

CONSENT CALENDAR

September 27, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Election Law to which was referred
SB 54,**

**AN ACT (New Title) relative to the absentee ballot
application form. Having considered the same, report
the same: NOT RECOMMENDED FOR FUTURE
LEGISLATION.**

Rep. Peter Hayward

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Election Law
Bill Number:	SB 54
Title:	(New Title) relative to the absentee ballot application form.
Date:	September 27, 2022
Consent Calendar:	CONSENT
Recommendation:	NOT RECOMMENDED FOR FUTURE LEGISLATION

STATEMENT OF INTENT

This bill made changes to the absentee ballot application form so that the applicant provided more information and the process was modified. The majority of the committee believed that with more work and information the bill could be implemented. After study, the committee concluded that the legislation proposes a process that is not possible at this time and that significant amendments are required. Things such as impacts on privacy and the procedural role of the Town and/or City Clerk are inadequately specified. Additionally, the license and motor vehicle information are not available as a verification tool. While the goal of the bill was supported, it needs to come forward as a different bill.

Vote 15-0.

Rep. Peter Hayward
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Election Law

SB 54, (New Title) relative to the absentee ballot application form. NOT RECOMMENDED FOR FUTURE LEGISLATION .

Rep. Peter Hayward for Election Law. This bill made changes to the absentee ballot application form so that the applicant provided more information and the process was modified. The majority of the committee believed that with more work and information the bill could be implemented. After study, the committee concluded that the legislation proposes a process that is not possible at this time and that significant amendments are required. Things such as impacts on privacy and the procedural role of the Town and/or City Clerk are inadequately specified. Additionally, the license and motor vehicle information are not available as a verification tool. While the goal of the bill was supported, it needs to come forward as a different bill. **Vote 15-0.**

Original: House Clerk

Cc: Committee Bill File

Both Rep Hayward

5B54, relative to the absentee ballot application form.

This bill made changes to the absentee ballot application form so that the applicant provided more information and the process was modified. The majority of the committee believed that with more work and information the bill could be implemented. After study the committee concluded that the legislation proposes a process that is not possible at this time and that significant amendments are required. Things such as impacts on privacy and the procedural role of the Town and/or City Clerk are inadequately specified. Additionally, the license and motor vehicle information are not available as a verification tool. While the goal of the bill was supported, it needs to come forward as a different bill.

HB327, requiring that voters show identification when personally delivering absentee ballots to town and city clerks.

The committee recommends that HB 327 not be introduced as written. Multiple practical and procedural issues must be addressed to implement this legislation. A proposed amendment was written to manage portions of these issues, but further amendments including a legal change to allow the Clerk to open an envelope, which is currently forbidden, are also necessary.

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on SB 54

BILL TITLE: (New Title) relative to the absentee ballot application form.

DATE: June 16, 2022

LOB ROOM: 305 - 307

MOTION:

Interim Study (2nd yr) Not Recommended for Future Legislation

Moved by Rep. Hayward

Seconded by Rep. Bergeron

Vote: 15-0

Respectfully submitted,

Rep Wayne MacDonald, Acting Clerk

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on SB 54

BILL TITLE: (New Title) relative to the absentee ballot application form.

DATE: 6/14/22

LOB ROOM: 305 - 307

MOTION:

Recommended for Future Legislation

Not Recommended for Future Legislation

Moved by Rep. Hayward

Seconded by Rep. Byrum

Vote: 15-0

Respectfully submitted,

Rep. _____
Committee Clerk



2022 SESSION

Election Law

Bill # SB 54 Motion: Not Rec AM #: _____ Exec Session Date: 6/16/22

<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.	✓		
Terosian, Peter E.			
Berry, Ross <u>Dawn Johnson</u>	✓		
Green, Fenton			
Qualey, James R.	✓		
Wells, Natalie J. Clerk			
Alexander, Joe H. <u>Maureen Mooney</u>	✓		
Cote, David E. <u>Kris Schultz</u>	✓		
Ward, Gerald W.R.	✓		
Bergeron, Paul R.	✓		
Sandler, Catt	✓		
Hamer, Heidi M.	✓		
Lane, Connie B.	✓		
Freitas, Mary C. <u>Allison Nutting</u>	✓		
Hamblet, Joan L.	✓		
Muirhead, Russell	✓		
TOTAL VOTE:	<u>15</u>	<u>0</u>	

CONSENT CALENDAR

November 15, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Election Law to which was referred
SB 54,**

**AN ACT (New Title) relative to the absentee ballot
application form. Having considered the same, report
the same with the recommendation that the bill be
REFERRED FOR INTERIM STUDY.**

Rep. James Qualey

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Election Law
Bill Number:	SB 54
Title:	(New Title) relative to the absentee ballot application form.
Date:	November 15, 2021
Consent Calendar:	CONSENT
Recommendation:	REFER FOR INTERIM STUDY

STATEMENT OF INTENT

This bill requires that applications for absentee ballots include certain identity information. Testimony before the committee raised issues as to availability of that information and impact on privacy concerns. While the committee agreed that more particular information may be warranted, further work is needed to ensure that any changes to the absentee voter ID and verification procedures provide comprehensive remedies consistent with other statutory and legal processes.

Vote 20-0.

Rep. James Qualey
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Election Law

SB 54, (New Title) relative to the absentee ballot application form. **REFER FOR INTERIM STUDY.**

Rep. James Qualey for Election Law. This bill requires that applications for absentee ballots include certain identity information. Testimony before the committee raised issues as to availability of that information and impact on privacy concerns. While the committee agreed that more particular information may be warranted, further work is needed to ensure that any changes to the absentee voter ID and verification procedures provide comprehensive remedies consistent with other statutory and legal processes. **Vote 20-0.**

Original: House Clerk

Cc: Committee Bill File

SB 54 IS Majority

SB 54, Relative to the absentee ballot application form. **MAJORITY: REFER TO INTERIM STUDY** Rep. Jim Qualey for Election Law. This bill requires that applications for absentee ballots include certain identity information. Testimony before the committee raised issues as to availability of that information and impact on privacy concerns. While the committee agreed that more particular information may be warranted, further work is needed to ensure that any changes to the absentee voter ID and verification procedures provide comprehensive remedies consistent with other statutory and legal processes. **Vote 20-0.**

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on SB 54

BILL TITLE: (New Title) relative to the absentee ballot application form.

DATE: November 12, 2021

LOB ROOM: 306 - 308

MOTIONS: **REFER FOR INTERIM STUDY**

Moved by Rep. Qualey

Seconded by Rep. Groen

Vote: 20-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Natalie Wells, Clerk

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on Bill # SB 54

BILL TITLE: (New Title) Relative to the AB Application form.

DATE: 11-12-21

LOB ROOM: 306-308

MOTION: (Please check one box)

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

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

MOTION: (Please check one box)

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

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

MOTION: (Please check one box)

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

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

MOTION: (Please check one box)

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

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

CONSENT CALENDAR: _____ YES _____ NO

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

Respectfully submitted: Rep Natalie Wells Clerk
Rep Natalie Wells, Clerk



1/21/2021 9:37:57 AM
Roll Call Committee Registers
Report

2021 SESSION

Election Law

Bill #: SB 54 Motion: LS. AM #: _____ Exec Session Date: 11-12-21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Griffin, Barbara J. Chairman	✓		
MacDonald, Wayne D. Vice Chairman	✓		
Prudhomme-O'Brien, Katherine J. <u>Tom Dolan</u>	✓		
Sweeney, Joe	✓		
Hayward, Peter T.	✓		
Mooney, Maureen C.	✓		
Torosian, Peter E.	✓		
Berry, Ross	✓		
Groen, Fenton	✓		
Qualey, James R.	✓		
Wells, Natalie J. Clerk	✓		
Cote, David E.	✓		
Ward, Gerald W.R.	✓		
Bergeron, Paul R.	✓		
Sandler, Catt	✓		
Hamer, Heidi M.	✓		
Lane, Connie B.	✓		
Freitas, Mary C.	✓		
Hamblet, Joan L.	✓		
Muirhead, Russell	✓		
TOTAL VOTE:	<u>20</u>	<u>0</u>	

HOUSE COMMITTEE ON Election Law

BILL NUMBER: SB 54

**BILL TITLE: (New Title) relative to the absentee ballot application
form.**

DATE: May 19, 2021

THE COMMITTEE HAS VOTED TO RETAIN THIS BILL.

Rep. B. Griffin, Chair

Voting Sheets

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on SB 54

BILL TITLE: (New Title) relative to the absentee ballot application form.

DATE: May 19, 2021

LOB ROOM: Remote / Hybrd

MOTIONS: RETAINED

Moved by Rep. Torosian

Seconded by Rep. Groen

Vote: 20-0

Respectfully submitted,

Rep Natalie Wells, Clerk

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on Bill # SB-54

BILL TITLE: Absentee Ballot Application

DATE: 5-19-21

LOB ROOM: 206

MOTION: (Please check one box)

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

Moved by Rep. Peter Tiroonian Seconded by Rep. Green Vote: 20:0

MOTION: (Please check one box)

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

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

MOTION: (Please check one box)

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

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

MOTION: (Please check one box)

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

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

CONSENT CALENDAR: _____ YES _____ NO

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

Respectfully submitted: Rep Natalie Wells
Rep Natalie Wells, Clerk



2021 SESSION

Election Law

Bill #: SB54 Motion: Retain AM #: - Exec Session Date: 5-19-21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Griffin, Barbara J. Chairman			
MacDonald, Wayne D. Vice Chairman	✓		
Prudhomme-O'Brien, Katherine J.	✓		
Sweeney, Joe	✓		
Hayward, Peter T.	✓		
Mooney, Maureen C.	✓		
Torosian, Peter E.	✓		
Berry, Ross	✓		
Groen, Fenton	✓		
Qualey, James R.	✓		
Wells, Natalie J. Clerk	✓		
Cote, David E.	✓		
Ward, Gerald W.R.	✓		
Bergeron, Paul R.	✓		
Sandler, Catt	✓		
Hamer, Heidi M.	✓		
Lane, Connie B.	✓		
Freitas, Mary C.	✓		
Hamblet, Joan L.	✓		
Muirhead, Russell	✓		
TOTAL VOTE:	20	0	

Hearing Minutes

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON SB 54

BILL TITLE: (New Title) relative to the absentee ballot application form.

DATE: March 31, 2021

LOB ROOM: LOB Hybrid **Time Public Hearing Called to Order:** 11:25 a.m.

Time Adjourned: 12:32 a.m.

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

Bill Sponsors:

Sen. Giuda

Sen. Daniels

Rep. Pearl

Rep. W. MacDonald

Rep. M. Pearson

Rep. Weyler

TESTIMONY

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

ELECTION LAW PUBLIC HEARING

SB-54 (New Title) Relative to thee Absentee Ballot Application form

3-31-21

Opening: 11:25am

*(*Griffin Roberge – I am the Legislative Aide to Senator Giuda. He wanted to let you know he is driving down the highway to get to a computer to introduce this bill and to allow him to speak when he arrives.)*

***Senator James Gray – I can introduce this bill.** This bill started out asking absentee voters to provide a copy of driver's license. We modified differently for some voters. If you look at this bill, page 2, looking at lines 25 to the bottom of page, we tried to make it a easy for voters and still provide information. It could be driver's license number and state or provide the last four number of social security. The contact information town clerks have. Town clerks know and can verify from their records. It may be your tax bill, a shelter you stayed at. There's a number of things clerks can verify, and can uniquely identify. We are not trying to make it difficult, but if they choose not to share info, they can provide information registration of their cars. Whatever the town clerk can look up and verify. People should not be voting using your identity, weed out the worst of the worst.

Driver's license or a non-driver's license ID, last 4 numbers of Social could be used. It is a common- sense way as I mentioned, being able to use no more 4 #'s of social, provides us some indication. Can still sign affidavits, but allows communications.

- **Question - Representative Griffin** – You mentioned Registration, you mean apply for absentee?
Answer: Correct, but option to include a driver's license can mix together the process, very little trouble for voter.
- **Question: Rep Torosian** = if a voter requests an absentee, has no other ID, could they give their name and last 4 #'s of SS? Can someone else come in with last 4 #'s off SS?
Answer: Because they are already registered in system, name, address of absentee form at time of request. The lower portion of bill, town clerk can contact police or state if not in Election Net, they could look this up.

- Question: Rep Muirhead** – Line 25, is one identification sufficient or is voter expected to fill out all four?
Answer: One is sufficient, but can. The two easiest for clerks would be driver's license-state and last 4 #'s of Social. Should they request ballots in future, could verify from previous.
- Question: Rep Muirhead** – Concerns of voters absentee ballot count filling out, wonder if 1 is sufficient?
Answer: Many of the AB are standing in front of the town clerk. If they provide a driver's license, don't need a signature. It is statewide, can check on the SOS website. There is a piece of legislation coming on opening of outer envelope that clerks and moderators asked, expand that several weeks before that clerks can inspect, reach out to voter if needs correction.
- Question: Rep Groen** – Lines 27-28, town clerk verify driver's license. If a person gives last 4 #'s of SS, do clerks have access to this?
Answer: Not that I know, remember info on Election Net, then subsequently can check info provided previously.

***Senator Giuda** – Nothing I can add. Most of the credit goes to Senator Gray.

- *Todd Fahey: Director of AARP of NH. 15,000 members, majority of who vote. Written Testimony. We do oppose this bill, oppose anything that creates barriers to voters. You mention driver's license, last 4 #'s of SS, I don't think it is easy, it is burdensome. 30-40% voted AB due to pandemic, certainly any given 10% vote AB, it is important no impediments. It's a barrier burden of our fundamental rights. Article 11, right to vote, anything make it more difficult to vote. In 2020 according to the SOS and AG, our elections were secure and well run.**
- Question: Rep Torosian** – Are you aware in your organization who do not have a social security number?
Answer: Am I aware of them? I cannot say if they do or not.
 - Question: Rep Torosian** – You mentioned the Privacy Act, if you're aware of anything proposed in this legislation that it violates? Can you provide this?
Answer: Sure, I did written testimony, I didn't say it violates. I just wanted to flog, Soc Sec #'s whether people have the ability to recall it or produce the information. Additional steps not readily available to some.
 - Question: Rep Prudhomme-O'Brien** = Article 38 that you mentioned, goes onto say, lawmakers form and execute laws of government. Wouldn't this fall under this.
Answer:
 - Question: Rep Griffin** – You state you live in NH. My recollection you might have been out of state for a few years? Looking at your written testimony talking about SB54, requiring a reason to take an absentee ballot. Are you aware that's presently in statute and nothing in this bill changes this?
Answer: I'm only speaking to give additional information. And no, I have not been out of state.
 - Rep Griffin.** Is there any thing specific coming from your testimony or organization of AARP based on it's members specifically
Answer: No, I would not testify if not consistent with the policy of AARP on voting. Certainly, our members have great concern to their voting abilities and to vote safely to exercise their right.

Polina Sayess -The language when I read it was confusing and created anxiety. Recalling a SS #easy for some then others, It may seem straight forward, cumbersome to others. My parents are naturalized citizens, following basic information is always additional layer of deterrent. Last point. This bill requires signature of assistant who fills out form, this is difficult. I speak in opposition of this bill.

Rep Horrigan: Representing District 6, Durham and Madbury. I testified against the original bill, but this is totally unnecessary. Information may not want to share, driver's license, last 4 #'s of SS. No need for this bill. It should be ITL.

- **Question: Rep Groen** – Do you see any need for asking identification of person requesting absentee remotely be he or she who they are or just take their word for it?
- **Answer:** Provisions are already in place. I think all this would do is confuse people who are struggling with their paperwork.
- **Question: Rep Groen** – Rep Horrigan, I am Rochester, 30,000 people. Our clerk is very capable, but I doubt she knows by voice who is John Smith, safeguards to know who we say we are or not
- **Answer:** My clerk has about 15,000 is pretty good with it. She doesn't need to see, they know when they are being scammed or not.
- **Question: Rep. Mooney** - I am just wondering if you now it its acceptable if a voter's ballot were to be nullified by an invalid absentee or not?
- **Answer:** Probably not the right person to ask. Clerks publish names who request absentees. If you show up at polling place with absentee, you can cast it in person. I know AG pursues any attempted fraud.
- **Question: Prudhomme-O'Brien** – You mentioned you have trouble remembering your social security number. What about other documents that Senator Gray brought up that could be used, only need one of them. Do you find those impossible when only need one of them?
- **Answer:** It is not difficult for me, but for other people it could be difficult. There are people who memories are worse than mine. As much as I love and trust my clerk, I don't want to give her my driver's license number or the last 4 #'s of my SS, don't want to burden her.

Joan Dargie: As co-chair of the city-town clerk's legislative committee, we are not in support of this bill. I do have suggestions, but I'll bring up at the end.

1. **Few concerns, we have no way to verify a social security number**
 2. **Driver's licenses have changed** in the last two years. So if you have been voting for 10 years, it is not the same numbers. Election Net verify would be difficult. I do want to state record numbers of absentee voting in Milford, never had fraudulent voter.
 3. **When request an AB, mailed to that address on record.** My suggestion if want to amend this bill, add, if you are requesting an absentee and vote that day, show an ID. If you going to request an absentee in person, request to show ID. Any AB mailing, goes to address on file. Everybody who has come in for an absentee ballot, always shows an ID.
 4. **Last, soc security and driver's license numbers on absentee ballots.** So many times people fill out the form, leave it anywhere or mail it to the wrong department, that's privilege information exposed. By requiring a photo ID in person helps issues.
 5. **Betsy McClain: I want to thank my colleague, Joan.** I want to stand up for town clerks on how much discretion work is being put on the shoulders of town clerks. I just think too much uncertainty trying to do this. I am a little concerned in how to confirm information. I think the applicants signs under penalties, confirm address with record. If this is truly to catch worse of the worse, I think it's adding another level of frustration between clerk and voter. I am not sure creating friction is worthy of a solution. **I urge the committee not to support this bill.**
- **Question: Rep Prudhome-O'Brien** – What town are you from?
 - **Answer:** Hanover, 10,000 people on the check list. When people appear before us, must show identification.
 - **Comment - Senator Gray: Response to Rep Mooney** AB ballot and voting in person; State law cannot process two hours after polls open. Other condition, would not be able to vote in person if AB opened outer ballot, not able to vote in person.

- **Question: Rep Prudhomme-O'Brien:** Senator Gray, when you were writing this bill or discussing it, did it come up that town clerks would not be able to verify some of this information? Is it good to have this information to verify?
- **Answer:** There is a section at the end of bill, we specify in there to allow clerks to look at DMV or local-state police to get driver's license, but as pointed out by Representative of Durham, not everyone in NH has a NH license or a non-driver's ID. So, what other things are out there? Last 4 #'s of SS, clerks could not verify, but if someone provides it at the time of registration, it is put in Election Net. If someone tried again with a different set of 4 # digits, certainly be able to ask questions. Remember other section that there are so many other things a clerk does have access to. This bill may need to be strengthened in sections, but it authorizes clerks to go in, verify and get information such as a marriage certificate on file in the state system. They will be trained by SOS, failing all else, could sign an affidavit. Last 4 # SS have as an option, not required.
- **Question: Rep Lane –** Personally, I have great issues to divulge my social security number. It is used by federal and predators. Why are we using it for voter ID – why did you choose this? If you rent a home, provide the person who owns home, the clerk can verify. If it were only a piece of information I'd say yes, going too far.
Answer: But we are not. We offer a plethora of ways.
- **Question: rep Muirhead –** Asking for information that clerks do not have.
Answer: They would not, unless given voluntarily information, then would have access to.
Example: The Constitution provides, as comparison, that we have the rights to bear arms. I have to go thru background checks and information. By the Constitution, we have the right to vote, but things have changed. Again, I think there is an interest in the state to make sure our elections are conducted in manner that every citizen has the right to vote, unless is a convicted felon or serving a sentence. Once that is established, the question where to have the right to vote. RSA 654 once establish domicile, pick NH as their place, that place is home more than any other, participates in self-government, they have the right to vote in NH.
- **Question: Rep Prudhomme-O'Brien –** When concerned about driver's licenses and number changes on licenses. I'm looking at my own, couldn't that be an established pattern? I spoke to a police officer who said just by asking a few questions, he could tell my driver's license number.
Answer: Because driver's license numbers used to be last name letter, first name letter, that was all changed. One reason this bill could allow clerks to look at records or ask for assistance.
- **Question: Rep Bergeron –** Did it come up in the Senate hearing, not all city clerks have access to motor vehicle information, some do not do this, it is tax collectors?
Answer: Look at the last page, can contact local or state police for info.
- **Question: Rep Bergeron –** Possible marriage records as other means of identification, every time clerk accesses vital records, there are fees charged.
Answer: May be have to have fee waived. If that's the case, may be a good catch Representative Bergeron.
- **Question: Rep Bergeron –** If town getting 9,000 AB for President, that is a burden to the clerks to verify before sending out.
Answer: I will check with my city clerk of Rochester with multiple requests, but again, many people who requested an AB, came in and voted in person which reduced the burden. They also opened up the Community Center for the clerk to process these which helped reduce the process.

Hearing adjourned at 12:32pm
Respectfully submitted,
Representative Natalie Wells, Committee Clerk

PUBLIC HEARING ON SB 54

BILL TITLE: (New Title) relative to the absentee ballot application form.

DATE: March 31, 2021

TESTIMONY

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

Griffin Koberge - advises to Sen. Guida
* Senator Gray - introduced
* Senator Bob Guida
* Todd Fahey
Polina Sayess
Rep Honigan
* Joan Dargie
Betsy McClain

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING on Bill # SB-54

BILL TITLE: XX (New Title) Relative to the Absentee Ballot Application form.

DATE: 3-31-21

ROOM: 306

Time Public Hearing Called to Order: 11:25 am

Time Adjourned: 12:32 pm

(please circle if present)

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

TESTIMONY

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

Griffin Roberge - adviser to Sen. Giuda
* Senator Gray - introducer
* Senator Bob Giuda
* Todd Fahey
Polina Sayess
Rep Horvath
MA Joan Dargie
Betsy McClain

ELECTION LAW PUBLIC HEARING

SB-54 (New Title) Relative to thee Absentee Ballot Application form

3-31-21

Opening: 11:25am

***Griffin Roberge** – I am the Legislative Aide to Senator Giuda. He wanted to let you know he is driving down the highway to get to a computer to introduce this bill and to allow him to speak when he arrives.

***Senator James Gray** – I can introduce this bill. This bill started out asking absentee voters to provide a copy of driver's license. We modified differently for some voters. If you look at this bill, page 2, looking at lines 25 to the bottom of page, we tried to make it a easy for voters and still provide information. It could be driver's license number and state or provide the last four number of social security. The contact information town clerks have. Town clerks know and can verify from their records. It may be your tax bill, a shelter you stayed at. There's a number of things clerks can verify, and can uniquely identify. We are not trying to make it difficult, but if they choose not to share info, they can provide information registration of their cars. Whatever the town clerk can look up and verify. People should not be voting using your identity, weed out the worst of the worst.

Driver's license or a non-driver's license ID, last 4 numbers of Social could be used. It is a commo- sense way as I mentioned, being able to use no more 4 #'s of social, provides us some indication. Can still sign affidavits, but allows communications.

Representative Griffin – You mentioned Registration, you mean apply for absentee?

Answer: Correct, but option to include a driver's license can mix together the process, very little trouble for voter.

Question: Rep Tirosian = if a voter requests an absentee, has no other ID, could they give their name and last 4 #'s of SS? Can someone else come in with last 4 #'s off SS?

Answer: Because they are already registered in system, name, address of absentee form at time of request. The lower portion of bill, town clerk can contact police or state if not in Election Net, they could look this up.

Question: Rep Muirhead – Line 25, is one identification sufficient or is voter expected to fill out all four?

Answer: One is sufficient, but can. The two easiest for clerks would be driver's license-state and last 4 #'s of Social. Should they request ballots in future, could verify from previous.

Question: Rep Muirhead – Concerns of voters absentee ballot count filling out, wonder if 1 is sufficient?

Answer: Many of the AB are standing in front of the town clerk. If they provide a driver's license, don't need a signature. It is statewide, can check on the SOS website. There is a piece of legislation coming on opening of outer envelope that clerks and moderators asked, expand that several weeks before that clerks can inspect, reach out to voter if needs correction.

Question: Rep Groen – Lines 27-28, town clerk verify driver's license. If a person gives last 4 #'s of SS, do clerks have access to this?

Answer: Not that I know, remember info on Election Net, then subsequently can check info provided previously.

***Senator Giuda** – Nothing I can add. Most of the credit goes to Senator Gray.

***Todd Fahey**: Director of AARP of NH. 15,000 members, majority of who vote. Written Testimony. We do oppose this bill, oppose anything that creates barriers to voters. You mention driver's license, last 4 #'s of SS,

I don't think it is easy, it is burdensome. 30-40% voted AB due to pandemic, certainly any given 10% vote AB, it is important no impediments. It's a barrier burden of our fundamental rights. Article 11, right to vote, anything make it more difficult to vote. In 2020 according to the SOS and AG, our elections were secure and well run.

Question: Rep Tiroasian – Are you aware in your organization who do not have a social security number?

Answer: Am I aware of them? I cannot say if they do or not.

Question: Rep Tiroasian – You mentioned the Privacy Act, if you're aware of anything proposed in this legislation that it violates? Can you provide this?

Answer: Sure, I did written testimony, I didn't say it violates. I just wanted to flag, Soc Sec #'s whether people have the ability to recall it or produce the information. Additional steps not readily available to some.

Question: Rep Prudhomme-O'Brien = Article 38 that you mentioned, goes onto say, lawmakers form and execute laws of government. Wouldn't this fall under this.

Answer:

Question: Rep Griffin – You state you live in NH. My recollection you might have been out of state for a few years? Looking at your written testimony talking about SB54, requiring a reason to take an absentee ballot. Are you aware that's presently in statute and nothing in this bill changes this?

Answer: I'm only speaking to give additional information. And no, I have not been out of state.

Rep Griffin. Is there any thing specific coming from your testimony or organization of AARP based on it's members specifically

Answer: No, I would not testify if not consistent with the policy of AARP on voting. Certainly, our members have great concern to their voting abilities and to vote safely to exercise their right.

Polina Sayess -The language when I read it was confusing and created anxiety. Recalling a SS #easy for some then others, It may seem straight forward, cumbersome to others. My parents are naturalized citizens, following basic information is always additional layer of deterrent. Last point. This bill requires signature of assistant who fills out form, this is difficult. I speak in opposition of this bill.

Rep Horrigan: Representing District 6, Durham and Madbury. I testified against the original bill, but this is totally unnecessary. Information may not want to share, driver's license, last 4 #'s of SS. No need for this bill. It should be ITL.

Question: Rep Groen – Do you see any need for asking identification of person requesting absentee remotely be he or she who they are or just take their word for it?

Answer: Provisions are already in place. I think all this would do is confuse people who are struggling with their paperwork.

Question: Rep Groen – Rep Horrigan, I am Rochester, 30,000 people. Our clerk is very capable, but I doubt she knows by voice who is John Smith, safeguards to know who we say we are or not

Answer: My clerk has about 15,000 is pretty good with it. She doesn't need to see, they know when they are being scammed or not.

Question: Rep. Mooney - I am just wondering if you now it its acceptable if a voter's ballot were to be nullified by an invalid absentee or not?

Answer: Probably not the right person to ask. Clerks publish names who request absentees. If you show up at polling place with absentee, you can cast it in person. I know AG pursues any attempted fraud.

Question: Prudhomme-O'Brien – You mentioned you have trouble remembering your social security number. What about other documents that Senator Gray brought up that could be used, only need one of them. Do you find those impossible when only need one of them?

Answer: It is not difficult for me, but for other people it could be difficult. There are people who memories are worse than mine. As much as I love and trust my clerk, I don't want to give her my driver's license number or the last 4 #'s of my SS, don't want to burden her.

Joan Dargie: As co-chair of the city-town clerk's legislative committee, we are not in support of this bill. I do have suggestions, but I'll bring up at the end.

1. Few concerns, we have no way to verify a social security number
2. Driver's licenses have changed in the last two years. So if you have been voting for 10 years, it is not the same numbers. Election Net verify would be difficult. I do want to state record numbers of absentee voting in Milford, never had fraudulent voter.
3. When request an AB, mailed to that address on record. My suggestion if want to amend this bill, add, if you are requesting an absentee and vote that day, show an ID. If you going to request an absentee in person, request to show ID. Any AB mailing, goes to address on file. Everybody who has come in for an absentee ballot, always shows an ID.
4. Last, soc security and driver's license numbers on absentee ballots. So many times people fill out the form, leave it anywhere or mail it to the wrong department, that's privilege information exposed. By requiring a photo ID in person helps issues.

Betsy McClain: I want to thank my colleague, Joan. I want to stand up for town clerks on how much discretion work is being put on the shoulders of town clerks. I just think too much uncertainty trying to do this. I am a little concerned in how to confirm information. I think the applicants signs under penalties, confirm address with record. If this is truly to catch worse of the worse, I think it's adding another level of frustration between clerk and voter. I am not sure creating friction is worthy of a solution. I urge the committee not to support this bill.

Question: Rep Prudhome-O'Brien – What town are you from?

Answer: Hanover, 10,000 people on the check list. When people appear before us, must show identification.

Senator Gray: Response to Rep Mooney AB ballot and voting in person; State law cannot process two hours after polls open. Other condition, would not be able to vote in person if AB opened outer ballot, not able to vote in person.

Question: Rep Prudhomme-O'Brien: Senator Gray, when you were writing this bill or discussing it, did it come up that town clerks would not be able to verify some of this information? Is it good to have this information to verify?

Answer: There is a section at the end of bill, we specify in there to allow clerks to look at DMV or local-state police to get driver's license, but as pointed out by Representative of Durham, not everyone in NH has a NH license or a non-driver's ID. So, what other things are out there? Last 4 #'s of SS, clerks could not verify, but if someone provides it at the time of registration, it is put in Election Net. If someone tried again with a different set of 4 # digits, certainly be able to ask questions. Remember other section that there are so many other things a clerk does have access to. This bill may need to be strengthened in sections, but it authorizes clerks to go in, verify and get information such as a marriage certificate on file in the state system. They will be trained by SOS, failing all else, could sign an affidavit. Last 4 # SS have as an option, not required.

Question: Rep Lane – Personally, I have great issues to divulge my social security number. It is used by federal and predators. Why are we using it for voter ID – why did you choose this? If you rent a home, provide the person who owns home, the clerk can verify. If it were only a piece of information I'd say yes, going too far.

Answer: But we are not. We offer a plethora of ways.

Question: rep Muirhead – Asking for information that clerks do not have.

Answer: They would not, unless given voluntarily information, then would have access to.

Example: The Constitution provides, as comparison, that we have the rights to bear arms. I have to go thru background checks and information. By the Constitution, we have the right to vote, but things have changed. Again, I think there is an interest in the state to make sure our elections are conducted in manner that every citizen has the right to vote, unless is a convicted felon or serving a sentence. Once that is established, the question where to have the right to vote. RSA 654 once establish domicile, pick NH as their place, that place is home more than any other, participates in self-government, they have the right to vote in NH.

Question: Rep Prudhomme-O'Brien – When concerned about driver's licenses and number changes on licenses. I'm looking at my own, couldn't that be an established pattern? I spoke to a police officer who said just by asking a few questions, he could tell my driver's license number.

Answer: Because driver's license numbers used to be last name letter, first name letter, , that was all changed. One reason this bill could allow clerks to look at records or ask for assistance.

Question: Rep Bergeron – Did it come up in the Senate hearing, not all city clerks have access to motor vehicle information, some do not do this, it is tax collectors?

Answer: Look at the last page, can contact local or state police for info.

Question: Rep Bergeron – Possible marriage records as other means of identification, every time clerk accesses vital records, there are fees charged.

Answer: May be have to have fee waived. If that's the case, may be a good catch Representative Bergeron.

Question: Rep Bergeron – If town getting 9,000 AB for President, that is a burden to the clerks to verify before sending out.

Answer: I will check with my city clerk of Rochester with multiple requests, but again, many people who requested an AB, came in and voted in person which reduced the burden. They also opened up the Community Center for the clerk to process these which helped reduce the process.

Closed: 12:32pm

Respectfully submitted,

Representative Natalie Wells

House Remote Testify

Election Law Committee Testify List for Bill SB54 on 2021-03-31

Support: 5 Oppose: 159 Neutral: 0 Total to Testify: 3

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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>S</u>
Fahey, Todd	Bow, NH tfahey@aarp.org	A Lobbyist	AARP New Hampshire	Oppose	Yes (5m)	3
Giuda, Bob	Warren, NH bob.giuda@leg.state.nh.us	An Elected Official	NH Senate District 2	Support	Yes (3m)	3
Sayess, Polina	Lebanon, NH psayess@gmail.com	A Member of the Public	Myself	Oppose	Yes (2m)	3
St Germain, Diane	Bedford, NH Diane.stgermain33@gmail.com	A Member of the Public	Myself	Oppose	No	3
Gruttemeyer, Pat	Contoocook, NH phgruttemeyer@comcast.net	A Member of the Public	Myself	Oppose	No	3
Beihl, Brian	Alton Bay, NH brian@opendemocracy.me	A Lobbyist	Open Democracy Action	Oppose	No	3
Farrell, Sherry	Londonderry, NH sfarrell@londonderrynh.org	An Elected Official	Myself	Oppose	No	3
Spencer, Louise	CONCORD, NH lpskentstreet@gmail.com	A Member of the Public	Myself	Oppose	No	3
Gaudet, Fawn	Rumney, NH fawngaudet@yahoo.com	A Member of the Public	Myself	Oppose	No	3
McNutt, Doug	Concord, NH dmcnutt@aarp.org	A Lobbyist	AARP	Oppose	No	3
Moffett, Blair	Wolfboro, NH rbmoffett@mindspring.com	A Member of the Public	Myself	Oppose	No	3
Schapiro, Joe	Keene, NH joe.schapiro@leg.state.nh.us	An Elected Official	Cheshire 16, Keene	Oppose	No	3
Ellermann, Maureen	CONCORD, NH ellermannf@aol.com	A Member of the Public	Myself	Oppose	No	3
Ruiz, Fernando	Washington, DC frui@z@aarp.org	A Lobbyist	Myself	Oppose	No	3
Serrell, James J.	Kingston, NH imjjserrell@yahoo.com	A Member of the Public	Myself	Oppose	No	3
Daniels, Senator Gary	Milford, NH Gary.Daniels@leg.state.nh.us	An Elected Official	Senate District 11	Support	No	3
Arabas, Jill	Hollis, NH jaarabas@yahoo.com	A Member of the Public	Myself	Oppose	No	3
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Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Oppose	No	3
Cannon, Gerri	Somersworth, NH gerri.cannon@gmail.com	An Elected Official	Myself	Support	No	3
Gordon, Laurie	Weare, NH Lmgord23@gmail.com	A Member of the Public	Myself	Oppose	No	3
Platt, Elizabeth-Anne	CONCORD, NH lizanneplatt09@gmail.com	A Member of the Public	Myself	Oppose	No	3
Straiton, Marie	Pembroke, NH M.straiton@comcast.net	A Member of the Public	Myself	Oppose	No	3
Dewey, Karen	Newport, NH pkdewey@comcast.net	A Member of the Public	Myself	Oppose	No	3
Satterfield, Peter	Pembroke, NH Psatterfield@comcast.net	A Member of the Public	Myself	Oppose	No	3
Gordon, Margaret	Weare, NH Megordon98@gmail.com	A Member of the Public	Myself	Oppose	No	3
Petrucelli, Maxine	Webster, NH maxinepet@gmail.com	A Member of the Public	Myself	Oppose	No	3
Meuse, David	Portsmouth, NH David.Meuse@leg.state.nh.us	An Elected Official	Rockingham 29	Oppose	No	3
Petrucelli, Charles	Webster, NH chasmxpet@gmail.com	A Member of the Public	Myself	Oppose	No	3
Mulligan, Mary Jane	Hanover, NH maryjane.mulligan99@gmail.com	A Member of the Public	Myself	Oppose	No	3
Hope, Lucinda	Tilton, NH lmhope46@gmail.com	A Member of the Public	Myself	Oppose	No	3
McClain, Betsy	Hanover, NH betsy.mcclain@hanovernh.org	An Elected Official	Myself	Oppose	No	3
Green, Debra	Greenville, NH laffalot37@gmail.com	A Member of the Public	Myself	Oppose	No	3
Mayne, Kenny	Greenville, NH kbmayne@gmail.com	A Member of the Public	Myself	Oppose	No	3
Morgan, Meredith	Hanover, NH meredithm@kahres.org	A Member of the Public	Myself	Oppose	No	3
Oldak, Brenda	South Hampton, NH brendaoldak@gmail.com	A Member of the Public	Myself	Oppose	No	3

Carter, Lilian	Deering, NH lcarter0914@gmail.com	A Member of the Public	Myself	Oppose	No	3
hatch, sally	Concord, NH sallyhatch@comcast.net	A Member of the Public	Myself	Oppose	No	3
Istel, Claudia	Acworth, NH claudia@sover.net	A Member of the Public	Myself	Oppose	No	3
Frey, Gina	Amherst, NH ginagfrey@gmail.com	A Member of the Public	Myself	Oppose	No	3
Lewis, Elizabeth	Nashua, NH ecop.lewis@gmail.com	A Member of the Public	Myself	Oppose	No	3
Feole, Danielle	Salem, NH feole.danielle@gmail.com	A Member of the Public	Myself	Oppose	No	3
Hampton, Doris	Canterbury, NH dandmhamp38@gmail.com	A Member of the Public	Myself	Oppose	No	3

Testimony

Archived: Wednesday, May 26, 2021 3:07:17 PM
From: Fahey, Todd C
Sent: Wednesday, March 31, 2021 10:21:29 AM
To: ~House Election Law Committee
Cc: Ruiz, Fernando; Fahey, Todd C; McNutt, Douglas; Griffin, Steven
Subject: NH House Remote Testify: 11:15 am - SB54 in House Election Law
Response requested: No
Importance: Normal
Attachments:
SB 54.Testimony of AARP NH.33121.pdf;

Good morning Madame Chair and Committee Members. Please find attached the written testimony of AARP New Hampshire relative to the above hearing. I have asked for time to present oral testimony as well. Thank you.

Best Regards,

Todd

Todd C. Fahey, J.D. |State Director|AARP New Hampshire|45 South Main Street, Suite 202
Concord, New Hampshire 03301
O 603-230-4109|M 603-738-0346|F 603-224-6211
tfahey@aarp.org | www.aarp.org
Follow me on Twitter|@Todd_Fahey

AARP
New Hampshire

Archived: Wednesday, May 26, 2021 3:07:17 PM

From: Polina Sayess


Sent: Wednesday, March 31, 2021 7:57:37 AM

To: ~House Election Law Committee

Subject: NH House Remote Testify: 11:15 am - SB54 in House Election Law

Response requested: No

Importance: Normal

Attachments: SB 54.pdf ;

Polina

Archived: Wednesday, May 26, 2021 3:07:17 PM
From: Miriam Simmons
Sent: Thursday, April 1, 2021 1:09:59 PM
To: Miriam Simmons
Subject: SB 54 / Election Law
Response requested: No
Importance: Normal

SB 54 Testimony

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

From: John Tuthill <jtuthill@sover.net>
Sent: Thursday, April 1, 2021 1:03 PM
To: ~House Election Law Committee <HouseElectionLawCommittee@leg.state.nh.us>
Subject: SB46 and SB54 / Election Law

Dear Chairman Griffin and Members of the Election Law Committee,

I was unable to participate in the hearings on SB46 and SB54 on Wednesday, March 31, 2021 but would like to register my opinion on these two important pieces of legislation. I am assuming, perhaps incorrectly, that they were not taken up in executive session following yesterday's hearings. Will know better when tomorrow's House calendar is posted.

In the interest of expanding access and simplifying voting procedures I urge the committee to oppose SB54 and to support SB46. I would also encourage committee members to reconsider the ITL recommendation on HB428.

Sincerely,

John Tuthill
Acworth, NH
03601

603-863-6366

Archived: Wednesday, May 26, 2021 3:07:17 PM

From: Cindy

Sent: Tuesday, March 30, 2021 12:33:36 PM

To: ~House Election Law Committee

Subject: Constituent OPPOSED to SB54

Response requested: No

Importance: Normal

Members of House Election Law Committee —

This bill, complicating the process of Absentee Voting in our state, is without a doubt an attempt to suppress the vote.

Our current procedure has worked just fine even with the unexpected increase in its popularity because of the pandemic.

There is certainly no need to require any of the voter-identification options in this bill.

The Town Clerks are always extremely busy before any election, and SB54 would certainly make it worse.

Also objectionable is the effort to reintroduce of signature comparison. Town Clerks &/or moderators are not handwriting experts. This bill states if the signatures do "not appear" to the Clerk to match, then that ballot may not be counted. The Clerk is not even permitted to contact the voter about this uncertainty.

We the people are encouraging legislators to enable more residents of vote, not to suppress the vote — we need to protect our democracy.

Sincerely,

Lucinda Hope

Archived: Wednesday, May 26, 2021 3:07:17 PM
From: Ray Chadwick
Sent: Monday, March 29, 2021 1:34:11 PM
To: ~House Election Law Committee
Cc: dmc2015@comcast.net; danmcguire@gmail.com
Subject: Senate Bill 54
Response requested: No
Importance: Normal

Committee Members

Granite State Taxpayers supports election laws that make our system of elections easy to understand, resistant to fraud, and available exclusively to residents of New Hampshire.

We support SB 54 to require voters to provide valid identification when requesting and returning an absentee ballot.

In the current system, absentee ballots are available to any person or name appearing on the voter checklist, without any check or proof that the individual requesting the ballot is indeed still residing at the relevant address or is indeed the same person.

SB 54 will close that loophole and improve the integrity of our electoral system.

Thank you for your attention and your work on behalf of the citizens of New Hampshire.
Ray

Ray Chadwick, Chairman
Granite State Taxpayers
101 Powder Hill Road
Bedford, NH 03110
1-603-566-9129
www.GraniteStateTaxpayers.org



45 South Main Street | Concord, NH 03301
1-866-542-8168 (toll free) | Fax: 1-603-224-6211
aarp.org/nh | nh@aarp.org | twitter: @aarpnh
facebook.com/nh

March 31, 2021

House Election Law Committee
New Hampshire House of Representatives
State House
Concord, New Hampshire 03301

RE: AARP New Hampshire Testimony in Opposition to SB 54

Dear Honorable Chair Griffin and Committee Members:

AARP New Hampshire has nearly 215,000 members in the Granite State, the great majority of whom vote each year. We are the state's largest advocacy organization focused on the interests of the Granite State's 50+. While we are steadfastly nonpartisan, we have long been engaged in, and concerned with, protecting the right to vote of all citizens, but particularly those over 50 years old. This group perennially votes in great numbers and has, time and time again, proven themselves to be the state's (and the nation's) most reliable voting bloc. Because SB 54 creates impediments to voting via absentee ballot, while asking voters to provide their Social Security number to request an absentee ballot, we strongly oppose SB 54 on grounds that it will disenfranchise voters and be directly contrary to the right to vote guaranteed under the Federal Constitution, Article 11 of the New Hampshire Constitution. Additionally, we believe this bill could violate Section 7 of the federal Privacy Act.

SB 54 creates a new application form for absentee ballots. It is not clear why we need any new form as we had uneventful elections with increased voter turnout during an unprecedented pandemic in November of 2020. Nevertheless, the form being considered by SB 54 requires voters to choose one of the following reasons for voting absentee:

- Absent from the city, town, or unincorporated place where the voter is domiciled
- Not being able to appear in public on election day because of a religious commitment
- Disability

- Employment Obligation
- A weather event
- Being elderly, infirm, or having a physical disability
- Anticipated cancellation of a child's school, childcare, or adult care

While this new form has expanded reasons for voting absentee it also creates impediments to voting by requiring that the voter list either their state license number or their Social Security number. The provision of a license or Social Security number creates a barrier to voting. It is unconstitutional under the New Hampshire Constitution and unnecessary. This legislation could discourage, or prevent, citizens from exercising their (fundamental) right to vote. If a voter no longer had a license, couldn't find it, or could not recall his or her Social Security number, that could – and most certainly would - create another hurdle to exercising one's right to vote. Even if one person is disenfranchised by this law, it is one person too many.

Driver's license numbers are not easily committed to memory and not everyone has ready access to these documents. Similarly, voters with privacy concerns could be reticent to give out their Social Security numbers or could face the additional hurdle of having to recall the number or call the Social Security Administration, an underfunded and understaffed agency. These issues with the bill must be viewed in light of the constitutional protections we citizens of New Hampshire enjoy and have a right to demand, while taking into account the recent increase in election participation, a continuing trend that has brought record voter turnout.

As to the New Hampshire Constitution, two Articles are at play. One, Article 11, we speak of frequently. And another, Article 38, we might (hopefully) come to speak of more. As to the first, Article 11 speaks for itself and states:

[Art.] 11. [Elections and Elective Franchises.] *All elections are to be free, and every inhabitant of the state of 18 years of age and upwards shall have an equal right to vote in any election.... The general court shall provide by law for voting by qualified voters who at the time of the biennial or state elections, or of the primary elections therefor, or of city elections, or of town elections by official ballot, are absent from the city or town of which they are inhabitants, or who by reason of physical disability are unable to vote in person, in the choice of any officer or officers to be elected or upon any question submitted at such election. Voting registration and polling places shall be easily accessible to all persons including disabled and elderly persons who are otherwise qualified to vote in the choice of any officer or officers to be elected or upon any question submitted at such election.*
June 2, 1784

Amended 1903 to provide that in order to vote or be eligible for office a person must be able to read the English language and to write.

Amended 1912 to prohibit those convicted of treason, bribery or willfull violation of the election laws from voting or holding elective office.

Amended 1942 to provide for absentee voting in general elections.

Amended 1956 to provide for absentee voting in primary elections.

Amended 1968 to provide right to vote not denied because of nonpayment of taxes. Also amended in 1968 to delete an obsolete phrase.

Amended 1976 to reduce voting age to 18.

Amended 1984 to provide accessibility to all registration and polling places.

The framers of New Hampshire's Constitution spoke in terms that were at once aspirational and mandatory. As all policymakers undertake their duties, I urge you not to forget Article 38. While written in 1784, Article 38 makes clear that the binding threads of democracy depend upon – and demand – a steadfast adherence to principles drafted and designed to endure and transcend the real or perceived urgencies of any particular moment in history.

Art.] 38. [Social Virtues Inculcated.] A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to justice, moderation, temperance, industry, frugality, and all the social virtues, are indispensably necessary to preserve the blessings of liberty and good government; the people ought, therefore, to have a particular regard to all those principles in the choice of their officers and representatives, and they have a right to require of their lawgivers and magistrates, an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of government. June 2, 1784

A person's right to vote surely stands preeminent amongst fundamental principles. In addition to our Constitutional concerns, we also feel that this legislation could violate federal law as well.

In 1974, Congress passed the Privacy Act (P.L. 93-579), a bill that governs the collection, maintenance, use, and dissemination of an individual's Social Security number. Section 7 of that bill states that:

"It shall be unlawful for any Federal, State or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number."

We are concerned that SB 54 could violate the Privacy Act by requiring the disclosure of one's Social Security number to apply for an absentee ballot, essentially denying them a right under the law. Moreover, Section 7(b) of the Privacy Act requires certain disclosures from state agencies requesting Social Security numbers:

"Any Federal, State, or local government agency which requests an individual to disclose his social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it."

SB 54 says nothing about disclosing the information required by the Privacy Act.

Finally, while our elected officials passed bi-partisan legislation permitting people to vote safely during an historic pandemic (which they did in great numbers), we must be clear that those voting absentee are numerous and constitutionally entitled to retain their right to vote. The numbers below bear this out.

GENERAL ELECTION November 3, 2020	SUMMARY OF BALLOTS CAST		
	Regular	Absentee	Total
Belknap County	28,100	10,988	39,088
Carroll County	21,124	12,391	33,515
Cheshire County	31,840	12,755	44,595
Coos County	12,776	3,955	16,731
Grafton County	34,894	19,662	54,556
Hillsborough County	160,823	73,196	234,019
Merrimack County	63,038	27,745	90,783
Rockingham County	132,306	69,694	202,000
Strafford County	51,049	23,531	74,580
Sullivan County	18,332	6,300	24,632
Totals	554,282	260,217	814,499

**updated 11.19.20*

Source: New Hampshire Secretary of State's Website (3/30/21)

On behalf of our nearly 215,000 members in New Hampshire, we respectfully ask you not to pass this legislation out of your committee unless you first delete any barriers to voting – like requiring Social Security or driver license numbers – that discourage or prevent any citizens from voting. These identification requirements are more extensive than necessary and should not become law. Thank you.

Respectfully submitted,

AARP New Hampshire

By: S.
 Todd C. Fahey, J.D.
 State Director
tfahey@aarp.org
 (603) 738-0346 (c)
 (603) 230-4109 (o)



Dear members of NH legislation,

I am speaking in opposition to SB 54, which, even in its amended form still makes it challenging for the elderly and disabled to use an absentee ballot.

My parents are over 65 years old and do not have a scanner or a printer at home, so, in order for them to obtain a copy of the documents to request an absentee ballot it requires additional trip either to a library or Staples, which certainly makes it more confusing and difficult to follow the instructions and is almost guaranteed to lead to errors, thus will not allow them to obtain an absentee ballot. Taking in account that NH has many elderly citizens, and getting around for older people and those with disabilities is more difficult than for younger and healthy ones, this bill affects a lot of people, thus potentially limiting their ability to vote, which is pretty much a discrimination based on age and disability.

I urge you to vote no on SB 54.

Polina Sayess
Lebanon NH

Bill as
Introduced

SB 54 - AS AMENDED BY THE SENATE

03/04/2021 0422s

2021 SESSION

21-0925

11/10

SENATE BILL **54**

AN ACT relative to the absentee ballot application form.

SPONSORS: Sen. Giuda, Dist 2; Sen. Daniels, Dist 11; Rep. Pearl, Merr. 26; Rep. W. MacDonald, Rock. 5; Rep. M. Pearson, Rock. 34; Rep. Weyler, Rock. 13

COMMITTEE: Election Law and Municipal Affairs

AMENDED ANALYSIS

This bill requires that applications for absentee ballots include identity information.

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

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the absentee ballot application form.

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

1 1 Absentee Ballot Application Form. Amend RSA 657:4, I to read as follows:

2 I. Prior to any state election, the secretary of state shall prepare the appropriate application
3 forms for absentee ballots worded in substantially the following form. The secretary of state shall
4 insert the names of all parties qualified as set forth in RSA 652:11 in the list of parties on the
5 application form. The secretary of state shall prepare the application forms in such quantity as he or
6 she deems necessary:

7 Absence (Excluding Absence Due to Residence Outside the United States), Religious Observance,
8 and Disability:

9 I hereby declare that (check one):

10 I am a duly qualified voter who is currently registered to vote in this town/ward.

11 I am absent from the town/city where I am domiciled and will be until after the next
12 election, or I am unable to register in person due to a disability, and request that the forms
13 necessary for absentee voter registration be sent to me with the absentee ballot.

14 I will be entitled to vote by absentee ballot because (check one):

15 I plan to be absent on the day of the election from the city, town, or unincorporated place
16 where I am domiciled.

17 I am requesting a ballot for the presidential primary election and I may be absent on the
18 day of the election from the city, town, or unincorporated place where I am domiciled, but the date of
19 the election has not been announced. I understand that I may only make such a request 14 days
20 after the filing period for candidates has closed, and that if I will not be absent on the date of the
21 election I am not eligible to vote by absentee ballot.

22 I cannot appear in public on election day because of observance of a religious commitment.

23 I am unable to vote in person due to a disability.

24 I cannot appear at any time during polling hours at my polling place because of an
25 employment obligation. For the purposes of this application, the term "employment shall include the
26 care of children and infirm adults, with or without compensation.

27 For use only on the Monday immediately prior to the election: I cannot appear at my polling
28 place on election day because the National Weather Service has issued a winter storm warning,
29 blizzard warning, or ice storm warning for election day applicable to my city, town, or
30 unincorporated place and either (check one):

SB 54 - AS AMENDED BY THE SENATE

- Page 2 -

1 _____ I am elderly or infirm or I have a physical disability, and would otherwise vote in person
2 but I have concerns for my safety traveling in the storm.

3 _____ I anticipate that school, child care, or adult care will be canceled, and would otherwise
4 vote in person but will need to care for children or infirm adults.

5 Any person who votes or attempts to vote using an absentee ballot who is not entitled to vote by
6 absentee ballot shall be guilty of a misdemeanor. RSA 657:24.

7 I am requesting an official absentee ballot for the following election (check one):

8 _____ Presidential Primary to be held on _____
9 (MM/DD/YYYY)

10 (The date may appear as blank when the date is not known.)

11 _____ State Primary to be held on _____
12 (MM/DD/YYYY)

13 _____ General Election

14 For primary elections, I am a member of or I am now declaring my affiliation with the (check
15 one):

16 _____ Republican Party

17 _____ Democratic Party

18 _____ (name of any party determined by the secretary of state to have achieved official status
19 under RSA 652:11)

20 and am requesting a ballot for that party's primary.

21 Please print:

22 Applicant's Name:

23 _____
24 (Last) (First) (Middle) (Sr., Jr., II., III)

25 **Identity Information (please provide one or more of the following, or contact the town**
26 **clerk for assistance):**

27 _____
28 **(Driver's License or Nondriver's Picture Identification Card Number and State of**
29 **Issuance)**

30 _____
31 **(Last 4 digits of applicant's social security number)**

32 _____
33 **(Other - contact town clerk)**

34 Applicant's Voting Domicile (home address):

35 _____
36 (Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

37 Mail the ballot to me at this address (if different than the home address):

SB 54 - AS AMENDED BY THE SENATE
- Page 3 -

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(Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)
Applicant's Phone Number : _____
Applicant's Email Address : _____
Applicant's Signature: _____
Date Signed: _____
(MM/DD/YYYY)

I attest that I assisted the applicant in executing this form because he or she has a disability.
Signature _____
Print Name _____

If your absentee ballot application or affidavit envelope has the printed name and signature of a person who assisted you with voting, your signature will not be compared to your signature on the absentee ballot affidavit to verify your identity. Otherwise, if your signatures do not appear to be made by the same person, your absentee ballot may not be counted.

The applicant must sign this form to receive an absentee ballot. Any person who witnesses and assists a voter with a disability in executing this form shall print and sign his or her name in the space provided on the application form. The moderator will not compare the voter's signature on the application with the signature on the absentee ballot affidavit when a person assisting the voter has signed the statement on the absentee ballot application or affidavit envelope that assistance was provided.

2 New Section; Absentee Ballot Application Procedure; Identity Information. Amend RSA 657 by inserting after section 6 the following new section:

657:6-a Absentee Ballot Application Procedure; Identity Information. Identity information sufficient to satisfy the requirements of RSA 657:4, I shall include a driver's license number and state of issuance, a nondriver's picture identification card number and state of issuance, the last 4 digits of a social security number, or any other information or records that the town clerk may verify. The town clerk is authorized to verify driver's license and nondriver's picture identification card information, when provided, with the department of safety, division of motor vehicles or local law enforcement. The statewide centralized voter registration database shall be reviewed and updated based on any information provided with the absentee ballot application.

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