

Senate Election Law and Municipal Affairs Committee

Jessica Bourque 271-2104

HB 317, preventing a supervisor of the checklist from verifying a person's identity without identification, even if they personally know that person.

Hearing Date: February 10, 2026

Time Opened: 10:22 a.m.

Time Closed: 10:36 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 prevents a supervisor of the checklist from verifying a person's identity without identification, even if they personally know that person.

Sponsors:

Rep. Burnham

Rep. Ankarberg

Rep. Potenza

Rep. Wherry

Rep. Wood

Rep. Panek

Who supports the bill: 15 people signed up in support of the bill. For a full list of names, please contact committee aide, Jessica Bourque, at jessica.bourque@gc.nh.gov

Who opposes the bill: 272 people signed in opposed to this bill. For a full list of names, please contact committee aide, Jessica Bourque, at jessica.bourque@gc.nh.gov

Summary of testimony presented:

Representative Wherry, Hillsborough - District 13

- Presented the bill on behalf of the primary sponsor.
- This bill prevents a supervisor of the checklist from verifying a person's identity without identification, even if they personally know that person.
- Election officials are expected to thoroughly verify a voter's identification when they vote.
- In the past, it has been reported that people were waved through when someone knew someone personally, which caused concerns among election observers because they were not given the same diligence as others.
- Wants to codify this to ensure it occurs consistently for reliable elections and election integrity.

Senator Perkins Kwoka asked whether there are any examples of this neighborly, community-oriented procedure has causing problems.

Rep. Wherry said that it has been reported that people were simply waved through, and we felt it was important to rectify this in a more rigorous fashion.

Senator Rochefort said he has a town of six people and asked whether this might be a little excessive for a town of six residents.

Rep. Wherry said it is possibly excessive for a town of six people, but verifying identification doesn't take long in such a small community. There was a time when a town moderator probably knew everyone, but that isn't necessarily true anymore.

Senator Lang stated that he has been a moderator for 15 years and has verified someone's identity multiple times, including for select board members. Is it an excessive use of power for him to verify that the select board member is who he says he is?

Rep. Wherry said he doesn't see that as excessive use of power. However, he can see why it might concern observers that one voter is being processed differently from others.

Rep. Charlie St. Clair, Belknap - District 5

- Has not heard of this being a problem.
- He has spoken with several town and city clerks who don't see a problem with this.
- The image of people being "waved through" is not quite a fair image.
- He was in a wheelchair because of a motorcycle accident. When he went to vote, everyone gathered around him to ask about the accident since they all knew him. Afterwards, he went to vote, and one of the people he was just talking to said they needed to see an ID, which he thinks is ridiculous.
- What is our society becoming if we can't do this? Doesn't it diminish a bit of our humanity that someone can't verify another person's identity?

Senator Gray stated that part of this complaint comes from Durham, because a supervisor of the checklist was waving students through.

Rep. St. Claire said that if that is the case, the supervisor should lose their job.

Senator Gray said that is the case.

Rep. St. Claire said he would hate to repeat hearsay.

Sarah Ortiz, Open Democracy

- The supporters of HB 317 talk about anecdotes of people being waved through, but there was no context with those scenarios. Perhaps those people came through earlier without identification, then left and returned with it.
- These stories without context shouldn't be enough to change statewide policy.
- This impacts eligible voters' access to the ballot with no history of there being an issue.

Tracy Walsh, Hanover Town Clerk

- Elected officials take this very seriously.
- In Hanover, we meet with all of our ballot clerks and ensure everyone understands who can verify and who cannot. The people who can verify identity are: the clerk, the deputy clerk, the moderator, and the supervisors of the checklist.
- We are very clear about this process: when this situation occurs, our ballot clerks raise a large flag in the air so observers can see that something is happening. And we are transparent about it, stating, "I, the town clerk, am verifying that this is so and so and domicile." This way, observers can feel confident that we are performing due diligence on each voter if they have not shown ID.

Senator Long said he has seen it in his ward, where everyone knows they are checking to verify someone. Is it the same with her elections?

Ms. Walsh said it is hard to say what an observer sees. But as we train our ballot clerks, we present this scenario to ensure we are overt and transparent when checking people in.