

Senate Election Law and Municipal Affairs Committee

Matthew Schelzi 271-3266

HB 1062, authorizing the secretary of state to conduct random audits of the citizenship qualification of registered voters.

Hearing Date: March 31, 2026

Time Opened: 10:36 a.m.

Time Closed: 11:13 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 authorizes the secretary of state to conduct random audits of the citizen qualification of registered voters.

Sponsors:

Rep. Lynn

Who supports the bill: 7 individuals were in support. Full sign in sheets are available upon request by contacting the Legislative Aide, Jessica Bourque (jessica.bourque@gc.nh.gov).

Who opposes the bill: 174 individuals were in opposition. Full sign in sheets are available upon request by contacting the Legislative Aide, Jessica Bourque (jessica.bourque@gc.nh.gov).

Who is neutral on the bill: No one.

Summary of testimony presented:

Representative Bob Lynn, Rockingham-District 17, Prime Sponsor

- Rep. Lynn said he introduced the bill at the request of the Secretary of State.
- He said the bill is designed to give the Secretary of State authority to conduct random audits of citizenship to verify that people are really citizens.
- He said the reality is that we don't know to what extent non-citizens vote. He didn't believe there was a huge number of non-citizens voting, but he just wanted to get a clearer understanding of the issue.

- Rep. Lynn said he did not have a problem with Sen. Perkins Kwoka's proposed amendment to keep information private; however, he did not believe the sunset provision for 2029 was necessary.
- However, he said if audits were conducted between now and 2029 and found no issue of non-citizens voting, then he would be fine with that, as the Legislature could always pass a new bill.

Senator Lang said that we don't know if non-citizens are voting because the state has never audited to check the problems.

Representative Lynn agreed, and said there was a very large number of illegal immigrants in the country, and that gives reason to make sure that only U.S. citizens are voting.

Sarah Ortiz, Public Policy Fellow with Open Democracy

- She stated she is opposed to the bill as over the last 26 years there have been 8 documented instances of non-citizens voting in New Hampshire.
- She said the low number is not because the state isn't looking hard enough, but it is a reflection of reality.
- People that are living here illegally are not willing to give up their livelihood to cast their ballot, and those who did cast a ballot illegally were met with the correct punishment.
- She said HB 1062 gives the Secretary of State broad authority to randomly audit registered voters and provide flagged voters to the Attorney General's Office, but it never explains how the randomization will actually work.
- She believed the audit report is not required to be made public and said that lack of transparency should give the Committee serious doubt about the bill.
- She said the bill provides no process for a purged voter to get back on the voting list if they were wrongfully flagged as a non-citizen.
- She noted that even though this is a new audit, there is no fiscal note to go along with the bill.
- She said HB 1062 does not strengthen voter integrity, but it causes more confusion for voters.

Senator Gray asked Ms. Ortiz if she was aware that there is a process already in law to notify a voter who has been removed from the roll.

Ms. Ortiz said she is aware of that, but there can be lots of variables that can arise even with a 30-day notice.

Senator Gray said if someone is removed from the list, and they were previously registered and unless there is an indication that there was a prosecution, the only thing they would have to do is prove identity and domicile.

Ms. Ortiz said they would also have to prove citizenship.

Senator Gray said that is not true. If they were previously registered, they would only have to prove identity and domicile.

Ms. Ortiz said the way she read this bill is that it is a look back at people who used an affidavit to swear to the citizenship so they would have to prove the citizenship and the 30 day time period may not cover that if the individual needs to procure documentation.

Senator Gray said if they were not a citizen, then they would be removed from the list for that reason, but otherwise they would have an opportunity to get back on the list.

Senator Lang asked where anyone is removed from the list in the bill.

Ms. Ortiz said she may have misunderstood the bill.

Senator Lang said the information would be submitted to the Attorney General, but there is no mention of removal from the checklist.

Lisa Kovack, Director of the New Hampshire Campaign for Voting Rights

- Ms. Kovack said maintaining the integrity of New Hampshire's voter rolls is a goal shared by her organization, but the bill as currently written raises questions about privacy, accuracy and accountability.
- She said there are privacy and data security risks, as the bill would allow names, addresses and Social Security numbers to be shared with private databases without adequate safeguards. She said this could lead to identity theft.
- She said the use of private databases for voter roll maintenance is relatively new, and we are seeing the consequences of this play out.
- In other states, their Secretary of State's have used unverified consumer credit data reporting to check voters' addresses, and its' resulted in making thousands of voters become inactive.
- She said the bill as currently written does not require the publication of any public report or share the methodology, scope or results of said audits. There is no way to know the accuracy of the audits.
- She said this bill is a questionable use of taxpayer resources as it may pull staff from other more important tasks.

Senator Rochefort said he thought the testimony was not reflective of the bill at hand. He said the bill at hand is pretty straight forward.

Ms. Kovack said removing the reference to private databases would go a long way to improving data security risks.

Senator Lang asked if she thought a big component of data integrity would be to do an audit to make sure the data is solid.

Ms. Kovack said audits can be a best practice in ensuring confidence in elections, but the results of such audits should be made public.

Senator Lang asked Ms. Kovack if she had seen Senator Perkins Kwoka's amendment.

Ms. Kovack said it would mandate a public report on the methodology, scope and findings of the audit.

Senator Lang asked if she would support the bill that way.

Ms. Kovack said yes.

Neal Kurk, Weare Resident

- Mr. Kurk said this bill is a very important step to make sure the integrity of our elections remain.
- He said there are four ways the bill needed to be amended. He said any data the Secretary of State sends out to the databases has to not be kept by those organizations.
- He said the data the Secretary of State gets from voters should not be retained by his office.
- He would like to make sure that there is a report that is viewable to the public so it can be understood if the audit was successful or not.
- He said there needs to be training so that the people who are doing the work are doing it consistently.
- He believed there should be a definition to address the total number of people the Secretary of State will be selecting.

Senator Perkins Kwoka said in her amendment it removes references to private databases and asked if he believed that was sufficient.

Mr. Kurk said he would need to see that language.

Liz Tentarelli, President of the League of Women Voters

- She noted she handed out testimony where a couple got purged from the voter rolls because of a legal reason, and the couple reached out to the League for help with understanding what to do.
- She said her concern with the bill is that there is no clarity with what would happen with someone who's evidence is inconclusive about citizenship.
- She said not all average citizens would be able to get the issue resolved if they have been removed from the voter rolls.

Dylan Huey, Director of the NH Alliance of Immigrants and Refugees

- He said he was strongly opposed to HB 1062 because it attempts to address a problem that is nonexistent.

- He said between 2006 and 2024 there have been 29 adjudicated cases of voter fraud, and none of those cases involved non-citizen voters.
- He said this bill promotes confusion with lawful New Hampshire voters who may have been born abroad, naturalized citizens or persons who's names are deemed suspicious.
- He said the staffers tasked with this responsibility will have to use private databases which may violate federal voter registration protections.

Amanda Azad, Policy Director for the ACLU-NH

- Ms. Azad said this bill will allow the state to hand over private voter registration information to unknown databases, including private companies and any federal agency with no guardrails.
- She said the bill lacks details as to what happens with that data after it is shared, who owns the data, who the data is shared with and who has access to it.
- She said a bill like this would encourage a big federal database with no transparency or accountability that runs counter to New Hampshire's small government ethos.
- She said the shared data with federal databases could be used for surveillance, could be held for long term storage, and it's unclear who would have access.

Senator Lang asked how the data could be accurate if the State does not audit the data.

Ms. Azad said other states have taken similar measures and it has not been a problem that has needed to be addressed in the first place. She said it would be a different conversation if the information was kept within the state.

Senator Lang said a number of races in New Hampshire can be decided by less than 25 votes, so if 70 non-citizen voted that could change the outcomes of the elections. He asked how the integrity of the voting lists can be maintained without auditing them.

Ms. Azad said that could be a conversation that could be had. She also noted that New Hampshire residents have a right to privacy in the Constitution, and she didn't think this was a good way to navigate it.

David Scanlan, Secretary of State

- Secretary Scanlan said he supported HB 1062 and noted that it was about voter confidence.
- He said for many years a voter could walk into a polling place who wasn't registered without any documentation and by filling out affidavits they could get their name on the checklist. Now, people going into polling places have to provide documentation to get on the checklist.

- He said locally and nationally there is a lot of scrutiny of the voters who are on the checklist.
- He said the bill simply allows the Secretary of State to conduct random audits just to make sure that the voters who signed affidavits are in fact qualified to vote in the State.
- He said there is nothing in the bill that requires the purge of voters and the law that is already in place is very specific on how voters can be removed.
- He said if a voters qualifications are in question, the name will be sent to the Attorney General's Office where they will review it further and take legal action if needed.
- He said the laws in statute keep voter information confidential, and his office takes that responsibility very seriously.
- He said the U.S. DOJ has sued New Hampshire because the Secretary of State's Office will not give over the voter database because our law does not support it.
- He said the proposed amendment from Sen. Perkins Kwoka is helpful in better defining certain terms.

Senator Perkins Kwoka asked if he had anything additional to say about the amendment language.

Secretary Scanlan said the amendment is very helpful as it requires the office to have a random statistically sound sample of people. He thought the sunset provision was appropriate for now.

Senator Lang said this bill does not deal with the entire voter checklist, but only the voters who did not provide documentation and only signed an affidavit.

Secretary Scanlan said that is correct.

Senator Gray said in the original bill on line 5, it says the Secretary of State can use other databases, but the word "share" is nowhere in the bill. Senator Grey noted he would object to the sharing of database information.

Secretary Scanlan said all they were trying to do is verify the citizenship qualification for the voter and he does not intend to share the data. They will scrutinize any voter database that they will use in the process.