

Bill as Introduced

HB 291 - AS INTRODUCED

2021 SESSION

21-0401
06/11

HOUSE BILL **291**

AN ACT relative to public inspection of absentee ballot lists.

SPONSORS: Rep. Hill, Merr. 3; Rep. Silber, Belk. 2; Rep. Rice, Hills. 37; Rep. Rouillard, Hills.
6; Rep. Pearl, Merr. 26

COMMITTEE: Election Law

ANALYSIS

This bill requires that town and city clerks shall make absentee ballot voter lists available for public inspection.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to public inspection of absentee ballot lists.

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

1 1 Procedure for Absence, Religious Observance, and Disability and Overseas Voting; Sending
2 Absentee Ballots. Amend RSA 657:15, I to read as follows:

3 I. When the verification required by RSA 657:12 or 657:13 has been made, the clerk shall
4 retain the application and, without delay, personally deliver, email, or mail to the applicant the
5 appropriate ballot and materials as described in RSA 657:7 through 657:8 or designate an assistant
6 to deliver such materials to the applicant. The clerk's option to email an absentee ballot to a voter
7 shall apply only to absentee ballot applications from UOCAVA voters. The clerk shall send absentee
8 ballots in response to verified absentee ballot requests until 5:00 p.m. on the day before the election.
9 The clerk may not designate as an assistant any person who is a candidate for nomination or office
10 or who is working for such a candidate. Any ballots sent pursuant to the provisions of this section
11 shall be mailed or delivered only by officials from the city or town clerk's office and delivered only to
12 the applicant. If the address to which the absent voter's ballot is sent is outside the United States or
13 Canada, such papers shall be sent by air mail. Said clerks shall keep lists of the names and
14 addresses, arranged by voting places, of all applicants to whom official absentee ballots have been
15 sent, and shall identify those official absentee ballots which have been returned to the clerk and
16 shall record the absentee voter applicant information in the statewide centralized voter registration
17 database. The lists, *excluding voters who have presented to the supervisors of the checklist*
18 *valid protective orders pursuant to RSA 173-B*, shall ~~not~~ be available for public inspection at
19 any time *60 days after the election day for which the absentee ballot was requested, or*
20 *earlier [without] with* a court order.

21 *I-a. The secretary of state shall use the information contained in the statewide*
22 *centralized voter registration database regarding absentee ballot requests arriving by*
23 *mail, except UOCAVA requests, to create a report detailing:*

24 (a) *The number of absentee ballot requests received by mail throughout the state*
25 *arranged by voting district.*

26 (b) *The number of absentee ballot requests received by mail that were sent to an*
27 *address other than the address shown on the checklist for that person.*

28 (c) *The number of absentee ballot requests received by mail where more than 3*
29 *ballots were sent to a common address.*

30 (d) *For the 20 most common addresses, as determined by the number of ballots*
31 *sent to that address, the actual addresses where the ballots were mailed.*

HB 291 - AS INTRODUCED

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1 2 Effective Date. This act shall take effect 60 days after its passage.

HB 291 - AS AMENDED BY THE SENATE

05/27/2021 1674s

2021 SESSION

21-0401

06/11

HOUSE BILL **291**

AN ACT relative to the analysis of requests for absentee ballot information by the attorney general.

SPONSORS: Rep. Hill, Merr. 3; Rep. Silber, Belk. 2; Rep. Rice, Hills. 37; Rep. Rouillard, Hills. 6; Rep. Pearl, Merr. 26

COMMITTEE: Election Law

AMENDED ANALYSIS

This bill requires the attorney general to analyze absentee ballot information requests for evidence of misuse.

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

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the analysis of requests for absentee ballot information by the attorney general.

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

1 1 New Section; Analysis of Requests for Absentee Ballot Information. Amend RSA 657 by
2 inserting after section 24 the following new section:

3 657:24-a Analysis of Requests for Absentee Ballot Information. The attorney general shall
4 analyze the requests for absentee ballot information for state general elections and presidential
5 primary elections contained in the statewide centralized voter registration database for evidence of
6 misuse. The analysis shall include, but shall not be limited to, the number of absentee ballots
7 mailed to a common address and significant differences in the number of ballots that were requested
8 from a city or town. The results of the analysis and any additional actions identified shall be
9 reported to the house and senate committees with jurisdiction over elections within 120 days of the
10 election.

11 2 Effective Date. This act shall take effect 60 days after its passage.

Amendments

Amendment to HB 291

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to the analysis of requests for absentee ballot information by the attorney
4 general.
5

6 Amend the bill by replacing all after the enacting clause with the following:

7

8 1 New Section; Analysis of Requests for Absentee Ballot Information. Amend RSA 657 by
9 inserting after section 24 the following new sections:

10 657:24-a Analysis of Requests for Absentee Ballot Information. The attorney general shall
11 analyze the requests for absentee ballot information for state general elections and presidential
12 primary elections contained in the statewide centralized voter registration database for evidence of
13 misuse. The analysis shall include, but shall not be limited to, the number of absentee ballots
14 mailed to a common address and significant differences in the number of ballots that were requested
15 from a city or town. The results of the analysis and any additional actions identified shall be
16 reported to the house and senate committees with jurisdiction over elections within 120 days of the
17 election.

18 2 Effective Date. This act shall take effect 60 days after its passage.

2021-1649s

AMENDED ANALYSIS

This bill requires the attorney general to analyze absentee ballot information requests for evidence of misuse.

UNAPPROVED

Amendment to HB 291

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to the analysis of requests for absentee ballot information by the attorney
4 general.
5

6 Amend the bill by replacing all after the enacting clause with the following:

7

8 1 New Section; Analysis of Requests for Absentee Ballot Information. Amend RSA 657 by
9 inserting after section 24 the following new section:

10 657:24-a Analysis of Requests for Absentee Ballot Information. The attorney general shall
11 analyze the requests for absentee ballot information for state general elections and presidential
12 primary elections contained in the statewide centralized voter registration database for evidence of
13 misuse. The analysis shall include, but shall not be limited to, the number of absentee ballots
14 mailed to a common address and significant differences in the number of ballots that were requested
15 from a city or town. The results of the analysis and any additional actions identified shall be
16 reported to the house and senate committees with jurisdiction over elections within 120 days of the
17 election.

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Amendment to HB 291
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2021-1674s

AMENDED ANALYSIS

This bill requires the attorney general to analyze absentee ballot information requests for evidence of misuse.

Committee Minutes

SENATE CALENDAR NOTICE

Election Law and Municipal Affairs

Sen James Gray, Chair
Sen Regina Birdsell, Vice Chair
Sen Ruth Ward, Member
Sen Donna Soucy, Member
Sen Rebecca Perkins Kwoka, Member

Date: May 11, 2021

HEARINGS

Monday

05/17/2021

Election Law and Municipal Affairs

REMOTE

9:30 a.m.

9:30 a.m. **HB 291** relative to public inspection of absentee ballot lists.

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/92111529857>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: US: 13126266799, 92111529857# or 16465588656, 92111529857#
4. Webinar ID: **921 1152 9857**
5. To view/listen to this hearing on YouTube, use this link:
<https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link:
<http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 291

Rep. Hill
Rep. Pearl

Rep. Silber

Rep. Rice

Rep. Rouillard

Tricia Melillo 271-3077

James P. Gray
Chairman

Senate Election Law and Municipal Affairs Committee
Tricia Melillo 271-3077

HB 291, relative to public inspection of absentee ballot lists.

Hearing Date: May 17, 2021

Members of the Committee Present: Senators Gray, Birdsell, Ward, Soucy and Perkins Kwoka

Members of the Committee Absent : None

Bill Analysis: This bill requires that town and city clerks shall make absentee ballot voter lists available for public inspection.

Sponsors:

Rep. Hill
Rep. Rouillard

Rep. Silber
Rep. Pearl

Rep. Rice

Who supports the bill: Rep. Greg Hill, John Garrison, Alvin See

Who opposes the bill: Rep. Joan Hamblet, Rep. Julie Gilman, Rep. Christy Bartlett, Rep. Lucius Parshall, Rep. Susan Almy, Rep. Heidi Hamer, Rep. Cecilia Rich, Rep. Deb Stevens, Rep. Roger Dontonville, Rep. Lee Oxenham, Robin Vogt, Mary Kelley, Anne Dontonville, Gary Hamer, Robbie Hinkel, Dawna Pidgeon, Kathy Tucker, Susan Richman, James Verschueren

Summary of testimony presented in support:

Representative Greg Hill

- The history of this bill begins back in 2016 with concerns about the validity of absentee ballots.
- If someone wanted to commit election fraud they would do it with absentee ballots.
- There is no difficulty in getting the names of a large number of people that are on the checklist but do not intend to vote in the election.
- His concern is how to identify if something like that had taken place.
- He was given a list of out of state addresses where absentee ballots were mailed.
- The problem occurs when there are multiple ballots going to one address and there is no way to determine if that is for a valid reason.
- Some are explainable, like college kids in a dorm, or snow birds all going to the same address in Florida, and others are not.
- In the last election 14 or 15 ballots went to an expensive high rise apartment building in Boston with no evident explanation.
- Ten percent of the ballots that were sent out of New Hampshire were sent to common addresses.

- This bill will provide transparency to the process by allowing public inspection of the absentee voter list 60 days after the election with a court order.
- Additionally, the Secretary of State will create a report detailing the number of absentee ballots and where they were sent.
- This will provide for an easier determination if further investigation is needed.
- Senator Birdsell asked if he knows if the Boston address was a campus address.
 - Representative Hill replied that the situation in Boston did not appear to be a normal dorm arrangement. It was an expensive high rise building. It was not proof of anything just an indication for further investigation.
- Senator Gray commented that the Committee is working on HB 326 which also has to do with absentee voters and asked if amending RSA 657:15 would get him what he wanted in this bill.
 - Representative Hill replied that he thinks it would but it would be easier and cleaner if all they did was allow the Secretary of State to have access to this information and create the report.

Summary of testimony presented in opposition: None

TJM

Date Hearing Report completed: May 21, 2021

Speakers

Senate Remote Testify

Election Law and Municipal Affairs Committee Testify List for Bill HB291 on 2021
Support: 3 Oppose: 21 Neutral: 0 Total to Testify: 1

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>
Hill, Greg	Greghillnh@gmail.com	617.590.4027	An Elected Official	Merrimack 3 - Prime Sponsor	Support	Yes
Garrison, John	johnagarrison51@protonmail.com	443.966.2997	A Member of the Public	Myself	Support	No
See, Alvin	absee@4Liberty.net	Not Given	A Member of the Public	Myself	Support	No
Hamblet, Joan	joan.hamblet@leg.state.nh.us	603.205.4925	An Elected Official	Myself	Oppose	No
Vogt, Robin	robin.w.vogt@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No
Gilman, Julie	Not Given	Not Given	An Elected Official	Town of Exeter	Oppose	No
Bartlett, Rep Christy	christydbartlett@gmail.com	603.224.3172	An Elected Official	Merrimack 19	Oppose	No
Parshall, Lucius	lucius.parshall@leg.state.nh.us	Not Given	An Elected Official	Myself	Oppose	No
Holtz, Anthony	awave28@live.com	412.737.9812	A Member of the Public	Myself	Oppose	No
Kelley, Mary	Not Given	Not Given	A Member of the Public	Myself	Oppose	No
Dontonville, Anne	Adontonville@gmail.com	603.632.7719	A Member of the Public	Myself	Oppose	No
Almy, Susan	susan.almy@comcast.net	603.448.4769	An Elected Official	Myself	Oppose	No
Hamer, Gary	Not Given	Not Given	A Member of the Public	Myself	Oppose	No
Hamer, Heidi	Not Given	Not Given	An Elected Official	Myself	Oppose	No
Rich, Cecilia	cecilia.rich@leg.state.nh.us	Not Given	An Elected Official	Myself	Oppose	No
Stevens, Representative Deb	debstevens4ward7@gmail.com	603.820.0866	An Elected Official	My 10K constituents	Oppose	No
Dontonville, Roger	rdontonville@gmail.com	603.632.7719	An Elected Official	Myself	Oppose	No
Hinkel, Robbie	r.hinkel@gmail.com	413.239.7050	A Member of the Public	Myself	Oppose	No
Oxenham, Lee	leeoxenham@comcast.net	603.727.9368	An Elected Official	Sullivan Co., District 1	Oppose	No
Pidgeon, Dawna	dawna.pidgeon@comcast.net	603.443.0762	A Member of the Public	Myself	Oppose	No
Eisner, Mary	Not Given	Not Given	A Member of the Public	Myself	Oppose	No
Tucker, Kathy	Not Given	Not Given	A Member of the Public	Myself	Oppose	No
Richman, Susan	susan7richman@gmail.com	603.868.2758	A Member of the Public	Myself	Oppose	No
Verschueren, James	jd.verschueren@gmail.com	603.978.0398	A Member of the Public	Myself	Oppose	No

Testimony

May 15, 2021

The Honorable Members of the
Senate Committee on Election Law and Municipal Affairs
SH Room 100
107 North Main Street
Concord, New Hampshire 03301

Re: HB-291: AN ACT relative to public inspection of absentee ballot lists.

Dear members of the Senate Committee on Election Law and Municipal Affairs: My name is John Garrison, and I am a registered voter domiciled at 194 Elm Street in Lancaster, New Hampshire.

I am writing to ask for your support of House Bill 291. The 2020 General Election exposed many flaws and raised doubts about the way some states and, in particular, one New Hampshire Town conducted their elections. This has the dangerous impact of undermining the public's confidence in future election outcomes.

There are a number of significant lessons to be learned in the aftermath of the 2020 election, and we should not miss this opportunity to enact common-sense legislation to provide for more robust means of verifying the integrity of our elections, especially those actions that have absolutely no impact on a valid voter's access to the ballot.

As you likely know, numerous studies and Commissions including the Commission on Federal Election Reform (September, 2005) have concluded that absentee ballots remain the largest source of potential voter and election fraud. This conclusion was supported by the report of the Century Foundation Working Group on State Implementation of Election Reform (N.Y. the Century Foundation Press, 2005, pp. 67-69).

Elections are the heart of our Democracy. Given the destruction of evidence that seemingly prevails in the states that appear to have significant election issues, it is imperative that the State of New Hampshire take every reasonable step to ensure that voters can be confident that the outcome of our elections on the local, State, and Federal levels reflect the votes cast by living, registered New Hampshire voters, domiciled in our State.

Sincerely,

John A. Garrison

PO Box 310
194 Elm Street
Lancaster, NH 03584-0310
☎ 443-966-2997
✉ JohnGarrison51@gmail.com

Voting Sheets

**Senate Election Law
& Municipal Affairs Committee
EXECUTIVE SESSION RECORD
2021 Session**

Bill HB 291

Hearing date: 5-17-2021

Executive Session date: 5/24/21

Motion of: OTP Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: 16495 Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: OTP/A Vote: 3-2

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Reported out by: Sen Gray

Notes: ~~Public in another field~~
~~on another piece~~
Sent to OLS @ 10:30 A.M.

Committee Report

General Court of New Hampshire - Bill Status System

Docket of HB291

Docket Abbreviations

Bill Title: (New Title) relative to the analysis of requests for absentee ballot information by the attorney general.

Official Docket of HB291.:

Date	Body	Description
1/9/2021	H	Introduced (in recess of) 01/06/2021 and referred to Election Law HJ 2 P. 42
3/4/2021	H	Public Hearing: 03/04/2021 02:00 pm Please click the link below to join the webinar: https://zoom.us/j/91092569734 Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
3/8/2021	H	Executive Session: 03/08/2021 12:00 pm Please click the link below to join the webinar: https://zoom.us/j/91394352757
3/3/2021	H	==CONTINUED== Executive Session: 03/10/2021 10:20 am Members of the public may attend using the following link: To join the webinar: https://zoom.us/j/95087806399 (if necessary)
3/29/2021	H	Majority Committee Report: Ought to Pass (Vote 11-9; RC) HC 18 P. 42
3/29/2021	H	Minority Committee Report: Inexpedient to Legislate
4/8/2021	H	Ought to Pass: MA DV 191-179 04/08/2021 HJ 6 P. 58
4/13/2021	S	Introduced 04/08/2021 and Referred to Election Law and Municipal Affairs; SJ 12
5/11/2021	S	Remote Hearing: 05/17/2021, 09:30 am; Links to join the hearing can be found in the Senate Calendar; SC 24
5/24/2021	S	Committee Report: Ought to Pass with Amendment #2021-1674s , 05/27/2021; SC 25A
5/27/2021	S	Committee Amendment #2021-1674s , RC 14Y-10N, AA; 05/27/2021; SJ 17
5/27/2021	S	Ought to Pass with Amendment 2021-1674s, MA, VV; OT3rdg; 05/27/2021; SJ 17
6/8/2021	H	House Non-Concurs with Senate Amendment 2021-1674s and Requests CofC (Reps. Torosian, B. Griffin, Groen, Mooney): MA VV 06/04/2021
6/10/2021	S	Sen. Gray Accedes to House Request for Committee of Conference, MA, VV; 06/10/2021; SJ 19
6/10/2021	S	President Appoints: Senators Gray, Birdsell, Soucy; 06/10/2021; SJ 19
6/15/2021	H	==RECESSED== Conference Committee Meeting: 06/15/2021 01:30 pm LOB 306-308
6/17/2021	H	==CONTINUED== Conference Committee Meeting: 06/17/2021 09:30 am LOB 306-308
6/23/2021	S	Conference Committee Report; Not Signed Off; SJ 20

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 291

Senate Committee: ELMA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- N/A Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # 1649s - amendment # 1674s
- ___ - amendment # _____ ___ - amendment # _____
- Executive Session Sheet
- Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- ___ - amendment # _____ ___ - amendment # _____
- ___ - amendment # _____ ___ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

- ___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- ___ Enrolled Bill Amendment(s)
- ___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

- as amended by the senate ___ as amended by the house
- ___ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Committee Aide

Date

Senate Clerk's Office 