

Committee Report

CONSENT CALENDAR

February 7, 2017

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Election Law to which was referred
HB 588-FN,**

AN ACT relative to voter identification requirements.

**Having considered the same, report the same with the
following resolution: RESOLVED, that it is
INEXPEDIENT TO LEGISLATE.**

Rep. Yvonne Dean-Bailey

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Election Law
Bill Number:	HB 588-FN
Title:	relative to voter identification requirements.
Date:	February 7, 2017
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

At the request of the sponsors, the committee has recommended that this legislation be found Inexpedient to Legislate. The committee shares the sponsors' concern that under this bill, the time provided to the voter to return with valid photo identification would conflict with the reporting requirements for election results. No public testimony was given in support of this legislation.

Vote 20-0.

Rep. Yvonne Dean-Bailey
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Election Law

HB 588-FN, relative to voter identification requirements. **INEXPEDIENT TO LEGISLATE.**

Rep. Yvonne Dean-Bailey for Election Law. At the request of the sponsors, the committee has recommended that this legislation be found Inexpedient to Legislate. The committee shares the sponsors' concern that under this bill, the time provided to the voter to return with valid photo identification would conflict with the reporting requirements for election results. No public testimony was given in support of this legislation. **Vote 20-0.**

Original: House Clerk
Cc: Committee Bill File

Altilio, Iris

From: Dean-Bailey, Yvonne
Sent: Tuesday, February 07, 2017 4:19 PM
To: Griffin, Barbara; Altilio, Iris
Subject: HB 588 - Blurb

At the sponsors request, the committee has recommended an ITL motion for this legislation. The committee shares the sponsors' concerns in that the timing of the voter to return is in conflict with the reporting of the election results. No public testimony was given in support of this legislation.

A handwritten signature in blue ink, appearing to be 'Iris Altilio', with a long horizontal line extending to the right.

Voting Sheets

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 588-FN

BILL TITLE: relative to voter identification requirements.

DATE: February 7, 2017

LOB ROOM: 308

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Dean-Bailey

Seconded by Rep. Hill

Vote: 20-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Betty Gay
Rep Betty Gay, Clerk

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 588-FN

BILL TITLE: relative to voter identification requirements.

DATE: 2/7/2017

LOB ROOM: 308

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. Yvonne Dean-Barley Seconded by Rep. Greg Hill Vote: 20-0

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: YES NO

Minority Report? Yes No If yes, author, Rep: _____ Motion _____

Respectfully submitted: _____
Rep Betty Gay, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/10/2017 9:35:45 AM
Roll Call Committee Registers
Report

2017 SESSION

ELEC LAW

Bill #: HB5588 Title: Relative to Voter Identification Requirements

PH Date: 2, 7, 2017 Exec Session Date: 2, 7, 2017

Motion: ITC Amendment #: _____

MEMBER

YEAS

NAYS

MEMBER	YEAS	NAYS
Griffin, Barbara J. Chariman	✓	
Dean-Bailey, Yvonne M. Vice Chairman	✓	
Souza, Kathleen F.	✓	
Hill, Gregory	✓	
Harrington, Michael D. > <u>David Danielson</u>	✓	
Hellwig, Steve D. > <u>John Muller</u>	✓	
Freeman, Lisa M.	✓	
Gay, Betty I. Clerk	✓	
Negron, Steve	✓	
Silber, Norman	✓	
Wells, Natalie J.	✓	
Cote, David E. > <u>Judith Spang</u>	✓	
Ward, Gerald W.R.	✓	
Moynihan, Wayne T.	✓	
Bennett, Travis	✓	
Pearson, William A. > <u>Tim Soney</u>	✓	
Huot, David O.	✓	
White, Andrew A.	✓	
Porter, Marjorie A.	✓	
Epstein, Isaac	✓	
TOTAL VOTE:	<u>20</u>	<u>0</u>

Hearing Minutes

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 588-FN

BILL TITLE: relative to voter identification requirements.

DATE: February 7, 2017

LOB ROOM: 308 Time Public Hearing Called to Order: 11:32 a.m.

Time Adjourned: 11:47 a.m.

Committee Members: Reps. B. Griffin, Dean-Bailey, Souza, Hill, Freeman, Negron, Silber, Wells, Ward, Moynihan, Bennett, Huot, White, Porter, Epstein and Gay

Bill Sponsors:

Rep. Testerman

Rep. Seidel

TESTIMONY

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

Sponsor did not speak. Had contacted Chair requesting ITL.

No members of the public registered in support of HB588.

Given bill not placed before committee, no testimony was taken.

Rep. Betty Gay
Clerk

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 588-FN

BILL TITLE: relative to voter identification requirements.

DATE: 2/7/2014

ROOM: 308

Time Public Hearing Called to Order: 11:32

Time Adjourned: 11:47

(please circle if present)

Committee Members: Reps. B. Griffin, Dean-Bailey, Souza, Hill, Harrington, Hellwig, Freeman, Negron, Silber, Wells, Cote, Ward, Moynihan, Bennett, W. Pearson, Huot, White, Porter, Epstein and Gay

Bill Sponsors:

Rep. Testerman

Rep. Seidel

TESTIMONY

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

Sponsor did not appear. Had contacted chair requesting TL. No member of public registered in support of SB8 given but not placed before committee, no testimony taken.

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 588 Date 2/1/17
 Committee Electron Law

** Please Print All Information **

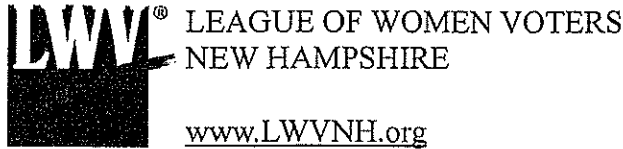
Name	Address	Phone	Representing	(check one)	
				Pro	Con
Liz Tentarelli	27 Bowles Rd Newbury		League of Women Voters ONH		✓
Linda MacDonald	Brentwood		NH Voter Protection		✓
Kyri Clafin	109 Reserve Pl. Concord				✓
Melissa Davis	3 Winton St. Ammonia				✓
Katherine Hedges	Concord	607-8851	self		✓
Timothy McKernan	4 pr. St. Concord	225-2471	Great St. Hedges		✓
Phoebe Stone	224 Frodo St Manchester 03102				✓
Liz Alcazar	195 McGregor St. Manchester				✓
Olivia Zink	4 Park St #301		NH Rebellion		✓
Mary Till	Derry		self		✓
Michael Sheehan	Holt St Concord	228697	self		X
Sally Hatch	233 (60) Kenton Rd Concord				✓
Patricia Treach	229 Main St Washouah		NH City + Town Clerks Ass'n		✓
Rep Amy Dorr					✓
MEUSSA HINEBAUCH	CONCORD NH		03301		✓
Keith Yergeau	Bedford				✓
Elizabeth Papp	Manchester		03104		✓
Eric Zulaski	Manchester		self		✓
Cardell Johnston	NH Municipal Ass'n				✓
Rep. Richard McManam	Hills Farm		03244		✓
Rebecca Hutchinson	30 Lang Rd Deerfield		03037		✓
Kyri Lee Omlen	Windsor, NH		03781		✓

Rep. Cant Seedol

4015 28 ✓

Testimony

HB 588



4 Park St Room 200
Concord, NH 03301

Feb 7, 2017

To Chair and members of the House Election Law Committee:

Re: **HB 588**, creating a provisional ballot

The League of Women Voters NH is a nonpartisan organization that never supports or opposes candidates or political parties but does take stands on issues after study and agreement by members. Voting rights and good government are two of our core issues.

The League has serious concerns about **HB 588** because it changes the entire way we run elections in NH. Same day voter registration has always carried with it the assurance that all votes cast would be counted. Our First in the Nation Primary garners national attention in part because accurate counts are reported within hours of polls closing. Provisional ballots would change that.

On the personal side, consider how many times you have had to take one extra step after purchasing a product, for example, to get your rebate. Did you mail in your rebate slip with proofs of purchase, or did they get shoved in your pocket and forgotten in the rush of daily life? How often have things slipped from your to-do list and only later do you realize it's too late to do something? For some voters, who go to the polls assuming—from years of voting experience—that photo ID is not absolutely required, will their anger at being asked to return within days keep them voting for years in the future? We don't know, but we can assume that jumping through hoops is not a good part of the voting experience.

For the many elderly and disabled and young voters without drivers licenses, being asked to return with one is an insult. If they don't drive or get around easily, getting to the DMV for a non-voter ID in a matter of days is unrealistic. Those provisional ballots will go uncounted.

Voting is a right, and in NH we have made it possible for those without ID to exercise that right. We have not experienced widespread voter impersonation as a result. Our voter turnout in November was 78%, third highest in the nation. If voters in future think their ballot may be laid aside, will they be as likely to come out?

This bill is a solution looking for a problem that's not there, and in turn it creates the problems of frustration and delayed vote counts.

The League of Women Voters NH opposes HB 588 and we urge the House Election Law Committee to vote *Inexpedient to Legislate* on HB 588.

Respectfully submitted by

Liz Tentarelli, president League of Women Voters NH
(contact: home phone 763-9296 email: LWV@kenliz.net)

Fiscal Note

HB 588-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to voter identification requirements.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2018	FY 2019	FY 2020	FY 2021
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable
<i>Funding Source:</i>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

LOCAL:

Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill allows a voter who does not present a valid photo identification to vote by provisional ballot and present a photo identification to the municipal clerk by noon on the Friday following the election. The Department of State indicates that Section 302 of the federal Help America Vote Act (HAVA) places certain requirements on those states that use provisional balloting. One significant requirement would be the creation of a website that would allow voters to view the status of their provisional ballot. Additionally, the process of receiving and counting provisional ballots would extend the time frame by which election results are known. This may require the hiring of additional part-time election staff to make sure deadlines are met relative to recounts, the preparation of general election ballots, and summoning state legislators to Organization Day. The Department is unable to estimate the costs of these considerations at this time.

The New Hampshire Municipal Association states that the bill would require the clerk and moderator to devote additional time to post-election duties. It is possible this would result in a slight increase in municipal expenditures, but the Association states it has no way of estimating the increase. There should be no effect on municipal revenues.

AGENCIES CONTACTED:

Department of State and New Hampshire Municipal Association

Bill as
Introduced

HB 588-FN - AS INTRODUCED

2017 SESSION

17-0234
03/04

HOUSE BILL

588-FN

AN ACT

relative to voter identification requirements.

SPONSORS:

Rep. Testerman, Merr. 2; Rep. Seidel, Hills. 28

COMMITTEE:

Election Law

ANALYSIS

This bill requires a voter who does not present a valid photo identification to vote by provisional ballot.

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 Seventeen

AN ACT relative to voter identification requirements.

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

1 1 Election Fund; Reference Deleted. 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 equipment that
5 complies with the Help America Vote Act of 2002, Public Law 107-252, [~~ex with RSA 659:13, V,~~]
6 reimbursing the department of safety for the actual cost of voter identification cards, election law
7 enforcement, and improvements to related information technology, including acquisition and
8 operation of an automated election management system. The secretary of state shall not expend
9 any monies in the election fund unless the balance in the fund following such expenditures shall be
10 at least 12 times the estimated annual cost of maintaining the programs established to comply with
11 the Help America Vote Act of 2002, Public Law 107-252.

12 2 Right to Know Exemption; Reference Deleted. Amend RSA 654:31-a to read as follows:

13 654:31-a Right to Know Exemption. The information contained on the checklist of a town or
14 city, specifically, the name, domicile address, mailing address, town or city, and party affiliation, if
15 any, of registered voters, except as otherwise provided by statute, is public information subject to
16 RSA 91-A. All other information on the voter registration form, absentee registration affidavit,
17 qualified voter and domicile affidavits, [~~affidavit of religious exemption,~~] and application for
18 absentee ballot shall be treated as confidential information and the records containing this
19 information shall be exempt from the public disclosure provisions of RSA 91-A, except as provided
20 by statutes other than RSA 91-A. Notwithstanding the foregoing, qualified voter and domicile
21 affidavits are public records subject to RSA 91-A for the sole purpose of challenging an individual
22 registering to vote or voting, challenging ballots to be recounted, to the extent that such ballot
23 challenges are specifically authorized by law, or determining the accuracy of any qualified voter or
24 domicile affidavit. Election officials and law enforcement personnel in furtherance of their official
25 duties may access and may disclose information from the voter registration form, qualified voter
26 and domicile affidavits, [~~affidavits of religious exemption,~~] absentee registration affidavits, and
27 applications for absentee ballots, if necessary to resolve a challenge to an individual registering to
28 vote or voting, or if necessary to investigate or prosecute election law violations or any crime. Law
29 enforcement access and use of such records for the investigation or prosecution of crimes unrelated
30 to election law violations shall be limited to the records of the specific individuals who are the
31 subject of the investigation or prosecution.

HB 588-FN - AS INTRODUCED

- Page 2 -

1 3 Obtaining a Ballot; Voter Without Identification RSA 659:13, I(c) is repealed and reenacted
2 to read as follows:

3 (c) If the voter does not have a valid photo identification, the ballot clerk shall inform
4 the voter that he or she may vote by provisional ballot in accordance with RSA 659:13-b and present
5 a valid photo identification to the city or town clerk by noon on the Friday following the election.

6 4 Provisional Ballot. RSA 659:13-b is repealed and reenacted to read as follows:
7 659:13-b Provisional Ballot.

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

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

19 III. No later than noon on the Friday following the election, a voter who has cast a
20 provisional ballot may appear in person before the city or town clerk and present a valid photo
21 identification meeting the requirements of RSA 659:13, II. Upon satisfaction of the identity of the
22 voter, the clerk shall mark the checklist and provisional ballot envelope to that effect. At noon on
23 the Friday following the election, the clerk shall forward all provisional ballots for which
24 verification of identity has been provided to the moderator.

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

29 5 Wrongful Voting; Reference Deleted. Amend RSA 659:34, I(a) to read as follows:

30 (a) When registering to vote; when obtaining an official ballot; when casting a vote by
31 official ballot; or when applying for a photo identification card for voting purposes, purposely or
32 knowingly makes a false material statement regarding his or her qualifications as a voter to an
33 election officer or submits a voter registration form, an election day registration affidavit, a
34 qualified voter affidavit, a domicile affidavit, a challenged voter affidavit, [~~an affidavit of religious~~
35 ~~exemption,~~] an identification card voucher, or an absentee registration affidavit containing false
36 material information regarding his or her qualifications as a voter;

37 6 Repeal. The following are repealed:

38 I. RSA 33-A:3-a, CLVI, relative to retaining affidavits of religious exemption.

HB 588-FN - AS INTRODUCED

- Page 3 -

- 1 II. RSA 659:13, III-V, relative to voters without photo identification.
- 2 7 Effective Date. This act shall take effect 60 days after its passage.