

Bill as Introduced

HB 1301 - AS INTRODUCED

2012 SESSION

12-2560
03/01

HOUSE BILL **1301**

AN ACT relative to challenges to voters.

SPONSORS: Rep. Ingbretson, Graf 5; Rep. Mirski, Graf 10

COMMITTEE: Election Law

ANALYSIS

This bill removes the requirement that a person asserting a voter challenge submit an affidavit stating the basis of the challenge. The bill also permits voter challenges to be submitted on election day at the voter registration table.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to challenges to voters.

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

1 1 Challenge of Voter; Affidavit. Amend RSA 659:27 to read as follows:
2 659:27 Challenge of Voter; Affidavit.

3 I. A voter offering to vote at any state election may be challenged by any other voter
4 registered in the town or ward in which the election is held, an election official, a challenger
5 appointed by a political committee pursuant to RSA 666:4, or a challenger appointed by the attorney
6 general pursuant to RSA 666:5.

7 II. Upon receipt of a ~~written~~ challenge, the moderator shall determine if the challenge to
8 the ballot is well grounded. If the moderator determines that the challenge is well grounded, the
9 moderator shall not receive the vote of the person so challenged until the person signs and gives to
10 the moderator an affidavit in the following form: I, _____, do solemnly swear (or
11 affirm) under penalties of voter fraud, that I am the identical person whom I represent myself to be,
12 that I am a duly qualified voter of this town (or ward), and have a legal domicile therein. If the
13 moderator determines that the challenge is not well grounded, the moderator shall permit the voter
14 to proceed to vote.

15 ~~[III. No voter or appointed challenger shall challenge a person's qualifications to be a voter~~
16 ~~at the election day voter registration table.]~~

17 2 Challenges. Amend RSA 659:51, I to read as follows:

18 I. All absentee ballots are subject to challenge after the moderator publicly announces the
19 name of the absentee voter, except for voters provided for in RSA 7:46, but not after the ballot is
20 removed from the envelope. ~~[No challenge to an absentee ballot may be asserted except in~~
21 ~~conformity with the requirements of RSA 659:27-a.]~~ **A person who makes a challenge shall state**
22 **the reason for the challenge.**

23 3 Repeal. RSA 659:27-a, relative to affidavit required from the person asserting a challenge, is
24 repealed.

25 4 Effective Date. This act shall take effect 60 days after its passage.

Committee Minutes

ATTENDANCE

**SENATE CALENDAR NOTICE
PUBLIC AND MUNICIPAL AFFAIRS**

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

45

START : 10:15 AM
STOP : 11:00 AM

For Use by Senate Clerk's Office ONLY

Bill Status

Docket

Calendar

Proof: Calendar Bill Status

Date: March 28, 2012

HEARINGS

Tuesday

4/3/2012

PUBLIC AND MUNICIPAL AFFAIRS

LOB 101

9:00 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

- 9:00 AM HB1563 relative to Greenland's water rights.
- 9:15 AM HB1357 relative to the membership of mosquito control districts.
- 9:35 AM HB1266 requiring the assessing standards board to recommend standards rather than guidelines.
- 9:55 AM HB1136 relative to special state elections.
- 10:15 AM HB1301 relative to challenges to voters.
- 10:30 AM HB1371 relative to conflicts of interest of county government officials.

Sponsors:

HB1563

Rep. Pamela Tucker

HB1357

Rep. Lynne Ober

HB1266

Rep. Betsy Patten

HB1136

Rep. Timothy Horrigan

HB1301

Rep. Paul Ingbertson

HB1371

Rep. Lyle Bulis

Rep. John Tholl

Rep. Rick Ladd

Rep. George Lambert

Rep. Priscilla Lockwood

Rep. Paul Mirski

Rep. John Cebrowski

Rep. Frank Case

Rep. Paul Ingbertson

Sen. John Barnes, Jr.

Rep. Betsy Patten

Rep. Gene Chandler

Sen. Sharon Carson

*WHPR
Recorded.*

Public and Municipal Affairs Committee

Hearing Report

TO: Members of the Senate

FROM: Deb Martone, Legislative Aide

RE: Hearing report on HB 1301 – relative to challenges to voters.

HEARING DATE: April 3, 2012

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

MEMBERS OF THE COMMITTEE ABSENT: No one

Sponsor(s): Representatives Ingbretson and Mirski.

What the bill does: removes the requirement that a person asserting a voter challenge submit an affidavit stating the basis of the challenge. The bill also permits voter challenges to be submitted on election day at the voter registration table.

Who supports the bill: No one.

Who opposes the bill: Representatives Belanger, Hoelzel, Horrigan, Thomas, Read, Pierce, Williams, Perry, Chase and Watters; Patricia Piecuch, NH City and Town Clerks' Association; Michael Williams, NH Municipal Association; Jane Armstrong and Joan Ashwell, League of Women Voters; Marilyn Black and Betsy McClain, Town of Hanover; Wayne Mann, Town of Canterbury; Claire Ebel, NH Civil Liberties Union; Jessica Clark, America Votes; Eva Castillo-Turgeon.

Who takes no position on the bill: David Scanlan, Deputy Secretary of State (partially opposed).

Summary of testimony received:

•Senator Forrester opened the hearing at 10:15 am. Senator Boutin introduced the bill in lieu of the prime sponsor, Representative Ingbretson.

•David Scanlan, Deputy Secretary of State, strongly believes challenges to a voter should not take place at the voter registration table. The appropriate place to make a challenge is at the check-in table, when a person is obtaining a ballot. Information being given by a new voter at the voter registration table is private and confidential. It is not appropriate to make challenges at that location. There is no process in place for challenges to be made at the registration table. It could turn into a chaotic free-for-all. Deputy Scanlan distributed amending language to committee members.

• Deputy Scanlan also reviewed with committee members an incident that occurred in 2004 at Dartmouth College whereby mass challenges to college-age students were being made at the voter registration table. It caused backups, and voters left the polls without voting. After that incident, language was placed in statute to make it clear challenges shouldn't be made at the point of registration.

•Senator Boutin wondered why these changes were being proposed to the present voting process. He's not aware of any problems with the current procedures.

•Representative Hoelzel, Raymond Town Moderator, strongly opposes the bill. Everyone has a constitutional right to vote. Is there a constitutional right to challenge?

•Representative Hoelzel has a problem with indiscriminate challenges. Any voter who is being challenged has the right to know his or her challenger, and the nature of the accusation. The current law has yet to be tested through a Presidential election; don't repeal it now. Representative Hoelzel asked committee members to "ITL" the bill.

•Representative Belanger opposes the bill. He's been a Town Moderator for approximately 18 years. He's unsure how the bill got through the House; perhaps Representatives were "asleep at the wheel". The bill should never have made it over to the Senate. The majority of the House Election Law Committee saw this bill as a step forward in reducing paperwork in the process of challenging a voter.

•Representative Belanger submitted a list of 38 moderators throughout the state who oppose HB 1301.

•A voter's right to vote is sacred. Don't let someone take it away on a whim. Make sure they have their facts straight and that they accuse the voter in writing by completing the Voter Challenge Affidavit.

•Senator Merrill asked that it be noted that the Durham Town Moderator opposes the bill as well.

- Senator Forrester pointed out the sign-up sheets for HB 1301 reflect not one person in favor of this bill.

- Representative Pierce remarked the bill needs to be "ITL'd". The current law strikes a fair balance of preserving the purity of our elections by maintaining the challenge process. HB 1301 eliminates reasonable procedures that ensure everyone that is qualified to vote is permitted to do so.

- Testimony was received in the House indicating voter challenges in New Hampshire are more prevalent in college town communities and racial and ethnic minority districts. Voter challenges are being used as a means to suppress the vote.

- This bill specifically excludes any requirement that the challenger give a reason for the voter's disqualification to vote. The accuser has the burden of proof—not the accused.

- Patricia Piecuch, President of the NH City and Town Clerks' Association, opposes the bill. She has witnessed firsthand how these indiscriminate challenges slow down the voting process and are extremely disruptive to the polling place. She urged committee members to find the bill inexpedient to legislate.

- Senator Merrill asked Ms. Piecuch if she agreed the current method of dealing with challenges is a valid one. Ms. Piecuch agreed it was.

- Michael Williams, NH Municipal Association, stated their Municipal Advocacy Committee voted to oppose this bill.

- Representative Thomas, a member of the House Election Law Committee, urged voter challenges be used judiciously. The challenge must also be in writing, with a specific cause for disqualification. He is opposed to the bill.

- Marilyn Black, Hanover Town Moderator, is strongly opposed to this bill. She went through the "mass" challenges 8 years ago for every Dartmouth student who registered to vote. They were challenged by an individual from Washington, DC. It was chaos and as a result, the law was changed and the affidavit process was put in place. The town works closely with Dartmouth on student voter registration. The system works well. The underlying current is that some people want to challenge college students so that they don't vote.

- Betsy McClain, Hanover Deputy Town Clerk, strongly opposes HB 1301. No challenge to our citizens' right to cast a vote should be without justification

and cause. Through a written challenge, there is lesser chance for ambiguity and misinterpretation of what the challenger intended.

- Jessica Clark, America Votes, opposes the bill and asked the committee to vote inexpedient to legislate.

- Claire Ebel, Executive Director of the NH Civil Liberties Union argued there is no demonstrable need for this bill. The right to vote is a fundamental, Constitutional right. This bill interferes with your right to register to vote. The right to challenge in writing is a statutory right to protect the integrity of the voting process.

- Representative Chase opposes the bill. She represents a group of savvy, interesting, involved senior citizens who live at Bentley Commons in Keene. This group feels HB 1301 disenfranchises senior citizens, students and low-income individuals. If a senior citizen arrives at a polling place and views challenges being made, he or she can easily become intimidated and will not vote. When the next election comes around, he or she may decide they can't go and vote. The group worries about confidentiality issues as well. The potential for mischief is significant. She urged committee members to "ITL" the bill.

Action: Senator Barnes made a motion of Inexpedient to Legislate on HB 1301. Senator Boutin seconded the motion. The vote was 5-0 in favor. The committee unanimously voted to place the bill on the Consent Calendar. Senator Barnes will report the bill out of committee.

dam

[file: HB 1301 report]
Date: April 4, 2012

Speakers

Senate Public and Municipal Affairs Committee: Sign-In Sheet

Date: 04/03/2012

Time: 10:15 am Public Hearing on HB 1301

HB 1301 relative to challenges to voters.

PLEASE PRINT

Name	Representing	Please Check				
✓ TRICIA P. ECUCH	CITY/TOWN CLERKS ASSOC <i>see - ets-50</i>	Support <input type="checkbox"/>	Oppose <input checked="" type="checkbox"/>	Speaking? <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
✓ REP JIM BELANGER	HILLSBOROUGH 5	Support <input type="checkbox"/>	Oppose <input checked="" type="checkbox"/>	Speaking? <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
✓ Rep. Kathleen Hoelzel	Rockingham Dist 2	Support <input type="checkbox"/>	Oppose <input checked="" type="checkbox"/>	Speaking? <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
✓ DAVID SCANLAN	DEPUTY SECRETARY OF STATE	Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
✓ Rep Timothy Horvath	Stafford 7	Support <input type="checkbox"/>	Oppose <input checked="" type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
✓ MICHAEL WILLIAMS	NHMA	Support <input type="checkbox"/>	Oppose <input checked="" type="checkbox"/>	Speaking? <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
✓ Jane Armstrong	League of Women Voters	Support <input type="checkbox"/>	Oppose <input checked="" type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
✓ Rep Joseph Thomas	House	Support <input type="checkbox"/>	Oppose <input checked="" type="checkbox"/>	Speaking? <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
✓ Marilyn Black	Hannover	Support <input type="checkbox"/>	Oppose <input checked="" type="checkbox"/>	Speaking? <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
✓ Betsy McClain	Hannover	Support <input type="checkbox"/>	Oppose <input checked="" type="checkbox"/>	Speaking? <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
✓ Wanda D. Mann	moderator Candia	Support <input type="checkbox"/>	Oppose <input checked="" type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
✓ Claire Ebel	NH 224	Support <input type="checkbox"/>	Oppose <input checked="" type="checkbox"/>	Speaking? <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
✓ Rep ROBIN READ	Rocks 16	Support <input type="checkbox"/>	Oppose <input checked="" type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
✓ David Pierce	Grafton 9	Support <input type="checkbox"/>	Oppose <input checked="" type="checkbox"/>	Speaking? <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
✓ Rep Robert W. White	Merrimack 10	Support <input type="checkbox"/>	Oppose <input checked="" type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Testimony



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

April 3, 2012

Honorable John Barnes, Jr., Chairman
Public and Municipal Affairs
Legislative Office Building, Room 101
Concord, NH 03301

RE: HB1301 AN ACT relative to the challenges of voters.

Dear Chairman Barnes and Honorable Committee Members:

My name is Patricia Picuch and I am the Deputy City Clerk for the City of Nashua and the President of the NH City and Town Clerks' Association. On behalf of the Association we are opposing HB1301.

Voting is our most fundamental constitutional right, one that is protected for all qualified citizens under the State Constitution and we feel this bill will take away these rights and will deter those voters wishing to register to vote or in casting their ballot on Election Day. This bill now allows those who are registering to vote, on Election Day, to be challenged at the voter registration table. Since some information, when registering to vote, is private and protected under the right-to-know law, if a challenger is there, these voters will probably not register in order to protect their private information from being exposed. If an individual is challenged at the voter registration table the bill allows the Moderator to make the decision as to whether the challenge is grounded or not, but according to state law, only Supervisors of the Checklist or Board of Registrars are allowed to make that determination, in adding a voter to the checklist. This should not be the decision of the Moderator who is not aware of the documentation required in registering to vote.

This bill also allows challengers to challenge a voter without completing a written challenge. This bill creates an opportunity for mass indiscriminate challenges that could disenfranchise our citizens' fundamental right to vote. This will slow down the process and be extremely disruptive to the polling place. As Representative Dino Scala wrote in the House Journal, for the majority of the Election Law Committee, he stated "The system of challenges has worked for many years with the affidavit. The majority feels it is time to remove this unnecessary requirement." If it has worked well for many years, then why change it and chance the risk of our citizens not registering to vote or casting their ballot on Election Day.

This bill allows challenges to not state any reasons, for those voting in person, why they are being challenged, but for absentee ballots, a "challenger shall state the reason for a challenge". If someone wants to challenge a voter, whether in person or one who has voted by absentee ballot, they should have to complete the written challenge affidavit form stating the reason for the challenge. A voter should not have to disapprove of an allegation that is verbal. Every voter deserves the right to know why their vote is being challenged and who is doing the challenge, as that individual is trying to take away their most fundamental right.

Again, on behalf of the NH City and Town Clerks' Association we are opposing HB1301 and respectfully request the committee find this bill inexpedient to legislate.

I will be happy to answer any questions that the committee may have.

Sincerely,

Patricia Picuch, President
NH City and Town Clerks' Association

April 2, 2012

Senator John Barnes, chairman
Public and Municipal Affairs Committee

Re: HB 1301

Dear Senator Barnes and members of the committee:

The League of Women Voters of New Hampshire urges you to vote HB 1301, AN ACT relative to challenges to voters, inexpedient to legislate.

New Hampshire currently has a law about challenges to voters at the polls on Election Day (RSA 659:27) which has worked very well for the past several years. It is a law that was put in place after multiple large scale challenges targeting whole groups of voters, usually students, disrupted polling places across the state. The most egregious example was in Hanover where some voters were left standing in line for as long as four hours while election officials tried to deal with unsubstantiated allegations from out-of-state and out-of-town challengers.

The current law on challenges requires the challenger to present a legitimate reason for the challenge and to fill out a form signed under oath. The challenged voter also has to fill out a form under oath before getting a ballot. This puts the voter and the challenger on a level playing field. It also protects the Moderator from charges of bias from both sides. The current law also protects confidential information for those registering to vote by barring challenges at the registration table.

The League has heard from a number of Moderators who strongly oppose HB 1301. They have expressed concerns about unfounded allegations against voters being used as a way to disrupt the polls on Election Day. They are also concerned about the conflicts that will arise between Supervisors of the Checklist who are authorized by law to register voters and challengers who simply want to prevent people from voting.

The League of Women Voters urges the committee to keep the current fair and workable law in place and reject the ill-considered changes called for in HB 1301.

Thank you for your consideration,

Liz Tentarelli, Co-president

Sally Davis, Co-president

Joan Flood Ashwell, Election Law Specialist

League of Women Voters of New Hampshire

The League of Women Voters, a nonpartisan political organization, encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy. Any person 18 or older, male or female, may become a League member.



TESTIMONY ON HB 1301

Senate Public and Municipal Affairs Committee

April 3, 2012

As Deputy Town Clerk and the Director of Administrative Services for the Town of Hanover, I strongly **OPPOSE** HB 1301 relating to the removal of certain requirements to persons asserting a voter challenge. Willy Black, my neighbor and Hanover's elected Town Moderator, has outlined several reasons why we as a community are opposed to this bill. I fully support her comments and would like to underscore **the importance of requiring that a Challenger continue to assert a challenge in writing:**

1. **Accountability on the part of the Challenger** – I think we all agree that the challenge process is an important element in providing for the purity of our elections. However, I firmly believe the Challenger has the onus to invoke this privilege responsibly, as it potentially delays and otherwise infringes upon the voting rights of duly qualified voters. Ideally, no challenge to our citizen's right to cast a vote should be without justification and cause. By requiring the Challenger to produce a physical written record of their assertion, they are accountable for such and must weigh the merits of the challenge prior to completing the form.

Requiring a written record of the Challenger's assertion in no way diminishes or infringes upon the Challenger's right to make a challenge. In fact, I suggest that the written record of a voter challenge provides more heft, import, and impact of the challenge process as an important element to guarantee the integrity of our elections.

If dispensing with the written affidavit required from the person asserting a challenge is intended to allow for 'mass' challenges, I take exception to the validity of identifying en masse groups of individuals as questionable to vote in

our Town. Without having some knowledge of the individual voter and positing their challenge in a thoughtful, documented basis, is the Challenger then free to make assumptions about a group of voters' qualifications to vote by their gender? by their skin color? by their age? by their mobility? Without appreciating what is gained by eliminating the requirement of a written Challenge assertion, I see only the potential to degrade the challenge process to an unfair and biased series of events.

2. **Accountability on the part of the Moderator** – The Moderator has many duties at an election. By requiring the Challenger to assert a written form, the Challenger is assured there is a physical record of their assertion presented to the Moderator for immediate action. Through a written challenge, there is lesser chance for ambiguity and misinterpretation of what the Challenger intended; the Moderator is accountable to a written document that can be viewed by other 'reasonable persons' vs. the interpretation of an oral statement that cannot reliably be reproduced.

I would encourage the committee to **OPPOSE this bill** as it, in my opinion, **does nothing to improve the provision of purity in our elections** and opens the door to the possibility of unfair discrimination and stereotyping of large numbers of our qualified voting public. I hope you and your fellow Senators agree that this is not the New Hampshire way and will soundly OPPOSE the bill as written.

Thank you for your consideration.

Sincerely,



Elizabeth A. McClain
Director of Administrative Services
Deputy Town Clerk

Re: HB 1301, relative to challenges to voters.

Dear Chairman Barnes and members of the committee:

America Votes is non-profit organization that, among other things, works to expand access to the ballot, coordinate issue advocacy and election campaigns, and protect every American's right to vote.

We are here today in opposition to HB 1301. This bill will introduce intimidation into the polling place. In our democracy we seek to protect the rights of voters, not to put up barriers for those wishing to exercise their Constitutional right to vote.

In New Hampshire, we have strict registration requirements where the voter must register in person before a local official and prove a number of qualifications. Voters must state their name before a ballot clerk before obtaining a ballot. Additionally, our laws allow individuals to challenge voters who they believe to be unqualified to vote.

HB 1301 would make changes to the challenge law that are unnecessary and benefit the challenger rather than the person trying to exercise their right to vote. HB 1301 changes the law so that the burden of proof is no longer on the challenger. We also believe the removal of the written challenge will place town moderators at risk for legal action without any written documentation to be utilized in their defense.

We are gravely concerned that the result of this legislation would be giving broad permission to challengers to indiscriminately challenge any voter, thereby slowing down the voting process for qualified voters, and creating an unnecessary burden to exercising this constitutional right.

We respectfully urge the committee to vote HB 1301 Inexpedient to Legislate.

Sincerely,

Jessica Clark
America Votes

From: Representative Jim Belanger (Hollis, Brookline, Mason)
To: Senate Committee hearing HB 1301
Subj: Opposition to passage of HB 1301

HB 1301 Senate Hearing 3 April 2012

Why are we here against a bill that passed the House? Because we did a lousy job of convincing our fellow Representatives how bad this bill really is.

The majority of the House Election Law Committee saw this bill as a step forward in reducing paperwork in the process of challenging a voter. I equate this to a police officer stopping you for speeding but not having to write up a summons, just to reduce that paperwork step in the process. Sound reasonable? How about someone accusing you of child abuse but not having to put it in writing? Sound reasonable?

I've been in the moderator business for about 18 years. As such, I know! One of the most respected officials in your town elections is your moderator.

Would you show your appreciation for that person by putting them in the middle of a voting fight and then let them hang there? Try being a judge in a court where there is no paperwork and the accuser is not there.

38 Moderators on the NH Google Group: Not all moderators are members but of those who are - ~~36~~ opposed – not overwhelming but, what is more revealing – NONE IN FAVOR

Let's put it this way.

Call your local police officer and tell him/her that your neighbor has committed a crime. Demand they be detained and arrested. When asked to put it in writing, refuse. What should your police officer do?

If you accuse someone, should you not be obligated to put it in writing so it won't be a "he said, she said" issue in the future?

If your police officer arrests your neighbor and you later recant your allegation, where does that leave the officer? HANGING

Don't do this to your moderator.

If you challenge a voter at the polls, be honest about it and put it in writing. Fill out the voter challenge affidavit and put your money where your mouth is. Stand behind your actions and be ready to defend them so you are sure you are not making half baked accusations.

Your right to vote is sacred. Don't let someone take it away on a whim. Make sure they have their facts straight and make sure they accuse you in writing.

**126 Representatives voted to table this bill in the House, vote failed. 126-216
Bill passed 212-129**

Here is an extreme that this bill would allow: Some one or some group could challenge a huge number of voters and not have to fill out a single piece of paper and disrupt an election!! Couldn't happen? Well, make sure by ITL!

RSA 654:7-c

person may not be positioned within 5 feet of the voter registration table where the exchange of nonpublic information between the applicant for registration and the election official receiving the application may be heard or seen.

Yet, this bill allows this.

ITL this bill !



State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD

3 April 2012

Moderators in Opposition to Passage of HB1301

Florence Webb
Moderator, Town of Landaff

George Epstein
Madison Town and School Moderator

John Miller
Bethlehem Elementary / Profile Jr-Sr
High School Moderator

Wayne T. Moynihan
Town/School Moderator
Town of Dummer

Bobbi Burns
Moderator, Hampton Falls

James Snyder
Moderator Sugar Hill, NH

Charles W. Thompson
Moderator, Town of Wilmot

Robert G. Eaton
Town & School District Moderator, Rye

David Edkins, Moderator
Fall Mountain Regional School District
SB2 Regional School District

Lynn Christensen
Moderator Merrimack Town & School
Moderator Merrimack Village District

James P. O'Rourke, Jr.
Henniker Community School Moderator

Steve Ranlett
School District Moderator, Plaistow

Paul Inderbitzen
Moderator, Town of Hudson

Daniel F. Barnard, Jr.
Tuftonboro, NH

David Beaufait
Moderator, Enfield

Ernest Vose
Walpole Moderator

Michael LaBonte
Moderator for the town of Loudon

William M Marsh
Moderator, Brookfield

Rebecca Berk
Hooksett school district moderator

Thomas E. Garfield
Moderator, Belmont, N.H. 03220

Nancy Marashio
Moderator, Town of Newbury

Wayne Mann
Moderator, Town of Canterbury

Lee Quimby
Moderator, Town of Sandwich
& Inter-Lakes School District

Leroy E. Mosher
Moderator, Town of Gilsum

32 Plain Road, Hollis, NH 03049
Tel 603 465 2301 Jim.Belanger@leg.state.nh.us

TDD Access: Relay NH 1-800-735-2964

Johnny Miller
Bethlehem Elementary / Profile Jr-Sr
High School Moderator

John Lassey
Deering Town Moderator

Gil Richardson
Benton School and Town Moderator

Michael Cauble
Moderator, Effingham, NH

Dorothy Campbell
Moderator, Grafton NH

Jan Neill
Town Moderator, Lee NH

David Tower
Moderator, Town of Rindge
& Jaffrey Rindge School District

Lee Quimby
Moderator Town of Sandwich & Inter-
Lakes School District

Jerry Hopkins
Moderator, Moultonborough, NH

Jim Belanger
Hollis Town Moderator

Pete Basiliere
Moderator, Milford Town & School

Gerard Desrochers
Moderator, Hill NH

Bruce Saenger
Moderator, Town & School Waterville
Valley

Richard Haskins
Town Moderator, Hancock

H.B. 1301

Senate Hearing Tuesday, April 3, 2012

10:15, Rm. 101, LOB

Bob Perry, representing Strafford County District #3.

I speak in opposition to H.B. 1301. It makes three major changes to existing law, a good law ~~in effect since...~~ First, it would remove the requirement that a person challenging a voter do so in writing. [Second, it allows a challenger access to voters at the election-day registration area.] Third, it subjects in-person voters and absentee voters to a different standard.

RSA 659:27-a sets out the form of the affidavit that both accuser and moderator must complete.

Related to the challenger, it lists multiple possibilities a voter might be challenged. It requires the challenger to make oath under the penalties of perjury that, to the best of his/her knowledge, the information provided in the affidavit is true and correct. The signature of the challenger is then witnessed by a notary, justice, or election officer. Perhaps at the taking up of the pen to paper, but certainly by the witnessing of his signature, the challenger is very aware of the serious implications of making a false or callous accusation.

The Moderator is then required to complete his/her section of the affidavit matching and confirming the complaint or complaints made in the prior section. This process all but eliminates misunderstanding between challenger and moderator, and since it is a writing, may be revisited at any time in the future, to the benefit of each of the affidavit's participants.

H.B. 1301 repeals this important check and balance against abuse or misunderstanding.

Allowing a challenger access to the registration table allows that person to hear personal information, perhaps the most personal of which is No. 9 on the registration form: Driver's License Number or last four digits of one's Social Security number. This is bad public policy, and I assume one of the reasons for the current law forbidding what this bill seeks to allow.

With respect to the challenge of absentee ballots, this bill strikes the language subjecting challengers to the same standards as in-person voters, and replaces that language with the following: A person who makes a challenge shall state the reason for the challenge ... language that is so vague as to be meaningless, and is especially offensive because the voter is not present to defend against the challenge.

If Deputy Scanlon not present to speak for himself:

Deputy Secretary of State David Scanlon testified in the House Election Law Committee that, although he does not support or oppose the bill, does have concerns that passage might make it easier to orchestrate challenges, to the detriment of individual voters, and for the potential of creating unnecessarily long lines. He said he is also concerned that challenges will be allowed at the registration table where there is an exchange of personal information.

Respectfully submitted,

Bob Perry, State Representative Strafford County District #3

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Date: April 4, 2012

THE COMMITTEE ON Public and Municipal Affairs
to which was referred House Bill 1301

AN ACT relative to challenges to voters.

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

IS INEXPEDIENT TO LEGISLATE

BY A VOTE OF: 5-0

CONSENT CALENDAR VOTE: 5-0

Senator John S. Barnes, Jr. for the Committee

This bill attempts to remove the requirement that a person asserting a voter challenge submit an affidavit stating the basis of the challenge. Committee members believe such action would give way to indiscriminate challenges, disenfranchise citizens' fundamental right to vote, and be extremely disruptive at the polling place. The bill would also permit voter challenges to be submitted at the voter registration table on election day, which may deter and intimidate voters trying to register with private or confidential information.

Debra Martone 271-3092

New Hampshire General Court - Bill Status System

Docket of HB1301

Docket Abbreviations

Bill Title: relative to challenges to voters.*Official Docket of HB1301:*

Date	Body	Description
11/18/2011	H	Introduced 1/4/2012 and Referred to Election Law
1/18/2012	H	Public Hearing: 1/24/2012 1:00 PM LOB 308
2/8/2012	H	Executive Session: 2/14/2012 2:00 PM LOB 308
2/14/2012	H	Majority Committee Report: Ought to Pass for Feb 22 (Vote 10-6; RC); HC 14 , PG.810
2/14/2012	H	Minority Committee Report: Inexpedient to Legislate; HC 14 , PG.810
2/22/2012	H	Lay On The Table (Rep D.L.C.Christensen): MF RC 126-216; HJ 20 , PG.1217-1218
2/22/2012	H	Ought to Pass: MA RC 212-129; HJ 20 , PG.1219-1220
3/7/2012	S	Introduced and Referred to Public and Municipal Affairs
3/28/2012	S	Hearing: 4/3/12, Room 101, LOB, 10:15 a.m.; SC13
4/4/2012	S	Committee Report: Inexpedient to Legislate, 4/11/12; Vote 5-0; CC; SC14
4/11/2012	S	Inexpedient to Legislate, MA, VV === BILL KILLED ===

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

HB 1361 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.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE

HEARING REPORT

_____ HANDOUTS FROM THE PUBLIC HEARING

PREPARED TESTIMONY AND OTHER SUBMISSIONS

SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

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

ALL AVAILABLE VERSIONS OF THE BILL:

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

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

DATE DELIVERED TO SENATE CLERK

06/28/12

Debra A. Mantore
BY COMMITTEE AIDE