

Senate Election Law and Municipal Affairs Committee

Jessica Bourque 271-2104

SB 287, requiring applicants for absentee ballots to present a copy of their photo identification with their application.

Hearing Date: March 11, 2025

Time Opened: 9:32 a.m.

Time Closed: 10:07 a.m.

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

Members of the Committee Absent: Senator Lang

Bill Analysis: This bill requires applicants for absentee ballots to present a copy of their photo identification with their application.

Sponsors:

Sen. Pearl

Sen. Birdsell

Sen. Murphy

Sen. Lang

Sen. McGough

Sen. Avard

Sen. Gray

Sen. Innis

Sen. Gannon

Sen. Sullivan

Rep. Hill

Rep. Moffett

Who supports the bill: Sen. Howard Pearl, Rep. Greg Hill, Secretary Scanlan

Who opposes the bill: Liz Tentarelli, Kaylie Efstratiou, Amanda Merrill, Bob Perry, David Trumble, Karen Rosenberg, Henry Klementowicz

Summary of testimony presented in support:

Senator Pearl, Prime Sponsor

- Election integrity is important.
- This bill says that if you want an absentee ballot sent to an address other than the one listed on your voter registration, you must have an accompanying document proving your ID or have the absentee application notarized.

Representative Greg Hill, Merrimack 2

- Rep. Hill gave a hypothetical situation: Suppose Senator Pearl goes to the bank and finds no money in his account. When Senator Pearl questions the bank, the bank produces a withdrawal request document with only a signature and no

proof of ID. Rep. Hill believes this is essentially what is happening in NH with absentee ballots.

- This bill ensures that clerks know the person requesting an absentee ballot is the registered voter.
- This bill is designed to make possible ballot thievery more difficult.
- Circulated a handout with data he worked on with the NH Secretary of State, with 2016 data regarding the number of multiple ballots sent to a single address outside NH.
- Handout is data only, not proof of anything. It could be that the ballots went to a college or university and were later distributed to different dorms, for example.

David Scanlan, NH Secretary of State

- As he reads the bill, everything in this bill is permissive.
- This bill applies to a small number of voters; those who want their ballot mailed to an address other than the address listed on their registration.
- It allows voters the choice to show ID when requesting an absentee ballot, but it doesn't require it.
- Allows voters to choose to get their application notarized, it doesn't require it.
- If a voter chooses not to do either of those things, the application would then go through the signature match process.
- This bill would assure voters and election officials that a ballot will be counted because it has already been verified.
- The Northern Illinois report that says NH is the hardest state to vote in has been debunked. NH has high voter participation, which proves it isn't a challenging state to vote in.

Senator Gray said that many towns visit nursing homes to help complete absentee ballot requests and verify identity. Senator Gray said there is another bill in the legislature to help make that process more permissible and asked Secretary Scanlan if that is correct.

- Secretary Scanlan said Senator Gray is correct.

Senator Gray said that military voters outside the United States have a separate list of federal requirements that this bill would not affect and asked Secretary Scanlan if that is correct.

- Secretary Scanlan said Senator Gray is correct.

Summary of testimony presented in opposition:

Liz Tentarelli, League of Women Voters of NH

- It would make more sense to allow someone to put in a driver's license number or non-driver ID in lieu of a notary or showing ID.
- It is not universally possible for absentee voters to show an ID or have an application notarized.

- The signature match section is problematic. For example, someone with arthritis has a different signature day to day.
- Asked why we are trying to fix a problem that has not been identified.

Senator Perkins Kwoka asked Ms. Tentarelli to expand on the signature match portion.

- Ms. Tentarelli answered that it stems from a 2018 case and the ACLU can testify further.

Kaylie Efstratiou, Open Democracy

- This bill will affect voters with disabilities, military voters, and elderly voters the most.
- There are several valid reasons why someone might want their ballot mailed to a location different from the address listed on the checklist.
- Asked the committee to consider what is more critical, combatting the hypothetical threat of voter fraud or protecting the constitutional rights of community members.

Kaylie Efstratiou read testimony from former Senator Amanda Merrill.

Senator Perkins Kwoka asked if Ms. Efstratiou thinks some people aren't at the hearing because it is town meeting day.

- Ms. Efstratiou said she believes that is correct.

Bob Perry, Strafford

- It is common for voters to request that an absentee ballot be mailed to them at a different address than the one on the checklist.
- Very few election workers are handwriting experts.
- Saucedo v. Gardner (2018) struck down absentee ballot affidavit.
- Many voters do not have transportation or reliable printers, and many do not have the option to ask others for help.

David Trumble, Weare

- Voting is a fundamental right.
- NH is the most difficult of all U.S. States to vote in.
- No evidence of fraud in 2020 when absentee voting had record numbers.
- Bringing a photo ID to a town clerk or exercising the notary public option requires transportation.
- Paying a notary public could be considered a "poll tax".
- Signature matching is a concern.
- People overseas can't go to the town clerk.
- This bill is overly broad.

Henry Klementowicz, ACLU

- This bill says that if someone doesn't submit a photo ID or have their request notarized, then the request will be sent through the signature matching process.
- The courts blocked the signature matching process in Saucedo vs. Gardner (2018) where they found several issues with the NH signature matching process:
 - Lack of uniformity.
 - Lack of training in handwriting analysis.
 - Lack of guidance by the Secretary of State.
 - Voters need to have an opportunity to cure if their signature is rejected.
- Does not believe this bill addresses the court's concerns.
- There is no evidence of absentee voting fraud being presented in NH.
- This is a solution in search of a problem.