

CONSENT CALENDAR

March 9, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Election Law to which was referred
HB 1383,**

**AN ACT relative to electronic copies of absentee ballot
lists. Having considered the same, report the same with
the following resolution: RESOLVED, that it is
INEXPEDIENT TO LEGISLATE.**

Rep. Joe Sweeney

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Election Law
Bill Number:	HB 1383
Title:	relative to electronic copies of absentee ballot lists.
Date:	March 9, 2022
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This proposed bill would require that absentee ballot lists be provided to requesting parties within one business day. There were issues reported with getting the lists from the local officials, as well as issues getting updated lists. The committee agreed that the process needs revision and acknowledges that we have worked on other proposed legislation that deals with this process. In this case, the prime sponsor agreed that the bill could use an amendment that was not produced.

Vote 20-0.

Rep. Joe Sweeney
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Election Law

HB 1383, relative to electronic copies of absentee ballot lists. **INEXPEDIENT TO LEGISLATE.** Rep. Joe Sweeney for Election Law. This proposed bill would require that absentee ballot lists be provided to requesting parties within one business day. There were issues reported with getting the lists from the local officials, as well as issues getting updated lists. The committee agreed that the process needs revision and acknowledges that we have worked on other proposed legislation that deals with this process. In this case, the prime sponsor agreed that the bill could use an amendment that was not produced. **Vote 20-0.**

Original: House Clerk
Cc: Committee Bill File

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 1383

BILL TITLE: relative to electronic copies of absentee ballot lists.

DATE: March 9, 2022

LOB ROOM: 306-308

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Sweeney

Seconded by Rep. Berry

Vote: 20-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Natalie Wells, Clerk



2021 SESSION

Election Law

Bill #: HB 1383 Motion: ITL AM #: _____ Exec Session Date: 3-9-22

<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. <u>Alexander</u>	✓		
Torosian, Peter E.	✓		
Berry, Ross	✓		
Groen, Fenton	✓		
Qualey, James R.	✓		
Wells, Natalie J. Clerk	✓		
Cote, David E. <u>Wendy Chase</u>	✓		
Ward, Gerald W.R.	✓		
Bergeron, Paul R.	✓		
Sandler, Catt <u>LINDA Masozmilla</u>	✓		
Hamer, Heidi M.	✓		
Lane, Connie B.	✓		
Freitas, Mary C.	✓		
Hamblet, Joan L.	✓		
Muirhead, Russell	✓		
TOTAL VOTE:			

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 1383

BILL TITLE: relative to electronic copies of absentee ballot lists.

DATE: January 19, 2022

LOB ROOM: 306 **Time Public Hearing Called to Order:** 2:46pm

Time Adjourned: 3:00pm

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

Bill Sponsors:

Rep. Berry

TESTIMONY

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

Rep. Ross Berry

- Will be bringing in Amendment with this electronic bill.
- Ways to lighten burden (of) City Clerks
- Bill currently deals with time, address frequency with 2 days, address issues fined?? for 2022, It's a housekeeping bill
- Question: Not??? of town clerks is open everyday?
- Answer: Yes, I'm going to fix this, deals with days open.

Chau Kelley

- Supports.
- Helpful to have AB lists when we do Observing!

Rep. Prudhomme-O'Brien

- Question: You received AB without requesting from Hooksett?
- Answer: Yes

Dave Scanlan – SOS

- However our database vendor who maintained it, clerks generate reports and reports AB 1-2X/week
- This company sold and new company are not working properly.
- Trying to be proactive, proposals INTERNET to get out of this vendor by 2022.

Rep. Torosian

- Question: If this bill passed, enacted 60day, how would you deal with this?
- Answer: I'll be interested to see the Amendment – we understand needs for this, candidates get accurate information.
- But under current vendor be more than 24 hours
- 2-3 days Tuesday-Friday for AB lists.

Respectfully submitted,

Rep. Natalie Wells

House Remote Testify

Election Law Committee Testify List for Bill HB1383 on 2022-01-19

Support: 8 Oppose: 5 Neutral: 0 Total to Testify: 0

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>	<u>Signed Up</u>
Hodgkins, Russell	Amherst, NH hodgkins_russ@yahoo.com	A Member of the Public	Myself	Support	No	No	1/14/2022 3:11 PM
kirsch, walter	warner, NH kirschwalterf@yahoo.com	A Member of the Public	Myself	Support	No	No	1/15/2022 10:19 AM
Kudlik, Cindy	Grafton, NH CindyKudlik@protonmail.com	An Elected Official	Myself	Oppose	No	No	1/16/2022 10:11 AM
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Support	No	No	1/18/2022 8:25 AM
Terwilliger, Linda	Gilford, NH lindaterwilliger364@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 10:19 AM
Byrnes, Margaret	Concord, NH mbyrnes@nhmunicipal.org	A Lobbyist	NH Municipal Association	Oppose	No	No	1/18/2022 3:52 PM
Anastasia, Patricia	Londonderry, NH patti.anastasia@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/18/2022 6:09 PM
Sweeney, Margaret	Campton, NH ms975@protonmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 10:00 PM
Chadwick, Ray	Bedford, NH rfchadwick@juno.com	A Member of the Public	Myself	Support	No	No	1/18/2022 10:04 PM
Kelley, BaoChau	Hooksett, NH chaukelley@gmail.com	A Member of the Public	Myself	Support	No	No	1/19/2022 11:08 AM
Perry, Darryl	Manchester, NH darryl@nhlibertas.com	A Lobbyist	New Hampshire Libertas	Support	No	No	1/19/2022 11:28 AM
Healey, Daniel	Derry, NH danielhealey@derrynh.org	An Elected Official	New Hampshire City & Town Clerk's Association	Oppose	No	No	1/19/2022 3:05 PM
Petrusewicz, Carol	Rochester, NH clmcc2befree@yahoo.com	A Member of the Public	Myself	Support	No	No	1/19/2022 3:52 PM

Carrie Morris

From: Linda Terwilliger <lindaterwilliger364@gmail.com>
Sent: Tuesday, January 18, 2022 8:13 PM
To: ~House Election Law Committee
Subject: NH House Bill #HB1383--Testimony from L Terwilliger for January 19, 2022

Dear Member of the NH House Election Law Committee,

I respectfully submit this testimony regarding house bill # HB1383, requiring absentee ballot lists be provided to requesting parties within one business day.

As a lifelong NH resident, I strongly oppose this bill because it does not uphold or support the democratic rights of all U.S. citizens to vote in private, and to participate in a fair and free election, without any fears or worry about potential retaliation or harm.

In New Hampshire, rule RSA 657 allows candidates (as specified) to obtain lists of absentee ballot applicants. However, bill #HB 1383 would amend RSA 647:15 by adding a new requirement, which is to provide the list of absentee ballot applicants within one business day of the request.

Every U.S. citizen who is qualified to vote should be able to apply for and cast an absentee ballot, when necessary, and have their status as an applicant for an absentee ballot shielded and private until after the election.

In the current environment, we must do everything we can to protect and preserve all voters' rights, including absentee voters, by shielding them from any potential risks of being threatened or intimidated before and during an election.

People who apply for absentee ballots do so because they cannot get to their town or city's polling places at any time on election day for real and valid reasons including a disability, an illness or a pandemic. Military personnel and their families who are stationed outside their town or city need and deserve absentee voting to participate in elections. Many U.S. citizens who are qualified to vote and are away from their primary residence must rely on absentee voting as well.

This bill targets and subjects all applicants for absentee ballots to undue stress and fear that a candidate could attempt to suppress their vote before or during the election through various means. Concerns regarding the possible risk of intimidation or threats against the absentee voter are real and very valid.

If a list of applicants for absentee ballots is released to a candidate before or during an election, the candidate who requested it could use the list to identify and target the voter. Some might harbor the intent of suppressing their vote through methods of intimidation. They might threaten the applicant. They could even resort to violence and physical harm.

Free and fair elections are the bedrock of our democracy, which includes protecting voter privacy and making sure that no one ever has to be concerned about retaliation. Candidates do not have a right to see who has applied for absentee ballots before an election, as ruled by at least one federal judge in 2014.

Our voting and election laws should make sure that there is no means possible for anyone to target and/or discriminate against an applicant for an absentee ballot, at any time before or during an election.

I propose this bill should be amended as follows...

DELETE the wording, "provided that notwithstanding RSA 91-A:4 such copy shall be provided within one business day of the request."

Replace the deleted words with the following new wording, "The lists of voters including those who applied for absentee ballots are not available until after an election. All voters including applicants for absentee ballots have a right to privacy and a right to be protected from discrimination of any kind. After an election is finalized, the County Clerk may release the list of absentee voters, to a requesting candidate (as specified), at their own discretion and within a reasonable timeframe. The city or town clerk shall charge a fee for each list of \$25, plus \$.50 per thousand names or portion thereof in excess of 2,500 plus any shipping costs. The list may be provided on paper, computer disk, computer tape, electronic transfer, or any other form offered by the city or town clerk.

Unfortunately, some candidates may believe that election fraud took place during the 2020 elections and blame absentee voting as the reason. They might question the integrity of the voters, the absentee ballots and the election system--even though there was never any proof or evidence of election fraud. Motivated by this false information and their own self-interests, some candidates will likely seek to unfairly suppress absentee votes, and may resort to intimidation, threats or even violence and physical harm.

We may not be able to stop this type of bully behavior completely. But, at the very least, we should do everything we can to protect all citizens' rights to vote their choice in a fair and free election, without any fears of retaliation. We must be certain that our election laws do not supply the means for anyone to target, discriminate against or suppress another's ability to vote, before and during an election.

Otherwise, all of us would be responsible for purposefully or unintentionally discriminating against U.S. citizens who are qualified voters including applicants for absentee ballots.

Thank you,

Linda Terwilliger
Gilford, NH
Lindaterwilliger364@gmail.com
603.667.3021

Sent from [Mail](#) for Windows

Carrie Morris

From: Daniel Richardson <daniel6_22@comcast.net>
Sent: Tuesday, January 18, 2022 12:08 AM
To: ~House Election Law Committee
Subject: In Support of HB 1383 relative to electronic copies of absentee ballot lists.

Ref: Jan 19, 2022 Committee Meeting

HOUSE ELECTION LAW COMMITTEE -

I write in support of HB 1383. This bill would require electronic copies of absentee ballot lists be provided within one business day of qualified request. Given the exigency of a campaign reaching an absentee voter prior to candidate selection, a one day turn-around for providing absentee voter applicants list is timely. Provision of electronic copy in this bill is of no burden increase.

Please support HB 1383 with OTP.

Daniel Richardson, Nashua

Archived: Wednesday, May 18, 2022 10:19:08 AM

From: [Daniel Richardson](#)

Sent: Tuesday, January 18, 2022 12:07:53 AM

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

Subject: In Support of HB 1383 relative to electronic copies of absentee ballot lists.

Importance: Normal

Ref: Jan 19, 2022 Committee Meeting

HOUSE ELECTION LAW COMMITTEE -

I write in support of HB 1383. This bill would require electronic copies of absentee ballot lists be provided within one business day of qualified request. Given the exigency of a campaign reaching an absentee voter prior to candidate selection, a one day turn-around for providing absentee voter applicants list is timely. Provision of electronic copy in this bill is of no burden increase.

Please support HB 1383 with OTP.

Daniel Richardson, Nashua

Archived: Wednesday, May 18, 2022 10:19:08 AM

From: [Daniel Richardson](#)

Sent: Tuesday, January 18, 2022 12:20:40 AM

To: ~House Election Law Committee

Cc: [David Love](#); [Tom Lanzara](#)

Subject: In Support of HB 1496 requiring political subdivisions to make voter checklists available in spreadsheet form to any resident.

Importance: Normal

Ref: Jan 19, 2022 Committee Meeting

HOUSE ELECTION LAW COMMITTEE -

I write in support of HB 1383. This bill would provision the Secretary of State with an electronic copy of any checklist as corrected by the supervisors in spreadsheet form. This would then be available to any NH resident to receive upon request.

This certified checklist is the most accurate and complete voter information prior to election. This is very important for candidate in maintaining informed electorate and electronic form serves time sensitive campaign access.

Please support HB 1383 with OTP.

Daniel Richardson, Nashua

Archived: Wednesday, May 18, 2022 10:19:04 AM

From: [Linda Terwilliger](#)

Sent: Tuesday, January 18, 2022 8:13:43 PM

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

Subject: NH House Bill #HB1383--Testimony from L Terwilliger for January 19, 2022

Importance: Normal

Dear Member of the NH House Election Law Committee,

I respectfully submit this testimony regarding house bill # HB1383, requiring absentee ballot lists be provided to requesting parties within one business day.

As a lifelong NH resident, I strongly oppose this bill because it does not uphold or support the democratic rights of all U.S. citizens to vote in private, and to participate in a fair and free election, without any fears or worry about potential retaliation or harm.

In New Hampshire, rule RSA 657 allows candidates (as specified) to obtain lists of absentee ballot applicants. However, bill #HB 1383 would amend RSA 647:15 by adding a new requirement, which is to provide the list of absentee ballot applicants within one business day of the request.

Every U.S. citizen who is qualified to vote should be able to apply for and cast an absentee ballot, when necessary, and have their status as an applicant for an absentee ballot shielded and private until after the election.

In the current environment, we must do everything we can to protect and preserve all voters' rights, including absentee voters, by shielding them from any potential risks of being threatened or intimidated before and during an election.

People who apply for absentee ballots do so because they cannot get to their town or city's polling places at any time on election day for real and valid reasons including a disability, an illness or a pandemic. Military personnel and their families who are stationed outside their town or city need and deserve absentee voting to participate in elections. Many U.S. citizens who are qualified to vote and are away from their primary residence must rely on absentee voting as well.

This bill targets and subjects all applicants for absentee ballots to undue stress and fear that a candidate could attempt to suppress their vote before or during the election through various means. Concerns regarding the possible risk of intimidation or threats against the absentee voter are real and very valid.

If a list of applicants for absentee ballots is released to a candidate before or during an election, the candidate who requested it could use the list to identify and target the voter. Some might harbor the intent of suppressing their vote through methods of intimidation. They might threaten the applicant. They could even resort to violence and physical harm.

Free and fair elections are the bedrock of our democracy, which includes protecting voter privacy and making sure that no one ever has to be concerned about retaliation. Candidates do not have a right to see who has applied for absentee ballots before an election, as ruled by at least one federal judge in 2014.

Our voting and election laws should make sure that there is no means possible for anyone to target and/or discriminate against an applicant for an absentee ballot, at any time before or during an election.

I propose this bill should be amended as follows...

DELETE the wording, "provided that notwithstanding RSA 91-A:4 such copy shall be provided within one business day of the request."

Replace the deleted words with the following new wording, "The lists of voters including those who applied for absentee ballots are not available until after an election. All voters including applicants for absentee ballots have a right to privacy and a right to be protected from discrimination of any kind. After an election is finalized, the County Clerk may release the list of absentee voters, to a requesting candidate (as specified), at their own discretion and within a reasonable timeframe. The city or town clerk shall charge a fee for each list of \$25, plus \$.50 per thousand names or portion thereof in excess of 2,500 plus any shipping costs. The list may be provided on paper, computer disk, computer tape, electronic transfer, or any other form offered by the city or town clerk.

Unfortunately, some candidates may believe that election fraud took place during the 2020 elections and blame absentee voting as the reason. They might question the integrity of the voters, the absentee ballots and the election system--even though there was never any proof or evidence of election fraud. Motivated by this false information and their own self-interests, some candidates will likely seek to unfairly suppress absentee votes, and may resort to intimidation, threats or even violence and physical harm.

We may not be able to stop this type of bully behavior completely. But, at the very least, we should do everything we can to protect all citizens' rights to vote their choice in a fair and free election, without any fears of retaliation. We must be certain that our election laws do not supply the means for anyone to target, discriminate against or suppress another's ability to vote, before and during an election.

Otherwise, all of us would be responsible for purposefully or unintentionally discriminating against U.S. citizens who are qualified voters including applicants for absentee ballots.

Thank you,

Linda Terwilliger
Gilford, NH
Lindaterwilliger364@gmail.com
603.667.3021

Sent from [Mail](#) for Windows

HB 1383 - AS INTRODUCED

2022 SESSION

22-2535

11/10

HOUSE BILL **1383**

AN ACT relative to electronic copies of absentee ballot lists.

SPONSORS: Rep. Berry, Hills. 44

COMMITTEE: Election Law

ANALYSIS

This bill requires that absentee ballot lists be provided to requesting parties within one business 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 Two

AN ACT relative to electronic copies of absentee ballot lists.

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. If requested this list shall be supplied
6 electronically from the information in the statewide centralized voter registration database. If an
7 electronic copy exists, it shall be provided without charge in accordance with RSA 91-A, **provided**
8 **that notwithstanding RSA 91-A:4 such copy shall be provided within one business day of**
9 **the request.**

10 2 Effective Date. This act shall take effect 60 days after its passage.