

SB 438 - AS INTRODUCED

2026 SESSION

26-2240

08/09

SENATE BILL **438**

AN ACT enabling 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, Dist 21; Sen. Lang, Dist 2; Rep. Lane, Merr. 16; Rep. Telerski, Hills. 11; Rep. Simpson, Rock. 33

COMMITTEE: Election Law and Municipal Affairs

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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

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

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

1 1 New Section; Identification. Amend RSA 659 by inserting after section 13-b the following new
2 section:

3 659:13-c Citizenship Information; Secretary of State; Department of Safety.

4 I. Notwithstanding any other provision of law, any United States citizen applying for an
5 enhanced identification card pursuant to RSA 260:21-b shall be given the opportunity to have their
6 photo image and information regarding their United States citizenship shared with the secretary of
7 state for voting identification purposes. The commissioner of the department of safety and the
8 secretary of state shall develop an agreement to electronically transmit photo images and
9 information related to United States citizenship securely and confidentially by January 1, 2027.

10 II. The secretary of state shall transmit photo images and information related to United
11 States citizenship to the appropriate clerk to be used by the clerk, moderator, or supervisor of the
12 checklist for purposes of identification, if applicable. The secretary of state shall transmit photo
13 images and other United States citizenship information to the appropriate clerk within 3 days of
14 receipt of such photos and information. Notwithstanding any other provision of law, the photo image
15 and United States citizenship information provided shall satisfy proof of citizenship documentation
16 requirements pursuant to RSA 654:7-a and RSA 654:12. In order to be used on election day, the
17 photo image and United States citizenship information shall be captured by the department of safety
18 no later than 14 days before the election.

19 III. In cities and towns that use electronic poll books under RSA 652:27, the clerk shall
20 download the photo image and United States citizenship information to the checklist no later than
21 the Friday before the election. In cities and towns that do not use electronic poll books, the clerk
22 shall confirm receipt of the photo image and United States citizenship information by marking the
23 column on the checklist for citizenship information under RSA 654:25. Nothing in this section shall
24 be construed as permitting the electronic poll book device to be connected to the Internet on election
25 day.

26 IV. The applicant may decline or withdraw consent to have his or her photo and United
27 States citizenship information shared with the secretary of state at any time by contacting the
28 department of safety. In the event the applicant declines or withdraws consent, the department of
29 safety and the secretary of state shall remove the photo image captured for the enhanced

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1 identification card promptly and the secretary of state shall remove information regarding the
2 applicant's United States citizenship promptly.

3 V. Nothing in this section shall be construed as enabling the registering of an applicant at
4 an office of the department of safety or impacting an applicant's voter registration status.

5 2 Preparing Checklist. Amend RSA 654:25 to read as follows:

6 654:25 Preparing Checklist. The secretary of state shall issue and distribute guidelines for the
7 content, composition, and style of checklists and for the maintenance of data related to checklists by
8 which the supervisors of the checklist shall compile and correct the checklist. Such guidelines shall
9 specify the information which will be maintained and updated by the supervisors. The secretary
10 shall establish standard forms and procedures for the use of the supervisors for the maintenance of
11 such information. The information to be maintained and updated shall include the full name,
12 domicile address, mailing address, *citizenship status, if the clerk has received such*
13 *information from the secretary of state under RSA 659:13-c*, and party affiliation, if any, of
14 each voter on the checklist and such other information as the secretary requires. Every checklist
15 used at any election shall at a minimum contain the full name, domicile address, mailing address,
16 and party affiliation, if any, of each voter on the checklist. The paper checklists used by ballot clerks
17 on election day need not include mailing addresses. The name and address of a voter shall not
18 appear on the checklist at the request of the voter if the voter presents to the supervisors of the
19 checklist a valid protective order pursuant to RSA 173-B. The name, domicile address, and mailing
20 address, if different, of such a voter shall be maintained on a separate list of voters, which shall be
21 nonpublic and not subject to RSA 91-A. If it is necessary to establish such a nonpublic list, the
22 public checklist shall be marked at the end with a notation of the number of voters whose names are
23 maintained on the nonpublic list.

24 3 Effective Date. This act shall take effect January 1, 2027.