Committee Report

REGULAR CALENDAR

March 5, 2020

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Election Law to which was referred HB 1266,

AN ACT relative to absentee ballot request forms.

Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Connie Lane

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Election Law**
Bill Number:	**HB 1266**
Title:	**relative to absentee ballot request forms.**
Date:	**March 5, 2020**
Consent Calendar:	**REGULAR**
Recommendation:	**OUGHT TO PASS WITH AMENDMENT 2020-0791h**

STATEMENT OF INTENT

This bill as amended makes clear on the absentee ballot request form that persons who are incarcerated due to a misdemeanor or while awaiting trial are entitled to vote via absentee ballot. This bill also clarifies that it is optional for voters to provide their email addresses and phone numbers when requesting an absentee ballot. The majority believes these clarifications for already-eligible voters will increase participation and alleviate privacy concerns.

Vote 16-4.

Rep. Connie Lane
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Election Law

HB 1266, relative to absentee ballot request forms. **OUGHT TO PASS WITH AMENDMENT.** Rep. Connie Lane for Election Law. This bill as amended makes clear on the absentee ballot request form that persons who are incarcerated due to a misdemeanor or while awaiting trial are entitled to vote via absentee ballot. This bill also clarifies that it is optional for voters to provide their email addresses and phone numbers when requesting an absentee ballot. The majority believes these clarifications for already-eligible voters will increase participation and alleviate privacy concerns. **Vote 16-4.**

Original: House Clerk
Cc: Committee Bill File

Iris Altilio

From: David Cote
Sent: Thursday, March 05, 2020 8:11 AM
To: Iris Altilio
Cc: Connie Lane; William Pearson
Subject: HB1266 Report

Representative Lane's name should be on this, as Rep. Pearson is a cosponsor.

****

This bill makes clear on the absentee ballot request form that persons who are incarcerated due to a misdemeanor or while awaiting trial are entitled to vote via absentee ballot. This bill also clarifies that it is optional for voters to provide their email addresses and phone numbers when requesting an absentee ballot. The majority believes these clarifications for already-eligible voters will increase participation and alleviate privacy concerns.

> On Mar 5, 2020, at 7:50 AM, Iris Altilio <Iris.Altilio@leg.state.nh.us> wrote:
>
> Following up to assure that I receive the committee report (blurb) for this bill, approved by Chairman Cote, this morning.
>
> Thank you,
> Iris
>
> ---
>
> **From:** David Cote <david.cote@leg.state.nh.us>
> **Sent:** Wednesday, March 04, 2020 4:16 PM
> **To:** Iris Altilio <Iris.Altilio@leg.state.nh.us>
> **Cc:** Connie Lane <Connie.Lane@leg.state.nh.us>; William Pearson <Pearson.william99@gmail.com>
> **Subject:** Re: Follow-up HB1266
>
> Rep Lane's name should be put on it instead of Rep Pearson.
>
> Thanks.
>
> Sent from my iPhone
>
> > On Mar 4, 2020, at 3:43 PM, Iris Altilio <Iris.Altilio@leg.state.nh.us> wrote:
> >
> > Hello Chairman Cote,
> > Following up – any luck finding out who is writing the report for HB1266?

Rep. W. Pearson, Ches. 16
February 20, 2020
2020-0791h
11/10

Amendment to HB 1266

Amend the bill by replacing all after section 1 with the following:

2 Absentee Voting; Application; Forms. Amend RSA 657:4, I to read as follows:

I. Prior to any state election, the secretary of state shall prepare the appropriate application forms for absentee ballots worded in substantially the following form. The secretary of state shall insert the names of all parties qualified as set forth in RSA 652:11 in the list of parties on the application form. The secretary of state shall prepare the application forms in such quantity as he or she deems necessary:

Absence (Excluding Absence Due to Residence Outside the United States), Religious Observance, and Disability:

I. I hereby declare that (check one):

____ I am a duly qualified voter who is currently registered to vote in this town/ward.

____ I am ***unable to register to vote in person because I am*** absent from the town/city where I am domiciled and will be until after the next election, or I am unable to register in person due to a disability, and request that the forms necessary for absentee voter registration be sent to me with the absentee ballot.

II. New Hampshire law requires that you vote in person at the polling place for your town or ward unless one of the following apply.

I will be entitled to vote by absentee ballot because (check one):

____ I plan to be absent on the day of the election from the city, town, or unincorporated place where I am domiciled[~~.~~]***; or***

____ I am requesting [~~a~~] ***an absentee*** ballot for the presidential primary election and I may be absent on the day of the election from the city, town, or unincorporated place where I am domiciled, but the date of the election has not been announced. I understand that I may only make such a request 14 days after the filing period for candidates has closed[~~, and that if I will not be absent on the date of the election I am not eligible to vote by absentee ballot.~~]***; or***

____ I cannot appear in public on election day because of observance of a religious commitment[~~.~~]***; or***

____ I am unable to vote in person due to a disability[~~.~~]***; or***

____ ***I am unable to vote in person due to confinement in a penal institution for a misdemeanor or while awaiting trial; or***

____ I cannot appear at any time during polling hours at my polling place because of an employment obligation. For the purposes of this application, the term "employment shall include the care of children and infirm adults, with or without compensation.

[~~For use only on the Monday immediately prior to the election:~~] I cannot appear at my polling place on election day because the National Weather Service has issued a winter storm warning, blizzard warning, or ice storm warning for election day applicable to my city, town, or unincorporated place and either (check one):

_____ I am elderly or infirm or I have a physical disability, and would otherwise vote in person but I have concerns for my safety traveling in the storm[~~.~~]***; or***

_____ I anticipate that school, child care, or adult care will be canceled, and would otherwise vote in person but will need to care for children or infirm adults.

Any person who votes or attempts to vote using an absentee ballot who is not entitled to vote by absentee ballot shall be guilty of a misdemeanor. RSA 657:24.

I am requesting an official absentee ballot for the following election (check one):

____ Presidential Primary ***Election*** to be held on _____

(MM/DD/YYYY)

(The date may appear as blank when the date is not known.)

____ State Primary ***Election*** to be held on _____

(MM/DD/YYYY)

____ ***State*** General Election ***to be held on*** _____

(MM/DD/YYYY)

For primary elections, I am a member of or I am now declaring my affiliation with the (check one):

_____ Republican Party

_____ Democratic Party

_____ (name of any party determined by the secretary of state to have achieved official status under RSA 652:11)

and am requesting a ballot for that party's primary.

Please print:

Applicant's Name:

_____

(Last) (First) (Middle) (Sr., Jr., II., III)

Applicant's Voting Domicile (home address):

_____

(Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

Mail the ballot to me at this address (if different than the home address):

_____

(Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

~~[Applicant's Phone Number : _____]~~

~~[Applicant's Email Address : _____]~~

Applicant's Signature: _____

Date Signed: _____

(MM/DD/YYYY)

Applicant's Phone Number (optional):_____

Applicant's Email Address (optional):_____

I attest that I assisted the applicant in executing this form because he or she has a disability.

Signature _____ Print Name _____

If your absentee ballot application or affidavit envelope has the printed name and signature of a person who assisted you with voting, your signature will not be compared to your signature on the absentee ballot affidavit to verify your identity. Otherwise, if your signatures do not appear to be made by the same person, your absentee ballot may not be counted.

The applicant must sign this form to receive an absentee ballot. Any person who witnesses and assists a voter with a disability in executing this form shall print and sign his or her name in the space provided on the application form. The moderator will not compare the voter's signature on the application with the signature on the absentee ballot affidavit when a person assisting the voter has signed the statement on the absentee ballot application or affidavit envelope that assistance was provided.

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

Voting Sheets

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 1266

BILL TITLE: relative to absentee ballot request forms.

DATE: March 3, 2020

LOB ROOM: 308

MOTIONS: **OUGHT TO PASS WITH AMENDMENT**

Moved by Rep. W. Pearson	Seconded by Rep. Ward	AM Vote: 16-4

Amendment # 2020-0791h

Moved by Rep. W. Pearson	Seconded by Rep. Bergeron	Vote: 16-4

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Edith DesMarais, Clerk

HOUSE COMMITTEE ON ELECTION LAW

EXECUTIVE SESSION on HB 1266

BILL TITLE: relative to absentee ballot request forms.

DATE:

LOB ROOM: 308

MOTION: (Please check one box)

☒ OTP ☐ ITL ☐ Retain (1st year) ☒ Adoption of Amendment # 2020-0791h
☐ Interim Study (2nd year) *(if offered)*

Moved by Rep. Pearson Seconded by Rep. _____ Vote: VV A Hill N

MOTION: (Please check one box)

☐ OTP ☒ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____
☐ Interim Study (2nd year) *(if offered)*

Moved by Rep. Pearson Seconded by Rep. Komi Vote: 16-4

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____
☐ Interim Study (2nd year) *(if offered)*

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____
☐ Interim Study (2nd year) *(if offered)*

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: ____ **YES** ✓ **NO**

Minority Report? ____ Yes ✓ No If yes, author, Rep: _____ Motion_____

Respectfully submitted: Edith M DesMarais
Rep Edith DesMarais, Clerk

OFFICE OF THE HOUSE CLERK

1/2/2020 10:39:00 AM
Roll Call Committee Registers Report

2020 SESSION

Election Law

Bill #: HB1266 Motion: OTP A AM #: 2020-0791H Exec Session Date: 3/3/20

Members	YEAS	Nays	NV
Cote, David E. Chairman	16		
Moynihan, Wayne T. Vice Chairman	1		
Ward, Gerald W.R.	2		
Pearson, William A.	3		
DesMarais, Edith M. Clerk	4		
Komi, Richard N.	5		
Bergeron, Paul R.	6		
Sandler, Catt	7		
Hamer, Heidi M.	8		
Higgins, Peg	9		
Lane, Connie B.	10		
Morrill, David J.	11		
Hoelzel, Kathleen M.	12		
Gay, Betty I.	13		
~~Lang, Timothy P.~~ Hill		1	
Prudhomme-O'Brien, Katherine J.	14		
~~Hayward, Peter T.~~ True		2	
~~Merlino, Timothy A.~~ Beckm		3	
~~Owens, Becky A.~~ Torosian		4	
Griffin, Barbara J.	15		
TOTAL VOTE:	16	4	

Rep. W. Pearson, Ches. 16
February 20, 2020
2020-0791h
11/10

Amendment to HB 1266

Amend the bill by replacing all after section 1 with the following:

2 Absentee Voting; Application; Forms. Amend RSA 657:4, I to read as follows:

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Absence (Excluding Absence Due to Residence Outside the United States), Religious Observance, and Disability:

I. I hereby declare that (check one):

____ I am a duly qualified voter who is currently registered to vote in this town/ward.

____ I am ***unable to register to vote in person because I am*** absent from the town/city where I am domiciled and will be until after the next election, or I am unable to register in person due to a disability, and request that the forms necessary for absentee voter registration be sent to me with the absentee ballot.

II. New Hampshire law requires that you vote in person at the polling place for your town or ward unless one of the following apply.

I will be entitled to vote by absentee ballot because (check one):

____ I plan to be absent on the day of the election from the city, town, or unincorporated place where I am domiciled[~~.~~]***; or***

____ I am requesting [~~a~~] ***an absentee*** ballot for the presidential primary election and I may be absent on the day of the election from the city, town, or unincorporated place where I am domiciled, but the date of the election has not been announced. I understand that I may only make such a request 14 days after the filing period for candidates has closed[~~, and that if I will not be absent on the date of the election I am not eligible to vote by absentee ballot.~~]***; or***

____ I cannot appear in public on election day because of observance of a religious commitment[~~.~~]***; or***

____ I am unable to vote in person due to a disability[~~.~~]***; or***

____ ***I am unable to vote in person due to confinement in a penal institution for a misdemeanor or while awaiting trial; or***

____ I cannot appear at any time during polling hours at my polling place because of an employment obligation. For the purposes of this application, the term "employment shall include the care of children and infirm adults, with or without compensation.

[~~For use only on the Monday immediately prior to the election:~~] I cannot appear at my polling place on election day because the National Weather Service has issued a winter storm warning, blizzard warning, or ice storm warning for election day applicable to my city, town, or unincorporated place and either (check one):

_____ I am elderly or infirm or I have a physical disability, and would otherwise vote in person but I have concerns for my safety traveling in the storm[~~.~~]***; or***

_____ I anticipate that school, child care, or adult care will be canceled, and would otherwise vote in person but will need to care for children or infirm adults.

Any person who votes or attempts to vote using an absentee ballot who is not entitled to vote by absentee ballot shall be guilty of a misdemeanor. RSA 657:24.

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____ Presidential Primary ***Election*** to be held on _____

(MM/DD/YYYY)

(The date may appear as blank when the date is not known.)

____ State Primary ***Election*** to be held on _____

(MM/DD/YYYY)

____ ***State*** General Election ***to be held on*** _____

(MM/DD/YYYY)

For primary elections, I am a member of or I am now declaring my affiliation with the (check one):

_____ Republican Party

_____ Democratic Party

_____ (name of any party determined by the secretary of state to have achieved official status under RSA 652:11)

and am requesting a ballot for that party's primary.

Please print:

Applicant's Name:

_____

(Last) (First) (Middle) (Sr., Jr., II., III)

Applicant's Voting Domicile (home address):

_____

(Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

Mail the ballot to me at this address (if different than the home address):

_____

(Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

~~[Applicant's Phone Number : _____]~~

~~[Applicant's Email Address : _____]~~

Applicant's Signature: _____

Date Signed: _____

(MM/DD/YYYY)

Applicant's Phone Number (optional):_____

Applicant's Email Address (optional):_____

I attest that I assisted the applicant in executing this form because he or she has a disability.

Signature _____ Print Name _____

If your absentee ballot application or affidavit envelope has the printed name and signature of a person who assisted you with voting, your signature will not be compared to your signature on the absentee ballot affidavit to verify your identity. Otherwise, if your signatures do not appear to be made by the same person, your absentee ballot may not be counted.

The applicant must sign this form to receive an absentee ballot. Any person who witnesses and assists a voter with a disability in executing this form shall print and sign his or her name in the space provided on the application form. The moderator will not compare the voter's signature on the application with the signature on the absentee ballot affidavit when a person assisting the voter has signed the statement on the absentee ballot application or affidavit envelope that assistance was provided.

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

SUBCOMMITTEE WORK SESSION

HOUSE COMMITTEE ON ELECTION LAW

SUBCOMMITTEE WORK SESSION on HB 1266

was there a report

BILL TITLE: relative to absentee ballot request forms.

DATE: 2/20/2020

Subcommittee Members: Reps. W. Pearson, Moynihan, Sandler, Gay and Prudhomme-O'Brien

Comments and Recommendations:

_____

_____

_____

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

Respectfully submitted,

Rep. _____
Subcommittee Chairman/Clerk

Iris Altilio

From: David Cote
Sent: Friday, February 28, 2020 1:21 PM
To: Catt Sandler
Cc: Paul Bergeron; William Pearson; ~House Election Law Committee; Iris Altilio; Pam Smarling
Subject: Re: HB 1266 - 2020-0738h, William Pearson

Though I know this was done with the best of intentions, I would caution members about the use of e-mail for these sort of substantive exchanges, however perfunctory, as opposed to those purely for scheduling purposes.

Iris, please print this and place it in the relevant file. Thank you.

> On Feb 28, 2020, at 12:39 PM, Catheryn Sandler <casandler@comcast.net> wrote:
>
> I agree with Rep. Bergeron. A separate absentee ballot request form for the presidential primary seems like a practical solution that would make the form less confusing.
>
> Catt
>
> > On February 19, 2020 at 10:01 PM Paul Bergeron <Paul.Bergeron@leg.state.nh.us> wrote:
> >
> > Will,
> >
> > I believe this amendment includes the changes the subcommittee discussed at its recent hearing with one exception: I believe that Rep. Gay asked to have the bullet pertaining to a request for an absentee ballot for the presidential primary election placed at the end of the list of choices for requesting an absentee ballot. That edit was not made.
> >
> > Otherwise, I think the amendment works.
> >
> > (Maybe next session we can talk about having a separate absentee ballot request form created just for the Presidential Primary. A new request form is required for every election, anyway, so maybe there's no reason to clutter up the absentee ballot request form with this paragraph for the 3 1/2 years in the election cycle that this reason is irrelevant.)
> >
> > Thank you.
> >
> > Rep. Paul R. Bergeron
> > NH Hillsborough 29
> > Nashua Ward 2

From: William Pearson <pearson.william99@gmail.com>
Sent: Wednesday, February 19, 2020 3:52 PM
To: ~House Election Law Committee <HouseElectionLawCommittee@leg.state.nh.us>
Subject: Fwd: HB 1266 - 2020-0738h, William Pearson

Good afternoon E. Law,

Attached to this email is the amendment concerning HB 1266 that my subcommittee will be taking up tomorrow after session. The members assigned to that subcommittee are: Rep. Moynihan; Rep. Sandler; Rep. Gay; and Rep. Prudhomme-O'Brien.

Warmest regards,

Will

Sent from my iPhone

Begin forwarded message:

> **From:** Ask OLS <AskOLS@leg.state.nh.us>
> **Date:** February 19, 2020 at 15:16:22 EST
> **To:** William Pearson <pearson.william99@gmail.com>
> **Subject: HB 1266 - 2020-0738h, William Pearson**
>
> Attached please find a PDF of amendment 2020-0738h to HB 1266 requested by Rep. William Pearson.
>
> Please note that the amendment copy contains the "UNAPPROVED" watermark. Once OLS is notified that the amendment has been officially adopted by committee action, OLS will remove the watermark and release the amendment to the Clerk.
>
> Sincerely,
>
> Office of Legislative Services
>
> State House, Rm 109
>
> 603-271-3435

HOUSE COMMITTEE ON ELECTION LAW

SUBCOMMITTEE WORK SESSION on HB 1266

BILL TITLE: relative to absentee ballot request forms.

DATE: February 12, 2020

Subcommittee Members: Reps. W. Pearson, Moynihan, Sandler, Gay and Prudhomme-O'Brien

Comments and Recommendations: Recessed for a date/time to be determined.

Respectfully submitted,

Rep. William Pearson
Subcommittee Chairman

HOUSE COMMITTEE ON ELECTION LAW

SUBCOMMITTEE WORK SESSION on HB 1266

BILL TITLE: relative to absentee ballot request forms.

DATE: 2/12/2020

Subcommittee Members: Reps. W. Pearson, Moynihan, Sandler, Gay and Prudhomme-O'Brien

Comments and Recommendations:

RECESSED FOR A DATE/TIME TO BE DETERMINED

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

Respectfully submitted,

Rep. _____
Subcommittee Chairman/Clerk

Hearing Minutes

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 1266

BILL TITLE: **relative to absentee ballot request forms.**

DATE: **January 14, 2020**

LOB ROOM: **308** **Time Public Hearing Called to Order:** **10:30 a.m.**

Time Adjourned: **10:58 a.m.**

Committee Members: **Reps. Cote, Moynihan, DesMarais, Ward, W. Pearson, Komi, Bergeron, Sandler, Hamer, Higgins, Lane, Hoelzel, Gay, Lang and Prudhomme-O'Brien**

Bill Sponsors:
Rep. Bergeron **Rep. W. Pearson** **Rep. Frost**
Sen. Levesque

TESTIMONY

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

Introduced by Representative Paul Bergeron

The goal of the HB 1266 is to clarify the absentee ballot form and to make it more user friendly.

It is confusing because of the use of choices ie,"and" vs. "or" or "a" vs. "the" in Section One. It does leave some ambiguity. Recent changes in layout have extended it to two pages. These have been adjusted. The second major change to the form would remove the multiple choice confusion in Section II. The language change still details reasons the voter can request an absentee ballot and includes the warning that anyone using an absentee ballot who is not entitled would be guilty of a misdemeanor.

But, the voter does not have to identify which of the reasons applies in his or her circumstances. Reasons for the change include:

1. There is no enforcement. The absentee ballot request forms are ultimately sealed with the ballots on election night.

2. The reality is that circumstances change. A person may believe he will be unable to vote in person because expects to be out of town on election day – then unexpectedly circumstances change – why the word "may" is in line 3 of the bill.

3. It shortens the time a voter will need to complete the form. A two page form is intimidating, has legalese that a voter has to wade through. This change would make the process of filling out the form easier and less intimidating.

Finally – not in the bill but should be fixed: At the bottom of the page it says you "MUST" complete the back side. In section IV it asks for the applicant's phone number and email address which are not required by law. (Constitutionally- amendment – states individuals have a right to live free from governmental intrusion in private or personal information. An over-exacting clerk might reject an application without these fields filled in. It is useful information for the clerks, so could be on the form – as a choice - just should not be under the legally required section.

Q. Rep. Moynihan: Doesn't this increase the ambiguity of who is eligible for an absentee ballot if a person ends up in town?

A. It could happen that something changes a person's plans (ie. a canceled Dr. appointment?) and if that person has already voted and doesn't try to vote again, he/she should not be penalized. It does not change the situation for those who are disabled, homebound, etc. Would work with the SOS to clarify language.

Q. Rep. Comey: Does this change the circumstances of eligibility?

A. It does not, just the efficiency of the form.

Assistant Secretary Of State, Dave Scanlon: Has no issue clarifying of the information on the form and making it more user friendly. Does have some concerns about the ambiguity of the eligibility for absentee ballot and requirements to apply for absentee ballots. Feel is confusing. It needs to be worked on.

Q. Rep. Moynihan: Is the timing sufficient for the SOS process to notify local election officials of the changes?

A. The time frame for adjusting the form is fine because would only take a short time to adjust the form and it is sent out to the voting officials quickly electronically.

The information at the bottom is helpful but not critical

Q. Rep. Prudhomme-O'brien: Line 21, changes wording and adds or: What happens if not able to register to vote

A. When requesting ballot say an eligible but unregistered voter and request absentee ballot. Could ask to please send ballot materials. It confuses him as well. Statute needs more work.

Q. Rep. Prudhomme-O'Brien: Can the voter register by mail/

A. Yes if a qualifyied person.

Alvin See: Is not in support of the bill because feels it is confusing and questions the changes in eligibility for absentee ballots, feels as he was advised to vote absentee when deployed in the military to vote at the address where he lived when enlisted. Was not an issue as he was not eligible to vote as not 21 at the time.

Nancy Maracio: Would like to advocate for voters in line. Always someone in line caught in traffic or other last minute issue. Would have done an absentee if had known of the conditions. Laws currently do not permit the option for those not sure can get back in time.

Q. Rep. Moynihan: There is the option: Cannot appear because of employment obligations – why didn't they use it?

A. I am Looking for more qualifications. They didn't know if they would be absent. I am trying to be ethical.

Respectfully submitted,

Edith M DesMarais

Rep. Edith M. DesMarais
Clerk

HOUSE COMMITTEE ON ELECTION LAW

PUBLIC HEARING ON HB 1266

BILL TITLE: **relative to absentee ballot request forms.**

DATE: 1/14/20

ROOM: **308** **Time Public Hearing Called to Order:** 10:30

Time Adjourned: 10:58

(please circle if present)

Committee Members: **Reps. Cote, Moynihan, DesMarais, Ward, W. Pearson, Komi, Bergeron, Sandler, Hamer, Higgins, Lane, Morrill, Hoelzel, Gay, Lang, Prudhomme-O'Brien, Hayward, Merlino, Owens and B. Griffin**

Bill Sponsors:
Rep. Bergeron **Rep. W. Pearson** **Rep. Frost**
Sen. Levesque

TESTIMONY

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

HB 1266

Relative to absentee ballot request forms.

1/14/2020

Hearing opened: 10:00 am

Introduced by Representative Bergeron

The goal of the HB 1266 is to clarify the absentee ballot form and to make it more user friendly.

It is confusing because of the use of choices ie,"and" vs. "or" or "a" vs. "the" in Section One. It does leave some ambiguity. Recent changes in layout have extended it to two pages. These have been adjusted. The second major change to the form would remove the multiple choice confusion in Section II. The language change still details reasons the voter can request an absentee ballot and includes the warning that anyone using an absentee ballot who is not entitled would be guilty of a misdemeanor.

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1. There is no enforcement. The absentee ballot request forms are ultimately sealed with the ballots on election night.

2. The reality is that circumstances change. A person may believe he will be unable to vote in person because expects to be out of town on election day – then unexpectedly circumstances change – why the word "may" is in line 3 of the bill.

3. It shortens the time a voter will need to complete the form. A two page form is intimidating, has legalese that a voter has to wade through. This change would make the process of filling out the form easier and less intimidating.

Finally – not in the bill but should be fixed: At the bottom of the page it says you "MUST" complete the back side. In section IV it asks for the applicant's phone number and email address which are not required by law. (Constitutionally- amendment – states individuals have a right to live free from governmental intrusion in private or personal information. An over-exacting clerk might reject an application without these fields filled in. It is useful information for the clerks, so could be on the form – as a choice - just should not be under the legally required section.

Q. Rep. Moynihan: Doesn't this increase the ambiguity of who is eligible for an absentee ballot if a person ends up in town?

A. It could happen that something changes a person's plans (ie. a canceled Dr. appointment?) and if that person has already voted and doesn't try to vote again, he/she should not be penalized. It does not change the situation for those who are disabled, homebound, etc. Would work with the SOS to clarify language.

Q. Rep. Comey: Does this change the circumstances of eligibility?

A. It does not, just the efficiency of the form.

Asst. SOS Scanlon: has no issue clarifying of the information on the form and making it more user friendly. Does have some concerns about the ambiguity of the eligibility for absentee ballot and requirements to apply for absentee ballots. Feel is confusing. It needs to be worked on.

Q. Rep. Moynihan: Is the timing sufficient for the SOS process to notify local election officials of the changes?

A. The time frame for adjusting the form is fine because would only take a short time to adjust the form and it is sent out to the voting officials quickly electronically.

The information at the bottom is helpful but not critical

Q. Rep. Prudhomme-O'brien: Line 21, changes wording and adds or: What happens if not able to register to vote

A. When requesting ballot say an eligible but unregistered voter and request absentee ballot. Could ask to please send ballot materials. It confuses him as well. Statute needs more work.

Q. Rep. Prudhomme-O'Brien: Can the voter register by mail/

A. Yes if a qualifyied person.

Alvin See: Is not in support of the bill because feels it is confusing and questions the changes in eligibility for absentee ballots, feels as he was advised to vote absentee when deployed in the military to vote at the address where he lived when enlisted. Was not an issue as he was not eligible to vote as not 21 at the time.

Nancy Maracio: Would like to advocate for voters in line. Always someone in line caught in traffic or other last minute issue. Would have done an absentee if had known of the conditions. Laws currently do not permit the option for those not sure can get back in time.

Q. Rep. Moynihan: There is the option: Cannot appear because of employment obligations – why didn't they use it?

A. I am Looking for more qualifications. They didn't know if they would be absent. I am trying to be ethical.

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 1266 Date 1/14/20

Committee Election Law

** Please Print All Information **

Name	Address	Phone	Representing	(check one) Pro	Con
Sen Melanie Levesque			SD12	✓	
Rep Dick Hinch - House Republican Office					✓
Alvin See	London		Self		✓

Bill as Introduced

HB 1266 - AS INTRODUCED

2020 SESSION

20-2650
11/05

HOUSE BILL *1266*

AN ACT relative to absentee ballot request forms.

SPONSORS: Rep. Bergeron, Hills. 29; Rep. W. Pearson, Ches. 16; Rep. Frost, Straf. 16; Sen. Levesque, Dist 12

COMMITTEE: Election Law

ANALYSIS

This bill clarifies the requirements for absentee voting and makes related modifications to the absentee ballot request forms.

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 1266 - AS INTRODUCED

20-2650
11/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty

AN ACT relative to absentee ballot request forms.

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

1 Elections; Absentee Voting; Eligibility; Absence, Religious Observance, and Disability Voting. Amend RSA 657:1, I to read as follows:

I. Any person who [~~will~~] ***may*** be absent on the day of any state election from the city, town, or unincorporated place in which he or she is registered to vote or who cannot appear in public on any election day because of his or her observance of a religious commitment or who is unable to vote there in person by reason of physical disability may vote at such elections as provided in this chapter. A person who is unable to appear at any time during polling hours at his or her polling place because of an employment obligation shall be considered absent for purposes of this chapter. For the purposes of this section, the term "employment" shall include the care of children and infirm adults, with or without compensation.

2 Absentee Voting; Application; Forms. Amend RSA 657:4, I to read as follows:

I. Prior to any state election, the secretary of state shall prepare the appropriate application forms for absentee ballots worded in substantially the following form. The secretary of state shall insert the names of all parties qualified as set forth in RSA 652:11 in the list of parties on the application form. The secretary of state shall prepare the application forms in such quantity as he or she deems necessary:

Absence (Excluding Absence Due to Residence Outside the United States), Religious Observance, and Disability:

I.

I hereby declare that (check one):

_____ I am a duly qualified voter who is currently registered to vote in this town/ward.

_____ ***OR*** I am ***unable to register to vote in person because I am*** absent from the town/city where I am domiciled and will be until after the next election, or I am unable to register in person due to a disability, and request that the forms necessary for absentee voter registration be sent to me with the absentee ballot.

II. New Hampshire law requires that you vote in person at the polling place for your town or ward unless one of the following apply.

I will be entitled to vote by absentee ballot because [~~(check one)~~]:

[_____] I [~~plan~~] ***may*** to be absent on the day of the election from the city, town, or unincorporated place where I am domiciled[~~.~~]***; or***

[_____] I am requesting [~~a~~] ***an absentee*** ballot for the presidential primary election and I may be absent on the day of the election from the city, town, or unincorporated place where I am domiciled, but the date of the election has not been announced. I understand that I may only make such a request 14 days after the filing period for candidates has closed[~~, and that if I will not be absent on the date of the election I am not eligible to vote by absentee ballot.~~]***; or***

[_____] I cannot appear in public on election day because of observance of a religious commitment[~~.~~]***; or***

[_____] I am unable to vote in person due to a disability[~~.~~]***; or***

[_____] I cannot appear at any time during polling hours at my polling place because of an employment obligation. For the purposes of this application, the term "employment shall include the care of children and infirm adults, with or without compensation[~~.~~]***; or***

[~~For use only on the Monday immediately prior to the election:~~] I cannot appear at my polling place on election day because the National Weather Service has issued a winter storm warning, blizzard warning, or ice storm warning for election day applicable to my city, town, or unincorporated place and either [~~(check one)~~]:

[_____] I am elderly or infirm or I have a physical disability, and would otherwise vote in person but I have concerns for my safety traveling in the storm[~~.~~]***; or***

[_____] I anticipate that school, child care, or adult care will be canceled, and would otherwise vote in person but will need to care for children or infirm adults.

Any person who votes or attempts to vote using an absentee ballot who is not entitled to vote by absentee ballot shall be guilty of a misdemeanor. RSA 657:24.

I am requesting an official absentee ballot for the following election (check one):

_____ Presidential Primary to be held on _____
(MM/DD/YYYY)

(The date may appear as blank when the date is not known.)

_____ State Primary to be held on _____
(MM/DD/YYYY)

_____ ***State*** General Election ***to be held on*** _____
(MM/DD/YYYY)

For primary elections, I am a member of or I am now declaring my affiliation with the (check one):

_____ Republican Party

_____ Democratic Party

_____ (name of any party determined by the secretary of state to have achieved official status under RSA 652:11)

and am requesting a ballot for that party's primary.

Please print:

Applicant's Name:

_____

(Last) (First) (Middle) (Sr., Jr., II., III)

Applicant's Voting Domicile (home address):

_____

(Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

Mail the ballot to me at this address (if different than the home address):

_____

(Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

Applicant's Phone Number : _____

Applicant's Email Address : _____

Applicant's Signature: _____

Date Signed: _____

(MM/DD/YYYY)

I attest that I assisted the applicant in executing this form because he or she has a disability.

Signature _____ Print Name _____

If your absentee ballot application or affidavit envelope has the printed name and signature of a person who assisted you with voting, your signature will not be compared to your signature on the absentee ballot affidavit to verify your identity. Otherwise, if your signatures do not appear to be made by the same person, your absentee ballot may not be counted.

The applicant must sign this form to receive an absentee ballot. Any person who witnesses and assists a voter with a disability in executing this form shall print and sign his or her name in the space provided on the application form. The moderator will not compare the voter's signature on the application with the signature on the absentee ballot affidavit when a person assisting the voter has signed the statement on the absentee ballot application or affidavit envelope that assistance was provided.

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