

HB 287-FN – AS INTRODUCED

2013 SESSION

13-0065  
03/10

HOUSE BILL        ***287-FN***

AN ACT            eliminating voter identification requirements.

SPONSORS:       Rep. Horrigan, Straf 6; Rep. Chase, Ches 8; Rep. Timothy Smith, Hills 17;  
Rep. Moody, Rock 17; Rep. Winters, Hills 18

COMMITTEE:      Election Law

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ANALYSIS

This bill eliminates voter identification requirements.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                   eliminating voter identification requirements.

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

1           1 Election Fund Reimbursement. RSA 5:6-d, III is repealed and reenacted to read as follows:

2           III. The secretary of state is authorized to accept, budget, and, subject to the limitations of  
3 this paragraph, expend moneys in the election fund received from any party for the purposes of  
4 conducting elections, voter and election official education, the purchase or lease of voting equipment  
5 which complies with the Help America Vote Act of 2002, Public Law 107-252, election law  
6 enforcement, and improvements to related information technology, including acquisition and  
7 operation of an automated election management system. The secretary of state shall not expend any  
8 moneys in the election fund unless the balance in the fund following such expenditures shall be at  
9 least 15 times the estimated annual cost of maintaining the programs established to comply with the  
10 Help America Vote Act of 2002, Public Law 107-252.

11          2 Identification Cards. RSA 260:21, V is repealed and reenacted to read as follows:

12          V. The fee for such card shall be \$10 and is not refundable, except that no fee shall be  
13 charged to any person who, for reason of health or age, turns in his or her driver's license before the  
14 expiration date of such license. For purposes of this section, reasons of age shall be deemed to apply  
15 only to those persons over age 65.

16          3 Statutes Posted. RSA 658:29 is repealed and reenacted to read as follows:

17          658:29 Statutes Posted. The secretary of state shall prepare and distribute copies of the  
18 following RSA sections which the selectmen shall post or cause to be posted outside the guardrail in  
19 the polling place at all elections: RSA 654:7-a, RSA 654:7-b; RSA 659:27, RSA 659:30, RSA 659:31,  
20 RSA 659:32, RSA 659:34, RSA 659:35, RSA 659:37, RSA 659:38, RSA 659:40, RSA 659:41,  
21 RSA 659:103; RSA 666:4, RSA 666:5, RSA 666:8. In addition, the secretary of state shall include any  
22 other statutes or regulations that are required to be posted by state or federal law. The secretary of  
23 state may also include statutes or regulations that, in the secretary of state's judgment, would aid a  
24 voter in casting a vote or in contacting the appropriate official if the voter believes that his or her  
25 voting rights are being violated.

26          4 Obtaining a Ballot. RSA 659:13 is repealed and reenacted to read as follows:

27          659:13 Obtaining a Ballot. A person desiring to vote shall, before being admitted to the enclosed  
28 space within the guardrail, announce his or her name to one of the ballot clerks who shall thereupon  
29 repeat the name; and, if the name is found on the checklist by the ballot clerk, the ballot clerk shall  
30 put a checkmark beside it and again repeat the name. The ballot clerk shall state the address listed  
31 on the checklist for the voter, and ask if the address is correct; if the address on the checklist is not

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correct, the ballot clerk shall correct the address in red on the paper checklist and the supervisors of the checklist shall cause the centralized voter registration database to reflect the correction. The voter, if still qualified to vote in the town or ward, and unless challenged as provided for in RSA 659:27 through 659:33, shall then be allowed to enter the space enclosed by the guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state.

5 Wrongful Voting; Penalties for Voter Fraud. RSA 659:34, I-II is repealed and reenacted to read as follows:

I. A person is subject to a civil penalty not to exceed \$5,000 if such person:

(a) When registering to vote; when obtaining an official ballot; or when casting a vote by official ballot; makes a false material statement regarding his or her qualifications as a voter to an election officer or submits a voter registration form, an election day registration affidavit, a qualified voter affidavit, a domicile affidavit, a challenged voter affidavit, or an absentee registration affidavit containing false material information regarding his or her qualifications as a voter;

(b) Votes more than once for any office or measure;

(c) Applies for a ballot in a name other than his or her own;

(d) Applies for a ballot in his or her own name after he or she has voted once;

(e) Votes for any office or measure at an election if such person is not qualified to vote as provided in RSA 654; or

(f) Gives a false name or answer if under examination as to his or her qualifications as a voter before the supervisors of the checklist or moderator.

II. A person is guilty of a class B felony if, at any election, such person purposely or knowingly commits an act specified in subparagraph I(b). A person is guilty of a class A misdemeanor if, at any election, such person purposely or knowingly commits any of the other acts listed in paragraph I.

6 Repeal. The following are repealed:

I. RSA 33-A:3-a, CLVI, relative to retention of affidavits of religious exemption.

II. RSA 652:24 through RSA 652:26, relative to voter identification implementation.

III. RSA 658:29-a, relative to voter identification instructions.

IV. RSA 659:13-b, relative to affidavit of religious exemption.

V. 2012, 284:7 through 284:10, relative to voter identification.

VI. 2012, 284:12, relative to right-to-know exemption.

VII. 2012, 289:4, relative to voter identification.

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

**HB 287-FN - FISCAL NOTE**

AN ACT                    eliminating voter identification requirements.

**FISCAL IMPACT:**

The Department of State indicates this bill, as introduced, will decrease state expenditures by \$158,960 in FY 2014, \$98,215 in FY 2015, \$102,747 in FY 2016, and \$105,983 in FY 2017. The Department of Justice, Judicial Council, New Hampshire Association of Counties, and New Hampshire Municipal Association state this bill would decrease state, county, and local expenditures by an indeterminable amount in FY 2014 and each year thereafter. This bill will have no fiscal impact on state, county, and local revenue.

**METHODOLOGY:**

The Department of State indicates this bill will repeal requirements for voter identification and verification. The Department states general fund expenditures would decrease by eliminating the Program Assistant II position created to train local election officials and also repeals the requirement to send a verification mailing to voters who did not show an acceptable form of identification. Based on their experience in the 2012 general election, the Department estimates approximately 1% of voters on Election Day did not have an acceptable identification. The Department estimates approximately 3,000 voters for the FY 2014 elections and 9,500 voters in FY 2015 would present without acceptable identification and would need mail verification. The Department estimates each mailing costs \$3 per piece for a total of \$9,000 in FY 2014 (\$3 x 3,000 voters) and \$28,500 in FY 2015 (\$3 x 9,500 voters). The Department states very few individuals sought voter ID cards from the Division of Motor Vehicles during the 2012 election cycle so they estimate a decrease in state general fund expenditures of \$5,000 (500 voter ID cards at a cost of \$10 each). The Department states this bill would repeal the requirement to place digital cameras and printers in polling locations so \$81,675 in equipment expenses would not be needed as well as \$10,000 in maintenance expenditures. The Department states it can absorb the costs of printing and modifying its forms within its current budget. The table below identifies decreases in expenditures due to this bill.

	FY 2014	FY 2015	FY 2016	FY 2017
Program Assistant II				
(Labor Grade 15, Step 1)	(\$53,285)	(\$54,715)	(\$57,747)	(\$60,983)
Verification Mailings	(\$9,000)	(\$28,500)	(\$30,000)	(\$30,000)

Non Driver Photo IDs	(\$5,000)	(\$5,000)	(\$5,000)	(\$5,000)
Camera & Printers	(\$81,675)	(\$0)	(\$0)	(\$0)
Equipment Maintenance	(\$10,000)	(\$10,000)	(\$10,000)	(\$10,000)
	(\$158,960)	(\$98,215)	(\$102,747)	(\$105,983)

The Department of Justice states this bill would eliminate the need for the Attorney General's Office to investigate any returned domicile affidavits executed by voters who did not display an approved identification at the time he or she voted. The Department states the fiscal impact of the investigations that may be triggered from the 2012 General Election is not yet known and, therefore, the fiscal impact is indeterminable.

The Judicial Council states this bill decreases the offense level from a class B felony to a class A misdemeanor which would result in decreased expenditures. The Judicial Council states no indigents have needed representation related to voter fraud in the last ten years. Nevertheless, to the extent that class A misdemeanor penalties are sought, the state would be subject to expenditures of approximately \$275 for each misdemeanor case handled by a public defender or contract attorney rather than \$756.24 for a felony case. If an assigned counsel attorney is used, the fee is \$60 per hour with a cap of \$1,400 for a misdemeanor and a cap of \$4,100 for a felony. The Council also states additional costs could be incurred if an appeal is filed. The public defender, contract attorney, and assigned counsel rates for Supreme Court appeals is \$2,000 per case. Expenditures would increase if services other than counsel are requested and approved by the court during the defense of a case or during an appeal.

The New Hampshire Association of Counties states, to the extent fewer individuals are charged, convicted, and sentenced to incarceration in a county correctional facility, the counties may have decreased expenditures. The Association is unable to determine the number of individuals who might avoid prosecution and incarceration as a result of this bill to determine an exact fiscal impact. The average annual cost to incarcerate an individual in a county correctional facility is approximately \$35,000. There is no impact on county revenue.

The New Hampshire Municipal Association states the repeal of the voter identification process may decrease the time, workload, and costs for local election officials. The Association is not able to determine the exact impact on local expenditures.

The Department of Safety states this bill will have no fiscal impact on state expenditures or revenue.