

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

SB 54, relative to the procedure used to complete and submit applications for absentee ballots and absentee ballots.

Hearing Date: January 25, 2021

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

Members of the Committee Absent : None

Bill Analysis: This bill requires that a voter includes a photocopy of his or her valid New Hampshire driver's license, nondriver's picture identification card, or other identification with the application for an absentee ballot and inside the outer envelope when returning an absentee ballot.

Sponsors:

Sen. Giuda

Sen. Daniels

Rep. Pearl

Rep. W. MacDonald

Rep. M. Pearson

Rep. Weyler

Who supports the bill: Please see sign in sheet.

Who opposes the bill: Please see sign in sheet.

Summary of testimony presented in support:

Senator Bob Giuda

- This Bill seeks to improve the security of elections and the verification of those who are casting ballots.
- Currently, there is not a process in statute that municipalities can use to verify that an absentee ballot has been submitted by a legitimate NH voter.
- This legislation will require that any means that is used to verify the identity of a voter at the polling place, be photo copied and submitted with the absentee ballot for verification.
- Senator Perkins Kwoka asked if he had considered the burden on the elderly voters to have to get a copy of their license if they do not have a copier at home.
 - Senator Giuda replied that there is plenty of time allowed, once this is put in statute, to be able to get a copy before the next election. Persons that vote absentee, that are disabled in some way, usually have assistance so he does not think it is an additional burden. The confidence in the election process that this will bring to voters is worth it.
- Senator Donna Soucy commented that the effective date would impact municipal elections in the fall and asked if that was his intent.

- Senator Giuda replied that it was not, and he would be happy to change the effective date.

Senator Bob Giuda - 2nd testimony in response

- He has heard some excellent suggestions and critiques of the bill.
- He agrees that voters that are mailed a ballot, not to their registered address, should have to provide an ID.
- The intent of the bill is for those who are able to get a copy of their identification so that the election officials can verify the absentee voter.
- He does not believe that it is too onerous for those who know months in advance to get a copy of their ID.
- He would be happy to make amendments going forward.

Summary of testimony presented in opposition:

Representative Timothy Horrigan

- This creates an additional burden on the voters especially elderly, disabled, and poor voters.
- Not everybody has a photo copier available.
- It will be hard to put an additional piece of paper in the envelope with the absentee ballot.
- It also infringes on people's privacy having multiple election officials with access to a copy of the voters ID.
- Some people may not have an ID if their license expired or they do not drive any longer.

Ken Barnes

- Voting is the most fundamental right and sacred duty that we have as Americans.
- He is 72 and has voted in almost every election since coming of age.
- SB 54 will impede his right to vote due to medical conditions he has.
- He needs to vote by absentee ballot and would be prohibited from doing so if he cannot get a copy of his ID.
- Some people can use the copier at their place of employment, but he is retired and cannot.
- This bill would disenfranchise a large number of Seniors just like me.
- If someone is elderly and cannot leave the house it does not matter how much time they have before the election to comply.

Michael Skibbie – Policy Director, Disability Rights Center of NH

- They have concerns about the impact this bill will have on people with disabilities.
- Voters who may have paraplegia or vision impairments that make it impossible to work with paper on their own.
- He thinks it is helpful to compare the experience of voting for people with or without disabilities if this bill passes.
- Consider that a person with disabilities does not drive and therefore does not have an ID or the voter had identification but has lost it. Neither of these voters would be able to vote under this bill.

- On the other hand, a person without disabilities that does not have a copier or scanner or has lost his ID, has multiple ways that they can remedy this problem and cast their vote.
- One of these voters has the option to vote without identification and the other does not.
- Absentee voting by people with disabilities has a fraud problem in NH.
- Treating these two voters differently is a disability related discrimination, which the legislature should not approve.
- It may be prohibited by the Americans with Disabilities Act and the Rehabilitation Act.
- A lawsuit was filed last summer by the National Federation for the Blind, due to the fact that it is impossible for them to vote with an absentee ballot under the current NH procedures.
- There have been some changes to procedure made by the state following the filing of the lawsuit, which they appreciate.
- The case is still pending with the trial expected within a number of months.
- One of the issues is the ability to return a ballot electronically so that they do not need the assistance of someone, therefore violating your privacy as a voter.
- If this bill passes, it will not be possible for them to return their ballot electronically and will make the system less accessible.
- Given the current inability of people with disabilities to vote in the states current system, it makes no sense to add procedures which will make it more inaccessible.
- A voter that has to vote with assistance is not voting on the same terms as someone who can vote in private.

Janice Kelble

- For the last few years before he died, she was the caretaker for her husband who had Parkinson's Disease.
- Most people do not have copiers in their homes and in some towns it is hard to find a public copier.
- It is very tough for someone who cannot drive to have to depend on someone to get a copy of your identification.
- It is not true that everyone with disabilities has assistance.
- Her husband was frustrated when he could not go to the polls.
- Putting more blocks in the way of voting would create more unnecessary frustration, and hardship.
- This burden will take away the voice of some of the most vulnerable citizens in NH.
- There are options now for people without an ID to vote at the polls and to deny that for the most vulnerable voting absentee is not right.

Daniel Healey – Town Clerk, Derry

- This would disenfranchise the elderly residents that cannot get to a copier.
- Many residents of the nursing homes do not have an ID and those that do cannot easily get a copy of it.
- They had many calls from residents in assisted living facilities and nursing homes on how to vote absentee. If there is an additional step to the process it will hinder many of them from voting.
- If this is put into law, there needs to be a procedure of what to do with the copy of the ID after the ballot is verified.

- A suggestion from Tina Guilford was, that if someone is requesting an absentee ballot and they are not getting it mailed to their registered address, that is when you should ask for an ID.

Tina Guilford – Moderator, Derry

- They had 6500 absentee voters in November and a huge number of those were mailed.
- If they are mailing it to a different address than what is on the checklist, in that case, she understands asking for an ID.
- All the voters that came in person to vote absentee, wanted to show their ID and that is a good idea.
- It would be suppressing the vote, to require those that cannot come in, to provide a copy of their ID.
- This will confuse absentee voters even more, and the returned ballots will not be correct.

TJM

Date Hearing Report completed: January 27, 2021