

LEGISLATIVE COMMITTEE MINUTES

SB54

Bill as Introduced

SB 54 - AS INTRODUCED

2021 SESSION

21-0925
11/10

SENATE BILL

54

AN ACT

relative to the procedure used to complete and submit applications for absentee ballots and absentee ballots.

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

ANALYSIS

This bill requires that a voter includes a photocopy of his or her valid New Hampshire driver's license, nondriver's picture identification card, or other identification with the application for an absentee ballot and inside the outer envelope when returning an absentee ballot.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the procedure used to complete and submit applications for absentee ballots and absentee ballots.

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

- 1 1 Absentee Voting; Application; Procedure by Applicant. Amend RSA 657:6 to read as follows:
2 657:6 Procedure by Applicant. An application form for an absentee ballot shall be mailed or
3 delivered to any person who applies therefor to the secretary of state or to any town or city clerk. It
4 shall be filled out by the applicant and sent to the clerk of the town or city in which he or she desires
5 to vote. Alternatively, a person may apply for an official absentee ballot by sending to said clerk a
6 written statement containing the information required by RSA 657:4, I or by the federal official post
7 card form. ***The applicant shall include a photocopy of a valid form of identification that***
8 ***meets the requirements of RSA 659:13, II with his or her application. Failure to enclose a***
9 ***photocopy of valid identification shall render the absentee ballot void.***
- 10 2 Procedure for Absentee Voting; Procedure by Voter. Amend the introductory paragraph of
11 RSA 657:17, I to read as follows:
12 I. After marking the ballot, the voter or the person assisting a blind voter or voter with a
13 disability who is unable to mark his or her ballot shall enclose and seal the same in an inner
14 envelope. The voter shall execute the affidavit on the envelope. A person assisting a blind voter or
15 voter with a disability who needs assistance executing the affidavit shall sign a statement on the
16 affidavit envelope acknowledging the assistance. The voter or the person assisting the blind voter or
17 voter with a disability who needs assistance shall enclose and seal the inner envelope with the
18 affidavit in an outer envelope, ***along with a photocopy of a valid form of identification that***
19 ***meets the requirements of RSA 659:13, II.*** The voter or the person assisting a blind voter or voter
20 with a disability shall then endorse on the outer envelope the voter's name, address, and voting
21 place. ***Failure to enclose a photocopy of valid identification shall render the ballot void.***
22 The absentee ballot shall be delivered to the city or town clerk from whom it was received in one of
23 the following ways:
24 3 Effective Date. This act shall take effect 60 days after its passage.

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 struck through~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the 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):

31 I am elderly or infirm or I have a physical disability, and would otherwise vote in person

SB 54 - AS AMENDED BY THE SENATE

- Page 2 -

1 but I have concerns for my safety traveling in the storm.

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

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

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

7 _____ Presidential Primary to be held on _____

8 (MM/DD/YYYY)

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

10 _____ State Primary to be held on _____

11 (MM/DD/YYYY)

12 _____ General Election

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

15 _____ Republican Party

16 _____ Democratic Party

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

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

20 Please print:

21 Applicant's Name:

22 _____

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

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

26 _____

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

29 _____

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

31 _____

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

33 Applicant's Voting Domicile (home address):

34 _____

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

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

37 _____

SB 54 - AS AMENDED BY THE SENATE

- Page 3 -

1 (Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

2 Applicant's Phone Number : _____

3 Applicant's Email Address : _____

4 Applicant's Signature: _____

5 Date Signed: _____

6 (MM/DD/YYYY)

7 I attest that I assisted the applicant in executing this form because he or she has a disability.

8 Signature _____

9 Print Name _____

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

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

20 2 New Section; Absentee Ballot Application Procedure; Identity Information. Amend RSA 657
21 by inserting after section 6 the following new section:

22 657:6-a Absentee Ballot Application Procedure; Identity Information. Identity information
23 sufficient to satisfy the requirements of RSA 657:4, I shall include a driver's license number and
24 state of issuance, a nondriver's picture identification card number and state of issuance, the last 4
25 digits of a social security number, or any other information or records that the town clerk may verify.
26 The town clerk is authorized to verify driver's license and nondriver's picture identification card
27 information, when provided, with the department of safety, division of motor vehicles or local law
28 enforcement. The statewide centralized voter registration database shall be reviewed and updated
29 based on any information provided with the absentee ballot application.

30 3 Effective Date. This act shall take effect 60 days after its passage.

Amendments

Amendment to SB 54

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

2

3 AN ACT relative to the absentee ballot application form.

4

5 Amend the bill by replacing sections 1-2 with the following:

6

7 1 Absentee Ballot Application Form. Amend RSA 657:4, I to read as follows:

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

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

15 I hereby declare that (check one):

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

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

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

21 I plan to be absent on the day of the election from the city, town, or unincorporated place
22 where I am domiciled:

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

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

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

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

Amendment to SB 54

- Page 2 -

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

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

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

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

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

12 Presidential Primary to be held on _____
13 (MM/DD/YYYY)

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

15 State Primary to be held on _____
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18 For primary elections, I am a member of or I am now declaring my affiliation with the (check
19 one):

20 Republican Party

21 Democratic Party

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

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

25 Please print:

26 Applicant's Name:

27 _____
28 (Last) (First) (Middle) (Sr., Jr., II., III)

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

31 _____
32 **(Driver's License or Nondriver's Picture Identification Card Number and State of**
33 **Issuance)**

34 _____
35 **(Last 4 digits of applicant's social security number)**

36 _____
37 **(Other - contact town clerk)**

Amendment to SB 54

- Page 3 -

1 Applicant's Voting Domicile (home address):

2 _____
3 (Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

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

5 _____
6 (Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

7 Applicant's Phone Number : _____

8 Applicant's Email Address : _____

9 Applicant's Signature: _____

10 Date Signed: _____

11 (MM/DD/YYYY)

12 I attest that I assisted the applicant in executing this form because he or she has a disability.

13 Signature _____

14 Print Name _____

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33 enforcement. The statewide centralized voter registration database shall be reviewed and updated
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2021-0216s

AMENDED ANALYSIS

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

UNAPPROVED

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Amendment to SB 54

- Page 2 -

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30 clerk for assistance):**

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33 Issuance)**

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37 **(Other - contact town clerk)**

Amendment to SB 54

- Page 3 -

1 Applicant's Voting Domicile (home address):

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3 (Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

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

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6 (Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

7 Applicant's Phone Number : _____

8 Applicant's Email Address : _____

9 Applicant's Signature: _____

10 Date Signed: _____

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30 ~~digits of a social security number, or any other information or records that the town clerk may verify.~~

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33 enforcement. The statewide centralized voter registration database shall be reviewed and updated
34 based on any information provided with the absentee ballot application.

**Amendment to SB 54
- Page 4 -**

2021-0422s

AMENDED ANALYSIS

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

Committee Minutes

SENATE CALENDAR NOTICE

Election Law and Municipal Affairs

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

Date: January 20, 2021

HEARINGS

Monday	01/25/2021	
(Day)	(Date)	
Election Law and Municipal Affairs	REMOTE	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	SB 79-FN	relative to the authority of the moderator to verify the device count.
9:15 a.m.	SB 54	relative to the procedure used to complete and submit applications for absentee ballots and absentee ballots.
9:45 a.m.	SB 47	modifying the absentee voter registration process, absentee ballot application, and absentee ballot voting process.

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/92828968381>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: US: 16465588656, 92828968381# or 13017158592, 92828968381#
4. Webinar ID: [928 2896 8381](https://www.zoom.us/j/92828968381)
5. To view/listen to this hearing on YouTube, use this link: <https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link: <http://gencourt.state.nh.us/remotecommittee/senate.aspx>

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

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 79-FN

Sen. Sherman
Rep. Porter

SB 54

Sen. Giuda
Rep. M. Pearson

SB 47

Sen. Soucy
Sen. Whitley
Sen. Rosenwald

Sen. Perkins Kwoka

Sen. Daniels
Rep. Weyler

Sen. D'Allesandro
Sen. Prentiss
Sen. Sherman

Sen. D'Allesandro

Rep. Pearl

Sen. Watters
Sen. Cavanaugh
Rep. Rogers

Rep. Wuelper

Rep. W. MacDonald

Sen. Perkins Kwoka
Sen. Kahn
Rep. Cote

Tricia Melillo 271-3077

James P. Gray
Chairman

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

SB 54, relative to the procedure used to complete and submit applications for absentee ballots and absentee ballots.

Hearing Date: January 25, 2021

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

Members of the Committee Absent : None

Bill Analysis: This bill requires that a voter includes a photocopy of his or her valid New Hampshire driver's license, nondriver's picture identification card, or other identification with the application for an absentee ballot and inside the outer envelope when returning an absentee ballot.

Sponsors:

Sen. Giuda

Sen. Daniels

Rep. Pearl

Rep. W. MacDonald

Rep. M. Pearson

Rep. Weyler

Who supports the bill: Please see sign in sheet.

Who opposes the bill: Please see sign in sheet.

Summary of testimony presented in support:

Senator Bob Giuda

- This Bill seeks to improve the security of elections and the verification of those who are casting ballots.
- Currently, there is not a process in statute that municipalities can use to verify that an absentee ballot has been submitted by a legitimate NH voter.
- This legislation will require that any means that is used to verify the identity of a voter at the polling place, be photo copied and submitted with the absentee ballot for verification.
- Senator Perkins Kwoka asked if he had considered the burden on the elderly voters to have to get a copy of their license if they do not have a copier at home.
 - Senator Giuda replied that there is plenty of time allowed, once this is put in statute, to be able to get a copy before the next election. Persons that vote absentee, that are disabled in some way, usually have assistance so he does not think it is an additional burden. The confidence in the election process that this will bring to voters is worth it.
- Senator Donna Soucy commented that the effective date would impact municipal elections in the fall and asked if that was his intent.

- Senator Giuda replied that it was not, and he would be happy to change the effective date.

Senator Bob Giuda - 2nd testimony in response

- He has heard some excellent suggestions and critiques of the bill.
- He agrees that voters that are mailed a ballot, not to their registered address, should have to provide an ID.
- The intent of the bill is for those who are able to get a copy of their identification so that the election officials can verify the absentee voter.
- He does not believe that it is too onerous for those who know months in advance to get a copy of their ID.
- He would be happy to make amendments going forward.

Summary of testimony presented in opposition:

Representative Timothy Horrigan

- This creates an additional burden on the voters especially elderly, disabled, and poor voters.
- Not everybody has a photo copier available.
- It will be hard to put an additional piece of paper in the envelope with the absentee ballot.
- It also infringes on people's privacy having multiple election officials with access to a copy of the voters ID.
- Some people may not have an ID if their license expired or they do not drive any longer.

Ken Barnes

- Voting is the most fundamental right and sacred duty that we have as Americans.
- He is 72 and has voted in almost every election since coming of age.
- SB 54 will impede his right to vote due to medical conditions he has.
- He needs to vote by absentee ballot and would be prohibited from doing so if he cannot get a copy of his ID.
- Some people can use the copier at their place of employment, but he is retired and cannot.
- This bill would disenfranchise a large number of Seniors just like me.
- If someone is elderly and cannot leave the house it does not matter how much time they have before the election to comply.

Michael Skibbie – Policy Director, Disability Rights Center of NH

- They have concerns about the impact this bill will have on people with disabilities.
- Voters who may have paraplegia or vision impairments that make it impossible to work with paper on their own.
- He thinks it is helpful to compare the experience of voting for people with or without disabilities if this bill passes.
- Consider that a person with disabilities does not drive and therefore does not have an ID or the voter had identification but has lost it. Neither of these voters would be able to vote under this bill.

- On the other hand, a person without disabilities that does not have a copier or scanner or has lost his ID, has multiple ways that they can remedy this problem and cast their vote.
- One of these voters has the option to vote without identification and the other does not.
- Absentee voting by people with disabilities has a fraud problem in NH.
- Treating these two voters differently is a disability related discrimination, which the legislature should not approve.
- It may be prohibited by the Americans with Disabilities Act and the Rehabilitation Act.
- A lawsuit was filed last summer by the National Federation for the Blind, due to the fact that it is impossible for them to vote with an absentee ballot under the current NH procedures.
- There have been some changes to procedure made by the state following the filing of the lawsuit, which they appreciate.
- The case is still pending with the trial expected within a number of months.
- One of the issues is the ability to return a ballot electronically so that they do not need the assistance of someone, therefore violating your privacy as a voter.
- If this bill passes, it will not be possible for them to return their ballot electronically and will make the system less accessible.
- Given the current inability of people with disabilities to vote in the states current system, it makes no sense to add procedures which will make it more inaccessible.
- A voter that has to vote with assistance is not voting on the same terms as someone who can vote in private.

Janice Kelble

- For the last few years before he died, she was the caretaker for her husband who had Parkinson's Disease.
- Most people do not have copiers in their homes and in some towns it is hard to find a public copier.
- It is very tough for someone who cannot drive to have to depend on someone to get a copy of your identification.
- It is not true that everyone with disabilities has assistance.
- Her husband was frustrated when he could not go to the polls.
- Putting more blocks in the way of voting would create more unnecessary frustration, and hardship.
- This burden will take away the voice of some of the most vulnerable citizens in NH.
- There are options now for people without an ID to vote at the polls and to deny that for the most vulnerable voting absentee is not right.

Daniel Healey – Town Clerk, Derry

- This would disenfranchise the elderly residents that cannot get to a copier.
- Many residents of the nursing homes do not have an ID and those that do cannot easily get a copy of it.
- They had many calls from residents in assisted living facilities and nursing homes on how to vote absentee. If there is an additional step to the process it will hinder many of them from voting.
- If this is put into law, there needs to be a procedure of what to do with the copy of the ID after the ballot is verified.

- A suggestion from Tina Guilford was, that if someone is requesting an absentee ballot and they are not getting it mailed to their registered address, that is when you should ask for an ID.

Tina Guilford – Moderator, Derry

- They had 6500 absentee voters in November and a huge number of those were mailed.
- If they are mailing it to a different address than what is on the checklist, in that case, she understands asking for an ID.
- All the voters that came in person to vote absentee, wanted to show their ID and that is a good idea.
- It would be suppressing the vote, to require those that cannot come in, to provide a copy of their ID.
- This will confuse absentee voters even more, and the returned ballots will not be correct.

TJM

Date Hearing Report completed: January 27, 2021

Speakers

Election Law and Municipal Affairs Committee 2021-01-25

Support: 5 Oppose: 63 Neutral: 0 Total to Testify: 5

Name	Title	Representing	Position
Bagshaw, Joseph	A Member of the Public	Myself	Oppose
Barnes, Ken	A Member of the Public	Myself	Oppose
		Open Democracy	
Beihl, Brian	A Lobbyist	Action	Oppose
Brennan, Nancy	A Member of the Public	Myself	Oppose
Bushueff, Catherine	A Member of the Public	Myself	Oppose
		Granite State	
Chadwick, Ray	A Member of the Public	Taxpayers	Support
Clafin, Kyri	A Member of the Public	Myself	Oppose
Clark, Martha	A Member of the Public	Myself	Oppose
Coon, Kate	A Member of the Public	Myself	Oppose
Corell, Elizabeth	A Member of the Public	Myself	Oppose
Corkery, Catherine	A Lobbyist	NH Sierra Club	Oppose
Cornell, Patricia	An Elected Official	Myself	Oppose
Cotton, Bev	A Member of the Public	Myself	Oppose
Damon, Claudia	A Member of the Public	Myself	Oppose
Daniels, Senator Gary	An Elected Official	SD 11	Support
Doody, Jodi	A Member of the Public	Myself	Oppose
Fay, Jean	A Member of the Public	Myself	Oppose
Feder, Marsha	A Member of the Public	Myself	Oppose
Fordey, Nicole	A Member of the Public	Myself	Oppose
GARFIELD, LYNN	A Member of the Public	Myself	Oppose
Garland, Ann	A Member of the Public	Myself	Oppose
Gilmore, Elizabeth	A Member of the Public	Myself	Oppose
		NH Senate District 2 -	
Giuda, Bob	An Elected Official	PRIME	Support
Hatch, Sally	A Member of the Public	Myself	Oppose
Hatcher, Phil	A Member of the Public	Myself	Oppose
Henry, Sarah	A Member of the Public	Myself	Oppose
Hinebauch, Mel	A Member of the Public	Myself	Oppose
Horrigan, Timothy	An Elected Official	Myself	Oppose
Hruska, Jeanne	A Lobbyist	ACLU-NH	Oppose
Istel, Claudia	A Member of the Public	Myself	Oppose
Kelble, Janice	A Member of the Public	Myself	Oppose
Kinney, Gail	A Member of the Public	Myself	Oppose
Kornhauser, Naomi	A Member of the Public	Myself	Oppose

Election Law and Municipal Affairs Committee 2021-01-25

Support: 5 Oppose: 63 Neutral: 0 Total to Testify: 5

Name	Title	Representing	Position
Lane, Connie	An Elected Official	Myself	Oppose
Mattlage, Linda	A Member of the Public	Myself	Oppose
McNamee, Brigid	A Member of the Public	Myself	Oppose
Mink Covello, Lucy	A Member of the Public	Myself	Oppose
Murray, Megan	An Elected Official	Hillsborough District 22	Oppose
Nutting-Wong, Allison	An Elected Official	Myself	Oppose
Oppel, Thomas	A Member of the Public	Myself	Oppose
Perencevich, Ruth	A Member of the Public	Myself	Oppose
Perry, Bob	A Member of the Public	Myself	Oppose
Pidgeon, Dawna	A Member of the Public	Myself	Oppose
Pinto, Josie	A Lobbyist	New Hampshire Youth Movement	Oppose
Platt, Elizabeth-Anne	A Member of the Public	Myself	Oppose
Rardin, Brynne	A Member of the Public	Myself	Oppose
Rardin, Jared	A Member of the Public	Myself	Oppose
Rardin, Laurie	A Member of the Public	Myself	Oppose
Rardin, Marta	A Member of the Public	Myself	Oppose
Sayess, Polina	A Member of the Public	Myself	Oppose
Schaffer, Janet	A Member of the Public	Myself	Support
Schmidt, Jan	An Elected Official	Myself	Oppose
Schuett, Rep. Dianne	An Elected Official	Merrimack County, Dist. 20	Oppose
See, Alvin	A Member of the Public	Myself	Support
Skibbie, Michael	A Lobbyist	Disability Rights Center -- NH	Oppose
Spencer, Louise	A Member of the Public	Myself	Oppose
Spencer, Robert	A Member of the Public	Myself	Oppose
Spielman, Jim	A Member of the Public	Myself	Oppose
Spielman, Kathy	A Member of the Public	Myself	Oppose
Tentarelli, Liz	A Member of the Public	Myself	Oppose
Torpey, Jeanne	A Member of the Public	Myself	Oppose
Tuthill, John	A Member of the Public	Myself	Oppose
Washburn, Kathleen	A Member of the Public	Myself	Oppose
Waterman, Raymond	A Member of the Public	Myself	Oppose
Weinberg, Sara	A Member of the Public	Myself	Oppose
Wilke, Mary	A Member of the Public	Myself	Oppose
Willing, Maura	A Member of the Public	Myself	Oppose
Zink, Olivia	A Lobbyist	Open Democracy Action	Oppose

Testimony

January 25, 2021

SB 54:

To the Senate Election Law Committee:

I am a NH citizen in my seventies who is fortunate enough to have access to the technology necessary to comply with the new requirements which the misguided authors of SB 54 would require. However, many qualified NH voters are not so fortunate. Many voters do not possess the technology such as a computer, a scanner, a cellphone, etc., nor the technical expertise to fulfill the requirements of this bill. It represents, in essence, a kind of 2021 version of the poll tax, a way to disenfranchise otherwise qualified citizens and deprive them of their right to vote. Any NH citizen with commonsense can see that SB 54 is simply a voter suppression bill.

I STRONGLY OPPOSE SB 54.

Janet Ward
82 Watchtower Road
Contoocook, NH 03229

Tricia Melillo

From: Jeanne Hruska <jeanne@aclu-nh.org>
Sent: Sunday, January 24, 2021 11:06 AM
To: Tricia Melillo
Subject: ACLU-NH statement on SB54

Dear Senators,

I submit this statement on behalf of the American Civil Liberties Union of New Hampshire (ACLU)—a non-partisan, non-profit organization working to protect civil liberties throughout New Hampshire for over fifty years. I signed in against SB54 and appreciate the opportunity to share this explanation.



The ACLU-NH strongly opposes SB54, which would require voters to submit hard copies of their photo-ID in order to request an absentee ballot. The reality, particularly during a pandemic when fewer people are going to an office, is most people do not have ready access to a photocopier. To comply with this bill, most voters would have to search out a business with photocopier services. This burden is disproportionately felt by people with disabilities. The ACLU-NH agrees with the Disability Rights Center that this bill risks violating the Americans with Disabilities Act (ADA) and could subject the state to expensive litigation. Rather than send the state to court, the ACLU-NH urges this Committee to vote *inexpedient to legislate* on SB54.

This bill's effort to change our voting laws sends the message that there is something wrong with our elections. This runs directly contrary to the assessment of our Governor and Secretary of State, both of whom have celebrated how well NH's elections were run last year. Governor Sununu, during his inaugural speech, said, "New Hampshire's elections went off exactly as we needed them to. With integrity and accountability." This assessment undermines any alleged need for this legislation.

The ACLU-NH respectfully urges the members of the Senate Election Law and Municipal Affairs Committee to vote *inexpedient to legislate* on SB54.

Sincerely,
Jeanne

Jeanne Hruska
Pronouns: she, hers

Political Director
American Civil Liberties Union of New Hampshire
18 Low Avenue, Concord, NH 03301
(c) 307-272-8727 | jeanne@aclu-nh.org
aclu-nh.org  

ACLU
NH

This message may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately advise the sender by reply email that this message has been inadvertently transmitted to you and delete this email from your system.

Tricia Melillo

From: Steve & Sue <russellpottery@gmail.com>
Sent: Sunday, January 24, 2021 7:09 PM
To: James Gray; Tricia Melillo
Subject: SB 54 - OPPOSITION

Please forward my opposition to SB54 and these comments.

It appears that SB54 is asking each voter to produce a copy of a valid form of identification for BOTH the *absentee ballot application* and with the *returned absentee ballot*.

The committee should look at how these requirements make it more difficult for a voter who wishes to exercise their right to vote absentee *than* a voter who wishes to vote "in-person." Voters wishing to vote absentee have additional burdens and may be denied their right to vote.

*From SOS website; "To register, you will need to provide proof of your identity, age, citizenship, and domicile. Proof can be either by documents **or if you do not have documents with you, by affidavit.** Documents may be presented in paper or electronic form."*

When a voter registers to vote they have already proven their identification. And by law if they are unable to produce proof of the identity, they can attest to and sign an affidavit. *These voters will be denied their right to vote absentee.*

The Committee should take into account that if a voter exercises their right to vote "in-person" they can vote without proof of identification. There is a procedure and that person will need to either be identified by the town clerk, the moderator or one of the supervisors of the checklist. If the person is so identified, they may proceed to vote. If the person is not identified and does not want to or can not produce a valid proof of identification, then the law calls for certain procedures to be followed. Under existing law you have a right to vote without proof of identification.

It also appears that SB54 includes those requesting an absentee application through the federal official post card form. The FPCA is a federal form and the state has no jurisdiction to alter or change the requirements to vote.

"This form is for absent Uniformed Service members, their families, and citizens residing outside the United States. It is used to register to vote, request an absentee ballot, and update your contact information."

Again this law would place additional burdens on voters who choose to vote absentee which creates inequity.

Sincerely,
Sue Russell, Supervisor of the Checklist
Newbury

Tricia Melillo

From: Ray Chadwick <rfchadwick@juno.com>
Sent: Monday, January 25, 2021 10:53 AM
To: Tricia Melillo
Subject: Senate Bill 54

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

Voting Sheets

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

Bill # SB 54

Hearing date: 1-25-2021

Executive Session date: 2/8/21

Motion of: OTP Vote: _____

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

Motion of: Amendment 0216s ^{Requested -} Vote: 3-2

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

Motion of: OTP/A 0422s Vote: 3-2

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

Reported out by: Sen. Gray.

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Wednesday, February 17, 2021

THE COMMITTEE ON Election Law and Municipal Affairs

to which was referred **SB 54**

AN ACT

relative to the procedure used to complete and submit applications for absentee ballots and absentee ballots.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 3-2

AMENDMENT # 0422s

Senator James Gray
For the Committee

Tricia Melillo 271-3077

Docket of SB54**Bill Title:** (New Title) relative to the absentee ballot application form.*Official Docket of SB54.:*

Date	Body	Description
1/19/2021	S	Introduced 01/06/2021 and Referred to Election Law and Municipal Affairs; SJ 3
1/21/2021	S	Remote Hearing: 01/25/2021, 09:15 am; Links to join the hearing can be found in the Senate Calendar; SC 8
2/18/2021	S	Committee Report: Ought to Pass with Amendment #2021-0422s, 03/04/2021; SC 12
3/4/2021	S	Committee Amendment #2021-0422s, RC 14Y-10N, AA; 03/04/2021; SJ 6
3/4/2021	S	Ought to Pass with Amendment 2021-0422s, RC 14Y-10N, MA; OT3rdg; 03/04/2021; SJ 6
3/10/2021	H	Introduced (in recess of) 02/25/2021 and referred to Election Law HJ 4 P. 48
3/25/2021	H	Public Hearing: 03/31/2021 11:15 am Members of the public may attend using the following link: To join the webinar: https://zoom.us/j/95912119642 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
4/29/2021	H	Full Committee Work Session: 05/05/2021 10:00 am Members of the public may attend using the following link: To join the webinar: https://zoom.us/j/98783397971 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
5/12/2021	H	Executive Session: 05/19/2021 10:00 am Members of the public may attend using the following link: To join the webinar: https://zoom.us/j/99392215410
5/20/2021	H	Retained in Committee
11/12/2021	H	Executive Session: 11/12/2021 10:00 a.m. LOB306-308
11/16/2021	H	Committee Report: Refer for Interim Study SB54 11/15/2021 (Vote 20-0; CC) HC 48 P. 9
1/10/2022	H	Refer for Interim Study: MA VV 01/05/2022 HJ 1

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 54

Senate Committee: ELMA

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

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

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

- amendment # 02165 - amendment # 04225

___ - amendment # _____ ___ - amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

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

___ - amendment # _____ ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

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

___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

___ Enrolled Bill Amendment(s)

___ Governor's Veto Message

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

as amended by the senate ___ as amended by the house

___ final version

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

Committee Aide

8/4/21
Date

Senate Clerk's Office [Signature]