

Bill as Introduced

SB 129-FN - AS INTRODUCED

2011 SESSION

11-0420
03/04

SENATE BILL ***129-FN***

AN ACT requiring valid photo identification to vote in person.

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

COMMITTEE: Public and Municipal Affairs

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 eliminates the fee for nondriver's picture identification cards.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT requiring valid photo identification to vote in person.

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 to the city or town clerk within 10*
14 *days of the election.* The voter, if still qualified to vote in the town or ward *and having*
15 *presented a valid photo identification verifying the voter's identity*, and unless challenged as
16 provided for in RSA ~~[659:27-33]~~ *659:27 through 659:33*, shall then be allowed to enter the space
17 enclosed by the guardrail. After the voter enters the enclosed space, the ballot clerk shall give the
18 voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt
19 from the secretary of state.

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

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

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

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

28 (d) *The identification was issued by the United States, the state of*
29 *New Hampshire, or an educational institution licensed or approved by the postsecondary*
30 *education commission.*

1 2 New Section; Provisional Ballot. Amend RSA 659 by inserting after section 13-a the following
2 new section:

3 659:13-b Provisional Ballot.

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

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

14 III. Within 10 days of the election, a voter who has cast a provisional ballot may appear in
15 person before the city or town clerk and present a valid photo identification meeting the
16 requirements of RSA 659:13, II. Upon satisfaction of the identity of the voter, the clerk shall mark
17 the checklist and provisional ballot envelope to that effect. At the expiration of 10 days from the
18 date of the election, the clerk shall forward all provisional ballots for which verification of identity
19 has been provided to the moderator.

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

24 3 Repeal. The following are repealed:

25 I. RSA 260:21, V, relative to fee for nondriver's picture identification card.

26 II. RSA 260:22, relative to disposition of fees.

27 4 Effective Date. This act shall take effect July 1, 2011.

LBAO
11-0420
02/02/11

SB 129-FN - FISCAL NOTE

AN ACT requiring valid photo identification to vote in person.

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 Senate Clerk's Office.

SB 129 FISCAL NOTE

AN ACT requiring valid photo identification to vote in person.

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.

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:

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SB 129-FN - AS AMENDED BY THE SENATE

- Page 4

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SB 129-FN - FINAL VERSION

03/30/11 1219s
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 nondriver's picture identification card upon presentation of a voucher to the division of motor vehicles.

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Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struck through.]~~
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STATE OF NEW HAMPSHIRE

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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.

SB 129-FN - 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.

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 : 9:07 AM
STOP : 9:45 AM

For Use by Senate Clerk's Office ONLY

Bill Status

Docket

Calendar

Proof: Calendar Bill Status

Date: March 1, 2011

HEARINGS

Tuesday

3/8/2011

PUBLIC AND MUNICIPAL AFFAIRS

LOB 101

9:00 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

- 9:00 AM SB129-FN requiring valid photo identification to vote in person.
- 9:30 AM SB193 relative to nomination of political organizations.

Sponsors:

SB129-FN

Sen. Sharon Carson

Sen. John Barnes, Jr.

Rep. Pamela Tucker

SB193

Sen. Nancy Stiles

Sen. John Barnes, Jr.

Rep. William Smith

Rep. Brian Murphy

Rep. Timothy Comerford

Public and Municipal Affairs Committee

Hearing Report

TO: Members of the Senate

FROM: Deb Martone, Legislative Aide

RE: Hearing report on SB 129-FN – requiring valid photo identification to vote in person.

HEARING DATE: March 8, 2011

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

MEMBERS OF THE COMMITTEE ABSENT: No one.

Sponsor(s): Senators Carson and Barnes; Representative Tucker.

What the bill does: 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 eliminates the fee for nondriver's picture identification cards.

Who supports the bill: Senators Carson and Barnes; Representative Tucker.

Who opposes the bill: Doug McNutt, AARP; Joan Ashwell, League of Women Voters of NH; Melissa Bernardin and Josette White, America Votes; Jan Schaffer, AFL-CIO; Michael Skibbie, Disabilities Rights Center; Jeff Dickinson, Granite State Independent Living.

Summary of testimony received:

- Senator Barnes opened the hearing at 9:07 am and introduced Senator Carson, prime sponsor of the bill.

- Senator Carson explained the bill has a fairly long history in the Legislature. There have been a number of attempts made to pass a bill requiring identification for people to vote in New Hampshire. SB 129-FN is a copy of a 2006 bill that passed, but was vetoed by the Governor at that time. It is a good point at which to start the discussion.

- There have been a growing number of issues arising with identity fraud in this country. Requiring photo identification would put an end to that.
- Many voters go to the polls expecting to display some sort of identification. Many are surprised that it's not required. There are concerns by voters with protecting the integrity of our elections and voting process.
- Senator Carson provided the Committee with a document from the National Conference of State Legislatures which outlines voter identification requirements by state. Senator Boutin inquired if it is probable that most states will eventually have such a requirement. Senator Carson replied yes, and that every year more states are considering it.
- The issue states are grappling with is what to require for individual forms of identification.
- Joan Ashwell of the League of Women Voters opposes the bill. It would disenfranchise many people. It creates obstacles for voting without a good reason to do so. There's only one kind of election fraud this bill could prevent and that is impersonating another individual. The chances of someone committing election fraud by impersonation in the US are almost zero.
- A US Department of Justice study found a total of 18 voters guilty of some sort of election fraud in elections between 2002 and 2005. In most cases it was an individual who had served time in prison and was unable to vote; they then inadvertently voted.
- The Secretary of State and Attorney General have been diligent in following up on any allegation of election fraud. It is easy to lodge such a complaint in the state of New Hampshire.
- There are many allegations of election fraud, but there is simply no evidence to back up the claims.
- There are problems with the list of identification forms in the bill; it's too restrictive. Very few states are as severe as what is being proposed. For example, college identification in this state does not have an expiration date, although this bill would require such. Also, there's no provision in the bill for people who don't drive here, but have a current driver's license from another state.
- Most of the people without driver's licenses or non-driver photo identification are elderly, disabled or poor. And they're often members of minority groups.

- The bill includes payment for the cost of non-driver photo identification, but doesn't provide for the costs of documents required to obtain same.

- There may be additional costs that have not been associated with the bill, such as training election workers and educating voters on this new requirement.

- Senator Stiles inquired of Ms. Ashwell if she had ever worked in any state that required photo identification. Ms. Ashwell replied that she hadn't, and that it is rare for such a state to require identification.

- Melissa Bernardin of America Votes is also opposed to the bill. There may be unintended effects and barriers associated with this bill. As currently written, there is no provision for those individuals without one of the accepted forms of ID to prove their identity by other means. Is it wise to propose a costly new government program during these financial times? Does SB 129-FN solve a real problem without creating greater problems?

- Senator Barnes assured all those present during the hearing that the bill would be going to the Senate Finance Committee for greater scrutiny.

- Michael Skibbie of the Disabilities Rights Center also opposed the bill. He asked the Committee to focus their attention on the disproportionate impact this legislation is likely to have on people with disabilities in the state. Approximately 7,000 people will have particular difficulties in gaining the kind of identification required by the legislation. These difficulties are often aggravated by the rate of poverty among people with disabilities. People with disabilities already have a reduced ability to participate in the activities of society. It's unwise to make it more difficult for them to participate in our democracy.

- Jeff Dickinson of Granite State Independent Living spoke in opposition. This bill will have a chilling effect on folks with disabilities going out to vote. New Hampshire has done much during the last 10-15 years to make polling places more accessible. This would be taking a step back from that progress. Personally, this bill is offensive because it forces you to prove who you say you are. Folks in New Hampshire are proud of the fact that we're not like other states that require identification. There does not seem to be a problem with voter fraud.

- Senator Barnes closed the hearing at 9:45 am.

Action: Senator Stiles made a motion of Ought to Pass on the bill. Senator Boutin seconded the motion. The vote was 4-1 in favor. Senator Barnes will report the bill out of committee.

dam

[file: SB 129-FN report]

Date: March 8, 2011

Speakers

Testimony

Voter Identification Requirements



Updated Nov. 22, 2010

First-Time Voters

The federal Help America Vote Act mandates that all states require identification from first-time voters who registered to vote by mail and did not provide verification of their identification with their mail-in voter registration.

Blanket Voter ID

Twenty-seven states have broader voter identification requirements than what HAVA mandates (note, however that the newly passed requirement in Oklahoma does not take effect until July 1, 2011). In these states, all voters are asked to show identification prior to voting. Eight* of these states specify that voters must show a photo ID; the other nineteen states accept additional forms of identification that do not necessarily include a photo (Table 1). In no state is a voter who cannot produce identification turned away from the polls—all states have some sort of recourse for voters without identification to cast a vote. However, in Georgia and Indiana, voters without ID vote a provisional ballot, and must return to election officials within a few days and show a photo ID in order for their ballots to be counted. For specifics on what forms of identification are acceptable and the options available to voters who cannot present identification, see Table 2.

Comments

- [State Requirements for Voter ID](#)
- [Recent Legislative Action](#)
- [Recent Litigation](#)
- [Details of Voter ID Requirements](#)
- [For More Information](#)

State Requirements for Voter ID

Table 1: State Requirements for Voter Identification

States that Request or Require Photo ID	States that Require ID (Photo not Required)	
Florida Georgia Hawaii Idaho Indiana Louisiana Michigan South Dakota	Alabama Alaska Arizona Arkansas Colorado Connecticut Delaware Kentucky Missouri Montana	North Dakota Ohio Oklahoma* South Carolina Tennessee Texas Utah Virginia Washington

* The Oklahoma law takes effect July 1, 2011. There are some who prefer to call Oklahoma a photo voter ID state, because most voters will show a photo ID before voting. However, Oklahoma law also permits a voter registration card issued by the appropriate county elections board to serve as proof of identity in lieu of photo ID.

Recent Legislative Action

Voter ID has been a hot topic in state legislatures over the past decade. Since 2001, more than 700 bills have been introduced in a total of 46 states. A dozen states have passed major legislation during this period, and those bills are summarized in the timeline below.

- 2003: New voter ID laws were passed in Alabama, Colorado, Montana, North Dakota and South Dakota
- 2005: New voter ID laws were passed in Indiana, New Mexico and Washington; Georgia tightened an existing voter ID law to require photo ID
- 2006: New voter ID law passed in Ohio; Georgia passed a law providing for the issuance of voter ID cards at no cost to registered voters who do not have a driver's license or state-issued ID card; Missouri tightened an existing

voter ID law to require photo ID

- ↳ 2008: New Mexico relaxed an existing voter ID law, and now allows a voter to satisfy the ID requirement by stating his/her name, address as registered, and year of birth
- ↳ 2009: New voter ID law passed in Utah
- ↳ 2010: New voter ID law passed in Idaho; Oklahoma voters approved a voter ID proposal placed on the ballot by the Legislature

Recent Litigation

Arizona: On October 20, 2006, the U.S. Supreme Court vacated an October 6, 2006 9th Circuit Court of Appeals decision that suspended Arizona's requirements pending further litigation. The ID law was in effect for Arizona's 2006 election, and remained in effect in 2008.

Georgia: On October 27, 2006, the 11th U.S. Circuit Court of Appeals upheld an injunction barring Georgia from enforcing its photo ID law. The injunction was issued a week earlier by a U.S. District Court judge. Georgia's voter ID requirement was reinstated by a federal judge in mid-2007.

Indiana: Photo ID law was upheld by 7th Circuit U.S. Court of Appeals on January 4, 2007. The U.S. Supreme Court upheld the ruling on appeal in April 2008.

Michigan: The Michigan Supreme Court ruled July 18, 2007 that a voter ID law originally passed in 1996 (but never implemented due to a ruling by the state's Attorney General) is constitutional and enforceable.

Missouri: On October 16, 2006, the Missouri State Supreme Court struck down the state's photo ID requirement. ID is still required to vote, but the list of acceptable forms of ID is much broader and includes some forms without a photo.

Ohio: On November 1, 2006, the secretary of state issued an order suspending the requirement that voters present photo ID at the polls for the November 2006 election. The order did not apply to future elections, and voter ID requirements were in effect for 2008.

Details of Voter Identification Requirements

Table 2: Details of Voter Identification Requirements

State	Requirement	Acceptable Forms of ID	Voters Without ID
Alabama §17-11A-1	Each elector shall provide identification to an appropriate election official prior to voting.	<ul style="list-style-type: none"> ↳ Government-issued photo ID ↳ Employee ID card with photo ↳ Alabama college/university ID with photo ↳ Utility bill, bank statement, government check or paycheck ↳ ID card issued by any state or the U.S. government ↳ U.S. passport ↳ Alabama hunting license ↳ Alabama fishing license ↳ Alabama gun permit ↳ FAA-issued pilot's license ↳ U.S. military ID ↳ Birth certificate (certified copy) ↳ Social security card ↳ Naturalization document ↳ Court record of adoption ↳ Court record of name change ↳ Medicaid or Medicare card ↳ Electronic benefits transfer card ↳ Government documents showing name and 	Vote a challenged or provisional ballot or vote, if s/he is identified by two poll workers as an eligible voter on the poll list, and both poll workers sign the voting sign-in register by the voter's name.

		address of voter	
Alaska §15.15.225	Before being allowed to vote, each voter shall exhibit to an election official one form of identification.	<ul style="list-style-type: none"> › Official voter registration card › Driver's license › Birth certificate › Passport › Hunting or fishing license › Current utility bill, bank statement, paycheck, government check or other government document with the voter's name and address 	An election official may waive the identification requirement if the election official knows the identity of the voter. A voter who cannot exhibit a required form of identification shall be allowed to vote a questioned ballot.
Arizona §16-579A	Every qualified elector shall present one form of identification that bears the name, address and photograph of the elector or two different forms of identification that bear the name and address of the elector.	<ul style="list-style-type: none"> › Valid Arizona driver's license › Valid Arizona non-driver identification › Tribal enrollment card or other form of tribal identification › Valid U.S. federal, state or local government issued identification › Utility bill dated within 90 days of the election › Bank or credit union statement dated within 90 days of the election › Valid Arizona vehicle registration › Indian census card › Property tax statement › Vehicle insurance card › Recorder's Certificate 	An elector who does not provide the required identification shall receive a provisional ballot. Provisional ballots are counted only if the elector provides identification to the county recorder by 5pm on the fifth business day after a general election for federal office, or by 5pm on the third business day after any other election.
Arkansas §7-5-305(a)(8)	Election officials shall request the voter to provide identification	<ul style="list-style-type: none"> › Driver's license › Government-issued photo ID › Voter card › Social security card › Birth certificate › U.S. passport › Employee ID card › Student ID card › Arkansas hunting license › U.S. military ID card › Copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter 	If a voter is unable to provide this identification, the election official shall indicate on the precinct voter registration list that the voter did not provide identification.
Colorado §1-1-104(19.5) and 1-7-110	Any eligible elector desiring to vote shall show his or her identification as defined in	<ul style="list-style-type: none"> › Colorado driver's license › CO Dept. of Revenue ID card 	An eligible elector who is unable to produce identification may cast a

	<p>section 1-1-104 (19.5).</p>	<ul style="list-style-type: none"> › U.S. passport › Employee ID card with photo issued by the U.S. government, CO state government, or political subdivision of CO › Pilot's license › U.S. military ID with photo › A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector › Medicare or Medicaid card › Certified copy of birth certificate › Certified documentation of naturalization 	<p>provisional ballot.</p> <p>Elector must mail a photocopy of identification to county clerk in order to have provisional ballot counted. <i>(this paragraph added following a Feb. 2006 conversation with an election official; NCSL staff unable to verify this in CO statutes or rules)</i></p>
<p>Connecticut §9-261</p>	<p>Each elector shall present identification</p>	<ul style="list-style-type: none"> › Social Security card › Other preprinted form of identification which shows the elector's name and either the elector's address, signature or photograph 	<p>Elector shall, on a form prescribed by the Secretary of the State, write the elector's residential address and date of birth, print the elector's name and sign a statement under penalty of false statement that the elector is the elector whose name appears on the official checklist.</p>
<p>Delaware Tit. 15, §4937</p>	<p>A voter, upon entering the room where an election is being held, shall announce his or her name and address and provide proof of identity</p>	<ul style="list-style-type: none"> › Photo ID › Utility bill › Paycheck › Any government document with voter's name and address 	<p>In the event the voter does not have proof of identity with them, he or she shall sign an affidavit of affirmation that he or she is the person listed on the election district record.</p>
<p>Florida §101.043</p>	<p>The clerk or inspector shall require each elector, upon entering the polling place, to present a current and valid picture identification as provided in s. 97.0535(3)(a). If the picture identification does not contain the signature of the voter, an additional identification that provides the voter's signature shall be required.</p>	<ul style="list-style-type: none"> › Florida driver's license › Florida ID card issued by the Dept. of Highway Safety and Motor Vehicles › U.S. passport › Employee badge or identification › Buyer's club identification › Debit or credit card › Military identification › Student identification › Retirement center identification 	<p>If the elector fails to furnish the required identification, the elector shall be allowed to vote a provisional ballot. The canvassing board shall determine the validity of the ballot by determining whether the elector is entitled to vote at the precinct where the ballot was cast and that the elector had not already cast a ballot in the election.</p>

		<ul style="list-style-type: none"> › Neighborhood association ID › Entertainment identification › Public assistance identification 	
<p><u>Georgia</u> §21-2-417</p>	<p>Each elector shall present proper identification to a poll worker at or prior to completion of a voter's certificate at any polling place and prior to such person's admission to the enclosed space at such polling place.</p>	<ul style="list-style-type: none"> › Georgia driver's license, even if expired › ID card issued by the state of Georgia or the federal government › Free voter ID card issued by the state or county › U.S. passport › Valid employee ID card containing a photograph from any branch, department, agency, or entity of the U.S. Government, Georgia, or any county, municipality, board, authority or other entity of this state › Valid U.S. military identification card › Valid tribal photo ID 	<p>If you show up to vote and you do not have one of the acceptable forms of photo identification, you can still vote a provisional ballot. You will have up to two days after the election to present appropriate photo identification at your <u>county registrar's office in order for your provisional ballot to be counted.</u></p>
<p><u>Hawaii</u> §11-136</p>	<p>Every person shall provide identification if so requested by a precinct official.</p>	<p>Pollworkers request photo ID with a signature. Acceptable types of ID are not specified by law.</p>	<p>If the voter has no identification, the voter will be asked to recite his/her date of birth and residence address to corroborate the information provided in the poll book.</p>
<p><u>Idaho</u> §34-1106(2), 34-1113, 34-1114</p>	<p>Each elector shall show a valid photo identification or personal identification affidavit.</p>	<ul style="list-style-type: none"> › Idaho driver's license › Idaho ID card › Passport › ID card, including a photo, issued by an agency of the U.S. government › Tribal ID card, including a photograph › Student ID card, including a photograph, issued by a high school or accredited institution of higher education within the state of Idaho 	<p>A voter may complete an affidavit in lieu of the personal identification. The affidavit shall be on a form prescribed by the secretary of state and shall require the voter to provide the voter's name and address. The voter shall sign the affidavit. Any person who knowingly provides false, erroneous or inaccurate information on such affidavit shall be guilty of a felony.</p>
<p><u>Indiana</u> §3-5-2-40.5, 3-10-1-7.2 and 3-11-8-25</p>	<p>A voter who desires to vote an official ballot at an election shall provide proof of identification</p>	<p>Specific forms of ID are not listed. ID must be issued by the state of Indiana or the U.S. government and must show the name and photo of the individual.</p>	<p>Voters who are unable or decline to produce proof of identification may vote a provisional ballot. The ballot is counted only if (1) the voter returns to the election board by noon on the</p>

			Monday after the election and: (A) produces proof of identification; or (B) executes an affidavit stating that the voter cannot obtain proof of identification, because the voter: (i) is indigent; or (ii) has a religious objection to being photographed; and (2) the voter has not been challenged or required to vote a provisional ballot for any other reason.
Kentucky §117.227	Election officers shall confirm the identity of each voter by personal acquaintance or by a document.	<ul style="list-style-type: none"> • Driver's license • Social Security card • Credit card 	When the officers of an election disagree as to the qualifications of a voter or if his right to vote is disputed by a challenger, the voter shall sign a written oath as to his qualifications before he is permitted to vote.
Louisiana §18:562	Each applicant shall identify himself, in the presence and view of the bystanders, and present identification to the commissioners.	<ul style="list-style-type: none"> • Louisiana driver's license • Louisiana special ID card • Other generally recognized picture identification 	If the applicant does not have identification, s/he shall sign an affidavit to that effect before the commissioners, and the applicant shall provide further identification by presenting his current registration certificate, giving his date of birth or providing other information stated in the precinct register that is requested by the commissioners. However, an applicant that is allowed to vote without the picture identification required by this Paragraph is subject to challenge as provided in R.S. 18:565.
Michigan §168.523	Each voter must show a photo ID or sign an affidavit attesting that he or she is not in possession of photo identification.	<ul style="list-style-type: none"> • Michigan driver's license • Michigan personal identification card <p>A voter who does not possess either of the above may show any of the following, as long as they are current:</p> <ul style="list-style-type: none"> • Driver's license or personal identification card issued by another state • Federal or state government-issued photo ID • U.S. passport 	An individual who does not possess, or did not bring to the polls, photo ID, may sign an affidavit and vote a regular ballot.

		<ul style="list-style-type: none"> • Military ID with photo • Student ID with photo -- from a high school or accredited institution of higher education • Tribal ID with photo 	
<u>Missouri</u> §115-427	<p>Before receiving a ballot, voters shall establish their identify and eligibility to vote at the polling place by presenting a form of personal identification.</p>	<ul style="list-style-type: none"> • Identification issued by the federal government, state of Missouri, an agency of the state, or a local election authority; • Identification issued by Missouri institution of higher education, including a univeristy, college, vocational and technical school; • A copy of a current utility bill, bank statement, paycheck, government check or other government document that contains the name and address of the voter; • Driver's license or state identification card issued by another state. 	<p>If an individual does not possess any of these forms of identification, s/he may still cast a ballot if two supervising election judges, one from each major political party, attest they know the person.</p>
<u>Montana</u> §13-13-114	<p>Before an elector is permitted to receive a ballot or vote, the elector shall present to an election judge a current photo identification showing the elector's name. If the elector does not present photo identification the elector shall present one of several specified documents showing the elector's name and current address.</p>	<ul style="list-style-type: none"> • Driver's license • School district or postsecondary education photo identification • Tribal photo identification • Current utility bill, bank statement, paycheck, notice of confirmation of voter registration, government check, or other government document that shows the elector's name and current address 	<p>If the identification presented is insufficient to verify the elector's identity and eligibility to vote or if the elector's name does not appear in the precinct register, the elector may sign the precinct register and cast a provisional ballot.</p>
<u>North Dakota</u> §16.1-05-07	<p>Before delivering a ballot to an individual, the poll clerks shall request the individual to show identification.</p>	<ul style="list-style-type: none"> • An official form of identification issued by the state • An official form of identification issued by a tribal government • A form of identification prescribed by the secretary of state 	<p>If an individual offering to vote does not have or refuses to show an appropriate form of identification, the individual may be allowed to vote without being challenged if the individual provides to the election board the individual's date of birth and if a member of the election board or a clerk knows the individual and can personally vouch that the individual is a qualified elector of the precinct. Otherwise, the</p>

			individual may vote as a challenged voter by executing an affidavit that the challenged individual is a legally qualified elector of the precinct.
Ohio §3503.16(B)(1)(a) and 3505.18(A)(1)	All voters must provide to election officials at the polling place on the day of an election proof of the voter's identity. Also applies to voters requesting and voting an absentee ballot.	<ul style="list-style-type: none"> • Current and valid photo identification, defined as a document that shows the individual's name and current address, includes a photograph, includes an expiration date that has not passed, and was issued by the U.S. government or the state of Ohio • Current utility bill • Current bank statement • Current government check, paycheck or other government document 	A voter who has but declines to provide identification may cast a provisional ballot upon providing a social security number or the last four digits of a social security number. A voter who has neither identification nor a social security number may execute an affidavit to that effect and vote a provisional ballot. A voter who declines to sign the affidavit may still vote a provisional ballot.
Oklahoma 26 O.S. 2001, §7-114 <i>Takes effect July 1, 2011</i>	Each person appearing to vote shall provide proof of identity.	<p>"Proof of identity" shall mean a document that satisfies the following:</p> <ul style="list-style-type: none"> • Shows a name that substantially conforms to the name in the precinct registry • Shows a photograph • Includes an expiration date that is after the date of the election • Was issued by the United States, state of Oklahoma, or a federally recognized Indian tribe or nation <p>A voter registration card issued by the appropriate county elections board may serve as proof of identity without meeting all of the above requirements.</p>	A person who declines or is unable to produce proof of identity may sign a statement under oath swearing or affirming that the person is the person identified on the precinct registry and cast a provisional ballot.
South Carolina §7-13-710	When any person presents himself to vote, he shall produce his valid South Carolina driver's license or other form of identification containing a photograph issued by the Department of Motor Vehicles, if he is not licensed to drive, or the written notification of registration.	<ul style="list-style-type: none"> • Voter registration certificate • South Carolina driver's license • South Carolina Dept. of Motor Vehicles photo ID card 	Voters without ID may be permitted to vote a provisional ballot. This varies from county to county. Whether the provisional ballot is counted is at the discretion of the county commissioners at the provisional ballot hearing.

<p><u>South Dakota</u> §12-18-6.1 and 6.2</p>	<p>When a voter is requesting a ballot, the voter shall present a valid form of personal identification.</p>	<ul style="list-style-type: none"> • South Dakota driver's license or nondriver identification card • U.S. passport • Photo ID issued by an agency of the U.S. government • Tribal ID card, including a photo • Student ID card, including a photo, issued by an accredited South Dakota school 	<p>If a voter is not able to present a form of personal identification as required, the voter may complete an affidavit in lieu of the personal identification. The affidavit shall require the voter to provide his or her name and address. The voter shall sign the affidavit under penalty of perjury.</p>
<p><u>Tennessee</u> §2-7-112</p>	<p>A voter must sign an application for a ballot. The voter's signature and information on the signature list is compared with other evidence of identification supplied by the voter.</p>	<ul style="list-style-type: none"> • Voter registration certificate • Tennessee driver's license • Social Security card • Credit card bearing voter's signature • Other document bearing voter's signature 	<p>If a voter is unable to present any evidence of identification, the voter shall be required to execute an affidavit of identity on a form provided by the county election commission.</p>
<p><u>Texas</u> Election Code §63.001 et seq.</p>	<p>On offering to vote, a voter must present the voter's voter registration certificate to an election officer at the polling place.</p>	<ul style="list-style-type: none"> • Voter registration certificate • Driver's license • Department of Public Safety ID card • A form of ID containing the person's photo that establishes the person's identity • A birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity • U.S. citizenship papers • A U.S. passport • Official mail addressed to the person, by name, from a governmental entity • A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the person's name and address • Any other form of ID prescribed by the secretary of state 	<p>A voter who does not present a voter registration certificate when offering to vote, but whose name is on the list of registered voters for the precinct in which the voter is offering to vote, shall be accepted for voting if the voter executes an affidavit stating that the voter does not have the voter's voter registration certificate in the voter's possession and the voter presents other proof of identification. A voter who does not present a voter registration certificate and cannot present other identification may vote a provisional ballot. A voter who does not present a voter registration certificate and whose name is not on the list of registered voters may vote a provisional ballot.</p>
<p><u>Utah</u> §20A-1-102(76), 20A-3-104</p>	<p>A voter shall present valid voter identification to one of the poll workers.</p>	<ul style="list-style-type: none"> • Current valid UT driver's license • Current valid identification card issued 	<p>The voter may cast a provisional ballot as provided by §20A-3-105.5</p>

		<ul style="list-style-type: none"> by the state or federal government • UT concealed weapon permit • U.S. passport • Current valid U.S. military ID card • Bureau of Indian Affairs card • Tribal treat card • Tribal ID card <p>OR</p> <ul style="list-style-type: none"> • Two forms of ID that bear the name of the voter and provide evidence that the voter resides in the precinct 	
Virginia §24.2-643(B)	The officer shall ask the voter to present any one of the specified forms of identification.	<ul style="list-style-type: none"> • Virginia voter registration card • Social Security card • Virginia driver's license • Any other identification card issued by a government agency of the Commonwealth, one of its political subdivisions, or the United States • Employee identification card containing a photograph 	If a voter is entitled to vote except that he is unable to present one of the forms of identification listed above, he shall be allowed to vote after signing a statement, subject to felony penalties for false statements, that he is the named registered voter who he claims to be.
Washington §29A.44.205	Any person desiring to vote at any primary or election is required to provide identification to the election officer before signing the poll book.	<ul style="list-style-type: none"> • Valid photo identification, such as a driver's license or state identification card, student identification card, or tribal identification card • A voter identification issued by a county elections officer, or • A copy of a current utility bill, bank statement, paycheck, or government check or other government document 	Any individual who desires to vote in person but cannot provide identification as required by this section shall be issued a provisional ballot.

For More Information

For more information on the issue of voter identification, contact NCSL's elections staff.

Denver Office
Tel: 303-364-7700 | Fax: 303-364-7800 | 7700
East First Place | Denver, CO 80230

Washington Office
Tel: 202-624-5400 | Fax: 202-737-1069 | 444 North Capitol
Street, N.W., Suite 515 | Washington, D.C. 20001

AMERICA VOTES

March 8, 2011

SENATE PUBLIC AND MUNICIPAL AFFAIRS COMMITTEE - 9:00 AM LOB 101

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

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 in opposition to SB 129-FN, bill under which voters would be required to present photo identification in order to obtain a ballot to cast their vote.

To those of us who may carry photo ID as a matter of daily life, the concept of requiring photo ID in order to vote may seem insignificant. However, when you look at the practical effect it would have on the overall voting population you will discover unintended effects, and that is the central reason that as organization that works to protect voter access to the ballot, America Votes is opposed to this bill.

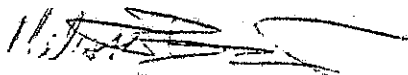
Requiring photo ID to vote, as SB 129 would do, would disproportionately affect the elderly, the disabled, the poor, minorities, and young people. There are elders in our state who do not have photo ID either because they have never had it or no longer drive. Some individuals with disabilities also may not possess photo ID. We have additional concerns regarding whether students at the University of New Hampshire, Dartmouth College, and others would be able to use their student identification cards to vote because of the narrow definition for acceptable college identifications. This bill as currently written does not contain a provision for those who do not have one of the accepted forms of ID to prove their identity by other means.

Voter impersonation, which photo ID would seek to address, is the most rare kind of voter fraud and is almost unheard of as a form of election fraud. Yet this bill would impose cumbersome documentation requirements on voters statewide. We urge the committee to not support legislation that would impose new and burdensome requirements on voters based on a suspected or perceived problem rather than a known problem.

Our final concern is regarding cost. Given the budget crisis facing our state and localities, we question whether it is wise to propose a costly new government program. To obtain photo ID will incur financial cost to these populations, and in order to avoid a constitutionality challenge on the basis of a poll tax, the state would need to provide free photo IDs. The fiscal note on this bill appears to underestimate the costs associated with providing non-driver photo ID to the estimated 42,000 citizens who will now need to get a non-driver's photo ID in order to vote. Additionally, the fiscal note does not recognize the costs associated with voter education and ballot clerk training about the new requirement.

In your deliberations we urge you to consider the question, does this bill solve a real problem without creating even greater problems? We believe the answer is no. We respectfully urge the committee to vote SB 129-FN Inexpedient to Legislate.

Sincerely,



Melissa Bernardin
America Votes

Twomey Law Office
PO Box 1026
1913 Dover Road
Epsom, New Hampshire 03234
(603) 736-5800 Fax (603) 736-3330

March 8, 2011

Senator John Barnes, Jr., Chair
Senate Public and Municipal Affairs Committee
Statehouse Room 302
107 North Main Street
Concord, NH 03301

Committee Members and Chairman Barnes,

I write to you to urge you to retain SB129, which would implement for the first time in NH history a requirement that a citizen carrying a government identification card in order to exercise the most fundamental right of all—the right to participate in free and fair elections, as guaranteed to all by Part I, Article 11 of the New Hampshire Constitution.

Others will no doubt address the constitutional infirmities present in SB129 which have the potential of disenfranchising tens of thousands of citizens.

In the election of 2008, there were about 800,000 total votes cast and 80,000 or ten percent were voters who registered at the polls and were asked for identification. Of these, 200 persons did not have identification and voted by affidavit. (Subsequently, the Secretary of State and the Attorney General were able to confirm that all 200 were valid voters using their correct identity and residence, thus dispelling any suggestion of voter fraud).

By extrapolating from the numbers of same day voters who did not have identification, it would appear that the provisions of SB 129 (which apply to all voters, and not just the same day registrants) would disenfranchise in excess of 2000 voters and not prevent any significant voter fraud. These voters would of course be concentrated among the least powerful in society—the poor, the elderly and minorities—people without financial resources to express themselves outside of voting.

All non partisan studies to date have indicated that there is no significant voter fraud that occurs as a result of mis-identification at the polls, which would in any case be the least efficient way to commit electoral fraud in that it requires large numbers of

people willing to commit felonies. A far greater threat of potential fraud exists in systemic attacks on elections through both third party registration efforts (not currently allowed in NH) and gaps in computer safety.

Even though I do not believe that identification fraud exists to any significant degree, the belief that voter fraud does occur is widespread and it is a belief firmly and honestly held by many. That belief itself is unhealthy for a democracy because it discourages people from voting and tends to delegitimize office holders in the eyes of much of the public.

I attended the hearings on a similar bill sponsored by Rep. Richard Drisko in the House and was heartened to hear from both Rep. Drisko and the Secretary of State that there may exist technological methods that could be implemented to both secure against potential fraud and to convince the public that fraud is not occurring. These would include a real time connection between the election workers and the DMV data base so that most voters could be signed in through a quick swipe of their license or non-driver ID (this would certainly make the voting process faster and more efficient). For those who did not have an ID, it appears that we could combine the current affidavit system with the ability to take pictures of voters without ID that would be retained in the voter system for both future identification and law enforcement needs.

Passage of SB 129 is certain to bring about a very costly law suit and is also unlikely to be given preclearance by the US Department of Justice because of its disparate effect on the rights of citizens. (This pre-clearance is required of any changes to NH voting laws because of the utilization in New Hampshire of literacy tests and a poll tax when the Civil Rights Act of 1964 was passed). Both the litigation costs and the pre-clearance problem can be avoided by retaining the bill at this time and exploring alternatives.

It would seem worthwhile to defer a final decision on SB129 until Rep. Drisko and the Secretary of State are able to report on technological possibilities that they discussed in the House Committee and I urge you to retain this bill.

Sincerely,

Paul Twomey

PT/db

Martone, Debra

From: Cummings, Kathryn
Sent: Wednesday, March 09, 2011 10:22 AM
To: Martone, Debra
Subject: FW: SB 129

Kathryn Cummings
 Assistant to Senator John S. Barnes, Jr.
 Assistant to Senator Bob Odell
 Assistant to Senator Russell Prescott
 State House 302
 603-271-4063
 kathryn.cummings@leg.state.nh.us

From: Joan Flood Ashwell [mailto:jfashwell@comcast.net]
Sent: Saturday, March 05, 2011 1:39 PM
To: Stiles, Nancy; Merrill, Amanda; Boutin, David; Barnes, Jack; Forrester, Jeanie
Subject: SB 129

Sen. John S. Barnes, Jr. March 4, 2011

Chair, Public and Municipal Affairs Committee

New Hampshire Senate

Re: SB 129

Dear Chairman Barnes:

The League of Women Voters believes that voting is a fundamental citizen right that must be guaranteed. The League was created 91 years ago following the struggle to get the vote for women. Since then, the organization has worked at every level of government to see that a citizen's right to vote is not jeopardized.

The League of Women Voters of New Hampshire believes that SB 129, AN ACT requiring valid photo identification to vote in person, if enacted, would disenfranchise numerous citizens and create unnecessary and even insurmountable obstacles for many other citizens who wish to exercise their right to vote.

Photo identification bills for voting and voter registration have been introduced in both the NH House and Senate this year, and several times in previous years. The bills have been presented as vehicles to prevent voter fraud in NH elections. The League supports elections that are fair and honest. There is, however, no evidence to support the charge that voter fraud is a problem in NH elections. The NH Secretary of State and the NH Attorney General's office have been diligent in investigating allegations of suspected fraud. The reports that have been published post-election since 2004 clearly show that illegal voting is not a problem in our state. In fact, the only known instance in this state of someone impersonating someone else to get a ballot happened over ten years ago and was dealt with under laws already in force.

The only voter fraud that can possibly be prevented by imposing a photo identification requirement for obtaining a ballot is fraud by impersonating another voter. As mentioned above, there has only been one known case of that in New Hampshire. Whether a photo identification would prevent any future cases is doubtful. In the very few states that require a photo identification, studies have shown that ballot clerks

3/9/2011

use the identification to check the address but not the person's face. When a question arises about someone's identity, the practice is to check a signature against the voter registration signature - a process which often presents additional problems.

New Hampshire laws make it very easy for anyone to challenge a person who is believed to be ineligible to vote. Any citizen may notify the moderator of suspected fraud, any citizen can file a report with the moderator, or any citizen can use a form provided by the Secretary of State's office to report fraud directly to the Secretary.

The limited options in SB 129 for meeting photo identification requirements would present serious obstacles for many New Hampshire residents who are otherwise qualified to vote. In reality, the requirements exclude almost all identifications except a current military identification, a passport or a New Hampshire driver's license or non-driver's photo identification. Neither the University of New Hampshire nor Dartmouth College student identifications would be acceptable under this bill's requirements, and it is unlikely many other college's student identifications would be either.

The overwhelming majority of people in New Hampshire do not own passports and are not members of the military. Since New Hampshire, like all other states, recognizes driver's licenses from other states and countries as valid for driving purposes, there are undoubtedly thousands of people living in the state at any time who do not have a New Hampshire driver's license. People who move to New Hampshire have a 60-day grace period to get a new license which could easily overlap an election. There are also people who don't get a new driver's license when they move here. For instance, most students at UNH do not have cars and, therefore, have no need for a New Hampshire driver's license although they may have an unexpired driver's license from some other state.

In New Hampshire there are currently 66,000 people over the age of 18 who do not have a driver's license and 42,000 of them have not applied for a non-driver's photo identification. Many of these people may have registered to vote decades ago and have been voting ever since without being required to produce a photo identification. These people are most likely to be the elderly who no longer drive, the disabled, the poor and members of minority populations. They are also the people who may encounter the greatest difficulties obtaining the identification required by SB 129. In addition to the cost of obtaining documents required by the Department of Motor Vehicles, these people may find it next to impossible to get to one of only 12 DMV offices open on a regular basis in New Hampshire.

The Department of Motor Vehicles requires certain documentation in order to obtain a non-driver's identification - usually a certified birth certificate which can take up to two months to get from another state and can cost \$30.00 or more. Most other states require additional documentation just to get a certified birth certificate. While SB 129 does remove the fee for a non-driver's photo identification card, it does not include reimbursement for other necessary documentation. SB 129 also sets unrealistic timelines for obtaining documents like certified birth certificates and non-driver photo identifications for those who would have to use a provisional ballot. Under SB 129 it is more likely than not that qualified voters would be prevented from exercising their right to vote.

The fiscal note for SB 129 appears to greatly underestimate the expense of providing non-driver photo identifications for citizens who will be required to produce a photo identification to get a ballot. The note on the bill only addresses the number of people who currently get a non-driver's photo identification for purposes other than voting. The fiscal note does not include the 42,000 citizens mentioned above who will now have to get a non-driver's photo identification in order to vote.

SB 129 also does not address the problem of thousands of residents who may have an unexpired driver's license from another state but do not need a driver's license in this state. These people would not qualify for a non-driver's photo identification under New Hampshire law. Requiring these people to pay for a driver's license would, undoubtedly, be considered a poll tax by the courts.

The fiscal note attached to the bill doesn't take into account the training that will be required for Town Clerks, Supervisors of the Checklist and Ballot Clerks so they can properly administer the new requirements. SB 129 requires all of these people to perform quasi-law enforcement functions - namely checking the validity of individual's identification documents. They would also need to understand the Voting Rights Act implications of allowing any person - even a relative - to vote without producing the required valid identification.

The fiscal note doesn't take into account the cost of advertising the changes in election procedures sufficiently so

that no one arrives on Election Day without the required identification. The information campaign would need to take place early enough for citizens to have time to obtain the necessary identification and it would need to continue for every election. There are so few states that require a photo identification to get a ballot that citizens will not expect such a requirement in this state. Even the very few citizens who may have come from a state that asks for a photo identification will not have faced a requirement as severely restricted as SB 129.

The League of Women Voters of New Hampshire opposes SB 129 because it violates the 14th, 15th, 18th and 26th amendments to the United States Constitution and Article 11 of the New Hampshire Constitution. Both Constitutions guarantee citizens 18 years old and older the right to vote. While a state may take reasonable steps to regulate voting procedures, a state may not institute unnecessary regulations that present an often insurmountable challenge to qualified voters.

The evidence shows that New Hampshire does not have a problem with voter fraud. SB 129 is an unnecessary bill that will place real impediments in the way of New Hampshire citizens who wish to exercise their Constitutional right to vote. The League of Women Voters believes it would be wrong for this committee to recommend a bill that would more likely than not result in qualified voters being prevented from voting. We urge the members of the Public and Municipal Affairs Committee to oppose this bill by voting inexpedient to legislate.

Sincerely yours,

Liz Tantarelli, co-president

Sally Davis, co-president

Joan F. Ashwell, Election Law specialist

League of Women Voters of New Hampshire

cc: committee members

Committee Report

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	Without Objection, President Bragdon moved to Special Order SB 129 to after lunch; 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

 NH House

 NH Senate

Other Referrals

Governor's Veto Message Regarding SB 129

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on June 27, 2011, I vetoed SB 129.

The right to vote is a fundamental right that is guaranteed to all citizens of this State under the United States and New Hampshire Constitutions. An eligible voter who goes to the polls to vote on Election Day should be able to have his or her vote count on Election Day. SB 129 creates a real risk that New Hampshire voters will be denied their right to vote.

Voter turnout in New Hampshire is among the highest in the nation, election after election. There is no voter fraud problem in New Hampshire. We already have strong elections laws that are effective in regulating our elections.

SB 129 requires a voter to present photo identification in order to cast a ballot in any municipal, state or federal election in New Hampshire. The photo identification must be one that is issued by the United States government or the State of New Hampshire, or a driver's license from another state. Without that type of photo identification, the voter can only cast a "provisional" ballot, requiring the voter to return to their city or town clerk's office no later than 2 ½ days after the election with a valid photo ID, a waiver from the Secretary of State, or an affidavit of religious exemption.

Seniors, students, those who are disabled or do not drive, and those who do not already have a state-issued or federal-issued photo ID, may not be able to arrange to obtain a valid photo ID within the tight 2 ½ day timeframe. Many town offices are closed or have only limited hours on Wednesday, Thursday and Friday, when those voters who received a provisional ballot would be expected to return to produce a photo ID and have their vote counted. Voters in areas of the state where DMV offices have been consolidated will also be disadvantaged. Traveling to Concord or Manchester is not an option for everyone. These circumstances will present real hardships, especially for our seniors and disabled voters.

The New Hampshire City and Town Clerks Association, AARP, the League of Women Voters, and the Secretary of State have all opposed provisions of this bill. The bill's provisions for the length of time to produce a valid photo

ID after an election and the types of photo IDs allowed are among the most restrictive voter identification provisions in the nation despite any evidence that current law is insufficient protection against voter fraud.

If SB 129 were to take effect, New Hampshire would have a different and more lenient standard to register to vote than to cast a vote. Under current law, a person registering to vote prior to Election Day can execute an affidavit and does not need to produce a photo ID. When a voter chooses to use a photo ID to register, he or she may use any photo ID deemed to be legitimate by the local official, not just a State of New Hampshire or US Government issued ID.

But SB 129 goes even further and actually discriminates between state and federal workers on one hand and municipal and private employees on the other. Under SB 129, a State Trooper can use his or her state photo ID to vote, but a municipal police officer cannot use his or her municipal issued photo ID. State employees can use their agency-issued photo IDs to vote, but employees at private companies may not use their company-issued photo IDs. SB 129 would also allow a person to use a Massachusetts or Maine driver's license as a valid photo ID to vote, even though a municipal photo ID issued by Raymond or Londonderry would not be a valid photo ID. Creating a two-tiered system of photo IDs for registering and voting makes no sense. It will only cause confusion and frustration at the polls that is bound to result in preventing some voters from casting their vote on Election Day.

There is also no provision made in SB 129 to guarantee the confidentiality of those that cast a provisional ballot. Unlike current election law, which protects from public disclosure the names of those persons who request and cast an absentee ballot during the election process, there is no comparable provision guaranteeing confidentiality to those who are issued and cast a provisional ballot. Ballot secrecy is fundamental to our voting system, and SB 129 fails to preserve ballot secrecy for all voters.

The provisional ballot provision of SB 129 may also impact the State's responsibility to conclude its state primary elections in a timeframe that will allow the general election ballots to be prepared and sent to military and other overseas voters in compliance with federal law. Many of the states that have adopted the use of provisional ballots with photo ID have primaries in the spring or early summer months, much earlier than New Hampshire's

state primary. There is also a risk that challenges to election results over the validity of provisional ballots will impact the Secretary of State's ability to meet federal requirements for supplying general election ballots to overseas voters.

For all these reasons, I am vetoing SB 129.

Respectfully submitted,

John H. Lynch
Governor

Date: June 27, 2011

COMMITTEE REPORT FILE INVENTORY

SB/29-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:

_____ - AMENDMENT # _____ _____ - AMENDMENT # _____
_____ - AMENDMENT # _____ _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

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

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

REVISED FISCAL NOTE, GOVERNOR'S VETO MESSAGE

DATE DELIVERED TO SENATE CLERK

07/29/11

BY:

Petra A. Mantoye
COMMITTEE AIDE