

SB 194-FN - AS INTRODUCED

2017 SESSION

17-0406

03/01

SENATE BILL ***194-FN***

AN ACT authorizing online voter registration.

SPONSORS: Sen. Lasky, Dist 13; Sen. Feltes, Dist 15; Sen. Fuller Clark, Dist 21; Sen. D'Allesandro, Dist 20; Rep. Cote, Hills. 31; Rep. White, Graf. 13; Rep. Burton, Straf. 6

COMMITTEE: Election Law and Internal Affairs

ANALYSIS

This bill authorizes online voter registration.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seventeen

AN ACT authorizing online voter registration.

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

1 1 New Section; Online Voter Registration. Amend RSA 654 by inserting after section 7-c the
2 following new section:

3 654:7-d Online Voter Registration.

4 I. Beginning July 1, 2018, a person may register to vote by submitting an online voter
5 registration application in accordance with this section.

6 II. The secretary of state shall establish a secure Internet website to permit an applicant to:

7 (a) Submit an online voter registration form.

8 (b) Submit information necessary to establish an applicant's qualifications to vote,
9 pursuant to RSA 654:12.

10 (c) Swear to the oath required by RSA 654:7.

11 III. The secretary of state shall establish appropriate technological security measures,
12 including use of a unique identifier for each applicant, to prevent unauthorized persons from
13 altering a voter's registration information.

14 IV.(a) No person without an identification issued by the New Hampshire department of
15 safety, division of motor vehicles shall be able to register through the online voter registration
16 system.

17 (b) The department of safety, division of motor vehicles shall provide the online voter
18 registration application system all information necessary to effectuate the provisions of this section.

19 (c) The online voter registration application form shall require a valid electronic mail
20 address for the voter in order to complete the online voter registration application.

21 (d) The online voter registration application system shall include a disclaimer to the
22 applicant of possible criminal liability pursuant to paragraph XI.

23 V.(a) The online voter registration application system shall compare the New Hampshire
24 driver's license number or New Hampshire nondriver's picture identification number submitted
25 pursuant to this section with information maintained by the department of safety, division of motor
26 vehicles, to confirm that the name and date of birth on the application are consistent with the
27 records of the department of safety, division of motor vehicles.

28 (b) If the applicant's name and date of birth are consistent with the records of the
29 department of safety, division of motor vehicles, the online voter registration application system
30 shall transmit, using the statewide centralized voter registration database maintained pursuant to
31 RSA 654:45, the applicant's submission, including the digital signature of the applicant, to the

1 appropriate supervisors of the checklist to add the applicant's name to the checklist. The
2 applicant's digital signature shall satisfy the signature requirement of RSA 654:7, IV. The
3 applicant shall be required to submit an original signature to the supervisors of the checklist prior
4 to voting in the first election after registering online. An online registrant shall not be eligible to
5 receive an absentee ballot until his or her original signature is on file with the supervisors of the
6 checklist.

7 (c) If the applicant's name, citizenship, legal and/or physical mailing addresses, and
8 date of birth cannot be verified by the records of the department of safety, division of motor vehicles,
9 or the applicant indicated that he or she has not been issued a New Hampshire driver's license or
10 New Hampshire nondriver's picture identification card, the online voter registration application
11 system shall notify the applicant by electronic mail that his or her online voter registration was
12 ineffective and inform the applicant of alternative methods of registration.

13 VI. Upon submission of a completed online voter registration application, the website shall
14 generate an electronic confirmation that the supervisors of the checklist have received the
15 application and shall provide instructions regarding the ability of an applicant to check the status of
16 the application. Once the supervisors of the checklist have added the applicant to the checklist, the
17 applicant shall be notified by electronic mail, including information about where the applicant is
18 registered to vote.

19 VII. Except as otherwise provided in this section, the supervisor of elections shall process
20 the application pursuant to RSA 654:13.

21 VIII. If a person submits an application pursuant to the provisions of this section after the
22 10th day before an election, the applicant shall not be added to the checklist until the day after the
23 election. The supervisors of the checklist may contact such applicant, either by telephone or mail,
24 in order to inform the applicant of the effect of the late-received application and the ability of the
25 person to register in person on election day.

26 IX. The online voter registration system shall conform to nationally accepted standards for
27 accessibility for individuals with disabilities such as section 508 of the Rehabilitation Act of 1973,
28 section 255 of the Communications Act, and the Web Content Accessibility Guidelines of the World
29 Wide Web Consortium to ensure equal access to voters with disabilities.

30 X. With the exception of the requirement that no person without an identification issued by
31 the New Hampshire department of safety, division of motor vehicles shall be able to register, no
32 legal distinction shall be made between online registration under this section and registration in
33 person, by mail, or other methods provided by general law.

34 XI. A person using the online voter registration application system to register to vote using
35 any name other than his or her own shall be considered to have violated RSA 659:34.

36 2 Centralized Voter Registration Database. Amend RSA 654:45, I to read as follows:

37 I. The secretary of state is authorized to plan, develop, equip, establish, site, and maintain a
38 statewide centralized voter registration database and communications system, hereinafter referred

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1 to as the voter database, connecting users throughout the state. The voter database shall include
2 the current information on the voter registration forms, the accepted absentee ballot applications,
3 the voter checklists, and voter actions as recorded on the marked checklist maintained by each city,
4 ward, and town in the state, *including in accordance with the provisions and authority in*
5 *RSA 654:7-d.*

6 3 Funding of Implementation. The department of state shall fund the implementation of this
7 act when general fund appropriations are made for that purpose to the department of state.

8 4 Effective Date. This act shall take effect upon its passage.

**SB 194-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT authorizing online voter registration.

FISCAL IMPACT: ☒ State ☒ County ☒ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2018	FY 2019	FY 2020	FY 2021
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other			

COUNTY:

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

LOCAL:

Revenue	\$0	\$0	\$0	\$0
Expenditures	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease

METHODOLOGY:

This bill requires the Department of State to establish an online voter registration system. The Department of State shall establish a secure Internet website to permit an applicant to submit an online voter registration form and submit information necessary to establish an applicant's qualifications to vote. This secure Internet website will then interface with the Department of Safety, Division of Motor Vehicles to ensure the applicant's name, citizenship, legal and/or physical mailing addresses, and date of birth can be verified by the records of the DMV. Verified applications will be transmitted by the statewide voter registration database to the appropriate supervisors of the checklist to add the applicant's name to the checklist. An electronic confirmation that the supervisors of the checklist have received the application shall be generated and shall provide instructions to the applicant to check the status of the application. Once added to the checklist by the supervisors of the checklist, the applicant shall be notified by electronic mail, including information about where the applicant is registered to vote. The failure to confirm verified records with the DMV or the lack of issuance of a New Hampshire driver's license or nondriver's picture identification card shall cause the application to be rejected by the online voter registration system, which shall notify the applicant by electronic

mail and inform such applicant of alternative methods of registration.

The Department of State indicates the source of funds will be the HAVA Election Fund, unless it would render the voter registration system or the accessible voting system less functional, then the roll-out may have to be delayed or the general fund charged. If it is determined there is no net benefit to the on-line registration process and not enough usage results, it may be difficult to justify as a HAVA expense. Due to the availability of election day registration and difficulty of automatically confirming domicile from the DMV database, the Department assumes approximately 8% of total 2014 registrations would apply for online voting in 2018, an equivalent (counting address changes) of approximately 15% of total 2016 voter registrations in 2020, an equivalent (counting address changes) of approximately 40% of 2014 voter registrations in 2022, and an equivalent (counting address changes) of approximately 40% of 2016 voter registrations in 2024, with off-year on-line registrations and address changes rising gradually after an initial jump in 2021. On-line address changes would become greater as a share of usage in future years. A functional interface for mobile devices will also be implemented. The Department has projected a need for a Project Manager and costs related to additional HAVA staff time and in-house labor costs. No additional position detail has been included in this analysis.

Department of State Budget Expenses for On-Line Voter Registration				
	FY 2018	FY 2019	FY 2020	FY 2021
Est. # online applicants and registered voters seeking to revise their address	0	2,000	12,000	5,000
Additional HAVA staff time to mail, track and cleanse data	\$0	\$120,000	\$50,000	\$7,000
Interface Mobile Option	\$0	\$25,000	\$5,000	\$5,000
Interface w/ Dept. of Safety (SOS end)	\$40,000	\$55,000	\$15,000	\$15,000
State Project Manager	\$40,000	\$100,000	\$0	\$0
Software Programming, Support and Maintenance	\$150,000	\$140,000	\$25,000	\$25,000
Secure Servers & Other Equipment	\$0	\$70,000	\$10,000	\$10,000
On-Line Voter Registration Interface w/ ElectionNet	\$60,000	\$75,000	\$15,000	\$15,000
HAVA/SOS	\$0	\$120,000	\$40,000	\$35,000

Software Oversight, Specification, Training & Testing				
Additional in-house SOS labor costs of vetting increased affidavits	\$0	\$7,200	\$3,000	\$7,200
Total	\$290,000	\$712,200	\$163,000	\$119,200

The Department of Safety states to comply with the provisions in this bill it will need to make software changes and establish an interface with the Department of State. The Department of Safety estimates the following costs attributable to this bill:

Department of Safety Estimated Costs to Implement On-line Voter Registration				
	FY 2018	FY 2019	FY 2020	FY 2021
VISION Software Configured	\$10,000	\$0	\$0	\$0
Testing	\$43,750	\$0	\$0	\$0
Interface w/ Department of State	\$61,250	\$0	\$0	\$0
Interface Maintenance	\$0	\$10,000	\$10,000	\$10,000
Total Estimated Expenditures	\$115,000	\$10,000	\$10,000	\$10,000

The New Hampshire Municipal Association states that by enabling citizens to register online, it is likely to reduce the number of citizens who register at the municipal clerk's office, at sessions held by the supervisor of the checklist, and at the polls on election day. This may result in less staff time devoted to voter registration at the clerk's office or on election day, but the same number of session are required for the supervisors of the checklist and the difference in estimated staff time is unlikely to be large enough to reduce overall staffing needs. The effect on municipal expenditures is therefore indeterminable and there should be no effect on municipal revenues.

The Department of Justice anticipates the Department of State would require legal counsel throughout the process of developing and implementing such a system. The Department estimates this would require approximately 200 hours of an attorney's time per fiscal year. For Fiscal Years 2018-2019, at \$139 per hour, the estimated cost is \$27,800 per fiscal year. For Fiscal Years 2020-2021, at \$140 per hour, the estimated cost is \$28,000 per fiscal year.

This bill contains penalties that may have an impact on the New Hampshire judicial and correctional systems. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties

below.

Judicial Branch	FY 2018	FY 2019
Class A Misdemeanor	\$71	\$72
Routine Civil Case	\$470	\$477
Routine Criminal Felony Case	\$451	\$456
Complex Equity Case	\$734	\$740
Appeals	Varies	Varies
It should be noted average case cost estimates for FY 2018 and FY 2019 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types. An unspecified misdemeanor can be either class A or class B, with the presumption being a class B misdemeanor.		
Judicial Council		
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney – Felony	\$756/Case	\$756/Case
Contract Attorney – Misdemeanor	\$275/Case	\$275/Case*
Assigned Counsel – Felony	\$60/Hour up to \$4,100	\$60/Hour up to \$4,100
Assigned Counsel – Misdemeanor	\$60/Hour up to \$1,400	\$60/Hour up to \$1,400
<p>It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. The majority of indigent cases (approximately 85%) are handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%).</p> <p><i>* The Council's budget request for the FY 2018-19 biennium includes an increase to \$300 per case for contract attorney misdemeanor cases.</i></p>		
Department of Corrections		
FY 2016 Average Cost of Incarcerating an Individual	\$35,832	\$35,832
FY 2016 Average Cost of Supervising an Individual on Parole/Probation	\$573	\$573
NH Association of Counties		
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$85 to \$110	\$85 to \$110

The Judicial Council states that the legislation is unlikely to affect its expenditures for the defense of the indigent accused.

AGENCIES CONTACTED:

Departments of State, Safety, Justice, and Corrections, Judicial Branch, Judicial Council, and
New Hampshire Municipal Association