

Senate Election Law and Municipal Affairs Committee

Jessica Bourque 271-2104

HB 323, requiring the presentation of a government-issued photographic means of identification in order to vote.

Hearing Date: February 10, 2026

Time Opened: 9:48 a.m.

Time Closed: 10:22 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 requires the presentation of a government-issued photographic means of identification to vote.

Sponsors:

Rep. McFarlane
Rep. Sweeney
Rep. Spillane
Sen. Sullivan

Rep. Berry
Rep. Notter
Rep. Ulery
Sen. Gannon

Rep. Sellers
Rep. Soti
Rep. Kuttab

Who supports the bill: 16 people signed in support of this bill. For a full list of names, please contact committee aide, Jessica Bourque, at jessica.bourque@gc.nh.gov

Who opposes the bill: 469 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

- Introduced the bill on behalf of the prime sponsor.
- The purpose of this bill is to ensure that identity is verified when voting.
- This bill does not alter who is eligible to vote; it standardizes the process of verifying identity.
- Currently, 36 states require identification for voting, and at least 9 states require government-issued IDs.

- Rep. Wherry stated that approximately 4,800 out-of-state licenses were used in the 2024 General Election, and concerns about election security related to the use of out-of-state identification are increasing.
- Rep. Wherry referred to the Supreme Court case, *Dunn v. Blumstein (1972)*.
- Rep. Wherry argued that the concept of “colonization” is relevant when out-of-state IDs are routinely used and asserted that voters could come from other states to commit election fraud.
- Rep. Wherry noted that Chair Berry suggested including language that restricts the type of identification to the forms of identification listed in that section.

Senator Perkins Kwoka asked whether there were statistics or examples of fraudulent use of student identification that was later proved to be a false form of identification.

Rep. Wherry stated that historically, the easiest type of voting fraud to catch is when someone votes twice. It is harder to detect fraudulent use of identification. Rep. Wherry used an analogy: the speed limit on 93 is 65 miles per hour; some people exceed it, and not everyone who does is caught.

Senator Perkins Kwoka asked when the case cited by Rep. Wherry was decided.

Rep. Wherry responded that, although he didn't have the exact date, he believes the principle remains valid; he offered to send Perkins Kwoka a copy with information about the case.

Tracey Walsh, Hanover Town Clerk

- The Town Clerk’s Association opposes this bill.
- Unaware of any past fraudulent use of Dartmouth College student IDs.
- When preparing for this hearing, she spoke with officials at Dartmouth College about their process when issuing student IDs. The officials she spoke with said that photo IDs are reviewed before a student ID is issued.
- Ms. Walsh stated that the bill will disenfranchise voters, especially first-time voters.
- This bill assumes everyone drives. Licenses are not always easy to get for people who do not drive. Getting a voter ID requires a trip to the Department of Motor Vehicles in Newport, which is more than half an hour away for residents of Hanover.
- Disability and hardship can pose another hurdle to overcome when voting.

Senator Perkins Kwoka compared this bill to a similar bill that was in the Senate. Senator Perkins Kwoka requested clarification on Dartmouth College's process before issuing a student ID, that the process includes verifying identification before issuance.

Ms. Walsh confirmed that Dartmouth College's process is to verify identification before distribution. Ms. Walsh said she would be happy to share the contact information of the person she spoke with.

Senator Perkins Kwoka asked if freshmen can have cars at Dartmouth.

Ms. Walsh stated no, freshmen cannot have cars at Dartmouth.

Senator Perkins Kwoka asked if it would be challenging for a freshman to get a voter ID if they are a student at Dartmouth.

Ms. Walsh said yes, for students who register their cars in NH, her office follows the Department of Motor Vehicles directive instructing people to obtain their NH driver's license within 60 days.

Senator Lang asked about the process other schools in NH use to verify IDs.

Ms. Walsh said she doesn't have information about other colleges in NH, so she can't answer that question.

Michael O'Brien, NH Campaign for Voting Rights

- Opposed to this bill.
- Last year, 244 voters were initially turned away.
- Restricting student IDs is unnecessary because voters will need an alternative form of identification anyway.
- HB 595 (2013) allowed student IDs to be used. HB 595 was passed in a non-partisan manner, and hopes this is still a non-partisan issue.

Sarah Ortiz, Open Democracy

- The bill does not standardize the identification voting requirements in NH.
- Currently, under RSA 654:12, a student ID is explicitly permitted to establish identity at the time of registration, but under this bill, they could be turned away using those same documents.
- This bill aims to solve a problem that does not exist; there is no evidence that this is an issue.

Senator Lang asked whether a student could use a student ID to board a plane.

Ms. Ortiz said she didn't know the answer to that. Ms. Ortiz raised concerns about RSA 654:12, which permits individuals to register to vote using a student ID but not to vote with the same ID.

David Trumble, Weare

- Opposes this bill.

- *Symm v. United States (1979)* established that students have a constitutional right to vote where they attend college.
- NH's elections are safe and secure.
- Former Secretary of State Bill Gardner is noted as saying that in the forty years he served, there has never been a NH election that was won by the person who shouldn't have won it.
- Current Secretary of State, David Scanlan, has stated that our elections are safe and secure. Recently, Secretary Scanlan said there may have been 2-3 instances of voter fraud that he can think of.
- Voting officials are qualified and should be trusted to verify that the person in front of them is trying to vote legally. They can verify whether a college ID is valid.
- Bills like this perpetuate the notion that there is continuous fraud in our elections.
- Election officials have recently said that 20% of people are concerned that our elections are not safe, which is reducing our public confidence

Senator Perkins Kwoka asked if a student ID is presented for identity must also match the proof of domicile, citizenship, and age. And asked if it is one of Mr. Trumble's points that an election official would need to have a lot of evidence to verify identity?

Mr. Trumble confirmed that this is not the only form of identification; it is supplementary confirmation.

Senator Lang asked whether there is concern that a previous speaker said not all schools verify the identity of the person to whom they issue IDs.

Mr. Trumble explained that the previous person did not claim that other colleges are issuing incorrect IDs. They mentioned being aware of the process at one college only, not others. Mr. Trumble then said, depending on the committee's concerns, the committee could contact other colleges to verify their policies. Mr. Trumble then noted Senator Perkins Kwoka's comment that this is just one of multiple verification methods.

Senator Lang discussed the "ACID" test, which includes requirements for age, citizenship, identity, and domicile to receive a ballot. These rules apply equally to students and non-students; proof is required in both cases. Senator Lang asked whether student identification meets the "ACID" requirements.

Mr. Trumble stated that the system previously did not cause any voter fraud problems. If there were evidence of student ID fraud, then this bill could go forward, however, there is no evidence. There are less restrictive alternatives in this situation. You cannot reduce someone's fundamental right to vote without a compelling state interest or if there weren't a less restrictive alternative available; both of those elements would need to be there.

Senator Lang said voters can go to their town clerk's office to get a free voter ID. If they did that, it would ensure it was issued by a reliable government source and help mitigate concerns about school IDs. Senator Lang asked if this might be a more secure option than a school ID.

Mr. Trumble replied by recognizing Senator Lang's stance on a free ID. Mr. Trumble stated that this bill does not say "either or"; it bans the use of a type of ID for which we have no history of problems.

Senator Lang stated that voter fraud occurs in every election cycle, so claiming there is no voter fraud is inaccurate. A more precise statement would be that voter fraud is not widespread.

Mr. Trumble stated that the chance of fraud is less likely than being struck by lightning. While fraud does occur, weighing one fraud case per million ballots cast against the possibility that several hundred people might be unjustly prevented from voting, the decision should favor those who are legally eligible to vote. Both parties seek a 100% guarantee: Mr. Trumble wants to ensure everyone who can vote has the opportunity, while Senator Lang's goal is to eliminate all fraud.

Senator Gray raised his driver's license. Security features assure the validity of driver's licenses. Senator Gray asked whether school IDs have security features.

Mr. Trumble stated that this bill should be a study to begin conversations with colleges and universities about their ID issuance procedures and to examine their role in voting.

Senator Gray said it could be possible in the future, but questioned current considerations. Selecting only certain schools based on security features would be unreasonable.

Mr. Trumble said he wants to ensure that all eligible voters could vote. Mr. Trumble reaffirmed his concern about ensuring that those who have the right to vote can access the polls.

Senator Perkins Kwoka said the committee heard from a witness that the student ID was authorized as a form of identification by a prior legislature. Senator Perkins Kwoka asked whether Mr. Trumble believed that, if the committee were to look back to when this was enacted, if it would find that they examined the process colleges use to issue student IDs before passing the bill.

Mr. Trumble replied that he had not yet looked at that, but he would assume the legislature did not authorize the bill without considering that.

Senator Lang pointed out that every two years, some House races are decided by less than 20 votes, and a few could be swayed by only 1 or 2 votes. He emphasized the importance of verifying identification with government-issued ID.

Mr. Trumble said he's not worried about the one case of fraud out of a million, but he's concerned with the 244 people turned away and the over 1,000 people, for whom affidavits show they couldn't vote. He believes this issue is more likely to influence an

election than a single case of possible fraud. Mr. Trumble thinks the committee should focus on making sure everyone who is eligible and wants to vote can do so.

Senator Gray asked Ms. Ortiz to come back to the table and cited RSA 654:12, which Ms. Ortiz had previously noted. Senator Gray said that the law does not cover student identification for voting. Senator Gray asked whether there was a specific section that classified school IDs and permitted their use.

Ms. Ortiz, the school identification is under state-issued school identification. Ms. Ortiz also added that after researching, she found that student identification can be used to board an airplane.

Grace Murray, NH Youth Movement

- Ms. Murray states that bad weather and other issues made it hard to get to the polling station the first time she voted. After standing in the cold and rain for a couple of hours, she realized during registration that she didn't have her driver's license. Fortunately, she had her student ID, so she didn't have to start the process over.
- Ms. Murray discussed the validity of school IDs by sharing her experience of having to replace hers. She mentioned that when she lost her ID, she couldn't get it approved right away. Ms. Murray explained that she had to provide her name, student number, proof of enrollment, and proof of campus residency. After thorough record checks, she received her ID a week later.