by this chapter.

(d) If the voter executes a challenged voter's affidavit under section 22. 1 of this chapter, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.

(e) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in an election.

(f) After a voter has passed the challengers or has been sworn in, the voter shall be instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. The voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list:

(1) The voter's name.

(2) Except as provided in subsection (k), the voter's current residence address.

(g) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

(1) ask the voter to provide or update the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

(h) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide proof of identification.

(i) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

(j) If, in a precinct governed by subsection (g):

(1) the poll clerk does not execute a challenger's affidavit; or

(2) the voter executes a challenged voter's affidavit under section 22.1 of this chapter or executed the affidavit before signing the poll list;

the voter may then vote.

(k) Each line on a poll list sheet provided to take a voter's current address must include a box under the heading "Address Unchanged" so that a voter whose residence address shown on the poll list is the voter's current residence address may check the box instead of writing the voter's current residence address on the poll list.

IC 3-11-8-25.2

West's Annotated Indiana Code
Title 3. Elections

Article 11. Voting Methods, Supplies, and Equipment

Chapter 8. Voting Procedures Generally

3-11-8-25.2 Additional personal identification for certain first-time voters

Sec. 25.2. (a) The poll clerk or assistant poll clerk shall examine the list provided under IC 3-7-29-1 to determine if the county election board has indicated that the voter is required to provide additional personal identification under 42 U.S.C. 15483 and IC 3-7-33-4.5 before voting in person. If the list (or a certification concerning absentee voters under IC 3-11-10-12) indicates that the voter is required to present this identification before voting in person, the poll clerk shall advise the voter that the voter must present, in addition to the proof of identification required by section 25.1(a) of this chapter, a piece of identification described in subsection (b) to the poll clerk.

(b) As required by 42 U.S.C. 15483, and in addition to the proof of identification required by section 25.1(a) of this chapter, a voter described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5 before appearing at the polls on election day must present one (1) of the following documents to the poll clerk:

(1) A current and valid photo identification.

(2) A current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter.

(c) If a voter presents a document under subsection (b), the poll clerk shall add a notation to the list indicating the type of document presented by the voter. The election division shall prescribe a standardized coding system to classify documents presented under this subsection for entry into the county voter registration system.

(d) If a voter required to present documentation under subsection (b) is unable to present the documentation to the poll clerk while present in the polls, the poll clerk shall notify the precinct election board. The board shall provide a provisional ballot to the voter under IC 3-11.7-2.

(e) The precinct election board shall advise the voter that the voter may file a copy of the documentation with the county voter registration office to permit the provisional ballot to be counted under IC 3-11.7.

West's Annotated Indiana Code

Title 3. Elections

Article 11. Voting Methods, Supplies, and Equipment

Chapter 8. Voting Procedures Generally

3-11-8-25.5 Voter who leaves poll without casting ballot or after casting provisional ballot

Sec. 25.5. If an individual signs the individual's name and either:

(1) signs the individual's address; or

(2) checks the "Address Unchanged" box;

on the poll list under section 25.1 of this chapter and then leaves the polls without casting a ballot or after casting a provisional ballot, the voter may not be permitted to reenter the polls to cast a ballot at the election.

Hon. Joel Winters
Political Director, New Hampshire Liberty Alliance
political@nhliberty.org
603-624-5835

Dear Members of the Election Law Committee,

I am here in opposition to SB129, and I thought you might find these statistics useful. The Secretary of State has issued reports investigating voter fraud by same day registrants who do not show photo ID. They can be viewed at:

<http://www.sos.nh.gov/voter%20fraud%202006.pdf>

<http://www.sos.nh.gov/Voting%20Fraud%20Report%202008%20by%20AG.pdf>

These reports were issued by the SOS's office after the 2006 and 2008 general elections. As required by RSA 654:12 V, when a person registers to vote on election day without showing ID, the Secretary of State's office sends a "letter of identity verification" to the name and address, with instructions to the Post Office not to forward it. Any names that were returned as undeliverable were investigated by the AGs office.

Combined, 1,040,195 ballots were cast at the polls on these two election days. (An additional 96,644 ballots were cast absentee.) Of the 1.04 million ballots, 102,551 (a little under 10%) were cast by same day registrants. Of those, 303 did not show acceptable ID when registering.

Let me repeat that. 102,551 people registered at the polls. 102,248 showed acceptable ID. More than 99.7% of same day registrants show acceptable ID. (I use the phrase acceptable ID instead of valid ID, because some of the cases which were investigated by the AGs office were because someone showed a high school ID, out of state non driver's ID, etc, and were marked down as not showing ID.)

The Secretary of State's Office sent a mailer to the 303 same day registrants who didn't show acceptable ID. Of these, 13 came back marked as undeliverable. Thirteen - and after each was investigated by the AGs office, it was concluded that "no fraudulent voting or registration occurred regarding the subject-registered voters."

To sum up: A million plus ballots cast. 303 people showed up and registered to vote without showing ID - and the Post Office unhesitatingly delivered mail to 290 of them at the address the voters provided. 13 out of 1.04 million - that's twelve ten-thousandths of one percent ($13/1,040,195 = 0.000012\%$)

This legislation is a solution in search of a problem. Please find SB129 ITL.

April 12, 2011

Testimony in opposition to SB 129

Terry Lochhead

NH Alliance For Retired Americans

161 Airport Road, Hooksett NH (603) 545 9989

Good afternoon committee members. My name is Terry Lochhead. I work with the NH Alliance For Retired Americans. We are a nonprofit voice for over 13,000 New Hampshire retirees. I speak in opposition to SB 129.

Seniors have experienced so many negative impacts lately: The legislature is cutting funds for senior services and Servicelink, and there are proposals to limit funding for Medicaid services. There are also proposals coming out in Washington to drastically change Medicare and shift a lot more expense onto seniors starting a decade from now.

With all this as a backdrop, SB 129, will make life even harder for seniors. As Congress gets ready to vote on a bill to change Medicare as we know it, and limit Medicaid for nursing homes and community-based support services, you here at the state level are faced with a bill that would take away the voice of seniors.

Who would be impacted by SB 129? The senior women who tend more often than not to be the residents of nursing homes, seniors who can no longer drive and have to rely on others to get to the town clerk or DMV for a photo id. Also, the many retirees that I've met, who have had their lives limited by lost savings, lost home values, and lost jobs late in life. These are people who not find another job sufficient to pay the mortgage, have had their homes foreclosed on, perhaps the marriage breaks up under the strain, and so many times, the man ends up living in a room somewhere, the woman goes to live with relatives if she is lucky. Recently I have met a number of older men who have lost everything. They move because it's hard to pay for rent and groceries on the low income Social Security provides. So they move to find a cheaper place. And. then they move again.

In all of these situations, from the federal proposals, down to men who are forced to move frequently, seniors are having to shoulder more expense which threatens to disrupt the stability of their lives. SB 129 makes it more difficult to vote unless you live a stable life. You don't enter a nursing home, your home is not foreclosed on, you are still able to drive yourself,

In other words, the bill sets up conditions for voting which do not apply to many senior citizens and after a long life of hard work and responsibility, often serving in the armed forces, and then supporting a family, is the reward -- that we make it harder for them to vote? The answer should be a resounding no.

I urge you to vote inexpedient to legislate on SB 129.



Submitted by Rep. Tim Harrigan
Stop Voter Suppression in New Hampshire 4-12-11
on SB 129

There are few substantiated instances of voter fraud and SB 129 is an extremely costly attack on the rights of eligible voters. Identical to the legislation moving rapidly through the legislatures of several other states, this bill ignores centuries of New Hampshire tradition of civic participation and unfairly targets students, the elderly, racial minorities, low income families and people with disabilities.

Even if we weren't facing tough budget choices, using millions of taxpayers' dollars to suppress voter turnout in the Granite State would be wrong. Stand up for our democratic principles and protect the right to vote in New Hampshire. Vote no on SB 129.

Sandra Gagnon
Manchester NH

Nell Werfel
Seabrook NH

Reuben Rajala
Gorham NH

Kerry Converse
New Boston NH

Maurice Richard
Dover NH

Emily Jacke
Jaffrey NH

Grace Burson
Manchester NH

Roger Burkhart
Milton NH

Eileen Ehlers
Hooksett NH

Paul Cobb
Bradford NH

Linda Millman
Nashua NH

Anne Salzer
Greenland NH

Ruth G Timchak
Tamworth NH

Barbara Sim
Lyndeborough NH

Margaret Teravainen
Hooksett NH

Aaron Kendrick
Manchester NH

nancy iannuzzelli
Amherst NH

henri vallancourt
Greenville NH

Paul Berch
Westmoreland NH

Diane Raymond
Nashua NH

donald gallant
Plaistow NH

Peter Gaeta
Durham NH

david Lamb
Nashua NH

Michael Casteris
Rochester NH

Donald Manning
Manchester NH

Wiltrud Mott-Smith
Loudon NH

Gregory Ball
Franconia NH

Catherine Farkas
Sanbornton NH

Geralyn Lorrey
Wilton NH

Erik Corbett
Gien NH

Garth Corriveau
Manchester NH

Audrey Sylvester
Bradford NH

Barbara Knickerbocker
Nashua NH

david sutherland
Concord NH

Kenneth Ruby
Salem NH

Carole Foley
Londonderry NH

Chrisinda Lynch
Concord NH

Larry Spencer
Plymouth NH

Paul Whitehouse
Nashua NH

Carolmae Encherman
Hanover NH

Ellen Clement
Westmoreland NH

Marcus Christian Hansen
Alstead NH

Katli Lambe
Manchester NH

mike raymond
Nashua NH

j cataldo
Hebron NH

Kristin Mueller
Contoocook NH

victoria smith
Grantham NH

Ann Wright
Lee NH

Dorothy Solomon
Conway NH

Kathleen Chapman
Peterborough NH

cathleen soleyan
Londonderry NH

Mary Perry
Salisbury NH

Charlotte Daley
Bedford NH

Dan Hubbard
Rochester NH

Sonja Prince
Nashua NH

Richard Jacunski
Northwood NH

Paul Codispoti
Milford NH

Eileen Ball
Franconia NH

William Merrow
Hillsborough NH

Janet McLean
Exeter NH

Lee Baldwin
Northwood NH



Stop Voter Suppression in New Hampshire

There are few substantiated instances of voter fraud and SB 129 is an extremely costly attack on the rights of eligible voters. Identical to the legislation moving rapidly through the legislatures of several other states, this bill ignores centuries of New Hampshire tradition of civic participation and unfairly targets students, the elderly, racial minorities, low income families and people with disabilities.

Even if we weren't facing tough budget choices, using millions of taxpayers' dollars to suppress voter turnout in the Granite State would be wrong. Stand up for our democratic principles and protect the right to vote in New Hampshire. Vote no on SB 129.

Sandra Gagnon
Manchester NH

N.H. should be encouraging voter participation, but SB129 would work to discourage it. I have an adult daughter and son who do not have driver's licenses, and I understand that SB129 would not recognize their student ID's. I also have a mother who never learned to drive, and friend who is physically disabled and who therefore cannot get a driver's license, and a father who may soon have to give up his driving license as he approaches his 80's and faces diminishing abilities. SB129 would make voting more difficult for these friends and relatives of mine, requiring them to make an extra effort to obtain an alternative photo ID. I'll assist them in doing so, but how many others won't know about this before going to vote, or who might decide the extra effort is not worth it - especially if obtaining transportation to get an alternative ID is difficult because they don't drive? Vote NO on SB129 to help N.H. citizens maintain their ability to participate in our great democracy!

Paul Whitehouse
Nashua NH

I served in uniform during Desert Storm, my son currently serves in Afghanistan, and we come from a long line of men in our family who have put on a uniform and served our country in time of dire need, and to a man we are all of us utterly appalled and deeply offended by the measure to restrict voting rights in our homestate. The right to vote is just that - a RIGHT. There is something inherently wrong and decidedly unamerican about targeting a group of people for exclusion from this basic right for ANY reason, and that offense is made even more egregious when that reason is because they may not vote the way you like. Then it is more than wrong and unamerican - it is borderline traitorous. Tell me, WHY are almost ALL student ID's specifically excluded from the list of approved ID's? And don't lie to me, because I already know the answer. I just want to see if you have the gall to actually say it out loud. This is disgusting, it is unamerican, and miles beneath contempt. We are NOT fooled by this attempt to undermine the most basic of rights, one which millions of my compatriots and predecessors have fought and suffered to secure, and one which this legislative body seems determined to undermine for their own selfish political gains. We will NOT sit still for this. We spoke up and shot down a similar measure when your friends in the House tried to do what you are trying to do now. What on god's green earth made you think that we wouldn't do the same here? We did not send you to Concord to try to squelch the voice of the people, we sent you to Concord to DEFEND us. We are paying attention, and this malarkey will NOT stand. Not to put too fine a point on it, but do this and it is a guarantee that you will be fired. Guaranteed.

Reuben Rajala
Gorham NH

I'm appalled about components of SB 129 that would make it more difficult if not impossible for students, the elderly and others to easily vote. I'm also concerned, especially given the State's budget shortfalls, about adding any more unnecessary, costly and restrictive identification requirements. I urge you to vote NO on SB129!

Kalli Lambe
Manchester NH

There are so few cases of voter impersonation in NH that it's evident this bill is just an expensive solution to a non-existent problem and will only keep certain populations from voting. Considering the state's money problems and the effects this bill would have, I urge you to vote no.

cathleen soloyn
Londonderry NH

This bill is not only a huge waste of money that can be better used elsewhere, but it another tactic to try and stop certain groups of people from voting.

Lee Baldwin
Northwood NH

This is clearly a partisan attack on the free voting rights of the people. It must not be allowed to pass.

Maurice Richard
Dover NH

We seniors have earned the right to vote do not put restrictions that would make it difficult for us to comply with strange rules.

Ellen Clement
Westmoreland NH

All of NH can see what is behind this bill, it is a blatant attempt to manipulate elections and prevent citizens from having their votes count! where is the honor in this?

Aren't we as Americans interested in and fighting for around the world, free and fair elections for all citizens? And aren't we trying to reduce the deficit as well? Has there been MAJOR voter fraud in NH? Come on.

Charlotte Daley

Bedford NH

Someone must call attention to Speaker O'Brian's hypocrisy. His own son, Brendan, a student at Bates College in Maine, not only voted in Maine, but also ran for State Rep in Maine in 2010.

Carole Foley

Londonderry NH

We know you are attempting to suppress the votes of many, many fine citizens of New Hampshire by this bill. We know what you are up to. Stop it Now! Grandma

Eileen Ball

Franconia NH

No restrictions or requirements to voting, because if you are old enough to fight for your country, then you are old enough to vote, no matter your age.

Gregory Ball

Franconia NH

Intelligence is NOT dictated by age.

Grace Burson

Manchester NH

As long as the legal voting age is 18, attempts to make it more difficult for college students to exercise their constitutional right to vote are illegal voter suppression, plain and simple.

William Merrow

Hillsborough NH

So far, no jobs, you cannot use this radical right wing smoke screen to cover up the facts that you have nothing to offer

Larry Spencer

Plymouth NH

We're a small state. We don't need photo ids for voters. I personally know folks who serve on the town election committees. They too agree that we don't photo ids.

David Lamb

Nashua NH

This is further evidence that democracy doesn't exist. Power politics, money, corruption have destroyed the voice of the people. This additional tactic to steal the people's voice is evil. And this evil goes right to the core of corporate influence, for the love of money. The human agenda is to care for the weak in our communities. This compassion for others is our covenant with God.

Geralyn Lorrey

Wilton NH

I oppose this partisan attack on voter's rights. You are making me ashamed to be a Republican! Must I vote Democratic next time???

Diane Raymond

Nashua NH

I've volunteered at the polls many times. It is an inspiring sight to behold a well-oiled engine of efficiency. If it ain't broke, don't fix it! This is just another action that reveals your loyalty to a right-wing agenda and ideology that have nothing to do with how things work or do not work in our fine state. Answering to far-right campaigns, instead of to our citizens, will cost you in the next election. New Hampshire might be a conservative state, but it's always been moderate and fair in social issues...until now. What are you righties afraid of, anyway? If your ideas were so fabulous, you'd get all the votes every time. (Ever get the idea you are the vanguard in a class war? How does it feel having to hit the beach in the first wave? Do you hold regular folks in such disdain that you'll sacrifice your political career for the agenda?)

Margaret Teravainon

Hooksett NH

What is being proposed is a blatant attempt to prevent people from voting! If there is any improvement to be made for voting, then allow the Secretary of State and the Federal government to oversee any attempts at voter fraud! Let them do their job and stay out of our local elections!

Paul Berch

Westmoreland NH

Please vote against voter suppression and vote against SB129.

Janet McLean

Exeter NH

How desperate are the republicans to resort to this underhanded behavior?

Sonia Prince

Nashua NH

People have trouble paying rent and food, let alone their official voter's ID. You are taking away their freedom of speech and freedom of being an American who can vote! Excluding student ID's is just radical. Are you purposely trying to be known as the radicals of NH after all you've done this year?

Kathleen Chapman

Peterborough NH

This is an underhanded maneuver to disenfranchise citizens who actually have the right to vote. What are these republicans thinking of?? Themselves? You should all be spending time and energy figuring out how to tax big business, pay State expenses instead of trying to corrupt our democracy. Please.

nancy iannuzzelli

Amherst NH

Photo ID's are expensive, both for the poor and for the state. This is being done to discourage poor people from voting. It is blatant voter suppression. Remember the literacy tests and questions about the constitution that African-Americans had to know in order to qualify for voting in the South? We are taking giant steps back into our prejudiced past by insisting on picture ID's.

Richard Jacunski

Northwood NH

Another bill that has nothing to do with jobs creation and everything to do with preserving the power of the party that's in power. Raise more campaign funds if you need to, but it's despicable to try to win by disenfranchising your opposition.

Barbara Knickerbocker

Nashua NH

College students are qualified voters. Why should they be denied that right?

Dorothy Solomon

Conway NH

Do not disenfranchise our elderly who cannot get new voter ID cards. Do not teach youngsters that their vote doesn't count.

Catharino Farkas

Sanbornton NH

I am shocked and dismayed that voter suppression legislation is being considered in my state. We have no record of voter fraud. This picture ID nonsense is just a thinly veiled attempt to disenfranchise students as well as the poor, infirm and elderly. Heaven knows, these folks may tend to vote for Democrats! Would Republicans be interested if this legislation was a deterrent to folks who tend to vote Republican? This will also cost millions to enact while we are decapitating social services because we supposedly can't afford these programs. Republicans were supposedly elected to CREATE jobs and be fiscally responsible, not tear the State apart and destroy our democracy. If we have so much money to waste, put the millions this voter suppression program will cost back into the social programs that have been cut! I have not even mentioned the cost to individuals to get this ID who will have trouble not only affording the direct outlay for the card, but also the hassle and cost of getting to a center that issues the cards.

Mary Perry

Salisbury NH

I am strongly opposed to this bill. Getting students out to vote that first time means they will return to the poles regularly.

linda millman

Nashua NH

This bill reminds me of our country's shameful history of denying American Blacks the opportunity to vote by putting obstacles in their way when they went to cast their ballots. Please stand up for the right to vote and reject this ill conceived and unfair bill.

Paul Codispoti

Milford NH

It's disgraceful to New Hampshire's proud history that one of the major goals of the New Hampshire legislature is to suppress the right of citizens to vote. I am disgusted with this attack on a fundamental American right - the right to vote.

Carolmae Encherman

Hanover NH

This is like the poll tax in the south. It is unAmerican. Do not pass this legislation.

Barbara slim

Lyndeborough NH

Garth Corriveau

Manchester NH

I respectfully ask that you reject this bill in order to uphold NH's long tradition of civic participation in voting and our citizens' fundamental right to vote under the state & federal constitutions. Please leave big government interference and required state IDs out of the voting booth. -Alderman Garth Corriveau Manchester, N.H.

Eileen Ehlers

Hooksett NH

This is an attempt to disenfranchise blocks of NH citizens, built on a faulty premise of voter fraud. ~~IT~~ this bill.

Ann Wright

Lee NH

If it ain't broke, don't fix it. Take a wrench instead to the things that truly are broken in this state!

Peter Gaeta

Durham NH

This is just one more in a series of anti-American efforts by conservatives. We are watching and we will be voting.

david sutherland

Concord NH

all people have the right to vote. just because the republicans are in power does not mean they can change all the rules and set them selves up for a dictatorship.

Michael Casteris

Rochester NH

No Helmet No Seatbelt No voter ID Vote Free or Die

donald gallant

Plaistow NH

No one should be denied the right to vote in America. Please don't let this bill pass.

Marcus Christian Hansen

Alstead NH

There is no evidence of voter fraud in our state. This is a plan to waste scarce economic resources to suppress the votes of people who can't afford cars or licenses, but who may vote for Democratic candidates. "If it ain't broke, don't fix it." Get on with the important work in the state, not this ideologically driven agenda.

AMERICA VOTES

April 12, 2011

HOUSE ELECTION LAW COMMITTEE - 1:00 PM LOB 308

Re: Senate Bill 129-FN, AN ACT requiring valid photo identification to vote in person

Chairman Bates and members of the committee:

America Votes is an organization that supports and coordinates nonpartisan voter outreach and education statewide and works to protect voter rights and voter access to the ballot. We are here today in opposition to SB 129-FN, a bill under which voters would be required to present photo identification or have a digital photo taken to be kept on file in order to obtain a ballot to cast their vote.

Voter impersonation, which photo ID would seek to address, is the rarest kind of voter fraud and is almost unheard of as a form of election fraud. Yet this bill would impose new and burdensome documentation requirements on voters statewide. Legislation should be designed to address known problems, not to allay concerns resulting from rumors or allegations.

Requiring photo ID to vote, as SB 129 would do, would disproportionately affect the elderly, the disabled, the poor, minorities, and young people. There are thousands of elders in our state who do not have photo ID either because they have never had it or no longer drive. Some individuals with disabilities also may not possess photo ID. The list of acceptable forms of ID is so narrowly written that student identification cards would not meet the criteria, nor would a driver license issued outside of NH.

The amended Senate bill includes a proposal to provide for those who do not have one of the accepted forms of ID to have their picture taken to be kept on file. With this proposal, a number of privacy and security concerns arise including, what data is stored with the digital image of the voter, who has access to the digital files, and what security systems will be put in place to protect the photos and associated data? While we applaud the intention of the amendment, to prevent qualified voters from being turned away at the polls, its introduction does not change our position that this bill is an attempt to address a problem that does not exist.

Our final concern is regarding cost. We urge you to take a careful look at the financial burden that passing this bill will put on state and local government in addition to potentially drawing down our state's allocation of federal HAVA funds.

The fiscal note for this bill underestimates and in some cases fails to recognize the cost to implement a photo identification requirement. To require voters who are unaccustomed to having to provide photo ID to now provide it in order to obtain a ballot would constitute a momentous change in the conduct of elections in New Hampshire. **A significant amount of election official training and public education and outreach would be required to implement SB 129.** In addition, it is likely that towns would need to hire additional poll workers as ballot clerks might not be inclined to continue in their volunteer positions once they learn of the introduction of a complicated and mandatory new procedure on Election Day.

In closing, this voter ID proposal is likely to cost taxpayers millions of dollars to implement. In a time of fiscal crisis, it is not in the best interest of our state to implement a costly new government program to address a problem that does not exist.

Sincerely,

Melissa Bernardin
America Votes

May 23, 2011

Hon. Ken Weyler, Chairman
House Finance Committee
Room 210, Legislative Office Building
Concord, NH 03301

RE: SB 129

Dear Representative Weyler:

At the last committee work session on SB129, you asked for information on the cost of running an election. The approximate costs of running an election cycle (state primary and general election) are as follows:

Ballots, supplies and temporary help	\$250,000
This includes the cost of paper, printing, shipping charges and additional help for recounts, etc.	
Staff salaries and benefits attributed to elections	\$250,000
H.A.V.A. expenditures	\$725,000
These federal funds may only be used to comply with the federal HAVA and MOVE Acts. Funds are currently used to maintain the Statewide, centralized, voter database; to provide accessible voting equipment in each polling place for individuals with disabilities; to train poll workers; deliver absentee ballots to military and overseas citizens; and to enforce the election laws related to the federal acts.	

Please let me know if you have additional questions.

Sincerely,

David M. Scanlan
Deputy Secretary of State

Voting Sheets

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on SB 129-FN

BILL TITLE: (New Title) relative to presenting photo identification to vote in person and relative to the election fund.

DATE: 4/27/11

LOB ROOM: 308

Amendments:

Sponsor: Rep. Hoelzel, Bates, DeLemujs OLS Document #: 2011 1606h
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. Scala

Vote: 13-5 (Please attach record of roll call vote.)

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

Moved by Rep.

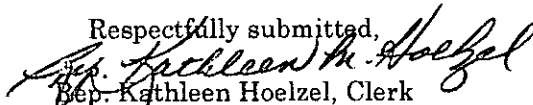
Seconded by Rep.

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

CONSENT CALENDAR VOTE: *no*

(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 SB 129-FN

BILL TITLE: (New Title) relative to presenting photo identification to vote in person and relative to the election fund.

DATE: 4/27/11

LOB ROOM: 308

Amendments:

Sponsor: Rep. *Hoelzel, Bates, DeLencus* OLS Document #: *2011-1606 h*
Sponsor: Rep. OLS Document #: *Roll Call 13-5*
Sponsor: Rep. OLS Document #:

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

Moved by Rep. *Hoelzel*

Seconded by Rep. *Scala*

Vote: (Please attach record of roll call vote.) *13-5*

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: *No*

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,
Rep. Kathleen M. Hoelzel
Rep. Kathleen Hoelzel, Clerk

ELECTION LAW

Bill #: SB 129 Title: _____

PH Date: ____/____/____

Exec Session Date: 04/27/2011

Motion: on Amendment OTP

Amendment #: 2011-1606h

MEMBER	YEAS	NAYS
Bates, David, Chairman	✓	
Scala, Dino A, V Chairman	✓	
Drisko, Richard B		✓
Jasper, Shawn N <u>Rep Steve Palmer</u>	✓	
Hoelzel, Kathleen M	✓	
Doherty, Shaun S	✓	
Eaton, Stephanie <u>Rep Willett</u>	✓	
Birdsell, Regina M	✓	
Byrnes, John J	✓	
DeJong, Cameron W	✓	
DeLemus, Susan C	✓	
Erickson, Duane H	✓	
Reilly, Harold T	✓	
Thomas, Joseph D <u>Rep Groen</u>	✓	
Cote, David E		✓
Pierce, David M		✓
Brunelle, Michael D		✓
Jimas, John G <u>Rep Cali-Pitts</u>		✓

TOTAL VOTE:
Printed: 1/4/2011

13

5

ELECTION LAW

Bill #: SB 129 Title: Relative to preventing photo identification to vote in person and relative to the election fund.

PH Date: 1/1/11

Exec Session Date: 4/27/2011

Motion: OTP - A

Amendment #: 2011-1606 h.

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

TOTAL VOTE: 13 5
 Printed: 1/4/2011

HOUSE COMMITTEE ON FINANCE

EXECUTIVE SESSION on SB 129-FN

BILL TITLE: (New Title) relative to presenting photo identification to vote in person and relative to the election fund.

DATE: May 24, 2011

LOB ROOM: 210-211

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

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

Moved by Rep. Sova

Seconded by Rep. McGuire

Vote: 18-8 (Please attach record of roll call vote.)

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

Moved by Rep.

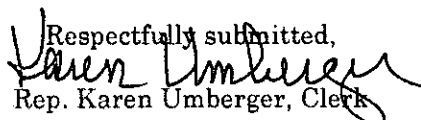
Seconded by Rep.

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

REGULAR or CONSENT CALENDAR (Please circle one.)

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Karen Umberger, Clerk

HOUSE COMMITTEE ON FINANCE

EXECUTIVE SESSION on SB 129-FN

BILL TITLE: (New Title) relative to presenting photo identification to vote in person and relative to the election fund.

DATE: {Type DATE} 5/24/11

LOB ROOM: 210-211

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

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

Moved by Rep. *Soua*

Seconded by Rep. *MS Juie*

Vote: *18-8* (Please attach record of roll call vote.)

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

Moved by Rep.

Seconded by Rep.

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

REGULAR or CONSENT CALENDAR (Please circle one.)

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Karen Umberger, Clerk

FINANCE

Bill #: SB 129 Title: (New Title) relative to presenting photo ID to vote in person and relative to election fund.
 PH Date: 5/10/11 Exec Session Date: 5/24/11

Motion: OTP Amendment #: _____

MEMBER	YEAS	NAYS
Weyler, Kenneth L, Chairman	18	
Ober, Lynne M, V Chairman	17	
Kurk, Neal M	1	
Emerton, Larry <i>Hopple</i>	2	
Rodeschin, Beverly T	3	
Belvin, William S	4	
Elliott, Robert J		1
Vaillancourt, Steve	5	
Allen, Mary M		2
Garcia, Marilinda J	6	
Barry, Richard W	7	
Cebrowski, John W	8	
Sova, Charles E	9	
Smith, William B	10	
Umberger, Karen C, Clerk	11	
Keane, Thomas E	12	
McGuire, Dan	13	
Simard, Paul H	14	
Twombly, Timothy L	15	
Worsman, Colette	16	
Foose, Robert A		3
Nordgren, Sharon		4
Barody, Benjamin C		5
Benn, Bernard L		6
Lerandean, Alfred C		7
Rosenwald, Cindy <i>Keans</i>		8
TOTAL VOTE:	18	8

Committee Report

REGULAR CALENDAR

April 28, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on ELECTION LAW to
which was referred SB129-FN,

AN ACT (New Title) relative to presenting photo
identification to vote in person and relative to the
election fund. Having considered the same, report the
same with the following amendment, and the
recommendation that the bill OUGHT TO PASS WITH
AMENDMENT.

Rep. Kathleen M Hoelzel

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee: **ELECTION LAW**
Bill Number: **SB129-FN**
Title: **(New Title) relative to presenting photo
identification to vote in person and relative to
the election fund.**
Date: **April 28, 2011**
Consent Calendar: **NO**
Recommendation: **OUGHT TO PASS WITH AMENDMENT**

STATEMENT OF INTENT

This bill requires a voter to present a valid photo I.D. to the ballot clerk prior to voting. There are provisions in the bill to allow a "provisional ballot" to be submitted if the individual does not have the identification with them. The individual would need to present the valid photo I.D. within three days of the election in order that the provisional ballot be counted. There are also provisions for a voter to obtain a photo I.D. card free of charge if he/she does not have a valid photo I.D.

Vote 13-5

Rep. Kathleen M Hoelzel
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

ELECTION LAW

SB129-FN, (New Title) relative to presenting photo identification to vote in person and relative to the election fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kathleen M Hoelzel for the Majority of ELECTION LAW. This bill requires a voter to present a valid photo I.D. to the ballot clerk prior to voting. There are provisions in the bill to allow a "provisional ballot" to be submitted if the individual does not have the identification with them. The individual would need to present the valid photo I.D. within three days of the election in order that the provisional ballot be counted. There are also provisions for a voter to obtain a photo I.D. card free of charge if he/she does not have a valid photo I.D. **Vote 13-5.**

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: Election Law

BILL NUMBER: SB 129

TITLE: Relative to presenting photo identification to vote in person and relative to the election fund

DATE: April 27, 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.
2011-1606 h

STATEMENT OF INTENT:

This bill requires a voter to present a valid photo I.D. to ~~vote~~ be presented to the ballot clerk prior to voting. There are provisions in the bill to allow a "provisional ballot" to be submitted if the individual does not have the identification with them. The individual would need to present the valid photo I.D. within three days of the election ^{in order} that the provisional ballot be counted. There are also provisions for a voter to obtain the photo I.D. card if he/she does not have a valid Photo I.D.

COMMITTEE VOTE: 13-5

RESPECTFULLY SUBMITTED,

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

Rep. Kathleen M. Hoyle
For the Committee

SB 129 – Majority Report – OTP/A

This bill requires a voter to present a valid photo I.D. to the ballot clerk prior to voting. There are provisions in the bill to allow a “provisional ballot” to be submitted if the individual does not have the identification with them. The individual would need to present the valid photo I.D. within three days of the election in order that the provisional ballot be counted. There are also provisions for a voter to obtain a photo I.D. card free of charge if he/she does not have a valid photo I.D.

Rep. Kathleen Hoelzel for the Committee

David P. Bates

SB 129 – Majority Report – OTP/A

This bill requires a voter to present a valid photo I.D. to the ballot clerk prior to voting. There are provisions in the bill to allow a “provisional ballot” to be submitted if the individual does not have the identification with them. The individual would need to present the valid photo I.D. within three days of the election in order that the provisional ballot be counted. There are also provisions for a voter to obtain ~~the~~^a photo I.D. card if he/she does not have a valid photo I.D. ~~at a cost~~ ^{free of charge}

Rep. Kathleen Hoelzel for the Committee

REGULAR CALENDAR

April 28, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on ELECTION LAW to
which was referred SB129-FN,

AN ACT (New Title) relative to presenting photo
identification to vote in person and relative to the
election fund. Having considered the same, and being
unable to agree with the Majority, report with the
following Resolution: **RESOLVED**, That it is
INEXPEDIENT TO LEGISLATE.

Rep. David M Pierce

FOR THE MINORITY OF THE COMMITTEE

MINORITY COMMITTEE REPORT

Committee: ELECTION LAW
Bill Number: SB129-FN
Title: (New Title) relative to presenting photo
identification to vote in person and relative to
the election fund.
Date: April 28, 2011
Consent Calendar: NO
Recommendation: INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The amendment to this bill passed even though there were substantial questions that were not answered -- or even discussed. And the few answers the committee did get should have compelled a vote to retain the bill. The committee did not discuss whether the bill is constitutional under Part I, Article 11 of the New Hampshire constitution. The committee never even discussed the framework that should be used to analyze its constitutionality. The committee couldn't answer the question about whether the bill would be subject to the constitution's rational basis test or to a strict scrutiny analysis. The list of substantial and genuine questions about the bill goes on and on. Here's what the committee should have done: The bottom line is that the committee should have retained the bill. It should have honored its constitutional duty to pass legislation only once it satisfied itself that the bill is itself constitutional and that all relevant questions were asked, answered and adequately addressed. What the committee passed on to the House falls far below the high standards that the House Election Law Committee usually sets for itself and is not yet worthy of the House's consideration. The right to vote is the most fundamental right we have to keep government in its place. We ought to know what we're doing before we reform it in such a profound and fundamental way.

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

ELECTION LAW

SB129-FN, (New Title) relative to presenting photo identification to vote in person and relative to the election fund. **INEXPEDIENT TO LEGISLATE.**

Rep. David M Pierce for the **Minority** of ELECTION LAW. The amendment to this bill passed even though there were substantial questions that were not answered -- or even discussed. And the few answers the committee did get should have compelled a vote to retain the bill. The committee did not discuss whether the bill is constitutional under Part I, Article 11 of the New Hampshire constitution. The committee never even discussed the framework that should be used to analyze its constitutionality. The committee couldn't answer the question about whether the bill would be subject to the constitution's rational basis test or to a strict scrutiny analysis. The list of substantial and genuine questions about the bill goes on and on. Here's what the committee should have done: The bottom line is that the committee should have retained the bill. It should have honored its constitutional duty to pass legislation only once it satisfied itself that the bill is itself constitutional and that all relevant questions were asked, answered and adequately addressed. What the committee passed on to the House falls far below the high standards that the House Election Law Committee usually sets for itself and is not yet worthy of the House's consideration. The right to vote is the most fundamental right we have to keep government in its place. We ought to know what we're doing before we reform it in such a profound and fundamental way.

Original: House Clerk
Cc: Committee Bill File

MINORITY REPORT

COMMITTEE: Election Law

BILL NUMBER: SB 129

TITLE: _____

DATE: April 27, 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. am 12064

STATEMENT OF INTENT:

see email

COMMITTEE VOTE: 13 - 5

• Copy to Committee Bill File

RESPECTFULLY SUBMITTED,

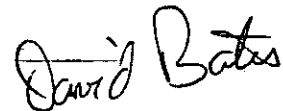
Rep. David Pierce

For the Minority

SB 129 – Minority Report – ITL

The amendment to this bill passed even though there were substantial questions that were not answered -- or even discussed. And the few answers the committee did get should have compelled a vote to retain the bill. The committee did not discuss whether the bill is constitutional under Part I, Article 11 of the New Hampshire constitution. The committee never even discussed the *framework* that should be used to analyze its constitutionality. The committee couldn't answer the question about whether the bill would be subject to the constitution's rational basis test or to a strict scrutiny analysis. The list of substantial and genuine questions about the bill goes on and on. Here's what the committee should have done: The bottom line is that the committee should have retained the bill. It should have honored its constitutional duty to pass legislation only once it satisfied itself that the bill is itself constitutional and that all relevant questions were asked, answered and adequately addressed. What the committee passed on to the House falls far below the high standards that the House Election Law Committee usually sets for itself and is not yet worthy of the House's consideration. The right to vote is the most fundamental right we have to keep government in its place. We ought to know what we're doing before we reform it in such a profound and fundamental way.

Rep. David Pierce for the Committee

A handwritten signature in black ink that reads "David Bates". The signature is written in a cursive style with a large, prominent "B" and a distinct "D".

SB 129 – Minority Report – ITL

The amendment to this bill passed even though there were substantial questions that were not answered -- or even discussed -- before the majority moved to call the question so a vote could be taken. And the few answers the committee did get should have compelled a vote to retain the bill. Here's what the committee did discuss and learn: The Secretary of State testified that the bill's provisional ballot requirement is unworkable because of New Hampshire's uniquely short statutory and constitutional timeframes between the state's primary election and general election and between the general election and the legislative summons. He said it will also profoundly affect the recount process for the worse by inviting protracted battles over the counting of the provisional ballots. More frightening, though, was the Secretary of State's warning that the bill actually opens up the system to new and different types of election fraud instead of combating it. Based on these and other concerns, the Secretary of State -- the state's chief election officer -- said it would be imprudent to pass this legislation. But probably the most disturbing thing that the committee learned was that the provisional ballot is not a secret ballot. The new provisional ballot procedure removes safeguards so that it would be easier to see how an individual voter voted. Here's what the committee did not get to: Before the motion to end debate was made, the committee never got to a whole host of other questions about the bill. The committee did not discuss whether the bill is constitutional under Part I, Article 11 of the New Hampshire constitution. The committee never even discussed the *framework* that should be used to analyze its constitutionality. The committee couldn't answer the question about whether the bill would be subject to the constitution's rational basis test or to a strict scrutiny analysis. The list of substantial and genuine questions about the bill goes on and on. Here's what the committee should have done: The bottom line is that the committee should have retained the bill. It should have honored its constitutional duty to pass legislation only once it satisfied itself that the bill is itself constitutional and that all relevant questions were asked, answered and adequately addressed. What the committee passed on to the House falls far below the high standards that the House Election Law Committee usually sets for itself and is not yet worthy of the House's consideration. The right to vote is the most fundamental right we have to keep government in its place. We ought to know what we're doing before we reform it in such a profound and fundamental way.

Rep. David Pierce for the Committee

Culberson, Kay

From: Pierce, David
Sent: Wednesday, April 27, 2011 8:49 PM
To: Culberson, Kay
Subject: minority ITL report to SB129

The amendment to this bill passed even though there were substantial questions that were not answered -- or even discussed -- before the majority moved to call the question so a vote could be taken. And the few answers the committee did get should have compelled a vote to retain the bill. Here's what the committee did discuss and learn: The Secretary of State testified that the bill's provisional ballot requirement is unworkable because of New Hampshire's uniquely short statutory and constitutional timeframes between the state's primary election and general election and between the general election and the legislative summons. He said it will also profoundly affect the recount process for the worse by inviting protracted battles over the counting of the provisional ballots. More frightening, though, was the Secretary of State's warning that the bill actually opens up the system to new and different types of election fraud instead of combating it. Based on these and other concerns, the Secretary of State -- the state's chief election officer -- said it would be imprudent to pass this legislation. But probably the most disturbing thing that the committee learned was that the provisional ballot is not a secret ballot. The new provisional ballot procedure removes safeguards so that it would be easier to see how an individual voter voted. Here's what the committee did not get to: Before the motion to end debate was made, the committee never got to a whole host of other questions about the bill. The committee did not discuss whether the bill is constitutional under Part I, Article 11 of the New Hampshire constitution. The committee never even discussed the *framework* that should be used to analyze its constitutionality. The committee couldn't answer the question about whether the bill would be subject to the constitution's rational basis test or to a strict scrutiny analysis. The list of substantial and genuine questions about the bill goes on and on. Here's what the committee should have done: The bottom line is that the committee should have retained the bill. It should have honored its constitutional duty to pass legislation only once it satisfied itself that the bill is itself constitutional and that all relevant questions were asked, answered and adequately addressed. What the committee passed on to the House falls far below the high standards that the House Election Law Committee usually sets for itself and is not yet worthy of the House's consideration. The right to vote is the most fundamental right we have to keep government in its place. We ought to know what we're doing before we reform it in such a profound and fundamental way.

REGULAR CALENDAR

May 25, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on FINANCE to which was referred SB129-FN,

AN ACT (New Title) relative to presenting photo identification to vote in person and relative to the election fund. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. Charles E Sova

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee: FINANCE
Bill Number: SB129-FN
Title: (New Title) relative to presenting photo identification
to vote in person and relative to the election fund.
Date: May 25, 2011
Consent Calendar: NO
Recommendation: OUGHT TO PASS

STATEMENT OF INTENT

The fiscal notes for this bill left a great deal to be desired. The data was mostly guesses and the preparers when pressed admitted there was no way to really know what is going to happen. However this bill provides an opportunity to collect data in the 2011 city elections, the 2012 Presidential primary and the 2012 municipal elections that would lead to more accurate fiscal calculations. The question of whether the legislation was legal or not also kept coming up. Due to the November 1, 2012 effective date for using photo ID, in order to receive a ballot or a provisional ballot should you not have an ID on the day of the election, it will provide more than ample time to answer all these fiscal and legal questions. Finally, if the data or legal questions produce unfavorable results for the bill, there will be time next year to fix the legislation or delay its implementation.

Vote 18-8

Rep. Charles E Sova
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

FINANCE

SB129-FN, (New Title) relative to presenting photo identification to vote in person and relative to the election fund. OUGHT TO PASS.

Rep. Charles E Sova for the Majority of FINANCE. The fiscal notes for this bill left a great deal to be desired. The data was mostly guesses and the preparers when pressed admitted there was no way to really know what is going to happen. However this bill provides an opportunity to collect data in the 2011 city elections, the 2012 Presidential primary and the 2012 municipal elections that would lead to more accurate fiscal calculations. The question of whether the legislation was legal or not also kept coming up. Due to the November 1, 2012 effective date for using photo ID, in order to receive a ballot or a provisional ballot should you not have an ID on the day of the election, it will provide more than ample time to answer all these fiscal and legal questions. Finally, if the data or legal questions produce unfavorable results for the bill, there will be time next year to fix the legislation or delay its implementation. Vote 18-8.

Original: House Clerk
Cc: Committee Bill File

Copy

COMMITTEE REPORT

COMMITTEE: Finance

BILL NUMBER: SB 129

TITLE: relative to presenting photo identification to voter in person + relative to election fund

DATE: 5/24/11 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:

See Attached

The fiscal notes for this bill left a great deal to be desired. The data was mostly guesses and the preparers when pressed admitted there was no way to really know what is going to happen. However this bill provides an opportunity to collect data in the 2011 city elections, the 2012 Presidential primary and the 2012 municipal elections that would lead to more accurate fiscal calculations. The question of whether the legislation was legal or not also kept coming up. Due to the November 1, 2012 effective date for using photo ID in order to receive a ballot or a provisional ballot should you not have an ID on the day of the election, ~~it~~ will provide more than ample time to answer all these fiscal and legal questions. Finally if the data or legal questions produce unfavorable results for the bill, there will be time next year to fix the legislation or delay its implementation.

COMMITTEE VOTE: 18/8

- | |
|---|
| <ul style="list-style-type: none"> • Copy to Committee Bill File • Use Another Report for Minority Report |
|---|

RESPECTFULLY SUBMITTED,

Rep. Clayton Sore
For the Committee

REGULAR CALENDAR

May 25, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on FINANCE to which was referred SB129-FN,

AN ACT (New Title) relative to presenting photo identification to vote in person and relative to the election fund. Having considered the same, and being unable to agree with the Majority, report with the following Resolution: RESOLVED, That it is INEXPEDIENT TO LEGISLATE.

Rep. Robert A Foose

FOR THE MINORITY OF THE COMMITTEE

**MINORITY
COMMITTEE REPORT**

Committee: FINANCE
Bill Number: SB129-FN
Title: (New Title) relative to presenting photo identification
to vote in person and relative to the election fund.
Date: May 25, 2011
Consent Calendar: NO
Recommendation: INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The minority cannot support the committee recommendation on SB 129 and asks that a vote of ITL be made. Reacting solely from the perspective of how SB 129 would impact the budget, there will be an additional cost to the Secretary of State's budget. While there also was inconclusive testimony regarding the impact on cities and towns, there was a clear indication that there will be some level of additional costs downshifted from the state. The minority believes that, in a period that demands fiscal restraint, it is not logical to incur additional budgetary pressure. Regarding the transition period before the law is fully implemented, the minority has a real concern that the recent improper behavior by the clerk in New Boston may be repeated across the state with real consequences on voter access unless a serious budgetary investment is made in additional training and voter education.

Rep. Robert A Foose
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

FINANCE

SB129-FN, (New Title) relative to presenting photo identification to vote in person and relative to the election fund. INEXPEDIENT TO LEGISLATE.

Rep. Robert A Foose for the Minority of FINANCE. The minority cannot support the committee recommendation on SB 129 and asks that a vote of ITL be made. Reacting solely from the perspective of how SB 129 would impact the budget, there will be an additional cost to the Secretary of State's budget. While there also was inconclusive testimony regarding the impact on cities and towns, there was a clear indication that there will be some level of additional costs downshifted from the state. The minority believes that, in a period that demands fiscal restraint, it is not logical to incur additional budgetary pressure. Regarding the transition period before the law is fully implemented, the minority has a real concern that the recent improper behavior by the clerk in New Boston may be repeated across the state with real consequences on voter access unless a serious budgetary investment is made in additional training and voter education.

Original: House Clerk

Cc: Committee Bill File

Copy

MINORITY REPORT

COMMITTEE: Finance

BILL NUMBER: SB 129

TITLE: relative to presenting photo identification to vote in person & relative to the election fund

DATE: 5/24/11 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:

The minority cannot support the Committee recommendation on SB 129 and asks that a vote of ITL be made. -

Reacting solely from the perspective of how SB 129 would impact the budget, there will be an additional cost to the Secretary of State's budget. While there also was inconclusive testimony regarding the impact on cities and towns, there was a clear indication that there will be some level of additional costs downshifted from the State. The Minority believes that, in a period that demands fiscal restraint, it is not logical to incur additional budgetary pressure. -

Regarding the transition period before the law is fully implemented, the Minority has a real concern that the recent improper behavior by the Clerk in New Boston may be repeated across the State with real consequences on voter access unless a serious budgetary investment is made in additional training and voter education. -

Randy Foose

COMMITTEE VOTE: 18/8

RESPECTFULLY SUBMITTED,

• Copy to Committee Bill File

Rep. Randy Foose
For the Minority

New Hampshire General Court - Bill Status System

Docket of SB129

Docket Abbreviations

Bill Title: (New Title) relative to presenting photo identification to vote in person and relative to the election fund.

Official Docket of SB129:

Date	Body	Description
2/3/2011	S	Introduced and Referred to Public and Municipal Affairs, SJ 5 , Pg.45
3/1/2011	S	Hearing: 3/8/11, Room 101, LOB, 9:00 a.m.; SC14
3/8/2011	S	Committee Report: Ought to Pass, 3/16/11; SC15
3/16/2011	S	Ought to Pass, RC 18Y-6N , MA; Refer to Finance Rule 4-3; SJ 9 , Pg.139
3/24/2011	S	Committee Report: Ought to Pass with Amendment 1219s, NT, 3/30/11; SC17
3/30/2011	S	Special Order to after lunch, Without Objection, MA; SJ 11 , Pg.195
3/30/2011	S	Committee Report: Ought to Pass with Amendment #2011-1219s , NT, 3/30/11
3/30/2011	S	Committee Amendment 1219s, AA, VV; SJ 11 , Pg.237
3/30/2011	S	Ought to Pass with Amendment 1219s, NT, RC 18Y-6N , MA; OT3rdg; SJ 11 , Pg.237
3/30/2011	S	Passed by Third Reading Resolution; SJ 11 , Pg.239
3/31/2011	H	Introduced and Referred to Election Law; HJ 35 , PG.1241
4/5/2011	H	Public Hearing: 4/12/2011 1:00 PM LOB 308
4/22/2011	H	Subcommittee Work Session: 4/26/2011 10:30 AM LOB 303
4/22/2011	H	Executive Session: 4/27/2011 LOB 308 1:00 PM or 30 Minutes Following End of Session
4/28/2011	H	Majority Committee Report: Ought to Pass with Amendment #1606h for May 4 (Vote 13-5; RC); HC 36A , PG.1284
4/28/2011	H	Proposed Majority Committee Amendment #2011-1606h ; HC 36 , PG.1278-1279
4/28/2011	H	Minority Committee Report: Inexpedient to Legislate; HC 36A , PG.1284
5/4/2011	H	Amendment #1606h Failed, VV; HJ 42 , PG.1459-1461
5/4/2011	H	Floor Amendment #2011-1712h (Rep Bates) Adopted, RC 256-104 ; HJ 42 , PG.1461-1466
5/4/2011	H	Floor Amendment #2011-1733h (NT) (Rep Pierce) Failed, RC 94-262 ; HJ 42 , PG.1466-1468
5/4/2011	H	Floor Amendment #2011-1736h (NT) (Rep Pierce) Failed, RC 95-259 ; HJ 42 , PG.1468-1471
5/4/2011	H	Floor Amendment #2011-1739h (Rep Pierce) Failed, RC 97-251 ; HJ 42 , PG.1471-1474
5/4/2011	H	Ought to Pass with Amendment #1712h: MA RC 243-111 ; HJ 42 , PG.1474-1476
5/4/2011	H	Referred to Finance; HJ 42 , PG.1476
5/5/2011	H	Public Hearing: 5/10/2011 1:00 PM LOB 210-211
5/11/2011	H	Full Committee Work Session: 5/17/2011 1:00 PM LOB 210-211

5/17/2011	H	Executive Session: 5/24/2011 10:00 AM LOB 210-211
5/25/2011	H	Majority Committee Report: Ought to Pass for June 1 (Vote 18-8; RC); HC 43 , PG.1499
5/25/2011	H	Minority Committee Report: Inexpedient to Legislate; HC 43 , PG.1499
6/1/2011	H	Floor Amendment # 2011-2209h (NT) (Rep Pierce) Failed, DIV 138-228; HJ 48 , PG.1642-1644
6/1/2011	H	Ought to Pass: MA RC 259-116 ; HJ 48 , PG.1642-1646
6/8/2011	S	Sen. Barnes Concurs with House Amendment #1712h, RC 14Y-9N , MA; SJ 20 , Pg.551
6/8/2011	H	Enrolled; HJ 51 , PG.1726
6/8/2011	S	Enrolled
6/27/2011	S	Vetoed by Governor 06/27/2011
9/7/2011	S	Notwithstanding the Governor's Veto, Shall SB 129 Become Law: RC 7Y-17N , Veto Sustained, lacking the necessary two-thirds vote; SJ 22 , Pg.740

 NH House

 NH Senate
