

Senate Election Law and Municipal Affairs Committee

Jessica Bourque 271-2104

AMENDMENT # 2025-1807s, prohibiting certain candidates for political office from participating in counting ballots, enabling the use of certain personal information for determining voter eligibility, and relative to the reorting of low value campaign donations. to HB 464, prohibiting certain candidates for political office from participating in counting ballots.

Hearing Date: May 6, 2025

Time Opened: 9:16 a.m.

Time Closed: 9:47 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 prohibits certain candidates for political office from participating in counting ballots.

Sponsors:

Rep. de Vries

Rep. H. Howard

Who supports the amendment: No one

Who opposes the amendment: Rep. Connie Lane, Liz Tentarelli, Olivia Zink, Andrew Harmon, Sarah Chouinard, Bob Perry, McKenzie Taylor

Who is neutral on the amendment: Joan Darie

Summary of testimony presented:

Senator Gray introduced non-germane amendment #2025-1807s

- Last year, much was said about removing affidavits.
- Senator Gray stressed that this amendment would not assume responsibility for individuals providing the information; however, he believes that if we have the information, we should utilize it.

- We have birth certificates, marriage, and divorce information for individuals born and/or who have been married or divorced in NH, as well as DMV information that we already use.
- The Secretary of State requested that the amendment use the term “previously or currently registered” instead of “currently registered” for citizenship and age verification. Senator Gray said he would like to discuss this in the executive session.
- This applies when someone registers to vote at a town or city hall.
- This would also apply on election day, although that information would be available by calling someone who can verify it over the phone or using a tablet. It would be the responsibility of the Secretary of State to determine how that would work.
- The Secretary of State would like to move sections 9 and 10 to December, which would still support the elections in the spring.

Senator Perkins Kwoka asked Senator Gray if he could clarify the language on lines 19 and 20 on page 2, asking if he would be open to discussing how this would balance with the amendment.

- This bill isn’t intended to replace voters' responsibility to provide information, but if we already have the records, it makes sense to use this information.
- At least 100 voters were turned away in the last election. Senator Gray said he feels like these records should be used to avoid that in the future.

Liz Tentarelli, League of Women Voters of NH

- Ms. Tentarelli said she is worried about the upcoming city elections because people might think they don’t have to bring the necessary documents and may show up without documentation.
- There is no funding for this. Ms. Tentarelli would like to see where the funding will come from.
- This idea needs further development. She doesn’t believe this bill is ready to be passed at this time.

Joan Dargie, NH City and Town Clerks Association

- Appreciates their efforts to incorporate more methods for qualifying voters.
- Concerns persist about residents in nursing homes. For example, the only marriage records available through the Vital Records database are for marriages from 1959 to the present. If a marriage occurred before 1959, individuals seeking the records must go directly to the city or town where the marriage occurred. This raises concerns about same-day registrations,

and there is a desire for greater access for city and town clerks to facilitate this process.

McKenzie Taylor, NH Campaign for Voting Rights

- Does not want to see voters turned away from the polls due to a lack of documentation, especially when we have this information available.
- Ms. Taylor would like to see the databases connected.
- At least 114 voters were turned away during the last election.
- Would like more details regarding the implementation of this amendment.
- Stressed that it is essential for this to work for both voters and election officials.
- Asked whether this is through a tablet, integrated, or telephone.
- This is progressing in the right direction.

Senator Lang asked Ms. Taylor whether she believes it is the state's or the voter's responsibility to prove their eligibility to vote.

- Thinks we can make it much easier for people to prove that. She said, for example, that a Real ID is not proof of citizenship, but when she received her Real ID, she had to prove her citizenship to obtain it.

Senator Lang followed up and asked if citizens have any obligation to prove that they are who they are.

- Believes that because we have laws saying they must prove citizenship, Ms. Taylor does not believe that is a constitutional requirement.

Bob Perry,

- The government continues to depend on Social Security information. The number of employees at Social Security has already decreased by approximately 2000, and 7000 more are expected to be eliminated.
- Common sense suggests this will negatively affect the agency's ability to provide services, resulting in unreliability. This may also cause mistakes that could disenfranchise eligible voters.

Olivia Zink, Open Democracy

- This amendment is changing campaign laws.
- The goal of this amendment is amazing, but there are concerns about how this can be achieved without turning away any eligible voter.
- On page 1, line 23, the language “determine voter eligibility” would be clearer if it used “eligible voters” because if a voter isn’t eligible, then they are not a voter.

- Staff cuts may create roadblocks to information from the Social Security Administration.
- Ms. Zink said she has concerns about who will be entering data. Will the data be limited to information that is already in the database, or will there be additional information entered by the Secretary of State or Supervisors of the Checklist?
- There seems to be an inconsistent standard for determining someone's right to vote.
- This amends RSA 654:12, III, the new language would require a voter registering to vote in a different town or ward to complete the voter registration form, and it isn't clear who "the" election official is.
- Asked to have the timeline for implementation clarified.
- It might be a good idea to do an earlier election as a test.
- Believes this also requires more robust reporting requirements for campaign contributions for smaller donations and is concerned this could turn into a slush fund.
- This amendment has a 5 p.m. reporting deadline, but other reporting deadlines are by midnight. I would like to see consistent reporting deadlines.

Senator Lang said the political committee section intends to prevent the creation of an unintentional crime.

- That is a small fish compared to the money we saw coming from out of state, and we should be worried about that. Ms. Zink said she isn't sure this language succeeds with intent.

Senator Lang asked if she thinks the voters have some responsibility but feels the government should also have some.

- Ms. Zink said she thinks voters have some responsibility and that most voters bring a driver's license or show whatever document they have. But what if a voter loses their birth certificate in a house fire. If the government already has that document, she thinks it should be able to be used for that person. It should be a partnership.
- Married women have a higher burden than others.
- If DMV has seen someone's birth certificate and the DMV knows that they are a citizen, then why can't election officials use that Real ID as proof that the person is a citizen?

Senator Perkins Kwoka said the language on lines 19 and 20

Andrew Harmon, New Hampton

- Regarding the requirement for people to show documentation to vote, he attempted to vote in local elections but was rejected because his birth certificate was from California, and officials believed it appeared to be fake.

- The more you tighten restrictions on the burden of proof, the more difficult it will be for people to vote.
- Online access, even if the internet is available in some locations, might still be unavailable.
- Suggests extending the implementation date.

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Date Hearing Report completed: May 12, 2025