

Bill as Introduced

HB 487-FN - AS INTRODUCED

2011 SESSION

11-0647
03/09

HOUSE BILL

487-FN

AN ACT

relative to election day registrants.

SPONSORS:

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

COMMITTEE:

Election Law

ANALYSIS

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

.....

Explanation:

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

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

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT relative to election day registrants.

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

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

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

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

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

HB 487-FN - AS INTRODUCED

- Page 2 -

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

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

LBAO
11-0647
01/19/11

HB 487-FN - FISCAL NOTE

AN ACT relative to election day registrants.

FISCAL IMPACT:

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

CHAPTER 192
HB 487-FN - FINAL VERSION

05/11/11 1747s

2011 SESSION

11-0647
03/09

HOUSE BILL *487-FN*

AN ACT relative to election day registrants.

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

COMMITTEE: Election Law

ANALYSIS

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

Explanation: Matter added to current law appears in *bold italics*.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 192
HB 487-FN - FINAL VERSION

05/11/11 1747s

11-0647
03/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT relative to election day registrants.

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

1 192:1 Identity Verification. Amend RSA 654:12, V to read as follows:

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

18 (b) The secretary of state shall cause a letter of identity verification to be mailed by first
19 class mail to each voter identified at a state general election as a first-time election day registrant in
20 New Hampshire who also did not verify his or her identity with an approved photo identification.
21 The letter shall be mailed within 90 days after the general election. The secretary of state shall
22 mark the envelope with instructions to the United States Post Office not to forward the letter and to
23 provide address correction information. The letter shall notify the person that a person who was
24 unable to present photo identification registered or registered and voted using his or her name and
25 address and instruct the person **to return the letter within 45 days with a written**
26 **confirmation that the person registered and voted or** to contact the attorney general
27 immediately if he or she did not register and vote. **Any voter under a protective order pursuant**
28 **to RSA 173-B, and whose name does not appear on the checklist as provided under**
29 **RSA 654:25, shall not be subject to the provisions of paragraph V.**

30 (c) The secretary of state shall cause any letters mailed pursuant to subparagraph (b)

CHAPTER 192
HB 487-FN - FINAL VERSION
- Page 2 -

1 that are returned as undeliverable by the United States Post Office to be referred to the attorney
2 general. *The secretary of state shall also prepare and forward to the attorney general a list*
3 *of all persons who were mailed letters under subparagraph (b) and have not confirmed*
4 *their registration.* Upon receipt of notice from a person who receives a letter of identity
5 verification that the person did not register and vote, or upon receipt of a referral from the secretary
6 of state, the attorney general shall cause an investigation to be made to determine whether
7 fraudulent registration or voting occurred.

8 192:2 Effective Date. This act shall take effect January 1, 2012.

9

10 Approved: June 14, 2011

11 Effective Date: January 1, 2012

Amendments

Sen. Barnes, Dist. 17
April 29, 2011
2011-1682s
03/05

Amendment to HB 487-FN

1 Amend RSA 654:12, V(b) as inserted by section 1 of the bill by replacing it with the following:

2

3 (b) The secretary of state shall cause a letter of identity verification to be mailed by first
4 class mail to each voter identified at a state general election as a first-time election day registrant in
5 New Hampshire who also did not verify his or her identity with an approved photo identification.
6 The letter shall be mailed within 90 days after the general election. The secretary of state shall
7 mark the envelope with instructions to the United States Post Office not to forward the letter and to
8 provide address correction information. The letter shall notify the person that a person who was
9 unable to present photo identification registered or registered and voted using his or her name and
10 address and instruct the person *to return the letter within 45 days with a written*
11 *confirmation that the person registered and voted or* to contact the attorney general
12 immediately if he or she did not register and vote. ~~The letter sent to the voter shall contain~~ - STRIKE!
13 ~~return mail materials, including prepaid postage.~~ Any voter under a protective order
14 pursuant to RSA 173-B, and whose name does not appear on the checklist as provided
15 under RSA 654:25, shall not be subject to the provisions of paragraph V.

Sen. Boutin, Dist. 16
May 2, 2011
2011-1698s
03/05

Amendment to HB 487-FN

1 Amend RSA 654:12, V(b) as inserted by section 1 of the bill by replacing it with the following:

2

3 (b) The secretary of state shall cause a letter of identity verification to be mailed by first
4 class mail to each voter identified at a state general election as a first-time election day registrant in
5 New Hampshire who also did not verify his or her identity with an approved photo identification.
6 The letter shall be mailed within 90 days after the general election. The secretary of state shall
7 mark the envelope with instructions to the United States Post Office not to forward the letter and to
8 provide address correction information. The letter shall notify the person that a person who was
9 unable to present photo identification registered or registered and voted using his or her name and
10 address and instruct the person *to return the letter within 45 days with a written*
11 *confirmation that the person registered and voted or* to contact the attorney general
12 immediately if he or she did not register and vote.



Amendment to HB 487-FN

1 Amend RSA 654:12, V(b) as inserted by section 1 of the bill by replacing it with the following:

2

3 (b) The secretary of state shall cause a letter of identity verification to be mailed by first
4 class mail to each voter identified at a state general election as a first-time election day registrant in
5 New Hampshire who also did not verify his or her identity with an approved photo identification.
6 The letter shall be mailed within 90 days after the general election. The secretary of state shall
7 mark the envelope with instructions to the United States Post Office not to forward the letter and to
8 provide address correction information. The letter shall notify the person that a person who was
9 unable to present photo identification registered or registered and voted using his or her name and
10 address and instruct the person *to return the letter within 45 days with a written*
11 *confirmation that the person registered and voted* or to contact the attorney general
12 immediately if he or she did not register and vote. *Any voter under a protective order pursuant*
13 *to RSA 173-B, and whose name does not appear on the checklist as provided under*
14 *RSA 654:25, shall not be subject to the provisions of paragraph V.*

Committee Minutes

**SENATE CALENDAR NOTICE
PUBLIC AND MUNICIPAL AFFAIRS**

ATTENDANCE

- ✓ Senator John Barnes, Jr. Chairman
- ✓ Senator Jeanie Forrester V Chairman
- ✓ Senator David Boutin
- ✓ Senator Amanda Merrill
- ✓ Senator Nancy Stiles

START: 9:32 AM
STOP: 9:55 AM
(23)

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

Date: April 20, 2011

HEARINGS

Tuesday

4/26/2011

PUBLIC AND MUNICIPAL AFFAIRS

LOB 101

9:00 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

- | | | |
|----------|----------|--|
| 9:00 AM | HB257 | relative to removal of political advertising. |
| 9:10 AM | HB487-FN | relative to election day registrants. |
| 9:30 AM | HB258 | eliminating certain unenforced election laws. |
| 9:45 AM | HB358 | relative to the maintenance, repair, and preservation of burial grounds. |
| 10:00 AM | HB411 | relative to distributing campaign materials at the polling place. |
| 10:20 AM | HB466-FN | eliminating the ballot law commission. |

Sponsors:

HB257

Rep. David Bates

HB487-FN

Rep. Shawn Jasper

Rep. Susan DeLemus

Rep. Richard Drisko

Sen. David Boutin

HB258

Rep. David Bates

HB358

Rep. David Watters

Rep. James Sullivan

Sen. Bob Odell

Sen. Amanda Merrill

Rep. Christine Hamm

Rep. Dorothea Hooper

Rep. Daniel Carr

HB411

Rep. John Hikel

HB466-FN

Rep. Steve Vaillancourt

Debra Martone 271-3092

Sen. John Barnes, Jr.

Chairman

Public and Municipal Affairs Committee

Hearing Report

TO: Members of the Senate

FROM: Deb Martone, Legislative Aide

RE: Hearing report on HB 487-FN – relative to election day registrants.

HEARING DATE: April 26, 2011

MEMBERS OF THE COMMITTEE PRESENT: Senators Barnes, Forrester, Merrill, Boutin and Stiles.

MEMBERS OF THE COMMITTEE ABSENT: No one.

Sponsor(s): Representatives Jasper, DeLemus and Drisko; Senator Boutin.

What the bill does: requires election day registrants who do not verify their identity to return a mailed identity verification.

Who supports the bill: Representatives Jasper, DeLemus, Drisko, Lambert, Belanger and Bates; Senator Boutin; Deputy Secretary of State David Scanlan;

Who opposes the bill: Representative Horrigan; Melissa Bernardin, American Votes; Caitlin Rollo, Granite State Progress; Claire Ebel, NH Civil Liberties Union.

Summary of testimony received:

• Senator Barnes opened the hearing at 9:32 am and introduced the prime sponsor, Representative Jasper.

• There is an existing belief that there is no voter fraud in New Hampshire. Representative Jasper stated, however, “this is a loophole which you could drive a truck through.” If you sign an affidavit that states you live at a certain address, the Secretary of State will mail to that address a letter asking confirmation that you lived at that address on Election Day and registered to vote. Currently, it is incumbent upon the receiver of such letter

to notify the Secretary of State's Office if that registered voter did not, in fact, live at the address on the date of the election. If no reply is received by the Secretary of State, it is assumed the address was correct for the voter in question. This bill would require an individual at the address verify with the Secretary of State that the voter was indeed living at that address at the date of the election.

- If the question of address involves a college student, the Secretary of State will contact housing at the school to verify the student resided at that address on the date of the election.

- In the case of a transient or a homeless individual, the Secretary of State will contact the facility to verify the individual was there on the date of the election.

- A letter of verification is currently being sent. The investigation, per se, is merely verification when the letter is not returned. This is the process for individuals who lacked proof of residency when they registered to vote.

- Representative Merrill asked if the language of this bill is the exact same language as last year's bill. Representative Jasper stated it was.

- Deputy Secretary of State David Scanlan urged support of the bill. It is a logical extension of what is being done at the present time. After a general election, mailings have been sent to voters who failed to produce a photo identification when registering for the first time. The number of mailings sent over the last three elections has decreased with each election. It is not a burdensome effort for the Secretary of State's Office. It provides useful information. The Attorney General's Office has had to follow through on only a handful of mailings; none of which resulted in voters registered to vote improperly.

- Senator Stiles inquired as to the number of mailings where no response was received. Deputy Scanlan indicated no more than ten in each election.

- A return mailing will be included with the initial mailing for the voter to sign and send back. It is a bit more proactive on the voter's part.

- Claire Ebel, Executive Director of the NH Civil Liberties Union, spoke in opposition. The bill needs amendments. There is already a process in place where a letter is sent out. The letter is marked "Do Not Forward". If the individual has moved, that letter doesn't follow the individual. It is sent back to the Secretary of State's Office. The process currently in place is a good one.

- The 30-day limit is a problem as well, especially for college students.

- A self-addressed, stamped envelope should be included in the mailing.

- Many homeless people don't list a shelter as their address. They may be living under a bridge, or in a box behind a shopping center. They don't receive mail. If by chance they listed the shelter and received the mailing, often they cannot afford postage to return it.

- This bill disadvantages certain populations. Ms. Ebel urged the committee to either amend the bill or retain it to study the questions that are being raised.

- Senator Stiles addressed Ms. Ebel's exception to the 30 days, and asked if she wanted more or less time, or none at all. Ms. Ebel suggested 90 days.

- Senator Forrester asked for confirmation concerning testimony by the prime sponsor regarding college students living in a managed setting, such as a school dorm, whereby the manager of such setting could respond to the mailing from the Secretary of State verifying the student's address at the time of the election. Ms. Ebel replied she understood Representative Jasper indicated if the person had moved, the manager could state, "Yes, on this day, John Smith was here." But that would not occur in the case of an individual who would be returning to that address; it would be for an individual that moved. A manager cannot open the mail for someone who is returning; most times that individual's mail actually remains at the post office.

- Melissa Bernardin, representing America Votes, opposed the bill. They believe the bill puts up hurdles for qualified voters, and creates an unnecessary bureaucracy in our election system. The procedures currently on the books to verify voter eligibility sufficiently protect the integrity of elections in our state. With the possibility of an intimidation factor, a voter may chose not to vote at all.

- This bill would add to the workload of the Department of Justice without providing funding to comply with the new requirements. Ms. Bernardin urged the committee to ITL the bill.

- Caitlin Rollo, Political Director for Granite State Progress, expressed opposition to the bill. This legislation intends to solve a perceived problem, rather than a real one. Both the Department of Justice and the Department of State have a current process in place to verify the qualifications of first time Election Day registrants in New Hampshire, who do not provide verification of identity. The bill would create barriers to voting for populations such as women on their own, low-income, homeless and others less likely to maintain the same domicile for months at a time.

◦Senator Barnes closed the hearing at 9:55 am.

Future Action: Claire Ebel is developing an amendment for the committee to review. Action on the bill has been postponed pending receipt of the amendment.

dam

[file: HB 487-FN report]

Date: April 28, 2011

Speakers

Testimony

AMERICA VOTES

April 26, 2011

SENATE PUBLIC & MUNICIPAL AFFAIRS COMMITTEE

Re: **House Bill 487-FN**, relative to election day registrants

Dear Chairman Barnes 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 to urge your opposition to HB 487.

New Hampshire's election procedures are highly regarded and are a model for integrity of the system and citizen participation nationwide. Yet year after year allegations of voter fraud have unfortunately resulted in proposals coming forth that would put up hurdles for qualified voters and would create unnecessary bureaucracy in our election system.

Our first point of opposition to HB487 is that we believe the procedures currently on the books to verify voter eligibility sufficiently protect the integrity of elections in our state.

Currently there is a verification process in place for first-time election day registrants in New Hampshire who are unable to furnish approved identification at the time of registration. See RSA 654:12 Determining Qualifications of Applicant V. (b) and (c) -- the Department of State sends mail to the registrant with instructions to the US Postal Service to not forward and follows up on mail that is returned as undeliverable.

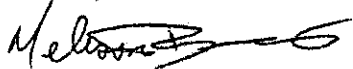
Second, we believe that this bill would discriminate against populations that already face significant barriers to voting, including transient populations, the homeless, low income individuals, and women on their own.

For an election day registrant who already has had to sign and swear that she is telling the truth, HB 487 would add the requirement that she must return a letter that she will receive up to almost three months later, or face the prospect of investigation by a state law enforcement agency if she, for whatever reason, is not able to return the letter. This procedure could be so intimidating that she might decide against voting at all.

Third, this bill would add to the workload of the Department of Justice and require it to absorb the cost to investigate voters who did not respond to mail in accordance with the requirements of HB 487. We are concerned about the mandate this bill places on the Department without providing funding to comply with the new requirements.

We urge the Senate Public & Municipal Affairs Committee to vote ITL on HB 487.

Sincerely,



Melissa Bernardin, America Votes



Testimony on HB 487, Relative to Election Day Registrants

My name is Caitlin Rollo and I am the Political Director of Granite State Progress, a multi-issue advocacy organization working on issues of immediate state and local concern.

We are opposed to HB 487.

We are concerned that this legislation intends to solve a perceived problem rather than a real one. Our state has a reputation for the integrity of our elections and high levels of civic participation. Yet, year after year rumors circulate in our state about voter fraud. The reality is that the Secretary of State has stated time and again that in rare instances where vote fraud has been suspected, these cases have been investigated and prosecuted.

The Department of Justice and Department of State already have a process in place to verify the qualifications of first-time election day registrants in New Hampshire who also do not provide verification of identity. See RSA 654:12 Determining Qualifications of Applicant V. (b) and (c). This process adequately preserves the integrity of elections of NH. We do not need additional procedures put in place.

We are also concerned about the potential impact of the bill in that it goes too far by requiring an individual to return a verification mailing that the Secretary of State has up to 90 days after an election to mail out. This bill would create barriers to voting for populations such as women on their own, low income, homeless, and/or other individuals who are less likely to maintain the same domicile for months at a time.

We believe that this bill would discriminate against populations that already face significant barriers to voting. Therefore we oppose HB 487 and urge the Senate Public & Municipal Affairs Committee to vote against it.

Sincerely,

A handwritten signature in cursive script that reads "Caitlin Rollo".

Caitlin Rollo
Political Director
Granite State Progress
Phone: 603.225.2471

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: May 3, 2011

THE COMMITTEE ON Public and Municipal Affairs
to which was referred House Bill 487-FN

AN ACT relative to election day registrants.

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

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 4-1

AMENDMENT # 1747s

Senator Nancy Stiles
For the Committee

Debra Martone 271-3092

New Hampshire General Court - Bill Status System

Docket of HB487

Docket Abbreviations

Bill Title: relative to election day registrants.*Official Docket of HB487:*

Date	Body	Description
1/21/2011	H	Introduced 1/6/2011 and Referred to Election Law; HJ 11 , PG. 188
2/8/2011	H	Public Hearing: 2/22/2011 1:00 PM LOB 308
3/2/2011	H	Executive Session: 3/9/2011 10:30 AM LOB 308
3/10/2011	H	Committee Report: Ought to Pass for Mar 15 (Vote 16-0; CC); HC 22 , PG.529
3/15/2011	H	Ought to Pass: MA VV; HJ 26 , PG.708
3/30/2011	S	Introduced and Referred to Public and Municipal Affairs; SJ 12 , Pg.244
4/20/2011	S	Hearing: 4/26/11, Room 101, LOB, 9:10 a.m.; SC21
5/5/2011	S	Committee Report: Ought to Pass with Amendment #2011-1747s , 5/11/11; SC23
5/11/2011	S	Committee Amendment 1747s, AA, VV; SJ 16
5/11/2011	S	Ought to Pass with Amendment 1747s, RC 18Y-6N , MA; OT3rdg
5/11/2011	S	Passed by Third Reading Resolution; SJ 16
5/25/2011	H	House Concurs with Senate AM #1747s (Rep Bates): MA VV; HJ 46 , PG.1582
6/8/2011	S	Enrolled
6/8/2011	H	Enrolled; HJ 51 , PG.1724
6/15/2011	H	Signed By Governor 06/14/2011; Effective 01/01/2012; Chapter 0192

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

HB 487-FN ORIGINAL REFERRAL _____ RE-REFERRAL

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

- X DOCKET (Submit only the latest docket found in Bill Status)
- X COMMITTEE REPORT
- X CALENDAR NOTICE
- X HEARING REPORT
- X PREPARED TESTIMONY AND OTHER SUBMISSIONS HANDED IN AT THE PUBLIC HEARING

X SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

X - AMENDMENT # 2011-16823 X - AMENDMENT # 2011-1747s
X - AMENDMENT # 2011-16985 _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

X AS INTRODUCED _____ AS AMENDED BY THE HOUSE
X FINAL VERSION _____ AS AMENDED BY THE SENATE

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

DATE DELIVERED TO SENATE CLERK

08/02/11

BY:

Debra A. Mantone
COMMITTEE AIDE