

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

HB 292, relative to the absentee ballot application process.

Hearing Date: May 10, 2021

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

Members of the Committee Absent : None

Bill Analysis: This bill establishes procedures for the verification of certain mail-in absentee voter applications.

Sponsors:

Rep. Hill
Rep. Rouillard

Rep. Silber
Rep. Pearl

Rep. Rice
Rep. Gunski

Who supports the bill: Rep. Greg Hill, Joanne Oscadal, Dennis Jakubowski, Deborah Jakubowski, Linda Douville

Who opposes the bill: 142 people signed in opposed. If you would like to see the sign in sheet please contact the Committee Aide Tricia Melillo at tricia.melillo@leg.state.nh.us

Who is neutral on the bill: David Scanlan

Summary of testimony presented in support:

Representative Greg Hill

- This bill deals with a specific subset of absentee ballots.
- There is an amendment, #1338s, from Senator French that corrects one sentence in the bill.
- HB 292 addresses the issue of making sure that there is clear and identifiable evidence that the person who is voting is who they say they are.
- This bill was heard last year as Senate Bill 489 and a similar bill was filed in the Senate this year.
- Last year Senator Morgan stated that this bill was not needed because there was no indication that this problem is widespread.
- He believes evidence of a widespread problem is not required to fix this issue.
- Changes were made to the 401K beneficiary process as a result of four spouses pointing out an issue.
- This bill also deals with notarization as a solution.
- Affected would be voters who request an absentee ballot be mailed to an address not shown on the voter checklist.
- Currently, it appears to be very easy for a person wanting to steal votes to acquire these votes by locating a large number of people not voting in an election and claim to be that person.
- No proof of identity is currently needed.
- Clerks are unable to detect any fraudulent activity when the request comes by mail without proof of identity.
- He imagined what would happen if we let our banks run the way we let people vote.
- A person could send a letter with no identification to a bank asking to close their account and have their balance sent to an address not on file.
- That is exactly what is allowed to happen with votes in NH.
- The solution provided in this legislation is to provide either a copy of your picture ID or notarized signature along with your application.

- These are the same things a bank would require, and the same thing required for a 401K beneficiary.
- Voting should be done with clear and identifiable identification
- Senator Gray asked if he has reviewed SB 54 and how they attacked this issue.
 - Representative Hill replied that he has not reviewed it yet.
- Senator Gray asked him to take a look because it changes the application form and asks for additional verifiable identification.
 - Representative Hill stated he would be thrilled with any level of identification being required

Representative Greg Hill (Response)

- He believes that SB 54 does check all of the boxes for him
- He did like seeing “other” in there and he maintains that the “other” category could be a notarized signature.
- Getting a signature notarized is different than a signature match because you are in front of the notary who verifies you are who you say you are.

Summary of testimony presented in opposition:

Olivia Zink – Open Democracy Action

- HB 292 requires that if a person has an absentee ballot sent to a different address than where they vote that voter must either show up to the town or city hall in person OR have their signature notarized.
- Most people who cast an absentee ballot are already registered to vote, and supplied proof of identity in that process when registering.
- Voters who live in nursing homes can vote from their former address and most are not physically able to get a photo ID copied or run out to get a form notarized.
- Some nursing homes have these services but I don’t believe all of them do.
- It cost \$10 in NH to get a form notarized.
- Disabled voters not at home may be disenfranchised if they are not able to obtain copies or have their application or ballot notarized.
- Students away from their home address who wish to vote by absentee, would also have to find notary services.
- Any voter who is out of state on work, might be disenfranchised due to the extra time this law puts on them.
- This bill would require extra time, money, and resources to our town clerks in the absentee voting process that already functions properly.
- A federal judge struck down a New Hampshire law that disenfranchised hundreds of voters each general election because of their handwriting.
- The law did not provide voters with notice and an opportunity to be heard before they were disenfranchised.
- At least two voters at the Laconia Rehabilitation Center were disenfranchised during the 2016 general election because of the signature-match law.
- Senator Gray commented that the court stated the problem with the signature match process was that it had no way to cure and the poll workers did not have handwriting training.
 - Ms. Zink replied that is her understanding but neither has been fully solved.

Todd Fahey – State Director, AARP NH

- Voting is a fundamental right and disenfranchising one voter is a violation of the rights that we hold dear in New Hampshire.
- This bill has a mechanism for inadvertent disenfranchisement.

- If a person leaves their home and moves to assisted living facility their address will be different than the local one.
- Once that happens this bill would be enacted and they would need to provide a photo ID or a notarization.
- That is a problem for people who probably no longer have a valid driver's license.
- Getting a notarized signature is not always easy.
- He believes that the election in 2020 was, generally speaking, safe and fair with only a few hiccups, therefore, does not see the need for this legislation.
- Senator Gray asked if he was familiar with SB 54
 - Mr. Fahey replied that he is familiar and testified in opposition to it in the House.

Bob Perry

- His remarks focus on the references to signature matching.
- There are numerous , valid reasons that signature comparison is problematic.
- The National Multiple Sclerosis Society reported two years ago that around 900,000 Americans suffer with MS.
- The nine states that make up the Northeast of the U.S. have the high prevalence of 377 cases per 100,000 residents.
- In NH, that could mean 4,524 people with MS, many of them voters whose handwriting will be affected.
- Huntington's Disease, Parkinson's Disease, Dysgraphia, Alzheimer's Disease, and Schizophrenia all affect a person's handwriting.
- In court settings, even professional handwriting experts disagree in analyzing the same signature.
- He notes that in 2018 the federal court struck down a 40-year old NH signature match requirement citing that it disenfranchised voters and was fundamentally flawed.
- The disenfranchisement of a voter by act of a moderator is legally actionable.

Christie West

- She agrees with the previous testimony regarding a person's handwriting that can change over time for multiple reasons.
- A signature is not a valid form of identification.
- She is a legal resident of Mont Vernon and had to produce her identification when she registered to vote.
- She does not believe she should have to go to her town clerk's office and provide further ID.
- This bill will place an undue burden on the own town clerks and poll workers who are busy enough.
- She is currently taking care of her mother is North Carolina and is concerned about when she would be required to show her ID.

MK Kilcoin

- She is a six year cancer survivor and could not comply with this legislation if it was the law when she was going through treatments.

Neutral Information Presented:

David Scanlan – Deputy Secretary of State

- They are not taking a position on this bill but wanted to make one clarification.
- HB 292 does not appear to change the current statutory process for absentee voting.
- It only creates an automatic process to have the absentee ballots verified so that it will be counted on the day of the election.

TJM

Date Hearing Report completed: May 14, 2021