

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 61,**

**AN ACT relative to absentee voting and allowing for
partial processing of absentee ballots prior to election
day. Having considered the same, report the same with
the following resolution: RESOLVED, that it is
INEXPEDIENT TO LEGISLATE.**

Rep. Fenton Groen

FOR THE MAJORITY OF THE COMMITTEE

MAJORITY COMMITTEE REPORT

Committee:	Election Law
Bill Number:	HB 61
Title:	relative to absentee voting and allowing for partial processing of absentee ballots prior to election day.
Date:	March 8, 2021
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill allows for no-excuse absentee voting and for the partial pre-processing of absentee ballots. The majority of the committee believes this bill is unconstitutional and not necessary. As enacted, our Constitution provided for in person voting only. Over time, by amendment, it has been modified such that voter attest to a cause, or excuse, as a basis for voting absentee. The majority of the committee believes no excuse absentee voting is a violation of the Constitution. The right to vote granted by citizenship is a privilege of our national community that directs the destiny of each state and of our country. While the State Constitution allows voting absentee in certain circumstances, the majority believes it should be done with assurances that the person voting is precisely who they represent themselves to be. Absentee voting by its nature does not allow direct assurance that the voter is correctly casting a ballot. The bill also proposes to allow pre-processing of the absentee ballots. While this process was helpful for processing the record high absentee balloting of the November 2020 general election, the number of ballots cast were unique to that election. The pre-processing was difficult for observers and challengers to follow and the time savings it created have not been necessary in the past and are not expected to be needed in the future.

Vote 11-8.

Rep. Fenton Groen
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Election Law

HB 61, relative to absentee voting and allowing for partial processing of absentee ballots prior to election day. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.** Rep. Fenton Groen for the **Majority** of Election Law. This bill allows for no-excuse absentee voting and for the partial pre-processing of absentee ballots. The majority of the committee believes this bill is unconstitutional and not necessary. As enacted, our Constitution provided for in person voting only. Over time, by amendment, it has been modified such that voter attest to a cause, or excuse, as a basis for voting absentee. The majority of the committee believes no excuse absentee voting is a violation of the Constitution. The right to vote granted by citizenship is a privilege of our national community that directs the destiny of each state and of our country. While the State Constitution allows voting absentee in certain circumstances, the majority believes it should be done with assurances that the person voting is precisely who they represent themselves to be. Absentee voting by its nature does not allow direct assurance that the voter is correctly casting a ballot. The bill also proposes to allow pre-processing of the absentee ballots. While this process was helpful for processing the record high absentee balloting of the November 2020 general election, the number of ballots cast were unique to that election. The pre-processing was difficult for observers and challengers to follow and the time savings it created have not been necessary in the past and are not expected to be needed in the future. **Vote 11-8.**

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 61,**

**AN ACT relative to absentee voting and allowing for
partial processing of absentee ballots prior to election
day. Having considered the same, and being unable to
agree with the Majority, report with the
recommendation that the bill OUGHT TO PASS.**

Rep. Heidi Hamer

FOR THE MINORITY OF THE COMMITTEE

MINORITY COMMITTEE REPORT

Committee:	Election Law
Bill Number:	HB 61
Title:	relative to absentee voting and allowing for partial processing of absentee ballots prior to election day.
Date:	March 8, 2021
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill would allow for no excuse absentee voting and partial pre-processing of the returned absentee ballots. As seen in this past November's election, NH had the greatest number of absentee ballots ever requested and returned, as well as its highest ever voter turnout. This process makes voting easier and reduces the lines at polling locations on Election Day. Due to the high volume of absentee ballots returned to the town and city clerk's offices, there is a need to do pre-processing of these absentee ballots prior to election day. This bill allows for pre-processing, opening the outer envelope, examining the affidavit and announcing the voter's name and noting it on the checklist. This occurs with the moderator and at least 3 other election officers, with members of the general public observing. Without this ability to pre-process absentee ballots, election results could be delayed for days.

Rep. Heidi Hamer
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Election Law

HB 61, relative to absentee voting and allowing for partial processing of absentee ballots prior to election day. **OUGHT TO PASS.**

Rep. Heidi Hamer for the **Minority** of Election Law. This bill would allow for no excuse absentee voting and partial pre-processing of the returned absentee ballots. As seen in this past November's election, NH had the greatest number of absentee ballots ever requested and returned, as well as its highest ever voter turnout. This process makes voting easier and reduces the lines at polling locations on Election Day. Due to the high volume of absentee ballots returned to the town and city clerk's offices, there is a need to do pre-processing of these absentee ballots prior to election day. This bill allows for pre-processing, opening the outer envelope, examining the affidavit and announcing the voter's name and noting it on the checklist. This occurs with the moderator and at least 3 other election officers, with members of the general public observing. Without this ability to pre-process absentee ballots, election results could be delayed for days.

Original: House Clerk

Cc: Committee Bill File

HB 61 Election Law Committee Majority Report – ITL
Representative Groen, Strafford 23, Rochester

This bill allows for no-excuse absentee voting and for partial pre-processing of absentee ballots. The majority of the committee believes this bill is unconstitutional and not necessary. As enacted our Constitution provided for in person voting only. Over time, by amendment, it has been modified such that voter attest to a cause , or excuse, as a basis for voting absentee. The majority of the committee believes no excuse absentee voting is a violation of the Constitution. The right to vote granted by citizenship is a privilege of our national community that directs the destiny of each state and of our country. While the State Constitution allows voting absentee in certain circumstances, the majority believes it should be done with assurances that the person voting is precisely who they represent themselves to be. Absentee voting by its nature does not allow direct assurance that the voter is correctly casting a ballot. The bill also proposes to allow pre processing of the absentee ballots. While this process was helpful in the record high absentee balloting of the November 2020 general election, the number ballots cast were unique to the election. The pre processing was difficult for observers and challengers to follow and the time savings it created have not been necessary in the past and are not expected to be needed in the future.

This is my minority report for HB 61 - this has been approved by Rep. David Cote. Let me know if anything further is required (this is my first report)

-Representative Heidi Hamer

HB 61 would allow for no excuse absentee voting and pre-processing of those returned absentee ballots. As seen in this past November's election, NH had the greatest amount of absentee ballots ever requested and returned, as well as its highest ever voter turnout.

This makes voting easier and reduces the lines at polling locations on Election Day.

Due to the volume of absentee ballots returned to the Clerk's office there is a need to do pre-processing of these absentee ballots prior to election days.

This Bill allows for pre-processing, opening the outer envelope, examining the affidavit and announcing the voter's name and noting it on the checklist. This occurs with the Moderator and at least 3 other election officers, with members of the general public observing.

Without this ability to pre-process absentee ballots, election results could be delayed for days.

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

From: Bgriffinlo

Sent: Wednesday, March 24, 2021 1:05:10 PM

To: Miriam Simmons

Cc: Bgriffinlo

Subject: Fwd: reports

Response requested: Yes

Importance: Normal

Attachments:

HB 61 Majority Report - Groen.docx  HB 61 Minority - Hamer.docx  HB 291 Min

Hamer.docx  HB 292 Min - Lane.docx  HB470 - Hayward.docx  Min HB 491 - Lane.docx 

Miriam

I am forwarding what I have. As far as I know all minorities have gone through Rep. Cote. I am a bit confused because I thought you had some so I am getting out what I found last night and then will make a list of what I think we are lacking.

I email Aaron but later. How late can I schedule a hearing today?

Barbara

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

From: Bgriffinlo <bgriffinlo@aol.com>

To: Bgriffinlo <bgriffinlo@aol.com>

Sent: Wed, Mar 24, 2021 8:51 am

Subject: reports

Voting Sheets

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 61

BILL TITLE: relative to absentee voting and allowing for partial processing of absentee ballots prior to election day.

DATE: March 8, 2021

LOB ROOM: Remote / Hybrid

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Groen

Seconded by Rep. Wells

Vote: 11-8

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 61

BILL TITLE:

Relative to Absentee Voting and Allowing for Partial Processing of AB prior to Election Day.

DATE: 3-8-21

LOB ROOM: 306

MOTION: (Please check one box)

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

Moved by Rep. Queen Seconded by Rep. Wells Vote: 11:8

MOTION: (Please check one box)

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

Moved by Rep. [redacted] Seconded by Rep. [redacted] Vote: _____

MOTION: (Please check one box)

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

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

MOTION: (Please check one box)

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

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

CONSENT CALENDAR: _____ YES _____ NO

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

Respectfully submitted: Rep Natalie Wells
Rep Natalie Wells, Clerk



2021 SESSION

Election Law

Bill #: HB 61 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.		1	
Ward, Gerald W. <i>Meggin Murray</i>		✓	
Bergeron, Paul R.		✓	
Sandler, Catt		✓	
Hamer, Heidi M.		✓	
Lane, Connie B.		✓	
Freitas, Mary C.		✓	
Hamblet, Joan L.		✓	
Muirhead, Russell		✓	
TOTAL VOTE:	11	8	

Hearing Minutes

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 61

BILL TITLE: relative to absentee voting and allowing for partial processing of absentee ballots prior to election day.

DATE: March 4, 2021

LOB ROOM: LOB Hybrid **Time Public Hearing Called to Order:** 9:30 a.m.

Time Adjourned: 10:18 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. Rung

Rep. Harb

Rep. Hamer

Rep. Laflamme

Rep. Telerski

Rep. Major

Rep. Jack

Rep. McWilliams

Rep. Cahill

Rep. McGhee

TESTIMONY

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

***Representative Rosemarie Rung** introduced her bill. – This allows NH to vote absentee even with no stated excuse and allow municipalities preprocessing. Merrimack moderators are in strong support for this. Bipartisan support for preprocessing.

- Expand Absentee voting, encourage more to vote. 814,499 voted absentee in 2020, only 10% voted absentee in 2016.
- More people feel this is about our liberty.
- Read part I, article 11, 1st seven words of NH constitution, should provide by law equal right to vote.
- 2/3rds of country allow absentee voting, NH should not be left out.

Question: Rep. Prudhomme-O'Brien – Are you aware to the wording that describes eligibility voting absentee is also defined?

Answer: Yes, I am aware, but raising a child, I did not have that option as they do today. Running kids to practices, I think most people aren't aware of that RSA.

Statement: Rep Prudhomme-O'Brien – I am not aware of a situation in my community when I am holding a sign, people cower in fear because are near a candidate.

Answer: I absolutely see people avoid candidates. People don't want to be approached, don't want to be subjected to this. They want to stay home, vote in the privacy of their home.

Question: Rep. Ross Berry – Rep. Ring, you make a statement that voters are being intimidated. That's electioneering. It's already illegal to do this. Moderators can handle this. Is this your #1 concern for you?

Answer: I use it as an example. I think people are afraid, don't want people to say good morning and not speak to me. People just want to vote in their home. If we allow some people, we should allow anyone. It's a liberty thing.

***Cordell Johnston** – represents NH Municipal Association. **We are in support** on Section 7-10, preprocessing of absentee ballots for state and presidential elections as it can take several hours. Not commenting on 1-6 provisions of absent ballots, neutral on 1-6.

- Disrupts other activities during the day or if put off until later, makes it a long day.

- Preprocessing opens outer envelope, read name, went smoothly.
- Benefits when election officer discovers ballot not proper, they can contact voter.
- Voter can come in and fix it. In my town, there were 6 ballots people came in and fixed it.

Question: Rep. Tirosian – Prior to 2020 cycle, were you aware of any problems in the process on Election Day?

Answer: Yes, how much time it took in larger towns. Elected officials work on absentees' way past after polls closed, such as 1-2am.

Question: Rep Griffin – Is current order in process? Do you know how many are taking advantage of this?

Answer: No, I don't. I think relatively small. 12 Absentee in my town election as opposed to the Fall had 700. In my town it is not necessary for preprocessing on off years.

***Rep Laura Telerski** – I am Representative of Hillsborough 35, Ward 8. I am a co-sponsor and testifying in support. I advocate for preprocessing absentee ballots. If you never worked the polls, long stamina from 6am-8pm, poll workers have to be there at 5am and after doors closed. The paperwork just begins and need to be sharp. Most are seniors, work long and exhausted hours. Just taking care of some of this work in advance takes pressure off. It worked in 2020, encourage you to keep it.

Question: Rep Griffin – Do you know of changes to this bill or exactly the same as last session?

Answer: I do know from a conversation with Representative Ring, I believe yes, same as put forward last year.

Ken Barnes – not present.

Deputy SOS: David Scanlan – I have split opinion on “No excuse AB”, opposition to this. 1st is a Constitutional issue. I know Representative Ring mentioned Part 1, Article 11 of the Constitution refers to physical. There are two specific reasons look at history and voting absentee, disability entered in Constitution 1900's, you will see it was intentional for legislature to preclude no excuse. Allowing absentee to anybody does create issues, pressure on voters. So last election COVID as a disability, we saw political parties and candidates use that to target to vote a certain way which is ballot harvesting. In other states that is a real concern. Issues not major concern moving on preprocessing of absentee ballots. These provisions in the state elections in 2020 reviewed, benefits helped the work load, gave an opportunity to contact voters if ballots had errors. We are favorable to this provision. However Sec 10, line 20, page 7, it says moderator or designee, clerk post appropriate place. This process gives no time frame. Just says absentees may be processed. We are opposed to this, not necessary.

Question: Rep Tirosian – In the past, prior to 2020, if there was error on ballots, was it possible for someone in town to reach out to voter or was the ballot thrown out?

Answer: Prior, in limited opportunity to reach voter, not exercised very often. In General Election, presidential, there's no time. Moderators have been asking for process before COVID. It's been recognized as a relief. It worked well for moderators.

Question: Rep Lane – Deputy Scanlan, you made mention to ballot harvesting. Any inkling in past elections, or is this coming from other states?

Answer: We know issues in other states and compare with absentee. These organizations send mail to individuals who look like government entities and 2020 specifically that whole process ramped up. Groups using social media, stating absentee voting easy in having all help they need. If this could go in this direction to current law, mail it in isn't that safe. Harvesting can happen. The burden of responsibility is on the voter to fill it out and mail it to the clerk. This has changed past 6-8 years with a delivery agent. Now voter is able to convey ballot to clerk by another individual. If we expand delivery, creates climate outside groups to administer/manage absentee ballots from voters. If voters doing thru some type of absentee, these groups might determine when votes are getting their absentee ballots. Un until now, it has been the responsibility of the voter.

Question: Rep. Muirhead – Is there evidence of ballot harvesting in NH? Does this bill expand ...?

Answer: No to both questions.

Question: Rep Hamlet – You referred to preprocessing of Absentee ballots, Section 10, line 20-21. It says moderator or designee may begin preprocessing. Line 27 shall occur Thursday, Friday, Saturday of election. Does that not answer your question, this is specific?

Answer: - I agree with that section 27 talks about preprocessing, that is fine. Line 21 different may begin of absentee. This is not preprocessing, 2020 processing before polls open.

Question: Rep Groen – NH voter ID law, are absentee voters required to show ID to get a ballot?

Answer: No. In past the check was voter was required to sign application. When application returned, there is a affidavit that voter is required to sign. Before, moderator could check signatures. Court case challenged that. Court determined signature could no longer be valid. If signature is missing, could reject or two different names, reason for rejection, unless helping that person. No check on absentee because there is no matching signatures. A person can voluntarily show ID.

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Jim Verschuren, NH resident from Dover.

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Hearing adjourned at 10:18 am

Respectfully submitted,
Representative Natalie Wells,
Committee Clerk

TESTIMONY

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

Rep R. Aung
Cordell Johnston
Rep Laura Telerki
Ken Barnes - not present
* Jim Verschuren

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING on Bill # HB61

BILL TITLE: XX

Relative to absentee voting and allowing for partial processing of absentee ballots prior to election day.

DATE:

3/4/21

ROOM: 306

Time Public Hearing Called to Order: 9:30 AM

Time Adjourned: 10:18 AM

(please circle if present)

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Rep R. Aung

Cordell Johnston

Rep Laura Telerski

Ken Barnes - not present

_____ * Jim Verhoeven

HB-61 Relative to absentee voting and allowing for partial processing of absentee ballots prior to election day.

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Meeting Closed: 10:18am

Respectfully submitted,

Representative Natalie Wells

House Remote Testify

Election Law Committee Testify List for Bill HB61 on 2021-03-04

Support: 269 Oppose: 19 Neutral: 0 Total to Testify: 4

[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
Johnston, Cordell	Concord, NH cjohnston@nhmunicipal.org	A Lobbyist	NH Municipal Association	Support	Yes (3m)	No
Telerski, Laura	Nashua, NH Laura.Telerski@Leg.State.NH.US	An Elected Official	Hillsborough 35	Support	Yes (2m)	No
Rung, Rosemarie	MERRIMACK, NH rosemarie.rung@leg.state.nh.us	An Elected Official	Myself	Support	Yes (10m)	No
Lord, Kit	Northwood, NH kitlord@yahoo.com	A Member of the Public	Myself	Support	No	No
Cook, Barbara D	Canterbury, NH bdc7@aol.com	A Member of the Public	Myself	Support	No	No
Waterman, Raymond	Merrimack, NH prwaterman@aol.com	A Member of the Public	Myself	Support	No	No
Waterman, Patricia	Merrimack, NH prwaterman@aol.com	A Member of the Public	Myself	Support	No	No
Hayes, Randy	Canterbury, NH rcompostr@gmail.com	A Member of the Public	Myself	Support	No	No
Hope, Lucinda	Tilton, NH lmhope46@gmail.com	A Member of the Public	Myself	Support	No	No
Dewey, Karen	Newport, NH pkdewey@comcast.net	A Member of the Public	Myself	Support	No	No
Frye, Kim	Nashua, NH kimfrye@hotmail.com	A Member of the Public	Myself	Support	No	No
Wild, Gail	Newport, NH Gailwild@gmail.com	A Member of the Public	Myself	Support	No	No
Wiggins, Frank	Newport, NH Frankwigginsconstruction@comcast.net	A Member of the Public	Myself	Support	No	No
Lynch, Chrisinda	Concord, NH cmmelynch@comcast.net	A Member of the Public	Myself	Support	No	No
Fox, Beth	Wolfeboro, NH bethfox22@hotmail.com	A Member of the Public	Myself	Support	No	No
Anastasia, Patricia	Londonderry, NH patti.anastasia@gmail.com	A Member of the Public	Myself	Support	No	No
Brennan, Nancy	Weare, NH burningnan14@gmail.com	A Member of the Public	Myself	Support	No	No
Schissel, Mary	Newport, NH schissell@comcast.net	A Member of the Public	Myself	Support	No	No
Brennan, Arthur	Weare, NH arete201314@gmail.com	A Member of the Public	Myself	Support	No	No
Hanauer, Gerald & Benette	Bedford, NH gshhanauer@yahoo.com	A Member of the Public	Myself & My Spouse	Support	No	No
Robinson, Ellis	Grantham, NH ellismmrobinson@gmail.com	A Member of the Public	Myself	Support	No	No

Perry, Bob	Strafford, NH perry4nh@gmail.com	A Member of the Public	Myself	Support	No	No
Dolkart, Vivian	Grantham, NH viviandolkart@comcast.net	A Member of the Public	Myself	Support	No	No
Orkin, Susan	Grantham, NH susanorkin@gmail.com	A Member of the Public	Myself	Support	No	No
Dolkart, Kenneth	Grantham, NH kenneth.dolkart@gmail.com	A Member of the Public	Myself	Support	No	No
Perencevich, Ruth	Concord, NH rperence@comcast.net	A Member of the Public	Myself	Support	No	No
Chaplin, John	Grantham, NH direction11@aol.com	A Member of the Public	Myself	Support	No	No
See, Alvin	Loudon, NH absee@4Liberty.net	A Member of the Public	Myself	Oppose	No	No
Josephson, Tim	Canaan, NH josephsonth@gmail.com	A Member of the Public	Myself	Support	No	No
McWilliams, Rebecca	Concord, NH rebecca.mcwilliams@leg.state.nh.us	An Elected Official	Merrimack 27	Support	No	No
Bushueff, Catherine	Sunapee, NH agawamdesigns@gmail.com	A Member of the Public	Myself	Support	No	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@opendemocracy.me	A Lobbyist	Open Democracy Action	Support	No	No
ellermann, maureen	CONCORD, NH ellermannf@aol.com	A Member of the Public	Myself	Support	No	No
Petruccelli, Maxine	Webster, NH maxinepet@gmail.com	A Member of the Public	Myself	Support	No	No
Petruccelli, 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
Douville, Gary	Grantham, NH gjdouville@hotmail.com	A Member of the Public	Myself	Support	No	No
perez, maria	Milford, NH mariaeli63@gmail.com	An Elected Official	Myself	Support	No	No
Wood, Carole	Grantham, NH Cadawood@comcast.net	A Member of the Public	Myself	Support	No	No
Wood, David	Grantham, NH cadawood@comcast.net	A Member of the Public	Myself	Support	No	No
Vivado, Mauricio	Bedford, NH maumajo@aol.com	A Member of the Public	Myself	Support	No	No
Langsdorf, Philip	Grantham, NH ph_langsdorf@yahoo.com	A Member of the Public	Myself	Support	No	No
Howard Jr., Raymond	Alton, NH brhowardjr@yahoo.com	An Elected Official	Myself	Oppose	No	No
Osborne, Jason	Auburn, NH HouseRepOffice@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No
Clark, Denise	Milford, NH denise.m.clark03055@gmail.com	A Member of the Public	Myself	Support	No	No
Karash, Karla	Grantham, NH karla@karash.com	A Member of the Public	Myself	Support	No	No
smith, victoria	Lebanon, NH victoriahsmith@comcast.net	A Member of the Public	Myself	Support	No	No
Kraus, Melissa	Boston, MA mkraus@adl.org	A Member of the Public	ADL New England	Support	No	No
wazlaw, brian	Portsmouth, NH briwazlaw@aol.com	An Elected Official	Myself	Support	No	No
Layon, Erica	Derry, NH erica.layon@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No
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
DesMarais, Edith	Wolfeboro, NH desmarpe@metrocast.net	A Member of the Public	Myself	Support	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
Klementowicz, Kelsey	Portsmouth, NH kelsey.klementowicz@gmail.com	A Member of the Public	Myself	Support	No	No
aron, judy	acworth, NH judy.aron@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No
Kellogg, Susan	Lebanon, NH Skellogdc@gmail.com	A Member of the Public	Myself	Support	No	No
Horan, Teresa	Grantham, NH Jtkchoran@gmail.com	A Member of the Public	Myself	Support	No	No
Haigh, Jane	MANCHESTER, NH JHAIGHAK@GMAIL.COM	A Member of the Public	Myself	Support	No	No
Booras, Efstathia	Nashua, NH ebooras@gmail.com	An Elected Official	Constituents	Support	No	No

dostie, donald	Colebrook, NH dadostietrucking@gmail.com	An Elected Official	Myself	Oppose	No	No
Potucek, John	Derry, NH potucek1@comcast.net	An Elected Official	Myself	Oppose	No	No
Henrichon, Margaret	Bedford, NH mhenrichon@comcast.net	A Member of the Public	Myself	Support	No	No
Billingham, Carla	Salem, NH billingham2@comcast.net	A Member of the Public	Myself	Support	No	No
Greene, Bob	Hudson, NH bob.greene@leg.state.nh.us	An Elected Official	Hillsborough District 37	Oppose	No	No
Wester, Liz	Manchester, NH elizmwester@gmail.com	A Member of the Public	Myself	Support	No	No
Egger, Evelyn	Grantham, NH gabegger01@gmail.com	A Member of the Public	Myself	Support	No	No
Love, Rep. David	Derry, NH davidlove4rep@gmail.com	An Elected Official	Rockingham 6	Support	No	No
Slosberg, Richard	Lyme, NH Rsloberg4@gmail.com	A Member of the Public	Myself	Support	No	No
Piemonte, Tony	Sandown, NH tony.piemonte@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No
Blair, David	Dublin, NH orionblair@gmail.com	A Member of the Public	Myself	Support	No	No
Claffin, Kyri	Concord, NH kyriclaffin@comcast.net	A Member of the Public	Myself	Support	No	No
Stevens, Elizabeth	New London, NH er.stevens@verizon.net	A Member of the Public	Myself	Support	No	No
HOSTAGE, JAN	New London, NH jan.hostage@verizon.net	A Member of the Public	Myself	Support	No	No
McGhee, Kat	Hollis, NH Kat.mcghee@leg.state.nh.us	An Elected Official	Hillsborough 27	Support	No	No
Emus, Joanne	Hollis, NH jremus0322@aol.com	A Member of the Public	Myself	Support	No	No
Elliott, Judith	Canterbury, NH jelliottnh@gmail.com	A Member of the Public	Myself	Support	No	No
Hatcher, Phil	Dover, NH phil.hatcher@gmail.com	A Member of the Public	Myself	Support	No	No
Zak, Lydia	Merrimack, NH Lydzak27@gmail.com	A Member of the Public	Myself	Support	No	No
Milliken, Walter	Dover, NH wmilliken@me.com	A Member of the Public	Myself	Support	No	No
Hruska, Jeanne	Concord, NH Jeanne@aclu-nh.org	A Lobbyist	ACLU-NH	Support	No	No
Laflamme, Larry	Berlin, NH larry.laflamme@leg.state.nh.us	An Elected Official	Myself	Support	No	No
Garland, Ann	LEBANON, NH annhgarland@gmail.com	A Member of the Public	Myself	Support	No	No
Tentarelli, Liz	Newbury, NH LWVnewhampshire@gmail.com	A Member of the Public	Myself	Support	No	No
Bates, David	Warner, NH dbates3@yahoo.com	A Member of the Public	Myself	Support	No	No
Phillips, margery	hanover, NH margeryphillips@gmail.com	A Member of the Public	Myself	Support	No	No
Kudlik, Cindy	Grafton, NH cindykudlik@protonmail.com	An Elected Official	Myself	Oppose	No	No

Jordan, Pamela	Nashua, NH Pamjordan01@hotmail.com	A Member of the Public	Myself	Support	No	No
Kusch, Dan	Center Sandwich, NH Dan.kusch@gmail.com	A Member of the Public	Myself	Support	No	No
Garber, Marcia	Manchester, NH mag1022rn@comcast.net	A Member of the Public	Myself	Support	No	No
Burk-McCoy, Lisa	Exeter, NH lburkmccoy@gmail.com	A Member of the Public	Myself	Support	No	No
Hinkel, Robert	Dover, NH r.hinkel@gmail.com	A Member of the Public	Myself	Support	No	No
Fenner-Lukaitis, Elizabeth	Warner, NH glukaitis@mcttelecom.com	A Member of the Public	Myself	Support	No	No
Warach, Jeffrey	Dover, NH jeffwarach@gmail.com	A Member of the Public	Myself	Support	No	No
Vogt, Robin	Portsmouth, NH robin.w.vogt@gmail.com	A Member of the Public	Myself	Support	No	No
Embley, Sally	Webster, NH ssembley@gmail.com	A Member of the Public	Myself	Support	No	No
Kelley, Mary	Dover, NH midgekelley1@gmail.com	A Member of the Public	Myself	Support	No	No
thompson, julie	durham, NH maple371@gmail.com	A Member of the Public	Myself	Support	No	No
Verschueren, Jim	Dover, NH jd.verschueren@gmail.com	A Member of the Public	Myself	Support	No	No
Casino, Joanne	Concord, NH joannecasino@comcast.net	A Member of the Public	Myself	Support	No	No
Fogarty, Maggie	Concord, NH mfogarty@afsc.org	A Lobbyist	American Friends Service Committee - NH	Support	No	No
olson, alix	canaan, NH alixmartha22@gmail.com	A Member of the Public	Myself	Support	No	No
Parshall, Lucius	Marlborough, NH lucius.parshall@leg.state.nh.us	An Elected Official	Myself	Support	No	No
Wells, Ken	Andover, NH kenwells3@gmail.com	A Member of the Public	Myself	Support	No	No
Fordey, Nicole	Litchfield, NH nikkif610@gmail.com	A Member of the Public	Myself	Support	No	No
Hamer, Geoffrey	Manchester, NH geoffh87@aol.com	A Member of the Public	Myself	Support	No	No
Cornell, Patricia	Manchester, NH Cornell49@comcast.net	An Elected Official	Myself	Support	No	No
Smiley, Julie	Amherst, NH smilesjusa@yahoo.com	A Member of the Public	Myself	Support	No	No
Lamb, Ashley	Durham, NH campioa@gmail.com	A Member of the Public	Myself	Support	No	No
Nelson, Elizabeth	Derry, NH BethDavid@comcast.net	A Member of the Public	Myself	Support	No	No
Bartlett, Rep Christy	Concord, NH christydbartlett@gmail.com	An Elected Official	Merrimack 19	Support	No	No
Insolia, Janet	Dover, NH jinsolia@comcast.net	A Member of the Public	Myself	Support	No	No
Feder, Marsha	HOLLIS, NH marshafeder@gmail.com	A Member of the Public	Myself	Support	No	No
Hackmann, Kent	Andover, NH hackmann@uidaho.edu	A Member of the Public	Myself	Support	No	No

Cotton, Bev	Weare, NH bevcott@gmail.com	A Member of the Public	Myself	Support	No	No
Grassie, Chuck	Rochester, NH chuck.grassie@leg.state.nh.us	An Elected Official	Strafford 11	Support	No	No
Larson, Ruth	Alton, NH ruthlarson@msn.com	A Member of the Public	Myself	Support	No	No
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Support	No	No
Almy, Susan	Lebanon, NH susan.almy@comcast.net	An Elected Official	Myself	Support	No	No
Damon, Claudia	Concord, NH cordsdamon@gmail.com	A Member of the Public	Myself	Support	No	No
Corell, Elizabeth	Concord, NH Elizabeth.j.corell@gmail.com	A Member of the Public	Myself	Support	No	No
Caplan, Tony	Henniker, NH anthonycaplan1@gmail.com	An Elected Official	Merrimack 6	Support	No	No
Kraus, Carol	Peterborough, NH carolekraus@gmail.com	A Member of the Public	Myself	Support	No	No
Coon, Kate	Peterborough, NH kate2coon@gmail.com	A Member of the Public	Myself	Support	No	No
Pedersen, Michael	Nashua, NH PedersenUSA@aim.com	An Elected Official	Hillsborough 32	Support	No	No
st.martin, tom	candia, NH rockygorgenh@gmail.com	A Member of the Public	Myself	Support	No	No
Long, Julian	ROCHESTER, NH julianleelong@yahoo.com	A Member of the Public	Myself	Support	No	No
Johnson, Sara	Warner, NH nhchicagocubfan@gmail.com	A Member of the Public	Myself	Support	No	No
Dunlap, Bernice	Laconia, NH bernicerd@gmail.com	A Member of the Public	Myself	Support	No	No
Garen, June	Gilmanton, NH jzanesgaren@gmail.com	A Member of the Public	Myself	Support	No	No
Straiton, Marie	Pembroke, NH m.straiton@comcast.net	A Member of the Public	Myself	Support	No	No
Lucas, Janet	Campton, NH janluca1953@gmail.com	A Member of the Public	Myself	Support	No	No
Embley, George	Webster, NH gembley@tds.net	A Member of the Public	Myself	Support	No	No
Johnson, Karen	West Peterborough, NH Gram99karen@gmail.com	A Member of the Public	Myself	Support	No	No
Blanchard, Sandra	Loudon, NH sandyblanchard3@gmail.com	A Member of the Public	Myself	Support	No	No
Carter, Lilian	Deering, NH lcarter0914@gmail.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
MCILROY, DOUGLAS	Etna, NH doug@cs.dartmouth.edu	A Member of the Public	Myself	Support	No	No
Wotowiec, Peter	Drewsville, NH ticonel@gmail.com	A Member of the Public	Myself	Support	No	No
Lincoln, Mary	Manchester, NH mary.lincoln52@gmail.com	A Member of the Public	Myself	Support	No	No
Covert, Susan	Contoocook, NH scovert@comcast.net	A Member of the Public	Myself	Support	No	No

Cavanaugh, Marilyn	Auburn, NH wmcavanaugh@comcast.net	A Member of the Public	Myself	Support	No	No
Stockwell, Heather	DUBLIN, NH heather@radnh.org	A Lobbyist	Rights & Democracy NH	Support	No	No
House, Don	Belmont, NH donhouse@metrocast.net	A Member of the Public	Myself	Support	No	No
Swan, Kristin	West Lebanon, NH swan.kristin@gmail.com	An Elected Official	Myself	Support	No	No
Dontonville, Roger	Enfield, NH rdontonville@gmail.com	An Elected Official	Myself	Support	No	No
Goggans, Ron	NH, NH rongoggans@gmail.com	An Elected Official	Myself	Support	No	No
Opolski, Ian	Plaistow, NH iopolski@gmail.com	A Member of the Public	Myself	Support	No	No
Kinney, Bruce	Amherst, NH bruce.a.kinney@gmail.com	A Member of the Public	Myself	Support	No	No
Krohn, Suzanne	Auburn, NH suzanne.c.krohn@gmail.com	A Member of the Public	Myself	Support	No	No
Campbell, Kay	Epsom, NH kkcampbell43@yahoo.com	A Member of the Public	Myself	Support	No	No
Quinn, Brenda	Hopkinton, NH bquinnmsw@aol.com	A Member of the Public	Myself	Support	No	No
IMURA, MICHAEL	BOW, NH mikeimura@comcast.net	A Member of the Public	Myself	Support	No	No
Petrovito, Janet	Francestown, NH J-jpietrovito@comcast.net	A Member of the Public	Myself	Support	No	No
Rasche, Patrice	Canterbury, NH mattieandriley@yahoo.com	A Member of the Public	Myself	Support	No	No
Rasche, Stephen	Canterbury, NH mattieandriley@gmail.com	A Member of the Public	Myself	Support	No	No
Zimmer, Julie	New Hampshire, NH juliecorkzim@icloud.com	A Member of the Public	Myself	Support	No	No
Kaufman, Amy	Newfields, NH Fitark@comcast.net	A Member of the Public	Myself	Support	No	No
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
Pool, F	Dublin, NH flisnh@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
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
Murphy, Alyssa	Portsmouth, NH manypennymurphy@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
Hull, Ethel	CONCORD, NH ehullphd@psychotherapyastransformation.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
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
Pinneo, Sarah	Etna, NH spinneo@yahoo.com	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
Moran, Sheila	Lebanon, NH sheilamorán26@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
Simmon, Janet	Laconia, NH scd_md@yahoo.com	A Member of the Public	Myself	Support	No	No
Draper, Barry	New Hampton, New Hampshir, NH bgd@metrocast.net	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
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 Thomas	Nashua, NH thomas.marshall@comcast.net	An Elected Official	Myself	Support	No	No
Pospychala, Erin	WILMOT, NH erinmvp@gmail.com	A Member of the Public	Myself	Support	No	No
Garrison, John	Lancaster, NH johngarrison51@gmail.com	A Member of the Public	Myself	Oppose	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
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

Hampton, Doris	Canterbury, NH dandmhamp38@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 betsybmore@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
Ladd, Nancy	Warner, NH LADDNEWTON@HOTMAIL.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
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
Chase, Wendy	Rollinsford, NH wendy.chase@leg.state.nh.us	An Elected Official	Myself	Support	No	No
Bowles, Margaret	Lyme, NH mcb2885@gmail.com	A Member of the Public	Myself	Support	No	No
Booras, Hon. Efstathia	nashua, NH efstathiab73@gmail.com	An Elected Official	Constituents	Support	No	No
Willoughby, Susan	Kensington, NH Bockeriny@gmail.com	A Member of the Public	Myself	Support	No	No
Bundy, Linda	Antrim, NH n_bundy@mcttelecom.com	A Member of the Public	Myself	Support	No	No
Chase, Susan	Andover, NH srfchase@gmail.com	A Member of the Public	Myself	Support	No	No
Morrisette, Brandon	Epping, NH BrandonMorrisette@ProtonMail.com	A Member of the Public	Myself	Support	No	No
Kindeke, Grace	Manchester, NH gkindeke@afsc.org	A Lobbyist	American Friends Service Committee	Support	No	No
Rettew, Annie	CONCORD, NH abrettew@gmail.com	A Member of the Public	Myself	Support	No	No
Caddell, Cynthia	Peterborough, NH Cycaddell@yahoo.com	A Member of the Public	Myself	Support	No	No
Spielman, Kathy	Durham, NH jspielman@comcast.net	A Member of the Public	Myself	Support	No	No
walsh-robart, nancy	Andover, NH cilleville@gmail.com	A Member of the Public	Myself	Support	No	No
Turnbull, Shauna	Andover, NH shaunaturnbull@yahoo.com	A Member of the Public	Myself	Support	No	No

Baker, Deb	Concord, NH Deborahba@yahoo.com	A Member of the Public	Myself	Support	No	No
hatch, sally	Concord, NH sallyhatch@comcast.net	A Member of the Public	Myself	Support	No	No
Courser, Rebecca	Warner, NH rcourser@hotmail.com	A Member of the Public	Myself	Support	No	No
Veilleux, Donna	Madison, NH mdveilleux@roadrunner.com	A Member of the Public	Myself	Support	No	No
Young, Matthew	Andover, NH skippyzoom@gmail.com	A Member of the Public	Myself	Support	No	No
Till, Mary	Derry, NH maryforderry@yahoo.com	A Member of the Public	Myself	Support	No	No
Cook, Richard	Warner, NH r_cook@mcttelecom.com	A Member of the Public	Myself	Support	No	No
Broshek, Mary Ane	Andover, NH mabandsadie@gmail.com	A Member of the Public	Myself	Support	No	No
Broshek, Mary Anne	Andover, NH mabandsadie@gmail.com	A Member of the Public	Myself	Support	No	No
Mott-Smith, Wiltrud	Loudon, NH wmottsm@worldpath.net	A Member of the Public	Myself	Support	No	No
Keeler, Margaret	New London, NH peg5keeler@gmail.com	A Member of the Public	Myself	Support	No	No
Bouchard, Donald	MANCHESTER, NH donaldjbouchard@gmail.com	An Elected Official	Myself	Support	No	No
Dewhirst, Susan	Portsmouth, NH sdewhirst04@gmail.com	A Member of the Public	Myself	Support	No	No
Gaudette, Sheryl	Hudson, NH sgaudette1@outlook.com	A Member of the Public	Myself	Oppose	No	No
Dodge, Corinne	Corinne Dodge, Derry, NH corinnedodge@hotmail.com	A Member of the Public	Myself	Support	No	No
Higgins, Patricia	HANOVER, NH phiggins47@gmail.com	A Member of the Public	Myself	Support	No	No
Johnson, Lynne	Wilmot, NH tropicats@comcast.net	A Member of the Public	Myself	Support	No	No
Tucker, Katherine	Wilmot, NH katherine.s.tucker@valley.net	A Member of the Public	Myself	Support	No	No
Minihan, Jeremiah	Rochester, NH Jeremiah.minihan@gmail.com	A Member of the Public	Myself	Support	No	No
Hagan, Linda	New London, NH linda-jc@comcast.net	A Member of the Public	Myself	Support	No	No
moe, Carmeiita	andover, NH carmelitaymoe@outlook.com	A Member of the Public	Myself	Support	No	No
Levesque, Cassandra	Barrington, NH cassandra.levesque@leg.state.nh.us	An Elected Official	Myself	Support	No	No
Ackerson, Judith	Franklin, NH ackerjack45@gmail.com	A Member of the Public	Myself	Support	No	No
Ackerson, Kenneth	Franklin, NH ken.ackerson14@gmail.com	A Member of the Public	Myself	Support	No	No
yacopucci, william	Franklin, NH wdycpp@gmail.com	A Member of the Public	Myself	Support	No	No
ambrose, jill	Glen, NH jrose2@gmx.com	A Member of the Public	Myself	Support	No	No
Morasse, Amanda	Barnstead, NH kaendraarcaya@gmail.com	A Member of the Public	Myself	Oppose	No	No

Green, Debra	Greenville, NH laffalot37@gmail.com	A Member of the Public	Myself	Support	No	No
Garrison, Deborah	Lancaster, NH 55mpvcatgirl@gmail.com	A Member of the Public	Myself	Oppose	No	No
Spielman, James	Durham, NH jspielman@comcast.net	A Member of the Public	Myself	Support	No	No
Carole, Kimberly	Bedford, NH Mskimberlycarole@gmail.com	A Member of the Public	Myself	Support	No	No
Lewis, Elizabeth	Nashua, NH ecop.lewis@gmail.com	A Member of the Public	Myself	Support	No	No
Hansen, Lorraine	Rollinsford, NH lhansennh@gmail.com	A Member of the Public	Myself	Support	No	No
Bixby, Peter	Dover, NH peterbixbynhhouse@comcast.net	An Elected Official	Myself	Support	No	No
Bagshaw, Joseph	Conway, NH bagshaw.joseph@gmail.com	A Member of the Public	Myself	Support	No	No
Cutshall, Catherine	Bedford, NH vivadofamily@aol.com	A Member of the Public	Myself	Support	No	No
Benham, Linda	Greenland, NH benhamlab@outlook.com	A Member of the Public	Myself	Support	No	No
Thomas, Sally	Bedford, NH Sallythomas@comcast.net	A Member of the Public	Myself	Support	No	No
Wyatt, Timothy	HUDSON, NH timwyatt1@juno.com	A Member of the Public	Myself	Support	No	No
McConville, David	Amherst, NH dmc2015@comcast.net	A Member of the Public	Myself	Oppose	No	No
Freeman, Barbara	Andover, NH donavonfreeman@comcast.net	A Member of the Public	Myself	Support	No	No
Lanigan, Cathy	Peterborough, NH Clanigan@comcast.net	A Member of the Public	Myself	Support	No	No
Pugh, Barbara	Amherst, NH barbara.pugh@comcast.net	A Member of the Public	Myself	Support	No	No
Graham, Nancy	West Lebanon, NH nancygraham806@gmail.com	A Member of the Public	Myself	Support	No	No
Dontonville, Anne	Enfield, NH adontonville@gmail.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
Donovan, Julie	BEDFORD, NH julie.donovan@juno.com	A Member of the Public	Myself	Support	No	No
DeMark, Richard	Meredith, NH demarknh114@gmail.com	A Member of the Public	Myself	Support	No	No
major, Norman	plaiستow, NH norman.major@leg.state.nh.us	An Elected Official	Myself	Support	No	No
O'Neill, Faye	Amherst, NH nhfaye@gmail.com	A Member of the Public	Myself	Support	No	No

Testimony

Archived: Monday, April 12, 2021 9:56:52 AM

From: johngarrison51@gmail.com

Sent: Monday, February 15, 2021 1:24:38 PM

To: ~House Election Law Committee

Subject: HB-61, a bill to allow no excuse absentee voting and partial processing of absentee ballots

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 you in hopes you will oppose the changes proposed by House Bill 61 because existing New Hampshire election law provides a strong and enforceable balance between access to voting for every eligible voter, including those who are considered to be in vulnerable populations, and election integrity.

- Regarding Access: The Voter Turnout Chart posted on the New Hampshire Secretary of State Website dated January 19, 2021, clearly shows that voter turnout in New Hampshire has ranked third highest in the Nation for the past four (4) Presidential Elections (2008-2020), with turnouts far more than 10 percent greater than the national average AND turnouts consistently better than Oregon. Oregon, you may recall, moved entirely to vote-by-mail in 1998.
- New Hampshire election law already allows **registered** voters a means to obtain an Absentee Ballot for nearly every imaginable excuse, including a voter who has a concern about getting to the Polling Center safely on election days when the National Weather Center has issued a winter storm warning, and voters who **anticipate** that school, child care, or adult care will be cancelled requiring them to care for children or infirmed adults. Note that concern over COVID-19 was deemed a disability for the 2020 elections.
- As stated on page 46 of the Report of the Commission on Federal Election Reform, which was co-chaired by former President Jimmy Carter and former Secretary of State James Baker in 2005: "Absentee ballots remain the largest source of potential voter fraud... Absentee balloting is vulnerable to abuse in many ways..." It goes on to say that citizens who vote at home, nursing homes, the workplace, and in church: "are more susceptible to pressure, overt and subtle, or to intimidation." The report also states, in part: "Election fraud usually only attracts public attention and comes under investigation only in close elections." But we cannot deny, that in a significant portion of our nation's history, election fraud has been proven in countless cases across the land. It took decades, but historians now agree that the Democrat Party stole the 1960 election. Most recently, the Navarro Report enumerates some 3 million possible irregular and illegal votes in the 2020 battleground states of Arizona, Georgia, Michigan, Nevada, Pennsylvania, and Wisconsin, more than 60% were facilitated by Absentee and mail-in voting.

Regarding HB-61's proposal to allow partial processing of absentee ballots before election day, the Report of the Commission on Federal Election Reform, previously referred to cautions on Page 46 that States should make sure that absentee ballots received before Election Day **are kept secure until they are opened and counted on Election Day.**

This issue is important to me. I am an elderly, naturalized American citizen and veteran of the Vietnam era who did not have the right to vote for the first half of my six-year enlistment. My spouse Debbie and I lived in Maryland all of our years together and were registered to drive and vote there. We moved to retire in our second home in northeast Pennsylvania, after selling our primary residence, in August of 2018. We registered to drive and to vote there, a process that

took weeks and numerous visits to the offices of the Pennsylvania Division of Motor Vehicles. The process is so arduous in PA that there are businesses located throughout the state that will help you navigate the process for a fee, which we gladly paid. When we purchased our home in Lancaster in June of 2019, we immediately set out to establish residency here, obtain our New Hampshire Real ID compliant driver's license, and register to vote. All of these processes were far, far easier and more pleasant to complete than in either Maryland or Pennsylvania. The NH Gov website and/or our Town Clerk, and the employees of the Division of Motor vehicles ensured that the process was hassle-free for both of us. In Gorham, we each applied for and obtained a Driver's License in less than an hour, and the same was true regarding voter registration with our Town Clerk here in Lancaster.

I believe that voting is one of the most precious privileges of a free society (as is the freedom not to vote). In America we join our neighbors at a local polling place, underscoring our role as a part of our collective society, then we go into a curtained booth to make our choice as free individuals. 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.

Sincerely,

John A. Garrison

**PO Box 310
194 Elm Street
Lancaster, NH 03584-0310**

 **443-966-2997**

 **JohnGarrison51@gmail.com**

Archived: Monday, April 12, 2021 9:56:52 AM
From: johngarrison51@gmail.com
Sent: Monday, March 1, 2021 5:32:34 PM
To: ~House Election Law Committee
Subject: NH House Remote Testify: 9:30 am - HB61 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 61 because existing New Hampshire election law provides a strong and enforceable balance between access to voting for every eligible voter, including those who are considered to be in vulnerable populations, and election integrity.

- Regarding Access: The Voter Turnout Chart posted on the New Hampshire Secretary of State Website dated January 19, 2021, clearly shows that voter turnout in New Hampshire has ranked third highest in the Nation for the past four (4) Presidential Elections (2008-2020), with turnouts far more than 10 percent greater than the national average AND turnouts consistently better than Oregon. Oregon, you may recall, moved entirely to vote-by-mail in 1998.

- New Hampshire election law already allows registered voters a means to obtain an Absentee Ballot for nearly every imaginable excuse, including a voter who has a concern about getting to the Polling Center safely on election days when the National Weather Center has issued a winter storm warning, and voters who anticipate that school, child care, or adult care will be cancelled requiring them to care for children or infirmed adults. Note that concern over COVID-19 was deemed a disability for the 2020 elections.

- As stated on page 46 of the Report of the Commission on Federal Election Reform, which was co-chaired by former President Jimmy Carter and former Secretary of State James Baker in 2005: "Absentee ballots remain the largest source of potential voter fraud... Absentee balloting is vulnerable to abuse in many ways..." It goes on to say that citizens who vote at home, nursing homes, the workplace, and in church: "are more susceptible to pressure, overt and subtle, or to intimidation." The report also states, in part: "Election fraud usually only attracts public attention and comes under investigation only in close elections." But we cannot deny, that in a significant portion of our nation's history, election fraud has been proven in countless cases across the land. It took decades, but historians now agree that the Democrat Party stole the 1960 election. Most recently, the Navarro Report enumerates some 3 million possible irregular and illegal votes in the 2020 battleground states of Arizona, Georgia, Michigan, Nevada, Pennsylvania, and Wisconsin, more than 60% were facilitated by Absentee and mail-in voting.

Regarding HB-61's proposal to allow partial processing of absentee ballots before election day, the Report of the Commission on Federal Election Reform, previously referred to cautions on Page 46 that States should make sure that absentee ballots received before Election Day are kept secure until they are opened and counted on Election Day.

This issue is important to me. I am an elderly, naturalized American citizen and a veteran of the Vietnam era who did not have the right to vote for the first half of my six-year enlistment. My spouse Debbie and I lived in Maryland all of our years together and were registered to drive and vote there. We moved to retire in our second home in northeast Pennsylvania, after selling our primary residence, in August of 2018. We registered to drive and to vote there, a process that took weeks and numerous visits to the

offices of the Pennsylvania Division of Motor Vehicles. The process is so arduous in PA that there are businesses located throughout the state that will help you navigate the process for a fee, which we gladly paid.

When we purchased our home in Lancaster in June of 2019, we immediately set out to establish residency here, obtain our New Hampshire Real ID compliant driver's license, and register to vote. All of these processes were far, far easier and more pleasant to complete than in either Maryland or Pennsylvania. The NH Gov website and/or our Town Clerk, and the employees of the Division of Motor vehicles ensured that the process was hassle-free for both of us. In Gorham, we each applied for and obtained a Driver's License in less than an hour, and the same was true regarding voter registration with our Town Clerk here in Lancaster.

I believe that voting is one of the most precious privileges of a free society (as is the freedom not to vote). In America we join our neighbors at a local polling place, underscoring our role as a part of our collective society, then we go into a curtained booth to make our choice as free individuals. 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.

Sincerely,



John A. Garrison

PO Box 310

194 Elm Street

Lancaster, NH 03584-0310

☎ **443-966-2997**

✉ 51rusty.nail.rr@gmail.com

**"Everything's in the mind. That's where it all starts.
Knowing what you want is the first step toward getting it." - Mae West**

Archived: Monday, April 12, 2021 9:56:52 AM
From: Michael Cahill
Sent: Wednesday, March 3, 2021 5:23:51 PM
To: ~House Election Law Committee
Subject: HB61
Importance: Normal

Colleagues,

As my own committee is meeting, I am unable to testify in support of HB61 of which I am a cosponsor I believe there is broad agreement that preprocessing is extremely helpful but there is controversy on the "no excuse" absentee component.

I have voted by absentee ballot just a few times since including my first in 1972 when the age was lowered from 21 to 18. My preference is to vote in person, but this may not be so for others. Why is it that when we're making decisions about who will serve on local governing bodies, in the legislature, Congress or as President we must give a reason for voting absentee? Why is it up to the legislature to determine if that reason is good enough? Certainly, as adults we can make these decisions for ourselves. Whether it is for medical, employment obligations or personal convenience it my choice to make and I need not explain or defend it.

Regards,

*Michael Cahill
State Representative
Labor, Industrial and Rehabilitative Services
Rockingham 17
Newfields, Newmarket*

Archived: Monday, April 12, 2021 9:56:52 AM

From: [Rosemarie Rung](#)

Sent: Wednesday, March 3, 2021 7:38:17 PM

To: ~House Election Law Committee

Subject: HB61 Introductory Remarks

Importance: Normal

Attachments:

[HB61.docx](#) 

Dear Esteemed Colleagues:

Please find attached my written remarks to introduce HB61 tomorrow morning. See you then.

Rosemarie Rung
NH State Representative
Merrimack (Hillsborough 21)
603.424.6664

Archived: Monday, April 12, 2021 9:56:52 AM

From: [Cindy](#)

Sent: Wednesday, March 3, 2021 7:28:00 PM

To: [~House Election Law Committee](#)

Subject: constituent in SUPPORT of HB61

Importance: Normal

Members of the House Election Law Committee,

I write in strong support of HB61— to continue the use of absentee voting as we did during this deadly pandemic.

We all saw the large increase in the use of absentee voting work smoothly. By changing to “*no-excuse*” absentee voting, all our registered voters will have this safe & secure option.

We also saw the partial processing of absentee ballots prior to election day was secure and expedient.

There are only good reasons to move forward with HB61.

Sincerely,

Lucinda Hope

Archived: Monday, April 12, 2021 9:56:52 AM
From: [Miriam Simmons](#)
Sent: Thursday, March 4, 2021 8:04:19 AM
To: [Miriam Simmons](#)
Subject: FW: Granite State Taxpayers Opposes HB 61
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 9:56:52 AM
From: [Miriam Simmons](#)
Sent: Wednesday, April 7, 2021 10:06:57 AM
To: [Miriam Simmons](#)
Subject: HB-61,
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 9:56:52 AM
From: [Miriam Simmons](#)
Sent: Wednesday, April 7, 2021 11:04:36 AM
To: [Miriam Simmons](#)
Subject: Opposes HB 61
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

DATE: March 3, 2021

To: NH House Election Law Committee

From: Representative Rosemarie Rung, Hillsborough 21 (Merrimack)

SUBJECT: HB61

Dear Esteemed Colleagues:

I come before you to introduce HB 61. This bill allows NH voters to cast their vote by absentee ballot, even when there is no stated excuse. This bill also allows municipalities to partially pre-process absentee ballots before Election Day.

First, I want to address the pre-processing of absentee ballots. Making this option permanent was a request made to me by Merrimack's town moderator. In fact, a couple of co-sponsors of this bill, both Republicans, are moderators or co-moderators for their towns and they are in strong support. Allowing partial pre-processing of absentee ballots is a bi-partisan, common sense option for those municipalities who want to better manage the workload of Election Day. It proved to be a lifesaver for Merrimack as it allowed us to efficiently manage a huge uptick in absentee ballots while maintaining the integrity of the process.

We also learned from the November election that expanding absentee voting encourages more citizens to vote. In fact, 814,499 votes were cast in the November election, breaking the previous record for voter turnout. Growth in absentee voting drove this growth as we saw 260,217 of those votes cast by absentee or 32% of the total. In 2016 only 10% of voters cast their vote by absentee.

How is this jump in voter participation explained? Yes, fear of COVID kept many people home. However, I believe it was more. There are people who just avoid interacting with strangers (COVID or not), or fear a procedure or building they are unfamiliar with or are intimidated walking through the "gauntlet" of candidates and campaigns standing outside the polls. These folks feel more confident voting by absentee in the familiar environment of their home, but until the COVID excuse, they just opted not to vote at all.

So this bill is really about liberty: the state of being free within society from control or oppressive restrictions imposed by government. Why shouldn't a citizen be free to vote by absentee? Why should they have to meet one of the government's stated excuses in order to exercise their voting rights? Back in the day when I was working, juggling the schedule of three children and a home, I often wondered why the guy next door got to vote at his convenience because of business travel, but I did not. Why was I denied that right? Why do we deny that right to tens of thousands of Granite Staters?

You may hear that absentee voting is dictated by the NH Constitution. Allow me to read to you Part I, Article 11:

“The general court shall provide by law for voting by qualified voters who 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, are absent from the city or town of which they are inhabitants, or who by reason of physical disability are unable to vote in person, in the choice of any officer or officers to be elected or upon any question submitted at such election.”

Please note the first seven words of that article, “**The general court shall provide by law.**” That’s us, folks. We are the General Court. We pass the laws that govern voting. Let’s use our Constitutional power to pass a law to allow ALL New Hampshire citizens the liberty to vote by absentee, not just for those with an excuse.

You will also hear speculation that expanding the right to absentee voting will cause problems – increase risk of fraud, increased activity by special interest groups, etc. That risk already exists whether we allow no-excuse absentee voting or not. We have the power to address that now. Let’s not allow that risk to paralyze us from moving forward. Already, two-thirds of US states allow no-excuse absentee voting. New Hampshire should not be left out. After all, of all states, we value liberty. Let’s put it into action by recommending Ought to Pass on HB 61.

Bill as
Introduced

HB 61 - AS INTRODUCED

2021 SESSION

21-0040

11/08

HOUSE BILL **61**

AN ACT relative to absentee voting and allowing for partial processing of absentee ballots prior to election day.

SPONSORS: Rep. Rung, Hills. 21; Rep. Telerski, Hills. 35; Rep. McWilliams, Merr. 27; Rep. Harb, Rock. 14; Rep. Major, Rock. 14; Rep. Cahill, Rock. 17; Rep. Hamer, Hills. 17; Rep. Jack, Hills. 36; Rep. McGhee, Hills. 27; Rep. Laflamme, Coos 3

COMMITTEE: Election Law

ANALYSIS

This bill allows no-excuse absentee voting and partial processing of absentee ballots prior to election day.

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 relative to absentee voting and allowing for partial processing of absentee ballots prior to election day.

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~~] **election** as provided in this chapter. [~~A person who is unable to appear at any~~
15 ~~time during polling hours at his or her polling place because of an employment obligation shall be~~
16 ~~considered absent for purposes of this chapter. For the purposes of this section, the term~~
17 ~~"employment" shall 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
19 warning, or 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~~
21 ~~safety traveling in the storm, shall be considered absent for purposes of this chapter and may vote~~
22 ~~absentee on the day immediately prior to the election.~~

23 ~~(b) A person who cares for children or infirm adults who reasonably anticipates that~~
24 ~~school, child care, or adult care will be canceled, who otherwise would have voted in person but will~~
25 ~~be deterred from voting by the need to care for children or infirm adults, shall be considered absent~~
26 ~~for 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~~

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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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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 _____

34 Print Name _____ **Address** _____

35 ~~[If your absentee ballot application or affidavit envelope has the printed name and signature of a~~
36 ~~person who assisted you with voting, your signature will not be compared to your signature on the~~

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1 ~~absentee ballot affidavit to verify your identity. Otherwise, if your signatures do not appear to be~~
2 ~~made by the same person, your absentee ballot may not be counted.]~~

3 The applicant must sign this form to receive an absentee ballot. Any person who witnesses and
4 assists a voter with a disability in executing this form shall print and sign his or her name in the
5 space provided on the application form. The moderator will not compare the voter's signature on the
6 application with the signature on the absentee ballot affidavit when a person assisting the voter has
7 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) the instructions forwarded to me with the ballot herein
29 enclosed, and that I personally marked the ballot within and sealed it in this envelope (or had
30 assistance in marking the ballot and sealing it in this envelope because I am blind). [~~For the~~
31 ~~purposes of this certification, the term "working" shall include the care of children and infirm adults,~~
32 ~~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.

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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 ~~II. 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:~~

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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 Absentee Voting; Procedure by Clerk. Amend RSA 657:18 to read as follows:

17 657:18 Procedure by Clerk. Upon receipt of an outer envelope purporting to contain an official
18 absentee voting ballot, the clerk of the city or town shall, subject to RSA 657:16, attach thereto the
19 application for an absentee ballot submitted by said voter and record the information pursuant to
20 RSA 657:15. All such envelopes shall be preserved unopened until election day ***except as provided***
21 ***by RSA 659:49-b.***

22 8 Processing of Absentee Ballots. Amend RSA 659:49 to read as follows:

23 659:49 Processing Absentee Ballots.

24 I. Processing of previously received absentee ballots shall begin at 1:00 p.m. unless a
25 different time, that is no earlier than [~~2 hours~~] ***one hour*** after the opening of the polls[~~7~~] is posted
26 and announced in accordance with paragraph II. The processing of the absentee ballots shall not
27 unnecessarily interfere with normal voting procedures, nor shall the polls be closed at any time for
28 the processing of such ballots during normal polling hours. Absentee ballots which are received after
29 the start time for processing absentee ballots and prior to 5:00 p.m. on the day of the election shall
30 be processed as soon after receipt as possible. Under no circumstances shall absentee ballots be
31 counted prior to the closing of the polls.

32 II. Notwithstanding the provisions of paragraph I, [~~upon the written challenges of 10 or~~
33 ~~more voters who are present at the polls no later than 1:00 p.m., the moderator shall postpone the~~
34 ~~processing of all absentee ballots until after the polls close and prior to the counting of all ballots~~
35 ~~east in the election.] the moderator, or his or her designee, shall post the time at which the
36 processing of absentee ballots shall begin at the polling place and one other public location at least~~

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1 24 hours before the polls open. In addition, when the polls open the moderator shall announce the
2 time at which the processing of absentee ballots shall begin.

3 9 Opening Absentee Ballot Outer Envelopes. Amend RSA 659:49-b to read as follows:

4 659:49-b Opening Absentee Ballot Outer Envelopes. The moderator or the moderator's designee
5 may authorize the opening of absentee ballot outer envelopes on election day *or the Thursday,*
6 *Friday, Saturday, or Monday* prior to the time established for processing absentee ballots in RSA
7 659:49, *but after the corrected checklist has been posted* provided that the opening of the outer
8 envelopes occurs in public with notice of the time and place. [~~The envelope containing the ballot shall~~
9 ~~not be removed from the outer envelope at such time, and The outer envelope containing the inner~~
10 ~~envelope shall be secured until it is processed pursuant to RSA 659:50.] *After the outer envelope*
11 *has been opened, the affidavit on the inner envelope shall be examined, the voter's name*
12 *shall be announced, an opportunity for a challenge of the ballot shall be given, and a*
13 *notation may be made on the checklist to help facilitate processing of the ballot on election*
14 *day. Notwithstanding RSA 659:51, if absentee ballots are partially processed before*
15 *election day a challenge may not be made after the notation has been made on the*
16 *checklist. The ballot shall remain secure in the unopened affidavit envelope until final*
17 *processing on election day.*~~

18 10 New Section; Election Procedure; Processing Absentee Ballots; Partial Processing of Absentee
19 Ballots Prior to an Election. Amend RSA 659 by inserting after section 55 the following new section:

20 659:55-a Partial Processing of Absentee Ballots Prior to an Election.

21 I. The moderator, or his or her designee, may begin the processing of absentee ballots prior
22 to the opening of the polls provided that the clerk shall post, in an appropriate public place and prior
23 to election day, notice of the time and place of the processing. If the moderator chooses to do so it
24 shall be posted in 2 appropriate public places, one of which shall be the public body's Internet
25 website, if such exists, or shall be printed in a newspaper of general circulation in the city or town at
26 least 48 hours, excluding Sundays and legal holidays, prior to such meeting. A copy of the notice
27 shall be provided to the secretary of state. The partial processing of absentee ballots prior to an
28 election shall occur on the Thursday, Friday, Saturday, or Monday prior to the date of the election
29 after the posting of the checklist. The moderator shall be assisted by at least 3 other election officers
30 as defined under RSA 652:14. Members of the general public may observe this process. Under no
31 circumstances shall absentee ballots be counted prior to the opening of the polls.

32 II. Once notice of the processing has been posted, all absentee ballots received by the end of
33 the day preceding the posted time for the meeting shall be partially processed. Only one session for
34 the partial processing of absentee ballots may be scheduled prior to an election.

35 III. Except as otherwise provided, the moderator, or his or her designee, shall adhere to the
36 procedures detailed in RSA 659:49-b, RSA 659:50, RSA 659:51, RSA 659:52, RSA 659:53, RSA
37 659:54, RSA 659:54-a, RSA 666:4, and RSA 666:5.

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1 11 Effective Date. This act shall take effect 60 days after its passage.