Bill as Introduced

HB 246 – AS INTRODUCED

2003 SESSION

03-0733
03/09

HOUSE BILL ***246***

AN ACT relative to availability of absentee voting applicant lists.

SPONSORS: Rep. Patten, Carr 7; Rep. Merrow, Carr 6

COMMITTEE: Election Law

ANALYSIS

This bill permits persons bearing notarized requests from candidates whose names appear on the ballot to obtain copies of absentee voter lists.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 246 – AS INTRODUCED

03-0733
03/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT relative to availability of absentee voting applicant lists.

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

1 Sending Absentee Ballots; Availability of Lists. Amend RSA 657:15 to read as follows:

657:15 Sending Absentee Ballots. When the verification required by RSA 657:12 or 657:13 has been made, the clerk shall retain the application and, without delay, personally deliver or mail to the applicant the appropriate ballot and materials as described in RSA 657:7 through 657:9 or designate an assistant to deliver such materials to the applicant. The clerk may not designate as an assistant any person who is a candidate for nomination or office or who is working for such a candidate. Any ballots sent pursuant to the provisions of this section shall be mailed or delivered only by officials from the city or town clerk's office and delivered only to the applicant. If the address to which the absent voter's ballot is sent is outside the United States or Canada, such papers shall be sent by air mail. Said clerks shall keep lists of the names and addresses, arranged by voting places, of all applicants to whom official absent voting ballots have been sent, and shall identify those official absent voting ballots which have been returned to the clerk. Candidates whose names appear on the ballot ***and persons bearing notarized requests from candidates whose names appear on the ballot*** may obtain copies of such lists; the lists shall not be available for public inspection at any time without a court order.

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

Amendments

Rep. Weed, Ches. 25
January 28, 2003
2003-0072h
03/10

Amendment to HB 246

Amend RSA 657:15 as inserted by section 1 of the bill by replacing it with the following:

657:15 Sending Absentee Ballots. When the verification required by RSA 657:12 or 657:13 has been made, the clerk shall retain the application and, without delay, personally deliver or mail to the applicant the appropriate ballot and materials as described in RSA 657:7 through 657:9 or designate an assistant to deliver such materials to the applicant. The clerk may not designate as an assistant any person who is a candidate for nomination or office or who is working for such a candidate. Any ballots sent pursuant to the provisions of this section shall be mailed or delivered only by officials from the city or town clerk's office and delivered only to the applicant. If the address to which the absent voter's ballot is sent is outside the United States or Canada, such papers shall be sent by air mail. Said clerks shall keep lists of the names and addresses, arranged by voting places, of all applicants to whom official absent voting ballots have been sent, and shall identify those official absent voting ballots which have been returned to the clerk. Candidates whose names appear on the ballot ***and persons bearing notarized requests or copies of notarized requests from candidates whose names appear on the ballot*** may obtain copies of such lists; the lists shall not be available for public inspection at any time without a court order.

2003-0072h

AMENDED ANALYSIS

This bill permits persons bearing notarized requests or copies of notarized requests from candidates whose names appear on the ballot to obtain copies of absentee voter lists.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 246 Date 1/22/03

Committee Election Law

**** Please Print All Information ****

Name	Address	Phone	Representing	Pro	Con
Harry C. Merrow	Ossipee NH.	539-2109	Dist 6	✓	

Hearing Minutes

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB246

BILL TITLE: relative to availability of absentee voting applicant lists.

DATE: January 22, 2003

LOB ROOM: 308 **Time Public Hearing Called to Order:** 10:01am

Time Adjourned: 10:30am

(please circle if present)

Committee Members: Reps. Stritch, Dickinson, Flanagan, Reeves, Kennedy, Drisko, Dionne, Whalley, Vaillancourt, Luebker, Flayhan, Cady, Derby, Dorsett, Infantine, Clemons, Buckley, D. Cote, Konys, Splaine and Weed.

Bill Sponsors: Rep. Patten, Rep. Merrow

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Patten, prime sponsor, spoke in support of this bill. She stated that clerks are having a difficult time finding the authenticity of an applicant's signatures. She further stated that clerks have a fear that if someone comes in and asks for the absentee list, they may not be a candidate that they could perhaps be a criminal who wants to use the list to know which homes may be vacant.

Rep. Buckley suggested that the committee find out more about the court case.

Rep. Vaillancourt stated that a stranger isn't apt to go to the clerk and ask for an absentee list. Rep. Patten stated that anyone pretending to be staff for a candidate might not be a local resident.

Rep. Cady asked about a conflict with the "right to know" law. Rep. Patten stated that she is not sure that it does. She stated that the committee would have to decide if this is a violation of the law.

Rep. Patten stated that she introduced this bill after speaking to town clerks at the annual meeting.

Claire Ebel, representing the NH Civil Liberties Union, spoke in support of this bill. She said that this bill clarifies the language. She further stated that this bill does not violate the "right to know" law.

Rep. Cady questioned a possible violation in Line 14 of the bill. Rep Patten stated that the list is for the convenience of the town/city clerk. This is not an act by the government, but by an individual.

Claire Ebel, NHCLU, stated that this will clarify the intent of the legislation, but did not mean it would clarify the court order. She feels that the court's order is clear.

Rep. Buckley asked if each candidate would have to get thousands of notarized signatures with the clerk. Claire Ebel stated that she was completely mystified by the assumption that Governor Benson cannot get one notarized and the rest copied.

Respectfully submitted,

Kimberley O M Dionne, Clerk

Voting Sheets

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 246

BILL TITLE: **relative to availability of absentee voting applicant lists.**

DATE: February 05, 2003

LOB ROOM: 308

Amendments:

Sponsor: Rep. Weed — OLS Document #: 2003 0072h

Sponsor: Rep. — OLS Document #:

Sponsor: Rep. — OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Derby

Seconded by Rep. Reeves

Vote: 16-1 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 17-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Kimberley O. M. Dionne, Clerk

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB246

BILL TITLE:

DATE:

LOB ROOM:

Amendments:

Sponsor: Rep. DeRWeed OLS Document #: 2003-0072h (Adopted)/Failed

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Motions: OTP, (OTP/A) ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. DERBY

Seconded by Rep. REEVES

Vote: 16-1 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. _____

Seconded by Rep. _____

Vote: _____ (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 17-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. _____, Clerk

OFFICE OF THE HOUSE CLERK 2003 SESSION

ELECTION LAW

Bill #: HB246 **Title:** _____

PH Date: ____/____/____ **Exec Session Date:** 2/5/03

Motion: OTPA **Amendment #:** 2003-0072h

MEMBER	YEAS	NAYS
Stritch. C Donald. Chairman	NOT VOTING	
Dickinson. Howard C. V Chairman		
Flanagan. Natalie S		
Reeves. Sandra J		
Kennedy. Richard E		
Drisko. Richard B		
Dionne. Kimberley O M		
Whalley. Michael D		
Vaillancourt. Steve	ABSENT	
Luebkert. Bernard J		
Flanhan. Mary Lou		
Cady. Harriet E			
Derby. Mark S		
Dorsett. Andrew L		
Infantine. William J	ABSENT	
Clemons. Jane A		
Buckley. Raymond		
Cote. David E	ABSENT	
Konys. Christine M		
Splaine. James R		
Weed. Charles F		
TOTAL VOTE:	16	1

Printed: 1/6/2003

Committee Report

COMMITTEE REPORT

COMMITTEE: **Election Law**

BILL NUMBER: **HB 246**

TITLE: relative to availability of absentee voting applicant lists.

DATE: February 05, 2003 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☒ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

This legislation would require that signatures of candidates or requests for absentee voter lists be acknowledged before a notary public or justice of the peace. The committee felt that this legislation would provide local employees with an increased comfort level as to the persons to whom they provide absentee voter lists. This legislation would also limit the potential for misuse of these lists for illegal purposes including but not limited to victimizing voters who will be out of town.

Vote 16-1.

Rep. Mark S. Derby
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Election Law

HB 246, relative to availability of absentee voting applicant lists. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mark S. Derby for Election Law: This legislation would require that signatures of candidates or requests for absentee voter lists be acknowledged before a notary public or justice of the peace. The committee felt that this legislation would provide local employees with an increased comfort level as to the persons to whom they provide absentee voter lists. This legislation would also limit the potential for misuse of these lists for illegal purposes including but not limited to victimizing voters who will be out of town. **Vote 16-1.**

COMMITTEE REPORT

COMMITTEE: Election Law

BILL NUMBER: HB246

TITLE: Relative to availability of absentee voting applicant lists

DATE: Feb. 5, 2003 CONSENT CALENDAR: YES ☒ NO ☐

☐ OUGHT TO PASS

☒ OUGHT TO PASS W/ AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ INTERIM STUDY (Available only 2nd year of biennium)

Amendment No. 2003-~~0073h~~ 0072h

STATEMENT OF INTENT:

This legislation would require that signatures of candidates on requests for absentee voter lists be acknowledged before a notary public or justice of the peace. The committee felt that this legislation would provide local employees with an increased comfort level as to the persons to whom they provide absentee voter lists. This legislation would also limit the potential for misuse of these lists for illegal purposes including but not limited to victimizing voters who will be out of town.

COMMITTEE VOTE: 16-1

- Copy to Committee Bill File
- Use Another Report for Minority Report

RESPECTFULLY SUBMITTED,

Rep. Mark S. Derby

For the Committee

Mark S. Derby

Rev. 07/30/99