

**REGULAR CALENDAR**

**April 14, 2022**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Majority of the Committee on Election Law to  
which was referred SB 365,**

**AN ACT relative to absentee ballot outer envelopes.**

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

**Rep. Wayne MacDonald**

**FOR THE MAJORITY OF THE COMMITTEE**

**MAJORITY  
COMMITTEE REPORT**

Committee:	<b>Election Law</b>
Bill Number:	<b>SB 365</b>
Title:	<b>relative to absentee ballot outer envelopes.</b>
Date:	<b>April 14, 2022</b>
Consent Calendar:	<b>REGULAR</b>
Recommendation:	<b>INEXPEDIENT TO LEGISLATE</b>

**STATEMENT OF INTENT**

This bill proposes to eliminate the requirement that absentee ballots be inserted into outer envelopes, unless such ballots were mailed to the town or city clerk. The bill would have also allowed the clerks to open the outer envelopes prior to election day which would give the clerk the opportunity to attach the application and potentially allow applicants time to cure defects. During the hearing on this legislation, concern was expressed that visually impaired voters would possibly be disenfranchised. That would be because there is an additional affidavit that must accompany their ballot and which must be completed and signed by the person who assisted them. That affidavit is an additional piece of paper in the outer envelope and it could get lost if the envelope was opened prior to election day. An agreement entered into between the State of NH and several groups representing visually impaired individuals (those experiencing "print disabilities") on October 1, 2021, specifically required the State of NH to accommodate the visually impaired, which this bill could undermine. Further, any preprocessing of absentee ballots raises questions of ballot security in terms of how such preprocessed ballots are stored. Depending on when an absentee ballot was returned, all voters would not get an equal opportunity to cure the defects of their ballot.

Vote 11-9.

Rep. Wayne MacDonald  
FOR THE MAJORITY

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

Election Law

**SB 365**, relative to absentee ballot outer envelopes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Wayne MacDonald for the **Majority** of Election Law. This bill proposes to eliminate the requirement that absentee ballots be inserted into outer envelopes, unless such ballots were mailed to the town or city clerk. The bill would have also allowed the clerks to open the outer envelopes prior to election day which would give the clerk the opportunity to attach the application and potentially allow applicants time to cure defects. During the hearing on this legislation, concern was expressed that visually impaired voters would possibly be disenfranchised. That would be because there is an additional affidavit that must accompany their ballot and which must be completed and signed by the person who assisted them. That affidavit is an additional piece of paper in the outer envelope and it could get lost if the envelope was opened prior to election day. An agreement entered into between the State of NH and several groups representing visually impaired individuals (those experiencing "print disabilities") on October 1, 2021, specifically required the State of NH to accommodate the visually impaired, which this bill could undermine. Further, any preprocessing of absentee ballots raises questions of ballot security in terms of how such preprocessed ballots are stored. Depending on when an absentee ballot was returned, all voters would not get an equal opportunity to cure the defects of their ballot. **Vote 11-9.**

Original: House Clerk

Cc: Committee Bill File

**REGULAR CALENDAR**

**April 14, 2022**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Minority of the Committee on Election Law to  
which was referred SB 365,**

**AN ACT relative to absentee ballot outer envelopes.**

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

**Rep. Paul Bergeron**

**FOR THE MINORITY OF THE COMMITTEE**

**MINORITY  
COMMITTEE REPORT**

Committee:	<b>Election Law</b>
Bill Number:	<b>SB 365</b>
Title:	<b>relative to absentee ballot outer envelopes.</b>
Date:	<b>April 14, 2022</b>
Consent Calendar:	<b>REGULAR</b>
Recommendation:	<b>OUGHT TO PASS</b>

**STATEMENT OF INTENT**

Completed absentee ballots submitted by voters to their town or city clerks (other than those submitted by overseas voters) are enclosed in a signed, affidavit envelope which are then sealed within a larger return envelope. This bill would add space on the affidavit envelope for the voter to include his or her address, which is not required at the present time. Currently, when a town or city clerk receives an absentee ballot from a voter, the clerk is required to attach the voter's absentee ballot request form to the outer return envelope in preparation for delivering the absentee ballots to the polls on election day. Under the provisions of this bill, the clerk would be authorized to remove the affidavit envelope from the outer envelope and attach the absentee ballot request form directly onto the affidavit envelope. Similarly, if a voter hand-delivers his or her completed absentee ballot to the clerk, the voter can simply submit the ballot in the affidavit envelope. There is no requirement that the voter insert the affidavit envelope into another larger envelope before handing the sealed ballot to the clerk. As the prime sponsor of this bill noted, as long as the ballot stays in the sealed affidavit envelope, there is no reason for the outer envelope, and taking the affidavit envelope out of the return-mail envelope will save election officials considerable time doing so at the polls on election day.

Rep. Paul Bergeron  
FOR THE MINORITY

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

Election Law

**SB 365**, relative to absentee ballot outer envelopes. **OUGHT TO PASS.**

Rep. Paul Bergeron for the **Minority** of Election Law.

Completed absentee ballots submitted by voters to their town or city clerks (other than those submitted by overseas voters) are enclosed in a signed, affidavit envelope which are then sealed within a larger return envelope. This bill would add space on the affidavit envelope for the voter to include his or her address, which is not required at the present time. Currently, when a town or city clerk receives an absentee ballot from a voter, the clerk is required to attach the voter's absentee ballot request form to the outer return envelope in preparation for delivering the absentee ballots to the polls on election day. Under the provisions of this bill, the clerk would be authorized to remove the affidavit envelope from the outer envelope and attach the absentee ballot request form directly onto the affidavit envelope. Similarly, if a voter hand-delivers his or her completed absentee ballot to the clerk, the voter can simply submit the ballot in the affidavit envelope. There is no requirement that the voter insert the affidavit envelope into another larger envelope before handing the sealed ballot to the clerk. As the prime sponsor of this bill noted, as long as the ballot stays in the sealed affidavit envelope, there is no reason for the outer envelope, and taking the affidavit envelope out of the return-mail envelope will save election officials considerable time doing so at the polls on election day.

Original: House Clerk

Cc: Committee Bill File

**HOUSE COMMITTEE ON ELECTION LAW**

**EXECUTIVE SESSION on SB 365**

**BILL TITLE:** relative to absentee ballot outer envelopes.

**DATE:** April 13, 2022

**LOB ROOM:** 306 - 308

**MOTIONS:** **INEXPEDIENT TO LEGISLATE**

Moved by Rep. W. MacDonald

Seconded by Rep. Torosian

Vote: 11-9

**CONSENT CALENDAR: NO**

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep Natalie Wells, Clerk



2021 SESSION

Election Law

Bill #: SB365 Motion: ITL AM #: \_\_\_\_\_ Exec Session Date: 4-13-22

<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	✓		
<del>Hayward, Peter T.</del> Bob Healey	✓		
<del>Mooney, Maureen C.</del> Alexander	✓		
Torosian, Peter E.	✓		
Berry, Ross	✓		
<del>Green, Fenton</del> Matthew Simon	✓		
Qualey, James R.	✓		
Wells, Natalie J. Clerk	✓		
<del>Cote, David E.</del> Bill Marsh		✓	
Ward, Gerald W.R.		✓	
Bergeron, Paul R.		✓	
Sandler, Catt		✓	
<del>Hamer, Heidi M.</del> Perez, <del>Hander</del>		✓	
Lane, Connie B.		✓	
Freitas, Mary C.		✓	
Hamblet, Joan L.		✓	
<del>Muirhead, Russell</del> Gary Merchant		✓	
<b>TOTAL VOTE:</b>	11	9	



**HOUSE COMMITTEE ON ELECTION LAW**

**PUBLIC HEARING ON SB 365**

**BILL TITLE:** relative to absentee ballot outer envelopes.

**DATE:** April 6, 2022

**LOB ROOM:** 306

**Time Public Hearing Called to Order:** 10:30am

**Time Adjourned:** 11:00am

**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:**

Sen. Gray  
Sen. Soucy

Sen. Ward

Sen. Birdsell

**TESTIMONY**

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

**Senator James Gray - Dist. 6**

- Big success last election of pre-process Absentee Ballots. Well received.
- Absentee Ballot, open outer Envelope, identify signatures, ability of voter to correct if any errors on ballot.
- Why outer envelope? Need a place for the stamp and address. But in person AB, they don't need outer envelope. This way clerk can secure the ballot and ability to correct if necessary.
- Not needed for AB process. Disability people would like form to be attached to application, staple to it. Clerk said to include address which is included in Bill.
- We have injunction with court to check signatures.
- Court says give person ability to go back and correct if needed.
- As moderator I would look for reasons to accept versus reject affidavits.

**Karen Rosenberg & James Ziegra (Staff Attorney) - Disability Rights Center NH**

- There may be risk for votes not counted. Concern as written.
- Program -accessible AB - Ballot sent to them and separate affidavit. Print out both put ballot in envelope.
- SOS separate outer envelope concern because some can't sign out envelope.
- Oversight with bill voters instructed outer envelope and affidavit come separately.
- There's no way to attach this. Clerks when processing AB, affidavit may get lost, vote may not count. Address this concern
- I brought one paragraph Amendment for this Bill.

**Rep. Griffin**

- Question: Any provision for Pre Processing on that procedure?
- Answer: Just don't want affidavit separate from AB Ballot.

**Rep. Hayward**

- Question: What you describe to me, is it required as a RSA or better served as an exception by SOS?
- Answer: Could be in SOS manual for local guidance on Absentee Ballots; the concern is if not codified Election, clerks are not trained to look for this application. Section IV attaching AB to Ballot.

**Rep. Hamblet**

- Question: I'm confused - doesn't it have to be in pre processing ballot?
- Answer: Perhaps I misspoke and clerks open outer envelope. I'm concerned affidavit might get lost

**Rep. Griffin**

- My town will not be pre processing, feel it creates more problems.

**Rep. Muirhead**

- Separate AB Affidavit
- It's in outer envelope. Private
- Your amendment proposes ambiguity what to do is already in RSAs.
- Answer: Statues have not been addressed

**Patricia Lovejoy - Sr. Deputy SOS'**

- Answer: What last speaker mentioned on ability for someone usually impaired. Clerks are being informed to keep print affidavit with it.

**Rep. Griffin**

- Underlying statue we're amending is not in effect.
- Answer: You submit AB by mail, open outer envelope. Clerk would not XX vote to come in Clerk opens envelope would find this affidavit
- When someone using this process, they are not able to do the envelope process. Printed off - put in affidavit envelope, no ability to process. SOS does not have this, but would now be able to.
- Affidavit - person or assisting person print, put into outer envelope to Clerk. When clerk opens AB Ballot, inside envelope - slit open look at affidavit envelopes.
- If you're voting in person AB, don't need outer envelope.

**Rep. Griffin**

- Clerk allowed as it is now to open outer envelope. They don't look. The problem their trying to address by this Amendment SB365 not in law currently, on Election Day, slitting open envelope.
- The issue becomes, if it is looked at before Election Day, as I understand it -the affidavit, printed separately there is no place in law to keep it with envelope.
- If pr-processing between time pre process and election, affidavit misplaced - problem?

**Patricia Lovejoy**

- Answer: Last Election, pre-process many towns. They found separate affidavits envelope problems. Some just forgot to sign it. Easy to contact person few days to connect. If you open everything on Election Day, ability for voter to cure is a problem.

**Respectfully submitted,**

**Rep. Natalie Wells, Clerk**



# House Remote Testify

## Election Law Committee Testify List for Bill SB365 on 2022-04-06

Support: 112 Oppose: 0 Neutral: 0 Total to Testify: 0

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<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>
Ward, Senator Ruth	Stoddard, NH ruth.ward@leg.state.nh.us	An Elected Official	Senate District 8	Support	No	No	3/30/2022 4:22 PM
Birdsell, Senator Regina	Hampstead, NH regina.birdsell@leg.state.nh.us	An Elected Official	Senate District 19	Support	No	No	3/31/2022 8:09 AM
Lobdell, Sara	Keene, NH slobdell@antioch.edu	A Member of the Public	Myself	Support	No	No	4/1/2022 3:07 PM
Secord, William	Lebanon, NH wrsecord@live.com	A Member of the Public	Myself	Support	No	No	4/1/2022 3:51 PM
Soucy, Donna	Manchester, NH donna.soucy@leg.state.nh.us	An Elected Official	SD 18	Support	No	No	4/1/2022 4:18 PM
Cotton, Bev	Weare, NH bevcott@gmail.com	A Member of the Public	Myself	Support	No	No	4/2/2022 7:16 AM
MacGregor, Leslie	Grantham, NH lsmacgregor@gmail.com	A Member of the Public	Myself	Support	No	No	4/3/2022 11:26 AM
Winslow, Dalton	Grantham, NH dwinslow04736@gmail.com	A Member of the Public	Myself	Support	No	No	4/3/2022 11:31 AM
Desmarais, Doreen	Northwood, NH doreend@netzero.net	A Member of the Public	Myself	Support	No	No	4/3/2022 3:16 PM
Hatcher, Phil	Dover, NH phil.hatcher@gmail.com	A Member of the Public	Myself	Support	No	No	4/3/2022 4:48 PM
Mulligan, Virginia	Strafford, NH ginibelize@gmail.com	A Member of the Public	Myself	Support	No	No	4/3/2022 5:32 PM
Burns, Scott	Franklin, NH, NH scottaburns.2020@gmail.com	A Member of the Public	Myself	Support	No	No	4/3/2022 7:48 PM
Perry, Bob	Strafford, NH perry4nh@gmail.com	A Member of the Public	Myself	Support	No	No	4/3/2022 9:04 PM



Weber, Jill	Mont Vernon, NH jill@frajilfarms.com	A Member of the Public	Myself	Support	No	No	4/3/2022 9:12 PM
Damon, Claudia	Concord, NH cordsdamon@gmail.com	A Member of the Public	Myself	Support	No	No	4/3/2022 9:32 PM
Nelson, Elizabeth	Derry, NH BethDavid@comcast.net	A Member of the Public	Myself	Support	No	No	4/3/2022 9:37 PM
Reed, Barbara	North Swanzey, NH BDRreed74@gmail.com	A Member of the Public	Myself	Support	No	No	4/3/2022 10:58 PM
Lincoln, Mary	Manchester, NH mary.lincoln52@gmail.com	A Member of the Public	Myself	Support	No	No	4/4/2022 5:11 AM
Fudge, Kim Marie	NORTH CONWAY, NH kimfudge20@gmail.com	A Member of the Public	Myself	Support	No	No	4/4/2022 6:32 AM
FRIEDRICH, ED	Loudon, NH erfriedrich@yahoo.com	A Member of the Public	Myself	Support	No	No	4/4/2022 8:26 AM
thompson, julia	durham, NH maple371@gmail.com	A Member of the Public	Myself	Support	No	No	4/4/2022 8:31 AM
Ellermann, Maureen	Concord, NH ellermannf@aol.com	A Member of the Public	Myself	Support	No	No	4/4/2022 8:32 AM
Lieberman, Sheryl	Merrimack, NH sam154@comcast.net	A Member of the Public	Myself	Support	No	No	4/4/2022 8:35 AM
Jones, Andrew	Pembroke, NH arj11718@yahoo.com	A Member of the Public	Myself	Support	No	No	4/4/2022 8:56 AM
Devore, Gary	Pembroke, NH torin_asheron@yahoo.com	A Member of the Public	Myself	Support	No	No	4/4/2022 8:56 AM
Henninger, Heidi	Dover, NH heidi.henninger@gmail.com	A Member of the Public	Myself	Support	No	No	4/4/2022 9:15 AM
Rettew, Annie	Concord, NH abrettew@gmail.com	A Member of the Public	Myself	Support	No	No	4/4/2022 9:29 AM
Blanchard, Sandra	Loudon, NH sandyblanchard3@gmail.com	A Member of the Public	Myself	Support	No	No	4/4/2022 12:04 PM
Corell, Elizabeth	Concord, NH Elizabeth.j.corell@gmail.com	A Member of the Public	Myself	Support	No	No	4/4/2022 12:54 PM
Vincent, Laura	Loudon, NH lvlauravincen5@gmail.com	A Member of the Public	Myself	Support	No	No	4/4/2022 1:29 PM
Verschueren, James	Dover, NH jd.verschueren@gmail.com	A Member of the Public	Myself	Support	No	No	4/4/2022 2:06 PM

Lynch, Chrisinda	Concord, NH cmmelynch@comcast.net	A Member of the Public	Myself	Support	No	No	4/4/2022 2:13 PM
Gray, James	Rochester, NH James.Gray@leg.state.nh.us	An Elected Official	Sen. James Gray SD 6	Support	No	No	4/4/2022 2:40 PM
Torpey, Jeanne	Concord, NH jtorp51@comcast.net	A Member of the Public	Myself	Support	No	No	4/4/2022 2:51 PM
Brennan, Nancy	Weare, NH burningnan14@gmail.com	A Member of the Public	Myself	Support	No	No	4/4/2022 3:15 PM
Jakubowski, Deborah	Loudon, NH Dendeb146@gmail.com	A Member of the Public	Myself	Support	No	No	4/4/2022 3:42 PM
Thomas, Anne	Rindge, NH annethomasjazz@gmail.com	A Member of the Public	Myself	Support	No	No	4/4/2022 4:21 PM
Martin, Patricia A	Rindge, NH pmartin2894@yahoo.com	A Member of the Public	Myself	Support	No	No	4/4/2022 4:21 PM
Hershey, Jane	Rindge, NH janelhershey@gmail.com	A Member of the Public	Myself	Support	No	No	4/4/2022 4:21 PM
Merlone, Lynn	Rindge, NH prulone@gmail.com	A Member of the Public	Myself	Support	No	No	4/4/2022 4:21 PM
Walent, Sandra	Portsmouth, NH snwalent@gmail.com	A Member of the Public	Myself	Support	No	No	4/4/2022 4:24 PM
Chase, Kristan	Windham, NH 4kristanchase@gmail.com	A Member of the Public	Myself	Support	No	No	4/4/2022 4:25 PM
Davis, Tod	Nashua, NH todc.18@gmail.com	A Member of the Public	Myself	Support	No	No	4/4/2022 4:34 PM
Wilson, Kathy	Goffstown, NH home.wilson@comcast.net	A Member of the Public	Myself	Support	No	No	4/4/2022 4:45 PM
Levesque, Cassandra	Barrington, NH cassandra.levesque@leg.state.nh.us	An Elected Official	Myself	Support	No	No	4/4/2022 4:46 PM
Moccia, Lianne	LEBANON, NH lianne.moccia@gmail.com	A Member of the Public	Myself	Support	No	No	4/4/2022 4:57 PM
Hamer, Geoff	Manchester, NH Geoffh87@aol.com	A Member of the Public	Myself	Support	No	Yes	4/4/2022 5:18 PM
Moore, Susan	Franconia, NH susan.moore.franconia@gmail.com	A Member of the Public	Myself	Support	No	No	4/4/2022 5:29 PM
Zajano, Nancy	Exeter, NH Nanczajano@aol.com	A Member of the Public	Myself	Support	No	No	4/4/2022 5:33 PM

Zajano, Emily	Exeter, NH emzajano@aol.com	A Member of the Public	Myself	Support	No	No	4/4/2022 5:55 PM
Bushueff, Catherine	Sunapee, NH agawamdesigns@gmail.com	A Member of the Public	Myself	Support	No	No	4/4/2022 6:00 PM
Malsbenden, Kathleen	Newmarket, NH Kmalsbenden@gmail.com	A Member of the Public	Myself	Support	No	No	4/4/2022 6:21 PM
Alessi, Kelly	Litchfield, NH klrussell17@yahoo.com	A Member of the Public	Myself	Support	No	No	4/4/2022 6:25 PM
BURLINGAME, TERRY	GILMANTON IRON WORKS, NH mexicananh@gmail.com	A Member of the Public	Myself	Support	No	No	4/4/2022 6:26 PM
Murray, Grace	plymouth, NH graceelysemurray@gmail.com	A Member of the Public	Myself	Support	No	No	4/4/2022 6:38 PM
Maloney, Fennel	Keene, NH fennelxfox@gmail.com	A Member of the Public	Myself	Support	No	No	4/4/2022 6:42 PM
Alberga, Jacob	Durham, NH jacobanhym@gmail.com	A Member of the Public	Myself	Support	No	No	4/4/2022 6:44 PM
Broshek, Mary	Andover, NH mabandsadie@gmail.com	A Member of the Public	Myself	Support	No	No	4/4/2022 6:57 PM
Christie, Katharine	Etna, NH kschristie2@gmail.com	A Member of the Public	Myself	Support	No	No	4/4/2022 7:11 PM
Selig, Loren	DURHAM, NH zltselig@gmail.com	A Member of the Public	Myself	Support	No	No	4/4/2022 9:14 PM
Brown, Jean	Hanover, NH jean.e.brown1@gmail.com	A Member of the Public	Myself	Support	No	No	4/4/2022 10:26 PM
Mooney, Bridget	Wilton, NH bridget@moonchick.com	A Member of the Public	Myself	Support	No	No	4/4/2022 10:56 PM
Serrell, James	Kingston, NH imjjserrell@yahoo.com	A Member of the Public	Myself	Support	No	No	4/5/2022 12:01 AM
Ahlgren, Jessie	Sanbornton, NH jessiebahlgren@gmail.com	A Member of the Public	Myself	Support	No	No	4/5/2022 7:45 AM
Anderson, Sara	Dunbarton, NH sara.dunbarton.dems@gmail.com	A Member of the Public	Myself	Support	No	No	4/5/2022 7:46 AM
Hatch, Sally	Concord, NH sallyhatch@comcast.com	A Member of the Public	Myself	Support	No	No	4/5/2022 8:13 AM
Fogarty, Sean	Exeter, NH seanf186@gmail.com	A Member of the Public	Myself	Support	No	No	4/5/2022 8:25 AM

Malmberg, Jane	Walpole, NH jamalmberg033@gmail.com	A Member of the Public	Myself	Support	No	No	4/5/2022 8:28 AM
Dodge, Corinne	Derry, NH corinnedodge@hotmail.com	A Member of the Public	Myself	Support	No	No	4/5/2022 8:40 AM
Kelley-Gillard, Nancy	Keene, NH ndgillard@ne.rr.com	A Member of the Public	Myself	Support	No	No	4/5/2022 8:59 AM
Hampton, Doris	Canterbury, NH dandmhamp38@gmail.com	A Member of the Public	Myself	Support	No	No	4/5/2022 10:16 AM
Berk, Bruce	Pittsfield, NH bruce.berk.nh@gmail.com	A Member of the Public	Myself	Support	No	No	4/5/2022 10:30 AM
carr, d	hanover, NH draak1702@gmail.com	A Member of the Public	Myself	Support	No	No	4/5/2022 11:18 AM
Dahl, Dana	Milford, NH danaldahl@gmail.com	A Member of the Public	Myself	Support	No	No	4/5/2022 11:31 AM
Sellarole, Jana	Walpole, NH jgsellarole@gmail.com	A Member of the Public	Myself	Support	No	No	4/5/2022 12:13 PM
Burr, Emily	Canterbury, NH revemilyburr@gmail.com	A Member of the Public	Myself	Support	No	No	4/5/2022 12:17 PM
King, Jordan	Milford, NH Jordan.king@outlook.com	A Member of the Public	Myself	Support	No	No	4/5/2022 12:29 PM
Lightfoot, Jean	Contoocook, NH JnLightfoot@comcast.net	A Member of the Public	Myself	Support	No	No	4/5/2022 12:41 PM
Greenwood-Briggs, Sabrina	Concord, NH Sabrinagb@gmail.com	A Member of the Public	Myself	Support	No	No	4/5/2022 12:42 PM
Cleary, Alexis	Dover, NH alexistrjcleary@gmail.com	A Member of the Public	Myself	Support	No	No	4/5/2022 1:28 PM
Newick, Catharine	Canterbury, NH csnewick@gmail.com	A Member of the Public	Myself	Support	No	No	4/5/2022 1:36 PM
Emus, Joanne	Hollis, NH jremus0322@aol.com	A Member of the Public	Myself	Support	No	No	4/5/2022 2:20 PM
Alessi, Chuck	Litchfield, NH carthur72@gmail.com	A Member of the Public	Myself	Support	No	No	4/5/2022 2:44 PM
Allyn, Cathy	New Durham, NH prosody@hotmail.com	A Member of the Public	Myself	Support	No	No	4/5/2022 3:06 PM
Federico, Peter	Barrington, NH pfederico10@gmail.com	A Member of the Public	Myself	Support	No	No	4/5/2022 3:13 PM



Bundy, Linda	Antrim, NH n_bundy@mcttelecom.com	A Member of the Public	Myself	Support	No	No	4/5/2022 3:21 PM
Huberman, Anne	Peterborough, NH Anne.Huberman@gmail.com	A Member of the Public	Myself	Support	No	No	4/5/2022 3:22 PM
Moore, Ellen	Danville, NH ellimore@comcast.net	A Member of the Public	Myself	Support	No	No	4/5/2022 5:23 PM
Schapira, Carol	Hopkinton, NH Carolschapira@me.com	A Member of the Public	Myself	Support	No	No	4/5/2022 5:36 PM
Walsh, Lynne	Melvin Village, NH lynnewalsh14@gmail.com	A Member of the Public	Myself	Support	No	No	4/5/2022 5:44 PM
Baucom, Pam	Walpole, NH ptubridybaucom@gmail.com	A Member of the Public	Myself	Support	No	No	4/5/2022 5:45 PM
Cann, Emily	Sanbornton, NH emily_cann@hotmail.com	A Member of the Public	Myself	Support	No	No	4/5/2022 6:44 PM
Schmidt, Madeleine	Lebanon, NH maddy.schmidt95@gmail.com	A Member of the Public	Myself	Support	No	No	4/5/2022 7:06 PM
Wilson, Olivia	Contoocook, NH Oliviaw1496@gmail.com	A Member of the Public	Myself	Support	No	No	4/5/2022 7:12 PM
Montminy, Sandra	Portsmouth, NH s-l-robinson@hotmail.com	A Member of the Public	Myself	Support	No	No	4/5/2022 7:19 PM
Terwilliger, Linda	Gilford, NH lindaterwilliger364@gmail.com	A Member of the Public	Myself	Support	No	No	4/5/2022 7:33 PM
Claflin, Kyri	Concord, NH Kyrclaflin@comcast.net	A Member of the Public	Myself	Support	No	No	4/5/2022 8:30 PM
Podlipny, Ann	chester, NH apodlipny57@comcast.net	A Member of the Public	Myself	Support	No	No	4/5/2022 8:30 PM
Donnelly, Ryan	Hudson, NH rdonnelly@gsil.org	A Member of the Public	Granite State Independent Living	Support	No	No	4/5/2022 8:44 PM
Spencer, Louise	Concord, NH kentstusa@aol.com	A Member of the Public	Myself	Support	No	No	4/5/2022 9:35 PM
perencevich, ruth	concord, NH rperence@comcast.net	A Member of the Public	Myself	Support	No	No	4/5/2022 10:17 PM
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Support	No	No	4/5/2022 11:04 PM
Stinson, Benjamin	Concord, NH benrkstinson@gmail.com	A Member of the Public	Myself	Support	No	No	4/5/2022 11:43 PM

Greenwood, Nancy	Concord, NH nancgreenwood@yahoo.com	A Member of the Public	Myself	Support	No	No	4/6/2022 7:42 AM
Willing, Maura	Concord, NH Maura.Willing@Comcast.net	A Member of the Public	Myself	Support	No	No	4/6/2022 7:56 AM
McCormick, Kristen	Stoddard, NH kristenk2911@gmail.com	A Member of the Public	Myself	Support	No	No	4/6/2022 8:27 AM
Hodsdon, Alan	CANTERBURY, NH alan.hodsdon@gmail.com	A Member of the Public	Myself	Support	No	No	4/6/2022 8:55 AM
Kenison, Pamela	Concord, NH pkkenison@gmail.com	A Member of the Public	Myself	Support	No	No	4/6/2022 10:35 AM
Holtz, Anthony	Dover, NH awave28@live.com	A Member of the Public	Myself	Support	No	No	4/6/2022 11:05 AM
Coon, Kate	Peterborough, NH kate2coon@gmail.com	A Member of the Public	Myself	Support	No	No	4/6/2022 8:12 PM
Holt, David	Somersworth, NH davholt@aol.com	A Member of the Public	Myself	Support	No	No	4/6/2022 9:16 PM
Istel, Claudia	Acworth, NH cistel79@gmail.com	A Member of the Public	Myself	Support	No	No	4/6/2022 11:49 PM

Dana Dahl

As a longtime resident of NH and now retired and living with a permanently disabled spouse, I've found the absentee ballots as a secure way for me to notify my governing agencies my thoughts on how I should be governed, Recently voting day was set to a required doctor's appointment in Boston. If coordinating schedules wasn't difficult enough, it was made easy for us by using the absentee ballot for our voices. I believe that SBB365 will improve the quality and quantity of valid ballots and avoid mistakes or errors on the ballots or envelopes. My Town Clerk can initiate actions to clarify/correct errors ahead of time.

SB 365 - AS AMENDED BY THE SENATE

03/24/2022 1097s

2022 SESSION

22-3085  
11/10

SENATE BILL **365**

AN ACT relative to absentee ballot outer envelopes.

SPONSORS: Sen. Gray, Dist 6; Sen. Ward, Dist 8; Sen. Birdsell, Dist 19; Sen. Soucy, Dist 18

COMMITTEE: Election Law and Municipal Affairs

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ANALYSIS

This bill removes the requirement that absentee ballots be placed in outer envelopes unless such ballots are mailed to town or city clerks. The bill also allows clerks to open outer envelopes to allow applicants time to cure defects.

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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.

1 of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to  
2 vote or voting is subject to a civil penalty not to exceed \$5,000.

3 III. Return envelopes of size sufficient to contain the preceding envelope addressed to the  
4 town and city clerks of the state in which absentee voters shall return their ballots, *if such ballots*  
5 *are returned by mail*. On the envelopes shall be printed "Enclosed is the ballot of an absentee  
6 voter" and, at the top thereof, 4 blank spaces with the words "Name, Voting Address, Ward, Town or  
7 City" appropriately printed thereon. *Absentee ballots returned to town or city clerks in person*  
8 *shall not be required to be placed in such outer envelopes*.

9 2 Absentee Voting; Refusal to Certify; Procedure. Amend RSA 657:16 to read as follows:

10 657:16 Refusal to Certify; Procedure. If he or she refuses to certify the application, the town or  
11 city clerk shall notify the applicant in writing within 7 days to that effect. The town or city clerk  
12 shall provide the applicant with an absentee ballot and a notice that the ballot will not be counted  
13 unless the applicant submits the documents necessary to complete an absentee registration. The  
14 applicant shall be advised in writing what documents, if any, have been received in proper form and  
15 which the applicant must submit. *If the applicant submits such documents via mail, he or she*  
16 *shall do so by enclosing them* in the outer envelope that contains the absentee ballot envelope.  
17 *An applicant hand delivering such documents need not enclose them in the outer envelope*.  
18 The town or city clerk shall mark the absentee ballot application, the absentee ballot affidavit, and  
19 the outer envelope, *if applicable*, with the words "Not Registered." Upon receipt of ~~an~~ *a mailed*  
20 outer envelope marked "Not Registered," the clerk shall open the outer envelope. If the applicant  
21 returns the required documents with the absentee ballot by the date set for correcting the checklist  
22 under RSA 654:27 and RSA 654:28, the town or city clerk shall forward the registration forms to the  
23 supervisors of the checklist and, if the applicant is found to be qualified, the applicant shall be  
24 registered and his or her absentee ballot shall be processed in the same manner as the absentee  
25 ballot of a previously registered voter. All documents received after the deadline for correcting the  
26 checklist under RSA 654:27 and RSA 654:28 shall be processed as election day registrations under  
27 RSA 654:7-a. If the ballot is returned without the required documents in proper form, the ballot  
28 shall be marked in the manner set forth by law for successfully challenged absentee ballots and  
29 preserved in accordance with RSA 33-A:3-a. The clerk shall preserve the application of any  
30 applicant who is not registered as a voter until the time set by law for the destruction of the ballots  
31 after the election at which time the application shall be destroyed. Any justice of the superior court  
32 has jurisdiction in equity upon such notice as he or she may order to require that the name of the  
33 person making application for an absentee ballot be placed upon the checklist or registered as a  
34 member of any party and be sent an absentee ballot.

35 3 Absentee Voting; Procedure by Voter. Amend RSA 657:17, I to read as follows:

36 I. After marking the ballot, the voter or the person assisting a blind voter or voter with a  
37 disability who is unable to mark his or her ballot shall enclose and seal the same in an inner

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT relative to absentee ballot outer envelopes.

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

1 1 Absentee Ballots and Related Materials; Outer Envelopes. Amend RSA 657:7, II and III to  
2 read as follows:

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

5 YOUR COMPLETED ABSENTEE BALLOT MUST BE SEALED IN THIS ENVELOPE

6 I do hereby certify under the penalties for voting fraud set forth below that:

7 I am a voter in the city or town of \_\_\_\_\_, New Hampshire.

8 One of the following applies to me:

9 1) I will be absent on election day. Absence includes:

10 a) I will be out-of-town on election day.

11 b) I will be unable to vote in person because I will be working.

12 c) I will be unable to vote in person because I will be caring for children or infirm adults, with or  
13 without compensation.

14 d) I am voting absentee on the Monday immediately before the election, the National Weather  
15 Service has issued a winter storm warning, blizzard warning, or ice storm warning that applies to  
16 my town/ward, and I have concerns for traveling in the storm.

17 2) I am unable to vote in person due to disability.

18 3) I am unable to vote in person due to observance of a religious commitment, which prevents me  
19 from voting in person.

20 4) I am confined to a penal institution for a misdemeanor or while awaiting trial.

21 I have carefully read or had read to me the absentee voting instructions. I personally marked the  
22 absentee ballot enclosed in this envelope or, due to a disability, I had assistance in marking the  
23 absentee ballot.

24 Voter Signature \_\_\_\_\_ Voter Address \_\_\_\_\_

25 A person assisting a voter with a disability shall sign this statement on this envelope acknowledging  
26 the assistance.

27 I attest that I assisted (print voter name) \_\_\_\_\_ because the voter is a person with a  
28 disability. I marked the ballot and/or this form as instructed by the voter.

29 In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false  
30 information when registering to vote or voting is a class A misdemeanor with a maximum sentence

1 envelope. The voter shall execute the affidavit on the envelope. A person assisting a blind voter or  
2 voter with a disability who needs assistance executing the affidavit shall sign a statement on the  
3 affidavit envelope acknowledging the assistance. *If the voter or the person assisting the blind voter*  
4 *or voter with a disability who needs assistance is mailing the absentee ballot to the town or city*  
5 *clerk, the voter or the person assisting the blind voter or voter with a disability* shall enclose  
6 and seal the inner envelope with the affidavit in an outer envelope. The voter or the person assisting  
7 a blind voter or voter with a disability shall then endorse on the outer envelope the voter's name,  
8 address, and voting place. The absentee ballot shall be delivered to the city or town clerk from whom  
9 it was received in one of the following ways:

10 (a) The voter or the voter's delivery agent may personally deliver the envelope, *in which*  
11 *case the voter or the voter's delivery agent need not enclose the affidavit envelope in the*  
12 *outer envelope; or*

13 (b) The voter or the person assisting the blind voter or voter with a disability may mail  
14 the *ballot and affidavit envelope within the outer* envelope to the city or town clerk, with  
15 postage affixed.

16 4 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, *open the outer*  
19 *envelope and* attach thereto the application for an absentee ballot submitted by said voter and  
20 record the information pursuant to RSA 657:15. ~~[All such envelopes]~~ *The affidavit envelopes* shall  
21 be preserved unopened until election day.

22 5 Processing Absentee Ballots. Amend the introduction to RSA 659:50, I to read as follows:

23 I. The moderator shall begin processing absentee ballots by clearly announcing that he or  
24 she is about to ~~[open the envelopes]~~ *process the absentee ballots* which were delivered to him or  
25 her. The moderator shall then ~~[remove the envelope containing the ballots of each absentee voter~~  
26 ~~and]~~, for those absentee ballots where the absentee voter has not been verified by the clerk as  
27 provided in RSA 657:17-a, ~~[shall]~~ compare the signature on the affidavit with the signature on the  
28 application for the ballot. If:

29 6 Repeal. RSA 659:49-b, relative to opening of absentee ballot outer envelopes, is repealed.

30 7 Effective Date. This act shall take effect 60 days after its passage.