LEGISLATIVE COMMITTEE MINUTES

HB244

Bill as Introduced

HB 244 - AS AMENDED BY THE HOUSE

22Mar2023... 0957h

2023 SESSION

23-0467
08/10

HOUSE BILL ***244***

AN ACT relative to the printing of the election day checklist.

SPONSORS: Rep. Kuttab, Rock. 17; Rep. K. Perez, Rock. 16; Rep. Sweeney, Rock. 25; Rep. Prudhomme-O'Brien, Rock. 13; Rep. Popovici-Muller, Rock. 17; Rep. Lynn, Rock. 17

COMMITTEE: Election Law

AMENDED ANALYSIS

This bill changes the latest time that an absentee ballot may be requested.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 244 - AS AMENDED BY THE HOUSE

22Mar2023... 0957h

23-0467
08/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to the printing of the election day checklist.

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

1 Sending Absentee Ballots; Time Change. Amend RSA 657:15, I to read as follows:

I. When the verification required by RSA 657:12 or 657:13 has been made, the clerk shall retain the application and, without delay, personally deliver, email, or mail to the applicant the appropriate ballot and materials as described in RSA 657:7 through 657:8 or designate an assistant to deliver such materials to the applicant. The clerk's option to email an absentee ballot to a voter shall apply only to absentee ballot applications from UOCAVA voters. The clerk shall [~~send~~] ***mail*** absentee ballots in response to verified absentee ballot requests [~~until 5:00~~] ***that have been received by 12:00*** p.m. on the day before the election. ***The clerk shall deliver an absentee ballot to any voter requesting an absentee ballot in person up until 5:00 p.m. on the day before the election.*** The clerk may not designate as an assistant any person who is a candidate for nomination or office or who is working for such a candidate. Any ballots sent pursuant to the provisions of this section shall be mailed or delivered only by officials from the city or town clerk's office and delivered only to the applicant. If the address to which the absent voter's ballot is sent is outside the United States or Canada, such papers shall be sent by air mail. Said clerks shall keep lists of the names and addresses, arranged by voting places, of all applicants to whom official absentee ballots have been sent, and shall identify those official absentee ballots which have been returned to the clerk and shall record the absentee voter applicant information in the statewide centralized voter registration database. The lists shall not be available for public inspection at any time without a court order.

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

HB 244 - AS AMENDED BY THE SENATE

22Mar2023... 0957h
05/11/2023 1421s

2023 SESSION

23-0467
08/10

HOUSE BILL ***244***

AN ACT relative to the delivery of absentee ballots.

SPONSORS: Rep. Kuttab, Rock. 17; Rep. K. Perez, Rock. 16; Rep. Sweeney, Rock. 25; Rep. Prudhomme-O'Brien, Rock. 13; Rep. Popovici-Muller, Rock. 17; Rep. Lynn, Rock. 17

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HB 244 - VERSION ADOPTED BY BOTH BODIES

22Mar2023... 0957h
05/11/2023 1421s

2023 SESSION

23-0467
08/10

HOUSE BILL ***244***

AN ACT relative to the delivery of absentee ballots.

SPONSORS: Rep. Kuttab, Rock. 17; Rep. K. Perez, Rock. 16; Rep. Sweeney, Rock. 25; Rep. Prudhomme-O'Brien, Rock. 13; Rep. Popovici-Muller, Rock. 17; Rep. Lynn, Rock. 17

COMMITTEE: Election Law

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HB 244 - VERSION ADOPTED BY BOTH BODIES

22Mar2023... 0957h
05/11/2023 1421s

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STATE OF NEW HAMPSHIRE

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

CHAPTER 184
HB 244 - FINAL VERSION

22Mar2023... 0957h
05/11/2023 1421s

2023 SESSION

23-0467
08/10

HOUSE BILL *244*

AN ACT relative to the delivery of absentee ballots.

SPONSORS: Rep. Kuttab, Rock. 17; Rep. K. Perez, Rock. 16; Rep. Sweeney, Rock. 25; Rep. Prudhomme-O'Brien, Rock. 13; Rep. Popovici-Muller, Rock. 17; Rep. Lynn, Rock. 17

COMMITTEE: Election Law

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CHAPTER 184
HB 244 - FINAL VERSION

22Mar2023... 0957h
05/11/2023 1421s

23-0467
08/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to the delivery of absentee ballots.

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

184:1 Sending Absentee Ballots; Time Change. Amend RSA 657:15, I to read as follows:

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184:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: August 04, 2023
Effective Date: October 03, 2023

Amendments

Sen. Gray, Dist 6
April 18, 2023
2023-1412s
08/10

Amendment to HB 244

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

AN ACT relative to the delivery of absentee ballots.

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

I. When the verification required by RSA 657:12 or 657:13 has been made, the clerk shall retain the application and, without delay, personally deliver, email, or mail to the applicant the appropriate ballot and materials as described in RSA 657:7 through 657:8 or designate an assistant to deliver such materials to the applicant. The clerk's option to email an absentee ballot to a voter shall apply only to absentee ballot applications from UOCAVA voters. The clerk shall [~~send~~] ***mail*** absentee ballots in response to verified absentee ballot requests [~~until 5:00~~] ***that have been received by 12:00*** p.m. on the day before the election. ***The clerk shall provide an absentee ballot to any voter requesting an absentee ballot in person at the clerk's office up until 5:00 p.m. on the day before the election or as may be provided elsewhere in Title LXIII.*** The clerk may not designate as an assistant any person who is a candidate for nomination or office or who is working for such a candidate. Any ballots sent pursuant to the provisions of this section shall be mailed or delivered only by officials from the city or town clerk's office and delivered only to the applicant. If the address to which the absent voter's ballot is sent is outside the United States or Canada, such papers shall be sent by air mail. Said clerks shall keep lists of the names and addresses, arranged by voting places, of all applicants to whom official absentee ballots have been sent, and shall identify those official absentee ballots which have been returned to the clerk and shall record the absentee voter applicant information in the statewide centralized voter registration database. The lists shall not be available for public inspection at any time without a court order.

AMENDED
ADOPTED

Election Law and Municipal Affairs
April 18, 2023
2023-1421s
08/10

Amendment to HB 244

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

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Committee Minutes

AMENDED
SENATE CALENDAR NOTICE
Election Law and Municipal Affairs

Sen James Gray, Chair
Sen Keith Murphy, Vice Chair
Sen Daryl Abbas, Member
Sen Donna Soucy, Member
Sen Rebecca Perkins Kwoka, Member

Date: April 4, 2023

HEARINGS

Tuesday	04/11/2023

Election Law and Municipal Affairs	Legislative Office Building 103	9:15 a.m.
(Name of Committee)	(Place)	(Time)

9:15 a.m.	**HB 154**	relative to the adoption of public health ordinances by municipalities.
9:30 a.m.	**HB 197-LOCAL**	relative to the proration of property tax exemptions.
9:45 a.m.	**HB 195**	relative to the definition of political advocacy organization.
10:00 a.m.	**HB 244**	relative to the printing of the election day checklist.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 154
Rep. J. Harvey-Bolia, Rep. Aron, Rep. Post, Rep. Pauer

HB 197-LOCAL
Rep. Maggiore, Rep. Ulery

HB 195
Rep. Lane

HB 244
Rep. Kuttab, Rep. K. Perez, Rep. Sweeney, Rep. Prudhomme-O'Brien
Rep. Popovici-Muller, Rep. Lynn

Tricia Melillo 271-3077

James P. Gray
Chairman

Senate Election Law and Municipal Affairs Committee

Tricia Melillo 271-3077

HB 244, relative to the printing of the election day checklist.

Hearing Date: April 11, 2023

Members of the Committee Present: Senators Gray, Murphy and Perkins Kwoka

Members of the Committee Absent : Senators Abbas and Soucy

Bill Analysis: This bill changes the latest time that an absentee ballot may be requested.

Sponsors:

Rep. Kuttab	Rep. K. Perez	Rep. Sweeney
Rep. Prudhomme-O'Brien	Rep. Popovici-Muller	Rep. Lynn

Who supports the bill: Rep. Kuttab, Julie Smith, Megan Schmitt, Cindy Kudlik, Dorothea Vecchiotti,

Who opposes the bill: Robert Berkman

Summary of testimony presented in support:

Representative Katelyn Kuttab

- This bill clarifies that the clerk will send absentee ballots until 12:00 p.m. on the day before the election.
- She would like an amendment that will change a couple of the words.
- Instead of saying "deliver" on line 8, it should be changed to the word "provide."
- After the words "in person" on line 9, add "at the clerks office" so that it is very clear that the clerk does not have to deliver an absentee ballot out of state.
- The purpose of this bill is that in some of the small towns, the clerk has to be in two places at once.
- For example, some post offices close at 2:00 p.m.
- The clerk is required to be, in person, at the town hall from 3:00 – 5:00 p.m. and we require them to mail the ballots until 5:00 p.m.
- It disenfranchises voters to imply that if they request an absentee ballot until 5:00 p.m., the clerk will send it out in time to reach them.
- Senator Gray asked if the language that is inserted in here restricts the clerks from delivering an absentee ballot to voters in their car if they cannot get into the polling place.
    - Rep. Kuttab replied that she believes that piece is covered under another RSA.

David Scanlan – Secretary of State

- He supports the amendment proposed
- It states that any voter who would like their ballot delivered to them through the mail should have their application in to the clerk by noon the day before the election.

- This is to give the clerk enough time to receive the application and mail the ballot before the post office closes.
- Additionally, it clarifies that any absentee voter can go to the clerk's office, in person, before 5:00 p.m. the day before the election, and request and receive an absentee ballot.

Kerrie Parker – NH City and Town Clerks Association

- The Association believes this is a good change to the law.
- They are in support of the amendment that has been suggested.
- It is unlikely that a voter that requests an absentee ballot the prior to an election, by mail, email or fax, will receive it in time.

Summary of testimony presented in opposition: None

TJM
Date Hearing Report completed: April 14, 2023

Speakers

Senate Election Law and Municipal Affairs Committee
SIGN-IN SHEET

Date: April 11, 2023 **Time:** 10:00 a.m.

HB 244 **An Act** relative to the printing of the election day checklist.

PRIME: Representative Kuttab

Name/Representing *(please print neatly)*

Rep. Robert Wherry / self	Support ☒	Oppose ☐	Speaking?	Yes ☐ No ☒
Kerri A-Parker NH Town Clerks Assoc	Support ☑	Oppose ☐	Speaking?	Yes ☑ No ☐
Rep Timothy Horrigan Stratford 18	Support ☐	Oppose ☑	Speaking?	Yes ☐ No ☑
DAVID SCANLAN SECRETARY OF STATE	Support ☒	Oppose ☐	Speaking?	Yes ☒ No ☐
Rep Katelyn Kuttab *Sponsor*	Support ☒	Oppose ☐	Speaking?	Yes ☒ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐

Senate Remote Testify

Election Law and Municipal Affairs Committee Testify List for Bill HB244 on 202

Support: 4 Oppose: 1

Name	Title	Representing	Position
Berkman, Robert	A Member of the Public	Myself	Oppose
Smith, Julie	A Member of the Public	Myself	Support
Schmitt, Megan	A Member of the Public	Myself	Support
Kudlik, Cindy	A Member of the Public	Myself	Support
Vecchiotti, Dorothea	A Member of the Public	Myself	Support

Testimony

Dear Senator Gray,

Following up on the hearing for HB 244 today relative to obtaining absentee ballots on the day before an election, I have reviewed the issue of disabled voters receiving absentee ballots on the day of the election because they are unable to enter the polling place. I believe RSA 659:20-a addresses that concern independently from HB 244 and no additional amending language is necessary. The amendment offered by Rep. Kuttab addresses any concerns we had with the bill.

Sincerely,

David Scanlan

603-271-3242

N.H. Rev. Stat. 659:20-a

Current through Chapter 1 of the 2023 Legislative Session

Section 659:20-a - Assistance in Voting; Disabled Voter

Any voter, after appearing at the polling place location prior to the closing of the polls to vote in person, who declares to the moderator under oath that said voter is unable to access a polling place due to disability shall, upon the voter's request, have the required documents delivered to the voter outside the guardrail by the town or ward clerk or one of his or her assistants. The absentee ballot delivered by the town or ward clerk shall be processed using the same procedures as any other absentee ballot except that the cutoff time listed in RSA 657:22 shall not apply.

RSA 659:20-a

Amended by 2017, 196:2, eff. 9/3/2017.Added by 2016, 88:1, eff. 7/18/2016.
2016, 88:1, eff. July 18, 2016. 2017, 196:2, eff. Sept. 3, 2017.

HB 244 - AS AMENDED BY THE HOUSE

22Mar2023... 0957h

23-0467
08/10

STATE OF NEW HAMPSHIRE

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AN ACT relative to the ~~printing of the election day checklist.~~ delivery of absentee ballots.

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

Voting Sheets

Reconsideration 5-0

Senate Election Law & Municipal Affairs Committee

EXECUTIVE SESSION RECORD

2023 Session

Bill HB 244

Hearing date: 4/11/23

Executive Session date: 4/18/23

Motion of: OTP/A **Vote:** 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	✓		✓	
Sen. Murphy, Vice Chair	X			✓	
Sen. Abbas	X			✓	
Sen. Soucy	X		✓	✓	
Sen. Perkins Kwoka	X			✓	

Motion of: 1412s **Vote:**

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray , Chair	X	✓		✓	
Sen. Murphy , Vice Chair	X			✓	
Sen. Abbas	X				
Sen. Soucy	X		✓	✓	
Sen. Perkins Kwoka	X			✓	

Motion of: Consent **Vote:** 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X		✓	✓	
Sen. Murphy , Vice Chair	X			✓	
Sen. Abbas	X			✓	
Sen. Soucy	X	✓		✓	
Sen. Perkins Kwoka	X			✓	

Reported out by: Sen. GRAY

Notes:

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Tuesday, April 18, 2023

THE COMMITTEE ON Election Law and Municipal Affairs

to which was referred **HB 244**

AN ACT relative to the printing of the election day checklist.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 1421s

Senator James Gray
For the Committee

This bill, as amended, modifies the latest date and time that an absentee ballot may be requested by mail or in person at the clerk's office. The clerk shall mail absentee ballots for verified ballot requests. The modifications allow enough time for the ballot to be received by the voter.

Tricia Melillo 271-3077

General Court of New Hampshire - Bill Status System

Docket of HB244

Docket Abbreviations

Bill Title: (New Title) relative to the delivery of absentee ballots.

Official Docket of **HB244.:**

Date	Body	Description
1/9/2023	H	**Introduced** (in recess of) 01/05/2023 and referred to Election Law **HJ 2** P. 8
2/16/2023	H	Public Hearing: 02/21/2023 10:30 am LOB 306-308
2/21/2023	H	==CANCELLED== Public Hearing: 02/28/2023 10:00 am LOB 206-208
2/21/2023	H	==RECESSED== Executive Session: 02/28/2023 02:30 pm LOB 206-208
3/8/2023	H	==CONTINUED== Executive Session: 03/15/2023 10:00 am LOB 206-208
3/16/2023	H	Committee Report: Ought to Pass with Amendment **#2023-0957h** 03/15/2023 (Vote 19-0; CC) **HC 16** P. 9
3/22/2023	H	Amendment **#2023-0957h**: AA VV 03/22/2023 **HJ 10** P. 14
3/22/2023	H	**Ought to Pass with Amendment** 2023-0957h: MA VV 03/22/2023 **HJ 10** P. 14
3/24/2023	S	Introduced 03/23/2023 and Referred to Election Law and Municipal Affairs; **SJ 12**
4/5/2023	S	**Hearing:** 04/11/2023, Room 103, LOB, 10:00 am; **SC 17**
4/19/2023	S	Committee Report: Ought to Pass with Amendment **#2023-1421s,** 05/11/2023; Vote 5-0; CC; **SC 21**
5/11/2023	S	Committee Amendment **#2023-1421s,** AA, VV; 05/11/2023; **SJ 14**
5/11/2023	S	**Ought to Pass with Amendment** 2023-1421s, MA, VV; OT3rdg; 05/11/2023; **SJ 14**
6/15/2023	H	House Concurs with Senate Amendment 2023-1421s (Rep. Berry): MA VV 06/15/2023 **HJ 16** P. 2
7/18/2023	S	Enrolled Adopted, VV, (In recess 06/29/2023); **SJ 20**
7/19/2023	H	Enrolled (in recess of) 06/29/2023 **HJ 17** P. 18
8/9/2023	H	Signed by Governor Sununu 08/04/2023; Chapter 184; eff: 10/03/2023 **HJ 17**

NH House	NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 244 **Senate Committee:** ELMA

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

X Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

X Bill version as it came to the committee
X All Calendar Notices
X Hearing Sign-up sheet(s)
X Prepared testimony, presentations, & other submissions handed in at the public hearing
X Hearing Report
N/A 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):

X - amendment # 1412s ___ - amendment #_____
X - amendment # 1421s ___ - amendment #_____
X Executive Session Sheet
X 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 #_____ ___ - 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)
___ 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:

Tricia Mello — Committee Aide
7/26/23 — Date

Senate Clerk's Office _____