

Senate Election Law and Municipal Affairs Committee

Jessica Bourque 271-2104

SB 438, enabling the department of safety and the secretary of state to develop a process to share certain information regarding REAL ID applicants.

Hearing Date: January 20, 2026

Time Opened: 10:25 a.m.

Time Closed: 10:45 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 enables the department of safety and the secretary of state to develop a process to share certain information regarding REAL ID applicants.

Sponsors:

Sen. Perkins Kwoka
Rep. Telerski

Sen. Lang
Rep. Simpson

Rep. Lane

Who supports the bill: 163 people signed up in support of this bill. For the full list, please contact committee aide Jessica Bourque at jessica.bourque@gc.nh.gov

Who opposes the bill: 5 people signed up in opposition to this bill. For the full list, please contact committee aide Jessica Bourque at jessica.bourque@gc.nh.gov

Who is neutral on the bill: David Scanlan (NH Secretary of State), Brendan O'Donnell (NH Deputy Secretary of State), Tara White (NH Division of Motor Vehicles), Ashley Gray (NH Division of Motor Vehicles)

Summary of testimony presented:

Senator Perkins Kwoka, Prime Sponsor, Senate District 21

- This bill helps ensure that no eligible voter is denied the right to vote.
- Senate Bill 438 bill would allow the Department of Safety and the Secretary of State (SOS) to create a process for sharing specific information regarding Real ID applicants.
- Senator Perkins Kwoka said she met with Director Marasco from the Department of Motor Vehicles (DMV), who mentioned that if citizenship data is provided when obtaining a Real ID, then that information can be shared without compromising any privacy.

Senator Gray asked whether the law that changed last session, which gave the SOS and the DMV the authority to decide which records would be available, should be included in the bill. Senator Gray also mentioned that the new statute might already cover this bill.

Senator Perkins Kwoka said it would be helpful to know where that stands. This effort aims to ensure we are doing what we can and, as legislators, contributing our creativity to that process.

Senator Lang asked whether she would be willing to revise line 29 on page 1, which states “the secretary of state shall remove the photo image captured for the enhanced...” because, to obtain an enhanced license, you must agree to keep your photo online with the DMV.

Senator Perkins Kwoka said that makes sense, and she would be open to that change.

David Scanlan, NH Secretary of State

- Does not believe this bill is necessary because House Bill 464 (2025) authorized the SOS and DMV to create a Memorandum of Understanding to share information about citizenship and other data in their databases for identifying potential voters and that MOU is in the works.
- The photographic information is interesting, but he believes exchanging photographic information is a bit premature at this point because:
 - E-Poll books are rapidly increasing in the state, but many communities still don't have them.
 - To have the ability to transfer that amount of data, because photographs take up a lot of space, they might need more time to get that job done.

Senator Lang asked whether there is any HB 464 housekeeping that needs to be done and mentioned that, if so, they could possibly use this as a vehicle to do that.

Secretary Scanlan said he may come back with some language because the DMV needs some death data for their processes, and they may need to do that legislatively and with a specific MOU.

Senator Perkins Kwoka asked whether they had considered obtaining vital records from other states. For example, marriage certificates from other states.

Secretary Scanlan said they have researched what other states require to obtain those documents, but he mentioned they haven't started discussions yet. It may be easier if other states start doing what NH is doing, so there can be some reciprocity.

Senator Gray stated that, to his understanding, discussions with other states about voting-related issues do occur during Secretary of State meetings.

Secretary Scanlan said absolutely, yes.

Kate Horgan, Secure Democracy

- Supports this bill.
- About 70% of people in NH have a Real ID, making it one of the highest percentages in the country.
- Ms. Horgan believes this is information the state already had and rhetorically asked why it wouldn't be shared with the SOS.
- DMV Director Morasco and Secretary Scanlan have entered an MOU, but they might not be there forever. If they are no longer present, that MOU could be rescinded, which is why they believe it should be codified.

Senator Gray asked whether Ms. Horgan believes there are privacy considerations that might evolve over time, and whether including them in statute could cause future problems that could be easily resolved through an MOU.

Ms. Horgan said that she doesn't think putting this into statute would prevent a future MOU from going forward and doesn't believe it would create barriers to protecting privacy.

Bruce Borofsky, Madison

- There is a crisis of people not voting because they believe it is hard to register. As a result, many have become apathetic toward voting.
- We need to encourage people to vote.
- Mr. Borofsky urged the committee not to simply shoot down bills that don't meet the exact requirements, but instead to work on bills to develop solutions.
- We need to gather information from other states because it isn't easy for the average person to obtain vital records documents from them.

Bob Perry, Strafford

- Supports the bill.
- Has had many conversations with potential voters who believe Real ID is proof of citizenship.
- Mr. Perry is concerned that if someone shows up with a Real ID, they will be rejected.
- Many people don't realize that HB 1569 (2024) repeals the use of all sworn affidavits.
- Two weeks ago, his son applied for a Real ID, and when he showed the short-form birth certificate, it was rejected. Luckily, he had the long form with him, or he would have had to go retrieve it.
- The guidance the SOS and DMV provide should say that the raised seal or stamp is necessary.

Sarah Chouinard, NH Campaign for Voting Rights

- Created the poll observer program, and last year, one of the main issues they identified was confusion with people mistakenly believing the Real ID fulfilled proof of citizenship requirements.
- Ms. Chouinard said that any way we can help people meet the document requirements and vote without any burdens would be helpful.

Sue Nastasi, Supervisor of the Checklist for Rollinsford

- A common complaint is that when people show their Real ID, they believe it's enough to prove citizenship, but it isn't, which frustrates them.
- Granite Staters have confidence in both the SOS and DMV, and it would be helpful if these departments coordinated so that Real ID can be used on Election Day.

Senator Lang asked if she knew that non-US citizens can get a Real ID

Ms. Nastasi said yes, but proposed that maybe there could be different Real IDs, one for citizens and one for non-citizens.

Tara White, Driver License Director, DMV, and Ashley Gray, DMV

- They wanted to appear before the committee because the bill mentions enhanced licenses, clarifying that NH currently does not offer them. NH is authorized to provide enhanced licenses, but they haven't implemented it yet due to the cost and the process itself.

Senator Gray asked if they know anything about the MOU that the SOS and DMV entered into.

Ms. Gray said not to the point where she could answer questions.

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Date Hearing Report completed: January 23, 2026