

LEGISLATIVE COMMITTEE MINUTES

SB220

Bill as
Introduced

SB 220-FN - AS INTRODUCED

2023 SESSION

23-0876
08/10

SENATE BILL **220-FN**

AN ACT modifying the absentee voter registration process, absentee ballot application, and absentee ballot voting process.

SPONSORS: Sen. Soucy, Dist 18; Sen. D'Allesandro, Dist 20; Sen. Perkins Kwoka, Dist 21; Sen. Watters, Dist 4; Sen. Prentiss, Dist 5; Sen. Whitley, Dist 15; Sen. Rosenwald, Dist 13; Sen. Chandley, Dist 11; Sen. Fenton, Dist 10; Sen. Altschiller, Dist 24; Rep. Simpson, Rock. 33; Rep. Muirhead, Graf. 12; Rep. Wilhelm, Hills. 40

COMMITTEE: Election Law and Municipal Affairs

ANALYSIS

This bill allows for no-excuse absentee registration and voting, and partial processing of absentee ballots prior to election day.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 220-FN - AS INTRODUCED

- Page 2 -

1 resident of that facility that was provided to me at my request pursuant to the administrator's duty
2 to provide such a letter upon my request;
3 5) That I acknowledge that if I do not provide a copy of proof of identity and domicile as required by
4 section 4) above, this application may not be approved; and
5 6) That I hereby make application for the addition of my name to the checklist of said town to be
6 used at said election.

7

8 Signature of Applicant

9

10 Date

11

12 In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false
13 information when registering to vote or voting is a class A misdemeanor with a maximum sentence
14 of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to
15 vote or voting is subject to a civil penalty not to exceed \$5,000.

16

17 [Affidavit (Physical Disability)]

18 I, _____ do hereby swear or affirm, under the penalties for voting fraud set forth
19 below, the following:

20 1) That my legal domicile is in the town of _____, New Hampshire, I will be of the age of
21 18 years or over on election day, and am entitled to vote in the election to be held in said town on
22 _____, ___ (date), except for the fact that my name does not appear on the checklist to be
23 used in said town at such election;

24 2) That I am unable by reason of physical disability personally to appear before the supervisors of
25 the checklist of said town in their regular sessions for the correction of the checklist for said election;

26 3) That I hereby enclose one of the following as proof of identity and domicile:

27 (a) A copy of a current and valid New Hampshire driver's license or an armed services identification
28 or other photo identification issued by the United States government that shows my name and
29 address; or

30 (b) A copy of a current and valid photo identification and a copy of a current utility bill, bank
31 statement, government check, paycheck, other government document that shows my name and
32 address, or a letter from the administrator of a nursing home or similar facility affirming that I am a
33 resident of that facility that was provided to me at my request pursuant to the administrator's duty
34 to provide such a letter upon my request;

35 4) That I acknowledge that if I do not provide a copy of proof of identity and domicile as required by
36 section 3) above, this application may not be approved; and

SB 220-FN - AS INTRODUCED

- Page 3 -

1 ~~5) That I hereby make application for the addition of my name to the checklist of said town to be~~
2 ~~used at said election.~~

3
4 **Signature of Applicant**

5
6 **Date**

7
8 ~~In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false~~
9 ~~information when registering to vote or voting is a class A misdemeanor with a maximum sentence~~
10 ~~of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to~~
11 ~~vote or voting is subject to a civil penalty not to exceed \$5,000.~~

12 ~~II. There shall be printed below each of the foregoing affidavits the following affirmation:~~

13 **Affirmation**

14
15 I, _____, the undersigned witness, do hereby swear or affirm, under the penalties for voting
16 fraud set forth below, that on the _____ day of _____, ____ (date), the above named,
17 _____, having satisfied me as to his or her identity, signed the foregoing affidavit in my
18 presence, and did before me swear to (or affirm) the truth of the statements therein contained.

19
20 **Signature of Witness**

21
22 ~~In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false~~
23 ~~information when registering to vote or voting is a class A misdemeanor with a maximum sentence~~
24 ~~of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to~~
25 ~~vote or voting is subject to a civil penalty not to exceed \$5,000.]~~

26 2 Absentee Voting Based on Official Absence, Religious Observance, and Disability, Illness, or
27 Other Medical Condition. Amend RSA 656:33 to read as follows:

28 656:33 Official Absence[, Religious Observance, and Disability Absentee Ballots]. Prior to any
29 state election, the secretary of state shall prepare, in such quantity as the secretary of state may
30 deem necessary, [-absence, religious observance, and disability] absentee ballots in the same form as
31 nearly as practicable as the official ballot to be used at said election. Said absentee ballots shall
32 have the words "absentee ballot" printed on them and shall be similarly endorsed and printed on
33 paper of the same color as that used for official ballots.

34 3 Absentee Voting. Amend the section heading of RSA 657:1 and RSA 657:1, I to read as
35 follows:

36 657:1 [~~Absence, Religious Observance, and Disability~~] Absentee Voting.

SB 220-FN - AS INTRODUCED

- Page 4 -

1 I. Any person who will be absent on the day of any state election from the city, town, or
2 unincorporated place in which he or she is registered to vote or who cannot appear in public on any
3 election day [~~because of his or her observance of a religious commitment~~] or who is unable to vote
4 there in person [~~by reason of physical disability~~] may vote at such elections as provided in this
5 chapter. [~~A person who is unable to appear at any time during polling hours at his or her polling
6 place because of an employment obligation shall be considered absent for purposes of this chapter.
7 For the purposes of this section, the term "employment" shall include the care of children and infirm
8 adults, with or without compensation.~~]

9 4 Absentee Voting; Forms. Amend RSA 657:4, I to read as follows:

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

15 Absence (Excluding Absence Due to Residence Outside the United States), ~~Religious Observance,~~
16 ~~and Disability~~];

17 I hereby declare that (check one):

18 (MM/DD/YYYY)

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

20 _____ State Primary to be held on _____

21 (MM/DD/YYYY)

22 _____ General Election

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

24 _____ Republican Party

25 _____ Democratic Party

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

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

29 Please print:

30 Applicant's Name:

31 _____

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

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 220-FN - AS INTRODUCED

- Page 5 -

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 _____ Print Name _____

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

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

19 5 Absentee Ballots. Amend the introductory paragraph of RSA 657:7 and RSA 657:7, I and II to
20 read as follows:

21 657:7 Absence~~[-Religious Observance, and Disability]~~. Prior to any state election, the secretary
22 of state shall prepare the following forms in such quantity as he *or she* deems necessary:

23 I. ~~[Absence, religious observance, and disability]~~ Absentee ballots as provided in RSA
24 656:33.

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

27 YOUR COMPLETED ABSENTEE BALLOT MUST BE SEALED IN THIS ENVELOPE

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

29 I am a voter in the city or town of _____, New Hampshire.

30 I will be absent *or unable to vote in person* on election day. ~~[Absence includes:~~

31 ~~a) I will be out of town on election day.~~

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

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

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

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

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

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

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

8 Voter Signature _____

9 **Voter Address** _____

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

12 I attest that I assisted (print voter name) _____ because the voter is a person with a
13 disability. I marked the ballot and/or this form as instructed by the voter.

14 In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false
15 information when registering to vote or voting is a class A misdemeanor with a maximum sentence
16 of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to
17 vote or voting is subject to a civil penalty not to exceed \$5,000.

18 6 Subdivision Heading Amended. Amend the subdivision heading preceding RSA 657:12 to read
19 as follows:

20 Procedure for Absence~~[, Religious Observance, and Disability]~~ and Overseas Voting

21 7 Town Elections; Absentee Voting. Amend RSA 669:26 to read as follows:

22 669:26 Absentee Voting.

23 [~~L~~] Every town which has adopted an official ballot system for town elections as provided in
24 RSA 669:12 or 669:13 shall provide for absentee voting. Any eligible voter who is absent from such a
25 town on the day of a town election, or who cannot appear in public on election day ~~[because of his or~~
26 ~~her observance of a religious commitment, or who, by reason of physical disability is unable to vote~~
27 ~~in person]~~ may vote at a town election in accordance with the provisions of this section and RSA
28 669:27-669:29. ~~[A person who is unable to appear at any time during polling hours at his or her~~
29 ~~polling place because of an employment obligation shall be considered absent for purposes of this~~
30 ~~section and RSA 669:27-669:29. For the purposes of this section, the term "employment" shall~~
31 ~~include the care of children and infirm adults, with or without compensation.]~~

32 ~~II. When the National Weather Service has issued a winter storm warning, blizzard~~
33 ~~warning, or ice storm warning for election day applicable to the town:~~

34 ~~(a) A person who is elderly or infirm or who has a physical disability, who otherwise~~
35 ~~would have voted in person but has concerns for his or her safety traveling in the storm, shall be~~
36 ~~considered absent for purposes of this section and RSA 669:27-669:29 and may vote absentee on the~~
37 ~~Monday immediately prior to the election.~~

SB 220-FN - AS INTRODUCED

- Page 7 -

1 ~~(b) A person who cares for children or infirm adults who reasonably anticipates that~~
2 ~~school, child care, or adult care will be canceled, who otherwise would have voted in person but will~~
3 ~~be deterred from voting by the need to care for children or infirm adults, shall be considered absent~~
4 ~~for purposes of this section and RSA 669:27-669:29 and may vote absentee on the Monday~~
5 ~~immediately prior to the election.~~

6 ~~(c) As required by RSA 652:20, the clerk's office shall be open to receive applications for~~
7 ~~absentee ballots, to provide voters the opportunity to complete absentee ballots, and to receive~~
8 ~~returned ballots on the Monday immediately prior to an election at a minimum from 3:00 p.m. to~~
9 ~~5:00 p.m. The clerk may designate a deputy clerk or assistant to provide this service, provided the~~
10 ~~individual has taken the oath of office and has been trained in the requirements for using an~~
11 ~~absentee ballot and the procedures for issuing and receiving absentee ballots.]~~

12 8 Effective Date. This act shall take effect 60 days after its passage.

LBA
23-0876
1/17/23

**SB 220-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT modifying the absentee voter registration process, absentee ballot application, and absentee ballot voting process.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Unknown	Unknown	Unknown
Funding Source:	<input type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

LOCAL:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

The Legislative Budget Assistant is still awaiting information from the Department of State in response to this bill. The Department of State was contacted on 1/13/23 for a fiscal note worksheet.

METHODOLOGY:

This bill allows for no-excuse absentee registration and voting, and partial processing of absentee ballots prior to election day.

The New Hampshire Municipal Association states this bill will require additional training of election officials, increasing costs in the form of wages and compensation to officials resulting in an increase in local expenditures starting in FY 2024 and forward.

It is assumed any fiscal impact would occur after FY 2023.

AGENCIES CONTACTED:

Department of State and New Hampshire Municipal Association

Amendments

Amendment to SB 220-FN

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 Absentee Voter Registration; Applicability. Amend RSA 654:16 and 654:17 to read as follows:

4 654:16 Applicability. Any person who has his *or her* domicile in any town or city in this state
5 and is qualified to vote therein at the next subsequent election to be held in said town or city except
6 for the fact that his *or her* name does not appear on the checklist to be used at the election, and who
7 is temporarily absent therefrom [~~or who by reason of physical disability is unable to attend a~~
8 ~~meeting of the supervisors of the checklist,~~] may cause his *or her* name to be added to such checklist
9 by applying to the city or town clerk or the secretary of state for a voter registration form provided
10 for in RSA 654:7 and an appropriate absentee registration affidavit provided for in RSA 654:17.

11 654:17 Absentee Registration Affidavit.

12 I. The absentee registration affidavit shall be prepared by the secretary of state and shall be
13 in substantially the following form:

14 Affidavit (Absence from town)

15 I, _____ do hereby swear or affirm, under the penalties for voting fraud set forth below,
16 the following:

17 1) That my legal domicile is in the town of _____, New Hampshire, I will be of the age of
18 18 years or over on election day and am entitled to vote in the election to be held in said town on
19 _____, _____ (date), except for the fact that my name does not appear on the checklist
20 to be used in said town at such election;

21 2) That I do not intend to be present within said town at such time prior to said election as shall
22 enable me personally to appear before the supervisors of the checklist of said town in their regular
23 sessions for the correction of the checklist for said election;

24 3) That I am temporarily residing in _____ (city and state or city, province, and country);

25 4) That I hereby enclose one of the following as proof of identity and domicile:

26 (a) A copy of a current and valid New Hampshire driver's license or an armed services identification
27 or other photo identification issued by the United States government that shows my name and
28 address; or

29 (b) A copy of a current and valid photo identification and a copy of a current utility bill, bank
30 statement, government check, paycheck, other government document that shows my name and
31 address, or a letter from the administrator of a nursing home or similar facility affirming that I am a

Amendment to SB 220-FN

- Page 2 -

1 resident of that facility that was provided to me at my request pursuant to the administrator's duty
2 to provide such a letter upon my request;

3- 5) That I acknowledge that if I do not provide a copy of proof of identity and domicile as required by
4 section 4) above, this application may not be approved; and

5 6) That I hereby make application for the addition of my name to the checklist of said town to be
6 used at said election.

7

8 Signature of Applicant

9

10 Date

11

12 In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false
13 information when registering to vote or voting is a class A misdemeanor with a maximum sentence
14 of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to
15 vote or voting is subject to a civil penalty not to exceed \$5,000.

16

17 Affidavit (Physical Disability, *Illness, or Other Medical Condition*)

18 I, _____ do hereby swear or affirm, under the penalties for voting fraud set forth
19 below, the following:

20 1) That my legal domicile is in the town of _____, New Hampshire, I will be of the age of
21 18 years or over on election day, and am entitled to vote in the election to be held in said town on
22 _____, ___ (date), except for the fact that my name does not appear on the checklist to be
23 used in said town at such election;

24 2) That I am unable by reason of physical disability, *illness, or other medical condition*
25 personally to appear before the supervisors of the checklist of said town in their regular sessions for
26 the correction of the checklist for said election;

27 3) That I hereby enclose one of the following as proof of identity and domicile:

28 (a) A copy of a current and valid New Hampshire driver's license or an armed services identification
29 or other photo identification issued by the United States government that shows my name and
30 address; or

31 (b) A copy of a current and valid photo identification and a copy of a current utility bill, bank
32 statement, government check, paycheck, other government document that shows my name and
33 address, or a letter from the administrator of a nursing home or similar facility affirming that I am a
34 resident of that facility that was provided to me at my request pursuant to the administrator's duty
35 to provide such a letter upon my request;

36 4) That I acknowledge that if I do not provide a copy of proof of identity and domicile as required by
37 section 3) above, this application may not be approved; and

Amendment to SB 220-FN
- Page 3 -

1 5) That I hereby make application for the addition of my name to the checklist of said town to be
2 used at said election.

3

4 Signature of Applicant

5

6 Date

7

8 In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false
9 information when registering to vote or voting is a class A misdemeanor with a maximum sentence
10 of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to
11 vote or voting is subject to a civil penalty not to exceed \$5,000.

12 II. There shall be printed below each of the foregoing affidavits the following affirmation:

13 Affirmation

14

15 I, _____, the undersigned witness, do hereby swear or affirm, under the penalties for voting
16 fraud set forth below, that on the _____ day of _____, ____ (date), the above named,
17 _____, having satisfied me as to his or her identity, signed the foregoing affidavit in my
18 presence, and did before me swear to (or affirm) the truth of the statements therein contained.

19

20 Signature of Witness

21

22 In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false
23 information when registering to vote or voting is a class A misdemeanor with a maximum sentence
24 of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to
25 vote or voting is subject to a civil penalty not to exceed \$5,000.

26 2 Absentee Voting Based on Official Absence, Religious Observance, and Disability, Illness, or
27 Other Medical Condition. Amend RSA 656:33 to read as follows:

28 656:33 Official Absence, Religious Observance, and Disability, ***Illness, or Other Medical***
29 ***Condition*** Absentee Ballots. Prior to any state election, the secretary of state shall prepare, in such
30 quantity as the secretary of state may deem necessary, absence, religious observance, and disability,
31 ***illness, or other medical condition*** absentee ballots in the same form as nearly as practicable as
32 the official ballot to be used at said election. Said absentee ballots shall have the words "absentee
33 ballot" printed on them and shall be similarly endorsed and printed on paper of the same color as
34 that used for official ballots.

35 3 Absentee Voting. Amend the section heading of RSA 657:1 and RSA 657:1, I to read as
36 follows:

Amendment to SB 220-FN

- Page 4 -

1 657:1 Absence, Religious Observance, and Disability, *Illness, or Other Medical Condition*
2 Absentee Voting.

3 I. Any person who will be absent on the day of any state election from the city, town, or
4 unincorporated place in which he or she is registered to vote or who cannot appear in public on any
5 election day because of his or her observance of a religious commitment or who is unable to vote
6 there in person by reason of physical disability may vote at such elections as provided in this
7 chapter. A person who is unable to appear at any time during polling hours at his or her polling
8 place because of an employment obligation shall be considered absent for purposes of this chapter.
9 For the purposes of this section, the term "employment" shall include the care of children and infirm
10 adults, with or without compensation.

11 4 Absentee Voting; Forms. Amend RSA 657:4, I to read as follows:

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

17 Absence (Excluding Absence Due to Residence Outside the United States), Religious Observance,
18 and Disability, *Illness, or Other Medical Condition*:

19 I hereby declare that (check one):

20 (MM/DD/YYYY)

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

22 State Primary to be held on _____

23 (MM/DD/YYYY)

24 General Election

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

26 Republican Party

27 Democratic Party

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

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

31 Please print:

32 Applicant's Name:

33 _____

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

35 Applicant's Voting Domicile (home address):

36 _____

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

Amendment to SB 220-FN

- Page 5 -

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

2 _____

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

4 Applicant's Phone Number : _____

5 Applicant's Email Address : _____

6 Applicant's Signature: _____

7 Date Signed: _____

8 MM/DD/YYYY)

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

10 Signature _____ Print Name _____

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

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

21 5 Absentee Ballots. Amend the introductory paragraph of RSA 657:7 and RSA 657:7, I and II to
22 read as follows:

23 657:7 Absence, Religious Observance, and Disability, *Illness, or Other Medical Condition*.
24 Prior to any state election, the secretary of state shall prepare the following forms in such quantity
25 as he *or she* deems necessary:

26 I. Absence, religious observance, and disability, *illness, or other medical condition*
27 absentee ballots as provided in RSA 656:33.

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

30 YOUR COMPLETED ABSENTEE BALLOT MUST BE SEALED IN THIS ENVELOPE

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

32 I am a voter in the city or town of _____, New Hampshire.

33 I will be absent *or unable to vote in person* on election day. Absence includes:

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

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

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

Amendment to SB 220-FN

- Page 6 -

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

4 2) I am unable to vote in person due to disability, *illness, or other medical condition*.

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

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

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

11 Voter Signature _____

12 **Printed Name** _____

13 **Voter Address** _____

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

16 I attest that I assisted (print voter name) _____ because the voter is a person with a
17 disability. I marked the ballot and/or this form as instructed by the voter.

18 In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false
19 information when registering to vote or voting is a class A misdemeanor with a maximum sentence
20 of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to
21 vote or voting is subject to a civil penalty not to exceed \$5,000.

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

28 6 Subdivision Heading Amended. Amend the subdivision heading preceding RSA 657:12 to read
29 as follows:

30 Procedure for Absence, Religious Observance, and Disability,

31 **Illness, or Other Medical Condition** and Overseas Voting

32 7 Town Elections; Absentee Voting. Amend RSA 669:26 to read as follows:

33 669:26 Absentee Voting.

34 [L] Every town which has adopted an official ballot system for town elections as provided in
35 RSA 669:12 or 669:13 shall provide for absentee voting. Any eligible voter who is absent from such a
36 town on the day of a town election, or who cannot appear in public on election day because of his or
37 her observance of a religious commitment, or who, by reason of physical disability, **illness, or other**

Amendment to SB 220-FN

- Page 7 -

1 **medical condition** is unable to vote in person may vote at a town election in accordance with the
2 provisions of this section and RSA 669:27-669:29. A person who is unable to appear at any time
3 during polling hours at his or her polling place because of an employment obligation shall be
4 considered absent for purposes of this section and RSA 669:27-669:29. For the purposes of this
5 section, the term "employment" shall include[the care of children and infirm adults, with or without
6 compensation.

7 II. When the National Weather Service has issued a winter storm warning, blizzard
8 warning, or ice storm warning for election day applicable to the town:

9 (a) A person who is elderly or infirm or who has a physical disability, ~~illness, or other~~
10 **medical condition** who otherwise would have voted in person but has concerns for his or her safety
11 traveling in the storm, shall be considered absent for purposes of this section and RSA 669:27-669:29
12 and may vote absentee on the Monday immediately prior to the election.

13 (b) A person who cares for children or infirm adults who reasonably anticipates that
14 school, child care, or adult care will be canceled, who otherwise would have voted in person but will
15 be deterred from voting by the need to care for children or infirm adults, shall be considered absent
16 for purposes of this section and RSA 669:27-669:29 and may vote absentee on the Monday
17 immediately prior to the election.

18 (c) As required by RSA 652:20, the clerk's office shall be open to receive applications for
19 absentee ballots, to provide voters the opportunity to complete absentee ballots, and to receive
20 returned ballots on the Monday immediately prior to an election at a minimum from 3:00 p.m. to
21 5:00 p.m. The clerk may designate a deputy clerk or assistant to provide this service, provided the
22 individual has taken the oath of office and has been trained in the requirements for using an
23 absentee ballot and the procedures for issuing and receiving absentee ballots.

24 ~~8~~ Processing of Absentee Ballots. Amend RSA 659:49 to read as follows:

25 659:49 Processing Absentee Ballots.

26 I. Processing of previously received absentee ballots shall begin at 1:00 p.m. unless a
27 different time, that is no earlier than ~~[2 hours]~~ **one hour** after the opening of the polls[;] is posted
28 and announced in accordance with paragraph II. The processing of the absentee ballots shall not
29 unnecessarily interfere with normal voting procedures, nor shall the polls be closed at any time for
30 the processing of such ballots during normal polling hours. Absentee ballots which are received after
31 the start time for processing absentee ballots and prior to 5:00 p.m. on the day of the election shall
32 be processed as soon after receipt as possible. Under no circumstances shall absentee ballots be
33 counted prior to the closing of the polls.

34 II. Notwithstanding the provisions of paragraph I, ~~[upon the written challenges of 10 or~~
35 ~~more voters who are present at the polls no later than 1:00 p.m., the moderator shall postpone the~~
36 ~~processing of all absentee ballots until after the polls close and prior to the counting of all ballots~~
37 ~~cast in the election.]~~ the moderator, or his or her designee, shall post the time at which the

Amendment to SB 220-FN

- Page 8 -

1 processing of absentee ballots shall begin at the polling place and one other public location at least
2 24 hours before the polls open. In addition, when the polls open the moderator shall announce the
3 time at which the processing of absentee ballots shall begin.

4 9 Opening Absentee Ballot Outer Envelopes. RSA 659:49-b is repealed and reenacted to read as
5 follows:

6 659:49-b Opening Absentee Ballot Outer Envelopes. The moderator or the moderator's designee
7 may authorize the opening of absentee ballot outer envelopes on election day or the Thursday,
8 Friday, or Saturday prior to the time established for processing absentee ballots in RSA 659:49, but
9 after the corrected checklist has been posted provided that the opening of the outer envelopes occurs
10 in public with notice of the time and place. After the outer envelope has been opened, the affidavit
11 on the inner envelope shall be examined, the voter's name shall be announced, an opportunity for a
12 challenge of the ballot shall be given, and a notation may be made on the checklist to help facilitate
13 processing of the ballot on election day. Notwithstanding RSA 659:51, if absentee ballots are
14 partially processed before election day a challenge may not be made after the notation has been
15 made on the checklist. The ballot shall remain secure in the unopened affidavit envelope until final
16 processing on election day.

17 10 New Section; Election Procedure; Processing Absentee Ballots; Partial Processing of Absentee
18 Ballots Prior to an Election. Amend RSA 659 by inserting after section 55-a the following new
19 section:

20 659:55-b Partial Processing of Absentee Ballots Prior to an Election.

21 I. The moderator, or his or her designee, may begin the processing of absentee ballots prior
22 to the opening of the polls provided that the clerk shall post, in an appropriate public place and prior
23 to election day, notice of the time and place of the processing. If the moderator chooses to do so it
24 shall be posted in 2 appropriate public places, one of which shall be the public body's Internet
25 website, if such exists, or shall be printed in a newspaper of general circulation in the city or town at
26 least 48 hours, excluding Sundays and legal holidays, prior to such meeting. A copy of the notice
27 shall be provided to the secretary of state. The partial processing of absentee ballots prior to an
28 election shall occur on the Thursday, Friday, or Saturday prior to the date of the election after the
29 posting of the checklist. The moderator shall be assisted by at least 3 other election officers as
30 defined under RSA 652:14. Members of the general public may observe this process. Under no
31 circumstances shall absentee ballots be counted prior to the opening of the polls.

32 II. Once notice of the processing has been posted, all absentee ballots received by the end of
33 the day preceding the posted time for the meeting shall be partially processed. Only one session for
34 the partial processing of absentee ballots may be scheduled prior to an election.

35 III. Except as otherwise provided, the moderator, or his or her designee, shall adhere to the
36 procedures detailed in RSA 659:49-b, RSA 659:50, RSA 659:51, RSA 659:52, RSA 659:53, RSA
37 659:54, RSA 659:54-a, RSA 666:4, and RSA 666:5.

Amendment to SB 220-FN

- Page 9 -

1 11 Absentee Voting; Procedure by Clerk RSA 657:18 is repealed and reenacted to read as
2 follows:

3 657:18 Procedure by Clerk. Upon receipt of an outer envelope purporting to contain an official
4 absentee voting ballot, the clerk of the city or town shall, subject to RSA 657:16, open the outer
5 envelope and attach thereto the application for an absentee ballot to the affidavit envelope submitted
6 by said voter and record the information pursuant to RSA 657:15. The affidavit envelopes shall be
7 preserved unopened until election day.

8 12 Processing Absentee Ballots. RSA 659:49 is repealed and reenacted to read as follows:

9 659:49 Processing Absentee Ballots.

10 I. Processing of previously received absentee ballots shall begin at 1:00 p.m. unless a
11 different time, that is no earlier than 2 hours after the opening of the polls, is posted and announced
12 in accordance with paragraph II. The processing of the absentee ballots shall not unnecessarily
13 interfere with normal voting procedures, nor shall the polls be closed at any time for the processing
14 of such ballots during normal polling hours. Absentee ballots which are received after the start time
15 for processing absentee ballots and prior to 5:00 p.m. on the day of the election shall be processed as
16 soon after receipt as possible. Under no circumstances shall absentee ballots be counted prior to the
17 closing of the polls.

18 II. Notwithstanding the provisions of paragraph I, upon the written challenges of 10 or more
19 voters who are present at the polls no later than 1:00 p.m., the moderator shall postpone the
20 processing of all absentee ballots until after the polls close and prior to the counting of all ballots
21 cast in the election. The moderator, or his or her designee, shall post the time at which the
22 processing of absentee ballots shall begin at the polling place and one other public location at least
23 24 hours before the polls open. In addition, when the polls open the moderator shall announce the
24 time at which the processing of absentee ballots shall begin.

25 13 Absentee Voting; Refusal to Certify; Procedure. Amend RSA 657:16 to read as follows:

26 657:16 Refusal to Certify; Procedure. If he or she refuses to certify the application, the town or
27 city clerk shall notify the applicant in writing within 7 days to that effect. The town or city clerk
28 shall provide the applicant with an absentee ballot and a notice that the ballot will not be counted
29 unless the applicant submits the documents necessary to complete an absentee registration. The
30 applicant shall be advised in writing what documents, if any, have been received in proper form and
31 which the applicant must submit. ***If the applicant submits such documents via mail, he or she***
32 ***shall do so by enclosing them*** in the outer envelope that contains the absentee ballot envelope.
33 ***An applicant hand delivering such documents need not enclose them in the outer envelope.***
34 The town or city clerk shall mark the absentee ballot application, the absentee ballot affidavit, and
35 the outer envelope, ***if applicable***, with the words "Not Registered." Upon receipt of ~~an~~ ***a mailed***
36 outer envelope marked "Not Registered," the clerk shall open the outer envelope. If the applicant
37 returns the required documents with the absentee ballot by the date set for correcting the checklist

Amendment to SB 220-FN

- Page 10 -

1 under RSA 654:27 and RSA 654:28, the town or city clerk shall forward the registration forms to the
2 supervisors of the checklist and, if the applicant is found to be qualified, the applicant shall be
3 registered and his or her absentee ballot shall be processed in the same manner as the absentee
4 ballot of a previously registered voter. All documents received after the deadline for correcting the
5 checklist under RSA 654:27 and RSA 654:28 shall be processed as election day registrations under
6 RSA 654:7-a. If the ballot is returned without the required documents in proper form, the ballot
7 shall be marked in the manner set forth by law for successfully challenged absentee ballots and
8 preserved in accordance with RSA 33-A:3-a. The clerk shall preserve the application of any
9 applicant who is not registered as a voter until the time set by law for the destruction of the ballots
10 after the election at which time the application shall be destroyed. Any justice of the superior court
11 has jurisdiction in equity upon such notice as he or she may order to require that the name of the
12 person making application for an absentee ballot be placed upon the checklist or registered as a
13 member of any party and be sent an absentee ballot.

14 14 Absentee Voting; Procedure by Voter. Amend RSA 657:17, I to read as follows:

15 I. After marking the ballot, the voter or the person assisting a blind voter or voter with a
16 disability who is unable to mark his or her ballot shall enclose and seal the same in an inner
17 envelope. The voter shall execute the affidavit on the envelope. A person assisting a blind voter or
18 voter with a disability who needs assistance executing the affidavit shall sign a statement on the
19 affidavit envelope acknowledging the assistance. *If the voter or the person assisting the blind voter*
20 *or voter with a disability who needs assistance is mailing the absentee ballot to the town or city*
21 *clerk, the voter or the person assisting the blind voter or voter with a disability* shall enclose
22 and seal the inner envelope with the affidavit in an outer envelope. The voter or the person assisting
23 a blind voter or voter with a disability shall then endorse on the outer envelope the voter's name,
24 address, and voting place. The absentee ballot shall be delivered to the city or town clerk from whom
25 it was received in one of the following ways:

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

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

32 15 Processing Absentee Ballots. Amend the introductory paragraph in RSA 659:50, I to read as
33 follows:

34 I. The moderator shall begin processing absentee ballots by clearly announcing that he or
35 she is about to [~~open the envelopes~~] *process the absentee ballots* which were delivered to him or
36 her. The moderator shall then [~~remove the envelope containing the ballots of each absentee voter~~
37 ~~and~~], for those absentee ballots where the absentee voter has not been verified by the clerk as

Amendment to SB 220-FN
- Page 11 -

- 1 provided in RSA 657:17-a, [shall] compare the signature on the affidavit with the signature on the
- 2 application for the ballot. If:
- 3 16 Effective Date. This act shall take effect 60 days after its passage.

2023-0615s

AMENDED ANALYSIS

This bill modifies the absentee voter registration process, absentee ballot application, and absentee ballot voting process.

Committee Minutes

SENATE CALENDAR NOTICE

Election Law and Municipal Affairs

Sen James Gray, Chair
Sen Keith Murphy, Vice Chair
Sen Daryl Abbas, Member
Sen Donna Soucy, Member
Sen Rebecca Perkins Kwoka, Member

Date: January 25, 2023

HEARINGS

Tuesday

01/31/2023

Election Law and Municipal Affairs Legislative Office Building 103 9:00 a.m.

(Name of Committee)	(Place)	(Time)
9:00 a.m. SB 121	relative to the position of ballot clerk.	
9:15 a.m. SB 156-FN	relative to voter registration and verification of voter identity.	
9:30 a.m. SB 157-FN	relative to election audits.	
9:45 a.m. SB 133-FN	relative to changing the date of the state primary election and creates runoff election for federal primary election.	
10:00 a.m. SB 220-FN	modifying the absentee voter registration process, absentee ballot application, and absentee ballot voting process.	

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 121

Sen. Whitley
Sen. Perkins Kwoka

Sen. Watters
Rep. Hamblet

Sen. Innis

Sen. Prentiss

SB 156-FN

Sen. Gray

Sen. Birdsell

Sen. Murphy

SB 157-FN

Sen. Gray

Sen. Murphy

Sen. Perkins Kwoka

Rep. S. Smith

SB 133-FN

Sen. Birdsell
Rep. Sweeney

Sen. Avard
Rep. Berry

Sen. Bradley

Sen. Pearl

SB 220-FN

Sen. Soucy
Sen. Prentiss
Sen. Fenton
Rep. Wilhelm

Sen. D'Allesandro
Sen. Whitley
Sen. Altschiller

Sen. Perkins Kwoka
Sen. Rosenwald
Rep. Simpson

Sen. Watters
Sen. Chandley
Rep. Muirhead

Tricia Melillo 271-3077

James P. Gray
Chairman

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

SB 220-FN, modifying the absentee voter registration process, absentee ballot application, and absentee ballot voting process.

Hearing Date: January 31, 2023

Members of the Committee Present: Senators Gray, Murphy, Abbas, Soucy and Perkins Kwoka

Members of the Committee Absent : None

Bill Analysis: This bill allows for no-excuse absentee registration and voting, and partial processing of absentee ballots prior to election day.

Sponsors:

Sen. Soucy	Sen. D'Allesandro	Sen. Perkins Kwoka
Sen. Watters	Sen. Prentiss	Sen. Whitley
Sen. Rosenwald	Sen. Chandley	Sen. Fenton
Sen. Altschiller	Rep. Simpson	Rep. Muirhead
Rep. Wilhelm		

Who supports the bill: 272 people signed in support of the bill. The sign in sheet will be provided upon request.

Who opposes the bill: 9 people signed in opposed to the bill. The sign in sheet will be provided upon request.

Summary of testimony presented in support:

Senator Donna Soucy

- There was an omission when the bill was drafted and she will have an amendment to present to the committee that accounts for partial processing of absentee ballots before election day.
- This bill would allow individuals to register and vote by absentee ballot based on their individual circumstances.
- With the amendment it will also allow cities and towns to preprocess the absentee ballots prior to the election.
- In the 2020 election cycle, with bipartisan collaboration, changes were made to ensure that every eligible voter had the opportunity to exercise their right to vote, in a safe and secure manner without compromising the integrity of the process.
- These changes were achieved through HB 1266, which allowed voters to vote by absentee if they had any concerns regarding their health.
- Also allowed with those changes, was the partial processing of absentee ballots to deal with the volume that was expected.
- Despite health concerns, the voter turnout in November of 2020 was record breaking.
- Over 814 thousand ballots were cast which was 85 thousand more than the previous record for high turnout set in 2016.
- Of all the ballots cast, 261,062 were absentee ballots, which was nearly 3 times the previous high.
- It is important for them to work to adapt and modernize New Hampshire's election processes in a careful and precise manner.

- This legislation takes a very moderate step and it was tried and tested successfully in the 2020 election.
- It will codify in statute that a New Hampshire voter can vote absentee without needing a specific excuse.
- She believes it is critical that they make no excuse absentee voting permanent for all voters.
- This allows all eligible voters to participate in the process.
- The right to vote is one of our most precious rights and it needs to be readily accessible.
- Senator Gray stated that the main part of the preprocessing was the opening of the outer envelopes and making sure the affidavit was filled out. He continued and asked if the statute was changed to say that the opening of the outer envelope is not part of the preprocessing does that mitigate some of the language in her amendment.
 - Senator Soucy replied that it depends on passage of the bill. They could have two pieces of the legislation with similar issues regarding opening the outer envelopes and that may alleviate it. She continued that people who vote absentee either do it by mail or go into the clerk's office. Depending on the way people do it most would determine what kind of partial processing is needed for the change in statute.
- Senator Abbas asked how they would distinguish this process from early voting.
 - Senator Soucy replied that her understanding of the states that have early voting is that it is done in person as well by mail. In this state that would be a problem because in order to allow for early voting in person, a financial burden would be placed on municipalities. This bill strictly codifies what was done in 2020.
- Senator Gray asked if it would be fair to say that in the states that have early voting the ballot is completely processed as if they voted on election day and absentee ballots here in NH would go through a separate process.
 - Senator Soucy replied that it varies considerably from state to state. Some states allow for ballots to be received even after election day as long as it is postmarked. She believes that is problematic because winners are not declared right away and it is important for people to know who the winners are as soon as possible. People know that NH declares winners on election night or very early the next morning.

Liz Tentarelli – League of Women Voters

- She supports this bill primarily for the preprocessing portion of it.
- Preprocessing is a logical thing to do and it was done successfully in the 2020 election cycle.
- It eases up the burden on the election officials and ensures that results will be ready in a timely manner.
- After hearing the Secretary Scanlan's concerns she is having reservations about support the language for no excuse absentee voting in the bill.
- In her work she does get people who call and say they want to vote absentee but they don't know if they are allowed.
- One such case was a woman whose husband was getting a complicated medical treatment and she did not want to go out and expose him to germs.
- She was not sure if that met the qualifications for absentee voting.
- As grownups we should be able to decide for ourselves that it is best for us and our family to not go to the polls on election day.
- People should not have to explain why they make that decision.
- Senator Gray asked if she would believe that under the employment section of the statute, that woman would be covered as a caretaker and able to vote absentee.
 - Ms. Tentarelli replied yes and she has explained that to other people.

McKenzie St Germain – America Votes NH

- This supports and expands voter access
- More voters will participate in elections due to this legislation.
- 2020 had the highest state turnout in election history.
- Voters of both parties will take advantage of voting absentee.
- Under this legislation the local election officials will still be handling all of absentee ballot process, keeping it secure.
- They support preprocessing of ballots as it saves time on election day and gives time for voters to make corrections if needed.

Olivia Zink – Open Democracy

- Absentee voting is nonpartisan.
- According to the Institute for Responsive Government, research has shown that neither party gains an advantage when absentee voting is expanded.
- Democracy thrives when voters are encouraged to participate.
- Removing barriers to participation encourages a health democracy.
- No excuse benefits everyone, including seniors who might have trouble getting to the polls, first responders whose schedules can be preempted, etc.
- One of the firefighters in her town was not sure if he would be able to make it to the polls on election day because of his shift in town.
- Representative Rogers stated in 2019 “ 32 states already offer this convenience to their citizens. Several more have limited requirements or are debating removing the requirements entirely.”
- According to NCSL, 35 states and D.C. allow for no excuse absentee voting.
- She is also in favor of preprocessing absentee ballots and believes it helps support election officials and allows voters to correct mistakes on the outside envelope.
- Senator Gray asked what her advice to the firefighter
 - Ms. Zink replied that he told her he was going to try and make it to the polls but they had busy day and he could not.
- Senator Gray stated that he could have voted absentee under the employment condition.

Christina Fitzpatrick – AARP NH

- Voting is the most direct way for people to hold policymakers accountable.
- Restrictions on absentee voting are unnecessary roadblocks for people that want to exercise their right to vote.
- She believes more people will vote if restrictions are lifted.
- The current allowable excuses do not take into account some very real issues that may prevent someone from getting to the polls.
- A person may be depended on others for transportation and worry about not having a ride on election day.
- They may worry about getting sick in a public setting and don't want to choose between voting and getting sick.
- Life is unpredictable and people should be allowed to cast their ballot without an excuse.

Janice Kelby

- She believes strongly that their focus should be on expanding voter choices and convenience.
- This will encourage the widest possible voter participation by eligible New Hampshire residents.
- Voting laws have evolved to meet the needs of a changing society.
- In 1997, Texas passed a state law that allowed the astronauts to vote from space.
- Astronaut Kate Rubens returned to earth in late October 2020 but voted absentee in case touchdown was delayed.

- Here on earth we should be able to vote absentee just in case something keeps us from the polls on election day.
- She planned to be at the hearing today to testify but wondered what would happen if it snowed and she could not make it.
- The exact same thing could happen to a voter on election day.
- There is no good reason not to allow an option for someone who wants to make absolutely sure they can cast their vote.
- She believes they should be able to vote ahead of time.
- It is time to get rid of the requirement to provide an excuse for the ability to vote absentee.
- Currently, 27 states and Washington D.C. offer no excuse absentee voting.
- Additionally, 8 states conduct elections entirely by mail.
- The 2020 election proved that no excuse absentee voting can work and work well.
- There was a 20+ percent increase in absentee ballots cast and a record turnout of NH voters.

Henry Klementowicz – ACLU of NH

- When more people vote absentee it leads to shorter lines at the polls and a better experience for everyone.
- He agreed with the previous speakers that preprocessing will help voters have time to correct any mistakes on the outer envelope.
- He believes about 1 to 2 percent of absentee ballots cast in New Hampshire are not counted.
- One reason is because they are returned late and the second most common reason is because the affidavit envelope is not signed.
- This legislation will allow for those to be corrected and counted.
- In 2020, they did not see an increase of enforcement actions from the Attorney General's office.
- When he checked, they had five open investigations, no enforcement actions, and no cases of wrongful voting.
- Regarding constitutionality, in 1921 the supreme court stated that nothing in the NH Constitution permits absentee voting.
- In 1941 the Constitution was amended to allow for absentee voting in the cases of absence and physical disability.
- The legislature has gone beyond just absence and physical disability as reasons to vote absentee.
- Residents can now vote absentee for child obligations, employment obligations or religious observances.
- Those are not enumerated in the Constitution but have never been challenged.
- He does not believe the Constitution prohibits no excuse absentee voting.
- In Rhode Island they allow voters to choose not to give the reason they need to vote absentee.
- There are categories of people who want to vote absentee but are not covered under existing law.
- Senator Abbas asked if any other states have made a decision on a specific definition of physical disability.
 - Mr. Klementowicz replied that he is not sure but is happy to look into that. Definitions can vary by state.

Linda Bundy

- New Hampshire elections are safe and secure, whether ballots are cast in person or absentee.
- In 2020, absentee voting was expanded and elections proceeded successfully with integrity.
- SB 220 provides an opportunity to learn from that experience and improve our election system.
- No excuse absentee voting makes it easier to vote, regardless of an individual's circumstances.
- Military members and overseas citizens have voted absentee for decades with safe and secure results at home.
- There has been no credible evidence of voter fraud with absentee ballots in New Hampshire or across the United States.

- Partial processing of absentee ballots, prior to election day, was also implemented successfully during the 2020 elections.
- This presents another opportunity to improve our election system.
- It gives voters the chance to cure mistakes made on the outside envelopes, ensuring their votes are counted.

Summary of testimony presented in opposition:

David Scanlan – Secretary of State

- One reason he is opposed to this legislation is that New Hampshire has constitutional provisions that allow absentee voting for the reasons of being absent or for a disability.
- To provide for a no excuse absentee voting opportunity, he believes the constitution would have to change.
- He does not believe that the language of the bill does what the analysis of the bill says.
- He understands that the partial processing was left out and depending on how the amendment is worded that is something they could support.
- He would be happy to work with the committee on that.
- The language of the bill leaves intact the part of the statute that allows for voting by absentee.
- The language states that the voter has to be absent from the community on election day in order to vote by absentee.
- It removes the provisions to vote by absentee for physical disability or religious exemptions.
- Additionally, it does not add any language that states anybody with a disability or anyone else can vote by absentee ballot.
- On page 5, line 30, the choices on the affidavit envelope still imply that there is a condition that exists to vote absentee.
- The same thing is true on page 6, line 25, the conditions still exist for absentee voting.
- He does not see language in the bill that allows for no excuse absentee voting.
- He believes it adds confusion as to who can vote by absentee.

TJM

Date Hearing Report completed: February 3, 2023

Speakers

Senate Remote Testify

Election Law and Municipal Affairs Committee Testify List for Bill SB220 on 202

Support: 263 Oppose: 8

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Smith, Hayden	A Member of the Public	Myself	Support
Geary, Fiona	A Member of the Public	Myself	Support
McDowell, Catherine	A Member of the Public	Myself	Support
Anastasia, Patricia	A Member of the Public	Myself	Support
Cilley Foisy, Michelle	A Member of the Public	Myself	Support
Scarelli, Justin	A Member of the Public	Myself	Support
Couture, Matthew	A Member of the Public	Myself	Support
Cordner, Lisa	A Member of the Public	Myself	Support
Sawyer, Debra	A Member of the Public	Myself	Support
Fox, Dru	An Elected Official	Myself	Support
Maddocks, William	A Member of the Public	Myself	Support
Zajano, Emily	A Member of the Public	Myself	Support
King, Jordan	A Member of the Public	Myself	Support
Hatfield, Linda	A Member of the Public	Myself	Support
QUISUMBING-KING, Cora	A Member of the Public	Myself	Support
Smith, Julie	A Member of the Public	Myself	Oppose
Liebowitz, Susan	A Member of the Public	Myself	Support
Rosenwald, Cindy	An Elected Official	SD 13	Support
McMahon, Carol	A Member of the Public	Myself	Support
Morrison, Candace	A Member of the Public	Myself	Support
Antman, Alyssa	A Member of the Public	Myself	Support
Rystar, Judith	A Member of the Public	Myself	Support
Covert, Susan	A Member of the Public	Myself	Support
Fogarty, Sean	A Member of the Public	Myself	Support
deVries, Willem	A Member of the Public	Myself	Support
Holstein, Susanne	A Member of the Public	Myself	Support
Huberman, Anne	A Member of the Public	Myself	Support
Arlan, Lorraine	A Member of the Public	Myself	Support
Garland, Ann	A Member of the Public	Myself	Support
Field, Bryan	A Member of the Public	Myself	Support
Chase, Kristan	A Member of the Public	Myself	Support
Horan, Teresa	A Member of the Public	Myself	Support
Bradbury-Koster, Ben	A Member of the Public	Myself	Support
Evankow, Abby	An Elected Official	Myself	Support
Nelson, Elizabeth	A Member of the Public	Myself	Support
Allison, Suzanne	A Member of the Public	Myself	Support
Armstrong, Jane	A Member of the Public	Myself	Support
Dawson, Zoe	A Member of the Public	Myself	Support
Brown, Katharine	A Member of the Public	Myself	Support
Meyers, Mary	A Member of the Public	Myself	Support
Erikson, David	A Member of the Public	Myself	Support
Watkins, Dan	A Member of the Public	Myself	Support
Damon, Claudia	A Member of the Public	Myself	Support
Albrewczynski, Diane	A Member of the Public	Myself	Support
Moccia, Lianne	A Member of the Public	Myself	Support
Chamberlin, Marion	A Member of the Public	Myself	Support

Stephanie, S	A Member of the Public	Myself	Support
Leighton, Martha	A Member of the Public	Myself	Support
Morrison, Carol	A Member of the Public	Myself	Support
Merrick, Debra	A Member of the Public	Myself	Support
Ezell, Marilynn	A Member of the Public	Myself	Support
Moore, Susan	A Member of the Public	Myself	Support
Bagshaw, Joseph	A Member of the Public	Myself	Support
Learner, Marilyn	A Member of the Public	Myself	Support
Naylor, Claire	A Member of the Public	Myself	Support
Secord, William	A Member of the Public	Myself	Support
Zajano, Nancy	A Member of the Public	Myself	Support
Trought, Elizabeth A	A Member of the Public	Myself	Support
Beaty, Sharon	A Member of the Public	Myself	Support
Kudlik, Cindy	An Elected Official	Myself	Oppose
Cauble, Michael	A Member of the Public	Myself	Support
Vallier-Kaplan, Mary	A Member of the Public	Myself	Support
Dodge, Corinne	A Member of the Public	Myself	Support
Richman, Susan	A Member of the Public	Myself	Support
Eisner, Mary	A Member of the Public	Myself	Support
Long, Julian	A Member of the Public	Myself	Support
Martin, Jill	A Member of the Public	Myself	Support
Koller, Diane	A Member of the Public	Myself	Support
Fotos, Janet	A Member of the Public	Myself	Support
Perencevich, Ruth	A Member of the Public	Myself	Support
Richardson, Thad	A Member of the Public	Myself	Support
Blaisdell, Judith	A Member of the Public	Myself	Support
Hatch, Sally	A Member of the Public	Myself	Support
Berrio, Simon	A Member of the Public	Myself	Oppose
Weiner, Stephanie	A Member of the Public	Myself	Support
Cote, Lois	A Member of the Public	Myself	Support
Dowse, Ryan	A Member of the Public	Myself	Support
Phillips, Betsey	A Member of the Public	Myself	Support
Meneil, Sara	A Member of the Public	Myself	Support
Blackford, Paul	A Member of the Public	Myself	Support
Brickett, Jane	A Member of the Public	Myself	Support
Coon, Kate	A Member of the Public	Myself	Support
Vincent, Laura	A Member of the Public	Myself	Support
Holt, Kim	A Member of the Public	Myself	Support
Verschueren, James	A Member of the Public	Myself	Support
Jordan, Meredith	A Member of the Public	Myself	Support
Maldonado, Ursula	A Member of the Public	Myself	Support
Reynolds, Hon. Deb	A Member of the Public	Myself	Support
Torpey, Jeann	A Member of the Public	Myself	Support
Bruno, Darla	A Member of the Public	Myself	Support
Lowen, Rosalind	A Member of the Public	Myself	Support
Weston, Joyce	A Member of the Public	Myself	Support
Bushueff, Catherine	A Member of the Public	Myself	Support
Ellermann, Maureen	A Member of the Public	Myself	Support
Swope, Eric	A Member of the Public	Myself	Support
Phillips, Chuck	A Member of the Public	Myself	Support
Watters, Senator David	An Elected Official	Myself	Support
Pitt, Martha	A Member of the Public	Myself	Support
Termini, Marcella	A Member of the Public	Myself	Support
Taft, Helen	A Member of the Public	Myself	Support
Hackmann, Kent	A Member of the Public	Myself	Support

Bettmann, Ellen	A Member of the Public	Myself	Support
Cutshall, Catherine	A Member of the Public	Myself	Support
Farnum, Ellen	A Member of the Public	Myself	Support
Jones, Andrew	A Member of the Public	Myself	Support
Perkins Kwoka, Senator Rebecca	An Elected Official	Myself	Support
Devorc, Gary	A Member of the Public	Myself	Support
Brennan, Nancy	A Member of the Public	Myself	Support
Lobdell, Sara	A Lobbyist	Open Democracy	Support
Fichter, June	A Member of the Public	Myself	Support
Monroe, Sharon	A Member of the Public	Myself	Support
Ackerson, Judith	A Member of the Public	Myself	Support
Boutin, Carole	A Member of the Public	Myself	Support
Perrotta, Delores	A Member of the Public	Myself	Support
Ackerson, Kenneth	A Member of the Public	Myself	Support
Martin, Patricia	A Member of the Public	Myself	Support
Munson, Deborah	A Member of the Public	Myself	Support
Vermette, Simone	A Member of the Public	Myself	Support
Megnin, Linda	A Member of the Public	Myself	Support
Walker, April	A Member of the Public	Myself	Support
Field, Linda	A Member of the Public	Myself	Support
Ettelson, Steven	A Member of the Public	Myself	Support
Thomas, Sally	A Member of the Public	Myself	Support
Henrichon, Margaret	A Member of the Public	Myself	Support
Laurenitis, Loretta	A Member of the Public	Myself	Support
Soederberg, Beth	A Member of the Public	Myself	Support
Toscano, Theodore	A Member of the Public	Myself	Support
Cornell, Lynn	A Member of the Public	Myself	Support
Mooney, Birdie	A Member of the Public	Myself	Support
DiRuocco, Bianca	A Member of the Public	Myself	Support
Polychrones, A	A Member of the Public	Myself	Support
O'Neill, Joseph	A Member of the Public	Myself	Support
King, Marcia	A Member of the Public	Myself	Support
Brennan, Arthur	A Member of the Public	Myself	Support
King Jr, Charles	A Member of the Public	Myself	Support
McNally, John H	A Member of the Public	Myself	Support
Parry, Nancy	A Member of the Public	Myself	Oppose
Paratore, Sarah	A Member of the Public	Myself	Support
Whitley, Becky	An Elected Official	Senate District 15	Support
Westlake, Jane	A Member of the Public	Myself	Support
Friedman, Richard	A Member of the Public	Myself	Support
Eggleston, Patrick	A Member of the Public	Myself	Support
Fuentes, Sebastian	A Member of the Public	Myself	Support
Gillespie, Christopher	A Member of the Public	Myself	Support
Hanauer, Gerald	A Member of the Public	Myself	Support
Robertson Souter, Catherine	A Member of the Public	Myself	Support
Fortier-Dube, Brenda	A Member of the Public	Myself	Support
Chapdelaine, Guy	A Member of the Public	Myself	Support
Porter, Todd	A Member of the Public	Myself	Support
Bickford Bailey, Tara	A Member of the Public	Myself	Support
Ashwell, Joan Flood	A Member of the Public	Myself	Support
Hurley, Stephanie	A Member of the Public	Myself	Support
Kerr, Jeff	A Member of the Public	Myself	Support
Hansen, Lorraine	A Member of the Public	Myself	Support
Arabas, Jill	A Member of the Public	Myself	Support
Jonas, Sue	A Member of the Public	Myself	Support

Goldner, Laura	A Member of the Public	Myself	Support
Webster, Norma	A Member of the Public	Myself	Support
Evans, Constance	A Member of the Public	Myself	Support
Warnock, Laurie	A Member of the Public	Myself	Support
Rasche, Patrice	A Member of the Public	Myself	Support
Rasche, Stephen	A Member of the Public	Myself	Support
Meserve, Barbara	A Member of the Public	Myself	Support
Hatcher, Phil	A Member of the Public	Myself	Support
Rose, Sandy	A Member of the Public	Myself	Support
Hayes, Colleen	A Member of the Public	Myself	Support
Crook, Mary	A Member of the Public	Myself	Support
Farina, Susan	A Member of the Public	Myself	Support
Alphen, James H	A Member of the Public	Myself	Support
Embler, Karlene	A Member of the Public	Myself	Support
Farrell, Gault	A Member of the Public	Myself	Support
Desrosiers, Roger	A Member of the Public	MYSELF	Support
Tidd, Trisha	A Member of the Public	Myself	Support
Breault, David	A Member of the Public	Myself	Support
Schmolka, Margot	A Member of the Public	Myself	Support
Beauregard, Melody	A Member of the Public	Myself	Support
Gregg, Robin	A Member of the Public	Myself	Support
Beauregard, Roland	A Member of the Public	Myself	Support
Corcoran, Gail	A Member of the Public	Myself	Support
Lockhart, Nancy	A Member of the Public	Myself	Support
Chandley, Shannon	An Elected Official	Myself	Support
Drobek, Emily	A Member of the Public	Myself	Support
Weber, Jill	A Member of the Public	Myself	Support
St.Martin, tom	A Member of the Public	Myself	Support
Coder, William	A Member of the Public	Myself	Support
Boyer, Jane	A Member of the Public	Myself	Support
Corell, Elizabeth	A Member of the Public	Myself	Support
Caldwell, Christine	A Member of the Public	Myself	Support
Feder, Marsha	A Member of the Public	Myself	Support
Gordon, Laurie	A Member of the Public	Myself	Support
Perry, Bob	A Member of the Public	Myself	Support
Maldonado, Luis	A Member of the Public	Myself	Support
Bundy, Linda	A Member of the Public	Myself	Support
Turcotte, Norman	A Member of the Public	Myself	Support
Kelley, Mary	A Member of the Public	Myself	Support
Meyers, Thomas	A Member of the Public	Myself	Support
THOMPSON, LAURA	A Member of the Public	Myself	Support
Oeser, Stephanie	A Member of the Public	Myself	Support
Fogarty, Susan	A Member of the Public	Myself	Support
Rasmussen, Elissa	A Member of the Public	Myself	Support
Rasmussen, Kyle	A Member of the Public	Myself	Support
Prost, Christopher	A Member of the Public	Myself	Support
Thomas, A	A Member of the Public	Myself	Support
Cutler, Christopher	A Member of the Public	Myself	Support
Magnifico, Alecia	A Member of the Public	Myself	Support
Vivado, Mauricio	A Member of the Public	Myself	Support
Davis, Gregory	A Member of the Public	Myself	Support
Emus, Joanne	A Member of the Public	Myself	Support
Emus, David	A Member of the Public	Myself	Support
DeMio, Lisa	A Member of the Public	Myself	Support
Staples, Monica	A Member of the Public	Myself	Support

Dickler, Jeffrey	A Member of the Public	Myself	Support
Perry, Carol	A Member of the Public	Myself	Support
Westbrook, Donna	A Member of the Public	Myself	Support
boudman, roberta	A Member of the Public	Myself	Support
Thom, Andrea	A Member of the Public	Myself	Support
Gordon, Margaret	A Member of the Public	Myself	Support
MacGregor, Leslie	A Member of the Public	Myself	Support
Garber, Marcia	A Member of the Public	Myself	Support
Dargie, Paul	An Elected Official	Myself	Support
Bishop, Nancy	A Member of the Public	Myself	Support
Cotton, Bev	A Member of the Public	Myself	Support
Insolia, Janet	A Member of the Public	Myself	Support
Passer, Alice	A Member of the Public	Myself	Support
Caldwell, Jonathan	A Member of the Public	Myself	Support
Hinebauch, Melissa	A Member of the Public	Myself	Support
Carter, Lilian	A Member of the Public	Myself	Support
Racusin, Sharon	A Member of the Public	Myself	Support
Robbins, Annie	A Member of the Public	Myself	Support
Nastasi, Sue	A Member of the Public	Myself	Support
Johnson, Judith	A Member of the Public	Myself	Support
coletti, dana	A Member of the Public	Myself	Support
Yergeau, Paul	A Member of the Public	Myself	Support
O'Neill, Faye	A Member of the Public	Myself	Support
Faulconer, Rick	A Member of the Public	Myself	Support
Fenton (SD 10), Senator Donovan	An Elected Official	Myself	Support
Ahlgren, Jessie	A Member of the Public	Myself	Support
Oeser, Michelle	A Member of the Public	Myself	Support
Thomas, Lea	A Member of the Public	Myself	Support
Fitts, Donna	A Member of the Public	Myself	Support
Trumble, David	A Member of the Public	Myself	Support
Fongemie, Keri	A Member of the Public	Myself	Support
Tyler, Blake	A Member of the Public	Myself	Support
Shamel, Susan	A Member of the Public	Myself	Support
Gerson, Deborah	A Member of the Public	Myself	Support
Garland, Leane	A Member of the Public	Myself	Support
Freedman, Barbara	A Member of the Public	Myself	Support
Peltier, Timothy	A Member of the Public	Myself	Support
Holcombe, Susan	A Member of the Public	Myself	Support
Altschiller, Senator Debra	An Elected Official	SD 24	Support
Register, Curtis	A Member of the Public	Myself	Support
Schmitt, Megan	A Member of the Public	Myself	Oppose
Sims, Julie	A Member of the Public	Myself	Oppose
Clifford, Virginia	A Member of the Public	Myself	Support
Pray, Danielle	A Member of the Public	Myself	Oppose
Eggleston, Penelope	A Member of the Public	Myself	Support
DeRoy, Susan	A Member of the Public	Myself	Oppose
Englund, Alfrieda	An Elected Official	Myself	Support
FitzPatrick, Christina	A Lobbyist	AARP	Support
Mackin, Jonna	A Member of the Public	Myself	Support
HOUGHTON, BEVERLY	A Member of the Public	Myself	Support
Morgan, Meredith	A Member of the Public	Myself	Support
Greenwood, Nancy	A Member of the Public	Myself	Support
Rettew, Annie	A Member of the Public	Myself	Support
Tuthill, John	A Member of the Public	Myself	Support
Boucher, Elizabeth	A Member of the Public	Myself	Support

2/1/23, 10:05 AM

Senate Remote Testify

Liberman, Sheryl	A Member of the Public	Myself	Support
Chase, Karen	A Member of the Public	Myself	Support
Siegart, Diane	A Member of the Public	Myself	Support
Miles, Nancy	A Member of the Public	Myself	Support
Billingham, Carla	A Member of the Public	Myself	Support

Testimony



AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

New Hampshire

18 Low Avenue
Concord NH 03301
(603) 224-5591
aclu-nh.org

Devon Chaffee
Executive Director

ACLU-NH Statement on Senate Bill 220-FN
Senate Election Law and Municipal Affairs
Henry Klementowicz, Senior Staff Attorney
January 31, 2023

I submit this testimony on behalf of the American Civil Liberties Union of New Hampshire (“ACLU-NH”)—a non-partisan, non-profit organization working to protect civil liberties throughout the state for over 50 years. The ACLU-NH supports Senate Bill 220 (SB 220) because expand and strengthen our absentee voting process. We urge the committee to vote SB 220 *ought to pass*, to ensure that safe and secure access to the ballot is available for all Granite Staters.

SB 220 would expand access to absentee ballots to every eligible voter in New Hampshire. We know that our elections are safe and secure and that ballots, including absentee ballots, are fairly counted. Under current law, only a subset of New Hampshire voters are eligible to vote absentee, and, as a result, historically absentee ballot usage has hovered around 9% of ballots cast. In 2020, due to the pandemic, upwards of a third of eligible voters cast their ballots absentee. This did not lead to any increase in fraud, and, as far as ACLU-NH is aware, no voter has been prosecuted for any voter fraud of any kind from the 2020 elections. New Hampshire was recently ranked last in the nation in terms of ease of voting. This bill would allow us to join the 35 other states (plus Washington D.C.) that do not require an excuse to vote absentee.¹

Sincerely,

/s/ Henry Klementowicz

Henry Klementowicz
Senior Staff Attorney
ACLU of New Hampshire

¹ <https://www.ncsl.org/elections-and-campaigns/table-1-states-with-no-excuse-absentee-voting>

Tricia Melillo

From: Sally Davis <sally.davis36@gmail.com>
Sent: Sunday, January 29, 2023 10:18 PM
To: Tricia Melillo
Subject: SB220

Caution! This message was sent from outside your organization.

Sally J Davis

50 Sugar Run

Thornton NH 03285

Dear Senator Melillo:

I support SB220 based on my husband's and my experience as first time absentee voters beginning 3 years ago when COVID19 was just being identified. Dick almost refused to vote because he was given so little choice for reasons to vote absentee and saying he was disabled was untrue. He went ahead and filled out the absentee ballot request but refused to do so again and would not vote in person with the health issues he has until this past November.

We did our absentee voting at our town office but would have done it incorrectly-we had to make several corrections. I am encouraged that small town clerks like mine often follow-up on voters they identify who have filled out the outside envelope incorrectly but in Thornton our present clerk is only in her office two days a week 3:30-5:30 so I suspect that would not have happened had we mailed them incorrectly identified.

Please support SB220 and vote OTP.

Sincerely,

Sally Davis

Tricia Melillo

From: lsmacgregor <lsmacgregor@gmail.com>
Sent: Monday, January 30, 2023 10:55 AM
To: James Gray; Keith Murphy; Daryl Abbas; Donna Soucy; Rebecca Perkins Kwoka; Tricia Melillo
Subject: SB 220

Caution! This message was sent from outside your organization.

To the honorable members of the Senate Election Law Committee;

Please support SB 220 modifying the absentee voter registration process, absentee ballot application, and absentee ballot voting process.

This bill will allow greater participation in voting by all New Hampshire voters, regardless of political leanings. This is a highly desirable outcome.

We know the process is secure as it is how our citizens in the military can vote and it has not been associated with any compromise in the election process.

The allowance of processing ballots in advance of election day avoids delays in determination of election outcome.

I strongly support this bill.

Thank you.

*Leslie S. MacGregor
Grantham, NH*

Tricia Melillo

From: Cotten Jeffrey Smith <cjsmith78@gmail.com>
Sent: Monday, January 30, 2023 2:10 PM
To: James Gray; Keith Murphy; Daryl Abbas; Donna Soucy; Rebecca Perkins Kwoka; Tricia Melillo
Cc: Olivia Zink
Subject: SB220 "modifying the absentee voter registration process, absentee ballot application, and absentee ballot voting process"

Caution! This message was sent from outside your organization.

Dear Members of the Election Law and Municipal Affairs Committee,

As a year-round, active New Hampshire voter, I urge you to SUPPORT and advance SB220, "modifying the absentee voter registration process, absentee ballot application, and absentee ballot voting process."

In New Hampshire's November 2022 elections, approximately 305,000 eligible Granite State voters failed to cast a ballot. That's shameful. A thriving democracy requires active civic engagement, including voting, by all those eligible to do so. True patriots and friends of democracy know this.

SB220 will increase voter turnout by eligible voters, and also remove needless barriers to registering and voting that create hardships even for those who do manage to vote. SB220 also removes some of the time pressure on our hard-working, dedicated local election officials. Perhaps SB220's most important provision is allowing "no excuse" mail-in voting. That's hardly radical: 27 states, and many other countries, already allow it. In fact, our neighbor to the west, Vermont, provides mail-in voting exclusively. It is time-tested and secure.

Please advance SB220 as "Ought To Pass".

Respectfully,
Jeffrey Smith

--
C. Jeffrey Smith
CJSmith78@gmail.com
+1-603-229-2195 (Mobile)
Epping NH 03042
--



45 South Main Street, Suite 202 | Concord, NH 03301
Phone: 866.542.8168 (toll free) | Fax: 603.224.6211
aarp.org/nh | nh@aarp.org | twitter: @aarprnh
facebook.com/aarprnh

**Testimony of Christina FitzPatrick to the New Hampshire Senate Election Law and
Municipal Affairs Committee in Support of SB 220 – January 31, 2023**

Chairman Gray and Committee Members, thank you for the opportunity to testify today in favor of SB 220. My name is Christina FitzPatrick, and I am the state director for AARP NH. With 210,000 members, AARP NH is the state's largest advocacy organization focused on the interests of the Granite State's 50-plus population.

Voting is the most direct way for people to hold policymakers accountable. AARP believes that people should be able to exercise their right to vote in the manner they choose, without facing unnecessary roadblocks.

I would characterize the current restrictions on absentee ballots as unnecessary roadblocks. The increased voter turnout in 2020, when no-excuse absentee voting was in effect, indicates that more people will vote if restrictions are lifted.

In addition, the current list of allowable excuses does not account for some very real issues that may prevent someone from getting to the polls, particularly for older adults. For example:

- They may be dependent on others for transportation and worry about that falling through on election day;
- They may worry about getting sick from being in a crowded public setting;
- They may know that as they've gotten older they tend to get sick more often and don't want to run the risk of needing to choose between going to the polls sick or not voting.

Life is unpredictable and people who want to make sure they can cast a ballot should be allowed to do so.

I urge you to adopt this bill to promote maximum participation in the electoral process.

January 31, 2023 Senate Election Law and Municipal Affairs SB 220

Chairman Gray and members of Senate Election Law and Municipal Affairs,

I support SB 220, which allows for no-excuse absentee registration and voting, and partial processing of

absentee ballots prior to election day.

New Hampshire elections are safe and secure, whether ballots are cast in person or absentee. During the 2020 elections, absentee voting was expanded due to concerns about the pandemic. With the highest voter turnout in New Hampshire and about one third of those votes being absentee, those elections proceeded successfully with integrity. SB 220 provides an opportunity to learn from that experience and improve our election system. There are many reasons why people prefer to vote absentee, and not all of them are covered in our current law. For some people in-person voting is a serious inconvenience. For others, it may simply be their preference. No-excuse absentee voting makes it easier to vote, regardless of an individual's circumstances. It expands the options for all eligible voters.

Military and overseas citizens have voted absentee for decades with the same secure results as at home. About two-thirds of states allow no-excuse absentee ballots. There has been no credible evidence of voter fraud with absentee ballots in New Hampshire or across the United States.

Partial processing of absentee ballots prior to election day was also implemented during the 2020 elections. This too presents an opportunity for improvement in our system. It supports our election officials and benefits voters by making election day proceed more efficiently. Additionally, it gives voters with the chance to cure mistakes made on the outside envelopes, ensuring their votes are counted.

No-excuse absentee ballots and the preprocessing of them will improve our election system, maintaining safety and security and increasing accessibility. Democracy is strengthened when all eligible voters cast ballots.

I ask you to vote Ought to Pass on HB 220.

Respectfully submitted,

Linda Bundy

Antrim

Tricia Melillo

From: Stephanie Hurley <stephurley@gmail.com>
Sent: Monday, January 30, 2023 3:34 PM
To: James Gray; Keith Murphy; Daryl Abbas; Donna Soucy; Rebecca Perkins Kwoka; Tricia Melillo
Subject: SB220

Caution! This message was sent from outside your organization.

Dear NH Senators:

I am in support of SB220. When more Granite Staters are able to vote, our democracy is stronger. SB220 would allow any voter to cast an absentee ballot instead of voting on election day. By allowing voters to securely and safely vote by absentee ballot, more voters will participate in the process. There are many reasons why some people are unable to vote on election day and I believe that everyone should be allowed and enabled to vote!

Absentee voting is also nonpartisan. According to the Institute for Responsive Government, research has shown that neither party gains an advantage when absentee voting is expanded.

Absentee voting is secure and pre-processing absentee ballots, which means opening envelopes and ensuring they have correct signatures prior to election day, helps support our election officials by saving time on election day, and allows voters to ensure their vote is counted by correcting any mistakes they made on the outside envelope.

Thank you for all you do for our state!

Stephanie

Stephanie Hurley
75 Hunt Rd.
Peterborough, NH 03458
stephurley@gmail.com
603-924-4230 (H)
603-831-0228 (C)



SB 202: Guaranteeing the Freedom to Vote Absentee in New Hampshire

What would SB 202 do for New Hampshire voters?

SB 202 would ensure the freedom to vote absentee for New Hampshire voters in all elections. Currently, New Hampshire voters may only vote absentee if they justify that choice with one of five excuses:

- Will be absent from their town on election day
- Have a disability
- Cannot appear in public on election day due to observance of a religious commitment
- Employment obligation; or
- Are confined in a penal institution

How does SB 202 simplify absentee voting?

Under SB 202, eligible residents would fill out and submit an absentee ballot application without being required to provide a reason for their absence on election day. SB 202 would still require the resident to provide all other relevant information; such as name, address, and signature.

Currently, 27 states and Washington, DC provide for no-excuse absentee voting; including a number of Republican-led states such as Ohio, Virginia, Georgia, and Florida.

Why ensure the freedom to vote absentee?

Guaranteeing the freedom to vote absentee puts New Hampshire voters first. Rather than limiting that freedom for more than a million eligible voters, SB 202 would allow voters to choose when and how to fill out and cast their ballot in a way that works best for them.

Seniors and rural voters who live far from the polls stand to benefit most, allowing them to request and receive a ballot at home without requiring extra, unnecessary steps – allowing more of our seniors and rural voters to participate in the democratic process. Rural voters are heavily impacted by distance when it comes to voting, and distance from a polling place strongly impacts the probability of their turnout on Election Day.¹

¹ Dyck, J.J. & Gimpel, J.G. (2005). Distance, Turnout, and the Convenience of Voting, *Social Science Quarterly* 86(3): 531-548.

The freedom to vote absentee will benefit election officials. Many states across the country are suffering from a shortage of poll workers who are the lifeblood of our elections.² Allowing eligible voters to request and vote absentee will reduce lines and wait times for in-person voters on Election Day, thereby reducing the burden on poll workers.

2

<https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2018/10/22/few-people-want-to-be-poll-workers-and-thats-a-problem>



January 31, 2023

The Honorable Jim Gray
Chairman, Election Law
Legislative Office Building,
Concord, NH 03301

TESTIMONY in SUPPORT of SB 220

Good Morning Chair and Members of Election Law Committee,

For the record, my name is Olivia Zink, Executive Director of Open Democracy Action, a non-partisan, non-profit, pro-voter organization with over 36,000 members. Open Democracy Action's mission is fixing our democracy, specifically campaign finance reform, redistricting and honest elections in New Hampshire.

Absentee voting is also nonpartisan – according to the Institute for Responsive Government,¹ research has shown that neither party gains an advantage when absentee voting is expanded.

Democracy thrives where many participate. So, removing barriers to participation encourages a healthy democracy. “No excuse” benefits everyone, including seniors who might have trouble getting to the polls, rural voters far from a polling place, first responders whose schedules can be preempted, a single parent working two jobs, families whose kids get sick, someone with an unexpected trip, and all of us in dicey weather.

Quoting Rep Rogers in 2019 “32 states already offer this convenience to their citizens. Several more have limited requirements or are debating removing the requirements entirely.”² According to NCSL - No-Excuse Absentee Voting is in 35 states and Washington, D.C., any qualified voter may vote an absentee/mail ballot without offering an excuse, and in the remaining states, an excuse is required. Some states offer a permanent absentee ballot list: once a voter asks to be added to the list, s/he will automatically receive an absentee ballot for all future elections.³

¹ <https://responsivegoverning.org/research/new-hampshire-continuing-access-to-absentee-voting/>

² https://www.unionleader.com/opinion/op-eds/your-turn-nh-rep-katherine-rogers---no-excuse-for-vetoing-no-excuse/article_4dec8e8a-5169-550c-a510-5bad3af2f1ef.html

³ <https://www.ncsl.org/elections-and-campaigns/voting-outside-the-polling-place>

Covid 19 has exposed many fundamental weaknesses in New Hampshire's system of voter registration, absentee balloting and in-person elections. In 2020 and 2022, those voters who have fear of voting in person can claim a "physical disability," and vote by absentee. In 2020, we allowed for pre-processing of absentees. Election workers and voters were grateful for the opportunity to open the outer envelope. Pre-processing absentee ballots, which means opening envelopes and ensuring they have correct signatures prior to election day, helps support our election officials by saving time on election day, and allows voters to ensure their vote is counted by correcting any mistakes they made on the outside envelope

The Special Committee on Voter Conference final report says "Consideration should be given by the legislature to allow for the pre-processing of absentee ballots by opening the outer envelopes, as was allowed in 2020, for all elections. Testimony stated that it worked well, aided local officials in completing their jobs, and did not affect accuracy or security."⁴

Please side with the voters by voting SB 220 OTP. By allowing voters to securely and safely vote by absentee ballot, more voters will participate in the process. Under the expanded absentee voting rules in 2020, New Hampshire had its highest general election turnout in state history

Respectfully,

Olivia Zink,
Executive Director
Open Democracy Action
4 Park St, Suite 301
Concord, NH 03301

⁴ <https://www.sos.nh.gov/sites/g/files/ehbemt561/files/2022-12/final-report.pdf>

January 31, 2023

Good morning, Mr. Chairman, and Election Law Committee Members.

My name is Janice Kelble and I am a retired postal worker currently living in Hooksett. I appreciate the opportunity to speak to you today about SB 220.

I am in favor of SB 220 because I believe strongly that our focus should be on expanding voter choices and convenience, to encourage the widest possible voter participation by eligible NH citizens. Voting in all election should be as convenient, fair, and secure as possible.

Historically voting in the U.S. was a right restricted to white, male, property owners. Thankfully voting laws evolved to meet the needs of a changing society and allow more citizens to have a voice by casting their ballot.

In an effort to meet the needs of their voters, in 1997 Texas actually passed a state law allowing astronauts to vote from space. Way to go, Texas!! Astronaut Kate Rubens returned to earth in late October 2020 but voted absentee *in case* touchdown was delayed..Here on earth, we should also be able to vote absentee if we think we might otherwise run the risk of not being able to make it to the polling place.

A friend asked me if I planned to testify today because she knew I had testified in favor of “no excuse” absentee voting in the past. I told her I planned to, but then I started thinking about the logistics of it. What if it snowed? In the past 4-5 month I have had two hip replacements and I am doing pretty well , but I am still healing and a bit paranoid about ice. That was my answer! I **had to** come speak in favor of this bill, because the exact same thing could happen to someone else **on election day**. There is no good reason to **NOT** allow an option for someone who wants to make absolutely sure that they are able to vote.... even if it snows on election day, even if their car breaks down, even if _____ (fill in the blank). If it is important to me, I **should be able to do it ahead of time**. Nothing in life is promised on any given day – for anyone!

I used to testify about leaving work, picking my kids up from childcare and having less than 1 hour left before the polls closed. I had to choose between feeding my hungry kids or making them go with me and stand in line to vote. Thankfully the legislature took a step in the right direction and made that change, which is good. I’m certain it made life easier on election day, especially for other single parents, but there are still so many other perfectly good reasons that don’t match those in the current law. It’s time to get rid of the requirement to provide an excuse!

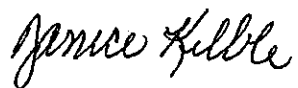
Currently 27 states and Washington D.C., offer “no excuse” absentee voting, which means that any voter can request and cast an absentee/mail ballot without a requirement to provide an excuse or reason. Additionally eight states conduct elections entirely by mail, so those voters automatically receive a ballot. The remaining states, including New Hampshire, require a voter to provide an excuse to qualify for an absentee ballot.

During the 2020 election, many people took advantage of the unique allowance for individuals concerned about covid to request an absentee ballot. I must admit I was a bit concerned because it was an unexpected & somewhat drastic change that was being implemented with little time and a lot of uncertainties caused by Covid, but it worked, and it worked well. With a 20+ % increase in absentee ballots cast we saw record turnout of NH voters!!

Please vote ***Ought to Pass*** for SB 220. It is time for NH to meet the needs of the voters.

Thank you!

Respectfully,

A handwritten signature in cursive script that reads "Janice Kelble".

Janice Kelble

35 Hunt Street

Hooksett, NH 03106

603-513-8176

Nhjk230@yahoo.com

Voting Sheets

**Senate Election Law
& Municipal Affairs Committee
EXECUTIVE SESSION RECORD
2023 Session**

Bill SB 220

Hearing date: 1/31/23

Executive Session date: 3/7/23

Motion of: OTP/A Vote: 2-3

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

Motion of: Amendment 0615s Vote: 4-1

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

Motion of: ITL Vote: 3-2

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

Reported out by: Sen. GRAY

Notes: pag 7 LINE 27 Replace back to 2 hours

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Tuesday, March 7, 2023

THE COMMITTEE ON Election Law and Municipal Affairs

to which was referred **SB 220-FN**

AN ACT

modifying the absentee voter registration process,
absentee ballot application, and absentee ballot
voting process.

Having considered the same, the committee recommends that the Bill

IS INEXPEDIENT TO LEGISLATE

BY A VOTE OF: 3-2

Senator James Gray
For the Committee

Tricia Melillo 271-3077

General Court of New Hampshire - Bill Status System

Docket of SB220

Docket Abbreviations

Bill Title: modifying the absentee voter registration process, absentee ballot application, and absentee ballot voting process.

Official Docket of SB220.:

Date	Body	Description
1/24/2023	S	Introduced 01/19/2023 and Referred to Election Law and Municipal Affairs; SJ 5
1/25/2023	S	Hearing: 01/31/2023, Room 103, LOB, 10:00 am; SC 8
3/7/2023	S	Committee Report: Inexpedient to Legislate, 03/16/2023; SC 13
3/16/2023	S	Inexpedient to Legislate, RC 14Y-10N , MA === BILL KILLED ===; 03/16/2023; SJ 10

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 220-FN

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

N/A 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 # 06155 _____ - amendment # _____

_____ - amendment # _____ _____ - amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

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

_____ - amendment # _____ _____ - amendment # _____

_____ - amendment # _____ _____ - amendment # _____

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

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

_____ Enrolled Bill Amendment(s)

_____ Governor's Veto Message

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

_____ as amended by the senate _____ as amended by the house

_____ final version

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

Committee Aide

Date

Senate Clerk's Office _____