Bill as Introduced

HB 246 – AS AMENDED BY THE HOUSE

13feb03... 0072h

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

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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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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 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.

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

Committee Minutes

Internal Affairs Committee

Hearing Report

To: Members of the Senate

From: Susan Duncan
Senior Legislative Aide

Re: **HB 246** – *AN ACT relative to availability of absentee voting applicant lists.*

Hearing date: March 26, 2003

Members present: Senators Boyce, Flanders, Larsen , O'Hearn & Kenney

Members absent: No one

Sponsor(s): Representatives Patten and Merrow

What the bill does: This legislation 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.

Who supports the bill: Senator Estabrook
Senator D'Allesandro

Who opposes the bill: No one spoke in opposition.

Summary of testimony received:

- This was requested by people who work for candidates. Obviously in many campaigns, the candidate cannot go to each place and personally request the copies of the absentee voter lists.
- Cities and towns do not post listings (with addresses) of voters who have requested absentee ballots (because of obvious problems of the wrong people knowing that there are empty houses).
- Names only of those who have requested absentee ballots are posted at the polls on election day.
- Requests for these lists start coming in as soon as the candidates are known and certified. Obviously the lists vary from day to day as more people request absentee ballots.

- This legislation would make it easier for campaign workers to obtain copies of these lists. The worker could make photocopies of one notarized document and this would enable them to present it in different cities and towns to get lists.
- Some members of the committee were unaware that this was an issue. Evidently some cities and towns are doing this differently – and in some, it is practically impossible to get copies of these lists. This legislation would make it clearer and hopefully more consistently practiced across the state.

Funding: No financial impact

Action: Senator Flanders moved "Ought to Pass." It was seconded by Senator Kenney. The Committee voted 5 to 0 in support. Senator Larsen will report out the bill.

sfd
[file: HB 246 report]
Date: March 26, 2003

Date: March 26, 2003
Time: 10:30 a.m.
Room: LOB Room 103

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

HB246 relative to availability of absentee voting applicant lists.

Members of Committee present:

Senator Boyce
Senator Flanders
Senator Kenney
Senator Larsen
Senator O'Hearn

The Chair, Senator Robert K. Boyce, opened the hearing on HB 246.

Senator Robert K. Boyce, D. 4: The only person signed up is Representative Stritch.

Representative C. Donald Stritch: Thank you, Mr. Chairman, Senator Boyce. For the record, my name is Representative C. Donald Stritch, and I represent Auburn, Londonderry, and I am also Chairman of the Election Law Committee.

This House Bill 246 was sent to our Committee by request of a number of people who work for candidates running for political office in this state. What it does is that it permits a candidate to sign a request for absentee ballot lists. In the past, there has been a problem in a representative from the candidate going to a town hall and wanting to get the absentee list of voters. It is supposed to be from the candidate.

So, with this bill, they end up by getting the list. But, this bill makes it possible for the candidate, and let me use a name in explaining this. Let's assume that it is Governor Craig Benson. He may notarize a letter stating that the bearer of this letter, I am requesting that I have a copy of your absentee voter list and selection.

This bill will permit them to make true copies of it so that the representatives of the candidates can go to various towns and get the absentee voter lists. The reason for that is that we don't post them because you know that we have a serious problem around the state with people picking up the list and visiting homes where people are absent.

Senator Robert B. Flanders, D. 7: We used to post them.

Representative Stritch: You have to still at the election.

Senator Robert B. Flanders, D. 7: Right. You just use the names and that's not enough for the candidates? They want addresses?

Representative Stritch: Oh, yeah. They need to target them.

Senator Robert B. Flanders, D. 7: I have a problem as moderator. When do they get that list?

Representative Stritch: The candidates?

Senator Robert B. Flanders, D. 7: That absentee voter list is not completed until the day before the election.

Representative Stritch: It's available the moment you make the candidate available to run and people, as soon as the candidates are known and certified that they are running for that office in the primary or general election, absentee requests start coming in, by the other bill, by facsimile, and already we start having names that are receiving absentee ballots. When the ballot comes back, the name goes on the absentee ballot list.

Senator Robert B. Flanders, D. 7: So, at any point in there, they could ask for it?

Representative Stritch: That's correct. Town clerks are not 24/7. So, the lists are not always up to date. So, the representative from the candidate will go back several times to see if there is a different number of absentees on the list.

When they go in, you've gotta have a letter. So, instead of having an original all the time, we are allowing them to have it notarized and copied and your representative can take it in and get the list.

Senator Robert B. Flanders, D. 7: This is interesting. In thirty-four years as being moderator, I don't think anybody has ever asked for a list of the absentee voters in Antrim. It is interesting.

Senator Joseph D. Kenney, D. 3: I asked my moderator. Any time I was running for selectman and state legislator, I would ask for the list.

Representative Stritch: We get requests. Manchester is a notorious city.

Senator Joseph D. Kenney, D. 3: When you are elected by only ten votes, you get the list.

Senator Robert B. Flanders, D. 7: Only kidding. I lost one by two once.

Representative Stritch: You've gotta check up on those absentee lists. They make a difference.

Senator Robert K. Boyce, D. 4: Any other questions? I have one. It is not clear from the way this is worded that it is a copy of a request for that particular town. The way I read this is that somebody could... I'm John Smith running for Governor and I could sign one thing, have it notarized and then send it with a hundred and fifty people around the state to each town hall and ask for it. I could blanket the state with these requests.

Representative Stritch: With representatives.

Senator Robert K. Boyce, D. 4: Yeah.

Representative Stritch: Some body has got to do this.

Senator Robert K. Boyce, D. 4: I thought maybe it should be that it was going to be a request of that town clerk rather than...

Representative Stritch: No. That is the problem right now. I did not write the bill, I did not sponsor the bill. I'm not really an expert on everyone's bill because there are fifty-seven of them, but I am cognizant, Senator, of what they are hoping to do. What they are hoping to do is make it easier for a candidate to have a notarized request, make copies of it, and send his workers out to pick up these absentee lists without him or her personally having to go to the town clerk or the city clerk to get that list of absentees.

Senator Robert K. Boyce, D. 4: Okay. Any other questions?

Senator Sylvia B. Larsen, D. 15: Did you say that right now they are able to get them? You kind of said that as an aside.

Representative Stritch: They're able to get the absentee lists.

Senator Sylvia B. Larsen, D. 15: But, you're getting the candidates in asking for them right now? They have to ask for them in person? I didn't know that.

Representative Stritch: They have to have an especially written letter and we haven't authorized copies of the original request and that's what we are doing now. I know, sometimes they get the list. Hi, how are you, here's the list. I know.

Senator Sylvia B. Larsen, D. 15: This just authorizes what is already going on.

Representative Stritch: Concord does that more than any other. I'm not sure.

Senator Robert K. Boyce, D. 4: Again, reading the existing statute, it does say that candidates whose names appear on the ballot may obtain copies. It doesn't say how they can obtain them. So, I'm sure there are some town clerks that simply a phone call from somebody whose name is on the ballot might be enough or somebody that they know. Somebody comes in and says, "John Smith asked me to pick up the list". That might be enough for some town clerks. For other town clerks, it might not be.

Representative Stritch: Some are... Londonderry is extremely particular. They may take your fingerprints.

Senator Robert K. Boyce, D. 4: Any further questions? Thank you very much.

Representative Stritch: Thank you, Mr. Chairman.

Senator Robert K. Boyce, D. 4: Are you here for the third bill as well?

Representative Stritch: Yes, I'm on the third bill, but I do have a sponsor here who will be able to take some...

Senator Robert K. Boyce, D. 4: I will close the hearing.

Hearing concluded at 10:40 a.m.

Respectfully submitted,

L. Gail Brown
Senate Secretary
3/26/03

Speakers

SENATE INTERNAL AFFAIRS COMMITTEE

Date 3/26/03 Time 10:30 a.m. Public Hearing on **HB 246**

HB 246 - relative to availability of absentee voting applicant lists.

Please check box(es) that apply.

SPEAKING	FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
☒	☒	☐	Rep. C. Donald Stritch	Auburn-Londonderry
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Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date:

THE COMMITTEE ON Internal Affairs

to which was referred House Bill 246

AN ACT relative to availability of absentee voting applicant lists

VOTE: 5-0

Having considered the same, report the same without amendment and recommend that the bill: **OUGHT TO PASS.**

Senator Sylvia B. Larsen
For the Committee

HB246 Docket

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Bill Title: relative to availability of absentee voting applicant lists.

Date	Body	Description
1/9/2003	H	Introduced and ref to Elec Law; HJ8, p112
1/14/2003	H	Copy to Chairman on 1/14/2003
1/15/2003	H	Hearing Jan 22 10:00 RM308,LOB
2/5/2003	H	Maj Report OTP/AM for Feb 13 (Vote 16-1;CC)
2/5/2003	H	Prop Comm Am{0072}; HC 13, p267
2/13/2003	H	Passed with Am; HJ 16, p344 + 353
3/13/2003	S	Introduced and Ref. to Internal Affairs; SJ 8, Pg.105
3/21/2003	S	Hearing; March 26, 2003, Room 103, LOB, 10:30 a.m.; SC15
3/28/2003	S	Committee Report; Ought to Pass, [04/03/03]; SC16
4/3/2003	S	Ought to Pass, MA, VV; OT3rdg; SJ 11, Pg.255
4/3/2003	S	Passed by 3rd Reading Resolution; SJ 11, Pg.266
4/10/2003	S	Enrolled; SJ 12, Pg.315
4/17/2003	H	Enrolled; HJ 36, p1157
4/22/2003	H	Signed by the Governor on 4/22/2003 Eff: 6/21/2003 Chap: 0012

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Docket Abbreviations