

SB 207-FN - AS INTRODUCED

2015 SESSION

15-0204
03/01

SENATE BILL **207-FN**

AN ACT eliminating the requirement that moderators photograph voters without identification.

SPONSORS: Sen. Pierce, Dist 5; Sen. Lasky, Dist 13; Sen. Kelly, Dist 10; Rep. Hoelzel, Rock 3; Rep. J. Belanger, Hills 27

COMMITTEE: Public and Municipal Affairs

ANALYSIS

This bill eliminates the requirement that moderators photograph voters without identification.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT eliminating the requirement that moderators photograph voters without identification.

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

1 1 Reference Deleted. Amend RSA 5:6-d, III 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 monies 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 equipment that
5 complies with the Help America Vote Act of 2002, Public Law 107-252, [~~or with RSA 659:13, V,~~]
6 reimbursing the department of safety for the actual cost of voter identification cards, election law
7 enforcement, and improvements to related information technology, including acquisition and
8 operation of an automated election management system. The secretary of state shall not expend any
9 monies in the election fund unless the balance in the fund following such expenditures shall be at
10 least 12 times the estimated annual cost of maintaining the programs established to comply with the
11 Help America Vote Act of 2002, Public Law 107-252.

12 2 Reference Deleted. Amend RSA 654:31-a to read as follows:

13 654:31-a Right to Know Exemption. The information contained on the checklist of a town or city,
14 specifically, the name, domicile address, mailing address, town or city, and party affiliation, if any, of
15 registered voters, except as otherwise provided by statute, is public information subject to RSA 91-A. All
16 other information on the voter registration form, absentee registration affidavit, qualified voter and
17 domicile affidavits, [~~affidavit of religious exemption,~~] and application for absentee ballot shall be treated
18 as confidential information and the records containing this information shall be exempt from the public
19 disclosure provisions of RSA 91-A, except as provided by statutes other than RSA 91-A. Notwithstanding
20 the foregoing, qualified voter and domicile affidavits are public records subject to RSA 91-A for the sole
21 purpose of challenging an individual registering to vote or voting, challenging ballots to be recounted, to
22 the extent that such ballot challenges are specifically authorized by law, or determining the accuracy of
23 any qualified voter or domicile affidavit. Election officials and law enforcement personnel in furtherance
24 of their official duties may access and may disclose information from the voter registration form, qualified
25 voter and domicile affidavits, affidavits of religious exemption, absentee registration affidavits, and
26 applications for absentee ballots, if necessary to resolve a challenge to an individual registering to vote or
27 voting, or if necessary to investigate or prosecute election law violations or any crime. Law enforcement
28 access and use of such records for the investigation or prosecution of crimes unrelated to election law
29 violations shall be limited to the records of the specific individuals who are the subject of the investigation
30 or prosecution.

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1 3 Reference Deleted. Amend RSA 658:29 to read as follows:

2 658:29 Statutes Posted. The secretary of state shall prepare and distribute copies of the
3 following RSA sections which the selectmen shall post or cause to be posted outside the guardrail in
4 the polling place at all elections: RSA 654:7-a, RSA 654:7-b; RSA 659:13, [~~RSA 659:13-b,~~
5 RSA 659:27, RSA 659:30, RSA 659:31, RSA 659:32, RSA 659:34, RSA 659:35, RSA 659:37,
6 RSA 659:38, RSA 659:40, RSA 659:41, RSA 659:103; RSA 666:4, RSA 666:5, RSA 666:8. In addition,
7 the secretary of state shall include any other statutes or regulations that are required to be posted by
8 state or federal law. The secretary of state may also include statutes or regulations that, in the
9 secretary of state's judgment, would aid a voter in casting a vote or in contacting the appropriate
10 official if the voter believes that his or her voting rights are being violated.

11 4 References Deleted. Amend RSA 659:13, IV(a) to read as follows:

12 IV.(a) The secretary of state shall cause a letter of identity verification to be mailed by first
13 class mail to each voter who executed a challenged voter affidavit [~~or affidavit of religious exemption~~]
14 in accordance with paragraph I, unless the same person is sent letter of identity verification pursuant
15 to RSA 654:12, V(b). The letter shall be mailed by January 10 in every odd-numbered year in the case
16 of persons executing challenged voter affidavits [~~or affidavits of religious exemption~~] at a state primary
17 or general election, or within 90 days after any other election. The secretary of state shall mark the
18 envelope with instructions to the United States Post Office not to forward the letter and to provide
19 address correction information. The letter shall notify the person that a person who did not present
20 valid photo identification voted using his or her name and address and instruct the person to return
21 the letter within 30 days with a written confirmation that the person voted or to contact the attorney
22 general immediately if he or she did not vote. The letter shall also inform the person of the procedure
23 for obtaining a free nondriver's picture identification card for voting purposes.

24 5 Reference Deleted. Amend RSA 659:34, I(a) to read as follows:

25 (a) When registering to vote; when obtaining an official ballot; when casting a vote by
26 official ballot; or when applying for a photo identification card for voting purposes, purposely or
27 knowingly makes a false material statement regarding his or her qualifications as a voter to an
28 election officer or submits a voter registration form, an election day registration affidavit, a qualified
29 voter affidavit, a domicile affidavit, a challenged voter affidavit, [~~an affidavit of religious exemption,~~]
30 an identification card voucher, or an absentee registration affidavit containing false material
31 information regarding his or her qualifications as a voter;

32 6 Repeal. The following are repealed:

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

34 II. RSA 659:13, I(c)(2) and I(c)(3), relative to photograph of voter.

35 III. RSA 659:13, V, relative to photography equipment.

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

37 7 Effective Date. This act shall take effect September 1, 2015, at 12:03 a.m.

SB 207-FN - FISCAL NOTE

AN ACT eliminating the requirement that moderators photograph voters without identification.

FISCAL IMPACT:

The Department of State states this bill, **as introduced**, will decrease state expenditures by \$137,643 in FY 2016, \$67,045 in FY 2017, \$69,784 in FY 2018, and \$72,649 in FY 2019. There will be no fiscal impact on state, county, and local revenues or county and local expenditures.

METHODOLOGY:

The Department of State states this bill eliminates the requirement in RSA 659:13 that a digital photograph be taken of any voter who does not have an acceptable form of identification to obtain a ballot after September 1, 2015. The Department states the legislation would eliminate the need to hire a Program Assistant II to train local election officials on the requirements. Further, the Department reports it would forgo the purchase of camera and printer equipment as well as associated annual equipment maintenance costs. The table below details the Department's anticipated reductions in expenditures resulting from this bill:

	FY 2016	FY 2017	FY 2018	FY 2019
Program Assistant Salary (LG 15, step 1)	\$(26,555)	\$(32,683)	\$(34,013)	\$(35,388)
Benefits	(19,413)	(24,362)	(25,771)	\$27,261)
Camera and Printer Equipment	(81,675)	\$0	\$0	\$0
Equipment Maintenance	(10,000)	(10,000)	(10,000)	(10,000)
Total	\$(137,643)	\$(67,045)	\$(69,784)	\$(72,649)