

Senate Election Law and Internal Affairs Committee

Kelly Flathers 271-3093

SB 194-FN, authorizing online voter registration.

Hearing Date: February 14, 2017

Time Opened: 9:01 a.m.

Time Closed: 9:45 a.m.

Members of the Committee Present: Senators Birdsell, Gray, Soucy and Woodburn

Members of the Committee Absent: Senator Sanborn

Bill Analysis: This bill authorizes online voter registration.

Sponsors:

Sen. Lasky

Sen. Feltes

Sen. Fuller Clark

Sen. D'Allesandro

Rep. Cote

Rep. White

Rep. Burton

Who supports the bill: Olivia Zink - Open Democracy NH Rebellion; Dan Weeks - Self; Tim McKernan - Granite State Progress; Fred Portnoy - Self; Huck Montgomery - America Votes; Sen. Martha Fuller Clark - District 21; Darryl W. Perry - Liberty Lobby LLC; Liz Tentarelli - League of Women Voters NH; Sen. Bette Lasky - District 13; Sylvia Gale - Self; Devon Chaffee - ACLU of NH

Who opposes the bill: No one

Who is neutral on the bill: David Scanlan - Deputy Secretary of State

Summary of testimony presented in support:

Senator Bette Lasky – District 13

- Online voter registration is a common sense, bipartisan reform to making our voter registration more secure, less costly, and more efficient.
- It's time for NH to enter the 21st century of voting and modernize our voter registration system.
- 38 other states have implemented online voter registration, Arizona being the first in 2002. More than 130,000,000 eligible American voters have access to online voter registration. It is popular among voters and election officials alike. It is easier; voters now do most of their everyday activities online at their

convenience. One can register online 24/7.

- In states with online voter registration, voter participation has increased. It would reduce lines and waiting on Election Day.
- Online voter registration removes the middleman from the process and puts the process directly into the hands of the applicant. The voter himself is in the best position to ensure his information is correct, legible, and submitted directly to election officials.
- Supervisors of the checklist no longer have to interpret illegible handwriting or manually enter voter information, which can cause errors.
- Online voter registration reduces workloads and administrative burden for our mostly volunteer election officials.
- It will save time and duplication for voters moving from one place to another within the state.
- There are technological security measures to prevent unauthorized persons from altering a voter's information. There is a unique identifier for each person. No person without identification issued from the DOS would be able to vote online.
- It is verified by DMV software. An email gets sent to the clerk where the person is attempting to be registered. The voter gets an email verifying that they are registered, or if not, telling them they need to go to their local officials in person.
- Online voter applications save hundreds of thousands of dollars each election cycle. Arizona's largest jurisdiction alone has saved \$1.4 million since 2008. Processing paper applications costs approximately 83 cents an application, versus just 3 cents for online.
- Election staff hours are reduced as well.
- There has been a lot of discussion about the integrity of our elections. In all the years OVR has been used, not one single state has reported fraudulent activity or security breaches through their systems.

Sen. Gray

- (Q) You require individuals to have a NH driver's license or NH non-driver ID, correct?
 - (A) **Sen. Lasky:** Yes.
- (Q) In addition to that, you want the system to be able to accept documents for evidence of domicile, etc. Is that the intent as well?
 - (A) **Sen. Lasky:** Yes. Sen. Feltes and I have worked closely with the Secretary of State's office, the DMV, and the AG's office to get this procedure to where it is acceptable to all.
- (Q) Would you accept a system that is not tied into the state database, but a standalone system where the information could be transferred in after a voter

shows up at the polls?

- (A) **Sen. Lasky:** That seems to be a duplicative process. I would prefer to see the time taken to establish this right, so we don't have a two-step process. I don't believe that would be more efficient or secure.

Darryl W. Perry – CEO, Liberty Lobby LLC

- I'm speaking in favor of this bill.
- Since there are a lot of questions about this, a study committee would help work these out.
- Having a deadline for when it should be ready is a good thing, but one year is overly optimistic. Two years after passage might be more realistic.

Liz Tentarelli – President, League of Women Voters NH

- I am speaking in support of this bill.
- Many points in my written testimony match what the sponsor said. I do have an addendum from the National Conference of State Legislatures that lists other states with OVR. Through the link I've given at the top of that, you can see how each process works.

Devon Chaffee – Executive Director, ACLU of NH

- I am speaking in support of this bill.
- This is a way for NH to modernize our election system and ensure the integrity of that system.
- There are other states like NH that are exempt from the motor voter requirement that have also adopted OVR, including Idaho, Minnesota, and Wisconsin.
- We are confident in the security standards in the system that has been proposed by this bill. No state that has ever adopted OVR has reported a security breach. NH voter registration files are already digitized in a secure, closed system. This proposal would simply connect that existing technology to the closed system at the DMV, which also has high security standards.
- Many other states have used their HAVA funds to implement OVR. In the end, adopting OVR has saved them money. It's not spending down a fund; it's an investment that pays off down the road.
- Regarding Sen. Gray's question, there are studies that look at closed systems and integrated systems. There's not a huge difference in security and integrity between those two systems, whether real or perceived.
- I appreciate that our Secretary of State's Office wants to be deliberate, but this is a conversation we've had for a number of years now. I don't want to see NH left behind.

Dan Weeks – Self

- I am speaking in support of this bill.

- There is no evidence of voter fraud in NH that has been claimed by the administration. However, voter registration systems in the country are antiquated. We should join the other 38 states that have updated their systems because it would address this perception that there is fraud.
- We have roughly \$10,000,000 of HAVA funds that we're using for maintenance of our current system.
- From the last general election in 2014 to the latest one in 2016, over 100,000 NH residents registered to vote. If those individuals had registered online instead of on paper it would have saved us approximately \$88,458, based on the cost estimates in Arizona. This would be a wise expenditure of those funds that would allow us to save money in the long term.

Sen. Woodburn

- (Q) Do you think these allegations of widespread voter fraud in NH by the administration threaten our status of First in the Nation Primary? Would updating our election system improve the perception of the integrity of our elections?
 - (A) **Dan Weeks:** In the Open Democracy index published in 2015, we traced the history of NH's democracy and our unique traditions. Part of the reason why we enjoy this First in the Nation status is because of how deep that tradition is. Historically, our voter turnout has been well above the national average. Each presidential election cycle there are attacks and thanks to the Secretary of State's good efforts, we're able to maintain it. Any perception that NH's democracy is not strong does undercut our ability to defend our First in the Nation status. We must make sure we're up to date and have a secure system.

Summary of testimony presented in opposition: None

Neutral Information Presented:

Dave Scanlan – Deputy Secretary of State

- I am neutral on this bill.
- We're not opposed to working on an online voter registration system. This proposal has some positive components, such as the requirement that supervisors of the checklist are still the ones that make the final decision.
- This is limited to individuals with a NH driver's license or ID issued by the DMV. It requires an original signature by the voter before voting for the first time.
- The genesis of this particular language may have come from those states that are motor voter states. In those states it's easy to have an online voter registration system because submissions do not have to go to local election

officials. Submissions are made to a central location and processed from there. Motor voter states do have middlemen; people can hold registration drives and turn them in. NH doesn't have that now.

- We're happy to work on something like this. This is a significant IT project; in addition to having a website, we also have to have connections with the DMV and the ability to transfer this information electronically to supervisors of the checklist. We'd want to take the time to take proposals from vendors who design these systems.
- The timeframe in this bill is unclear. On line 4 of page 1, it calls for an implementation date of July 1, 2018. On line 6 of page 3, it says that the implementation of this act would take place when general fund appropriations are made for this purpose, which I think is more appropriate timeframe. On line 8, the bill is effective upon passage.
- In the fiscal note, the increase in expenditures is indeterminable. However, there are significant costs to the DMV and to the Department of State to make this work.
- The fiscal note from our department suggests these funds come from the HAVA fund. We would anticipate that these funds would come from the general fund.

Sen. Birdsell

- (Q) You stated that this would be easier to implement in motor voter states than in same day registration states. Why is that?
 - (A) **Dave Scanlan:** We are required by statute that registration has to take place directly with an election official, who gets to determine whether or not the voter gets to go on the checklist. Except for absentee applications, it's always done face to face.
- (Q) In motor voter states, where do the voter registrations go?
 - (A) **Dave Scanlan:** Those registrations go to a central location, which is probably the Secretary of State's office. We'd take care of adding the names onto the checklist and that information would be given to the towns.
- (Q) For our state, would it go from the person who's registering to the town clerk, or would it go to the Secretary of State's office?
 - (A) **Dave Scanlan:** Someone registering to vote online would have their registration go directly to the Supervisors of the Checklist in their city. The Secretary of State's office could monitor it.
- (Q) Have you talked to the DMV about this?
 - (A) **Dave Scanlan:** We have communicated with the DMV on this and we think that these are workable issues. There are other IT projects the legislature is expressing an interest in, including electronic poll books. We want to make sure that they're compatible.

Sen. Soucy

- (Q) What would be a more realistic timeframe for this?
 - (A) **Dave Scanlan:** We've done a number of IT projects in our department. I've never seen one completed in a year's time. It would take a year to talk to all the parties to figure out what it might look like. Based on that, it might take another year to spec it out and send out an RFP.
- (Q) Would this be a more appropriate use of HAVA funds instead of general funds?
 - (A) **Dave Scanlan:** Implementation of a voter registration system would be an appropriate use of HAVA funds. We still have a balance left that we could operate and maintain the federal mandate. We're 15 years out and have roughly \$10,000,000, but it is slowly dropping. Spending HAVA funds on something like this shortens the time we have to use them.

Sen. Woodburn

- (Q) Are we diminishing the role of Supervisors of the Checklist?
 - (A) **Dave Scanlan:** Historically, Supervisors of the Checklist have been elected officials in the towns charged with keeping a record of eligible voters. When I was representing a legislative district in Grafton County, there were a few small towns that had a handwritten checklist for every election. With the Help America Vote Act, the federal requirement was that every state has a uniform, centralized voter database. The database we have now is working quite well. Supervisors of the Checklist have seen their role increase dramatically. They are the one office in local government with a six year term because having that institutional knowledge is important. Something like this could certainly help them do their work more efficiently.

Future Action: Pending

KEF

Date Hearing Report completed: February 17, 2017