Bill as Introduced

SB 385-LOCAL - AS INTRODUCED

2000 SESSION

00-2626
03/01

SENATE BILL ***385-LOCAL***

AN ACT relative to fees for copies of checklists.

SPONSORS: Sen. Trombly, Dist 7

COMMITTEE: Public Affairs

ANALYSIS

This bill limits the fee that may be charged for paper copies of checklists to $25 per town or city.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

00-2626.0
03/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

AN ACT relative to fees for copies of checklists.

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

1 Elections; Voters and Checklists; Checklists: All State Elections; Availability of Checklist; Fees. Amend RSA 654:31 to read as follows:

654:31 Availability of Checklist. The checklist as corrected by the supervisors shall be open for the examination of any person at all times before the opening of a meeting or election at which the list is to be used. The supervisors shall furnish one or more copies of the most recent checklist to any person requesting such copies. If the supervisors maintain or have access to the checklist or information from which the checklist was derived in more than one form, the person requesting copies shall be furnished copies in any of those forms according to [~~his~~] ***the person's*** preference. The supervisors may charge a reasonable fee for copies that is based on the actual costs incurred when reproducing an existing checklist, except that in no event shall the fee for paper copies of ***the checklist or checklists for*** any single town [~~or ward checklist~~] ***or city*** be [~~less than $5 nor~~] more than $25 per [~~checklist~~] ***town or city***. The fee charged for checklists on computer disk or tape, or in any form other than paper, shall be based solely on the additional costs incurred to provide such checklist to the individual requesting it. The fee shall be for the use of the town or city.

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

Committee Minutes

Extra

Date: January 19, 2000
Time: 1:00 PM
Room: 104 - LOB

The Senate Committee on Public Affairs held a hearing on the following:

SB 385 relative to fees for copies of checklists.

Members of Committee present: Senator Trombly
Senator Disnard
Senator Eaton
Senator Krueger
Senator Roberge

The Co- Chair, Senator George Disnard, opened the hearing by calling on prime sponsor Senator Rick Trombly.

Senator Rick A. Trombly, D. 7: ...(tape malfunction)... because it wasn't a campaign, running into the problem when trying to get a copy of a checklist for their use, they went to a city that had wards and the city was charging them $25.00 per ward, and in reading in the statute, it was unclear whether the checklist was considered for that purpose...one whole checklist or individual checklist. So, what I did was...I felt that certainly $25.00, given technology nowadays of a floppy disk that costs a few cents...$25.00 for a whole entire area most certainly was not an unreasonable sum of money, but to charge $600.00 for an entire checklist of a city was...and it's purely technology driven.

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Senator George F. Disnard, D. 8: Questions from members of the committee?

Senator?

Senator Patricia Krueger, D. 16: Just a short one. Thank you. I think you already answered my question...I guess my question is going to be along that line is...What do you...I'm not a "technocrat" as you well know, so, I mean I could be...(inaudible)...so a city like Manchester, the actual cost to provide for all wards would be what?

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Senator George F. Disnard, D. 8: First of all, the amount of money is for each ward.

Senator Rick A. Trombly, D. 7: Right...and if it costs a municipality more than $25.00 to reproduce for a ward, then I think it's fair and reasonable to expect that, if somebody wants a copy of a checklist that they should pay the minimum of the cost of reproduction. I just have a very difficult time believing...but I'm not a "technocrat" either. I just have a hard time believing that with technology the way it is, if the system is set up in such a way that it can accommodate putting something on a disk (a floppy disk)...If you have run time and everything, how can that be more than $10.00? Floppy disks are cheap, you stick it in, you hit the button, and it goes...and it downloads onto the disk. I mean there's an incredible amount of information that is downloaded onto disks every day, and I can't believe that the costs of that are huge.

Senator Patricia Krueger, D. 16: I just have a follow-up question, Mr. Chairman. Then, Senator Trombly, so, what you're saying is that $25.00 per ward in Manchester is not unreasonable and, yet, you want to put this bill through with the hopes that we can presume that they're going to be up to speed enough to transfer onto a floppy?

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coffee table, it should be the cost of reproducing it. It should be no more to the citizenry than the cost to the municipality. I think, if a municipality can justify its cost in a reasonable rational manner, then they should be allowed to coup those costs...but the citizen should not be subsidizing municipalities for providing copies.

I think sometimes we think in terms of concreteness that well, maybe what we're talking about here is a campaign and campaigns therefore should pay the maximum or whatever...But, what we're talking about here is the accessibility to the checklist by the voters; and I don't think you can look beyond the motivation no one should pay a dime more than it costs the municipality reasonably to reproduce it. But, at the same token, the people requesting it should not require other taxpayers in a community to assume the burden of their cost.

So, the answer to your question is...Yes, I think we can look at amending the bill so that it might take into consideration costs above $25.00. But, I'm telling you, I'm not a "technocrat", but to reproduce a list with 2,000 names on it, I fail to see how that can even approach $25.00. I fail to see how it approaches that. I've put names out in my campaign (the database of my campaign with several thousand people); it does not cost me $25.00...so, the answer is yes.

Senator Thomas Eaton, D. 10: Have you heard from any of the small towns that don't have computer systems like Manchester or Keene what it would cost to reproduce a list?

Senator Rick A. Trombly, D. 7: No I haven't. I know what they charge ... they charge the maximum under the law. I don't think anyone's ever ordered them to justify that cost, Senator Eaton...but I'll tell you...they charge the maximum. I would like to see a town that doesn't. So, maybe them not being here is, hopefully, if you don't kick the rock over.

Senator George F. Disnard, D. 8: What's the maximum under the law?

Senator Rick A. Trombly, D. 7: $25.00, Senator. No less than $5.00 and no more than $25.00.

Senator George F. Disnard, D. 8: Any further questions? Thank you very much.

Sharon Dery has presented **written testimony**. She is not in attendance; she did not sign up to speak. She was in opposition.

Carol Johnson?

Carol Johnson – Deputy City Clerk, City of Manchester: Good morning, My name is Carol Johnson, I'm with the City of Manchester. I am the Deputy Clerk for the city, and I did bring copies of **written testimony** for the committee's pleasure.

In light of what's been said this morning, I also would comment that I am vice-chairman of the Legislative Committee for the City & Town Clerks' Association, who has not, as of yet, taken a position on this bill; but I suspect will in a very short period of time. It just came to light this week; the city of Keene contacted me.

I would like to read my testimony into the record and, after I'd like to also make a couple of comments in light of the testimony that's been told.

(Reads written testimony) – **Attachment "A"**

I know that this discussion also, in terms of the small towns...I know that I spoke with the city of Keene, which is somewhat smaller than Manchester; they estimate $25.00 per ward as well. We did an analysis of this a few years ago. I can't really speak for the smaller towns because I have not had discussions with them, but there are instances where I think some of the communities have not put their checklist on the computer to begin with, which makes it easier access for everybody.

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Do you think the figure of $25.00 should be written into the law because it might have to be changed and upgraded occasionally, or should it be at cost?

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Judy Silva – N. H. Municipal Association:
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I guess our concern was with if the interpretation has been that you can charge $25.00 per ward and to the extent that that may or may not be enough money to cover the cost of actually reproducing that checklist...If you say that the checklist comprises the checklist for the entire city and then charge that same $25.00 for that, you are imposing an additional cost on a municipality. Although I heard Carol's comments, it may be that if you're looking at determining just exactly what the cost is and making sure that people pay that cost and no more but also no less, then you adopt the standard that is contained in the "Right To Know" law generally speaking that the actual cost of copying the document is what may be charged.

I am also not a "technocrat", but I would note that this statute regarding the checklist says that if you maintain it in different forms, you are to provide it to the individual requesting it in whatever form they may require. So, you may have somebody that does not want it in the computer format which might cost only the $25.00 to produce, and you would then still be left with that $25.00 limit on a city-wide basis as opposed to a $25.00 per ward checklist as the original or existing language has been interpreted. So, our concern, again, is just with what this does in terms of covering municipal cost to provide these copies.

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Hearing closed at 1:25 p.m.

Respectfully submitted,
Carolyn Carey, Senate Secretary

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Attachment "A"

CITY OF MANCHESTER

Office of the City Clerk

Leo R. Bernier
City Clerk

Carol A. Johnson
Deputy Clerk

Paul R. Bergeron
License Enforcement
& Elections Deputy

Paula L-Kang
Deputy Clerk
Administrative Services

Testimony of: Carol A. Johnson
Deputy City Clerk
City of Manchester, NH
January 19, 2000

To: Senate Public Affairs Committee

Re: SB 385-Local

Thank you for the opportunity to address you regarding Senate Bill 385 Local.

The City of Manchester, Office of the City Clerk, stands opposed to this bill. Our opposition is primarily based on the fact that $25.00 for an entire listing of the City of Manchester voters places a burden of cost on the taxpayers of our City.

The staff time and paper utilized to print over 45,000 names and addresses costs Manchester more than $25.00 to produce. The cost of producing one ward list has previously been estimated at an approximate $25.00 per ward. Manchester has twelve wards. This bill would mandate costs to the taxpayers to provide a service to candidates, special interest groups, or private businesses in the city of Manchester, contrary to the provisions of Part 1, Article 28-a, of the State Constitution.

In addition to staff time and paper, the cost of producing a checklist includes down time of the computer and printer resources. Our system does not allow entry of voters, or voter registration changes, during report prints. Printing of reports, or entry of voters, during election periods sometimes requires staff overtime.

The bill does not address the fee allowed for providing someone with one ward, rather than twelve wards, of information. If one is to presume the cost of one ward is the same as twelve wards, that would seem hardly fair to the candidate who only requires information for one ward. Does one pay the same for one apple as for twelve apples, or one book as twelve books?

Manchester has a high percentage of low to moderate income residents. It is not in their best interest to burden them with these costs.

Attachment "B"

City of Concord, New Hampshire

RECORDS DEPARTMENT

CITY HALL • 41 GREEN STREET • 03301

TEL 603•225•8500 FAX 603•228•2724

SHARON DERY
CITY CLERK

January 19, 2000

Re: SB 385

Dear Senator Trombly and Senate Committee Members:

Please consider this written testimony when deliberating SB 385. I have recently completed an analysis of the City of Concord's City Clerk's Office service levels and compared the cost to provide a service against the level it provided. Maintaining voter information ranked very high among the tasks that required a high degree of maintenance. To arrive at the cost to provide a checklist, it is important to include not only the direct expense of immediately creating the document in either paper or electronic form, but the directly-related cost to generate and maintain checklist data. This begins at the time a resident requests to be registered to vote in a community and continues through the 10-year verification process, including additions, corrections, deletions and voter history. The process is labor intensive resulting in a list to benefit the resident on Election Day at which time he or she appears to vote. Automating this information does not lessen the time or responsibilities required in maintaining the data. Please consider the following items in regards to SB 385.

1. The cost to maintain the information is expensive.
2. The task is labor intensive.
3. The purpose of the checklist is to benefit the resident by providing a voter registry on Election Day.
4. Purchasers of the checklist obtain the information to realize a gain, whether it is monetary such as retail or marketing purposes or to influence a registered voter.
5. The obligation of public sector employee regarding a voter checklist should rest with community residents and voters not with other interests.
6. If the checklist were to be sold at a reduced rate, the cost/benefit would be greatly sided with the benefit causing a loss in the value of labor hours spent serving the registered voters.
7. It does not make good financial sense for the public sector to lose time and money as a result of providing data for other than its original intent.

The current statute provides for $25.00 per ward for paper copy and leaves the cost for automated documents to the municipality's discretion, giving the purchaser choice and allowing for fair remuneration for both document forms. Often, the speed of technology overshadows its true cost.

Thank you for your consideration.

Sharon Dery, City Clerk

Sharon Dery

SB 385 - 1/19/00 1:00 p.m

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Sen Trombly - spoke first

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Carol Johnson

Carol Johnson — Deputy clerk (written testimony)

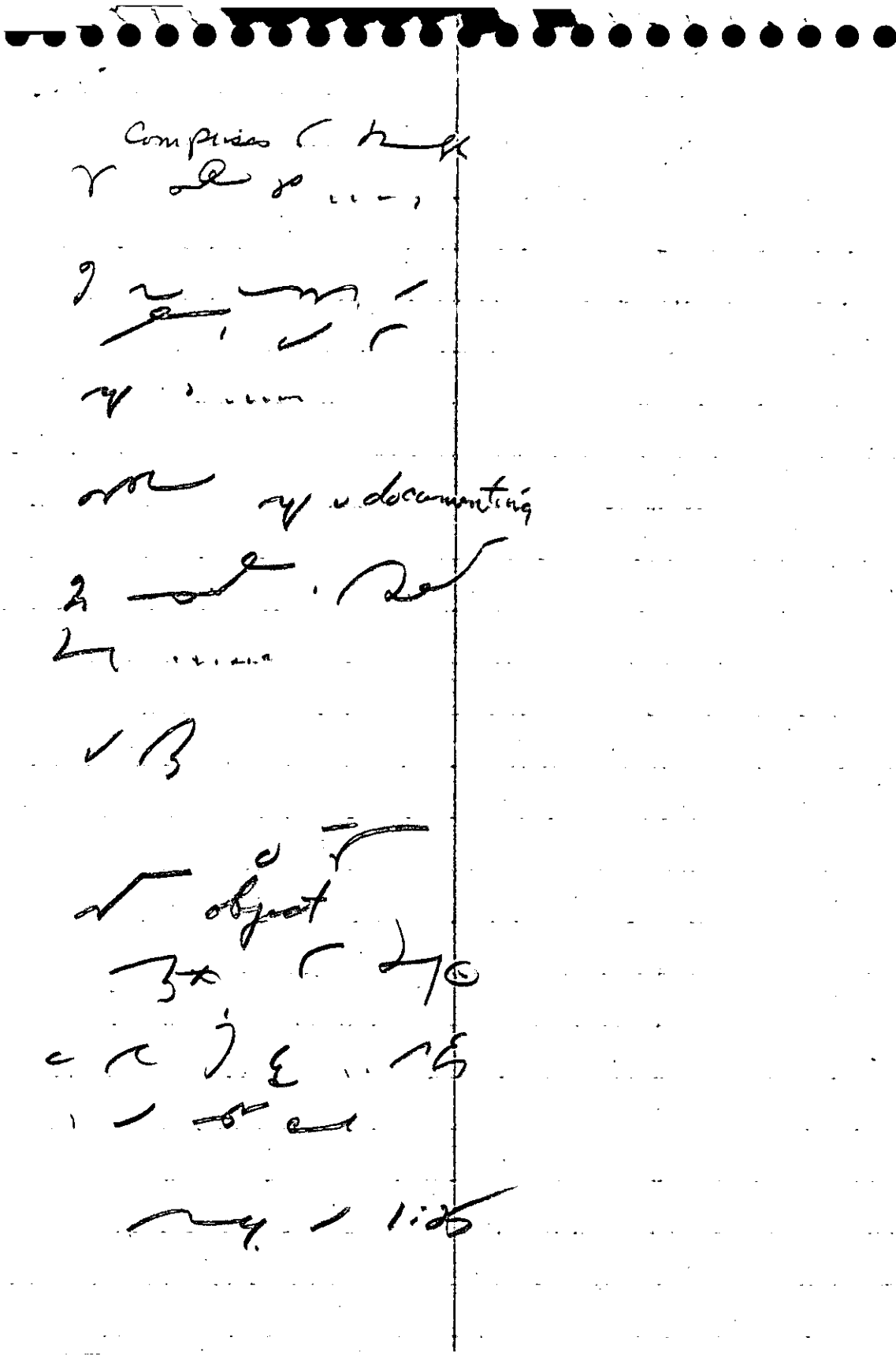
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Judy Silva UHMA



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SB 385

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Speakers

SENATE Public Affairs COMMITTEE

Date 1/19/00 Time 1:00 PM Public Hearing on SB 385

Appearing in FAVOR: (Please print) **Please check box at left to speak.**

Speaking?	Name	Address	Representing
☐	~~Sharon Dezy~~	~~41 Green St~~	~~City of Concord~~
☐	Lyn Gourley	Senator	
☐			
☐			
☐			
☐			
☐			
☐			
☐			
☐			

Appearing in OPPOSITION: (Please Print) **Please check box at left to speak.**

☐	Sharon Dezy	Written Testimony Provided	
☑	Carol Johnson	One City Hall Plaza	Manchester City Clerk
☑	Judy Silva	PO Box 617 Concord NH	NHMA
☐			
☐			
☐			
☐			
☐			
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☐			

Voting Sheets

Senate Public Affairs Committee
EXECUTIVE SESSION

Bill# 385

Hearing date: 1/19/00 Room: Rm. 104 LOB
Motion of: ITL

Made by Senator:			*Seconded by Senator:*		
	Trombly	☐		Trombly	☐
	Disnard	☐		Disnard	☐
	Eaton	☐		Eaton	☑
	Krueger	☑		Krueger	☐
	McCarley	☐		McCarley	☐
	Roberge	☐		Roberge	☐

4-1

Committee Member	*Present*	*Vote*	*Reported out by*
Senator Rick Trombly, Chairman	☑	NO	
Senator George Disnard, Vice-Chair	☑	yes	
Senator Thomas Eaton	☑	yes	✓ Sen. Eaton
Senator Pat Krueger	☑	yes	
Senator Caroline McCarley	☐		
Senator Sheila Roberge	☑	yes	

*Amendments:

NOTES: ITL

Committee Report

Date: January 19, 2000 Time: 1:00 pm

The Senate Committee on Public Affairs held its hearing in Room 104 LOB, Concord, New Hampshire.

BILL NO.: SB 385-LOCAL TITLE: relative to fees for copies of checklists.

Members of the Committee present:

Senator Trombly
Senator Disnard
Senator Eaton
Senator Krueger
Senator Roberge

Those appearing in favor:

Name and Address	Representing
See Attached.	

Those appearing in opposition:

Name and Address	Representing
See Attached.	

REPORT OF THE COMMITTEE:

- ☐ Ought to Pass
- ☐ Ought to Pass w/ Amendment
- ☒ Inexpedient to Legislate
- ☐ Rereferred
- ☐ Interim Study
- ☐ Continued Hearing
- ☐ Postponed Hearing

Permanent Record copy To Calendar Clerk 1/27/00

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date:

THE COMMITTEE ON Public Affairs

to which was referred Senate Bill SB385-LOCAL

AN ACT relative to fees for copies of checklists.

VOTE: 4-1

Having considered the same, report the same with the following resolution:
Resolved, that it is: **INEXPEDIENT TO LEGISLATE.**

Senator Thomas R. Eaton
For the Committee