

Bill as
Introduced

HB 1266 - AS AMENDED BY THE HOUSE

12Mar2020... 0791h

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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

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

11 2 Absentee Voting; Application; Forms. Amend RSA 657:4, I to read as follows:

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

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

19 **I.** I hereby declare that (check one):

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

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

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

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

28 ___ I plan to be absent on the day of the election from the city, town, or unincorporated place
29 where I am domiciled[-]; **or**

30 ___ I am requesting [a] **an absentee** ballot for the presidential primary election and I may be
31 absent on the day of the election from the city, town, or unincorporated place where I am domiciled,

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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:

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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.

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12Mar2020... 0791h

06/29/2020 1582s

06/29/2020 1608s

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HOUSE BILL **1266**

AN ACT making temporary modifications to the absentee voter registration, absentee ballot application, and absentee voting processes in response to the novel coronavirus (Covid-19) disease.

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

COMMITTEE: Election Law

AMENDED ANALYSIS

This bill makes temporary changes to the absentee voter registration, absentee ballot application, and absentee voting processes in response to the novel coronavirus (Covid-19) disease.

Explanation: Matter added to current law appears in ***bold italics***.
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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty

AN ACT making temporary modifications to the absentee voter registration, absentee ballot application, and absentee voting processes in response to the novel coronavirus (Covid-19) disease.

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

1 1 Absentee Registration and Voting; Covid-19.

2 I. Notwithstanding any law to the contrary, any person who is domiciled in any town or city
3 in this state and is qualified to vote therein at the next subsequent election to be held in said town or
4 city except for the fact that his or her name does not appear on the checklist to be used at the
5 election, and who is temporarily absent therefrom or who by reason of concern for the novel
6 coronavirus (Covid-19) disease is unable to attend a meeting of the supervisors of the checklist, may
7 cause his or her name to be added to such checklist by applying to the city or town clerk or the
8 secretary of state for a voter registration form provided for in RSA 654:7 and an appropriate
9 absentee registration affidavit provided for in RSA 654:17.

10 II. Notwithstanding any law to the contrary, any person who cannot appear in public on an
11 election day or who is unable to vote in person in the city, town, or unincorporated place in which he
12 or she is registered because of concerns relating to the novel coronavirus (Covid-19) may vote at such
13 an election as provided in RSA 657 and this act.

14 III. Notwithstanding any law of the contrary, any voter who, due to extenuating
15 circumstances under Covid-19 is attempting but unable to access the polling place on the day of an
16 election may follow the provisions set forth in RSA 659:20-a.

17 2 Absentee Voting; Application; Forms. To increase accessibility, usage, and confidence of
18 absentee ballots and to minimize errors that overburden clerks' offices, the absentee ballot
19 application form described in RSA 657:4 is hereby suspended through December 31, 2020, provided
20 that such form may be used in the event of a winter storm the day before the election. The secretary
21 of state shall instead prepare new application forms for absentee ballots worded in substantially the
22 following form to be used prior to any election occurring prior to December 31, 2020. The secretary
23 of state shall insert the names of all parties qualified as set forth in RSA 652:11 in the list of parties
24 on the application form. The secretary of state shall prepare the application forms in such quantity
25 as he or she deems necessary:

26 Absence (Excluding Absence Due to Residence Outside the United States), Religious Observance,
27 Concern for the Novel Coronavirus (COVID-19), and Disability:

28 I hereby declare that (check one):

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37 Applicant's Email Address : _____

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1 Applicant's Signature: _____

2 Date Signed: _____

3 (MM/DD/YYYY)

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

5 Signature _____

6 Print Name _____

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

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

17 3 Absentee Registration Affidavit; Covid-19. The absentee registration affidavit form described
18 in RSA 654:17 is hereby suspended through December 31, 2020. The secretary of state shall instead
19 prepare new affidavits worded in substantially the following form to be used prior to any election
20 occurring prior to December 31, 2020:

21 Affidavit (Absence from town)

22 I, _____ do hereby swear or affirm, under the penalties for voting fraud set forth
23 below, the following:

24 1) That my legal domicile is in the town of _____, New Hampshire, I will be of the age
25 of 18 years or over on election day and am entitled to vote in the election to be held in said town on
26 _____, _____ (date), except for the fact that my name does not appear on the checklist
27 to be used in said town at such election;

28 2) That I do not intend to be present within said town at such time prior to said election as shall
29 enable me personally to appear before the supervisors of the checklist of said town in their regular
30 sessions for the correction of the checklist for said election;

31 3) That I am temporarily residing in _____ (city and state or city, province, and country);

32 4) That I hereby enclose one of the following as proof of identity and domicile:

33 (a) A copy of a current and valid New Hampshire driver's license or an armed services
34 identification or other photo identification issued by the United States government that shows my
35 name and address; or

36 (b) A copy of a current and valid photo identification and a copy of a current utility bill, bank
37 statement, government check, paycheck, other government document that shows my name and

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address, or a letter from the administrator of a nursing home or similar facility affirming that I am a resident of that facility that was provided to me at my request pursuant to the administrator's duty to provide such a letter upon my request;

5) That I acknowledge that if I do not provide a copy of proof of identity and domicile as required by section 4) above, this application may not be approved; and

6) That I hereby make application for the addition of my name to the checklist of said town to be used at said election.

Signature of Applicant

Date

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

Affidavit (Physical Disability or Concern for Covid-19)

I, _____ do hereby swear or affirm, under the penalties for voting fraud set forth below, the following:

1) That my legal domicile is in the town of _____, New Hampshire, I will be of the age of 18 years or over on election day, and am entitled to vote in the election to be held in said town on _____, ____ (date), except for the fact that my name does not appear on the checklist to be used in said town at such election;

2) That I am unable by reason of physical disability or concern for the novel coronavirus (Covid-19) disease personally to appear before the supervisors of the checklist of said town in their regular sessions for the correction of the checklist for said election;

3) That I hereby enclose one of the following as proof of identity and domicile or shall send a photograph or photocopy of that proof to my clerk from the following email address:_____:

(a) A copy of a current and valid New Hampshire driver's license or an armed services identification or other photo identification issued by the United States government that shows my name and address; or

(b) A copy of a current and valid photo identification and a copy of a current utility bill, bank statement, government check, paycheck, other government document that shows my name and address, or a letter from the administrator of a nursing home or similar facility affirming that I am a resident of that facility that was provided to me at my request pursuant to the administrator's duty to provide such a letter upon my request;

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4) That I acknowledge that if I do not provide a copy of proof of identity and domicile as required by section 3) above, this application may not be approved; and

5) That I hereby make application for the addition of my name to the checklist of said town to be used at said election.

Signature of Applicant

Date

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

4 Absentee Voting; Procedure by Clerk. Amend RSA 657:18 to read as follows:

657:18 Procedure by Clerk. Upon receipt of an outer envelope purporting to contain an official absentee voting ballot, the clerk of the city or town shall, subject to RSA 657:16, attach thereto the application for an absentee ballot submitted by said voter and record the information pursuant to RSA 657:15. All such envelopes shall be preserved unopened until election day *except as provided by RSA 659:49-b*.

5 New Section; Absentee Voting; Procedure by Clerk; Single Application for Primary and General Election. Amend RSA 657 by inserting after section 18 the following new section:

657:18-a Procedure by Clerk; Single Application for Both Primary and General Elections. When the application for an absentee ballot requests both the primary and general election absentee ballot, a copy of the application shall be attached to the outer envelope of the primary ballot upon receipt and the original application preserved and attached to the general election ballot upon receipt.

6 New Paragraph; Preparation of Polling Place; Arrangement. Amend RSA 658:9 by inserting after paragraph VI the following new paragraph:

VII. The requirements of this section may be satisfied by alternative requirements issued by the secretary of state in consultation with the attorney general and the commissioner of the department of health and human services or designee.

7 Processing of Absentee Ballots. Amend RSA 659:49 to read as follows:

659:49 Processing Absentee Ballots.

I. Processing of previously received absentee ballots shall begin at 1:00 p.m. unless a different time, that is no earlier than ~~[2 hours]~~ **one hour** after the opening of the polls[;] is posted and announced in accordance with paragraph II. The processing of the absentee ballots shall not unnecessarily interfere with normal voting procedures, nor shall the polls be closed at any time for the processing of such ballots during normal polling hours. Absentee ballots which are received after the start time for processing absentee ballots and prior to 5:00 p.m. on the day of the election shall be

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1 processed as soon after receipt as possible. Under no circumstances shall absentee ballots be
2 counted prior to the closing of the polls.

3 II. Notwithstanding the provisions of paragraph I, ~~[upon the written challenges of 10 or~~
4 ~~more voters who are present at the polls no later than 1:00 p.m., the moderator shall postpone the~~
5 ~~processing of all absentee ballots until after the polls close and prior to the counting of all ballots cast~~
6 ~~in the election.]~~ the moderator, or his or her designee, shall post the time at which the processing of
7 absentee ballots shall begin at the polling place and one other public location at least 24 hours before
8 the polls open. In addition, when the polls open the moderator shall announce the time at which the
9 processing of absentee ballots shall begin.

10 8 Opening Absentee Ballot Outer Envelopes. Amend RSA 659:49-b to read as follows:

11 659:49-b Opening Absentee Ballot Outer Envelopes. The moderator or the moderator's designee
12 may authorize the opening of absentee ballot outer envelopes on election day ***or the Thursday,***
13 ***Friday, Saturday, or Monday*** prior to the time established for processing absentee ballots in RSA
14 659:49, ***but after the corrected checklist has been posted*** provided that the opening of the outer
15 envelopes occurs in public with notice of the time and place. ~~[The envelope containing the ballot shall~~
16 ~~not be removed from the outer envelope at such time, and The outer envelope containing the inner~~
17 ~~envelope shall be secured until it is processed pursuant to RSA 659:50.]~~ ***After the outer envelope***
18 ***has been opened, the affidavit on the inner envelope shall be examined, the voter's name***
19 ***shall be announced, an opportunity for a challenge of the ballot shall be given, and a***
20 ***notation may be made on the checklist to help facilitate processing of the ballot on election***
21 ***day. Notwithstanding RSA 659:51, if absentee ballots are partially processed before***
22 ***election day a challenge may not be made after the notation has been made on the***
23 ***checklist. The ballot shall remain secure in the unopened affidavit envelope until final***
24 ***processing on election day.***

25 9 New Section; Election Procedure; Processing Absentee Ballots; Partial Processing of Absentee
26 Ballots Prior to an Election. Amend RSA 659 by inserting after section 55 the following new section:

27 659:55-a Partial Processing of Absentee Ballots Prior to an Election.

28 I. The moderator, or his or her designee, may begin the processing of absentee ballots prior
29 to the opening of the polls provided that the clerk shall post, in an appropriate public place and prior
30 to election day, notice of the time and place of the processing. If the moderator chooses to do so it
31 shall be posted in 2 appropriate public places, one of which shall be the public body's Internet
32 website, if such exists, or shall be printed in a newspaper of general circulation in the city or town at
33 least 48 hours, excluding Sundays and legal holidays, prior to such meeting. A copy of the notice
34 shall be provided to the secretary of state. The partial processing of absentee ballots prior to an
35 election shall occur on the Thursday, Friday, Saturday, or Monday prior to the date of the election
36 after the posting of the checklist. The moderator shall be assisted by at least 3 other election officers
37 as defined under RSA 652:14. Members of the general public may observe this process. Under no

circumstances shall absentee ballots be counted prior to the opening of the polls.

II. Once notice of the processing has been posted, all absentee ballots received by the end of the day preceding the posted time for the meeting shall be partially processed. Only one session for the partial processing of absentee ballots may be scheduled prior to an election.

III. Except as otherwise provided, the moderator, or his or her designee, shall adhere to the procedures detailed in RSA 659:49-b, RSA 659:50, RSA 659:51, RSA 659:52, RSA 659:53, RSA 659:54, RSA 659:54-a, RSA 666:4, and RSA 666:5.

10 Absentee Voting; Procedure by Clerk RSA 657:18 is repealed and reenacted to read as follows:

657:18 Procedure by Clerk. Upon receipt of an outer envelope purporting to contain an official absentee voting ballot, the clerk of the city or town shall, subject to RSA 657:16, attach thereto the application for an absentee ballot submitted by said voter and record the information pursuant to RSA 657:15. All such envelopes shall be preserved unopened until election day.

11 Processing Absentee Ballots. RSA 659:49 is repealed and reenacted to read as follows:

659:49 Processing Absentee Ballots.

I. Processing of previously received absentee ballots shall begin at 1:00 p.m. unless a different time, that is no earlier than 2 hours after the opening of the polls, is posted and announced in accordance with paragraph II. The processing of the absentee ballots shall not unnecessarily interfere with normal voting procedures, nor shall the polls be closed at any time for the processing of such ballots during normal polling hours. Absentee ballots which are received after the start time for processing absentee ballots and prior to 5:00 p.m. on the day of the election shall be processed as soon after receipt as possible. Under no circumstances shall absentee ballots be counted prior to the closing of the polls.

II. Notwithstanding the provisions of paragraph I, upon the written challenges of 10 or more voters who are present at the polls no later than 1:00 p.m., the moderator shall postpone the processing of all absentee ballots until after the polls close and prior to the counting of all ballots cast in the election. The moderator, or his or her designee, shall post the time at which the processing of absentee ballots shall begin at the polling place and one other public location at least 24 hours before the polls open. In addition, when the polls open the moderator shall announce the time at which the processing of absentee ballots shall begin.

12 Opening Absentee Ballot Outer Envelopes. RSA 659:49-b is repealed and reenacted to read as follows:

659:49-b Opening Absentee Ballot Outer Envelopes. The moderator or the moderator's designee may authorize the opening of absentee ballot outer envelopes on election day prior to the time established for processing absentee ballots in RSA 659:49, provided that the opening of the outer envelopes occurs in public with notice of the time and place. The envelope containing the ballot shall not be removed from the outer envelope at such time, and the outer envelope containing the inner

1 envelope shall be secured until it is processed pursuant to RSA 659:50.

2 13 Repeal. The following are repealed:

3 I. Sections 1-3 of this act, relative to temporary modifications to the absentee voter
4 registration, absentee ballot application, and absentee voting processes in response to the novel
5 coronavirus (Covid-19) disease.

6 II. RSA 657:18-a, relative to the procedure by clerk upon receipt of a single application for
7 both primary and general elections.

8 III. RSA 658:9, VII, relative to alternative requirements for preparation of the polling place.

9 IV. RSA 659:55-a, relative to partial processing of absentee ballots prior to election.

10 14 Effective Date.

11 I. Sections 10-13 of this act shall take effect January 1, 2021.

12 II. The remainder of this act shall take effect upon its passage.

CHAPTER 14
HB 1266 - FINAL VERSION

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

COMMITTEE: Election Law

AMENDED ANALYSIS

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

1 14:1 Absentee Registration and Voting; Covid-19.

2 I. Notwithstanding any law to the contrary, any person who is domiciled in any town or city
3 in this state and is qualified to vote therein at the next subsequent election to be held in said town or
4 city except for the fact that his or her name does not appear on the checklist to be used at the
5 election, and who is temporarily absent therefrom or who by reason of concern for the novel
6 coronavirus (Covid-19) disease is unable to attend a meeting of the supervisors of the checklist, may
7 cause his or her name to be added to such checklist by applying to the city or town clerk or the
8 secretary of state for a voter registration form provided for in RSA 654:7 and an appropriate
9 absentee registration affidavit provided for in RSA 654:17.

10 II. Notwithstanding any law to the contrary, any person who cannot appear in public on an
11 election day or who is unable to vote in person in the city, town, or unincorporated place in which he
12 or she is registered because of concerns relating to the novel coronavirus (Covid-19) may vote at such
13 an election as provided in RSA 657 and this act.

14 III. Notwithstanding any law of the contrary, any voter who, due to extenuating
15 circumstances under Covid-19 is attempting but unable to access the polling place on the day of an
16 election may follow the provisions set forth in RSA 659:20-a.

17 14:2 Absentee Voting; Application; Forms. To increase accessibility, usage, and confidence of
18 absentee ballots and to minimize errors that overburden clerks' offices, the absentee ballot
19 application form described in RSA 657:4 is hereby suspended through December 31, 2020, provided
20 that such form may be used in the event of a winter storm the day before the election. The secretary
21 of state shall instead prepare new application forms for absentee ballots worded in substantially the
22 following form to be used prior to any election occurring prior to December 31, 2020. The secretary
23 of state shall insert the names of all parties qualified as set forth in RSA 652:11 in the list of parties
24 on the application form. The secretary of state shall prepare the application forms in such quantity
25 as he or she deems necessary:

26 Absence (Excluding Absence Due to Residence Outside the United States), Religious Observance,
27 Concern for the Novel Coronavirus (COVID-19), and Disability:

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1 I hereby declare that (check one):

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

3 ☐ I am absent from the town/city where I am domiciled and will be until after the next
4 election, or I am unable to register in person due to a disability or concern for the novel coronavirus
5 (COVID-19), and request that the forms necessary for absentee voter registration be sent to me with
6 the absentee ballot.

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

8 ☐ I plan to be absent on the day of the election from the city, town, or unincorporated place
9 where I am domiciled.

10 ☐ I cannot appear in public on election day because of observance of a religious commitment.

11 ☐ I am unable to vote in person due to a disability.

12 ☐ I am unable to vote in person due to concern for the novel corona virus (COVID-19).

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

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

18 I am requesting an official absentee ballot for the following election(s):

19 ☐ State Primary to be held on _____

20 (MM/DD/YYYY)

21 ☐ General Election

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

24 ☐ Republican Party

25 ☐ Democratic Party

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

27 Please print:

28 Applicant's Name:

29 _____

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

31 Applicant's Voting Domicile (home address):

32 _____

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

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

35 _____

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

37 Applicant's Phone Number : _____

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1 Applicant's Email Address : _____

2 Applicant's Signature: _____

3 Date Signed: _____

4 (MM/DD/YYYY)

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

6 Signature _____

7 Print Name _____

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

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

18 14:3 Absentee Registration Affidavit; Covid-19. The absentee registration affidavit form
19 described in RSA 654:17 is hereby suspended through December 31, 2020. The secretary of state
20 shall instead prepare new affidavits worded in substantially the following form to be used prior to
21 any election occurring prior to December 31, 2020:

22 Affidavit (Absence from town)

23 I, _____ do hereby swear or affirm, under the penalties for voting fraud set forth
24 below, the following:

25 1) That my legal domicile is in the town of _____, New Hampshire, I will be of the age
26 of 18 years or over on election day and am entitled to vote in the election to be held in said town on
27 _____, _____ (date), except for the fact that my name does not appear on the checklist
28 to be used in said town at such election;

29 2) That I do not intend to be present within said town at such time prior to said election as shall
30 enable me personally to appear before the supervisors of the checklist of said town in their regular
31 sessions for the correction of the checklist for said election;

32 3) That I am temporarily residing in _____ (city and state or city, province, and country);

33 4) That I hereby enclose one of the following as proof of identity and domicile:

34 (a) A copy of a current and valid New Hampshire driver's license or an armed services
35 identification or other photo identification issued by the United States government that shows my
36 name and address; or

37 (b) A copy of a current and valid photo identification and a copy of a current utility bill, bank

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statement, government check, paycheck, other government document that shows my name and address, or a letter from the administrator of a nursing home or similar facility affirming that I am a resident of that facility that was provided to me at my request pursuant to the administrator's duty to provide such a letter upon my request;

5) That I acknowledge that if I do not provide a copy of proof of identity and domicile as required by section 4) above, this application may not be approved; and

6) That I hereby make application for the addition of my name to the checklist of said town to be used at said election.

Signature of Applicant

Date

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

Affidavit (Physical Disability or Concern for Covid-19)

I, _____ do hereby swear or affirm, under the penalties for voting fraud set forth below, the following:

1) That my legal domicile is in the town of _____, New Hampshire, I will be of the age of 18 years or over on election day, and am entitled to vote in the election to be held in said town on _____, ____ (date), except for the fact that my name does not appear on the checklist to be used in said town at such election;

2) That I am unable by reason of physical disability or concern for the novel coronavirus (Covid-19) disease personally to appear before the supervisors of the checklist of said town in their regular sessions for the correction of the checklist for said election;

3) That I hereby enclose one of the following as proof of identity and domicile or shall send a photograph or photocopy of that proof to my clerk from the following email address:_____:

(a) A copy of a current and valid New Hampshire driver's license or an armed services identification or other photo identification issued by the United States government that shows my name and address; or

(b) A copy of a current and valid photo identification and a copy of a current utility bill, bank statement, government check, paycheck, other government document that shows my name and address, or a letter from the administrator of a nursing home or similar facility affirming that I am a resident of that facility that was provided to me at my request pursuant to the administrator's duty

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1 to provide such a letter upon my request;

2 4) That I acknowledge that if I do not provide a copy of proof of identity and domicile as required
3 by section 3) above, this application may not be approved; and

4 5) That I hereby make application for the addition of my name to the checklist of said town to be
5 used at said election.

6 _____
7 Signature of Applicant

8 _____
9 Date

10 In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false
11 information when registering to vote or voting is a class A misdemeanor with a maximum sentence
12 of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to
13 vote or voting is subject to a civil penalty not to exceed \$5,000.

14 14:4 Absentee Voting; Procedure by Clerk. Amend RSA 657:18 to read as follows:

15 657:18 Procedure by Clerk. Upon receipt of an outer envelope purporting to contain an official
16 absentee voting ballot, the clerk of the city or town shall, subject to RSA 657:16, attach thereto the
17 application for an absentee ballot submitted by said voter and record the information pursuant to
18 RSA 657:15. All such envelopes shall be preserved unopened until election day *except as provided*
19 *by RSA 659:49-b.*

20 14:5 New Section; Absentee Voting; Procedure by Clerk; Single Application for Primary and
21 General Election. Amend RSA 657 by inserting after section 18 the following new section:

22 657:18-a Procedure by Clerk; Single Application for Both Primary and General Elections. When
23 the application for an absentee ballot requests both the primary and general election absentee ballot,
24 a copy of the application shall be attached to the outer envelope of the primary ballot upon receipt
25 and the original application preserved and attached to the general election ballot upon receipt.

26 14:6 New Paragraph; Preparation of Polling Place; Arrangement. Amend RSA 658:9 by
27 inserting after paragraph VI the following new paragraph:

28 VII. The requirements of this section may be satisfied by alternative requirements issued by
29 the secretary of state in consultation with the attorney general and the commissioner of the
30 department of health and human services or designee.

31 14:7 Processing of Absentee Ballots. Amend RSA 659:49 to read as follows:

32 659:49 Processing Absentee Ballots.

33 I. Processing of previously received absentee ballots shall begin at 1:00 p.m. unless a
34 different time, that is no earlier than ~~[2-hours]~~ *one hour* after the opening of the polls[;] is posted
35 and announced in accordance with paragraph II. The processing of the absentee ballots shall not
36 unnecessarily interfere with normal voting procedures, nor shall the polls be closed at any time for
37 the processing of such ballots during normal polling hours. Absentee ballots which are received after

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the start time for processing absentee ballots and prior to 5:00 p.m. on the day of the election shall be processed as soon after receipt as possible. Under no circumstances shall absentee ballots be counted prior to the closing of the polls.

II. Notwithstanding the provisions of paragraph I, ~~[upon the written challenges of 10 or more voters who are present at the polls no later than 1:00 p.m., the moderator shall postpone the processing of all absentee ballots until after the polls close and prior to the counting of all ballots cast in the election.]~~ the moderator, or his or her designee, shall post the time at which the processing of absentee ballots shall begin at the polling place and one other public location at least 24 hours before the polls open. In addition, when the polls open the moderator shall announce the time at which the processing of absentee ballots shall begin.

14:8 Opening Absentee Ballot Outer Envelopes. Amend RSA 659:49-b to read as follows:

659:49-b Opening Absentee Ballot Outer Envelopes. The moderator or the moderator's designee may authorize the opening of absentee ballot outer envelopes on election day *or the Thursday, Friday, Saturday, or Monday* prior to the time established for processing absentee ballots in RSA 659:49, *but after the corrected checklist has been posted* provided that the opening of the outer envelopes occurs in public with notice of the time and place. ~~[The envelope containing the ballot shall not be removed from the outer envelope at such time, and The outer envelope containing the inner envelope shall be secured until it is processed pursuant to RSA 659:50.]~~ *After the outer envelope has been opened, the affidavit on the inner envelope shall be examined, the voter's name shall be announced, an opportunity for a challenge of the ballot shall be given, and a notation may be made on the checklist to help facilitate processing of the ballot on election day. Notwithstanding RSA 659:51, if absentee ballots are partially processed before election day a challenge may not be made after the notation has been made on the checklist. The ballot shall remain secure in the unopened affidavit envelope until final processing on election day.*

14:9 New Section; Election Procedure; Processing Absentee Ballots; Partial Processing of Absentee Ballots Prior to an Election. Amend RSA 659 by inserting after section 55 the following new section:

659:55-a Partial Processing of Absentee Ballots Prior to an Election.

I. The moderator, or his or her designee, may begin the processing of absentee ballots prior to the opening of the polls provided that the clerk shall post, in an appropriate public place and prior to election day, notice of the time and place of the processing. If the moderator chooses to do so it shall be posted in 2 appropriate public places, one of which shall be the public body's Internet website, if such exists, or shall be printed in a newspaper of general circulation in the city or town at least 48 hours, excluding Sundays and legal holidays, prior to such meeting. A copy of the notice shall be provided to the secretary of state. The partial processing of absentee ballots prior to an election shall occur on the Thursday, Friday, Saturday, or Monday prior to the date of the election

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1 after the posting of the checklist. The moderator shall be assisted by at least 3 other election officers
2 as defined under RSA 652:14. Members of the general public may observe this process. Under no
3 circumstances shall absentee ballots be counted prior to the opening of the polls.

4 II. Once notice of the processing has been posted, all absentee ballots received by the end of
5 the day preceding the posted time for the meeting shall be partially processed. Only one session for
6 the partial processing of absentee ballots may be scheduled prior to an election.

7 III. Except as otherwise provided, the moderator, or his or her designee, shall adhere to the
8 procedures detailed in RSA 659:49-b, RSA 659:50, RSA 659:51, RSA 659:52, RSA 659:53, RSA
9 659:54, RSA 659:54-a, RSA 666:4, and RSA 666:5.

10 14:10 Absentee Voting; Procedure by Clerk RSA 657:18 is repealed and reenacted to read as
11 follows:

12 657:18 Procedure by Clerk. Upon receipt of an outer envelope purporting to contain an official
13 absentee voting ballot, the clerk of the city or town shall, subject to RSA 657:16, attach thereto the
14 application for an absentee ballot submitted by said voter and record the information pursuant to
15 RSA 657:15. All such envelopes shall be preserved unopened until election day.

16 14:11 Processing Absentee Ballots. RSA 659:49 is repealed and reenacted to read as follows:

17 659:49 Processing Absentee Ballots.

18 I. Processing of previously received absentee ballots shall begin at 1:00 p.m. unless a
19 different time, that is no earlier than 2 hours after the opening of the polls, is posted and announced
20 in accordance with paragraph II. The processing of the absentee ballots shall not unnecessarily
21 interfere with normal voting procedures, nor shall the polls be closed at any time for the processing
22 of such ballots during normal polling hours. Absentee ballots which are received after the start time
23 for processing absentee ballots and prior to 5:00 p.m. on the day of the election shall be processed as
24 soon after receipt as possible. Under no circumstances shall absentee ballots be counted prior to the
25 closing of the polls.

26 II. Notwithstanding the provisions of paragraph I, upon the written challenges of 10 or more
27 voters who are present at the polls no later than 1:00 p.m., the moderator shall postpone the
28 processing of all absentee ballots until after the polls close and prior to the counting of all ballots cast
29 in the election. The moderator, or his or her designee, shall post the time at which the processing of
30 absentee ballots shall begin at the polling place and one other public location at least 24 hours before
31 the polls open. In addition, when the polls open the moderator shall announce the time at which the
32 processing of absentee ballots shall begin.

33 14:12 Opening Absentee Ballot Outer Envelopes. RSA 659:49-b is repealed and reenacted to
34 read as follows:

35 659:49-b Opening Absentee Ballot Outer Envelopes. The moderator or the moderator's designee
36 may authorize the opening of absentee ballot outer envelopes on election day prior to the time
37 established for processing absentee ballots in RSA 659:49, provided that the opening of the outer

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1 envelopes occurs in public with notice of the time and place. The envelope containing the ballot shall
2 not be removed from the outer envelope at such time, and the outer envelope containing the inner
3 envelope shall be secured until it is processed pursuant to RSA 659:50.

4 14:13 Repeal. The following are repealed:

5 I. Sections 1-3 of this act, relative to temporary modifications to the absentee voter
6 registration, absentee ballot application, and absentee voting processes in response to the novel
7 coronavirus (Covid-19) disease.

8 II. RSA 657:18-a, relative to the procedure by clerk upon receipt of a single application for
9 both primary and general elections.

10 III. RSA 658:9, VII, relative to alternative requirements for preparation of the polling place.

11 IV. RSA 659:55-a, relative to partial processing of absentee ballots prior to election.

12 14:14 Contingent Renumbering; HB 1672-FN. If HB 1672-FN of the 2020 regular legislative
13 session becomes law, then RSA 659:55-a, as inserted by section 9 of this act and as repealed by
14 paragraph IV of section 13 of this act, shall be renumbered as RSA 659:55-c.

15 14:15 Effective Date.

16 I. Sections 10-13 of this act shall take effect January 1, 2021.

II. The remainder of this act shall take effect upon its passage.

Approved: July 17, 2020

Effective Date:

I. Sections 10-13 shall take effect January 1, 2021.

II. Remainder shall take effect July 17, 2020.

Amendments

Amendment to HB 1266

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT making temporary modifications to the absentee voter registration, absentee ballot
4 application, and absentee voting processes in response to the novel coronavirus
5 (Covid-19) disease.
6

7 Amend the bill by replacing all after the enacting clause with the following:

8
9 1 Procedure for Absentee Voting; Dropbox. Notwithstanding any law to the contrary, an
10 application for an absentee ballot may be transmitted by mail, in person, by electronic mail, by
11 facsimile, or by secure drop box to a town or city clerk, provided that such drop boxes are secure,
12 publicly observable, and physically monitored by the clerk or by a member of the clerk's staff,
13 including on the day of the election. Absentee ballots may also be submitted via such drop boxes.
14 The clerks should also keep a log of who is depositing applications for absentee ballots and absentee
15 ballots in such a drop box.

16 2 Absentee Registration and Voting; Covid-19.

17 I. Notwithstanding any law to the contrary, any person who is domiciled in any town or city
18 in this state and is qualified to vote therein at the next subsequent election to be held in said town or
19 city except for the fact that his or her name does not appear on the checklist to be used at the
20 election, and who is temporarily absent therefrom or who by reason of concern for the novel
21 coronavirus (Covid-19) disease is unable to attend a meeting of the supervisors of the checklist, may
22 cause his or her name to be added to such checklist by applying to the city or town clerk or the
23 secretary of state for a voter registration form provided for in RSA 654:7 and an appropriate
24 absentee registration affidavit provided for in RSA 654:17.

25 II. Notwithstanding any law to the contrary, any person who cannot appear in public on an
26 election day or who is unable to vote in person in the city, town, or unincorporated place in which he
27 or she is registered because of concerns relating to the novel coronavirus (Covid-19) may vote at such
28 an election as provided in RSA 657 and this act.

29 III. Notwithstanding any law of the contrary, any voter, after appearing at the polling place
30 location prior to the closing of the polls to vote in person, who declares to the moderator under oath
31 that said voter is unable to access a polling place due to concerns about the novel coronavirus (Covid-
32 19) disease shall, upon the voter's request, have the required documents delivered to the voter
33 outside the guardrail by the town or ward clerk or one of his or her assistants. The absentee ballot

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delivered by the town or ward clerk shall be processed using the same procedures as any other absentee ballot except the cutoff time listed in RSA 657:22 shall not apply.

3 Absentee Voting; Application; Forms. To increase accessibility, usage, and confidence of absentee ballots and to minimize errors that overburden clerks' offices, the absentee ballot application form described in RSA 657:4 is hereby suspended through December 31, 2020, provided that such form may be used in the event of a winter storm the day before the election. The secretary of state shall instead prepare new application forms for absentee ballots worded in substantially the following form to be used prior to any election occurring prior to December 31, 2020. 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:

Absentee Ballot Application for the September 2020 Primary and November 2020 General Election ONLY: Absence, Religious Observance, COVID-19 Concerns, and Disability:

Step 1: I hereby declare that (check one):

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

☐ I need to register to vote in this town/ward. Please send me the absentee registration forms immediately.

Step 2: I will be entitled to vote by absentee ballot because (check one):

☐ I am concerned about Covid-19; or

☐ I plan to be absent on the day of the election from the city, town, or unincorporated place where I am domiciled; 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 illness, excluding Covid-19); 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.

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.

Step 3: I am requesting an official absentee ballot for the state primary to be held on September 8, 2020 and the general election to be held on November 3, 2020 (if the application is received after the state primary, only the general election ballot will be sent).

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

☐ Republican Party

☐ Democratic Party

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Step 4: Please print or type:

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 (optional):

Applicant's Email Address (optional):

(Please include this information so that your election officials may contact you in the event there is an issue with your ballot. This will not be released to the public.)

Step 5: Sign this form to receive an absentee ballot. The signature may be affixed by pen or drawn digitally, so long as it is a unique mark.

Applicant's Signature:

Date Signed:

(MM/DD/YYYY)

[FOR DISABLED APPLICANTS REQUIRING ASSISTANCE ONLY]: Any person who witnesses and assists a voter with a disability in executing this form shall print and sign their name.

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

Assisting Person's Signature

Assisting Person's Name (print)

Step 6: Mail/fax/email or hand-deliver this completed form to your City or Town Clerk. You can find your clerk's office information and track your ballot at <https://sos.nh.gov/voterinforlook.asp>.

Step 7: Check your mail for your official ballot. Ballots usually arrive approximately 30 days before the election. Make sure you read the instructions carefully and ensure your ballot arrives before 5:00 p.m. on election day.

4 Absentee Registration Affidavit; Covid-19. The absentee registration affidavit form described in RSA 654:17 is hereby suspended through December 31, 2020. The secretary of state shall instead

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prepare new affidavits worded in substantially the following form to be used prior to any election occurring prior to December 31, 2020:

Affidavit (Absence from town)

I, _____ do hereby swear or affirm, under the penalties for voting fraud set forth below, the following:

1) That my legal domicile is in the town of _____, New Hampshire, I will be of the age of 18 years or over on election day and am entitled to vote in the election to be held in said town on _____, _____ (date), except for the fact that my name does not appear on the checklist to be used in said town at such election;

2) That I do not intend to be present within said town at such time prior to said election as shall enable me personally to appear before the supervisors of the checklist of said town in their regular sessions for the correction of the checklist for said election;

3) That I am temporarily residing in _____ (city and state or city, province, and country);

4) That I hereby enclose one of the following as proof of identity and domicile:

(a) A copy of a current and valid New Hampshire driver's license or an armed services identification or other photo identification issued by the United States government that shows my name and address; or

(b) A copy of a current and valid photo identification and a copy of a current utility bill, bank statement, government check, paycheck, other government document that shows my name and address, or a letter from the administrator of a nursing home or similar facility affirming that I am a resident of that facility that was provided to me at my request pursuant to the administrator's duty to provide such a letter upon my request;

5) That I acknowledge that if I do not provide a copy of proof of identity and domicile as required by section 4) above, this application may not be approved; and

6) That I hereby make application for the addition of my name to the checklist of said town to be used at said election.

Signature of Applicant

Date

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

Affidavit (Physical Disability or Concern for Covid-19)

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1 I, _____ do hereby swear or affirm, under the penalties for voting fraud set forth
2 below, the following:

3 1) That my legal domicile is in the town of _____, New Hampshire, I will be of the age
4 of 18 years or over on election day, and am entitled to vote in the election to be held in said town on
5 _____, ____ (date), except for the fact that my name does not appear on the checklist to be
6 used in said town at such election;

7 2) That I am unable by reason of physical disability or concern for the novel coronavirus (Covid-
8 19) disease personally to appear before the supervisors of the checklist of said town in their regular
9 sessions for the correction of the checklist for said election;

10 3) That I hereby enclose one of the following as proof of identity and domicile or shall send a
11 photograph or photocopy of that proof to my clerk from the following email
12 address: _____;

13 (a) A copy of a current and valid New Hampshire driver's license or an armed services
14 identification or other photo identification issued by the United States government that shows my
15 name and address; or

16 (b) A copy of a current and valid photo identification and a copy of a current utility bill, bank
17 statement, government check, paycheck, other government document that shows my name and
18 address, or a letter from the administrator of a nursing home or similar facility affirming that I am a
19 resident of that facility that was provided to me at my request pursuant to the administrator's duty
20 to provide such a letter upon my request;

21 4) That I acknowledge that if I do not provide a copy of proof of identity and domicile as required
22 by section 3) above, this application may not be approved; and

23 5) That I hereby make application for the addition of my name to the checklist of said town to be
24 used at said election.

25 _____
26 Signature of Applicant

27 _____
28 Date

29
30 In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false
31 information when registering to vote or voting is a class A misdemeanor with a maximum sentence
32 of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to
33 vote or voting is subject to a civil penalty not to exceed \$5,000.

34 5 Secretary of State; Absentee Voter Registration. A downloadable absentee voter registration
35 packet including all forms and instructions for completion and return to the clerks shall be available
36 on the secretary of state website. There shall be a clear and concise statement that the
37 downloadable forms are for the personal convenience of the voter during the novel coronavirus

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(Covid-19) disease and this provision shall not conflict with or supercede any state law regarding voter registration drives.

6 Secretary of State; Absentee Ballots; Postage. The secretary of state shall prepare a sufficient number of absentee ballots and envelopes such that all eligible New Hampshire voters may vote by absentee ballot. The secretary of state shall also provide postage for all absentee ballot return envelopes.

7 Absentee Ballots; Procedure By Clerks. Notwithstanding RSA 654:18, the voter registration form and the absentee registration affidavit as well as any necessary instructions for its completion and return to the clerk shall be available for direct download from the secretary of state's website or town or city clerk's official website. Upon request from a voter, the materials shall be forwarded directly to the applicant by the city or town clerk or by the secretary of state within 2 business days of receiving a request therefor.

8 Absentee Voting; Sending Absentee Ballots. Notwithstanding RSA 657:15, the clerk of a town or city shall provide all absentee ballot materials directly to the voter within 2 business days of a valid absentee ballot application.

9 Absentee Voting; Refusal to Certify. Notwithstanding the 7 day notification time period in RSA 657:16, town and city clerks that refuse to certify an application for an absentee ballot shall notify applicants within one business day of the discovery of any substantial error or omission on the absentee ballot application form or envelope that may result in the rejection of such application.

10 Voters and Checklists; Actions by Supervisors of the Checklist. Notwithstanding any law to the contrary, if the supervisors of the checklist decide not to add the name of an applicant to the checklist, they shall send notification in writing to the applicant within 7 days stating the reason for denial, if the meeting occurs more than 45 days prior to the election. If the meeting occurs within 45 days of the election, the supervisor shall send notification in writing to the applicant within 2 business days. The notification required pursuant to this section shall be in the same format as is required by RSA 654:13.

11 Inspectors of Election. Notwithstanding any law to the contrary, civilian state and town employees are hereby authorized to be deputized as inspectors of election.

12 Processing of Absentee Ballots. Amend RSA 659:49 to read as follows:

659:49 Processing Absentee Ballots.

I. Processing of previously received absentee ballots shall begin at 1:00 p.m. unless a different time~~[, that is no earlier than 2 hours]~~ after the opening of the polls~~[,]~~ is posted and announced in accordance with paragraph II. The processing of the absentee ballots shall not unnecessarily interfere with normal voting procedures, nor shall the polls be closed at any time for the processing of such ballots during normal polling hours. Absentee ballots which are received after the start time for processing absentee ballots and prior to 5:00 p.m. on the day of the election shall

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1 be processed as soon after receipt as possible. Under no circumstances shall absentee ballots be
2 counted prior to the closing of the polls.

3 II. Notwithstanding the provisions of paragraph I, ~~[upon the written challenges of 10 or~~
4 ~~more voters who are present at the polls no later than 1:00 p.m., the moderator shall postpone the~~
5 ~~processing of all absentee ballots until after the polls close and prior to the counting of all ballots~~
6 ~~cast in the election.]~~ the moderator, or his or her designee, shall post the time at which the
7 processing of absentee ballots shall begin at the polling place and one other public location at least
8 24 hours before the polls open. In addition, when the polls open the moderator shall announce the
9 time at which the processing of absentee ballots shall begin.

10 **III. If a voter has submitted their absentee ballot but wishes to vote in person**
11 **instead, he or she shall inform the moderator by 5:00 p.m. on the day before the election**
12 **that he or she will be coming in to vote in person so his or her absentee ballot can be held.**

13 13 Opening Absentee Ballot Outer Envelopes. Amend RSA 659:49-b to read as follows:

14 659:49-b Opening Absentee Ballot Outer Envelopes. The moderator or the moderator's designee
15 may authorize the opening of absentee ballot outer envelopes on election day **or a day** prior to the
16 time established for processing absentee ballots in RSA 659:49, **but after the corrected checklist**
17 **has been posted** provided that the opening of the outer envelopes occurs in public with notice of the
18 time and place. The envelope containing the ballot shall not be removed from the outer envelope at
19 such time, ~~[and]~~ **except to determine that the affidavit on the inner envelope is complete, and**
20 **notations shall be made on the checklist to facilitate processing.** The outer envelope
21 containing the inner envelope shall **then** be secured until it is processed pursuant to RSA 659:50.

22 14 New Section; Election Procedure; Processing Absentee Ballots; Partial Processing of Absentee
23 Ballots Prior to an Election. Amend RSA 659 by inserting after section 55 the following new section:

24 659:55-a Partial Processing of Absentee Ballots Prior to an Election.

25 I. The moderator, or his or her designee, may begin the processing of absentee ballots prior
26 to the opening of the polls provided that the clerk shall post, in an appropriate place and prior to
27 election day, notice of the time and place of the processing. If the moderator chooses to do so it shall
28 be posted in 2 appropriate places, one of which shall be the public body's Internet website, if such
29 exists, or shall be printed in a newspaper of general circulation in the city or town at least 48 hours,
30 excluding Sundays and legal holidays, prior to such meeting. A copy of the notice shall be provided
31 to the secretary of state. The partial processing of absentee ballots prior to an election shall occur on
32 the Thursday, Friday, or Saturday prior to the date of the election after the posting of the checklist.
33 The moderator shall be assisted by at least 3 other election officers as defined under RSA 652:14.
34 Representatives of each of the 2 political parties which received the largest number of votes cast for
35 governor at the last previous general election shall assist during this process but neither party shall
36 exceed the other party's representation by more than one participant. Any number of election

officials who are registered as undeclared voters may be appointed by the moderator to assist in this process. Under no circumstances shall absentee ballots be counted prior to the opening of the polls.

II. Once notice of the processing has been posted, all absentee ballots received by the end of the day preceding the posted time for the meeting shall be partially processed. Only one session for the partial processing of absentee ballots may be scheduled prior to an election.

III. Except as otherwise provided, the moderator, or his or her designee, shall adhere to the procedures detailed in RSA 659:49-b, RSA 659:50, RSA 659:51, RSA 659:52, RSA 659:53, RSA 659:54, RSA 659:54-a, RSA 666:4, and RSA 666:5.

15 Processing Absentee Ballots. RSA 659:49 is repealed and reenacted to read as follows:

659:49 Processing Absentee Ballots.

I. Processing of previously received absentee ballots shall begin at 1:00 p.m. unless a different time, that is no earlier than 2 hours after the opening of the polls, is posted and announced in accordance with paragraph II. The processing of the absentee ballots shall not unnecessarily interfere with normal voting procedures, nor shall the polls be closed at any time for the processing of such ballots during normal polling hours. Absentee ballots which are received after the start time for processing absentee ballots and prior to 5:00 p.m. on the day of the election shall be processed as soon after receipt as possible. Under no circumstances shall absentee ballots be counted prior to the closing of the polls.

II. Notwithstanding the provisions of paragraph I, upon the written challenges of 10 or more voters who are present at the polls no later than 1:00 p.m., the moderator shall postpone the processing of all absentee ballots until after the polls close and prior to the counting of all ballots cast in the election. The moderator, or his or her designee, shall post the time at which the processing of absentee ballots shall begin at the polling place and one other public location at least 24 hours before the polls open. In addition, when the polls open the moderator shall announce the time at which the processing of absentee ballots shall begin.

16 Opening Absentee Ballot Outer Envelopes. RSA 659:49-b is repealed and reenacted to read as follows:

659:49-b Opening Absentee Ballot Outer Envelopes. The moderator or the moderator's designee may authorize the opening of absentee ballot outer envelopes on election day prior to the time established for processing absentee ballots in RSA 659:49, provided that the opening of the outer envelopes occurs in public with notice of the time and place. The envelope containing the ballot shall not be removed from the outer envelope at such time, and the outer envelope containing the inner envelope shall be secured until it is processed pursuant to RSA 659:50.

17 Repeal. Sections 1-11 and section 14 of this act, relative to temporary modifications to the absentee voter registration, absentee ballot application, and absentee voting processes in response to the novel coronavirus (Covid-19) disease, are repealed.

18 Effective Date.

Amendment to HB 1266

- Page 9 -

- 1 I. Sections 15-17 of this act shall take effect January 1, 2021.
- 2 II. The remainder of this act shall take effect upon its passage.

Amendment to HB 1266

- Page 10 -

2020-1562s

AMENDED ANALYSIS

This bill makes temporary changes to the absentee voter registration, absentee ballot application, and absentee voting processes in response to the novel coronavirus (Covid-19) disease.

Sen. Sherman, Dist 24
Sen. Birdsell, Dist 19
June 25, 2020
2020-1574s
11/04

Amendment to HB 1266

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT making temporary modifications to the absentee voter registration, absentee ballot
4 application, and absentee voting processes in response to the novel coronavirus
5 (Covid-19) disease.
6

7 Amend the bill by replacing all after the enacting clause with the following:

8

9 1 Absentee Registration and Voting; Covid-19.

10 I. Notwithstanding any law to the contrary, any person who is domiciled in any town or city
11 in this state and is qualified to vote therein at the next subsequent election to be held in said town or
12 city except for the fact that his or her name does not appear on the checklist to be used at the
13 election, and who is temporarily absent therefrom or who by reason of concern for the novel
14 coronavirus (Covid-19) disease is unable to attend a meeting of the supervisors of the checklist, may
15 cause his or her name to be added to such checklist by applying to the city or town clerk or the
16 secretary of state for a voter registration form provided for in RSA 654:7 and an appropriate
17 absentee registration affidavit provided for in RSA 654:17.

18 II. Notwithstanding any law to the contrary, any person who cannot appear in public on an
19 election day or who is unable to vote in person in the city, town, or unincorporated place in which he
20 or she is registered because of concerns relating to the novel coronavirus (Covid-19) may vote at such
21 an election as provided in RSA 657 and this act.

22 III. Notwithstanding any law of the contrary, any voter, after appearing at the polling place
23 location prior to the closing of the polls to vote in person, who declares to the moderator under oath
24 that said voter is unable to access a polling place due to concerns about the novel coronavirus (Covid-
25 19) disease shall, upon the voter's request, have the required documents delivered to the voter
26 outside the guardrail by the town or ward clerk or one of his or her assistants. The absentee ballot
27 delivered by the town or ward clerk shall be processed using the same procedures as any other
28 absentee ballot except the cutoff time listed in RSA 657:22 shall not apply.

29 2 Absentee Voting; Application; Forms. To increase accessibility, usage, and confidence of
30 absentee ballots and to minimize errors that overburden clerks' offices, the absentee ballot
31 application form described in RSA 657:4 is hereby suspended through December 31, 2020, provided
32 that such form may be used in the event of a winter storm the day before the election. The secretary

Amendment to HB 1266

- Page 2 -

1 of state shall instead prepare new application forms for absentee ballots worded in substantially the
2 following form to be used prior to any election occurring prior to December 31, 2020. The secretary
3 of state shall insert the names of all parties qualified as set forth in RSA 652:11 in the list of parties
4 on the application form. The secretary of state shall prepare the application forms in such quantity
5 as he or she deems necessary:

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

8 I hereby declare that (check one):

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

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

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

14 ☐ I plan to be absent on the day of the election from the city, town, or unincorporated place
15 where I am domiciled.

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

21 ☐ I cannot appear in public on election day because of observance of a religious commitment.

22 ☐ I am unable to vote in person due to a disability.

23 ☐ I am unable to vote in person due to concern for the novel corona virus (COVID-19).

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

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

31 ☐ I am elderly or infirm or I have a physical disability, and would otherwise vote in person
32 but I have concerns for my safety traveling in the storm.

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

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

37 I am requesting an official absentee ballot for the following election(s):

Amendment to HB 1266

- Page 3 -

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

2 _____ State Primary to be held on _____

3 (MM/DD/YYYY)

4 _____ General Election

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

7 _____ Republican Party

8 _____ Democratic Party

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

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

12 Please print:

13 Applicant's Name:

14 _____

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

16 Applicant's Voting Domicile (home address):

17 _____

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

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

20 _____

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

22 Applicant's Phone Number : _____

23 Applicant's Email Address : _____

24 Applicant's Signature: _____

25 Date Signed: _____

26 (MM/DD/YYYY)

27

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

29 Signature _____

30 Print Name _____

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

35 The applicant must sign this form to receive an absentee ballot. Any person who witnesses and
36 assists a voter with a disability in executing this form shall print and sign his or her name in the
37 space provided on the application form. The moderator will not compare the voter's signature on the

Amendment to HB 1266

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1 application with the signature on the absentee ballot affidavit when a person assisting the voter has
2 signed the statement on the absentee ballot application or affidavit envelope that assistance was
3 provided.

4 3 Absentee Registration Affidavit; Covid-19. The absentee registration affidavit form described
5 in RSA 654:17 is hereby suspended through December 31, 2020. The secretary of state shall instead
6 prepare new affidavits worded in substantially the following form to be used prior to any election
7 occurring prior to December 31, 2020:

8 Affidavit (Absence from town)

9 I, _____ do hereby swear or affirm, under the penalties for voting fraud set forth
10 below, the following:

11 1) That my legal domicile is in the town of _____, New Hampshire, I will be of the age
12 of 18 years or over on election day and am entitled to vote in the election to be held in said town on
13 _____, _____ (date), except for the fact that my name does not appear on the checklist
14 to be used in said town at such election;

15 2) That I do not intend to be present within said town at such time prior to said election as shall
16 enable me personally to appear before the supervisors of the checklist of said town in their regular
17 sessions for the correction of the checklist for said election;

18 3) That I am temporarily residing in _____ (city and state or city, province, and country);

19 4) That I hereby enclose one of the following as proof of identity and domicile:

20 (a) A copy of a current and valid New Hampshire driver's license or an armed services
21 identification or other photo identification issued by the United States government that shows my
22 name and address; or

23 (b) A copy of a current and valid photo identification and a copy of a current utility bill, bank
24 statement, government check, paycheck, other government document that shows my name and
25 address, or a letter from the administrator of a nursing home or similar facility affirming that I am a
26 resident of that facility that was provided to me at my request pursuant to the administrator's duty
27 to provide such a letter upon my request;

28 5) That I acknowledge that if I do not provide a copy of proof of identity and domicile as required
29 by section 4) above, this application may not be approved; and

30 6) That I hereby make application for the addition of my name to the checklist of said town to be
31 used at said election.

32 _____
33 Signature of Applicant

34 _____
35 Date
36

Amendment to HB 1266

- Page 5 -

1 In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false
2 information when registering to vote or voting is a class A misdemeanor with a maximum sentence
3 of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to
4 vote or voting is subject to a civil penalty not to exceed \$5,000.

5 Affidavit (Physical Disability or Concern for Covid-19)

6 I, _____ do hereby swear or affirm, under the penalties for voting fraud set forth
7 below, the following:

8 1) That my legal domicile is in the town of _____, New Hampshire, I will be of the age
9 of 18 years or over on election day, and am entitled to vote in the election to be held in said town on
10 _____, ____ (date), except for the fact that my name does not appear on the checklist to be
11 used in said town at such election;

12 2) That I am unable by reason of physical disability or concern for the novel coronavirus (Covid-
13 19) disease personally to appear before the supervisors of the checklist of said town in their regular
14 sessions for the correction of the checklist for said election;

15 3) That I hereby enclose one of the following as proof of identity and domicile or shall send a
16 photograph or photocopy of that proof to my clerk from the following email
17 address:_____:

18 (a) A copy of a current and valid New Hampshire driver's license or an armed services
19 identification or other photo identification issued by the United States government that shows my
20 name and address; or

21 (b) A copy of a current and valid photo identification and a copy of a current utility bill, bank
22 statement, government check, paycheck, other government document that shows my name and
23 address, or a letter from the administrator of a nursing home or similar facility affirming that I am a
24 resident of that facility that was provided to me at my request pursuant to the administrator's duty
25 to provide such a letter upon my request;

26 4) That I acknowledge that if I do not provide a copy of proof of identity and domicile as required
27 by section 3) above, this application may not be approved; and

28 5) That I hereby make application for the addition of my name to the checklist of said town to be
29 used at said election.

30 _____
31 Signature of Applicant

32 _____
33 Date

34 In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false
35 information when registering to vote or voting is a class A misdemeanor with a maximum sentence
36 of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to
37 vote or voting is subject to a civil penalty not to exceed \$5,000.

Amendment to HB 1266

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1 4 Processing of Absentee Ballots. Amend RSA 659:49 to read as follows: Amend RSA 659:49 to
2 read as follows:

3 659:49 Processing Absentee Ballots.

4 I. Processing of previously received absentee ballots shall begin at 1:00 p.m. unless a
5 different time~~[, that is no earlier than 2 hours]~~ after the opening of the polls~~[,]~~ is posted and
6 announced in accordance with paragraph II. The processing of the absentee ballots shall not
7 unnecessarily interfere with normal voting procedures, nor shall the polls be closed at any time for
8 the processing of such ballots during normal polling hours. Absentee ballots which are received after
9 the start time for processing absentee ballots and prior to 5:00 p.m. on the day of the election shall
10 be processed as soon after receipt as possible. Under no circumstances shall absentee ballots be
11 counted prior to the closing of the polls.

12 II. Notwithstanding the provisions of paragraph I, ~~[upon the written challenges of 10 or~~
13 ~~more voters who are present at the polls no later than 1:00 p.m., the moderator shall postpone the~~
14 ~~processing of all absentee ballots until after the polls close and prior to the counting of all ballots~~
15 ~~cast in the election.]~~ the moderator, or his or her designee, shall post the time at which the
16 processing of absentee ballots shall begin at the polling place and one other public location at least
17 24 hours before the polls open. In addition, when the polls open the moderator shall announce the
18 time at which the processing of absentee ballots shall begin.

19 5 Opening Absentee Ballot Outer Envelopes. Amend RSA 659:49-b to read as follows:

20 659:49-b Opening Absentee Ballot Outer Envelopes. The moderator or the moderator's designee
21 ~~may~~ may authorize the opening of absentee ballot outer envelopes on election day *or a day* prior to the
22 time established for processing absentee ballots in RSA 659:49, *but after the corrected checklist*
23 *has been posted* provided that the opening of the outer envelopes occurs in public with notice of the
24 time and place. The envelope containing the ballot shall not be removed from the outer envelope at
25 such time, ~~[and]~~ *except to determine that the affidavit on the inner envelope is complete, and*
26 *notations shall be made on the checklist to facilitate processing.* The outer envelope
27 containing the inner envelope shall *then* be secured until it is processed pursuant to RSA 659:50.

28 6 New Section; Election Procedure; Processing Absentee Ballots; Partial Processing of Absentee
29 Ballots Prior to an Election. Amend RSA 659 by inserting after section 55 the following new section:

30 659:55-a Partial Processing of Absentee Ballots Prior to an Election.

31 I. The moderator, or his or her designee, may begin the processing of absentee ballots prior
32 to the opening of the polls provided that the clerk shall post, in an appropriate place and prior to
33 election day, notice of the time and place of the processing. If the moderator chooses to do so it shall
34 be posted in 2 appropriate public places, one of which shall be the public body's Internet website, if
35 such exists, or shall be printed in a newspaper of general circulation in the city or town at least 48
36 hours, excluding Sundays and legal holidays, prior to such meeting. The partial processing of
37 absentee ballots prior to an election shall occur on the Thursday, Friday, or Saturday prior to the

Amendment to HB 1266

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1 date of the election after the posting of the checklist. The moderator shall be assisted by at least 3
2 other election officers as defined under RSA 652:14. Members of the general public may observe this
3 process. ~~Any number of election officials who are registered as undeclared voters may be appointed~~
4 ~~by the moderator to assist in this process.~~ Under no circumstances shall absentee ballots be counted
5 prior to the opening of the polls.

6 II. Once notice of the processing has been posted, all absentee ballots received by the end of
7 the day preceding the posted time for the meeting shall be partially processed. Only one session for
8 the partial processing of absentee ballots may be scheduled prior to an election.

9 III. Except as otherwise provided, the moderator, or his or her designee, shall adhere to the
10 procedures detailed in RSA 659:49-b, RSA 659:50, RSA 659:51, RSA 659:52, RSA 659:53, RSA
11 659:54, RSA 659:54-a, RSA 666:4, and RSA 666:5.

12 7 Processing Absentee Ballots. RSA 659:49 is repealed and reenacted to read as follows:

13 659:49 Processing Absentee Ballots.

14 I. Processing of previously received absentee ballots shall begin at 1:00 p.m. unless a
15 different time, that is no earlier than 2 hours after the opening of the polls, is posted and announced
16 in accordance with paragraph II. The processing of the absentee ballots shall not unnecessarily
17 interfere with normal voting procedures, nor shall the polls be closed at any time for the processing
18 of such ballots during normal polling hours. Absentee ballots which are received after the start time
19 for processing absentee ballots and prior to 5:00 p.m. on the day of the election shall be processed as
20 soon after receipt as possible. Under no circumstances shall absentee ballots be counted prior to the
21 closing of the polls.

22 II. Notwithstanding the provisions of paragraph I, upon the written challenges of 10 or more
23 voters who are present at the polls no later than 1:00 p.m., the moderator shall postpone the
24 processing of all absentee ballots until after the polls close and prior to the counting of all ballots
25 cast in the election. The moderator, or his or her designee, shall post the time at which the
26 processing of absentee ballots shall begin at the polling place and one other public location at least
27 24 hours before the polls open. In addition, when the polls open the moderator shall announce the
28 time at which the processing of absentee ballots shall begin.

29 8 Opening Absentee Ballot Outer Envelopes. RSA 659:49-b is repealed and reenacted to read as
30 follows:

31 659:49-b Opening Absentee Ballot Outer Envelopes. The moderator or the moderator's designee
32 may authorize the opening of absentee ballot outer envelopes on election day prior to the time
33 established for processing absentee ballots in RSA 659:49, provided that the opening of the outer
34 envelopes occurs in public with notice of the time and place. The envelope containing the ballot shall
35 not be removed from the outer envelope at such time, and the outer envelope containing the inner
36 envelope shall be secured until it is processed pursuant to RSA 659:50.

Amendment to HB 1266

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1 9 Repeal. Sections 1-3 and section 6 of this act, relative to temporary modifications to the
2 absentee voter registration, absentee ballot application, and absentee voting processes in response to
3 the novel coronavirus (Covid-19) disease, are repealed.

4 10 Effective Date.

5 I. Sections 7-9 of this act shall take effect January 1, 2021.

6 II. The remainder of this act shall take effect upon its passage.

2020-1574s

AMENDED ANALYSIS

This bill makes temporary changes to the absentee voter registration, absentee ballot application, and absentee voting processes in response to the novel coronavirus (Covid-19) disease.

Amendment to HB 1266

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT making temporary modifications to the absentee voter registration, absentee ballot
4 application, and absentee voting processes in response to the novel coronavirus
5 (Covid-19) disease.
6

7 Amend the bill by replacing all after the enacting clause with the following:

8
9 1 Absentee Registration and Voting; Covid-19.

10 I. Notwithstanding any law to the contrary, any person who is domiciled in any town or city
11 in this state and is qualified to vote therein at the next subsequent election to be held in said town or
12 city except for the fact that his or her name does not appear on the checklist to be used at the
13 election, and who is temporarily absent therefrom or who by reason of concern for the novel
14 coronavirus (Covid-19) disease is unable to attend a meeting of the supervisors of the checklist, may
15 cause his or her name to be added to such checklist by applying to the city or town clerk or the
16 secretary of state for a voter registration form provided for in RSA 654:7 and an appropriate
17 absentee registration affidavit provided for in RSA 654:17.

18 II. Notwithstanding any law to the contrary, any person who cannot appear in public on an
19 election day or who is unable to vote in person in the city, town, or unincorporated place in which he
20 or she is registered because of concerns relating to the novel coronavirus (Covid-19) may vote at such
21 an election as provided in RSA 657 and this act.

22 III. Notwithstanding any law of the contrary, any voter, after appearing at the polling place
23 location prior to the closing of the polls to vote in person, who declares to the moderator under oath
24 that said voter is unable to access a polling place due to concerns about the novel coronavirus (Covid-
25 19) disease shall, upon the voter's request, have the required documents delivered to the voter
26 outside the guardrail by the town or ward clerk or one of his or her assistants. The absentee ballot
27 delivered by the town or ward clerk shall be processed using the same procedures as any other
28 absentee ballot except the cutoff time listed in RSA 657:22 shall not apply.

29 2 Absentee Voting; Application; Forms. To increase accessibility, usage, and confidence of
30 absentee ballots and to minimize errors that overburden clerks' offices, the absentee ballot
31 application form described in RSA 657:4 is hereby suspended through December 31, 2020, provided
32 that such form may be used in the event of a winter storm the day before the election. The secretary
33 of state shall instead prepare new application forms for absentee ballots worded in substantially the

Amendment to HB 1266

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1 following form to be used prior to any election occurring prior to December 31, 2020. The secretary
2 of state shall insert the names of all parties qualified as set forth in RSA 652:11 in the list of parties
3 on the application form. The secretary of state shall prepare the application forms in such quantity
4 as he or she deems necessary:

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

7 I hereby declare that (check one):

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

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

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

13 ☐ I plan to be absent on the day of the election from the city, town, or unincorporated place
14 where I am domiciled.

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

20 ☐ I cannot appear in public on election day because of observance of a religious commitment.

21 ☐ I am unable to vote in person due to a disability.

22 ☐ I am unable to vote in person due to concern for the novel corona virus (COVID-19).

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

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

30 ☐ I am elderly or infirm or I have a physical disability, and would otherwise vote in person
31 but I have concerns for my safety traveling in the storm.

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

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

36 I am requesting an official absentee ballot for the following election(s):

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

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

Amendment to HB 1266

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signed the statement on the absentee ballot application or affidavit envelope that assistance was provided.

3 Absentee Registration Affidavit; Covid-19. The absentee registration affidavit form described in RSA 654:17 is hereby suspended through December 31, 2020. The secretary of state shall instead prepare new affidavits worded in substantially the following form to be used prior to any election occurring prior to December 31, 2020:

Affidavit (Absence from town)

I, _____ do hereby swear or affirm, under the penalties for voting fraud set forth below, the following:

1) That my legal domicile is in the town of _____, New Hampshire, I will be of the age of 18 years or over on election day and am entitled to vote in the election to be held in said town on _____, _____ (date), except for the fact that my name does not appear on the checklist to be used in said town at such election;

2) That I do not intend to be present within said town at such time prior to said election as shall enable me personally to appear before the supervisors of the checklist of said town in their regular sessions for the correction of the checklist for said election;

3) That I am temporarily residing in _____ (city and state or city, province, and country);

4) That I hereby enclose one of the following as proof of identity and domicile:

(a) A copy of a current and valid New Hampshire driver's license or an armed services identification or other photo identification issued by the United States government that shows my name and address; or

(b) A copy of a current and valid photo identification and a copy of a current utility bill, bank statement, government check, paycheck, other government document that shows my name and address, or a letter from the administrator of a nursing home or similar facility affirming that I am a resident of that facility that was provided to me at my request pursuant to the administrator's duty to provide such a letter upon my request;

5) That I acknowledge that if I do not provide a copy of proof of identity and domicile as required by section 4) above, this application may not be approved; and

6) That I hereby make application for the addition of my name to the checklist of said town to be used at said election.

Signature of Applicant

Date

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence

Amendment to HB 1266

- Page 5 -

of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

Affidavit (Physical Disability or Concern for Covid-19)

I, _____ do hereby swear or affirm, under the penalties for voting fraud set forth below, the following:

1) That my legal domicile is in the town of _____, New Hampshire, I will be of the age of 18 years or over on election day, and am entitled to vote in the election to be held in said town on _____, ____ (date), except for the fact that my name does not appear on the checklist to be used in said town at such election;

2) That I am unable by reason of physical disability or concern for the novel coronavirus (Covid-19) disease personally to appear before the supervisors of the checklist of said town in their regular sessions for the correction of the checklist for said election;

3) That I hereby enclose one of the following as proof of identity and domicile or shall send a photograph or photocopy of that proof to my clerk from the following email address: _____:

(a) A copy of a current and valid New Hampshire driver's license or an armed services identification or other photo identification issued by the United States government that shows my name and address; or

(b) A copy of a current and valid photo identification and a copy of a current utility bill, bank statement, government check, paycheck, other government document that shows my name and address, or a letter from the administrator of a nursing home or similar facility affirming that I am a resident of that facility that was provided to me at my request pursuant to the administrator's duty to provide such a letter upon my request;

4) That I acknowledge that if I do not provide a copy of proof of identity and domicile as required by section 3) above, this application may not be approved; and

5) That I hereby make application for the addition of my name to the checklist of said town to be used at said election.

Signature of Applicant

Date

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

4 Processing of Absentee Ballots. Amend RSA 659:49 to read as follows: Amend RSA 659:49 to read as follows:

Amendment to HB 1266

- Page 6 -

659:49 Processing Absentee Ballots.

I. Processing of previously received absentee ballots shall begin at 1:00 p.m. unless a different time~~[, that is no earlier than 2 hours]~~ after the opening of the polls~~[,]~~ is posted and announced in accordance with paragraph II. The processing of the absentee ballots shall not unnecessarily interfere with normal voting procedures, nor shall the polls be closed at any time for the processing of such ballots during normal polling hours. Absentee ballots which are received after the start time for processing absentee ballots and prior to 5:00 p.m. on the day of the election shall be processed as soon after receipt as possible. Under no circumstances shall absentee ballots be counted prior to the closing of the polls.

II. Notwithstanding the provisions of paragraph I, ~~[upon the written challenges of 10 or more voters who are present at the polls no later than 1:00 p.m., the moderator shall postpone the processing of all absentee ballots until after the polls close and prior to the counting of all ballots cast in the election.]~~ the moderator, or his or her designee, shall post the time at which the processing of absentee ballots shall begin at the polling place and one other public location at least 24 hours before the polls open. In addition, when the polls open the moderator shall announce the time at which the processing of absentee ballots shall begin.

5 Opening Absentee Ballot Outer Envelopes. Amend RSA 659:49-b to read as follows:

659:49-b Opening Absentee Ballot Outer Envelopes. The moderator or the moderator's designee may authorize the opening of absentee ballot outer envelopes on election day ***or the Thursday, Friday, Saturday, or Monday prior to the election*** prior to the time established for processing absentee ballots in RSA 659:49, ***but after the corrected checklist has been posted*** provided that the opening of the outer envelopes occurs in public with notice of the time and place. The envelope containing the ballot shall not be removed from the outer envelope at such time, ~~[and]~~ ***except to determine that the affidavit on the inner envelope is complete, and notations shall be made on the checklist to facilitate processing.*** The outer envelope containing the inner envelope shall ***then*** be secured until it is processed pursuant to RSA 659:50.

6 New Section; Election Procedure; Processing Absentee Ballots; Partial Processing of Absentee Ballots Prior to an Election. Amend RSA 659 by inserting after section 55 the following new section:

659:55-a Partial Processing of Absentee Ballots Prior to an Election.

I. The moderator, or his or her designee, may begin the processing of absentee ballots prior to the opening of the polls provided that the clerk shall post, in an appropriate public place and prior to election day, notice of the time and place of the processing. If the moderator chooses to do so it shall be posted in 2 appropriate public places, one of which shall be the public body's Internet website, if such exists, or shall be printed in a newspaper of general circulation in the city or town at least 48 hours, excluding Sundays and legal holidays, prior to such meeting. The partial processing of absentee ballots prior to an election shall occur on the Thursday, Friday, or Saturday prior to the date of the election after the posting of the checklist. The moderator shall be assisted by at least 3

Amendment to HB 1266

- Page 7 -

1 other election officers as defined under RSA 652:14. Members of the general public may observe this
2 process. Under no circumstances shall absentee ballots be counted prior to the opening of the polls.

3 II. Once notice of the processing has been posted, all absentee ballots received by the end of
4 the day preceding the posted time for the meeting shall be partially processed. Only one session for
5 the partial processing of absentee ballots may be scheduled prior to an election.

6 III. Except as otherwise provided, the moderator, or his or her designee, shall adhere to the
7 procedures detailed in RSA 659:49-b, RSA 659:50, RSA 659:51, RSA 659:52, RSA 659:53, RSA
8 659:54, RSA 659:54-a, RSA 666:4, and RSA 666:5.

9 7 Processing Absentee Ballots. RSA 659:49 is repealed and reenacted to read as follows:

10 659:49 Processing Absentee Ballots.

11 I. Processing of previously received absentee ballots shall begin at 1:00 p.m. unless a
12 different time, that is no earlier than 2 hours after the opening of the polls, is posted and announced
13 in accordance with paragraph II. The processing of the absentee ballots shall not unnecessarily
14 interfere with normal voting procedures, nor shall the polls be closed at any time for the processing
15 of such ballots during normal polling hours. Absentee ballots which are received after the start time
16 for processing absentee ballots and prior to 5:00 p.m. on the day of the election shall be processed as
17 soon after receipt as possible. Under no circumstances shall absentee ballots be counted prior to the
18 closing of the polls.

19 II. Notwithstanding the provisions of paragraph I, upon the written challenges of 10 or more
20 voters who are present at the polls no later than 1:00 p.m., the moderator shall postpone the
21 processing of all absentee ballots until after the polls close and prior to the counting of all ballots
22 cast in the election. The moderator, or his or her designee, shall post the time at which the
23 processing of absentee ballots shall begin at the polling place and one other public location at least
24 24 hours before the polls open. In addition, when the polls open the moderator shall announce the
25 time at which the processing of absentee ballots shall begin.

26 8 Opening Absentee Ballot Outer Envelopes. RSA 659:49-b is repealed and reenacted to read as
27 follows:

28 659:49-b Opening Absentee Ballot Outer Envelopes. The moderator or the moderator's designee
29 may authorize the opening of absentee ballot outer envelopes on election day prior to the time
30 established for processing absentee ballots in RSA 659:49, provided that the opening of the outer
31 envelopes occurs in public with notice of the time and place. The envelope containing the ballot shall
32 not be removed from the outer envelope at such time, and the outer envelope containing the inner
33 envelope shall be secured until it is processed pursuant to RSA 659:50.

34 9 Repeal. Sections 1-3 and section 6 of this act, relative to temporary modifications to the
35 absentee voter registration, absentee ballot application, and absentee voting processes in response to
36 the novel coronavirus (Covid-19) disease, are repealed.

37 10 Effective Date.

Amendment to HB 1266

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- 1 I. Sections 7-9 of this act shall take effect January 1, 2021.
- 2 II. The remainder of this act shall take effect upon its passage.

2020-1582s

AMENDED ANALYSIS

This bill makes temporary changes to the absentee voter registration, absentee ballot application, and absentee voting processes in response to the novel coronavirus (Covid-19) disease.

Sen. Sherman, Dist 24
Sen. Birdsell, Dist 19
June 29, 2020
2020-1608s
11/05

Floor Amendment to HB 1266

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT making temporary modifications to the absentee voter registration, absentee ballot
4 application, and absentee voting processes in response to the novel coronavirus
5 (Covid-19) disease.
6

7 Amend the bill by replacing all after the enacting clause with the following:

8

9 1 Absentee Registration and Voting; Covid-19.

10 I. Notwithstanding any law to the contrary, any person who is domiciled in any town or city
11 in this state and is qualified to vote therein at the next subsequent election to be held in said town or
12 city except for the fact that his or her name does not appear on the checklist to be used at the
13 election, and who is temporarily absent therefrom or who by reason of concern for the novel
14 coronavirus (Covid-19) disease is unable to attend a meeting of the supervisors of the checklist, may
15 cause his or her name to be added to such checklist by applying to the city or town clerk or the
16 secretary of state for a voter registration form provided for in RSA 654:7 and an appropriate
17 absentee registration affidavit provided for in RSA 654:17.

18 II. Notwithstanding any law to the contrary, any person who cannot appear in public on an
19 election day or who is unable to vote in person in the city, town, or unincorporated place in which he
20 or she is registered because of concerns relating to the novel coronavirus (Covid-19) may vote at such
21 an election as provided in RSA 657 and this act.

22 III. Notwithstanding any law of the contrary, any voter who, due to extenuating
23 circumstances under Covid-19 is attempting but unable to access the polling place on the day of an
24 election may follow the provisions set forth in RSA 659:20-a.

25 2 Absentee Voting; Application; Forms. To increase accessibility, usage, and confidence of
26 absentee ballots and to minimize errors that overburden clerks' offices, the absentee ballot
27 application form described in RSA 657:4 is hereby suspended through December 31, 2020, provided
28 that such form may be used in the event of a winter storm the day before the election. The secretary
29 of state shall instead prepare new application forms for absentee ballots worded in substantially the
30 following form to be used prior to any election occurring prior to December 31, 2020. The secretary
31 of state shall insert the names of all parties qualified as set forth in RSA 652:11 in the list of parties

Floor Amendment to HB 1266

- Page 2 -

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, Concern for the Novel Coronavirus (COVID-19), and Disability:

I hereby declare that (check one):

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

☐ 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 or concern for the novel coronavirus (COVID-19), and request that the forms necessary for absentee voter registration be sent to me with the absentee ballot.

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.

☐ I cannot appear in public on election day because of observance of a religious commitment.

☐ I am unable to vote in person due to a disability.

☐ I am unable to vote in person due to concern for the novel corona virus (COVID-19).

☐ 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.

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(s):

☐ State Primary to be held on _____

(MM/DD/YYYY)

☐ General Election

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

☐ Republican Party

☐ Democratic Party

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)

Floor Amendment to HB 1266

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

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

4 Applicant's Phone Number : _____

5 Applicant's Email Address : _____

6 Applicant's Signature: _____

7 Date Signed: _____

8 (MM/DD/YYYY)

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

10 Signature _____

11 Print Name _____

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

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

22 3 Absentee Registration Affidavit; Covid-19. The absentee registration affidavit form described
23 in RSA 654:17 is hereby suspended through December 31, 2020. The secretary of state shall instead
24 prepare new affidavits worded in substantially the following form to be used prior to any election
25 occurring prior to December 31, 2020:

26 Affidavit (Absence from town)

27 I, _____ do hereby swear or affirm, under the penalties for voting fraud set forth
28 below, the following:

29 1) That my legal domicile is in the town of _____, New Hampshire, I will be of the age
30 of 18 years or over on election day and am entitled to vote in the election to be held in said town on
31 _____, _____ (date), except for the fact that my name does not appear on the checklist
32 to be used in said town at such election;

33 2) That I do not intend to be present within said town at such time prior to said election as shall
34 enable me personally to appear before the supervisors of the checklist of said town in their regular
35 sessions for the correction of the checklist for said election;

36 3) That I am temporarily residing in _____ (city and state or city, province, and country);

37 4) That I hereby enclose one of the following as proof of identity and domicile:

Floor Amendment to HB 1266

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(a) A copy of a current and valid New Hampshire driver's license or an armed services identification or other photo identification issued by the United States government that shows my name and address; or

(b) A copy of a current and valid photo identification and a copy of a current utility bill, bank statement, government check, paycheck, other government document that shows my name and address, or a letter from the administrator of a nursing home or similar facility affirming that I am a resident of that facility that was provided to me at my request pursuant to the administrator's duty to provide such a letter upon my request;

5) That I acknowledge that if I do not provide a copy of proof of identity and domicile as required by section 4) above, this application may not be approved; and

6) That I hereby make application for the addition of my name to the checklist of said town to be used at said election.

Signature of Applicant

Date

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

Affidavit (Physical Disability or Concern for Covid-19)

I, _____ do hereby swear or affirm, under the penalties for voting fraud set forth below, the following:

1) That my legal domicile is in the town of _____, New Hampshire, I will be of the age of 18 years or over on election day, and am entitled to vote in the election to be held in said town on _____, ____ (date), except for the fact that my name does not appear on the checklist to be used in said town at such election;

2) That I am unable by reason of physical disability or concern for the novel coronavirus (Covid-19) disease personally to appear before the supervisors of the checklist of said town in their regular sessions for the correction of the checklist for said election;

3) That I hereby enclose one of the following as proof of identity and domicile or shall send a photograph or photocopy of that proof to my clerk from the following email address: _____:

(a) A copy of a current and valid New Hampshire driver's license or an armed services identification or other photo identification issued by the United States government that shows my name and address; or

Floor Amendment to HB 1266

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(b) A copy of a current and valid photo identification and a copy of a current utility bill, bank statement, government check, paycheck, other government document that shows my name and address, or a letter from the administrator of a nursing home or similar facility affirming that I am a resident of that facility that was provided to me at my request pursuant to the administrator's duty to provide such a letter upon my request;

4) That I acknowledge that if I do not provide a copy of proof of identity and domicile as required by section 3) above, this application may not be approved; and

5) That I hereby make application for the addition of my name to the checklist of said town to be used at said election.

Signature of Applicant

Date

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

4 Absentee Voting; Procedure by Clerk. Amend RSA 657:18 to read as follows:

657:18 Procedure by Clerk. Upon receipt of an outer envelope purporting to contain an official absentee voting ballot, the clerk of the city or town shall, subject to RSA 657:16, attach thereto the application for an absentee ballot submitted by said voter and record the information pursuant to RSA 657:15. All such envelopes shall be preserved unopened until election day *except as provided by RSA 659:49-b*.

5 New Section; Absentee Voting; Procedure by Clerk; Single Application for Primary and General Election. Amend RSA 657 by inserting after section 18 the following new section:

657:18-a Procedure by Clerk; Single Application for Both Primary and General Elections. When the application for an absentee ballot requests both the primary and general election absentee ballot, a copy of the application shall be attached to the outer envelope of the primary ballot upon receipt and the original application preserved and attached to the general election ballot upon receipt.

6 New Paragraph; Preparation of Polling Place; Arrangement. Amend RSA 658:9 by inserting after paragraph VI the following new paragraph:

VII. The requirements of this section may be satisfied by alternative requirements issued by the secretary of state in consultation with the attorney general and the commissioner of the department of health and human services or designee.

7 Processing of Absentee Ballots. Amend RSA 659:49 to read as follows:

659:49 Processing Absentee Ballots.

Floor Amendment to HB 1266

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I. Processing of previously received absentee ballots shall begin at 1:00 p.m. unless a different time, that is no earlier than ~~[2 hours]~~ **one hour** after the opening of the polls~~]~~ is posted and announced in accordance with paragraph II. The processing of the absentee ballots shall not unnecessarily interfere with normal voting procedures, nor shall the polls be closed at any time for the processing of such ballots during normal polling hours. Absentee ballots which are received after the start time for processing absentee ballots and prior to 5:00 p.m. on the day of the election shall be processed as soon after receipt as possible. Under no circumstances shall absentee ballots be counted prior to the closing of the polls.

II. Notwithstanding the provisions of paragraph I, ~~[upon the written challenges of 10 or more voters who are present at the polls no later than 1:00 p.m., the moderator shall postpone the processing of all absentee ballots until after the polls close and prior to the counting of all ballots cast in the election.]~~ the moderator, or his or her designee, shall post the time at which the processing of absentee ballots shall begin at the polling place and one other public location at least 24 hours before the polls open. In addition, when the polls open the moderator shall announce the time at which the processing of absentee ballots shall begin.

8 Opening Absentee Ballot Outer Envelopes. Amend RSA 659:49-b to read as follows:

659:49-b Opening Absentee Ballot Outer Envelopes. The moderator or the moderator's designee may authorize the opening of absentee ballot outer envelopes on election day **or the Thursday, Friday, Saturday, or Monday** prior to the time established for processing absentee ballots in RSA 659:49, **but after the corrected checklist has been posted** provided that the opening of the outer envelopes occurs in public with notice of the time and place. ~~[The envelope containing the ballot shall not be removed from the outer envelope at such time, and The outer envelope containing the inner envelope shall be secured until it is processed pursuant to RSA 659:50.]~~ **After the outer envelope has been opened, the affidavit on the inner envelope shall be examined, the voter's name shall be announced, an opportunity for a challenge of the ballot shall be given, and a notation may be made on the checklist to help facilitate processing of the ballot on election day. Notwithstanding RSA 659:51, if absentee ballots are partially processed before election day a challenge may not be made after the notation has been made on the checklist. The ballot shall remain secure in the unopened affidavit envelope until final processing on election day.**

9 New Section; Election Procedure; Processing Absentee Ballots; Partial Processing of Absentee Ballots Prior to an Election. Amend RSA 659 by inserting after section 55 the following new section:

659:55-a Partial Processing of Absentee Ballots Prior to an Election.

I. The moderator, or his or her designee, may begin the processing of absentee ballots prior to the opening of the polls provided that the clerk shall post, in an appropriate public place and prior to election day, notice of the time and place of the processing. If the moderator chooses to do so it shall be posted in 2 appropriate public places, one of which shall be the public body's Internet

Floor Amendment to HB 1266

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1 website, if such exists, or shall be printed in a newspaper of general circulation in the city or town at
2 least 48 hours, excluding Sundays and legal holidays, prior to such meeting. A copy of the notice
3 shall be provided to the secretary of state. The partial processing of absentee ballots prior to an
4 election shall occur on the Thursday, Friday, Saturday, or Monday prior to the date of the election
5 after the posting of the checklist. The moderator shall be assisted by at least 3 other election officers
6 as defined under RSA 652:14. Members of the general public may observe this process. Under no
7 circumstances shall absentee ballots be counted prior to the opening of the polls.

8 II. Once notice of the processing has been posted, all absentee ballots received by the end of
9 the day preceding the posted time for the meeting shall be partially processed. Only one session for
10 the partial processing of absentee ballots may be scheduled prior to an election.

11 III. Except as otherwise provided, the moderator, or his or her designee, shall adhere to the
12 procedures detailed in RSA 659:49-b, RSA 659:50, RSA 659:51, RSA 659:52, RSA 659:53, RSA
13 659:54, RSA 659:54-a, RSA 666:4, and RSA 666:5.

14 10 Absentee Voting; Procedure by Clerk RSA 657:18 is repealed and reenacted to read as
15 follows:

16 657:18 Procedure by Clerk. Upon receipt of an outer envelope purporting to contain an official
17 absentee voting ballot, the clerk of the city or town shall, subject to RSA 657:16, attach thereto the
18 application for an absentee ballot submitted by said voter and record the information pursuant to
19 RSA 657:15. All such envelopes shall be preserved unopened until election day.

20 11 Processing Absentee Ballots. RSA 659:49 is repealed and reenacted to read as follows:

21 659:49 Processing Absentee Ballots.

22 I. Processing of previously received absentee ballots shall begin at 1:00 p.m. unless a
23 different time, that is no earlier than 2 hours after the opening of the polls, is posted and announced
24 in accordance with paragraph II. The processing of the absentee ballots shall not unnecessarily
25 interfere with normal voting procedures, nor shall the polls be closed at any time for the processing
26 of such ballots during normal polling hours. Absentee ballots which are received after the start time
27 for processing absentee ballots and prior to 5:00 p.m. on the day of the election shall be processed as
28 soon after receipt as possible. Under no circumstances shall absentee ballots be counted prior to the
29 closing of the polls.

30 II. Notwithstanding the provisions of paragraph I, upon the written challenges of 10 or more
31 voters who are present at the polls no later than 1:00 p.m., the moderator shall postpone the
32 processing of all absentee ballots until after the polls close and prior to the counting of all ballots
33 cast in the election. The moderator, or his or her designee, shall post the time at which the
34 processing of absentee ballots shall begin at the polling place and one other public location at least
35 24 hours before the polls open. In addition, when the polls open the moderator shall announce the
36 time at which the processing of absentee ballots shall begin.

Floor Amendment to HB 1266

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1 12 Opening Absentee Ballot Outer Envelopes. RSA 659:49-b is repealed and reenacted to read
2 as follows:

3 659:49-b Opening Absentee Ballot Outer Envelopes. The moderator or the moderator's designee
4 may authorize the opening of absentee ballot outer envelopes on election day prior to the time
5 established for processing absentee ballots in RSA 659:49, provided that the opening of the outer
6 envelopes occurs in public with notice of the time and place. The envelope containing the ballot shall
7 not be removed from the outer envelope at such time, and the outer envelope containing the inner
8 envelope shall be secured until it is processed pursuant to RSA 659:50.

9 13 Repeal. The following are repealed:

10 I. Sections 1-3 of this act, relative to temporary modifications to the absentee voter
11 registration, absentee ballot application, and absentee voting processes in response to the novel
12 coronavirus (Covid-19) disease.

13 II. RSA 657:18-a, relative to the procedure by clerk upon receipt of a single application for
14 both primary and general elections.

15 III. RSA 658:9, VII, relative to alternative requirements for preparation of the polling place.

16 IV. RSA 659:55-a, relative to partial processing of absentee ballots prior to election.

17 14 Effective Date.

18 I. Sections 10-13 of this act shall take effect January 1, 2021.

19 II. The remainder of this act shall take effect upon its passage.

Floor Amendment to HB 1266

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2020-1608s

AMENDED ANALYSIS

This bill makes temporary changes to the absentee voter registration, absentee ballot application, and absentee voting processes in response to the novel coronavirus (Covid-19) disease.

Committee Minutes

2nd AMENDED
SENATE CALENDAR NOTICE
Election Law and Municipal Affairs

Sen Melanie Levesque, Chair
Sen Tom Sherman, Vice Chair
Sen Jon Morgan, Member
Sen Regina Birdsell, Member
Sen James Gray, Member

Date: June 19, 2020

HEARINGS

Thursday		06/25/2020
(Day)		(Date)
Election Law and Municipal Affairs		1:00 p.m.
(Name of Committee)		(Time)
1:00 p.m.	HB 1230	relative to credit for reinsurance.
1:05 p.m.		Hearing on proposed Amendment #1559s, to HB 1230, relative to credit for reinsurance.
1:35 p.m.	HB 1665-FN-A	establishing an independent advisory commission on redistricting.
2:05 p.m.	HB 1266	relative to absentee ballot request forms.
2:10 p.m.		Hearing on proposed Amendment #1562s, , to HB 1266, relative to absentee ballot request forms.
2:40 p.m.	HB 1520	establishing the New Hampshire health policy commission.
2:45 p.m.		Hearing on proposed Amendment #1564s, to HB 1520, establishing the New Hampshire health policy commission.

EXECUTIVE SESSION MAY FOLLOW

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. To sign-in and/or speak in support or opposition, please register in advance by using this link:

https://www.zoom.us/webinar/register/WN_PTTnQnIkQP-k8rHDlcyGiw

2. To submit your testimony to the committee, please send all documents via email to

remotesenate@leg.state.nh.us

3. To listen via telephone: Dial (for higher quality, dial a number based on your current location):

1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833

4. Or iPhone one-tap: 13126266799,,91777487582# or 19292056099,,91777487582#

5. Webinar ID: [917 7748 7582](#)

6. To view/listen to this hearing on YouTube, use this link:

<https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-3043).

Sponsors:

HB 1230

Rep. Hunt

Rep. Bartlett

Sen. Morse

HB 1665-FN-A

Rep. M. Smith

Rep. Gordon

Rep. Wolf

Rep. Berch

Sen. Bradley

Sen. Chandley

Sen. Levesque

HB 1266

Rep. Bergeron

Rep. W. Pearson

Rep. Frost

Sen. Levesque

HB 1520

Rep. Knirk

Rep. Indruk

Rep. Woods

Rep. Fargo

Rep. Weston

Sen. Hennessey

Tricia Melillo 271-3077

Melanie Levesque

Chairman

Senate Election Law and Municipal Affairs Committee

Tricia Melillo 271-3077

HB 1266, relative to absentee ballot request forms.

Hearing Date: June 25, 2020

Members of the Committee Present: Senators Levesque, Sherman, Morgan, Birdsell and Gray

Members of the Committee Absent : None

Bill Analysis: This bill makes temporary changes to the absentee voter registration, absentee ballot application, and absentee voting processes in response to the novel coronavirus (Covid-19) disease.

Sponsors:

Rep. Bergeron

Rep. W. Pearson

Rep. Frost

Sen. Levesque

Who supports the bill: *Sign in Sheets are available upon request*

Who opposes the bill: None

Who is neutral on the bill: *Sign in Sheets are available upon request*

Summary of testimony presented in support:

Representative Bergeron

- This bill is relative to absentee ballot request forms.
- He would like to hold his comments and suggestions for the hearing on the amendment to this bill as it is a replace all.

Summary of testimony presented in opposition: None

Neutral Information Presented: None

TJM

Date Hearing Report completed: June 26, 2020

Senate Election Law and Municipal Affairs Committee
Tricia Melillo 271-3077

Amendment #1562s to HB 1266 making temporary modifications to the absentee voter registration, absentee ballot application, and absentee voting processes in response to the novel coronavirus (COVID-19) disease.

Hearing Date: June 25, 2020

Members of the Committee Present: Senators Levesque, Sherman, Morgan, Birdsell and Gray

Members of the Committee Absent : None

Bill Analysis: This bill makes temporary changes to the absentee voter registration, absentee ballot application, and absentee voting processes in response to the novel coronavirus (Covid-19) disease.

Sponsors:

Rep. Bergeron
Sen. Levesque

Rep. W. Pearson

Rep. Frost

Who supports the bill: *Sign in Sheets are available upon request*

Who opposes the bill: None

Who is neutral on the bill: *Sign in Sheets are available upon request*

Summary of testimony presented in support:

Senator Tom Sherman

- The amendments to HB 1266 stem from work done by the Select Committee put together by the Secretary of State to help provide recommendations for the utilization of the CARES act funding totaling about 3.2 million dollars.
- The Committee heard extensive testimony and met for many hours over the past two months.
- The recommendation are posted in a report that was presented to the Secretary of State.
- The goal of this amendment is to address the recommendations that require statutory change.
- This amendment is to provide those changes in the face of COVID-19 to make it possible for the voters of NH to vote in the safest manner possible.
- The Secretary of State and the Committee's goal is also to protect the election workers as much as possible.
- They discussed many things and amazing work was done by the committee.
- There are two ways to make changes for the 2020 election an executive order or statutory change that sunsets on December 30, 2020.
- They were able to pair the recommendations down in amendment #1574s, to make them as clear as can be and effective only for the coming election.
- All of the stakeholders had input on these changes.
- The first component of the amendment is that if you fear COVID and do not feel comfortable going to the polls you can vote absentee by checking a new check box for reason of COVID instead of having to check the disability box.
- The second component allows voters to fill out one absentee ballot application to receive ballots for both the primary and the general election.
- The original amendment had a new, separate form for voters to fill out, but this amendment uses the existing form and modifies it slightly.

- The two places that the form is modified, are the check box for reason of COVID and the additional box to apply for both elections.
- The third component of the amendment allows early processing of the absentee ballots.
- It allows the moderator to pick a public location and have public witnessing of the partial processing, after the final check list is posted, prior to the election.
- In no event is the inner envelope to be opened or ballots counted before election day.
- On election day, for 2020 only, voters will lose that two-hour window to come in and vote in person after you have already sent in an absentee ballot.
- Also, only for this election the option of ten or more voter challenge is suspended.
- All of these changes go away December 30th 2020.
- There were a lot of important points in the original amendment, but they did not require statutory change and the Secretary of State will provide guidance on those.
- Senator Birdsell commented that she has concerns on page 1, in section 3, where a voter shows up at the polling location to vote and decides that he/she does not want to risk going inside, the clerk has to bring the ballot out to them. She asked what happens if this happens with a lot of voters and the clerk is overwhelmed. She also asked when and where would the challenge from ten or more voters happen.
 - Senator Sherman stated that in this amendment the challenge piece is taken out. As he understands it, it has never happened, but he does not have a clear answer as to when or where. He added that the Deputy Secretary of State will be testifying, and he will be able to answer her questions.
- Senator Gray asked if Senator Sherman could clarify, on page 6, line 25, what it means by “on a day before the election.”
 - Senator Sherman replied that they can clarify it, so it is consistent with the language in the next paragraph that states, Thursday, Friday, or Saturday before the election.
- Senator Gray commented that on lines 25 and 26 where it talks about marking up the checklist and making notations, there is no definition of what notations mean.
 - Senator Sherman asked if it was his concern that we clarify the word notations.
- Senator Gray answered yes.

Representative Paul Bergeron

- He agrees that amendment #1574 is a better amendment than the original because it is narrower and clearer.
- Each point addressed will help make the upcoming elections safer for voters.
- Senator Sherman stated that he looked through and considered all of Representative Bergeron’s recommendations and thanked him for all his hard work on this legislation.

David Scanlan – Deputy Secretary of State

- Thank you to Senator Sherman for the work on the Select Committee and his suggestions on practical ways to implement the recommendations.
- Senator Sherman did a tremendous job on this amendment.
- The benefit of this amendment is going to be for everyone, the voters, the clerks, and the moderators.
- A lot of recommendations from the committee do not need legislation to implement and can be incorporated in the training from their office.
- This will be a very challenging election, but they look forward to a joint team effort to make it a success.
- Senator Levesque asked if he would come back again in a couple weeks and share what is being done that is not in legislation to prepare for the elections.
 - Mr. Scanlan replied that they would be happy to.
- Senator Birdsell asked what will happen if a location gets overwhelmed with people wanting the clerk to deliver the ballot outside the guardrail. She is concerned about the chain of custody of

the absentee ballots and asked if they could announce that if a voter is nervous to go inside come at a certain block of time to get a ballot.

- Mr. Scanlan replied that their office can develop ways to accommodate voters by having conversations with the Attorney General's office about how to deal with overflow. He added that they will also have trainings in the fall and teams on the ground during the election with additional resources.
- Senator Birdsell asked if he can go through a scenario where the challenge of 10 or more voters used.
 - Mr. Scanlan stated that he cannot recall when that has ever been used. If voters decided to use it for this election it could cause a huge problem, so it is good that it is suspended for now.
- Senator Gray asked about the data on percentages of voters during a presidential election.
 - Mr. Scanlan replied that primaries are not as well attended as a general election with a president on the ballot. He would say about 20 – 25 % in primaries. They expect to break records this year with a dramatic increase between the primary and the general election this year.

Dee Ann Decker

- She is a Supervisor of the Checklist.
- There are many things that she saw that will make the forms confusing for new absentee voters.
- The amendment speaks of comparing of signatures, but it is her understanding that is not allowed.
- On page 4, pertaining to voter registration , it states you have to have proof of identity but not proof of citizenship.
- The form that is in the amendment does not provide all the information that they need.
- She is confused about what notations they can make on the checklist if they are not processing the inner envelop early.
- She believes there should be more than one session that they can process the absentee ballots early, especially in larger towns and cities.

Betsy McClain

- She is supportive of striking section number 3 on page 1.
- Every election they have people that cannot come in for medical reasons and have to be brought a ballot.
- This is an issue at a normal election, to have to do this for voters that just were not able to get an absentee ballot or did not want to, will be a major problem.
- Another suggestion she has is to offer affidavits in place of identification for the absentee voter.

Victoria Turner

- She is the Supervisor of the checklist in Bennington, NH.
- One of her concerns, is that when you discuss the absentee process in legislation it sounds fair and reasonable, but in practicality it is a paper heavy task.
- Her town clerk is worried that she is going to be overwhelmed with a last-minute influx of absentee ballots.
- Another concern is that the absentee ballot application is so cumbersome more people will go to the polls instead of absentee voting, making the polls less safe.
- The first step is to simplify the request for an absentee ballot. Sending it by mail is not the simplest way any longer.
- Her kids do not know what to with stamps, but they can do anything on the computer or phone.
- We have to make these available in modalities that make it easier for people to exercise their right to vote.

Olivia Zink - Open Democracy NH

- She supports the box for COVID reasons and the one form to get ballots both elections.
- She is concerned about the absentee ballot process.
- The clerks offices have been closed because of COVID and people could not register or apply for an absentee ballot which is against their rights.
- If a clerk ends up getting sick or is out of the office the voter cannot access voting documents unless someone is cross trained in the clerk's office.
- The city of Lebanon has to close some poll locations because of lack of poll workers.
- People did not receive absentee ballots because the applications were not processed in time.
- There needs to be an easier way such as online, to fill out an absentee application or register to vote.

Cordell Johnston – NH Municipal Association

- They support the amendment but have some concerns which he has sent in an email to committee members.
- Some of those concerns have been corrected in the new amendment but some have not.
- The definition of partially processed ballots needs to be addressed because it remains unclear what is included in partial processing.
- There are many polling locations across the state, and it could be interpreted different in each one.
- He has proposed a definition of partial processing in his letter and he encourages them to take a look at that.
- At the top of page 7, lines 3 and 4, where it states, “ any number of election officials” is not relevant and can be deleted.
- Most importantly page 1, and section 3, is going to be a real problem for town clerks.
- The existing law is meant to deal with a disabled person that cannot get into the polls which is rare, opening that option up for fear of COVID would cause it to happen a lot more and overwhelm the poll workers.

Corinne Dodge

- Thanks to Senator Sherman and the Committee for working hard to make the upcoming elections safe.
- As a senior citizen voter and a poll worker she believes that we need these changes to ensure a safe election.

Liz Tentarelli – NH League of Women Voters

- She has a concern about the section of the amendment that provides for the person that goes to the polling location and decides they cannot go in.
- It is very important to have a media campaign encouraging absentee voting.
- They support allowing voters to use one form for both elections.
- With the current ballot some voters may think they have already signed up for both elections and then do not receive a ballot for the second one.
- In their training, the Secretary of State should emphasize to the town clerks, that if a voter neglects to check off either box they should assume the applicant wants ballots for both elections.

Janice Kelble

- The lack of postage for absentee ballot application returns is being viewed as a poll tax.
- She has read many statistics about returned mail if there is a lack of postage.

- The primary purpose of these changes to our election processes is to address a major health concern.
- She believes that if we fail to offer prepay postage we have moved the risk from the voter and the poll worker to the voter and the postal worker.
- Senator Levesque stated that prepaid postage is not included because it does not require legislation to implement.

Bob Perry

- The recommendations made by the committee recognize the right to vote in a safe manner.
- Voters deserve the protections of these recommendations.
- He understands that in this amendment drop boxes, return postage, and absentee voter registration allowance have all been dropped.
- Codifying all of the committee's recommendations is more of a democratic process than passage of this amendment.

Louise Spencer

- There were hundreds of people that participated in the meetings of the Select Committee and she had hopes that the good faith effort on the part of all who participated would ensure that the majority of the recommendations would be adopted.
- She has not yet heard a commitment from the Secretary of State to spend funds on prepaid postage.
- She would encourage the committee to give a directive to the Secretary of State to spend money in certain areas.
- The response letter from the SoS , did not commit to making towns whole for the extra expenses they will incur from this election.
- She supported the first amendment more than this one being presented now.

Representative Timothy Horrigan

- He liked all of the changes the first amendment provided for but understands that the second amendment will pass with a majority more so than the first one.
- He has faith in the Secretary of State's office and know they are committed to having fair elections.

Maggie Goodlander

- All agree that voting in person is a NH tradition and has been fairly uncomplicated in the past few years.
- The pandemic has changed our reality and we have to be prepared for the worst.
- The amendment being considered does not address all of the recommendations made.
- She believes if we do not get this right it could change the history of the world forever.
- The NH constitution is far more specific about the rights of the voter.
- Legislative changes allow for stricter and more consistent adherence to make sure the rights of the voter are protected, and our elections are safe.
- The best way to protect the upcoming elections is for the legislature to take action on all of the Select Committee's recommendations.

Janet Ward

- She strongly supports the original amendment #1552s but will support this one as well.
- Her husband and herself are at greater risk of COVID because of medical conditions.
- There are five points that she would like to address.
- The legal right to vote by absentee ballot due to COVID is essential.

- Allowing the voter to apply for both elections with one form will make the process so much easier and eliminate the chance of a voter not receiving a ballot for the second election.
- Including prepaid postage would further support the Secretary of State's efforts to protect the voters in the 2020 election and there is money in the CARES Act fund or HAVA funds to cover that.
- She trusts that in the new amendment it ensures election officials will allow voters to know of an error in their application or ballot in a timely manner.
- A media campaign should begin as soon as possible to assure the public knows how to vote in this election.

Susan Richman

- She understands that some of the recommendations of the Select Committee do not need legislation to implement but the more that can be legally mandated will ensure that they will.
- The physical polls should be as safe as we can make them, most poll workers are over 60.
- Informing the public of the absentee ballot process should begin now to prepare for the increase come November.
- She has friends that do not know about absentee voting and when she tries to explain how to do it, it is very confusing.
- She has checked a number of town websites and it is not clear where to find the application or how to apply for an absentee ballot.
- There are many ways a voter could get confused and give up or apply with errors and never receive a ballot.
- There were 8 sheets of paper that she had to bring to her clerk's office when she was done filling everything out and providing the documentation necessary.
- This equals voter suppression.
- She believes that the Secretary of State should be on the TV, in newspapers, on the radio telling the public how to apply for an absentee ballot.

Bradford Cook – Chair, Select Committee

- He agrees with this amendment and every one of the items in it are important.
- Also, very important is massive publicity of all the changes so the public knows what their options are for voting.
- He knows that all of the committee's recommendations will be addressed by the Secretary of State.
- The passion and dedication of our election officials in this state is why we will have a successful election.

Tom Fahey

- He is inspired by the way everyone is dealing with these changes and working together to find a solution.
- As the 2nd oldest state in the nation, it is important that we get elections done right.
- People over 50, generally, are most at risk for COVID-19 and they are also the group most likely to vote
- It is imperative that we make sure they can vote safe.
- It is his belief that voting should be made as easy as possible to people and paid return postage will have a huge impact on the ease with which voters can obtain an absentee ballot.
- Poll workers and polling stations should also have new processes to reduce the risk of exposure.

Summary of testimony presented in opposition: None

TJM

Date Hearing Report completed: June 26, 2020

Testimony

Granite State Organizing Project

A voice for justice in the Granite State

Testimony in Support of HB 1266 relative to absentee ballot request forms
Senate Election Law and Municipal Affairs
Tuesday, June 25, 2020

Good afternoon, members of the Senate Election Law and Municipal Affairs.

My name is Viola Katusiime; I am writing on behalf of the Granite State Organizing Project. The Granite State Organizing Project (GSOP) is the largest grassroots non-partisan institution in New Hampshire, uniting faith, labor, and community groups to work towards a more just world.

I am writing to express our support for HB 1266: relative to absentee ballot request forms.

For the past four election cycles, the Granite State Organizing Project has provided voter education and outreach along with running a ride to the polls program for low-income individuals, immigrants, and people of color. Most of whom, need information about voter registration requirements, absentee ballot access, and other election-related resources. Because of the relationships built with members of these communities, GSOP is often seen as a trusted voice that people call on to seek guidance.

We are proponents of this bill because we understand those vulnerable communities we work with primarily tend to utilize same day voter registration and same-day voting on Election Day. Now they may be worried about jeopardizing their health, but the proposed expanded absentee voting option makes it possible to make their voices heard.

According to recently available data from the New Hampshire Fiscal Policy Institute, people of color, in particular, have been disproportionately affected by covid-19 when it comes to the rate of infections in proportion to the population size [1]. This bill ensures that a voter in fear of contracting covid-19 can safely exercise their right to vote in the comfort of their home by indicating covid-19 as the reason for requesting an absentee ballot or and a voter registration form. On the other hand, voters maybe afraid that checking off a disability option to apply for an absentee ballot over a concern for covid-19 could be interpreted as falsifying information that could be used against them. That is why it is crucial to clearly include a covid-19 related option on the forms for an absentee ballot and voter registration applications.

People of color, low-wage workers, have been economically hurt by the pandemic, many of them experiencing job loss or reduced hours. They also tend to have few resources [2]. The provision to provide paid postage could make a difference between people voting and not casting a vote. This bill would make it easier for voters to return their ballots. Additionally, access to downloadable absentee registration package with clear instructions and available in multiple languages at the Secretary of State website could simplify the process for first-time voters not familiar with the process.

Furthermore, we support the placement of ballot boxes in accessible locations that people are familiar with such as city libraries, schools, city welfare offices and many more for easy return of ballots

I would like to conclude by urging all committee members to support HB 1266 as amended and make voting safe and accessible to all granite staters.

Thank you.

Granite State Organizing Project

A voice for justice in the Granite State

Sincerely,
Viola Katusiime
Granite State Organizing Project

[1] New Hampshire Fiscal Policy Institute. *COVID-19 Crisis Effects Greater on Racial and Ethnic Minority Populations in New Hampshire* <http://nhfpi.org/commoncents/covid-19-crisis-effects-greater-on-racial-and-ethnic-minority-populations-in-new-hampshire.html>

[2] New Hampshire Fiscal Policy Institute. *New Data Provide Insight into Extensive Economic Impacts and Income Losses from the COVID-19 Crisis* <http://nhfpi.org/commoncents/new-data-provide-insight-into-extensive-economic-impacts-and-income-losses-from-the-covid-19-crisis.html>

6/25/20

First Name	Last Name	Role	Action on HB 1266	Action on Amendment to HB 1266
Cindy	Rosenwald	Elected Official	Viewing/Listening only	Viewing/Listening only
Katja	Fox	Staff member of NH DOS, NHES, or DHHS	Viewing/Listening only	Viewing/Listening only
Representative Jerry	Knirk	Elected Official	Viewing/Listening only	Viewing/Listening only
Jay	Kahn	Elected Official	Support not speaking	Support not speaking
Diana	Fenton	Staff member of another NH state agency	Neutral not speaking	Neutral not speaking
Marjorie	Smith	Elected Official	Viewing/Listening only	Viewing/Listening only
Ned	Gordon	Elected Official	Viewing/Listening only	Viewing/Listening only
NH State Rep. Timothy	Horrigan	Elected Official	Support not speaking	Support not speaking
David	Scarlan	Staff member of another NH state agency	Neutral not speaking	Support and speaking
DEE ANN	DECKER	Elected Official	Viewing/Listening only	Support and speaking
Betsy	McClain	Elected Official	Viewing/Listening only	Support and speaking
Judy	Strakalaitis	Elected Official	Support not speaking	Support and speaking
Paul	Bergeron	Elected Official	Support not speaking	Support and speaking
Rachel	Deane	Elected Official	Support not speaking	Support and speaking
Victoria	Turner	Elected Official	Support not speaking	Support and speaking
Olivia	Zink	Lobbyist/Advocate	Support not speaking	Support and speaking
Cordell	Johnston	Lobbyist/Advocate	Neutral not speaking	Support and speaking
michael	whitman	Member of the public	Support and speaking	Support not speaking
Corinne	Dodge	Member of the public	Support not speaking	Support and speaking
Henry	Klementowicz	Lobbyist/Advocate	Viewing/Listening only	Viewing/Listening only
Patricia	Lee	Staff member of another NH state agency	Support not speaking	Support not speaking

Liz	Tentarelli	Lobbyist/Advocate	Support not speaking	Support and speaking
Brian	Beihl	Lobbyist/Advocate	Support not speaking	Support not speaking
Paula	Minnehan	Lobbyist/Advocate	Viewing/Listening only	Viewing/Listening only
Janice	kelble	Member of the public	Viewing/Listening only	Support and speaking
Corinne	Dodge	Member of the public	Support and speaking	Support and speaking
Philip	Hatcher	Member of the public	Support not speaking	Support not speaking
Bob	Perry	Member of the public	Viewing/Listening only	Support and speaking
Louise	Spencer	Member of the public	Support not speaking	Support and speaking
Maggie	Goodlander	Member of the public	Support not speaking	Support and speaking
Mark	Reynolds	Member of the public	Neutral and speaking	Support not speaking
Mark	Kelley	Member of the public	Viewing/Listening only	Viewing/Listening only
Doris	Hampton	Member of the public	Neutral not speaking	Support not speaking
Janet	ward	Member of the public	Neutral not speaking	Support and speaking
Janet	ward	Member of the public	Support not speaking	Support and speaking
Susan	Richman	Member of the public	Support not speaking	Support and speaking
Bradford	Cook	Member of the public	Viewing/Listening only	Support and speaking
Richard	Mark	Member of the public	Neutral not speaking	Neutral and speaking
James	Potter	Lobbyist/Advocate	Viewing/Listening only	Viewing/Listening only
Lindsey	Conner	Staff member of another bill file agency	Viewing/Listening only	Viewing/Listening only
Deanna	Chapman	Member of the public	Viewing/Listening only	Viewing/Listening only
Ruth	Ward	Elected Official	Viewing/Listening only	Viewing/Listening only
Bev	Cotton	Member of the public	Support not speaking	Support not speaking
Brian	Beihl	Lobbyist/Advocate	Support not speaking	Support not speaking

Nicole	Fordey	Member of the public	Support not speaking	Support not speaking
Andrew	Lane	Member of the public	Support not speaking	Support not speaking
Patricia	Vincent-Piet	Member of the public	Support not speaking	Support not speaking
Sally	Embley	Member of the public	Support not speaking	Support not speaking
Jean	Lightfoot	Member of the public	Support not speaking	Support not speaking
Doreen	Desmarais	Member of the public	Support not speaking	Support not speaking
Dawna	Pidgeon	Member of the public	Support not speaking	Support not speaking
Carol	Wyndham	Member of the public	Support not speaking	Support not speaking
Raymond	Waterman	Member of the public	Support not speaking	Support not speaking
Linda	Bundy	Member of the public	Support not speaking	Support not speaking
Nancy	Smith	Member of the public	Support not speaking	Support not speaking
Evan	Oxenham	Member of the public	Support not speaking	Support not speaking
Mary	Till	Member of the public	Support not speaking	Viewing/Listening only
Gale	Taylor	Member of the public	Support not speaking	Support not speaking
Ann	Garland	Member of the public	Support not speaking	Support not speaking
alix	olson	Member of the public	Support not speaking	Support not speaking
Joanne	Emus	Member of the public	Support not speaking	Support not speaking
Jill	Martin	Member of the public	Support not speaking	Support not speaking
Maureen	Dadekian	Member of the public	Support not speaking	Support not speaking
Steven	Rand	Member of the public	Support not speaking	Support not speaking
Marcia and Chuck	King	Member of the public	Support not speaking	Support not speaking
Rachel	Osmundsen	Member of the public	Support not speaking	Support not speaking
Katharine	Coon	Member of the public	Support not speaking	Support not speaking
Sara	Lobdell	Member of the public	Support not speaking	Support not speaking

Lucy	Crichton	Member of the public	Support not speaking	Support not speaking
Claudia	Damon	Member of the public	Neutral not speaking	Support not speaking
paul	hodes	Member of the public	Viewing/Listening only	Viewing/Listening only
Claudia	Istel	Member of the public	Neutral not speaking	Support not speaking
Petra	Longman	Member of the public	Neutral not speaking	Support not speaking
D'Vorah	Kelley	Member of the public	Support not speaking	Support not speaking
Cheri	Falk	Member of the public	Support not speaking	Support not speaking
Linda	Piotrowski	Member of the public	Support not speaking	Support not speaking
Susan	Peterson	Member of the public	Support not speaking	Support not speaking
Laura	Campbell	Member of the public	Support not speaking	Support not speaking
Jeanne	Cusson	Member of the public	Viewing/Listening only	Support not speaking
Dara	McCue	Member of the public	Neutral not speaking	Support not speaking
Mary	Tetreau	Member of the public	Support not speaking	Support not speaking
Nancy	Graham	Member of the public	Support not speaking	Support not speaking
Glen	Ring	Member of the public	Support not speaking	Support not speaking
Eileen	Andrews	Member of the public	Neutral not speaking	Support not speaking
Denise	Clark	Member of the public	Neutral not speaking	Support not speaking
GARY	WOODS	Elected Official	Support not speaking	Support not speaking
Maria	Smith-Lopez	Member of the public	Neutral not speaking	Support not speaking
Robert	Seidman	Member of the public	Support not speaking	Support not speaking
Kathleen	Slover	Member of the public	Neutral not speaking	Support not speaking
Maura	Willing	Member of the public	Support not speaking	Support not speaking
Barbara	Pacelli	Member of the public	Neutral not speaking	Support not speaking
Barbara D.	Reed	Member of the public	Neutral not speaking	Support not speaking

Gail	Coffey	Member of the public	Neutral not speaking	Support not speaking
Jeanne	Torpey	Member of the public	Neutral not speaking	Support not speaking
Megan	Smith	Member of the public	Support not speaking	Support not speaking
Susan	Read-Smith	Member of the public	Support not speaking	Support not speaking
Emma	Rohleder	Member of the public	Support not speaking	Support not speaking
Sandra M	Rounds	Elected Official	Support not speaking	Support not speaking
Jeffrey	Friedman	Member of the public	Support not speaking	Support not speaking
Julie	Zimmer	Member of the public	Neutral not speaking	Support not speaking
Julia	Freeman-Woolpert	Member of the public	Support not speaking	Neutral not speaking
Barbara	Zaenglein	Member of the public	Neutral not speaking	Support not speaking
Colleen	Randall	Member of the public	Support not speaking	Support not speaking
Joe	Magruder	Member of the public	Neutral not speaking	Support not speaking
Linda	Mattlage	Member of the public	Neutral not speaking	Support not speaking
Jasen	Stock	Lobbyist/Advocate	Viewing/Listening only	Viewing/Listening only
Patricia	Wilson	Member of the public	Support not speaking	Support not speaking
Sally	Hatch	Member of the public	Support not speaking	Neutral not speaking
Lyn	Lindpaintner	Member of the public	Support not speaking	Support not speaking
Sandy	Noordsy	Member of the public	Neutral not speaking	Support not speaking
Robert	Anderson	Member of the public	Neutral not speaking	Support not speaking
Paula	Noonan	Member of the public	Neutral not speaking	Support not speaking
Emily	Burr	Member of the public	Neutral not speaking	Support not speaking
Maja	Smith	Member of the public	Neutral not speaking	Support not speaking
Lea	Kablik	Member of the public	Support not speaking	Support not speaking
Yvette	Bigelow	Member of the public	Support not speaking	Support not speaking

Linda	Muri	Member of the public	Neutral not speaking	Support not speaking
Linda	Kordas	Member of the public	Neutral not speaking	Support not speaking
Jasmine	Seguin	Member of the public	Neutral not speaking	Support not speaking
Ruth	Larson	Member of the public	Support not speaking	Support not speaking
Ellis	Robinson	Member of the public	Support not speaking	Support not speaking
Kathryn	Chamberlin	Member of the public	Support not speaking	Support not speaking
Susan	Orkin	Member of the public	Viewing/Listening only	Viewing/Listening only
Gregory	Davis	Member of the public	Support not speaking	Support not speaking
Vivian	Dolkart	Member of the public	Support not speaking	Support not speaking
Martha	Clark	Member of the public	Neutral not speaking	Support not speaking
william	Cantlin	Member of the public	Support not speaking	Support not speaking
Claire	Karibian	Member of the public	Support not speaking	Support not speaking
Laura	Vincent	Member of the public	Viewing/Listening only	Support not speaking
Camron	Iannalfo	Member of the public	Support not speaking	Support not speaking
Patti	Anastasia	Member of the public	Neutral not speaking	Support not speaking
Maureen	Thibault	Member of the public	Viewing/Listening only	Viewing/Listening only
JoEllen	Cuff	Member of the public	Support not speaking	Support not speaking
Mary	Cantlin	Member of the public	Support not speaking	Oppose not speaking
Jennifer	Gordon	Member of the public	Support not speaking	Support not speaking
WYNNE	GRAVES-MOODY	Member of the public	Neutral not speaking	Support not speaking
susan	bowles	Elected Official	Neutral not speaking	Support not speaking
donna	stamper	Elected Official	Neutral not speaking	Support not speaking
Nancy	Pierpont	Member of the public	Viewing/Listening only	Support not speaking
Mary Anne	Broshek	Member of the public	Support not speaking	Support not speaking

Sarah	Benning	Member of the public	Neutral not speaking	Support not speaking
Deb	Baker	Member of the public	Neutral not speaking	Support not speaking
Bruce	BERK	Member of the public	Neutral not speaking	Support not speaking
Kim	Hall	Member of the public	Support not speaking	Support not speaking
Jeanne	Hruska	Lobbyist/Advocate	Support not speaking	Support not speaking
maureen	ellermann	Member of the public	Support not speaking	Support not speaking
Raymond	Waterman	Member of the public	Support not speaking	Support not speaking
Sarah	Tanner	Member of the public	Neutral not speaking	Support not speaking
Hannah	Tanner	Member of the public	Neutral not speaking	Support not speaking
Kyri	Claflin	Elected Official	Support not speaking	Support not speaking
Jim	Rubens	Member of the public	Support not speaking	Viewing/Listening only
Erica	Kamerzel	Member of the public	Support not speaking	Support not speaking
sarah	chapman	Elected Official	Viewing/Listening only	Viewing/Listening only
Don	House	Member of the public	Support not speaking	Support not speaking
Richard	Maynard	Member of the public	Support not speaking	Support not speaking
Suzanne	Paquin	Member of the public	Support not speaking	Support not speaking
Francis	Hayes	Member of the public	Neutral not speaking	Support not speaking
Kate	Corriveau	Lobbyist/Advocate	Support not speaking	Support not speaking
Mary	Wilke	Member of the public	Neutral not speaking	Support not speaking
Melinda	Ricker	Member of the public	Neutral not speaking	Support not speaking
Neil	Arnold	Member of the public	Neutral not speaking	Support not speaking
Ashley	Babladelis	Member of the public	Neutral not speaking	Support not speaking
Nicholas	Babladelis	Member of the public	Neutral not speaking	Support not speaking
Victor	Helenic	Member of the public	Support not speaking	Support not speaking

Casey	McDermott	Member of the press	Viewing/Listening only	Viewing/Listening only
Karen	Soucy	Lobbyist/Advocate	Viewing/Listening only	Viewing/Listening only
Andrew	Hosmer	Lobbyist/Advocate	Viewing/Listening only	Viewing/Listening only
Sarah	Knoy	Member of the public	Support not speaking	Support not speaking
Shideko	Tera	Elected Official	Support not speaking	Support not speaking
Laura	Lynch	Member of the public	Support not speaking	Support not speaking
Charles	Dowlin	Member of the public	Viewing/Listening only	Viewing/Listening only
Christine	Seibert	Member of the public	Support not speaking	Support not speaking
Paul	Barton	Member of the public	Support not speaking	Support not speaking
Todd	Fahey	Lobbyist/Advocate	Support not speaking	Support not speaking
Catherine	Corkery	Lobbyist/Advocate	Support not speaking	Viewing/Listening only
John	Tuthill	Member of the public	Viewing/Listening only	Support not speaking
David	Watters	Elected Official	Support not speaking	Support not speaking
Gail	Kinney	Member of the public	Support not speaking	Support not speaking

Tricia Melillo

From: Monica Cooper on behalf of Tom Sherman
Sent: Thursday, June 25, 2020 1:43 PM
To: Tricia Melillo
Subject: FW: Amendment to HB 1266

Hi friend,

Please see the below email regarding HB 1266. I am not sure if you would like this for your records or not.

Best,

Monica

From: Susan Richman <susan7richman@gmail.com>
Sent: Thursday, June 25, 2020 11:44 AM
To: Tom Sherman <Tom.Sherman@leg.state.nh.us>
Subject: Amendment to HB 1266

June 25, 2020

Dear Senator Sherman, and my Senator, Martha Fuller Clark,

Here is a written record of the remarks I plan to give at today's hearing on the Amendment to HB 1266. Please share or file these remarks, as appropriate. Thank you for your efforts to keep democracy working!

My name is Susan Richman, and I live in Durham, New Hampshire, at 16 Cowell Drive. Thank you for this opportunity to speak to you today.

In the matter of voting, the opposite of "accessible" would be "suppression."

I worry that our "inactions," continuing what we've always done, in this time of COVID 19, will effectively result in "suppression."

I am turning 70 this summer, I have worked at my town's polls, and I know almost everyone working there is over 60 years old. How will our voting-places be staffed?

We need as many votes as possible to be cast ahead of time, to be cast absentee to ensure we don't have long lines and crowds at polls. It's not safe for the public, and we can't be sure there will be sufficient pollworkers. I've spoken with my town clerk and registrar, and they are both deeply worried they will not have a sufficient number of pollworkers—otherwise, they fear we will have a dangerous, crowded, unworkable situation at the polls. We need to make sure the majority of our voters cast their vote (and/or register) by absentee.

Further, please enact the measures offered in the second half of the amendment to 1266-- it is filled with simple, pragmatic suggestions for THIS YEAR ONLY to expedite processing of ballots, without sacrificing any integrity. That will be crucial to help towns deal with the unprecedented deluge of absentee ballots they are expecting.

Finally, I would like to report that even though I now mostly live in lockdown, I still communicate electronically with lots of friends, and THEY DON'T KNOW ABOUT ABSENTEE VOTING. They hadn't really thought of it, they maybe would look into it as the primary draws near, they don't know how to do it, and when I try to explain, it really is totally confusing. This really worries me. I want there to be more democracy, not less. I checked a number of towns'

websites. On most, you need to actively hunt and search to even find the section on absentee voting. Then you need to apply for an application. No, make that 2 applications – 1 for the primary, another for the general. And if there is not an immediate application provided on a town's website, you are directed to the SOS website. And then, which of the many, many links do you choose to get the application? Will you even realize you need 2 separate applications for 2 separate ballots? And then there is "the disability box." We NH voters have been well-educated to respect the sanctity and integrity of the vote, and besides there is a fine of \$2-5,000 for misrepresentation in the voting process! So am I going to claim that I am disabled, which carries its own stigma? How simple and unambiguous to have the opportunity to check a box saying "I am concerned about COVID 19," to have one application serve for the 2 ballots we need.

And then, when I wanted to mail back the 8 pieces of paper – 2 pages each for 2 applications each for my husband and myself—I had no idea how much postage that would need. I threw caution to the wind, and personally delivered my FAT envelope to the town office, but I can imagine people getting this far with their applications, and then just never getting it into the mailbox. How many more ballots will reach their destination, if return postage were supplied? I would call this Voter Suppression by Administrative Inaction.

I know this is not part of 1266 or its amendment, but I would like to add that there **MUST** be information given to the public, across all media, about how to vote absentee, and when to do it. It must not be secret! It is not occult knowledge! We must uphold our proud NH tradition of a high voter turnout. My word doesn't count for much, talking to friends or writing a letter to the editor. We need posters, we need direct mail information. We need to hear Bill Gardner, our Secretary of State, on the television, on the radio, in the paper, **proclaim absentee voting throughout all the land unto all the inhabitants thereof.**

--

Susan Richman
16 Cowell Drive
Durham, NH 03824
603-868-2758

June 23, 2020

To Senate Election Law Committee

From Liz Tentarelli, president, League of Women Voters NH

contact: LWVNewHampshire@gmail.com or home phone 603-763-9296

Re: Amendment 1562s to HB 1266

As a non-partisan organization committed to making sure that elections in 2020 run as smoothly as possible in this difficult time, the League of Women Voters New Hampshire urge you to vote Ought To Pass on the amendment and on the amended bill.

The suggestions in the amendment all come out of the Select Committee on 2020 Elections Emergency Support hearings and their final report. They were weighed judiciously by the public who attended the zoom sessions, by the committee members, and by the representatives of the Secretary of State's office and the Attorney General's office.

If the committee or I could wave a magic wand to put them into effect, we would. We can't, so we call on you and the rest of the Legislature to recognize the need for processes that allow safe and timely absentee voting. In particular the public needs return postage and drop boxes to avoid exposure during trips to the post office, needs to have a clear reason of "concern for Covid 19" on the form as their reason to vote, and needs to fill out just one form that will serve for both the primary and the general elections.

It is this last item that I, as someone who answers email and phone calls to the League's office, see as critical. Once someone has sent in an absentee ballot application, the impulse is to say, "That's done." Then the voters would wait and wait in October until it is too late, if a ballot doesn't arrive in the mail. Please—make sure that applicants can check both boxes, and if they neglect to check either box that the town clerks will be instructed to assume that the applicant wants ballots for both elections.

With the large increase in absentee ballots that will happen in the fall, it is important that a legislative fix allow for early processing. Will election workers still be stressed? Of course, but you have the power—and only you have the power—to make the processing of the thousands of ballots go smoothly.

Thank you for your work on this committee. Please support the equally hard-working Select Committee and the public and the elections officials by passing HB1266 with this amendment.

Tricia Melillo

From: Rachel Deane <rdeane@ci.durham.nh.us>
Sent: Thursday, June 25, 2020 4:20 PM
To: Tricia Melillo
Subject: [CAUTION: SUSPECT SENDER] Town of Durham Testimony for amendment 1574 to HB 1266

Good afternoon Senator Melillo,

Please accept my written testimony for the 9/25/2020-Senate Election Law and Municipal Affairs Committee Remote Public Hearing on the amendment to HB 1266. I was unable to speak during the zoom meeting due to a technical difficulty with my mic.

The Town of Durham supports the amendment to HB 1266.

The Town of Durham's elections will be directly impacted by COVID-19 and we expect a significant increase in absentee ballot requests. The University of New Hampshire and several assisted/independent living facilities make our voter demographic unique. Both populations rely heavily on absentee voting and absentee voter registration. The Town of Durham expects to see a significant uptick in the amount of absentee ballots with COVID-19, especially if our older populations are forced to shelter in place or if UNH unexpectedly shifts back to a remote learning model before the general election. We support efforts to simplify the process, but we have concerns about how the Town of Durham can meet two specific aspects that the amendment requires: secure dropboxes and the 2-day turnaround for absentee ballots.

The Town of Durham respectfully requests that the Secretary of State's Office and NH Legislature consider how town clerks and election officials will meet the demands of the amendment to HB 1266. Specifically, we question if the Secretary of State's Office will send additional funds and resources to create a secure absentee Dropbox and we are hopeful they will provide additional support staff or funds to meet the heavy demands of a 2-day turnaround time to distribute absentee ballots.

All the best,

Rachel Deane

Rachel Deane
Deputy Town Clerk - Tax Collector

Town of Durham
8 Newmarket Road
Durham, NH 03824
603.868.5577 Direct
603.868.7858 Fax

All the best,

Rachel Deane

Rachel Deane
Deputy Town Clerk - Tax Collector



June 25, 2020

Hon. Melanie Levesque, Chair
Election Law & Municipal Affairs Committee
State House
Concord, New Hampshire

Via Electronic Delivery Only

Re: Amendment #1562s to HB 1266

Dear Sen. Levesque:

The New Hampshire Municipal Association strongly supports Amendment 1562s to HB 1266, addressing absentee voter registration, absentee voting, and the processing of absentee ballots.

During the Covid-19 pandemic, it is in everyone's interest to reduce the number of voters congregating at polling places. The only way to do this while still ensuring maximum voter participation is to expand absentee voting and make the process easier. Amendment 1562s does this.

It is equally important to reduce the number of people registering at the polls on election day, as this process involves the exchange of documents, lengthy interactions between registrants and supervisors of the checklist, and frequently long waits in line at the polling place. The best way to reduce the number of same-day registrants and still encourage voter registration is to expand and facilitate the absentee registration process. The amendment does this as well.

Finally, the processing of absentee ballots is an extremely tedious task that, in a normal presidential election year, takes several hours in most municipalities. In some larger towns it is not unusual for election officials to be processing absentee ballots past midnight. Using the same process this year with far more absentee ballots, it will simply be impossible for some towns to complete the process on election day or even the next morning. It is critical that election officials be able to process absentee ballots early, and the amendment accomplishes this.

However, we do believe the amendment requires several changes. I will address these in order.

NEW HAMPSHIRE MUNICIPAL ASSOCIATION

25 Triangle Park Drive • Concord, NH 03301 • Tel: 603.224.7447 • NH Toll Free: 800.852.3358

NHMAinfo@nhmunicipal.org • governmentaffairs@nhmunicipal.org • legalinquiries@nhmunicipal.org

www.nhmunicipal.org

Section 2 – Absentee Registration and Voting; Covid-19

We request that paragraph III of this section be deleted. This paragraph tracks RSA 659:20-a, which authorizes a voter to have absentee voting documents delivered outside the guardrail if the voter is unable to access the polling place due to a disability. The existing statute is intended to address the unusual situation where a disabled voter arrives at the polling place intending to vote in person but discovers that he or she is unable to enter the polling place, typically because of conditions like ice or snow or because the building is not properly accessible. It is very rarely used.

The amendment would allow any voter to exercise this option based on concerns about Covid-19; this could create serious disruption. Literally every voter could require the moderator and the clerk to come outside to administer an oath and provide absentee voting documents. Unlike an icy sidewalk or a wheelchair barrier, Covid-19 is not a last-minute surprise. Every voter knows of its existence, and if they are concerned about it, they can obtain an absentee ballot in advance.

Section 7 – Absentee Ballots; Procedure by Clerks

First, this section title is incorrect. It should say “Absentee Registration; Procedure by Clerks.”

Second, the language is a bit confusing. It says the forms shall be available for download from the secretary of state’s website or the clerk’s website—not necessarily both. This suggests that the forms do not have to be available on the secretary of state’s website so long as they are available on the clerk’s website. I suggest rewriting the section as follows:

7. Absentee Registration; Procedure by Clerks. Notwithstanding RSA 654:18, the voter registration form and the absentee registration affidavit as well as any necessary instructions for its completion and return to the clerk shall be available for direct download from the secretary of state’s website. In addition, each city or town clerk shall, to the extent practical, make the same documents and information available for direct download from the clerk’s official website, if such exists, or provide a link to the documents and information on the secretary of state’s website. Upon request from a voter, the materials shall be forwarded directly to the applicant by the city or town clerk or by the secretary of state within 2 business days of receiving a request therefor.

Section 12 – Processing of Absentee Ballots.

In paragraph III, the word “moderator” needs to be changed to “clerk.” Moderators are part-time officials, and their contact information is rarely publicly available; most voters would have no idea how to contact the moderator, but everyone knows how to find the clerk. Also, the clerk has custody of the absentee ballots until election day, so the clerk would be the one to pull the ballot.

Paragraph III states that the voter’s ballot will be “held,” but it does not say for how long. This needs to be clarified. I have no opinion on what the answer should be, but for the sake of having

an answer, I suggest that it be held until 1:00 p.m. on election day, which is the traditional time for processing absentee ballots. Therefore, I recommend adding the following sentence to paragraph III: "The absentee ballot shall be held until 1:00 p.m. on election day, and the voter shall be informed that if he or she does not appear at the polling place by that time, the absentee ballot will be processed and the voter will not be permitted to vote in person."

Section 14 – New Section; Election Procedure; Processing Absentee Ballots . . .

This adds a new section, RSA 659:55-a, which allows for "partial processing of absentee ballots prior to an election." However, the new section does not define "partial processing." This needs to be clarified, or election officials will not know how much they are permitted to do at the pre-election day session.

Under current law (RSA 659:49-b through 659:53), the processing of absentee ballots consists of the following steps:

- 1) The outer envelopes are opened. (This may be done in advance of the official processing.)
- 2) For each absentee voter, the moderator removes the inner envelope, which contains the absentee ballot.
- 3) The moderator confirms that the name of the voter is on the checklist, the affidavit on the inner envelope is properly executed, and the signature on the affidavit appears to be that of a voter who has not voted at the election.
- 4) The moderator announces the name of the absentee voter.
- 5) If no one challenges the absentee ballot, the moderator opens the inner envelope and removes the ballot without unfolding it.
- 6) An election official places a checkmark beside the name of the absentee voter on the checklist and writes the letters "A.V." in red ink.
- 7) The moderator deposits the ballot in the ballot box.

The new section 659:55-a does not indicate which of these steps may be taken during partial processing. However, the amendment to RS 659:49-b (in section 13) states that, prior to election day, the inner envelope may not be removed "except to determine that the affidavit on the inner envelope is complete, and notations shall be made on the checklist to facilitate processing." This suggests (although this is unclear) that steps 1, 2, 3, and 6 above may be performed during partial processing; steps 5 and 7 may not, and step 4 is not mentioned.

It is critical that this be clarified. It seems to be the intent that "partial processing" may include everything except removing the ballot from the envelope and putting it in the ballot box, and we believe this is appropriate. If that is the case, I suggest adding the following sentence at the end of the new RSA 659:55-a, I, or somewhere in that section:

For purposes of this section, “partial processing” shall mean the processing of absentee ballots as provided in RSA 659:49-b through RSA 659:53, including the marking of the checklist in accordance with RSA 659:52, except that the ballot shall not be removed from the inner envelope and shall not be deposited in the ballot box.

Section 14 (Again)

In paragraph I of the new RSA 659:55-a, the following sentences will cause significant problems, and we believe they need to be deleted:

Representatives of each of the 2 political parties which received the largest number of votes cast for governor at the last previous general election shall assist during this process but neither party shall exceed the other party’s representation by more than one participant. Any number of election officials who are registered as undeclared voters may be appointed by the moderator to assist in this process.

Insisting on political balance among those processing the absentee ballots is unnecessary and will make the process needlessly difficult and inefficient—perhaps even impossible in some cases. This job should be performed by the moderator, the clerk, and one or more supervisors of the checklist. It is likely that in some towns all of those people will be members of the same political party; or there may be a 4-1 split; or all of them may be undeclared. Under the amendment, any of these situations would require finding someone less qualified to assist with the process. Further, it will not be easy to find other volunteers, regardless of qualifications, who will give up most of a Friday or Saturday to help process absentee ballots. Finally, it is not clear what is meant by “representatives” of the two parties—it suggests that each party must designate someone to assist. The parties are unlikely to do that.

The current law regarding processing of absentee ballots makes no mention of political parties. The process described here is no different, except that it happens on a different day. The integrity of the process is protected by being open to the public, and members of any political party are free to attend. It is critical that these sentences be removed.

Again, NHMA very much supports this amendment, but we believe it is important that these changes be made. I would be happy to answer any questions or participate in drafting an amendment.

Thank you very much for your consideration.

Sincerely,


Cordell Johnston
Government Affairs Counsel

cc: Committee members

To the members of the Senate Committee on Election Laws and Municipal Affairs,

My name is Peter Basiliere. I have been Milford's town moderator and school district moderator since March 2008. Milford has one of the largest single polling places in the state and nation, with almost 12,000 registered voters as of March.

I am writing to support most of the changes to Amendment #1562s to ~~HB 1266~~ relative to absentee ballots that have been suggested by the NHMA and submitted on its behalf by Cordell Johnston.

I also recommend two changes to the Amendment or to the main bill:

1) Please clearly state in the bill's language that all references to "checklist" refer to both traditional PAPER checklists and ELECTRONIC checklists (commonly referred to as ePoll books).

Milford, Londonderry and Concord have been testing ePoll books. The use of ePoll books, which do away with check-in stations sorted by letters of the alphabet, will be immeasurably helpful this fall. Since every ePoll book has a complete, secure copy of the checklist, we do not need to sort voters by their last names. Instead of voter queues of varying lengths over the course of the day, the first voter into the line is always the first voter served.

2) I support "processing" of absentee ballots up to the point that includes marking the paper or ePoll book checklist with the absentee voter's information. I do not support removing the ballot from its inner envelope (the one with the affidavit) prior to Election Day.

New Hampshire's existing absentee voter laws enable a voter who ends up being in town on Election Day to visit the polling place, check-in and receive a ballot PROVIDED the voter's absentee ballot had not been processed by that time. This longstanding practice means voters who have remorse about one or more votes that they cast - which in 2020 we are encouraging them to do days and weeks before Election Day - may negate their absentee ballot and start fresh.

Holding the absentee ballot in its envelope until Election Day, after processing all of the voter information, WILL NOT measurably increase the amount of time it takes to put the absentee ballot into a tabulating machine or box. Holding the absentee ballot in its envelope until Election Day WILL strike a balance between encouraging voters to use the absentee ballot process during the pandemic and the strong possibility that late-breaking events may cause voters to rethink how they cast their votes for a person or other ballot item.

Thank you for considering my input and thank you for your service to our great state,

Pete Basiliere

Voting Sheets

**Senate Election Law
& Municipal Affairs Committee**
EXECUTIVE SESSION RECORD
2020 Session

Bill # HB 1266

Hearing date: 6/25/20

Executive Session date: 6/25/20

Motion of: OTP Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Levesque, Chair	☒	☐	☐	☐	☐
Sen. Sherman, Vice Chair	☒	☒	☐	☐	☐
Sen. Morgan	☒	☐	☐	☐	☐
Sen. Birdsell	☒	☐	☒	☐	☐
Sen. Gray	☒	☐	☐	☐	☐

Motion of: A → 1574s Vote: 4-1

Committee Member	Present	Made by	Second	Yes	No
Sen. Levesque, Chair	☒	☐	☐	☒	☐
Sen. Sherman, Vice Chair	☒	☒	☐	☒	☐
Sen. Morgan	☒	☐	☐	☒	☐
Sen. Birdsell	☒	☐	☒	☒	☐
Sen. Gray	☒	☐	☐	☐	☒

Motion of: OTP/A Vote: 4-1

Committee Member	Present	Made by	Second	Yes	No
Sen. Levesque, Chair	☒	☐	☐	☒	☐
Sen. Sherman, Vice Chair	☒	☐	☐	☒	☐
Sen. Morgan	☒	☐	☐	☒	☐
Sen. Birdsell	☒	☐	☐	☒	☐
Sen. Gray	☒	☐	☐	☐	☒

Reported out by: Senator Sherman

Notes: 4 changes to original
Amendment also adopted by
Committee + given to OHS → Comm A #
1582s

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Thursday, June 25, 2020

THE COMMITTEE ON Election Law and Municipal Affairs

to which was referred **HB 1266**

AN ACT relative to absentee ballot request forms.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 4-1

AMENDMENT # 1582s

Senator Tom Sherman
For the Committee

Tricia Melillo 271-3077

General Court of New Hampshire - Bill Status System

Docket of HB1266

Docket Abbreviations

Bill Title: (Second New Title) making temporary modifications to the absentee voter registration, absentee ballot application, and absentee voting processes in response to the novel coronavirus (Covid-19) disease.

Official Docket of HB1266.:

Date	Body	Description
12/2/2019	H	Introduced 01/08/2020 and referred to Election Law HJ 1 P. 15
1/9/2020	H	Public Hearing: 01/14/2020 10:30 am LOB 308
2/10/2020	H	Subcommittee Work Session: 02/12/2020 10:00 am LOB 308
2/18/2020	H	Subcommittee Work Session: 02/20/2020 03:00 pm LOB 308 (or after session)
2/12/2020	H	Executive Session: 03/03/2020 11:00 am LOB 308
2/12/2020	H	==CONTINUED== Executive Session: 03/04/2020 11:00 am LOB 308 (if not exec'd on the 3rd)
3/5/2020	H	Committee Report: Ought to Pass with Amendment #2020-0791h for 03/11/2020 (Vote 16-4; RC) HC 10 P. 51
3/12/2020	H	Amendment #2020-0791h : AA VV 03/12/2020
3/12/2020	H	Ought to Pass with Amendment 2020-0791h: MA VV 03/12/2020
6/18/2020	S	Introduced 06/16/2020 and Referred to Election Law and Municipal Affairs; SJ 9
6/19/2020	S	Remote Hearing : 06/25/2020, 02:05 pm; SC 24
6/19/2020	S	Remote Hearing : 06/25/2020, 02:10 pm, on proposed amendment #2020-1562s ; SC 24
6/19/2020	S	Committee members will receive secure Zoom invitations via email. SC 24
6/19/2020	S	Members of the public may attend using the following links: SC 24
6/19/2020	S	1. To sign-in and/or speak in support or opposition, please register in advance by using this link: https://www.zoom.us/webinar/register/WN_PTTnQnIkQP-k8rHDlcyGiw SC 24
6/19/2020	S	2. To submit your testimony to the committee, please send all documents via email to remotesenate@leg.state.nh.us SC 24
6/19/2020	S	3. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799, or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833 SC 24
6/19/2020	S	4. Or iPhone one-tap: 13126266799,,91777487582# or 19292056099,,91777487582# SC 24
6/19/2020	S	5. Webinar ID: 917 7748 7582 SC 24
6/19/2020	S	6. To view/listen to this hearing on YouTube, use this link: https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWra SC 24
6/19/2020	S	The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-3043). SC 24
6/25/2020	S	Committee Report: Ought to Pass with Amendment #2020-1582s , 06/29/2020; SC 25
6/29/2020	S	Committee Amendment #2020-1582s , AA, VV; 06/29/2020; SJ 9

6/29/2020	S	Sen. Sherman Floor Amendment #2020-1608s , AA, VV; 06/29/2020; SJ 9
6/29/2020	S	Ought to Pass with Amendments 2020-1582s, and 2020-1608s, RC 24Y-0N, MA; OT3rdg; 06/29/2020; SJ 9
6/30/2020	H	House Concurs with Senate Amendment (Rep. Cote): MA RC 221-101 06/30/2020
7/1/2020	S	Enrolled Bill Amendment #2020-1616e Adopted, VV, (In recess of 06/29/2020); SJ 9
7/6/2020	H	Enrolled Bill Amendment #2020-1616e : AA VV 06/30/2020
7/10/2020	S	Enrolled (In recess 06/29/2020); SJ 9
7/10/2020	H	Enrolled 06/30/2020 HJ 10
7/17/2020	H	Signed by Governor Sununu 07/17/2020; Chapter 14; I. Sec. 10-13 Eff: 01/01/2021 II. Rem. Eff: 07/17/2020

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 1266

Senate Committee: ElmA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

☒ Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

☒ Bill version as it came to the committee

☒ All Calendar Notices

☒ Hearing Sign-up sheet(s)

☒ Prepared testimony, presentations, & other submissions handed in at the public hearing

☒ Hearing Report

☒ Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

☒ - amendment # 15625 ☒ - amendment # 15825

☒ - amendment # 15745 _____ - amendment # _____

☒ Executive Session Sheet

☒ Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

☒ - amendment # 16085 _____ - amendment # _____

_____ - amendment # _____ _____ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

_____ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

☒ Enrolled Bill Amendment(s) 1616 EBN

_____ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

☒ as amended by the senate _____ as amended by the house

☒ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Committee Aide

Date

Senate Clerk's Office ALC

June 30, 2020
2020-1616-EBA
06/04

Enrolled Bill Amendment to HB 1266

The Committee on Enrolled Bills to which was referred HB 1266

AN ACT making temporary modifications to the absentee voter registration, absentee ballot application, and absentee voting processes in response to the novel coronavirus (Covid-19) disease.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1266

This enrolled bill amendment contingently renumbers an RSA section to avoid conflict with HB 1672-FN.

Enrolled Bill Amendment to HB 1266

Amend the bill by inserting after section 13 the following and renumbering the original section 14 to read as 15.

14 Contingent Renumbering; HB 1672-FN. If HB 1672-FN of the 2020 regular legislative session becomes law, then RSA 659:55-a, as inserted by section 9 of this act and as repealed by paragraph IV of section 13 of this act, shall be renumbered as RSA 659:55-c.