

Senate Election Law and Municipal Affairs Committee

Jessica Bourque 271-2104

HB 365-FN, relative to proof of United States citizenship for indigent voters.

Hearing Date: February 17, 2026

Time Opened: 10:04 a.m.

Time Closed: 10:17 a.m.

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

Members of the Committee Absent: Senator Perkins Kwoka

Bill Analysis: This bill provides a procedure for local election officials and the secretary of state to verify the citizenship of a voter who does not have documentary proof of citizenship. This bill also creates a voucher program for local election officials to give to indigent voters who cannot afford the cost of obtaining a birth certificate, requires the secretary of state to reimburse the municipality for the issuance of such vouchers, and makes an appropriation therefor.

Sponsors:

Rep. Lynn

Rep. Berry

Sen. Gray

Who supports the bill: 12 people signed in support of this bill. For a full list of names, please contact committee aide, Jessica Bourque @ jessica.bourque@gc.nh.gov

Who opposes the bill: 276 people signed in opposed to this bill. For a full list of names, please contact committee aide, Jessica Bourque @ jessica.bourque@gc.nh.gov

Summary of testimony presented:

Representative Lynn, Rockingham – District 17, Prime Sponsor

- This bill does two things:
 - This allows local election officials and the Secretary of State (SOS) to access various databases to help identify someone’s identity if they can't prove citizenship.
 - The argument against the current law regarding the documents needed to vote is that it is difficult and expensive for individuals to obtain their birth certificates. This bill would create a voucher program to help address this issue.

- Rep. Lynn stated that \$50,000 has been allocated for the vouchers, though he does not anticipate needing that entire amount.
- This process is expanding, and states are increasingly willing to allow this procedure across state lines.
- Rep. Lynn said he does not put too much weight on the argument about the costs of a birth certificate, noting that the most expensive state to get a birth certificate costs between \$20 and \$25.
- This would establish a process where, if someone was born in another state and does not have a passport, the voucher system would enable the SOS to provide funding for the person to obtain the necessary documents.
- Rep. Lynn stated that few individuals would likely need to use this bill and added that this bill aims to address those issues.

Senator Gray asked whether Rep. Lynn could list the types of records available to city clerks and polling places.

Rep. Lynn replied that he did not know the answer to the question.

Senator Gray said that records such as DMV, birth, marriage, and previous voting records are accessible at polling stations because of a bill that passed last year.

Rep. Lynn stated that Georgia, which employs a system similar to this bill, faced a legal challenge in federal court, and the court upheld the practice.

Sarah Ortiz, Open Democracy

- Opposes this bill.
- This bill aims to address issues within NH proof of citizenship laws.
- It adds cost, bureaucracy, and uncertainty to the voting process for those registering to vote on registration day.
- Ms. Ortiz stated that in the 2024 General election, 93,000 New Hampshire citizens used same-day voter registration. Adopting this bill will disproportionately affect this group.
- This bill mandates that local officials must contact the SOS to confirm citizenship validity.
- Ms. Ortiz said that the wording about “reasonable efforts” is unclear and doesn’t specify how those efforts would be demonstrated on a busy election day.
- The bill states that “neither local election officials nor the secretary of state’s office shall be required to expend such time or effort on citizenship verification, as would unreasonably interfere with their other election day duties.” Without clear definitions, it would be unclear how much effort officials would need to expend to verify an individual's citizenship, and the process would largely depend on their workload at the time, leaving each official to interpret the

situation. Ms. Ortiz said that relying on undefined standards under time constraints increases the risk of inconsistent application.

- Ms. Ortiz described a scenario where a person goes to vote and forgets their required documentation, but cannot afford the necessary items. To receive a voucher, they must claim indigence, which may require revealing financial hardship to neighbors and other community members to exercise their right to vote. Ms. Ortiz stated that requiring a voter to publicly declare indigence would undermine the dignity of voting.
- Ms. Ortiz said that in Michigan, the cost of a birth certificate can be up to \$65, and it cannot be issued on the same day, removing the advantage of same-day voting.
- Ms. Ortiz asked why affidavits are accepted for financial status but not for verifying citizenship. Falsely claiming citizenship has harsher penalties than falsifying financial information, so if we can trust voters in one situation, we should trust them in the other.
- New Hampshire's close races increase the importance of allowing each legal voter to register.
- Ms. Ortiz stated that integrity and access are not conflicting values and argued that measures to prevent rare cases of fraud should not impede eligible voters.

Senator Lang said that, as he reads the bill, it removes barriers to voting.

Ms. Ortiz replied that, on the face of the bill, it can remove barriers by providing a voucher, but it does not address same-day voting.

Senator Lang cited that the bill provides an alternative method to proving citizenship. Senator Lang asked why someone would object to that.

Ms. Ortiz agreed that it is a potentially positive step, but it only applies to residents born or married in the State of NH. She understands that the SOS would not have access to records of individuals who were not born in NH.

Senator Lang cited lines 6-9 of the bill, which says “The secretary of state shall make reasonable efforts to determine whether the person is a United States citizen by accessing relevant and available in-state, out-of-state, and federal databases that contain such information.” Senator Lang asked if that would be a positive step for voting access.

Ms. Ortiz responded that updating the database search would be a good change and agrees that voters should be citizens. She mentioned that her questions about this bill focus on the bill's wording, what constitutes “reasonable efforts,” and how the SOS's access to such databases is determined. Ms. Ortiz stated that she has heard in other hearings that the SOS does not have access to all of the databases. She argued that the bill might discourage eligible voters who could influence an election outcome.

Senator Gray said he interprets Ms. Ortiz's testimony to mean that the provisions in this bill are good, but because it lacks an affidavit, she is opposed.

Ms. Ortiz noted that her main concern is the wording, which is why she opposes the bill. For example, “reasonable effort.” What defines “reasonable effort”? That would depend on workload and the number of people in line at the time, which doesn’t guarantee fair access or consistent enforcement across all municipalities.

Senator Long referenced line 11 on the first page of the bill, which states that confirming citizenship through a database “shall not unreasonably interfere with election day duties.” He asked Ms. Ortiz whether she believes this guarantees that the SOS will use all available verification options before deciding that additional efforts would be unreasonable interference.

Ms. Ortiz said no. It is leaving it up to personal interpretation, the length of the lines, the wait time, and the SOS's access to which databases. There is no guarantee for anybody in that language.