

Senate Election Law and Municipal Affairs Committee

Jessica Bourque 271-2104

SB 213-FN, relative to absentee voting.

Hearing Date: February 4, 2025

Time Opened: 10:13 a.m.

Time Closed: 10:33 a.m.

Members of the Committee Present: Senators Gray, Lang, Rochefort, Perkins Kwoka and Long

Members of the Committee Absent : None

Bill Analysis: This bill changes the standard for absentee voting to "It is more likely than not" that a voter will be absent.

This bill also requires the presentation of proof of identity, citizenship, age, and domicile when applying for an absentee ballot.

Sponsors:

Sen. Gray

Who supports the bill: Senator Gray, Dave Nelson, Tina Guilford

Who opposes the bill: Kate Horgan, Olivia Zink, Michael O'Brien, Liz Tentarelli

Summary of testimony presented in support:

Senator Gray, Prime Sponsor

- People seem to be concerned with the term "more likely than not" which is a legal term that he thinks would solve one of the issues around absentee voting.
- This bill addresses the laws relevant to the absentee voting sections, and he hopes this will improve those sections.
- The Secretary of State would like to ensure that they receive all of the necessary documentation with those statutes, and this bill is his idea of how to clean up those statutes.

Senator Perkins Kwoka agreed that the standard "more likely than not" helps the average voter understand their eligibility to vote via absentee ballot and asked if this bill would require voters to send identifying information through the mail.

- Senator Gray responded that what the bill would do is already in the Secretary of State's voting manual.

- For people born in the state, the clerks have access to vital records and should have the records needed.
- Senator Gray believes that voters should have to have proof of identity information.

Summary of testimony presented in opposition:

Kate Horgan, New Hampshire Association of Counties

- Opposed to the bill as currently written but believes an amendment could change that.
- 80% of the people held in the county facilities are pretrial and still eligible to vote, and it is difficult for people in correctional facilities to obtain the documentation needed to vote absentee.
- Nursing homes would need hundreds of absentee ballots and people who reside in nursing homes often do not have a photo I.D.
- Would like to see the committee amend the bill to allow nursing home administrators and corrections superintendents to be able to verify the identity of individuals for absentee ballots.
- Needing a notary could be expensive for the facilities.

Senator Gray asked if a notary would be needed when dealing with an election official.

- Kate Horgan said as she read it, they would need a notary to complete the absentee ballot applications and reiterated that if it were allowable for the administrators and superintendents to verify the identifications, they could support the bill.

Olivia Zink, Open Democracy

- Absentee voting is nonpartisan, and research shows that neither party gains an advantage from absentee voting.
- The bill would make it harder for disabled voters to obtain an absentee ballot.
- According to the NCSL, the only states that require additional identification for absentee ballots are Alaska, Kentucky, South Dakota, and Wisconsin.
- Some voters are more likely not to have easy access to identifying documents.
- The 15th Amendment prohibits the federal and state governments from prohibiting any person the right to vote on race or color; she believes this will do that.
- Places financial burdens on voters.

Senator Perkins Kwoka said that placing burdens on absentee registration can lead to voter suppression and referenced a similar law in Kansas that led to voter suppression of 10% of voters and asked if Ms. Zink can speak to any problems that are currently unaddressed in New Hampshire that the bill seeks to clean up.

- Ms. Zink says she isn't aware of any.
- Does not think additional burdens are necessary.
- Would like to see the system more secure for all voters, not just for absentee voters.

- Thinks we need to think about people in the military who are overseas and might not have all of the documentation needed to vote absentee.

Micheal O'Brien, America Votes

- People who need absentee ballots are already a vulnerable group.
- In Kansas, over 30,000 voters were turned away when citizenship requirements were passed. Later, 99.9% were found to be citizens.
- Concerned about notary requirements, as notaries could be hard for people to access.
- To his knowledge there has never been a case of someone else casting another person's absentee ballot.
- He appreciates the "more likely than not" standard and feels it would help ease voters' concerns.

Senator Long asked if Mr. O'Brien would be ok with correctional facility superintendents and nursing home administrators verifying voters' identity.

- Mr. O'Brien said that he does not know about the particular issues of the county-run facilities, but they support anything that doesn't put additional burdens on voters.

Senator Long asked about the Kansas bill and asked if there is any data on what types of people were turned away.

- Mr. O'Brien said that courts have consistently said that you cannot place citizenship requirements on citizens.
- Mr. O'Brien noted that while clerks may have the information required for people born in New Hampshire, a substantial portion of New Hampshire residents are not originally from the state.

Senator Perkins Kwoka asked if there have been any cases of the NH Attorney General having to investigate someone for use of a citizenship affidavit who turned out not to be a citizen.

- Mr. O'Brien said not to his knowledge.