

# Senate Election Law and Municipal Affairs Committee

*Jessica Bourque 271-2104*

**SB 437**, making a line on the return that enumerates the number of people who attempted to register to vote but were denied registration due to lack of required documentation.

**Hearing Date:** January 20, 2026

**Time Opened:** 9:15 a.m.

**Time Closed:** 10:24 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 makes a line on the return that enumerates the number of people who attempted to register to vote but were denied registration due to lack of required documentation.

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**Sponsors:**

Sen. Perkins Kwoka

Sen. Fenton

Sen. Rosenwald

Sen. Watters

Sen. Long

Sen. Lang

Sen. Altschiller

Rep. Lane

Rep. Telerski

Rep. Simpson

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**Who supports the bill:** 216 people signed to support the bill. For a full list of names, please contact committee aide, Jessica Bourque at [jessica.bourque@gc.nh.gov](mailto:jessica.bourque@gc.nh.gov)

**Who opposes the bill:** 4 people signed in opposed to the bill. For a full list of names, please contact committee aide, Jessica Bourque at [jessica.bourque@gc.nh.gov](mailto:jessica.bourque@gc.nh.gov)

**Summary of testimony presented:**

**Senator Perkins Kwoka, Prime Sponsor, District 21**

- This bill would add a line to collect data on the number of people denied registration because of lack of documentation.
- We want to ensure we make sound decisions in the laws we pass, measure the effects of our policies, and adjust them to improve outcomes.
- There is no reliable data from the Secretary of State's office on how many people's documentation was turned away.
- In 2024, 244 people were turned away due to a lack of documentation. However, we cannot verify this data, and this bill will help us gather more accurate information.

- This bill would ensure that we create the best voting laws possible while allowing people to vote and keeping our elections secure.

**Senator Gray** asked whether an individual is counted twice if they leave to obtain documentation and then come back and speak with someone else.

**Senator Perkins Kwoka** said she believes there is likely a way to collect that information digitally with poll books so that it can be synced, and she also believes there are many protections to prevent people from voting twice.

**Senator Gray** asked whether that would require an appropriation to update poll books to include people who aren't listed in the poll book to begin with.

**Senator Perkins Kwoka** said maybe some kind of minor adjustment, but she thinks that it would be a pretty simple thing and there isn't a fiscal note on this bill.

**Senator Gray** said he believes there are ways to game the system and asked Senator Perkins Kwoka how to prevent that.

**Senator Perkins Kwoka** said if they are bringing in documentation. With this bill, we are trying to find out how many people are turned away from a public policy perspective.

**Senator Lang** said he is a co-sponsor, but he now has an issue with it. How would you stop someone who travels from place to place without documentation and just drives around, causing the number to rise?

**Senator Perkins Kwoka** said the main point is that they are trying to identify people who only have, say, a utility bill with them, and Senator Perkins Kwoka believes there's a way to get past that.

#### **Dan Healey, Nashua City Clerk**

- Supports this bill.
- Implemented an informal tracking of this information just to get an idea of the numbers.
- Thinks it is a good idea to put it on the return form so you can collect data across the state.
- If we don't know how many people are turned away, then we don't know if that is effective.
- Nashua implemented three poll pads in three of its nine wards.
- Right now, we are not giving a poll pad to the deputy registrars.
- Some type of sheet could be made to share amongst poll workers, but at the end, you can look at those sheets and see if someone came multiple times.
- A veteran was turned away in one of their wards because the veteran thought they could use their military ID to prove citizenship, which they cannot. The person left to get their passport but never came back.

- Putting it on the return form makes it easy to track this.

**Senator Gray** asked whether speaking with two different people counts as two separate contacts. He also mentioned that there are multiple people who register voters and raised the concern that if someone goes to lunch, there's no way to be sure that a number isn't being inflated.

**Mr. Healey** said he thinks that kind of thing could be easily reconciled at the end of the night.

**Senator Gray** said, but the bill, as written, doesn't require anything more than a checkmark.

**Mr. Healy** said he believes that, as the bill is worked on, a solution to that could be found.

**Senator Gray** asked if Nashua posts the ward map and inquired what happens if someone realizes they are in the wrong ward and leaves to go to the correct ward. How would that be counted? Senator Gray said he is trying to determine how much of a burden this will be on the clerks.

Mr. Healey said Senator Gray's statement isn't necessarily true because turning people away from voting actually reduces clerks' work. After an election, there is a lot of paperwork to do.

**Senator Gray** asked what Nashua did in the most recent election, did they do anything about having all of Nashua's records or other new implementations about having other documentation, did Nashua do any of that?

**Mr. Healey** said yes for the municipal elections.

**Senator Gray** asked Mr. Healey to return with data on the new procedures so he can determine whether they are working.

**Mr. Healey** said that the numbers for local elections differ significantly from those for a presidential election. In a local election, Nashua typically has about 12,000 voters, while in a presidential election, turnout is around 50,000. Mr. Healey mentioned that he guesses there are about two people per ward, but that estimate is anecdotal because there isn't tracking in place.

**Senator Lang** said Mr. Healey mentioned it was difficult to implement in Nashua and noted that it is just one town. He asked whether Mr. Healey has any concerns about the data and whether we are tracking data that might not be accurate.

**Mr. Healey** said that having a clear procedure with an actual form for the supervisors of the checklists is important, and he recommends collecting as much information as

possible before they leave. If they can obtain that information from the voter, it would help solve the problem.

**Senator Perkins Kwoka** said it seems to her that her colleagues are concerned with the data being good. Do you think it would be a good idea to amend this bill to add a name and address line to the data?

**Mr. Healey** said yes, he does think that is a good idea.

**Bruce Barofski, Madison**

- Supports this bill.
- There is a line between ensuring voters are legitimate citizens and making the process so difficult that legitimate citizens are not able to vote.
- Believes the number of those turned away outnumbers those who are fraudulent voters.
- This is a nonpartisan issue and encourages the committee to amend the bill as needed to address their concerns and move it forward.

**Bob Perry, Strafford**

- Supports this bill.
- This bill can be amended to address the issues that have come up.
- During the last election in Manchester Ward 8 last September, he observed someone who appeared to have been purged, and even the election workers couldn't assist him, which left him angry. He also noticed another person with the same issue. Three voters, confirmed by election workers, were allowed to vote.
- Our Secretary of State is making use of his limited options to inform the public.
- The feedback data is critical in how the legislature can better assist the voice of average voters to influence what kind of country they wish to live in.

**Senator Gray** asked whether Mr. Perry is aware of the bill that passed last year requiring the full database to be at the location to look someone up and to be allowed to vote if they had previously voted.

**Mr. Perry** knows that, and he thinks maybe the purged voter was actually based on his own assumption.

**Senator Perkins Kwoka** asked if Mr. Perry believes that the slight burden of trying to collect this data outweighs the possible burden of someone trying to exercise their right to vote.

**Mr. Perry** said he does believe that and thinks this is a good starting point, and we can go from there.

**Senator Lang** asked if Mr. Perry believes all registered voters must prove their domicile, age, citizenship, and name to be able to vote.

**Mr. Perry** said he does believe that.

**Kaylie Efstratiou, Open Democracy**

- Supports this bill.
- This bill ensures that the state is collecting basic information about how our election laws are functioning.
- Ms. Efstratiou believes that the state has an obligation to assess the impact of changes to voting laws.
- As a poll observer last September, she saw a former NH Executive Councilor being turned away. The man had recently moved to a new ward and didn't have proof of address. After going home to gather the necessary documents and returning, another problem arose: his name had been removed due to a National Change of Address form. According to current law, he couldn't re-register without proof of citizenship, which he did not have with him. HB 464 did not take effect until after this election.
- Even if HB 464 had been in effect, HB 464 does not apply to every voter facing registration difficulties.
- Without this bill, there would be no public record of incidents like these ever happening.
- This bill focuses on transparency, accountability, and responsible governance.

**Senator Gray** said her example will not happen again because the new law is in effect. Also, if they were removed from the database, they would have received a 30-day letter, and the data should be in the database, allowing them to be looked up. Ms. Efstratiou said this event took place before HB 464 took effect.

**Senator Perkins Kwoka** asked Ms. Efstratiou if having the data was important to verify that this wouldn't happen again.

**Ms. Efstratiou** said yes having the data collected by the state is important to ensure that this won't happen again. As of now, this case was not recorded.

**Senator Perkins Kwoka** asked if she knows if in Manchester, anecdotally names were recorded at all.

**Ms. Efstratiou** said her colleague might be able to speak to that.

**Senator Lang** asked if she believes folks should have to prove their age, name and domicile and citizenship to vote.

**Ms. Efstratiou** said yes.

**Senator Lang** said if they can't, should they be denied the right to vote.

**Ms. Efstratiou** said she believes there should be reasonable measures in place like an affidavit that they could sign under the penalty of perjury and allowed to vote.

**Dan Wise, Concord**

- Served as a poll observer and monitored the supervisor of the checklist table in Ward 4 in Concord.
- Three people were turned away during his two-hour shift. One of those people had recently moved to NH from another state and thought he had been registered with the DMV when he presented proof of birth, citizenship, and domicile to obtain his NH driver's license.
- An 18-year-old trying to vote for the first time had his driver's license but no proof of citizenship. He was dropped off on his way to school and couldn't go home to get that information.
- An older gentleman who had recently moved from Boscawen to Concord was turned away. The supervisor of the checklist tried to verify his identity using the statewide voter registration list, but his name wasn't on it. He did not know where his birth certificate was and wound up leaving upset.
- Mr. Wise does not believe there is a massive effort to organize people to have people go around and try to vote.
- I hope we measure the impact of the voter registration identification laws.

**Senator Perkins Kwoka** asked whether he would agree that this is the least that we can do to understand the impact of the laws we have made.

**Mr. Wise** said yes, even if the mechanism first developed is not perfect, let's look at it. He said he thought the Ward 4 checklist was trying to keep track of the numbers but is not sure if all of Concord was doing that.

**Senator Perkins Kwoka** said that there is a concern that we are creating a new burden for clerks, but isn't this new law also putting a burden on clerks? The case he described has folks calling around to other clerks and looking in additional places for verification.

**Mr. Wise** said he isn't familiar with what was required of the clerks with the affidavits. He does know that people came in with big packets of stuff and they still had to leave and go get more stuff.

**Senator Gray** said the new change in the law says that the data is now going to be available at poll locations. Such as past voting records, DMV records, vital records etc.

**Mr. Wise** asked rhetorically how hard it is to track the data.

**Senator Lang** clarified that an enhanced license proves citizenship, but a Real ID does not.

**Senator Gray** said no matter what we call it; the records will be there. There is a check mark in the DMV database that proves citizenship.

Senator Lang said he just wanted to clarify the three types of licenses.

### **Sarah Chouinard, NH Campaign for Voting Rights**

- Ran the nonpartisan poll program in all of the elections last year.
- Throughout the year, they tried to track any issue, but really tried to focus on HB 464.
- Identified more than 200 people who were turned away.
- Some voters come back, some don't return, and with others, we lose track of whether they voted or not.
- This is a common-sense measure to gather the data and track it.
- We heard today from a clerk who said this is something we could do with perhaps some changes.
- We should understand how eligible voters are being affected in the state when laws are changed.
- Spoke about HB 464 and the communication from the voter registration system to find out if you have been previously registered in the state to help satisfy the citizenship requirement and believes it is a good measure. However, after talking with election officials, it did increase the time needed to register voters. Extending registration from 15 minutes to sometimes an hour will cause longer lines at the polls and may lead some voters to leave before registering. There is no way to track those individuals.
- HB 464 does not apply to 18-year-olds who are trying to vote for the first time. She saw several turned away.
- Ms. Chouinard saw a situation where an elderly woman was turned away because she didn't have her marriage certificate. She had everything else, including her birth certificate. Her husband was allowed to vote, but she was not.

### **Devan Quinn, NH Woman's Foundation**

- Supports this bill.
- Thinks this is a great step to ensure that no voter, particularly women voters, is disenfranchised or turned away. And even more specifically, women who change their names after they get married.
- 80% of women who get married change their last name. In NH, this means that 34% of all women in NH have a changed last name after they get married.
- Understands the changes in the laws, but the new law might make it complicated to vote if you get married in another state.
- This might also be complicated for someone if they get married and change their name after the last time they voted.
- This also burdens women because schools are often closed on election day, and they have to make multiple trips with their children if they need to leave to pick up proof of ID, then come back with the children.

**Senator Perkins Kwoka** asked Ms. Quinn whether she thinks there could be a solution to the concerns about collecting accurate data and suggested that training might help.

**Ms. Quinn** said it makes a lot of sense for the SOS to explain how to collect this data. This is just one scenario; we won't be able to catch every single one. This bill is meant to give an idea of who is being turned away.

#### **Sue Nastasi, NH League of Women Voters**

- Supports this bill.
- Currently, the number of voters turned away has been counted, but having a law behind those numbers would be good.
- New voting laws have made registering to vote complicated and confusing.
- Educating the public is not a quick and easy process.
- Whenever a voter is turned away on election day, there should be transparency.
- Secretary Scanlan and his staff have done a lot to educate voters, and the posters they post on social media are very helpful.

#### **David Trumble, Weare**

- Supports the bill for three reasons.
- The system that is currently in place does not guarantee that you will catch 100% of the people who come to the polls and get turned away and until you have a system that can catch 100% of the people, we need to know who those people are and why they got turned away.
- There are many who will fall through the cracks such as new residents, women who change their name etc.
- Voting is a fundamental right that upholds all our other fundamental rights.
- What is the multiplier? We know 200+ people were turned away in a municipal election; what would that look like in a general election?

**Senator Lang** called Sarah Chouinard back because she was the organizer of the program that everyone cites for the 200+ people who were turned away, and asked her if her testimony was that the number of people who were turned away was nebulous because you don't know who came back and who didn't.

**Ms. Chouinard** said she was trying to establish her baseline with the research. Voting is private, so we can't know, for example, registration information. There are limitations to the data collection, but it also shows whether a person was turned away and had to come back. The data on the number of people who turned away was strict, but the number of people who returned is anecdotal.

#### **David Scanlan, NH Secretary of State, and Brendan O'Donnell, Deputy Secretary of State**

- Opposes this bill.
- It is important not to lose sight of what an election is.

- It is important to have an election so that we receive the votes of the voters, and we record the number of votes each candidate receives.
- This would set a precedent where we are using the official record that is reported by officials as a data collection tool. He asked whether we are going to collect data on every law passed.
- Determining who was turned away from the polls is abstract. It could be someone who just left their license in the car, which is easy to retrieve, whereas if someone left their wallet at home, that is different.
- The SOS office has been taking significant steps to encourage voters to register to vote prior to election day.
- It isn't right to collect nebulous data on the actual forms where we are trying to determine who won an election.
- Isn't saying the data wouldn't be useful, but believes it would be better to collect it in other ways.
- In 2012, the voter ID law was passed, and we tracked that data informally. It turned out that the concerns about people not having documentation was exaggerated quite a bit. The data showed otherwise.
- The SOS office didn't receive any complaints during the recent city elections about anyone being unable to register. The Attorney General's office only received one or two.
- The training that the SOS provides to election officials and poll workers is extensive. If local election officials believe they have a qualified voter who might be turned away without voting, they are instructed to call the AG's office or the SOS office to find out how they can assist the person to exercise their right to vote.

**Senator Perkins Kwoka** said she appreciates the argument that this is an official return form for the results of an election, but to her, the job of administering an election is holistic. She believes that not only should the numbers be collected, but also that the number of eligible voters who can participate should be maximized. Additionally, she emphasized that the available information, such as knowing where to go for information and who is eligible, is crucial. Isn't it important to know the facts about who is being turned away?

**Secretary Scanlan** said he agrees with everything Senator Perkins Kwoka expressed and that these are non-partisan concerns. There may be other ways to collect the information. We don't need data to know that we need to help eligible voters vote. We distribute pamphlets on how to register and what is required to vote in various locations, and we post on social media. The NH press is always supportive during elections. The SOS office encourages voters to take personal responsibility and not wait until the last minute to register to vote.

**Senator Perkins Kwoka** expressed her appreciation for the conversation and agreed that it is crucial to disseminate information to all kinds of special interest groups. She pointed out that some people still arrive without certain required documents. Senator Perkins Kwoka said that after hearing the testimony today, she has heard that over

200 people have been turned away from voting, including 22-year veterans denied the right to vote. However, the SOS office has not received any complaints. Senator Perkins Kwoka noted that this seems like an important discrepancy and asked Secretary Scanlan if he would be open to finding another way to work together to collect data.

**Secretary Scanlan** said he is always open to improving the process.

**Senator Long** asked if they often receive complaints from people who didn't follow the law.

**Secretary Scanlan** mentioned there are many complaints, not just about this issue, especially if voters believe their rights have been blocked.

**Senator Gray** said many people might not be aware of the changes made through vital records and asked Secretary Scanlan to elaborate.

**Secretary Scanlan** explained that when the Voter ID law was passed, it created an opportunity for people to get a voter ID at no cost through the DMV, and similar provisions have been made under the new updated law. For example, if a voter has lost a vital records document issued in NH, they can visit their town office to obtain another copy at no cost, as long as it is for voting qualification purposes only. Additionally, a list of websites for other states will be available to help voters find and obtain the necessary documents to vote.