

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

HB 285, relative to verification of voter checklists.

Hearing Date: April 19, 2021

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

Members of the Committee Absent : None

Bill Analysis: This bill modifies the procedures for ongoing verification of the information contained in voter checklists.

Sponsors:

Rep. Layon	Rep. Prudhomme-O'Brien	Rep. Thomas
Rep. Love	Rep. Potucek	Sen. Birdsell

Who supports the bill: Senator Regina Birdsell, Representative Judy Aron, Representative John Potucek, Representative Erica Layon, Representative Juliet Harvey-Bolia, Jean Kimball, Michael Kimball, Eric Pauer, Debra Walker, Carrie Reny, Liz Gabert, Kristen Jackson, Bambi Tierney, Sheryl Gaudette, Lisa Mazur, Michael Roy, Nancy Nault, Laurie Pappas, Lisa Barr, Liz Barbor, Janet Lucas, Bernie Dolan, Roberta Gullage, John Gullage, Tim O'Heare, David Kemp, Maria Gilchrist, Donald Readell, Joanne Radziewicz, Stephen Zapora, Sara Dlubac, Lisa Matthews, Albert Todd, Marylyn Todd

Who opposes the bill: Representative Jan Schmidt, Representative Timothy Horrigan, Representative Dru Fox, Representative Chuck Grassie, Representative Megan Murray, Representative Susan Almay, Representative Joyce Weston, Stephanie Osborne, Valerie Scarborough, Janet Lucas, Richard Hunnewell, Anne Hunnewell, Mary Eisner

Summary of testimony presented in support:

Representative Layon

- If a person is on the checklist that means they are considered eligible to vote.
- This past year anyone on the checklist was able to receive an absentee ballot even if they were no longer planning to return to New Hampshire.
- The law should not make it easy for former New Hampshire residents to cast a vote here.
- Supervisors leave deceased residents on the checklist, relying on automatic 3-point matches from the Secretary of State, because they do not have clear authority to remove a voter based upon a partial match and obituaries.
- Family members see their deceased family members on the checklist and are told it will be removed at the ten year update.
- This bill fixes that problem for some of the voters.
- It allows proactive family members to provide documentation and have their deceased loved one removed from the checklist.
- In section four of the bill updating the address file to reflect the postal standards is addressed.

- This is critical for mail deliverability and will prevent removal from the checklist for an incorrect address.
- She believes that it is elected officials duty to keep the voter checklist as accurate as possible.
- Due to same day registration, if an eligible voter is mistakenly removed from the checklist, the remedy is simple and immediate.
- A bloated checklist has a very real, and significant cost financially and on our democracy.
- Every vote cast by an ineligible voter means that the vote of the eligible voter does not count as it should.

Marilyn Todd

- Any bill that wants to clean up the voting rolls should be passed.
- She believes the towns should automatically be doing that and is sad that it has to be made a law.
- New Hampshire voters want to be confident in the integrity of our elections.

David Scanlan – Deputy Secretary of State

- They have general support for this legislation
- Much of what is contained in this bill are things they are already doing.
- When their office receives notification of a death and they match it to someone on the voter checklist, that information is sent directly to the city or town clerk.
- Currently if there is a partial match between the name on the death certificate and the name of the checklist, the towns are instructed to go into NHVRIN (NH Vital Records Information Network) and check the information.
- On page 1, line 8, he would like them to change the word “investigation” to “review and confirmation.”
- They favor comparing the voter database to the United States Postal Service standard address.
- There is a cost to receive the national change of address information from the USPS but it is useful in keeping the checklist up to date.
- On page 2, line 11, the references used in that paragraph that state the “city or town clerk” should be changed to the “supervisor of the checklist” and the word “investigation” on line 15 should be changed to “review and confirmation.”
- Additionally, line 16 should read “ result of such **review**, and should the **records** show that an individual **may have** voted.....
- Senator Soucy asked if the subscription on page 2, line 8, is something that the Secretary of State subscribes to now and would that be available to cities and towns.
 - Mr. Scanlan replied that they do not. There is a financial commitment and that is one of the reasons they have not subscribed. He can find out how much the annual fee would be.
- Senator Gray asked if each town or city would need to buy a subscription or would it be one subscription for the state.
 - Mr. Scanlan replied that he is not sure if the USPS would allow them access on one license or if each community would have to obtain their own subscription. He will find out for the committee.

Representative Fenton Groen

- As a member of the House Election Law Committee, he wanted to note that he fully supports the changes that the Deputy Secretary has suggested.

Representative Erica Layon

- She also agrees with the changes that Mr. Scanlan suggested.
- In her investigation she found there is a way to have the state sign up for the municipalities.
- The other alternative to an annual subscription would be to submit the list for a small amount per voter (less than the cost of wasted stamps).
- Senator Birdsell asked if she could talk about who helped her put this legislation together
 - Representative Layon replied that she worked closely with the supervisor of the checklist, clerk and moderator in the town of Derry. This helped her understand what they could and could not do to update the checklist. She also worked with another Representative from Londonderry who worked with the town clerk. In Derry, it takes the better part of a year to send out all the letters every ten years and is a huge burden and cost. Any changes on an ongoing basis would reduce the flood of effort and burden every ten years.
- Senator Birdsell asked if both moderators were in support.
 - Representative Layon replied that both moderators are in support.
- Senator Perkins Kwoka asked if she could talk about why doing it on an ongoing basis would save money rather than doing it once every ten years.
 - Representative Layon replied that the supervisors of the checklist have periodic meetings where they review any changes to the checklist. Part of their job is to make the changes that are allowed by statute and this bill will add a couple more updates that can be made. It makes it far less burdensome.

Marilyn Todd

- There are a lot of people that are willing to volunteer in order to help with this process.
- She does not think money should be an obstacle to election integrity.
- Many people would rather their tax money go to making sure elections are legitimate.
- She does not believe there should be a cost approach to election integrity.

Summary of testimony presented in opposition:

Representative Timothy Horrigan

- He believes the claims of ineligible voters casting absentee ballots should be looked into before this bill is passed.
- This would be an unfunded mandate as towns do not have investigators on staff.
- The family could send in information if someone has passed away and they can be deleted from the checklist.
- This bill needs more study as he believes it is unnecessary.

TJM

Date Hearing Report completed: April 23, 2021