

# Senate Election Law and Municipal Affairs Committee

*Jessica Bourque 271-2104*

**SB 219-FN**, requiring the secretary of state to enter into a membership agreement with the Electronic Registration Information Center.

**Hearing Date:** February 11, 2025

**Time Opened:** 9:19 a.m.

**Time Closed:** 9:53 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 secretary of state to enter into a membership agreement with the Electronic Registration Information Center.

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**Sponsors:**

Sen. Perkins Kwoka  
Sen. Altschiller  
Sen. Long  
Rep. Ward

Sen. Fenton  
Sen. Prentiss  
Rep. Bay  
Rep. Muirhead

Sen. Rosenwald  
Sen. Watters  
Rep. Wilhelm

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**Who supports the bill:** Senator Perkins Kwoka, Liz Tentarelli, Olivia Zink, Michael O'Brien, Matt Mooshian

**Who opposes the bill:** David Scanlan

**Summary of testimony presented in support:**

**Senator Rebecca Perkins Kwoka, Prime Sponsor**

- This bill would require the Secretary of State to enter into an agreement with the Electronic Registration Information Center (ERIC).
- ERIC is a nonprofit membership organization created by state election officials and controlled by election officials.
- ERIC analyzes motor vehicle and voter registration data to help improve the accuracy of state voter rolls and register more people to vote.
- Improves election security and helps keep voter lists accurate.
- ERIC has strong measures to protect voters' private information and data.
- Increases voter confidence in elections.
- This bill has bipartisan backing.

Senator Gray asked Senator Perkins Kwoka if she had any information about recent states withdrawing from ERIC.

- Senator Perkins Kwoka said that the folks speaking after her will be able to address that.

### **Liz Tentarelli, N.H. League of Women Voters**

- Supports this bill.
- Accurate voter registration rolls are the foundation of free, fair and accurate elections.
- ERIC was founded in 2012 by seven states that believe that using data-matching technology to improve and maintain accurate voter rolls would improve election integrity.
- A 2012 PEW Trusts.org study found that approximately 1 out of 8 United States voter registrations were no longer valid or significantly inaccurate, which is why it is important to cross-check voter rolls from state to state.

### **Olivia Zink, Open Democracy**

- 20 States are currently enrolled in ERIC.
- ERIC helps keep clean checklists and helps find cases of voter fraud.
- ERIC provides states with deceased records and other data which helps states investigate voter fraud.
- New Hampshire is the only state in New England that does not use ERIC.
- Lines 24 and 25 discuss paying for ERIC using the Help America Vote Act of 2002 (HAVA) funds. Ms. Zink believes this would be a great way to pay for ERIC.

Senator Lang said that nine states have left ERIC since 2022 and asked Ms. Zink how useful the tool is if states continue to leave.

- Ms. Zink said it is up to each state to decide.
- There could be multiple reasons why a state would leave.
  - Maybe it wasn't detecting voter fraud the way they had hoped.
  - Cost could be a factor.
  - They don't need it anymore.

Senator Lang followed up and asked if more and more states are leaving ERIC making it less effective then is it a wise investment for the State.

- Ms. Zink said that we used to be part of Interstate Crosscheck, but currently, we don't have any tool to help crosscheck voter rolls. Ms. Zink believes that any tool would be better than no tool at all.

Senator Rochefort asked if Ms. Zink could explain the Help America Vote Act of 2002.

- Ms. Zink said that HAVA is a federal grant that is used to administer elections and to purchase things like accessible voting equipment or cyber security.

Senato Gray asked what other requirements ERIC imposes upon municipalities besides providing their list.

- Ms. Zink doesn't think there are any other requirements regarding municipalities, but it does require the State to send a postcard to anyone who is not registered that explains how to register to vote. Doesn't think it requires the state to send multiple mailers describing how to register to vote. This is a one-time mailing.

Senator Gray asked if she was sure that it was only a one-time mailer because Senator Gray believes it is a periodic mailer.

- Ms. Zink said she would defer to Michael O'Brien to answer that question.

### **Michael O'Brien, America Votes**

- The debate for interstate crosschecks began about 10 years ago. At that time there were concerns about data security. During that debate, it became clear that comparing data between states is important to make sure voter rolls are accurate.
- Mr. O'Brien said that N.H. has not joined any other program since Crosscheck dissolved in 2019.
- There have been states that have left ERIC. In 2023, ERIC became the target of some people who did not like the program. Even states that said the program worked left, but Mr. O'Brien believes that has stabilized.
- Mr. O'Brien addressed Senator Gray's question about the postcards. Mr. O'Brien said that each voter gets a postcard one time if they are not registered. However, new voters will get a postcard if they move to New Hampshire. For example, if someone never registers to vote, they will only get one postcard in their lifetime.

Senator Gray said that the last time he looked into it, postcards had to be sent periodically and asked if the program had changed since then.

- A few years ago, when this question came up, Mr. O'Brien spoke with the ERIC founder and was assured that once someone receives a postcard, they will not receive one again.

Senator Perkins Kwoka clarified that there haven't been any security, technical, or programming issues with ERIC and that many of the states that have withdrawn have seemed politically motivated to do so.

- Mike O'Brien said Senator Perkins Kwoka is correct.

### **Matt Mooshian, 603 Forward**

- Supports this bill.
- ERIC has 20 member states, including all of the other New England States.
- There are still benefits for N.H. to participate because all of the other New England states participate.

- It would strengthen election security, strengthen voter confidence, and streamline the administration of elections.
- This would also streamline keeping voter lists up to date.
- Mr. Mooshian said there are some initial start-up costs but believes the cost is a small price to pay to keep elections secure and voters confident in the election process.

Senator Perkins Kwoka asked if Mr. Mooshian would agree that this system supports the bipartisan goal of securing elections.

- Mr. Mooshain said there is a lot of bipartisan support for ERIC, both with the participating states and local election officials.

### **Summary of testimony presented in opposition:**

#### **David Scanlan, New Hampshire Secretary of State**

- Opposes this bill.
- Secretary Scanlan has had conversations about this bill nationwide with other state election officials. While those other state election officials have said that the information they have received from ERIC has been helpful, he has concerns about it.
- It has become political, but that isn't the primary reason states are leaving the program; the primary reason they are leaving is because the administration requirements of ERIC have been quite rigid.
  - ERIC requires a data dump every 60 days of voter information, motor vehicle information, and sometimes information from other agencies.
  - ERIC dictates and requires outreach by the State to potential voters.
- Secretary Scanlan believes that the State should decide if, when, and how often to reach out to voters.
- N.H. requires that confidential data be protected. He is reluctant to give data away to a 3<sup>rd</sup> party because once that data is given to the 3<sup>rd</sup> party, he cannot guarantee the data's security.
- Several sections in this bill are problematic.
  - Section 1, line 4 says, "The Secretary of state shall enter into a membership agreement with the Electronic Registration Information Center to share relevant voter information or data from the department of motor vehicles, other state agencies...". Secretary Scanlan said he is not authorized to enter an agreement giving away motor vehicle data.
  - Section 2, Line 11, says, "The Secretary of state shall ensure that any information or data shared between agencies is protected by security processes and protocols and that any information or data that is of a confidential nature remains confidential.". He said he cannot guarantee the data is protected once that information is given to a 3<sup>rd</sup> party. However, he is happy to do that with the current in-state system.
- Help America Vote Act (HAVA) required states to:
  - Create a statewide centralized voter database.

- Acquire accessible voting for people with disabilities .
- Provide training for poll workers.
- Provide voter education on how to register to vote.
- Make the HAVA funds available to enforce Federal laws related to HAVA.
- New Hampshire received 17 million dollars to fulfill the mandates of HAVA and spent about 5 or 6 million of those dollars to fulfill the federal mandates. The legislature at the time decided to put the remaining funds into an Election Fund and only a small percentage could be spent per year to continue to pay for HAVA.
- The balance of that fund is about 15 million currently. In the next few years, they have committed to spending about 3 million dollars on ballot counting devices and electronic poll book devices.

Senator Perkins Kwoka said she had a couple of logistical questions and asked if the State would be able to address the confidentiality concerns if it entered into an agreement with ERIC.

- Secretary Scanlan said that as he understands it, the State would have a vote, but other states would also have a vote, and there is no guarantee that N.H. would be able to drive the policy at the national level for something that would apply to all states.
- New systems are beginning to form and be developed, especially with various adjacent states and regional states. After speaking with the Election Director in Massachusetts, Secretary Scanlan learned that she is open to developing an agreement between N.H. and M.A.
- There are other ways to address voter rolls other than to belonging to ERIC.
  - The new voter registration database has a lot of capability.
  - Verifications of the checklist are becoming more frequent.
  - The Secretary of State uses the U.S. Postal Service database to constantly check addresses.
  - Vital records is one of the divisions within the Secretary of State's offices which allows them to check that data when a death occurs in the state.

Senator Perkins Kwoka said Secretary Scanlan answered a lot of her questions regarding how this is working now and asked if his concerns are mainly administratively connected.

- Secretary Scanlan said that if ERIC were less rigid and would allow us to match data rather than actually give them data like they did with the Interstate Crosscheck program, he would be more open to it.

Senator Perkins Kwoka followed up regarding HAVA funds and pointed out that the costs in the fiscal note seem like reasonable numbers.

- He agrees that the amount in the fiscal note is manageable.
- Secretary Scanlan said that he is protective of the funds because that is the money that pays for all of the work that goes into maintaining the voter database and the accessible voter equipment.

Sen. Lang asked to clarify that he heard correctly that ERIC requires a mandatory data dump every 60 days of every voter roll, and every driver's license and ID that N.H. has ever issued.

- Not all data, but yes, data from the voter registration database and motor vehicles is required every 60 days. If other states have other agencies involved in their voter registrations, then that data is also required from those states. N.H. has an exemption from that.

Senator Lang said that he understands that the vast majority of people are coming from Massachusetts.

- Secretary Scanlan said yes and added that the New England states are pretty good about notifying each other.

Senator Gray understands that currently, there is a block on the voter registrations where a voter is supposed to state the last state they registered in, as well as a requirement for either the municipality or the Secretary of State's office to send a letter identifying that a voter registered to vote.

- Secretary Scanlan said Senator Gray is correct.