

Bill as
Introduced

HB 326 - AS INTRODUCED

2021 SESSION

21-0313

11/08

HOUSE BILL **326**

AN ACT requiring town and city clerks to make electronic lists of persons who have requested, been mailed, or returned absentee ballots available to candidates upon request.

SPONSORS: Rep. Berry, Hills. 44; Rep. T. Smith, Hills. 17; Rep. O'Hara, Belk. 9

COMMITTEE: Election Law

ANALYSIS

This bill requires that town and city clerks make electronic lists of persons who have requested, been mailed, or returned absentee ballots available to candidates upon request.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 requiring town and city clerks to make electronic lists of persons who have requested, been mailed, or returned absentee ballots available to candidates upon request.

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

1 1 Absentee Ballot Lists; Electronic Copies. Amend RSA 657:15, II to read as follows:

2 II. Candidates whose names appear on the ballot and persons bearing notarized requests or
3 copies of notarized requests from candidates whose names appear on the ballot may obtain a list of
4 absentee voter applicants from the clerk, excluding voters who have presented to the supervisors of
5 the checklist valid protective orders pursuant to RSA 173-B. ***Candidates whose names appear on
6 the ballot may request, and clerks shall provide, electronic copies of list of absentee voter
7 applicants from the clerk, excluding voters who have presented to the supervisors of the
8 checklist valid protective orders pursuant to RSA 173-B. Clerks shall not require
9 prepayment prior to releasing such lists. Any candidate who makes a request for a list
10 pursuant to this paragraph shall have up to 7 days from the date of invoice to render
11 payment.***

12 2 Effective Date. This act shall take effect 60 days after its passage.

HB 326 - AS AMENDED BY THE SENATE

05/20/2021 1525s

2021 SESSION

21-0313

11/08

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COMMITTEE: Election Law

AMENDED ANALYSIS

This bill requires that town and city clerks make electronic lists of absentee voter applicants available to candidates who request them.

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4 absentee voter applicants from the clerk, excluding voters who have presented to the supervisors of
5 the checklist valid protective orders pursuant to RSA 173-B. *If requested this list may be*
6 *supplied electronically from the information in the statewide centralized voter registration*
7 *database.*

8 2 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 187
HB 326 - FINAL VERSION

05/20/2021 1525s
24Jun2021... 2035CofC

2021 SESSION

21-0313
11/08

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HB 326 - FINAL VERSION

05/20/2021 1525s
24Jun2021... 2035CofC

21-0313
11/08

STATE OF NEW HAMPSHIRE

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

1 187:1 Absentee Ballot Lists; Electronic Copies. Amend RSA 657:15, II to read as follows:

2 II. Candidates whose names appear on the ballot and persons bearing notarized requests or
3 copies of notarized requests from candidates whose names appear on the ballot may obtain a list of
4 absentee voter applicants from the clerk, excluding voters who have presented to the supervisors of
5 the checklist valid protective orders pursuant to RSA 173-B. *If requested this list shall be*
6 *supplied electronically from the information in the statewide centralized voter registration*
7 *database. If an electronic copy exists, it shall be provided without charge in accordance*
8 *with RSA 91-A.*

187:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: August 10, 2021
Effective Date: October 09, 2021

Amendments

Amendment to HB 326

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

2

3 AN ACT requiring town and city clerks to make electronic lists of persons who have
4 applied for absentee ballots available to candidates upon request.

5

6 Amend the bill by replacing section 1 with the following:

7

8 1 Absentee Ballot Lists; Electronic Copies. Amend RSA 657:15, II to read as follows:

9 II. Candidates whose names appear on the ballot and persons bearing notarized requests or
10 copies of notarized requests from candidates whose names appear on the ballot may obtain a list of
11 absentee voter applicants from the clerk, excluding voters who have presented to the supervisors of
12 the checklist valid protective orders pursuant to RSA 173-B. ***If requested this list may be
13 supplied electronically from the information in the statewide centralized voter registration
14 database.***

Amendment to HB 326
- Page 2 -

2021-1525s

AMENDED ANALYSIS

This bill requires that town and city clerks make electronic lists of absentee voter applicants available to candidates who request them.

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 4, 2021

HEARINGS

Monday

05/10/2021

Election Law and Municipal Affairs

REMOTE

9:00 a.m.

9:00 a.m.	HB 555	relative to prisoners' voting rights.
9:15 a.m.	HB 391	increasing the threshold for reporting by political committees.
9:30 a.m.	HB 326	requiring town and city clerks to make electronic lists of persons who have requested, been mailed, or returned absentee ballots available to candidates upon request.
9:45 a.m.	HB 292	relative to the absentee ballot application process.

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/91867580410>
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: 16465588656, 91867580410# or 13017158592, 91867580410#
4. Webinar ID: [918 6758 0410](https://www.zoom.us/j/91867580410)
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 555

Rep. Andrew Bouldin
Rep. Amanda Bouldin

Rep. Kenney

Rep. Nutting-Wong

Rep. Bouchard

HB 391

Rep. Edwards

HB 326

Rep. Berry

Rep. T. Smith

Rep. O'Hara

HB 292

Rep. Hill

Rep. Silber

Rep. Rice

Rep. Rouillard

Rep. Pearl

Rep. Gunski

Tricia Melillo 271-3077

James P. Gray
Chairman

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

HB 326, requiring town and city clerks to make electronic lists of persons who have requested, been mailed, or returned absentee ballots available to candidates upon request.

Hearing Date: May 10, 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 make electronic lists of persons who have requested, been mailed, or returned absentee ballots available to candidates upon request.

Sponsors:

Rep. Berry

Rep. T. Smith

Rep. O'Hara

Who supports the bill: Linda Douville, Ellis Robinson, Julie Gilman, Stephanie Osborn, Elizabeth Fenner-Lukaitis, Judy Krassowski, Kenneth Dolkart, Elizabeth Knox

Who opposes the bill: David Bates, Nan O'Neill, Joanne Casino, Susan Bruce, Susan McKevitt, Faith Minton, Alice Chamberlin, Joseph Bagshaw

Who is neutral on the bill: David Scanlan

Summary of testimony presented in support:

*Senator Birdsell introduced the bill for the Prime Sponsor for Representative Berry

Summary of testimony presented in opposition: None

Neutral Information Presented:

David Scanlan – Deputy Secretary of State

- The text of the bill requires the clerks to provide an electronic copy of a list of absentee voter applicants.
- The title of the bill seems to indicate a different intent than what the language of the bill describes or accomplishes.
- He will look into the statute to see if the language in the bill is used elsewhere.
- Senator Birdsell asked if the clerks are already doing this or something similar.
 - Mr. Scanlan replied that currently clerks are required to keep a list of those voters that have requested an absentee ballot. It is a manual list that in some cases is on a spreadsheet. Candidates are permitted to acquire that list. He believes the information the clerks provide is somewhat limited and does not think it extends to the point that is mentioned in the title of this bill. He added

- that if the intent is to have the clerk generate a list of absentee voters from Election Net with this additional information on it, that would have to be spelled out in the statute. He does not believe the language in the bill does that.
- Senator Birdsell asked if Election Net has this information in it or would it have to be entered into it.
 - Mr. Scanlan replied that when the clerks get the information for an absentee ballot it is recorded in Election Net. Absentee voters have access to that information if they go onto the Secretary of States website and put in their personal information.
 - Senator Birdsell clarified that all persons who have requested, been mailed, and returned absentee ballots is all in Election Net.
 - Mr. Scanlan replied yes, that is all in Election Net provided the clerks have entered the data which they are supposed to do.
 - Senator Birdsell asked if the clerks have put the information in, it is just a matter of running the report and sending it to the candidate.
 - Mr. Scanlan replied that the clerks maintain a list outside the database so they can charge per copy of that list.
 - Senator Soucy asked if the current law would apply to local and municipal elections and maybe that is what this bill is trying to get at.
 - Mr. Scanlan replied that this is in the state election part of the statute. When candidates request this list, they have to go to each city or town clerk to obtain them. The only list the Secretary of State's office is authorized to provide is a list of candidates who are running for statewide office.

TJM

Date Hearing Report completed: May 14, 2021

Speakers

Senate Remote Testify

Election Law and Municipal Affairs Committee Testify List for Bill HB326 on 2021
 Support: 8 Oppose: 8 Neutral: 0 Total to Testify: 0

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	
Douville, Linda	Not Given	Not Given	A Member of the Public	Myself	Support	No	5
Bates, David	dbates3@yahoo.com	603.748.2668	A Member of the Public	Myself	Oppose	No	5
O'Neill, Nan	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	5
Casino, Joanne	joannecasino@comcast.net	603.746.3491	A Member of the Public	Myself	Oppose	No	5
Robinson, Ellis	ellisramrobinson@gmail.com	239.470.1092	A Member of the Public	Myself	Support	No	5
Gilman, Julie	Not Given	Not Given	An Elected Official	Myself	Support	No	5
Osborne, Stehania	Osbornestephanie@me.com	238-3141	A Member of the Public	Myself	Support	No	5
Bruce, Susan	susanb.red@mac.com	Not Given	A Member of the Public	Myself	Oppose	No	5
Fenner-Lukaitis, Elizabeth	glukaitis@mcttelecom.com	Not Given	A Member of the Public	Myself	Support	No	5
McKevitt, Susan	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	5
Minton, Faith	minton.faith@gmail.com	603-456-3098	A Member of the Public	Myself	Oppose	No	5
Krassowski, Judy	Not Given	Not Given	A Member of the Public	Myself	Support	No	5
Dolkart, Kenneth	kenneth.dolkart@gmail.com	603.566.4882	A Member of the Public	Myself	Support	No	5
Knox, Elizabeth	Not Given	Not Given	A Member of the Public	Myself	Support	No	5
Chamberlin, Alice	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	5
Bagshaw, Joseph	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	5

Voting Sheets

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

Bill HB 326

Hearing date: 5-10-2021

Executive Session date: 5/17

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: Committee Amend 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 checked="" 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 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: 5-0

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 checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consent DS RB 5-0

Reported out by: Sen. Ward BLURB

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Monday, May 17, 2021

THE COMMITTEE ON Election Law and Municipal Affairs

to which was referred **HB 326**

AN ACT

requiring town and city clerks to make electronic lists of persons who have requested, been mailed, or returned absentee ballots available to candidates upon request.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 1525s

Senator Ruth Ward
For the Committee

This bill will amend RSA 657:15 to require that town clerks supply, if requested, an electronic copy of the list of absentee voter applicants. Information provided on the list will be what is already available to Candidates in the Statewide Centralized Voter Registration Data Base.

Tricia Melillo 271-3077

General Court of New Hampshire - Bill Status System

Docket of HB326

Docket Abbreviations

Bill Title: (New Title) requiring town and city clerks to make electronic lists of persons who have applied for absentee ballots available to candidates upon request.

Official Docket of HB326.:

Date	Body	Description
1/9/2021	H	Introduced (in recess of) 01/06/2021 and referred to Election Law HJ 2 P. 43
2/3/2021	H	Public Hearing: 02/12/2021 11:00 am Members of the public may attend using the following link: To join the webinar: https://zoom.us/j/95709405955 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
2/17/2021	H	Executive Session: 02/17/2021 01:30 pm Please click the link below to join the webinar: https://zoom.us/j/95842759377
3/8/2021	H	Committee Report: Ought to Pass (Vote 11-9; RC) HC 18 P. 43
4/8/2021	H	Ought to Pass: MA DV 202-165 04/08/2021 HJ 6 P. 61
4/13/2021	S	Introduced 04/08/2021 and Referred to Election Law and Municipal Affairs; SJ 12
5/4/2021	S	Remote Hearing: 05/10/2021, 09:30 am; Links to join the hearing can be found in the Senate Calendar; SC 23
5/17/2021	S	Committee Report: Ought to Pass with Amendment #2021-1525s , 05/20/2021; Vote 5-0; CC; SC 24A
5/20/2021	S	Committee Amendment #2021-1525s , AA, VV; 05/20/2021; SJ 16
5/20/2021	S	Ought to Pass with Amendment 2021-1525s, MA, VV; OT3rdg; 05/20/2021; SJ 16
6/8/2021	H	House Non-Concurs with Senate Amendment 2021-1525s and Requests CofC (Reps. Prudhomme-O'Brien, Torosian, Groen, Berry): MA VV 06/04/2021 HJ 9 P. 52
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	Conference Committee Meeting: 06/15/2021 02:00 pm LOB 306-308
6/17/2021	S	Conference Committee Report Filed, #2021-2035c ; 06/24/2021
6/24/2021	S	Conference Committee Report #2021-2035c , Adopted, VV; 06/24/2021; SJ 20
6/24/2021	H	Conference Committee Report 2021-2035c: Adopted, DV 208-166 06/24/2021
7/21/2021	S	Enrolled Adopted, VV, (In recess 06/24/2021); SJ 20
7/23/2021	H	Enrolled (in recess of) 06/24/2021
8/16/2021	H	Signed by Governor Sununu 08/10/2021; Chapter 187; Eff: 10/09/2021

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 326

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

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 # ___ - amendment # 1525s

___ - 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 

1 Committee of Conference Report on HB 326, requiring town and city clerks to make electronic lists of
2 persons who have requested, been mailed, or returned absentee ballots available to candidates upon
3 request.

4

5 Recommendation:

6 That the House recede from its position of nonconcurrency with the Senate amendment, and
7 concur with the Senate amendment, and

8 That the Senate and House adopt the following new amendment to the bill as amended by the
9 Senate, and pass the bill as so amended:

10

11 Amend the bill by replacing section 1 with the following:

12

13 1 Absentee Ballot Lists; Electronic Copies. Amend RSA 657:15, II to read as follows:

14 II. Candidates whose names appear on the ballot and persons bearing notarized requests or
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16 absentee voter applicants from the clerk, excluding voters who have presented to the supervisors of
17 the checklist valid protective orders pursuant to RSA 173-B. *If requested this list shall be*
18 *supplied electronically from the information in the statewide centralized voter registration*
19 *database. If an electronic copy exists, it shall be provided without charge in accordance*
20 *with RSA 91-A.*

Committee of Conference Report on HB 326
- Page 2 -

The signatures below attest to the authenticity of this Report on HB 326, requiring town and city clerks to make electronic lists of persons who have requested, been mailed, or returned absentee ballots available to candidates upon request.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Gray, Dist. 6

Rep. Prudhomme-O'Brien, Rock. 6

Sen. Birdsell, Dist. 19

Rep. Torosian, Rock. 14

Sen. Soucy, Dist. 18

Rep. Groen, Straf. 23

Rep. Berry, Hills. 44