

Committee Report

REGULAR CALENDAR

March 8, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Majority of the Committee on Election Law to
which was referred HB 516-FN,**

AN ACT allowing voters to vote by absentee ballot.

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

Rep. Maureen Mooney

FOR THE MAJORITY OF THE COMMITTEE

MAJORITY COMMITTEE REPORT

Committee:	Election Law
Bill Number:	HB 516-FN
Title:	allowing voters to vote by absentee ballot.
Date:	March 8, 2021
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill shifts absentee voting from an “excuse” requirement to a “vote-by-mail” process. Under this bill, a voter could vote in any election by absentee ballot with no excuse required. The majority believes that this is unnecessary for many reasons. First, Part 1, Article 11 of the NH Constitution states that voting shall take place “at the time of the biennial or state elections, or of the primary elections therefor, or of city elections, or of town elections by official ballot,” and directs the legislature to provide a procedure for absentee voting for voters who have specific excuses for not voting in person. This bill is unconstitutional because it contradicts the plain language of the Constitution. As a matter of policy and fairness, such a fundamental transformation of our electoral system should be done directly, if at all, through a constitutional amendment, which requires broader support. Voting by mail as proposed in this bill defeats most, if not all, of the provisions to ensure election integrity including presenting identification and placing the ballot in the counting machine. This bill has the potential to open the door to fraud, identity theft, the circumvention of voter identification requirements, delayed election results, increased paperwork processing burdens on municipal employees, and potentially inconsistent treatment of spoiled absentee ballots, to name but a few. Voting together, in person, as a community, is a cherished civic tradition. New Hampshire honors that tradition with turnout rates among the highest in the nation. This bill would significantly change the Election Day process. After a year of pandemic-induced isolation and social disruption, the majority can see no reason to perpetuate that with “vote-by-mail.”

Vote 11-9.

Rep. Maureen Mooney
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Election Law

HB 516-FN, allowing voters to vote by absentee ballot. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Maureen Mooney for the **Majority** of Election Law. This bill shifts absentee voting from an “excuse” requirement to a “vote-by-mail” process. Under this bill, a voter could vote in any election by absentee ballot with no excuse required. The majority believes that this is unnecessary for many reasons. First, Part 1, Article 11 of the NH Constitution states that voting shall take place “at the time of the biennial or state elections, or of the primary elections therefor, or of city elections, or of town elections by official ballot,” and directs the legislature to provide a procedure for absentee voting for voters who have specific excuses for not voting in person. This bill is unconstitutional because it contradicts the plain language of the Constitution. As a matter of policy and fairness, such a fundamental transformation of our electoral system should be done directly, if at all, through a constitutional amendment, which requires broader support. Voting by mail as proposed in this bill defeats most, if not all, of the provisions to ensure election integrity including presenting identification and placing the ballot in the counting machine. This bill has the potential to open the door to fraud, identity theft, the circumvention of voter identification requirements, delayed election results, increased paperwork processing burdens on municipal employees, and potentially inconsistent treatment of spoiled absentee ballots, to name but a few. Voting together, in person, as a community, is a cherished civic tradition. New Hampshire honors that tradition with turnout rates among the highest in the nation. This bill would significantly change the Election Day process.

After a year of pandemic-induced isolation and social disruption, the majority can see no reason to perpetuate that with “vote-by-mail.” **Vote 11-9.**

Original: House Clerk

Cc: Committee Bill File

REGULAR CALENDAR

March 8, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Minority of the Committee on Election Law to
which was referred HB 516-FN,**

AN ACT allowing voters to vote by absentee ballot.

**Having considered the same, and being unable to agree
with the Majority, report with the recommendation that
the bill OUGHT TO PASS.**

Rep. Russell Muirhead

FOR THE MINORITY OF THE COMMITTEE

MINORITY COMMITTEE REPORT

Committee:	Election Law
Bill Number:	HB 516-FN
Title:	allowing voters to vote by absentee ballot.
Date:	March 8, 2021
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

The minority of the committee supports allowing eligible New Hampshire voters to request an absentee ballot without also requiring them to provide an excuse for doing so. This change would benefit workers who cannot predict their schedules. It is consistent with Article 1 Section 11 of the N.H. State Constitution, which sets minimum standards for providing absentee ballots (absence, disability) but does not limit the conditions under which absentee ballots are made available. Since current absentee ballots are secure, there is no need to include additional security measures in this bill.

Rep. Russell Muirhead
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Election Law

HB 516-FN, allowing voters to vote by absentee ballot. **OUGHT TO PASS.**

Rep. Russell Muirhead for the **Minority** of Election Law. The minority of the committee supports allowing eligible New Hampshire voters to request an absentee ballot without also requiring them to provide an excuse for doing so. This change would benefit workers who cannot predict their schedules. It is consistent with Article 1 Section 11 of the N.H. State Constitution, which sets minimum standards for providing absentee ballots (absence, disability) but does not limit the conditions under which absentee ballots are made available. Since current absentee ballots are secure, there is no need to include additional security measures in this bill.

Original: House Clerk

Cc: Committee Bill File

HB 516, allowing voters to vote by absentee ballot. **INEXPEDIENT TO LEGISLATE.**

Rep. Maureen Mooney for Election Law. This bill shifts absentee voting from an “excuse” requirement to “vote-by-mail.” Under this bill, a voter could vote in any election by absentee ballot with no excuse required. The majority believes that this is unnecessary for many reasons. First, Part 1, Article 11 of our Constitution states that voting shall take place “at the time of the biennial or state elections, or of the primary elections therefor, or of city elections, or of town elections by official ballot,” and directs the legislature to provide a procedure for absentee voting for voters who have specific excuses for not voting in person. This bill is unconstitutional because it contradicts the plain language of the Constitution. As a matter of policy and fairness, such a fundamental transformation of our electoral system should be done directly, if at all, through a constitutional amendment, which requires broader support. Voting by mail as proposed in HB 516 defeats most, if not all, of the provisions to ensure election integrity including presenting identification and placing the ballot in the counting machine. This bill has the potential to open the door to fraud, identity theft, circumventing voter identification, delayed election results, increased paperwork processing burdens on municipal employees, and potentially inconsistent treatment of spoiled absentee ballots, to name but a few. Voting together, in person, as a community, is a cherished civic tradition. New Hampshire honors that tradition with turnout rates among the highest in the nation. This bill would significantly change the Election Day process. After a year of pandemic-induced isolation and social disruption, the majority can see no reason to perpetuate that with “vote-by-mail.” **Vote 11-9.**

Archived: Thursday, April 22, 2021 11:18:24 AM

From: [Bgriffinlo](#)

Sent: Wednesday, March 24, 2021 1:08:11 PM

To: [Miriam Simmons](#)

Cc: [Bgriffinlo](#)

Subject: Fwd: reports 2

Response requested: Yes

Importance: Normal

Attachments:

[HB 516 - Maj - Mooney.docx](#)  [Minority Report HB516 - Muirhead.docx](#)  [in HB 523 - Bergeron.docx](#)  [B 43.docx](#)  [HB570 - Consent - Qualey.docx](#) 

Batch 2

-----Original Message-----

From: [Bgriffinlo](#) <bgriffinlo@aol.com>

To: [Bgriffinlo](#) <bgriffinlo@aol.com>

Sent: Wed, Mar 24, 2021 8:52 am

Subject: reports 2

Minority Report HB516-FN

The Minority supports allowing eligible New Hampshire voters to request an absentee ballot without also requiring them to provide an excuse for doing so. The law will benefit workers who cannot predict their schedules as well as many others. It is consistent with Article 1 Section 11 of the N.H. State Constitution, which sets minimum standards for providing absentee ballots (absence, disability) but does not limit the conditions under which absentee ballots are made available. Since current absentee ballots are secure and there is nothing in this bill that requires additional security, there is no need to include additional security measures in this bill.

Rep Muirhead

Archived: Thursday, April 22, 2021 11:18:25 AM
From: [David Cote](#)
Sent: Wednesday, March 24, 2021 7:19:28 PM
To: [Miriam Simmons](#)
Cc: [Russell Muirhead](#)
Subject: Re: HB 516 minority report
Response requested: No
Importance: Normal

That edit is fine with me.

Sent from my iPhone

On Mar 24, 2021, at 6:46 PM, Miriam Simmons <miriam.simmons@leg.state.nh.us> wrote:

Rep Muirhead
I can make that edit tomorrow

Miriam.

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Russell Muirhead <Russell.Muirhead@leg.state.nh.us>
Sent: Wednesday, March 24, 2021 5:50:30 PM
To: Miriam Simmons <miriam.simmons@leg.state.nh.us>; David Cote <david.cote@leg.state.nh.us>
Cc: Pam Smarling <Pam.Smarling@leg.state.nh.us>; Miriam Simmons <miriam.simmons@leg.state.nh.us>
Subject: Re: HB 516 minority report

Hi Miriam,
Yes, the minority report was approved by Rep. Cote. The only change I'd like to make upon reviewing it again now is to delete the words "as well as many others" from the second sentence—it's not necessary and a bit confusing.
Thank you!
Russ

From: Miriam Simmons <miriam.simmons@leg.state.nh.us>
Date: Wednesday, March 24, 2021 at 2:23 PM
To: David Cote <david.cote@leg.state.nh.us>, Russell Muirhead <Russell.Muirhead@leg.state.nh.us>
Cc: Pam Smarling <Pam.Smarling@leg.state.nh.us>, Miriam Simmons <miriam.simmons@leg.state.nh.us>
Subject: HB 516 minority report

Rep. Cote, Rep Muirhead,

Was this minority report reviewed and approved by Rep Cote?
Please respond as soon as possible.

Miriam Simmons
Committee Assistant

Sent: Wednesday, March 24, 2021 1:08 PM

To: Miriam Simmons <miriam.simmons@leg.state.nh.us>

Voting Sheets

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 516-FN

BILL TITLE: allowing voters to vote by absentee ballot.

DATE: March 8, 2021

LOB ROOM: Remote / Hybrid

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Mooney

Seconded by Rep. Torosian

Vote: 11-9

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Natalie Wells, Clerk

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on Bill # HB 516-FN

BILL TITLE: Allowing voters to vote by AB
DATE: 3/8/21
LOB ROOM: 306

MOTION: (Please check one box)

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

Moved by Rep. Mooney Seconded by Rep. Turosoian Vote: 11:9

MOTION: (Please check one box)

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

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

MOTION: (Please check one box)

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

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

MOTION: (Please check one box)

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

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

CONSENT CALENDAR: ___ YES ___ NO

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

Respectfully submitted: Rep. Natalie Wells
Rep Natalie Wells, Clerk



2021 SESSION

Election Law

Bill #: HB516 Motion: ITL AM #: _____ Exec Session Date: 3-8-21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Griffin, Barbara J. Chairman	✓		
MacDonald, Wayne D. Vice Chairman	✓		
Prudhomme-O'Brien, Katherine J.	✓		
Sweeney, Joe	✓		
Hayward, Peter T.	✓		
Mooney, Maureen C.	✓		
Torosian, Peter E.	✓		
Berry, Ross	✓		
Groen, Fenton	✓		
Qualey, James R.	✓		
Wells, Natalie J. Clerk	✓		
Cote, David E.		✓	
Ward, Gerald W.R. <i>Megan Murray</i>		✓	
Bergeron, Paul R.		✓	
Sandler, Catt		✓	
Hamer, Heidi M.		✓	
Lane, Connie B.		✓	
Freitas, Mary C.		✓	
Hamblet, Joan L.		✓	
Muirhead, Russell		✓	
TOTAL VOTE:	11	9	

Hearing Minutes

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 516-FN

BILL TITLE: allowing voters to vote by absentee ballot.

DATE: March 4, 2021

LOB ROOM: LOB Hybrid **Time Public Hearing Called to Order:** 10:20 a.m.

Time Adjourned: 11:02 a.m.

Committee Members: Reps. B. Griffin, W. MacDonald, Wells, Prudhomme-O'Brien, Sweeney, Hayward, Mooney, Torosian, Berry, Groen, Qualey, Cote, Ward, Bergeron, Sandler, Hamer, Lane, Freitas, Hamblet and Muirhead

Bill Sponsors:

Rep. Rogers

Rep. K. Murray

Rep. Read

Rep. Schultz

Rep. Leishman

Rep. Klein-Knight

Sen. Soucy

Sen. Watters

TESTIMONY

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

***Representative Katherine Rogers** – Representative for Concord East Side, 28. This bill was seen before last session. No excuse absentee voting. It allows flexible alternative, gives lower income chance to cast vote, creates active citizens. Some workers in low-income jobs are called in last minute to work, people don't want to take a chance. These people say "no excuse" allows them opportunity to vote. Secretary of state said we did not have harvesting in the state. I think fraud is small. We need to take a leap of faith. It passed the House and Senate, vetoed by Governor. Stretch truth, little exceptions a bit, take a chance to vote and give voter a chance in NH with no excuses. Do we want to make it hard to vote in NH? I ask, please pass this bill.

Question: Rep Griffin – Would you agree provisions in your HB516 as you proposed are similar to those of HB61?

Answer: Yes.

Question: Rep MacDonald: Deputy Secretary of State talked about Voter Harvesting. He also mentioned our state constitution. The only reason for absentee is for disabilities. Have you taken and the committee last time took this into consideration, see it as a problem?

Answer: I don't believe it is a problem.

Question: Representative Berry – You mentioned the State of Oregon, only 33 cases. What number for you is acceptable for voter fraud?

Answer: I think only 33 cases in 11 years is a good, but want none.

Question: Rep Mooney – Could you direct me in this bill to the time frame when this takes effect?

Answer: I believe upon passage.

Question: Rep Mooney – I am wondering if have primary week or before general elections?

Answer – No as currently law except, no excuse.

Question: Rep Prudhomme – You talked about other states that have mail in voting. I think it is universal in Oregon. Do you equate this bill to be mail-in voting, no excuse?

Answer: No, similar, only Absentee ballots are mailed in.

Question: Rep Prudhomme-O'Brien – Are you aware of states that have mail-in, no excuse, do they have consistent voting rates?

Answer: Washington, Oregon, but don't know rates of participation.

Question: Rep Groen – With Absentee ballots, how can our officials verify that those that apply in person, are who they say they are?

Answer: It is the same as now. Moderator checks signatures. This is simply the “Excuse” part of it.

Question: Rep Groen – Would you support or want to do absentee where they go into the clerk’s office and show voter ID?

Answer: No, some cannot do this physically due to disabilities. People are not able to leave home for different reasons. It would disenfranchise them and asking someone to go into clerk’s office would disenfranchise.

Question: Rep Groen – For those already mentioned, aren’t they already under this law?

Answer: Yes.

***Janice Kelbe** I’m a retired postal worker. I have 1st hand experience that NH citizens right to vote is taken seriously. We need to expand. Being 1st in the Nation, gives NH awareness of voting, now it makes it easier for “No Excuse”.

Pre-pandemic 39 states including the District of Columbia cast their ballots early. VA, DE 2020, “No excuse voting, CO, WA, OR all by mail.

Linda Bundy: I’m a resident of Antrim. I support this bill. This expands ways for the voting process, it’s convenient. Life today is so busy, rural areas, transportation, “no excuse absentee” alleviates this. Town poll workers make sure election integrity and honesty. This was to improve, safe, secure election process. I urge you to vote OTP.

Phil Hatcher: I support HB 516. Last election Secretary State Gardner did not mention fraud once, unless people asked. November election record number, 45% Democrats, 55% Republicans and Independents voted absentee. Even with record turnout, no evidence of fraud. We should allow no excuse, encourage OTP.

Question: Rep. Cody – Madam Chair, please read the support-OTP names.

Answer: Rep Griffin. I decline. It’s not like the blue sheets. There are over 20 people per page and have 6 pages. Each committee members are getting sign-in sheets.

Beverly Cotton: I did not request to speak, ask to add to testimony of No Excuse Voting. **I support HB516.** I am an immune-suppressed person from cancer treatments, residual treatments and are susceptible. COVID this Fall and flu season, I avoid outside. I know people similar, transmissions potential, bad weather. A lot of lenses to look thru. NH is of just a few states that doesn’t allow this. This is not my first time testifying. After working all day, child care, I have less then an hour to get to the polls. The past 6 years has allowed for dependent care for absentee. No one should have to worry to get to vote. I urge you to OTP.

***Brian Beihl: I’m Deputy Assistant with Open Democracy Action. I’m in favor of HB516.** I live in Alton Bay. I run the 2020 sister 501C to educate people on absentee ballots, We did not do mailers, but did send applications to those who requested., elderly, house bound, and they were happy, made them feel safe. 23,590 republicans voted absentee in the Primary or 16%. 66,411 Democrats voted absentee in Primary or 43%. In the General 260,217 voted absentee or 32% of total vote. Why not let citizens make the choice, remove excuses. Further Testimony given. Deputy SOS mentioned motor registration as it relates to absentee ballots. You have to be registered. HB 516 should be OTP.

Comment: Chairman Griffin – You mentioned need to be registered to absentee vote. In this past election, you were able to absentee and vote same time.

Answer: Yes, but had to provide domicile residency. Consider OTP on this important measure.

Closing adjourned: 11:02AM

Respectfully submitted,
Representative Natalie Wells
Committee Clerk

BILL TITLE: allowing voters to vote by absentee ballot.

DATE: March 4, 2021

TESTIMONY

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

Rep. Katherine Rogers

Janice Kelble

BRIAN Beihl

LINDA BUNDY

Phil Hatcher

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING on Bill # HB 516-FN

BILL TITLE: ^{XX} allowing voters to vote by absentee ballot.
DATE: 3-4-21

ROOM: 306

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(please circle if present)

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TESTIMONY

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Rep. Katherine Rogers

Janice Kelble

BRIAN BEIHL

LINDA BUNDY

Phil Hatcher

ELECTION LAW 3-4-21

HB-516 Allowing voters to vote by absentee ballot

***Representative Katherine Rogers** – Representative for Concord East Side, 28. This bill was seen before last session. No excuse absentee voting. It allows flexible alternative, gives lower income chance to cast vote, creates active citizens. Some workers in low-income jobs are called in last minute to work, people don't want to take a chance. These people say "no excuse" allows them opportunity to vote. Secretary of state said we did not have harvesting in the state. I think fraud is small. We need to take a leap of faith. It passed the House and Senate, vetoed by Governor. Stretch truth, little exceptions a bit, take a chance to vote and give voter a chance in NH with no excuses. Do we want to make it hard to vote in NH? I ask, please pass this bill.

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Comment: Chairman Griffin – You mentioned need to be registered to absentee vote. In this past election, you were able to absentee and vote same time.

Answer: Yes, but had to provide domicile residency. Consider OTP on this important measure.

Closing adjourned: 11:02AM

Respectfully submitted,

Representative Natalie Wells

House Remote Testify

Election Law Committee Testify List for Bill HB516 on 2021-03-04

Support: 275 Oppose: 23 Neutral: 0 Total to Testify: 6

[Export to Excel](#)

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>
barnes, ken	hopkinton, NH kbarnes@kenbarneslaw.com	A Member of the Public	Myself	Support	Yes (5m)	No
Rogers, Rep Katherine	Concord, NH Katbeep@icloud.Com	An Elected Official	Myself	Support	Yes (3m)	No
Beihl, Brian	Alton, NH Brian@opendemocracy.me	A Lobbyist	Open Democracy Action	Support	Yes (3m)	No
Bundy, Linda	Antrim, NH n_bundy@mcttelecom.com	A Member of the Public	Myself	Support	Yes (2m)	No
Hatcher, Phil	Dover, NH phil.hatcher@gmail.com	A Member of the Public	Myself	Support	Yes (0m)	No
Kelble, Janice	Hooksett, NH jkreflection@gmail.com	A Member of the Public	Myself	Support	Yes (0m)	No
Chadwick, Ray	Bedford, NH rfchadwick@juno.com	A Member of the Public	Myself	Oppose	No	No
St Germain, Diane	Bedford, NH diane.stgermain33@gmail.com	A Member of the Public	Myself	Support	No	No
Platt, Elizabeth-Anne	CONCORD, NH lizanneplatt09@gmail.com	A Member of the Public	Myself	Support	No	No
Bergevin, Leslie	Loudon, NH Leslie.bergevin@gmail.com	A Member of the Public	Myself	Support	No	No
Schultz, Linda	Sunapee, NH lindalee@pennyroyalhill.com	A Member of the Public	Myself	Support	No	No
Schmitt, Cheri	Bedford, NH cherischmitt@comcast.net	A Member of the Public	Myself	Support	No	No
Jachim, Nancy	Newport, NH nancyjachim@gmail.com	A Member of the Public	Myself	Support	No	No
Hill, Lin	Grantham, NH lin.hill007@comcast.net	A Member of the Public	Myself	Support	No	No
Heath, Ruth	Canterbury, NH ruthmheath@comcast.net	A Member of the Public	Myself	Support	No	No
Campion, Polly	Etna, NH pkc441@outlook.com	A Member of the Public	Myself	Support	No	No
Stamper, Donna	Grantham, NH Donnastamper2006@gmail.com	A Member of the Public	Myself	Support	No	No
Zink, Olivia	Franklin, NH olivia.zink@gmail.com	A Lobbyist	Open Democracy Action	Support	No	No
ellermann, maureen	CONCORD, NH ellermannf@aol.com	A Member of the Public	Myself	Support	No	No
Petrucelli, Maxine	Webster, NH maxinepet@gmail.com	A Member of the Public	Myself	Support	No	No
Petrucelli, Charles	Webster, NH chasmxpet@gmail.com	A Member of the Public	Myself	Support	No	No
Leach, Kyle	Farmington, NH outleft@metrocast.net	A Member of the Public	Myself	Support	No	No

Scribner, Lois	Canterbury, NH scribnerlois@gmail.com	A Member of the Public	Myself	Support	No	No
Robert, Carol	Lebanon, NH carol@hs-re.com	A Member of the Public	Myself	Support	No	No
Platt, Clayton	Sunapee, NH pennyroyalls@yahoo.com	A Member of the Public	Myself	Support	No	No
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Langsdorf, Philip	Grantham, NH ph_langsdorf@yahoo.com	A Member of the Public	Myself	Support	No	No
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Howard Jr., Raymond	Alton, NH brhowardjr@yahoo.com	An Elected Official	Myself	Oppose	No	No
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Smith, Victoria	Lebanon, NH victoriahsmith@comcast.net	A Member of the Public	Myself	Support	No	No
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Sheehan, Vanessa	MILFORD, NH vsheehan16@yahoo.com	An Elected Official	Hillsborough District 23-Milford	Oppose	No	No
Terry, Paul	Alton, NH paul.terry@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No
Vose, Michael	Epping, NH michael.vose@leg.state.nh.us	An Elected Official	Rockingham 9	Oppose	No	No
Baird, Cathryn	Newport, NH freewillfarm@comcast.net	A Member of the Public	Myself	Support	No	No
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Haigh, Jane	MANCHESTER, NH JHAIGHAK@GMAIL.COM	A Member of the Public	Myself	Support	No	No
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Merrigan, Susan	Nashua, NH s.e.merrigan@gmail.com	A Member of the Public	Myself	Support	No	No
Chait, George	Sunapee, NH george.chait@gmail.com	A Member of the Public	Myself	Support	No	No
Baber, Kristine	Dover, NH kmbaber@gmail.com	A Member of the Public	Myself	Support	No	No
Pool, F	Dublin, NH flisnh@gmail.com	A Member of the Public	Myself	Support	No	No
Joyce, Ellen	Meriden, NH ejoyce1961@gmail.com	A Member of the Public	Myself	Support	No	No
Williams, Janet	Lyme, NH jlwlyme@icloud.com	A Member of the Public	Myself	Support	No	No
Mattlage, Linda	Concord, NH l.mattlage@gmail.com	A Member of the Public	Myself	Support	No	No
Torpey, Jeanne	Concord, NH jtorp51@comcast.net	A Member of the Public	Myself	Support	No	No
King, Marcia	Peterborough, NH mchking@gmail.com	A Member of the Public	Myself	Support	No	No
Lightfoot, Jean	Contoocook, NH JnLightfoot@comcast.net	A Member of the Public	Myself	Support	No	No
Burr, Emily	Canterbury, NH revemilyburr@gmail.com	A Member of the Public	Myself	Support	No	No
Jones, Andrew	Pembroke, NH arj11718@yahoo.com	A Member of the Public	Myself	Support	No	No
Dahl, Dana	Milford, NH danaldahl@gmail.com	A Member of the Public	Myself	Support	No	No
Hull, Ethel	Concord, NH ehullphd@psychotherapyastransformation.com	A Member of the Public	Myself	Support	No	No
Nixon, Sherrill	Exeter, NH sherri.nixon1@gmail.com	A Member of the Public	Myself	Support	No	No
Moccia, Lianne	Lebanon, NH lianne.moccia@gmail.com	A Member of the Public	Myself	Support	No	No
Podlipny, Ann	Chester, NH apodlipny57@comcast.net	A Member of the Public	Myself	Support	No	No
Thorndike, Katherine	North Sandwich, NH khthorndike@gmail.com	A Member of the Public	Myself	Support	No	No
mcclure, melissa	surry, NH melissamcclure@gmail.com	A Member of the Public	Myself	Support	No	No
Moran, Sheila	Lebanon, NH sheilamoran26@gmail.com	A Member of the Public	Myself	Support	No	No
Simmon, Janet	Laconia, NH scd_md@yahoo.com	A Member of the Public	Myself	Support	No	No
Moran, Dr. Daniel T.	Webster, NH dan@danielthomasmoran.net	A Member of the Public	Myself	Support	No	No
Lynch, Laura	Temple, NH lynch.lauranh@gmail.com	A Member of the Public	Myself	Support	No	No
Raby, John	New London, NH johnraby518@gmail.com	A Member of the Public	Myself	Support	No	No
Olenik, Mary	Peterborough, NH Oceanmose@gmail.com	A Member of the Public	Myself	Support	No	No

Reed, Judith	Keene, NH jureed@keene.edu	A Member of the Public	Myself	Support	No	No
Bruce, Susan	Concord, NH susanb.red@mac.com	A Member of the Public	Myself	Support	No	No
Ingold, Kerry	Warner, NH pkingold12@gmail.com	A Member of the Public	Myself	Support	No	No
ingold, Peter	Warner, NH pkingold12@gmail.com	A Member of the Public	Myself	Support	No	No
Kerman, Kathryn	Marlborough, NH kkerman@phoenixfarm.org	A Member of the Public	Myself	Support	No	No
Mower, Robin	Durham, NH melodyofharpists@gmail.com	A Member of the Public	Myself	Support	No	No
Thomas, Elaine	Nashua, NH thomas.marshall@comcast.net	An Elected Official	Myself	Support	No	No
Tentarelli, Liz	Newbury, NH LWVnewhampshire@gmail.com	A Member of the Public	League of Women Voters NH	Support	No	No
Pospychala, Erin	WILMOT, NH erinmvp@gmail.com	A Member of the Public	Myself	Support	No	No
Jakubowski, Deborah	Loudon, NH Dendeb146@gmail.com	A Member of the Public	Myself	Support	No	No
Diamond, Maureen	Tamworth, NH maureeninoregon@gmail.com	A Member of the Public	Myself	Support	No	No
sauve, michael	Concord, NH michael.s.sauve@gmail.com	A Member of the Public	Myself	Support	No	No
Carter, Susan	Deerfield, NH susancarter0905@gmail.com	A Member of the Public	Myself	Support	No	No
Sweeney-Blaise, Robyn	Epsom, NH robynblaise@gmail.com	A Member of the Public	Myself	Support	No	No
Kallinich, Kayla	Boston, MA kaylakall47@gmail.com	A Member of the Public	Myself	Support	No	No
Cote, Lois	Manchester, NH lcote06@outlook.com	A Member of the Public	Myself	Support	No	No
Falk, Cheri	Wilton, NH Falk.cj@gmail.com	A Member of the Public	Myself	Support	No	No
Nardino, Marie	Andover, NH mdnardino@gmail.com	A Member of the Public	Myself	Support	No	No
jakubowski, dennis	Loudon, NH dendeb146@gmail.com	A Member of the Public	Myself	Support	No	No
Hinebauch, Mel	Concord, NH melhinebauch@gmail.com	A Member of the Public	Myself	Support	No	No
Gillis, Kim	Epsom, NH kgillis@live.com	A Member of the Public	Myself	Support	No	No
Morse, Elizabeth	Plainfield, NH betsybmorse@gmail.com	A Member of the Public	Myself	Support	No	No
Price, Jessica	MA, MA jessbells@gmail.com	A Member of the Public	Myself	Support	No	No
Jones, Gisela	Lebanon, NH gisela1142@gmail.com	A Member of the Public	Myself	Support	No	No
Brackett, Glenn	Hooksett, NH communications@nhaficio.org	A Lobbyist	the men & women of the NH AFL-CIO	Support	No	No
Gunnerson, Petra	Grafton, NH Jptr18@myfairpoint.net	A Member of the Public	Myself	Support	No	No
Gunnerson, James	Grafton, NH Jptr18@myfairpoint.net	A Member of the Public	Myself	Support	No	No

Reed, Barbara	N. Swanzey NH, NH moragmcp83@outlook.com	A Member of the Public	Myself	Support	No	No
Istel, Claudia	Acworth, NH claudia@sover.net	A Member of the Public	Myself	Support	No	No
Heslin, Mary	Concord, NH mlheslin@yahoo.com	A Member of the Public	Myself	Support	No	No
Diamond, Jim	Tamworth, NH jiminoregon@gmail.com	A Member of the Public	Myself	Support	No	No
Moulton, Caroline	Andover, NH carolinemoulton@gmail.com	A Member of the Public	Myself	Support	No	No
Willoughby, Susan	Kensington, NH Bockeriny@gmail.com	A Member of the Public	Myself	Support	No	No

Testimony



Statement by Henry Klementowicz, Staff Attorney, ACLU-NH
House Election Law Committee
House Bill 516
March 4, 2021

I submit this testimony on behalf of the American Civil Liberties Union of New Hampshire (“ACLU-NH”)—a non-partisan, non-profit organization working to protect civil liberties throughout the state for over 50 years. We urge the committee to deem HB 516 *ought to pass*, and promote safe, secure, and accessible voting for all eligible Granite Staters.

HB 516 would expand absentee voting to all eligible voters in New Hampshire.

Many voters reported standing in line on Election Day for the first time this year. Due to social distancing, voting in person took longer, resulting in lines at polling places that rarely saw them in the past. And yet, in the November election, 32% of Granite State voters cast absentee ballots, compared to just 10% in 2016. Across the country we saw a similar story, with the U.S. Elections Project reporting that over 101 million Americans cast ballots by mail or through in-person early voting. Imagine what the lines would have been in our state had an additional 22% of voters shown up in person as opposed to voting absentee. How many people might have seen the longer lines and opted not to vote at all? Or how much more risk to safety and health would people have had to endure to vote?

This election season shows that Granite Staters appreciate having the opportunity to vote absentee—either by mail or at their clerk’s office--and that given the option, many people will choose this option to vote safely and securely. The majority¹ of states already allow any registered voter to vote absentee without having to specify an excuse.

For these reasons, we respectfully urge the members of this committee to vote *ought to pass* on HB 516.

¹ 34 States and the District of Columbia allow voters to use the absentee process without excuse:
<https://www.ncsl.org/research/elections-and-campaigns/vopp-table-1-states-with-no-excuse-absentee-voting.aspx>

Rep Katherine Rogers Testimony
Senate Election Law and Municipal Affairs Committee
on HB 1560 allowing voters to vote by absentee ballot.
March 4, 2021 Via Zoom

Mr Chairman and Members of the Committee I am Rep Katherine Rogers and I represent Merr #28, Concord's East Side.

HB 1560 would allow any voter who is qualified to vote at any state election to vote at such election by means of an absentee ballot. Otherwise known as No-Excuse Absentee Voting.

Just what does HB 1672 Do for the people of New Hampshire?

- * provides flexible alternatives for voters and enables them to participate.
- * allows eligible voters to cast their ballot before Election Day without an excuse. These methods give voters viable alternatives to Election Day, enabling them to cast their vote and become active citizens.
- * Under current law, only voters who have an excuse may obtain an absentee ballot. Without an excuse, voters are unable to obtain absentee ballots and cannot vote early, forcing them either to vote on Election Day or choose not to vote. Without the option of No-Excuse Absentee voting, countless voters are unable to have their voices heard; **OR THEY COULD JUST LIE**
- * Census reports from recent Presidential Elections reveal that a majority of non-voters were "too busy" to make it to the polls. No-Excuse Absentee voting will help those eligible voters who are unable to make it to the polls on Election Day due to work, family, or transportation difficulties become part of the electorate.

- * Providing voters with flexible alternatives to casting their ballots widens the base of participation and fosters a democratic environment in which people can exercise their right to vote and make important decisions.
- * Absentee ballots already allow voters with an excuse – like travel or sickness – to vote using a mail-in ballot. But why should voters need an excuse to cast an absentee ballot? A policy of “No Excuse Absentee Ballots” allows anybody to request an absentee ballot for any reason – to allow for last minute work schedule changes, to save time, avoid the lines, work around a busy work or childcare schedule, anything.
- * 30 States already provide No Excuse Absentee Ballots to any voter that requests one, and in Oregon and Washington, it’s the only way to vote.
- * The downside to no-excuses absentee ballots is that voters don’t enjoy the “zone of privacy” of the ballot box. When voting at home it’s possible for spouses, relatives, and others to look over a voter’s shoulder while they vote and “make sure they do the right thing.” Voting too early before the election also makes it possible that voters do not have the full information that comes with a campaign.

But What About Fraud?

- Since Oregon went to All Mail Voting in **2000**, **only 33 cases** of alleged voter fraud (or around .0005%).
- The chance for voter suppression is far greater than the chance for voter fraud

How does No-Excuse Absentee Voting Work?

Absentee voting is conducted by mail-in paper ballot prior to the day of the election.

States typically require that a voter fill out an application to receive an absentee ballot.

Many states help facilitate this process by making absentee ballot applications available online for voters to print and send, and **five states (Florida, Louisiana, Maryland, Minnesota and Utah) permit a voter to submit an application entirely online**. Arizona has some counties that have online absentee ballot applications, and in Detroit, Michigan voters can request an absentee ballot through a smartphone app.

While all states offer some version of absentee voting, there is quite a lot of variation in states' procedures. For instance, some states offer "no-excuse" absentee voting, allowing any registered voter to request an absentee without requiring that the voter state a reason for his/her desire to vote absentee. Some states also allow a time frame before the election for voters to appear at the elections office or other designated location in person to request, fill out and cast an absentee ballot in on stop. Still other states permit voters to vote absentee only under a limited set of circumstances.

While the Secretary of State changed his interpretation of the definition of disability for the past election to allow fear of the Covid-19 virus so that people could vote absentee I believe that changing the statute to be a clear "no excuse" absentee vote is far superior method.

It is time for NH to move into the twenty first century and allow our residents to increase their already high participation rate in elections - busy schedules, the mobility of our citizens and their interest in their government demand that we make voting more accessible. No -Excuse Absentee voting in a first step in doing that please vote Ought to Pass on HB 1560.



**Testimony for House Election Law Committee
on HB 516
from Brian Beihl, Deputy Director, Open Democracy Action
March 4, 2021**

Good Morning, Madam Chair, and members of the committee, and thank you for the opportunity to speak in favor HB 516.

I am Brian Beihl, deputy director of the nonpartisan, pro-voter nonprofit, Open Democracy Action, based in Concord, and I live in Alton Bay, NH. We work on democracy issues, including the protection of our inherent American freedom to vote.

During the run-up to the 2020 general election, Open Democracy, our 501c3 sister organization, worked to educate voters on the availability of absentee ballots, including making over 200,000 phone calls to lower-income citizens of ALL parties, and providing instructions on how to obtain an absentee ballot. The people we spoke to, many of them elderly or homebound, were so grateful to learn that the State of New Hampshire had helped to make voting easier and safer, during the pandemic.

As you know, use of absentee ballots for concern with COVID-19 was made possible last April by the Governor's executive orders and guidance from the New Hampshire Attorney General's office and the Secretary of State.

New Hampshire citizens of all parties embraced this opportunity to vote. Despite the pandemic, record numbers of voters were able to vote, 303,193 in the state primary, and 814,499 in the general, a fact we can all celebrate.

Included in those totals, were 23,590 Republicans who voted by absentee ballot in the state primary, 16% of the total ballots cast. Democrats cast 66,411 absentee ballots, or 43%. In the general election, 260,217 voters of all parties voted by absentee, 32% of the total.

Clearly, Granite Staters appreciated having the freedom of not having to choose between their health, and their inherent right to vote.

So why not make that freedom permanent? Why not let New Hampshire citizens make their own decisions when it comes to their freedom to vote, instead of having government tell them whether they are sick enough, or mobile enough, religious enough, or employed enough to vote by absentee? HB 516 removes the current four excuses on the absentee ballot application, and lets the voter take personal responsibility for their actions. It does not remove the process of the absentee ballot application, chain of custody, or processing controls that have served us well for many years.

New Hampshire has allowed absentee ballot voting since it let Hollis, NH militiamen in 1775 to vote by mail during the American Revolution. From the beginning, the absentee ballot process has been overseen by our friends and neighbors who serve as each town's election officials.

For two hundred years, absentee ballot votes have been cast with without any suspicion, or accusations, or doubt. And for that same time, our election officials have verified those voters and have protected the integrity of our elections. And they did so in 2020 with the same commitment to our republic they always have had. A record 260,217 absentee ballots were cast without any significant misuse in Nov. 2020. And the infinitesimal issues which did come up are being addressed, as they should be, through our checks and balances.

Because we trust in the integrity of our election workers, our checks & balances, and the personal responsibility of our citizens, our system has proven that an absentee ballot system without excuses can work for ALL New Hampshire voters, and HB 516 should be voted Ought to Pass.

Thank you again for the opportunity to speak, Madam Chair, and members of the committee.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brian R. Beihl", written in a cursive style.

Brian R. Beihl, Deputy Director

Open Democracy and Open Democracy Action

Archived: Monday, April 12, 2021 10:10:01 AM
From: [Henry Klementowicz](#)
Sent: Wednesday, March 3, 2021 9:36:40 AM
To: ~House Election Law Committee
Cc: [Jeanne Hruska](#)
Subject: ACLU-NH on HB 516
Importance: Normal
Attachments:
HB 516 house testimony.pdf ;

Dear members of the House Election Law Committee:

Please find attached the testimony of ACLU-NH supporting HB 516.

Thank you.

Best,

Henry Klementowicz

Pronouns: he, his

Staff Attorney

American Civil Liberties Union of New Hampshire

[18 Low Avenue, Concord, NH 03301](#)

603-333-2201 | henry@aclu-nh.org

aclu-nh.org  



Archived: Monday, April 12, 2021 10:10:01 AM
From: 51rusty.nail.rr@gmail.com
Sent: Wednesday, March 3, 2021 2:43:09 PM
To: ~House Election Law Committee
Subject: NH House Remote Testify: 10:15 am - HB516 in House Election Law
Importance: Normal

Dear members of the House Committee on Election Law:

My name is John Garrison, and I am a registered voter who lives at 194 Elm Street in Lancaster, New Hampshire.

I am writing to oppose the changes proposed by House Bill 516 for the same reasons that I wrote in my letter opposing HB-61:

- Existing New Hampshire election law provides a strong and enforceable balance between access to voting for every eligible voter and election integrity.
- Voter turnout in New Hampshire for the past four (4) Presidential Elections (2008-2020), has ranked third highest in the Nation, proving that our voters have nearly unparalleled access to exercise their privilege to vote with the existing laws.
- Registered voters have means to obtain an Absentee Ballots for nearly every imaginable valid excuse; including for 2020, the Chinese Virus. (Concern over COVID-19 was deemed a disability for the 2020 elections.)
- Absentee ballots remain the largest source of potential voter fraud because it is vulnerable to abuse in many ways. (Report of the Commission on Federal Election Reform, 2005.)

In addition to the reasons already stated, the Fiscal Note attached to this bill presents significant costs with municipalities incurring the larger portion of the cost associated with expanded use and processing of absentee ballots:

- While only 30% of New Hampshire voters cast their vote by absentee ballot in 2020, the Department of State disbursed some \$2.6 million to reimburse the municipalities for their added costs (funded by the CARES Act).
- Expanding the use of absentee ballots, as suggested in this bill is estimated to increase participation to 50% at a cost in the municipalities which I estimate will be some \$4.3 million, this cost will likely not be funded by the CARES act. The full cost associated with this proposal will likely be the burden of New Hampshire taxpayers.

This issue is important to me. As a naturalized citizen, I believe that voting is one of the most precious privileges of a free society (as is the freedom not to vote). No effort should be spared to make voting easy to do.

And every effort should be made to guarantee the integrity and validity of every vote that is cast.

I, for one, am not willing to pay higher taxes to make it any easier than it already is to cast one legal vote for every eligible voter. And, by extension, I am far less willing to pay additional taxes to further facilitate fraudulent voting.

Sincerely,

John A. Garrison

John A. Garrison
PO Box 310
194 Elm Street

Lancaster, NH 03584-0310

📞 443-966-2997

✉️ JohnGarrison51@gmail.com

"It's not what you can do, but the way you do it that counts." - Mae West

Archived: Monday, April 12, 2021 10:10:01 AM
From: [Corinne Dodge](#)
Sent: Wednesday, March 3, 2021 5:23:37 PM
To: [~House Election Law Committee](#)
Subject: support HB 516
Importance: Normal

I am writing to ask your support for HB 516, a bill for "No excuse" absentee voting. This will make voting more accessible to voters and reduce the work load of town officials while also reducing the cost of elections.

Sent from [Mail](#) for Windows 10

Archived: Monday, April 12, 2021 10:10:01 AM
From: [Miriam Simmons](#)
Sent: Thursday, March 4, 2021 8:04:44 AM
To: [Miriam Simmons](#)
Subject: FW: Granite State Taxpayers Opposes HB 516
Response requested: No
Importance: Normal

From: Ray Chadwick <rfchadwick@juno.com>
Sent: Thursday, March 4, 2021 2:08 AM
To: ~House Election Law Committee:

Dear Committee Members

Granite State Taxpayers (GST) supports election laws that make our system of elections easy to understand, resistant to fraud, and available exclusively to residents of New Hampshire.

Granite State Taxpayers opposes both House Bill 61 and House Bill 516 to enable absentee voting for all.

The election strategy with the most accuracy, and the least opportunity for fraud, is one where:

- individuals themselves, in person, go to a polling place and
- they show proof of identity, citizenship, and residence in New Hampshire in order to vote.

This strategy gives the highest probability that the vote is accurate because::

- the person doing the voting is in fact proven to be the person registered on the checklist
- handling of the ballot (and number of people who do so) is minimized

Consequently, the integrity of the system is maximized, and room for error is reduced.

Absentee voting strategies, however, introduce added costs and opportunities for error:

- reduced certainty that the person voting is in fact currently a resident at the address on the check-list
- additional handling and cost due to mailing ballots, which also introduces chances for errors

Absentee voting (such as New Hampshire had before 2020) is necessary for persons who cannot vote in person.

- it accommodated persons who cannot vote for several reasons (absence, religious, disability, town, etc.)
- the categories available in New Hampshire Statutes prior to 2020 were sufficient for elections prior to 2020

Due to the Covid-19, pandemic, absentee voting was made available to all, with several results:

- persons who were residents of other states could absentee vote because they remained on the checklist
- accommodations to polling places (distancing, non-mask areas) made voting no less safe than a trip to the market

The experience of 2020 resulted in designs for safer polling places and awareness of problems with the absentee process.


Therefore, we consider that universal absentee voting, with its increased opportunities for error, is unnecessary and unjustified.

New Hampshire should remain with the absentee voting process in place prior to the changes made for the 2020 election.

Accordingly, Granite State Taxpayers opposes both House Bill 61 and House Bill 516.

Thank you for your attention and your work on behalf of the citizens of New Hampshire.
Ray

Ray Chadwick, Chairman
Granite State Taxpayers
101 Powder Hill Road
Bedford, NH 03110
1-603-566-9129
www.GraniteStateTaxpayers.org

Archived: Monday, April 12, 2021 10:10:02 AM
From: [Brian Beihl, Deputy Director](#)
Sent: Thursday, March 4, 2021 9:58:31 AM
To: [~House Election Law Committee](#)
Subject: Testimony on HB 516 by Brian Beihl, Open Democracy Action
Importance: Normal
Attachments:
[Testimony for HB 516 House Election Law 20210304.pdf](#) 

Madam Chair & Election Law Committee Members:

Attached is my testimony which I will be delivering in person this morning in support of HB 516.


Thank you.

Brian Beihl, Deputy Director
Open Democracy Action

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Coalition for Open Democracy, 4 Park Street, Suite 301, Concord, NH 03301
Brian's cell phone, 603-620-8300 Office phone, 603-715-8197

Archived: Monday, April 12, 2021 10:10:02 AM
From: [Katherine Rogers](#)
Sent: Thursday, March 4, 2021 10:43:01 AM
To: HouseElectionLawCommittee@leg.state.nh.us.
Subject: Testimony From Rep Rogers on HB 516
Importance: Normal
Attachments:
[No Excuse Testimony 2019 copy.pdf](#) 

Rep Katherine Rogers Testimony
Senate Election Law and Municipal Affairs Committee
on HB 1560 allowing voters to vote by absentee ballot.
March 4, 2021 Via Zoom

Mr Chairman and Members of the Committee I am Rep Katherine Rogers and I represent Merr #28, Concord's East Side.

HB 1560 would allow any voter who is qualified to vote at any state election to vote at such election by means of an absentee ballot. Otherwise known as No-Excuse Absentee Voting.

Just what does HB 1672 Do for the people of New Hampshire?

- provides flexible alternatives for voters and enables them to participate.
- allows eligible voters to cast their ballot before Election Day without an excuse. These methods give voters viable alternatives to Election Day, enabling them to cast their vote and become active citizens.
- Under current law, only voters who have an excuse may obtain an absentee ballot. Without an excuse, voters are unable to obtain absentee ballots and cannot vote early, forcing them either to vote on Election Day or choose not to vote. Without the option of No-Excuse Absentee voting, countless voters are unable to have their voices heard; **OR THEY COULD JUST LIE**
- Census reports from recent Presidential Elections reveal that a majority of non-voters were “too busy” to make it to the polls. No-Excuse Absentee voting will help those eligible voters who are unable to make it to the polls on Election Day due to work, family, or transportation difficulties become part of the electorate.
- Providing voters with flexible alternatives to casting their ballots widens the base of participation and fosters a democratic environment in which people can exercise their right to vote and make important decisions.
- Absentee ballots already allow voters with an excuse – like travel or sickness – to vote using a mail-in ballot. But why should voters need an excuse to cast an absentee ballot? A policy of “No Excuse Absentee Ballots” allows anybody to request an absentee ballot for any reason – to allow for last minute work schedule changes, to save time, avoid the lines, work around a busy work or childcare schedule, anything.

- 30 States already provide No Excuse Absentee Ballots to any voter that requests one, and in Oregon and Washington, it's the only way to vote.
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But What About Fraud?

- Since Oregon went to All Mail Voting in **2000**, **only 33 cases** of alleged voter fraud (or around .0005%).
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How does No-Excuse Absentee Voting Work?

Absentee voting is conducted by mail-in paper ballot prior to the day of the election.

States typically require that a voter fill out an application to receive an absentee ballot.

Many states help facilitate this process by making absentee ballot applications available online for voters to print and send, and **five states (Florida, Louisiana, Maryland, Minnesota and Utah) permit a voter to submit an application entirely online**. Arizona has some counties that have online absentee ballot applications, and in Detroit, Michigan voters can request an absentee ballot through a smartphone app.

While all states offer some version of absentee voting, there is quite a lot of variation in states' procedures. For instance, some states offer "no-excuse" absentee voting, allowing any registered voter to request an absentee without requiring that the voter state a reason for his/her desire to vote absentee. Some states also allow a time frame before the election for voters to appear at the elections office or other designated location in person to request, fill out and cast an absentee ballot in on stop. Still other states permit voters to vote absentee only under a limited set of circumstances.

While the Secretary of State changed his interpretation of the definition of disability for the past election to allow fear of the Covid-19 virus so that people could vote absentee I believe that changing the statute to be a clear "no excuse" absentee vote is far superior method.

It is time for NH to move into the twenty first century and allow our residents to increase their already high participation rate in elections - busy schedules, the mobility of our citizens and their interest in their government demand that we make voting more accessible. No -Excuse Absentee voting in a first step in doing that please vote Ought to Pass on HB 1560.

Archived: Monday, April 12, 2021 10:10:04 AM
From: Brian Beihl, Deputy Director
Sent: Thursday, March 4, 2021 11:48:04 AM
To: HCS; Natalie Wells
Subject: Fwd: Undeliverable: Testimony on HB 516 by Brian Beihl, Open Democracy Action
Importance: Normal
Attachments:
[Testimony for HB 516 House Election Law 20210304.pdf](#)

Good Morning:

My emailed testimony this morning for Election Law was rejected by the GenCourt server, but as far as I can tell, only for Rep. Jim.Qualey@leg.state.nh.us and Rep. Maureen Mooney Maureen.Mooney@leg.state.nh.us. These were the only members for which I received a rejection notice.

Thank you for any help you can be in getting my testimony to those members.

Brian Beihl, Deputy Director
Open Democracy Action

----- Forwarded message -----

From: <postmaster@leg.state.nh.us>
Date: Thu, Mar 4, 2021 at 9:58 AM
Subject: Undeliverable: Testimony on HB 516 by Brian Beihl, Open Democracy Action
To: <brian@opendemocracy.me>

Delivery has failed to these recipients or groups:

Jim.Qualey@leg.state.nh.us

Your message wasn't delivered because the recipient's email provider rejected it.

Diagnostic information for administrators:

Generating server: SJ0PR09MB6141.namprd09.prod.outlook.com

Jim.Qualey@leg.state.nh.us

Remote Server returned '550 5.7.520 Access denied, Your organization does not allow external forwarding. Please contact your administrator for further assistance. AS(7555)'

Original message headers:

Resent-From: <Jim.Qualey@leg.state.nh.us>
Received: from BN6FR09CA0088.namprd09.prod.outlook.com (2603:10b6:404:dc::26) by SJ0PR09MB6141.namprd09.prod.outlook.com (2603:10b6:a03:264::18) with Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384) id 15.20.3912.17; Thu, 4 Mar 2021 14:58:22 +0000
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Thu, 04 Mar 2021 06:58:12 -0800 (PST)
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From: "Brian Beihl, Deputy Director" <brian@opendemocracy.me>
Date: Thu, 4 Mar 2021 09:58:00 -0500
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Subject: Testimony on HB 516 by Brian Beihl, Open Democracy Action
To: HouseElectionLawCommittee@leg.state.nh.us
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----- Forwarded message -----

From: "Brian Beihl, Deputy Director" <brian@opendemocracy.me>
To: HouseElectionLawCommittee@leg.state.nh.us
Cc:
Bcc:
Date: Thu, 4 Mar 2021 09:58:00 -0500
Subject: Testimony on HB 516 by Brian Beihl, Open Democracy Action
Madam Chair & Election Law Committee Members:

Attached is my testimony which I will be delivering in person this morning in support of HB 516.

Thank you.

Brian Beihl, Deputy Director
Open Democracy Action

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Coalition for Open Democracy, 4 Park Street, Suite 301, Concord, NH 03301
Brian's cell phone, 603-620-8300 Office phone, 603-715-8197

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Coalition for Open Democracy, 4 Park Street, Suite 301, Concord, NH 03301
Brian's cell phone, 603-620-8300 Office phone, 603-715-8197

Archived: Monday, April 12, 2021 10:10:04 AM
From: [Miriam Simmons](#)
Sent: Wednesday, April 7, 2021 9:57:32 AM
To: [Miriam Simmons](#)
Subject: HB 516 Testimony on behalf of Fair Elections Center
Response requested: No
Importance: Normal
Attachments:
[2021-03-03 NH absentee voting House elec comm.pdf](#) 

From: Michelle Kanter Cohen <mkantercohen@fairelectionscenter.org>
Sent: Wednesday, March 3, 2021 10:50 PM
To: ~House Election Law Committee <HouseElectionLawCommittee@leg.state.nh.us>
Subject: Testimony on behalf of Fair Elections Center

Dear Chairman Griffin and Members of the Committee:

Please see the attached testimony on behalf of Fair Elections Center in support of HB 516 and HB 144, and in opposition to HB 292, which are currently scheduled for hearing before the Committee on Thursday, March 4, 2021. We respectfully request that this letter be entered into the record as written testimony.

Sincerely,

Michelle E. Kanter Cohen
Senior Counsel
Fair Elections Center*
1825 K Street NW, Suite 450
Washington, DC 20006
Phone: (202) 331-0114
Pronouns: she/her
mkantercohen@fairelectionscenter.org
www.fairelectionscenter.org



*The contents of this email should not be construed as legal advice.

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**Fair Elections Center is continuing the important work of the Fair Elections Legal Network. Please note my new email address and update your address book. Thank you.*

Archived: Monday, April 12, 2021 10:10:04 AM
From: [Miriam Simmons](#)
Sent: Wednesday, April 7, 2021 10:07:05 AM
To: [Miriam Simmons](#)
Subject: , HB-516 and
Response requested: No
Importance: Normal

From: Alvin <absee@4liberty.net>
Sent: Thursday, March 4, 2021 5:48 PM
To: ~House Election Law Committee <HouseElectionLawCommittee@leg.state.nh.us>
Subject: [CAUTION: SUSPECT SENDER] HB-61, HB-516 and HB-144

From: Alvin See
Loudon NH 03307
absee@4Liberty.net

After listening to testimony this morning on HB-61, HB-516 and HB-144, I would like to suggest that the issues of pre-processing absentee ballots and the various reasons for requesting an absentee ballot be kept on separate bills to reduce confusion of the important topics.

I recognize the need for pre-processing the absentee ballots and support that.

For the reasons for requesting an absentee ballot, I believe that the constitution very clearly limits the scope of reasons to absence from your town or physical disability. Fear of Covid-19 clearly does not fit in this limitation. Religious commitment and employment also do not fit the limitations of the constitution. I think that the constitution needs an amendment to broaden but not make no-excuse voting allowable. I can appreciate peoples work schedules, being on call to work unexpectedly and caring for children and the infirmed. For all of this, I think that the Election Law committee, the Secretary of State and maybe others should have a sit-down and discuss how best to amend the constitution. I guess this would be a Study Committee.

Thank you,
Alvin See

Sent from [Mail](#) for Windows 10

Archived: Monday, April 12, 2021 10:10:04 AM
From: [Miriam Simmons](#)
Sent: Wednesday, April 7, 2021 11:04:43 AM
To: [Miriam Simmons](#)
Subject: Granite State Taxpayers Opposes HB 516
Response requested: No
Importance: Normal

From: Ray Chadwick <rfchadwick@juno.com>
Sent: Thursday, March 4, 2021 2:08 AM
To: ~House Election Law Committee <HouseElectionLawCommittee@leg.state.nh.us>
Cc: dmc2015@comcast.net; danmcguire@gmail.com
Subject: Granite State Taxpayers Opposes HB 61 and HB 516

Dear Committee Members

Granite State Taxpayers (GST) supports election laws that make our system of elections easy to understand, resistant to fraud, and available exclusively to residents of New Hampshire.

Granite State Taxpayers opposes both House Bill 61 and House Bill 516 to enable absentee voting for all.

The election strategy with the most accuracy, and the least opportunity for fraud, is one where:

- individuals themselves, in person, go to a polling place and
- they show proof of identity, citizenship, and residence in New Hampshire in order to vote.

This strategy gives the highest probability that the vote is accurate because::

- the person doing the voting is in fact proven to be the person registered on the checklist
- handling of the ballot (and number of people who do so) is minimized

Consequently, the integrity of the system is maximized, and room for error is reduced.

Absentee voting strategies, however, introduce added costs and opportunities for error:

- reduced certainty that the person voting is in fact currently a resident at the address on the check-list
- additional handling and cost due to mailing ballots, which also introduces chances for errors

Absentee voting (such as New Hampshire had before 2020) is necessary for persons who cannot vote in person.

- it accommodated persons who cannot vote for several reasons (absence, religious, disability, town, etc.)
- the categories available in New Hampshire Statutes prior to 2020 were sufficient for elections prior to 2020

Due to the Covid-19, pandemic, absentee voting was made available to all, with several results:

- persons who were residents of other states could absentee vote because they remained on the checklist
- accommodations to polling places (distancing, non-mask areas) made voting no less safe than a trip to the market

The experience of 2020 resulted in designs for safer polling places and awareness of problems with the absentee process.

Therefore, we consider that universal absentee voting, with its increased opportunities for error, is unnecessary and unjustified.

New Hampshire should remain with the absentee voting process in place prior to the changes made for the 2020 election.

Accordingly, Granite State Taxpayers opposes both House Bill 61 and House Bill 516.

Thank you for your attention and your work on behalf of the citizens of New Hampshire.
Ray

Ray Chadwick, Chairman
Granite State Taxpayers
101 Powder Hill Road
Bedford, NH 03110
1-603-566-9129
www.GraniteStateTaxpayers.org

Archived: Monday, April 12, 2021 10:10:04 AM
From: [Miriam Simmons](#)
Sent: Wednesday, April 7, 2021 11:05:16 AM
To: [Miriam Simmons](#)
Subject: HB 516 Testimony on behalf of Fair Elections Center
Response requested: No
Importance: Normal

From: Michelle Kanter Cohen <mkantercohen@fairelectionscenter.org>
Sent: Wednesday, March 3, 2021 10:53 PM
To: ~House Election Law Committee <HouseElectionLawCommittee@leg.state.nh.us>
Subject: Re: Testimony on behalf of Fair Elections Center

Due to several bouncebacks I am sending this letter in the text as well:

March 3, 2021

Via Email

Hon. Barbara Griffin
Chairman, Committee on Election Law
Members of the Election Law Committee
New Hampshire House of Representatives
HouseElectionLawCommittee@leg.state.nh.us

Dear Chairman Griffin and Members of the Committee:

I write on behalf of Fair Elections Center in support of HB 516 and HB 144, and in opposition to HB 292, which are currently scheduled for hearing before the Committee on Thursday, March 4, 2021. These bills would make the following changes:

- HB 516 would modernize elections and voting in New Hampshire by allowing any voter to vote absentee.
- HB 144, while it would not open the absentee process up to every New Hampshire voter, would make common sense changes including to accommodate individuals with disabilities and others who are unable to vote in person, allowing voters who need it the option to vote safely and securely at home.
- HB 292 would make changes to the absentee ballot process that are likely to lead to unnecessary barriers being placed on voters.

We respectfully request that this letter be entered into the record as written testimony.

Fair Elections Center is a national, nonpartisan voting rights and election reform 501(c)(3) non-profit organization based in Washington, D.C. Its mission is to use litigation, education, and advocacy to remove barriers to registration and voting,

particularly those disenfranchising underrepresented and marginalized communities, and to improve election administration. The Center and its predecessor, Fair Elections Legal Network, have been helping Granite Staters exercise their right to vote since 2010.

HB 516

HB 516 would modernize elections and voting in New Hampshire by allowing any voter to vote absentee.

Under current statute, New Hampshire voters may vote by absentee ballot only for specific reasons. The reasons currently include; being absent from the voter's city or town, a religious observance, disability or illness, and employment commitments (including caregiving) during the entire time the polls are open.^[1] While absentee ballots may also be available when a weather emergency impacts an election, such an option is not guaranteed in any given situation.^[2]

In New Hampshire in 2020, ballot modernization in light of the COVID-19 pandemic provided eligible voters safe and secure access to be able to vote. By encouraging voters to vote from home, states including New Hampshire helped mitigate risks associated with the current pandemic while also modernizing and maintaining the security of their election process.

The 2020 General Election showed both nationally and in New Hampshire that making it easier to cast a ballot benefits voters of all political persuasions and is not a fundamentally partisan issue. At least 34 states—including New Hampshire—eased voting restrictions for the General Election due to COVID-19.^[3] Two-thirds of the voting-eligible population subsequently voted in the election,^[4] the highest turnout since 1900,^[5] with New Hampshire seeing a record turnout of over 75 percent.^[6] President Trump won more votes than any other sitting president in U.S. history, while President Biden won more votes than any other presidential candidate.^[7] Both chambers of the New Hampshire legislature changed party hands^[8] and the Republican caucus picked up 16 seats in the 117th United States Congress.^[9] In sum, as one commentator put it, the 2020 General Election dispelled the myth that higher turnout favors one major political party over the other.^[10]

Making the option to vote absentee without a specific excuse permanent for all voters allows our elections to be flexible and responsive to exigencies and emergencies without compromising security. No American should have to choose between their right to vote or their health and the health of their families, during a pandemic or otherwise.

Of course, modernizing absentee voting would not *require* all eligible voters to vote a mail ballot; it means only that they would have the option to do so. And expanding these options has significant logistical benefits: as more voters use absentee ballots, fewer voters need cast their vote at the polls—alleviating some of the pressure on election administrators in high-volume elections on Election Day. A more robust vote-by-mail system will make our elections more resilient, more secure, and more accessible.

Particularly in light of the January 6 attack on the U.S. Capitol, we must fortify our democratic institutions through policies that help all eligible voters participate in the electorate. HB 516 would bring New Hampshire closer to that goal.

HB 144

HB 144 would not open the absentee process up to every New Hampshire voter. But it would make common sense changes, including to accommodate individuals with disabilities and others who are unable to vote in person, allowing voters who need it the option to vote safely and securely at home. Ensuring that voters with disabilities and those who otherwise cannot vote in person can still have their voices heard is essential to a fair democratic process. We are all equal when we vote: excluding vulnerable and marginalized voters has no place in a democracy. For this and many of the reasons discussed above, we support HB 144.

HB 292

HB 292 would make changes to the absentee ballot process that are likely to lead to unnecessary barriers being placed on voters. Specifically, for those voting in person absentee, it would create an option to show a voter ID or have the absentee ballot notarized. Although as written the bill makes these procedures voluntary, there is a significant risk of clerks applying the provision unevenly. Additionally, because signature matching is not required under current New Hampshire law, it would create a false choice and unnecessary barrier for any voter incorrectly asked to show ID or provide notarization. Inherent in adding a voluntary ID requirement is the likely confusion of voters believing that ID is *required*, leading to disenfranchisement of those without ID. Especially with diffuse election administration, the provision is also likely to lead to clerks believing that ID is required, which may well result in unfairly turning voters away.

Thank you for allowing Fair Elections Center to share its expertise on these matters and to express its opinion on these bills. Should you have any questions, I can be reached at mkantercohen@fairelectionscenter.org or (202) 331-0114.

Sincerely,

Michelle E. Kanter Cohen
Senior Counsel
Fair Elections Center
1825 K St. NW, Ste. 450
Washington, D.C. 20006

^[1] See, e.g., RSA 657:4, RSA 669:26.

^[2] See, e.g., RSA 654:16 and RSA 654:17.

^[3] Sarah Swann, *These 34 states are making voting easier, if only for this fall*, The Fulcrum (Sep. 24, 2020), <https://thefulcrum.us/voting/how-to-vote>.

^[4] *2020 November General Election Turnout Rates*, U.S. Elections Project, <http://www.electproject.org/2020g> (last updated Dec. 7, 2020).

^[5] *National General Election VEP Turnout Rates, 1789-Present*, U.S. Elections Project, <http://www.electproject.org/national-1789-present> (last visited Jan. 15, 2021).

^[6] U.S. Elections Project, *supra note 4*.

^[7] See “Compare National Data by Year (Table),” *Presidential General Election Results Comparison – National*, Dave Leip’s Atlas of Presidential Elections, <https://uselectionatlas.org/RESULTS/> (last visited Jan. 15, 2021).

^[8] Tim Storey and Wendy Underhill, *2020 Legislative Election Results: It’s Status Quo in the States*, Nat’l Conf. of St. Legis. (Nov. 5, 2020), <https://www.ncsl.org/blog/2020/11/05/2020-legislative-election-results-its-status-quo-in-the-states.aspx>.

^[9] *Party Breakdown, 117th Congress House Lineup*, U.S. House of Representatives Press Gallery, <https://pressgallery.house.gov/member-data/party-breakdown> (last visited Jan. 15, 2020); Jennifer E. Manning, Cong. Res. Serv., R45583, *Membership of the 116th Congress: A Profile 1* (2020).

^[10] David Weigel, *The Trailer: Democrats won the White House and lost a myth about turnout*, Washington Post (Nov. 8, 2020), <https://www.washingtonpost.com/politics/2020/11/08/trailer-democrats-won-white-house-lost-myth-about-turnout/>.

On Wed, Mar 3, 2021 at 10:49 PM Michelle Kanter Cohen <mkantercohen@fairelectionscenter.org> wrote:

Dear Chairman Griffin and Members of the Committee:

Please see the attached testimony on behalf of Fair Elections Center in support of HB 516 and HB 144, and in opposition to HB 292, which are currently scheduled for hearing before the Committee on Thursday, March 4, 2021. We respectfully request that this letter be entered into the record as written testimony.

Sincerely,

Michelle E. Kanter Cohen
Senior Counsel
Fair Elections Center*
1825 K Street NW, Suite 450
Washington, DC 20006
Phone: (202) 331-0114
Pronouns: she/her
mkantercohen@fairelectionscenter.org
www.fairelectionscenter.org



*The contents of this email should not be construed as legal advice.

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**Fair Elections Center is continuing the important work of the Fair Elections Legal Network. Please note my new email address and update your address book. Thank you.*



PROTECTING THE VOTE FOR ALL AMERICANS

March 3, 2021

Via Email

Hon. Barbara Griffin
Chairman, Committee on Election Law
Members of the Election Law Committee
New Hampshire House of Representatives
HouseElectionLawCommittee@leg.state.nh.us

Dear Chairman Griffin and Members of the Committee:

I write on behalf of Fair Elections Center in support of HB 516 and HB 144, and in opposition to HB 292, which are currently scheduled for hearing before the Committee on Thursday, March 4, 2021. These bills would make the following changes:

- HB 516 would modernize elections and voting in New Hampshire by allowing any voter to vote absentee.
- HB 144, while it would not open the absentee process up to every New Hampshire voter, would make common sense changes including to accommodate individuals with disabilities and others who are unable to vote in person, allowing voters who need it the option to vote safely and securely at home.
- HB 292 would make changes to the absentee ballot process that are likely to lead to unnecessary barriers being placed on voters.

We respectfully request that this letter be entered into the record as written testimony.

Page 1 of 4

Fair Elections Center is a national, nonpartisan voting rights and election reform 501(c)(3) non-profit organization based in Washington, D.C. Its mission is to use litigation, education, and advocacy to remove barriers to registration and voting, particularly those disenfranchising underrepresented and marginalized communities, and to improve election administration. The Center and its predecessor, Fair Elections Legal Network, have been helping Granite Staters exercise their right to vote since 2010.

HB 516

HB 516 would modernize elections and voting in New Hampshire by allowing any voter to vote absentee.

Under current statute, New Hampshire voters may vote by absentee ballot only for specific reasons. The reasons currently include; being absent from the voter's city or town, a religious observance, disability or illness, and employment commitments (including caregiving) during the entire time the polls are open.¹ While absentee ballots may also be available when a weather emergency impacts an election, such an option is not guaranteed in any given situation.²

In New Hampshire in 2020, ballot modernization in light of the COVID-19 pandemic provided eligible voters safe and secure access to be able to vote. By encouraging voters to vote from home, states including New Hampshire helped mitigate risks associated with the current pandemic while also modernizing and maintaining the security of their election process.

The 2020 General Election showed both nationally and in New Hampshire that making it easier to cast a ballot benefits voters of all political persuasions and is not a fundamentally partisan issue. At least 34 states—including New Hampshire—eased voting restrictions for the General Election due to COVID-19.³ Two-thirds of the voting-eligible population subsequently voted in the election,⁴ the highest turnout since 1900,⁵ with New Hampshire seeing a record turnout of over 75 percent.⁶ President Trump won

¹ See, e.g., RSA 657:4, RSA 669:26.

² See, e.g., RSA 654:16 and RSA 654:17.

³ Sarah Swann, *These 34 states are making voting easier, if only for this fall*, THE FULCRUM (Sep. 24, 2020), <https://thefulcrum.us/voting/how-to-vote>.

⁴ *2020 November General Election Turnout Rates*, U.S. ELECTIONS PROJECT, <http://www.electproject.org/2020g> (last updated Dec. 7, 2020).

⁵ *National General Election VEP Turnout Rates, 1789-Present*, U.S. ELECTIONS PROJECT, <http://www.electproject.org/national-1789-present> (last visited Jan. 15, 2021).

⁶ U.S. Elections Project, *supra note 4*.

more votes than any other sitting president in U.S. history, while President Biden won more votes than any other presidential candidate.⁷ Both chambers of the New Hampshire legislature changed party hands⁸ and the Republican caucus picked up 16 seats in the 117th United States Congress.⁹ In sum, as one commentator put it, the 2020 General Election dispelled the myth that higher turnout favors one major political party over the other.¹⁰

Making the option to vote absentee without a specific excuse permanent for all voters allows our elections to be flexible and responsive to exigencies and emergencies without compromising security. No American should have to choose between their right to vote or their health and the health of their families, during a pandemic or otherwise.

Of course, modernizing absentee voting would not *require* all eligible voters to vote a mail ballot; it means only that they would have the option to do so. And expanding these options has significant logistical benefits: as more voters use absentee ballots, fewer voters need cast their vote at the polls—alleviating some of the pressure on election administrators in high-volume elections on Election Day. A more robust vote-by-mail system will make our elections more resilient, more secure, and more accessible.

Particularly in light of the January 6 attack on the U.S. Capitol, we must fortify our democratic institutions through policies that help all eligible voters participate in the electorate. HB 516 would bring New Hampshire closer to that goal.

HB 144

HB 144 would not open the absentee process up to every New Hampshire voter. But it would make common sense changes, including to accommodate individuals with disabilities and others who are unable to vote in person, allowing voters who need it the option to vote safely and securely at home. Ensuring that voters with disabilities and

⁷ See “Compare National Data by Year (Table),” *Presidential General Election Results Comparison – National*, DAVE LEIP’S ATLAS OF PRESIDENTIAL ELECTIONS, <https://uselectionatlas.org/RESULTS/> (last visited Jan. 15, 2021).

⁸ Tim Storey and Wendy Underhill, *2020 Legislative Election Results: It’s Status Quo in the States*, NAT’L CONF. OF ST. LEGIS. (Nov. 5, 2020), <https://www.ncsl.org/blog/2020/11/05/2020-legislative-election-results-its-status-quo-in-the-states.aspx>.

⁹ *Party Breakdown, 117th Congress House Lineup*, U.S. HOUSE OF REPRESENTATIVES PRESS GALLERY, <https://pressgallery.house.gov/member-data/party-breakdown> (last visited Jan. 15, 2020); Jennifer E. Manning, CONG. RES. SERV., R45583, MEMBERSHIP OF THE 116TH CONGRESS: A PROFILE 1 (2020).

¹⁰ David Weigel, *The Trailer: Democrats won the White House and lost a myth about turnout*, WASHINGTON POST (Nov. 8, 2020), <https://www.washingtonpost.com/politics/2020/11/08/trailer-democrats-won-white-house-lost-myth-about-turnout/>.

those who otherwise cannot vote in person can still have their voices heard is essential to a fair democratic process. We are all equal when we vote: excluding vulnerable and marginalized voters has no place in a democracy. For this and many of the reasons discussed above, we support HB 144.

HB 292

HB 292 would make changes to the absentee ballot process that are likely to lead to unnecessary barriers being placed on voters. Specifically, for those voting in person absentee, it would create an option to show a voter ID or have the absentee ballot notarized. Although as written the bill makes these procedures voluntary, there is a significant risk of clerks applying the provision unevenly. Additionally, because signature matching is not required under current New Hampshire law, it would create a false choice and unnecessary barrier for any voter incorrectly asked to show ID or provide notarization. Inherent in adding a voluntary ID requirement is the likely confusion of voters believing that ID is *required*, leading to disenfranchisement of those without ID. Especially with diffuse election administration, the provision is also likely to lead to clerks believing that ID is required, which may well result in unfairly turning voters away.

Thank you for allowing Fair Elections Center to share its expertise on these matters and to express its opinion on these bills. Should you have any questions, I can be reached at mkantercohen@fairelectionscenter.org or (202) 331-0114.

Sincerely,

Michelle E. Kanter Cohen
Senior Counsel
Fair Elections Center
1825 K St. NW, Ste. 450
Washington, D.C. 20006

Bill as
Introduced

HB 516-FN - AS INTRODUCED

2021 SESSION

21-0249

11/05

HOUSE BILL **516-FN**

AN ACT allowing voters to vote by absentee ballot.

SPONSORS: Rep. Rogers, Merr. 28; Rep. K. Murray, Rock. 24; Rep. Read, Rock. 17; Rep. Schultz, Merr. 18; Rep. Leishman, Hills. 24; Rep. Klein-Knight, Hills. 11; Sen. Soucy, Dist 18; Sen. Watters, Dist 4

COMMITTEE: Election Law

ANALYSIS

This bill allows voters to vote by absentee 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 Twenty One

AN ACT allowing voters to vote by absentee ballot.

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

1 1 Absentee Ballots. Amend RSA 656:33 to read as follows:

2 656:33 Official [~~Absence, Religious Observance, and Disability~~] Absentee Ballots. Prior to any
3 state election, the secretary of state shall prepare, in such quantity as the secretary of state may
4 deem necessary, [~~absence, religious observance, and disability~~] absentee ballots in the same form as
5 nearly as practicable as the official ballot to be used at said election. Said absentee ballots shall
6 have the words "absentee ballot" printed on them and shall be similarly endorsed and printed on
7 paper of the same color as that used for official ballots.

8 2 Absentee Voting. Amend RSA 657:1 to read as follows:

9 657:1 [~~Absence, Religious Observance, and Disability~~] Absentee Voting.

10 [~~I.~~] Any person who [~~will be absent on the day of any state election from the city, town, or~~
11 ~~unincorporated place in which he or she is registered to vote or who cannot appear in public on any~~
12 ~~election day because of his or her observance of a religious commitment or who is unable to vote~~
13 ~~there in person by reason of physical disability~~] **is qualified to vote at any state election** may vote
14 at such elections as provided in this chapter. [~~A person who is unable to appear at any time during~~
15 ~~polling hours at his or her polling place because of an employment obligation shall be considered~~
16 ~~absent for purposes of this chapter. For the purposes of this section, the term "employment" shall~~
17 ~~include the care of children and infirm adults, with or without compensation.~~

18 ~~—II. When the National Weather Service has issued a winter storm warning, blizzard warning, or~~
19 ~~ice storm warning for election day applicable to the city, town, or unincorporated place:~~

20 ~~——(a) A person who otherwise would have voted in person but has concerns for his or her safety~~
21 ~~traveling in the storm, shall be considered absent for purposes of this chapter and may vote absentee~~
22 ~~on the day immediately prior to the election.~~

23 ~~——(b) A person who cares for children or infirm adults who reasonably anticipates that school,~~
24 ~~child care, or adult care will be canceled, who otherwise would have voted in person but will be~~
25 ~~deterred from voting by the need to care for children or infirm adults, shall be considered absent for~~
26 ~~purposes of this chapter and may vote absentee on the day immediately prior to the election.~~

27 ~~——(c) As required by RSA 652:20, the clerk's office shall be open to receive applications for~~
28 ~~absentee ballots, to provide voters the opportunity to complete absentee ballots, and to receive~~
29 ~~returned ballots on the day immediately prior to an election at a minimum from 3:00 p.m. to 5:00~~
30 ~~p.m. The clerk may designate a deputy clerk or assistant to provide this service, provided the~~

HB 516-FN - AS INTRODUCED

- Page 2 -

1 ~~individual has taken the oath of office and has been trained in the requirements for using an~~
2 ~~absentee ballot and the procedures for issuing and receiving absentee ballots.~~

3 ~~_____ (d) In the event an election is postponed pursuant to RSA 669:1, the provisions of~~
4 ~~subparagraph (e) shall apply to the day before the date of the originally scheduled election and the~~
5 ~~day before the date of the postponed election.]~~

6 3 Absentee Voting. Amend RSA 657:4, I to read as follows:

7 I. Prior to any state election, the secretary of state shall prepare the appropriate application
8 forms for absentee ballots worded in substantially the following form. The secretary of state shall
9 insert the names of all parties qualified as set forth in RSA 652:11 in the list of parties on the
10 application form. The secretary of state shall prepare the application forms in such quantity as he or
11 she deems necessary:

12 [~~Absence (Excluding Absence Due to Residence Outside the United States), Religious Observance,~~
13 ~~and Disability]~~ **Absentee Ballot Application:**

14 I hereby declare that (check one):

15 I am a duly qualified voter who is currently registered to vote in this town/ward.

16 I am absent from the town/city where I am domiciled and will be until after the next election,
17 or I am unable to register in person due to a disability, and request that the forms necessary for
18 absentee voter registration be sent to me with the absentee ballot.

19 [~~I will be entitled to vote by absentee ballot because (check one):~~

20 ~~I plan to be absent on the day of the election from the city, town, or unincorporated place~~
21 ~~where I am domiciled.~~

22 ~~I am requesting a ballot for the presidential primary election and I may be absent on the day~~
23 ~~of the election from the city, town, or unincorporated place where I am domiciled, but the date of the~~
24 ~~election has not been announced. I understand that I may only make such a request 14 days after~~
25 ~~the filing period for candidates has closed, and that if I will not be absent on the date of the election I~~
26 ~~am not eligible to vote by absentee ballot.~~

27 ~~I cannot appear in public on election day because of observance of a religious commitment.~~

28 ~~I am unable to vote in person due to a disability.~~

29 ~~I cannot appear at any time during polling hours at my polling place because of an~~
30 ~~employment obligation. For the purposes of this application, the term "employment shall include the~~
31 ~~care of children and infirm adults, with or without compensation.~~

32 ~~For use only on the Monday immediately prior to the election: I cannot appear at my polling place on~~
33 ~~election day because the National Weather Service has issued a winter storm warning, blizzard~~
34 ~~warning, or ice storm warning for election day applicable to my city, town, or unincorporated place~~
35 ~~and either (check one):~~

36 ~~I am elderly or infirm or I have a physical disability, and would otherwise vote in person but I~~
37 ~~have concerns for my safety traveling in the storm.~~

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- Page 3 -

1 ~~_____ I anticipate that school, child care, or adult care will be canceled, and would otherwise vote in~~
2 ~~person but will need to care for children or infirm adults.]~~

3 Any person who votes or attempts to vote using an absentee ballot who is not entitled to vote by
4 absentee ballot shall be guilty of a misdemeanor. RSA 657:24.

5 I am requesting an official absentee ballot for the following election (check one):

6 Presidential Primary to be held on _____

7 (MM/DD/YYYY)

8 (The date may appear as blank when the date is not known.)

9 State Primary to be held on _____

10 (MM/DD/YYYY)

11 General Election

12 For primary elections, I am a member of or I am now declaring my affiliation with the (check one):

13 Republican Party

14 Democratic Party

15 (name of any party determined by the secretary of state to have achieved official status under
16 RSA 652:11)

17 and am requesting a ballot for that party's primary.

18 Please print:

19 Applicant's Name: _____

20 (Last) (First) (Middle) (Sr., Jr., II., III)

21 Applicant's Voting Domicile (home address):

22 _____

23 (Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

24 Mail the ballot to me at this address (if different than the home address):

25 _____

26 (Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

27 Applicant's Phone Number : _____

28 Applicant's Email Address : _____

29 Applicant's Signature: _____

30 Date Signed: _____

31 (MM/DD/YYYY)

32 I attest that I assisted the applicant in executing this form because he or she has a disability.

33 Signature _____ Print Name _____ **Address** _____

34 ~~[If your absentee ballot application or affidavit envelope has the printed name and signature of a~~
35 ~~person who assisted you with voting, your signature will not be compared to your signature on the~~
36 ~~absentee ballot affidavit to verify your identity. Otherwise, if your signatures do not appear to be~~
37 ~~made by the same person, your absentee ballot may not be counted.]~~

1 The applicant must sign this form to receive an absentee ballot *unless he or she is unable to do so*
2 *because of a disability, in which case he or she may be assisted by another, who shall print*
3 *and sign his or her name and address on the application form.* Any person who witnesses
4 and assists a voter with a disability in executing this form shall print and sign his or her name in
5 the space provided on the application form. The moderator will not compare the voter's signature on
6 the application with the signature on the absentee ballot affidavit when a person assisting the voter
7 has signed the statement on the absentee ballot application or affidavit envelope that assistance was
8 provided.

9 4 Absentee Voting Materials. Amend the introductory paragraph of RSA 657:7 and RSA 657:7, I
10 and II to read as follows:

11 657:7 [~~Absence, Religious Observance, and Disability~~] **Absentee Voting.** Prior to any state
12 election, the secretary of state shall prepare the following forms in such quantity as he *or she* deems
13 necessary:

14 I. [~~Absence, religious observance, and disability~~] Absentee ballots as provided in RSA
15 656:33.

16 II. Affidavit envelopes of sufficient size to contain the ballots on which shall be printed the
17 following:

18 [~~(a) Absence from City or Town.~~] A person voting by absentee ballot [~~because of absence~~
19 ~~from the city or town in which he or she is entitled to vote~~] shall fill out and sign the following
20 certificate:

21 I do hereby certify under the penalties for voting fraud set forth below that I am a voter in the city or
22 town of _____, New Hampshire, in ward _____; [~~that I will be unable to appear at~~
23 ~~any time during polling hours at my polling place because I will be working on election day, or I am~~
24 ~~voting on the Monday immediately prior to the election, the National Weather Service has issued a~~
25 ~~winter storm warning, blizzard warning, or ice storm warning, and I am elderly or infirm, have a~~
26 ~~physical disability, or have to care for children or infirm adults, or I will be otherwise absent on~~
27 ~~election day from said city or town and will be unable to vote in person;~~] that I have carefully read
28 (or had read to me because I am [~~blind~~] *unable to read due to disability*) the instructions
29 forwarded to me with the ballot herein enclosed, and that I personally marked the ballot within and
30 sealed it in this envelope (or had assistance in marking the ballot and sealing it in this envelope
31 because I am [~~blind~~] *disabled*). [~~For the purposes of this certification, the term "working" shall~~
32 ~~include the care of children and infirm adults, with or without compensation.~~]

33 (Signature) _____

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

HB 516-FN - AS INTRODUCED
- Page 5 -

1 ~~(b) Absence Because of Religious Observance or Physical Disability. A person voting by~~
2 ~~absentee ballot because of religious observance or physical disability shall fill out and sign the~~
3 ~~following certificate:~~

4 I do hereby certify under the penalties for voting fraud set forth below that I am a voter in the city or
5 town of _____, New Hampshire, in ward _____; that I will be observing a religious
6 commitment which prevents me from voting in person or that on account of physical disability I am
7 unable to vote in person; that I have carefully read (or had read to me because I am blind) the
8 instructions forwarded to me with the ballot herein enclosed, and that I personally marked the ballot
9 within and sealed it in this envelope (or had assistance in marking the ballot and sealing it in this
10 envelope because I am blind).

11 (Signature) _____

12 The signature on this affidavit must appear to be executed by the same person who signed the
13 absentee ballot application. A person assisting a disabled or blind voter shall make and sign a
14 statement on this envelope in the space provided acknowledging the assistance. The moderator will
15 not compare the voter's signature on this affidavit with the signature on the absentee ballot
16 application when a person assisting the voter has signed the statement on the affidavit that
17 assistance was provided.

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

22 5 Absentee Voting. Amend the subdivision heading preceding RSA 657:12 to read as follows:

23 Procedure for [~~Absence, Religious Observance, and Disability and Overseas~~] **Absentee** Voting

24 6 Absentee Voting in Town Elections. Amend RSA 669:26 to read as follows:

25 669:26 Absentee Voting.

26 ~~[.] Every town which has adopted an official ballot system for town elections as provided in~~
27 ~~RSA 669:12 or 669:13 shall provide for absentee voting. [Any eligible voter who is absent from such~~
28 ~~a town on the day of a town election, or who cannot appear in public on election day because of his or~~
29 ~~her observance of a religious commitment, or who, by reason of physical disability, is unable to vote~~
30 ~~in person may vote at a town election in accordance with the provisions of this section and RSA~~
31 ~~669:27-669:29. A person who is unable to appear at any time during polling hours at his or her~~
32 ~~polling place because of an employment obligation shall be considered absent for purposes of this~~
33 ~~section and RSA 669:27-669:29. For the purposes of this section, the term "employment" shall~~
34 ~~include the care of children and infirm adults, with or without compensation.~~

35 ~~H. When the National Weather Service has issued a winter storm warning, blizzard~~
36 ~~warning, or ice storm warning for election day applicable to the town:~~

HB 516-FN - AS INTRODUCED

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1 ~~(a) A person who is elderly or infirm or who has a physical disability, who otherwise~~
2 ~~would have voted in person but has concerns for his or her safety traveling in the storm, shall be~~
3 ~~considered absent for purposes of this section and RSA 669:27-669:29 and may vote absentee on the~~
4 ~~Monday immediately prior to the election.~~

5 ~~(b) A person who cares for children or infirm adults who reasonably anticipates that~~
6 ~~school, child care, or adult care will be canceled, who otherwise would have voted in person but will~~
7 ~~be deterred from voting by the need to care for children or infirm adults, shall be considered absent~~
8 ~~for purposes of this section and RSA 669:27-669:29 and may vote absentee on the Monday~~
9 ~~immediately prior to the election.~~

10 ~~(c) As required by RSA 652:20, the clerk's office shall be open to receive applications for~~
11 ~~absentee ballots, to provide voters the opportunity to complete absentee ballots, and to receive~~
12 ~~returned ballots on the Monday immediately prior to an election at a minimum from 3:00 p.m. to~~
13 ~~5:00 p.m. The clerk may designate a deputy clerk or assistant to provide this service, provided the~~
14 ~~individual has taken the oath of office and has been trained in the requirements for using an~~
15 ~~absentee ballot and the procedures for issuing and receiving absentee ballots.]~~

16 7 Effective Date. This act shall take effect 60 days after its passage.

Fiscal Note

**HB 516-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT allowing voters to vote by absentee ballot.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

COUNTY:

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

LOCAL:

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

METHODOLOGY:

This bill permits "no excuse" absentee voting. The Department of State indicates it would incur some expense to provide additional voting materials such as envelopes to municipalities as needed, but municipalities would incur the larger associated cost of expanded use and processing of absentee ballots.

The Department reports it reimbursed municipalities \$2.6 million in aggregate CARES Act funds for the increased use of absentee ballots in the state primary and general elections in 2020. That election uniquely allowed for individuals concerned about Covid-19 to use the disability excuse to obtain an absentee ballot. The Department reports that 30 percent of voters in both the primary and general elections in 2020 used an absentee ballot. This is at least 20 percent higher than the percentage of absentee ballots typically cast in prior elections (between 5 and 10 percent).

For this bill, the Department assumes an election voter turnout range of between 500,000 and 800,000 voters and estimates an additional 20 percent of those voters would request an absentee

ballot, representing between 100,000 and 160,000 additional absentee ballots. Assuming a total of 250,000 additional absentee voters for both a primary and general election cycle and a per ballot cost of \$0.50 for the absentee ballot envelopes used by municipalities, the Department would incur a cost of \$125,000 for the absentee voter envelopes and supplies used by municipalities.

The Department of Justice states the Elections Unit may experience an increased workload related to assisting the Secretary of State's Office with the training of election officials and associated indeterminable expenditures related to this bill. The office may need to create new training material and update prior guidance documents. The office may need to assist local official with developing protocols to address an increase in local absentee ballot requests and handle increased questions from election official and voters.

The New Hampshire Municipal Association indicates the Secretary of State prepares ballots for state elections and municipalities prepare ballots for municipal elections and are responsible for the mailing of ballots for both state and local elections. The Association anticipates significantly more absentee ballots and envelopes would be needed as a result of this bill with a corresponding increase in expenses for the preparation of municipal ballots, additional envelopes and significant postage costs incurred for the mailing of all ballots. This increased cost may be offset to a small degree by the reduction in preparation of ballots used at the polling place. Additional staff time needed for absentee ballot processing by the clerk prior to election day and by the moderator on election day may also increase costs. Reduced staff time needed at the polls on election day will not fully offset this increased labor cost. The Association is unable to predict the number of individuals who will opt to vote by absentee ballot and what the per-voter cost of processing these ballots may be, so the impact on municipal expenditures is indeterminable. There should be no impact on municipal revenues.

These sections eliminate provisions subject to penalties that may have an impact on the New Hampshire judicial and correctional systems. There is no method to determine how many fewer charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Branch	FY 2021	FY 2022
Class A Misdemeanor	\$78	\$78
Class B Misdemeanor	\$55	\$55
Appeals	Varies	Varies

It should be noted that average case cost estimates for FY 2021 and FY 2022 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types. An unspecified misdemeanor can be either class A or class B, with the presumption being a class B misdemeanor.		
Judicial Council		
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney – Misdemeanor	\$300/Case	\$300/Case
Assigned Counsel – Misdemeanor	\$60/Hour up to \$1,400	\$60/Hour up to \$1,400
It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. The majority of indigent cases (approximately 85%) are handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%).		
NH Association of Counties		
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$120	\$105 to \$120

Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department would likely absorb the costs within its existing budget. If the Department needs to prosecute significantly fewer cases or handle fewer appeals, then costs may decrease by an indeterminable amount.

It is assumed this bill will be effective July 1, 2021.

AGENCIES CONTACTED:

Departments of State and Justice, Judicial Branch, Judicial Council, New Hampshire Association of Counties, and New Hampshire Municipal Association