

SB 631-FN - AS AMENDED BY THE SENATE

03/12/2020 1090s

2020 SESSION

20-2989

11/03

SENATE BILL **631-FN**

AN ACT authorizing online voter registration.

SPONSORS: Sen. Levesque, Dist 12; Sen. Sherman, Dist 24; Rep. Porter, Hills. 1

COMMITTEE: Election Law and Municipal 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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Twenty

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 January 1, 2022, 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 altering
13 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 applicant's
2 digital signature shall satisfy the signature requirement of RSA 654:7, IV. The applicant shall be
3 required to submit an original signature to the supervisors of the checklist prior to voting in the first
4 election after registering online. An online registrant shall not be eligible to receive an absentee
5 ballot until his or her original signature is on file with the supervisors of the checklist.

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

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

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

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

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

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

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

35 2 Centralized Voter Registration Database. Amend RSA 654:45, I to read as follows:

36 I. The secretary of state is authorized to plan, develop, equip, establish, site, and maintain a
37 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, *including those submitted pursuant to*
3 *RSA 654:7-d*, the accepted absentee ballot applications, the voter checklists, and voter actions as
4 recorded on the marked checklist maintained by each city, ward, and town in the state.

5 3 Funding of Implementation. The department of state shall fund the implementation of this
6 act with grants received pursuant to the 2018 Help America Vote Act Election Security Award and
7 section 101 of the Help America Vote Act of 2002, Public Law 107-252.

8 4 Effective Date. This act shall take effect January 1, 2021.

**SB 631-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT requiring online voter registration.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

LOCAL:

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

METHODOLOGY:

This bill requires the Department of State to create and maintain an online portal allowing individuals to register to vote. The Department of State shall enter into an agreement with the Department of Safety, Division of Motor Vehicles to collect signature images and transfer them to the statewide voter registration database. The Department of State may enter into agreements with other state or local agencies for the transfer of signatures and provide a registration interface to third party interests. The Department of State shall also provide safeguards to ensure secure applicant data and the integrity of the statewide voter registration database. The supervisors of the checklist shall certify the receipt of each completed voter registration form and shall notify the person of the disposition of the form. The bill is assumed to be effective in FY 2021.

The Department of State indicates the costs to develop and maintain secure software and Internet connections and training of local election officials is indeterminable.

The Department of Safety states it would require a 2-way interface with the Department of State. Reprogramming the existing VISION system for this purpose is estimated to cost \$250,000 as a one-time expense.

There may be an unknown indeterminable cost to municipalities to comply with the requirement that voters be notified of the disposition of the form through the system.

AGENCIES CONTACTED:

Departments of State and Safety