

HB 502-FN - AS INTRODUCED

2023 SESSION

23-0617

08/10

HOUSE BILL

***502-FN***

AN ACT

relative to voter affidavit ballots.

SPONSORS:

Rep. Edgar, Rock. 29; Rep. Lane, Merr. 16; Rep. Hamer, Hills. 19; Rep. Muirhead, Graf. 12; Rep. Muns, C, Rock. 29; Rep. Shurtleff, Merr. 15; Rep. Wilhelm, Hills. 40; Rep. Simpson, Rock. 33; Sen. Soucy, Dist 18; Sen. Perkins Kwoka, Dist 21; Sen. Whitley, Dist 15; Sen. Altschiller, Dist 24

COMMITTEE:

Election Law

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ANALYSIS

This bill repeals provisions relative to voter affidavit ballots.

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Explanation:

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

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

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

## STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Three*

AN ACT                   relative to voter affidavit ballots.

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

1           1 Voter Identification; Verification; Affidavit Ballot Removed. Amend RSA 659:13, I(c) to read  
2 as follows:

3                   (c)(1) If the voter does not have a valid photo identification, the ballot clerk shall ~~direct~~  
4 ~~the voter to see the supervisor of the checklist.~~

5                           ~~(2) The supervisor of the checklist shall review the voter's qualifications and~~  
6 ~~determine if the voter's identity can be verified.~~

7                           ~~(3) If the supervisor of the checklist cannot verify the voter's identity, the supervisor~~  
8 ~~of the checklist shall]~~ inform the voter that he or she may execute a challenged voter affidavit ~~[and~~  
9 ~~cast an affidavit ballot in accordance with RSA 659:23-a].~~ The voter shall receive an explanatory  
10 document prepared by the secretary of state explaining the proof of identity requirements. If the  
11 voter executes a challenged voter affidavit ~~[and casts an affidavit ballot]~~, the ballot clerk shall mark  
12 the checklist in accordance with uniform procedures developed by the secretary of state.

13                           ~~[(4)]~~ **(2)** If the voter executes a challenged voter affidavit ~~[and casts an affidavit~~  
14 ~~ballot]~~, the moderator or the moderator's designee shall take a photograph of the voter and  
15 immediately print and attach the photograph to, ***and thus make it a part of, the affidavit form.***  
16 ***However, if a photograph was taken under RSA 654:12, then a notation shall be made on***  
17 ***the challenged voter affidavit stating that the photograph is attached to the qualified***  
18 ***voter affidavit or sworn statement on the general election day registration form*** ~~[the~~  
19 ~~duplicate copy of the affidavit voter verification letter to be delivered to the secretary of state].~~ The  
20 photograph shall be 2 inches by 2 inches, or larger, and may be in color or in black and white. The  
21 moderator or his or her designee who took the photograph and the voter shall then sign the  
22 challenged voter affidavit. The moderator or designee shall delete the photograph from the camera  
23 in the presence of the voter. If the moderator or his or her designee is unable to take the voter's  
24 photograph due to equipment failure or other cause beyond the moderator's or his or her designee's  
25 reasonable control, the voter may execute a challenged voter affidavit ~~[and cast an affidavit ballot]~~  
26 without a photograph.

27                           ~~[(5)]~~ **(3)** If the voter objects to the photograph requirement because of religious  
28 beliefs, he or she may execute an affidavit of religious exemption in accordance with RSA 659:13-b,  
29 which shall be attested to by an election officer and attached to the challenged voter affidavit.

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1           ~~[(6)]~~ **(4)** The person entering voter information into the centralized voter registration  
2 database shall cause the records to indicate when a voter has not presented a valid photo  
3 identification and has executed a challenged voter affidavit ~~[and cast an affidavit ballot]~~.

4           2 Voter Identification; Obtaining a Ballot. Amend RSA 659:13, II(b) to read as follows:

5           (b) In addition to the forms of photo identification authorized in subparagraph (a), the  
6 identification requirements of paragraph I may be satisfied by verification of the person's identity by  
7 a moderator or supervisor of the checklist or the clerk of a town, ward, or city, provided that if any  
8 person authorized to challenge a voter under RSA 659:27 objects to such verification, identifies the  
9 reason for the objection in writing, and states the specific source of the information or personal  
10 knowledge upon which the challenge of the photo identification is based, the voter shall be required  
11 to execute a challenged voter affidavit as if no verification was made. ~~[When an election official uses~~  
12 ~~personal recognizance as a substitute for required documentation under this section, the moderator~~  
13 ~~or clerk shall print in the margin of the checklist, next to the name of the voter so qualified, one of~~  
14 ~~the following to identify the official who validated the voter: "P-x-AB" where "P" indicates personal~~  
15 ~~recognizance; "x" shall be "M" for moderator or "C" for clerk; and AB are the first and last initials of~~  
16 ~~the moderator or clerk. By initialing the checklist, the moderator or clerk personally affirms, under~~  
17 ~~penalty of perjury, the identity of the voter they are qualifying to vote.]~~

18           3 Repeal. The following are repealed:

19           I. RSA 659:23-a, relative to affidavit ballots.

20           II. RSA 660:17-a, relative to general provisions for recounts including affidavit ballots.

21           III. RSA 659:13, II(d)-(e), relative to training and informational pamphlets on voting  
22 procedures relative to voter identification requirements.

23           4 Effective Date. This act shall take effect 60 days after its passage.

**HB 502-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to voter affidavit ballots.

**FISCAL IMPACT:**    ☒ State                    ☐ County                    ☒ Local                    ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	(\$178,000)	(\$354,000)	Indeterminable
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input type="checkbox"/> Other			

**LOCAL:**

<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable

**METHODOLOGY:**

This bill repeals provision related to the affidavit ballot process. It removes the requirement for voters to execute a challenge voter affidavit and to also cast an affidavit ballot. It further removes the requirement for the voters to return their copy of the affidavit verification letter and copy of required documents to the Secretary of State in a provided prepaid envelope and certified mailing.

The Department of State indicates there would be a decrease in General fund expenditures in FY 2024 and FY 2025 of \$178,000 and \$354,000 respectively with an indeterminable impact in FY 2026. The Department assumed they would need 12,000 packets, accounting for both the primary and general elections to ensure a sufficient amount of packets at each polling locations. The cost of the preparation of the packets is estimated to be \$5 per packet equating to a savings of \$60,000. The Department assumes in FY 2024 there will be the same amount of voters using the affidavit process as the November 2020 election (4,244). The postage for each returned envelope is \$26.95. Multiplying the 4,244 voters by the postage cost rounds to an estimated savings of \$115,000 for postage cost. The Department would have also incurred \$3,000 in overtime pay. The Department assumes in FY 2025, because it is a presidential year, the savings will be doubled.

The New Hampshire Municipal Association (NHMA) states to the extent any municipality incurs costs associated with paying for staff time while receiving training related to the election law changes, there may be an indeterminable impact on expenditures.

**AGENCIES CONTACTED:**

Department of State and New Hampshire Municipal Association