

# Senate Election Law and Municipal Affairs Committee

*Jessica Bourque 271-2104*

**SB 218**, relative to absentee ballot outer envelopes.

**Hearing Date:** March 4, 2025

**Time Opened:** 10:18 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 removes the requirement that absentee ballots be placed in outer envelopes unless such ballots are mailed to town or city clerks. This bill also allows clerks to open outer envelopes to allow applicants time to cure defects.

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**Sponsors:**  
Sen. Gray

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**Who supports the bill:** Liz Tentarelli, Pete Basiliere, David Nelson, Kate Horgan, Olivia Zink, Sarah Burke Cohen, Tina Guilford, Nancy Brennan, Mo Baxley, Andrew Harmon, Sarah Chouinard

**Who opposes the bill:** No one

**Summary of testimony presented:**

**Senator Gray, Prime Sponsor**

- There is a court decision that says that moderators cannot check absentee ballot signatures on the outer envelope without training and also requires that there be a method to cure any deficiencies.
- The State of Maine doesn't use multiple envelopes for its absentee ballots; it has the affidavit and mailing information on one envelope. We need two envelopes in New Hampshire because there isn't enough room for the affidavit and mailing information on one envelope.
- In the past, moderators, town clerks, and supervisors of the checklist either supported or did not support this bill as it has come through the legislature in the past, because they would like preprocessing. This bill has some preprocessing.
- The affidavit envelope won't be opened until election day.
- This is common sense legislation.

Senator Perkins Kwoka said she agrees with the concept, but her question is on page 3, line 34, where it says, “No affidavit envelope may be opened during preprocessing.” She then asked Senator Gray to expound on his rationale for not opening the affidavit envelope during preprocessing.

- Senator Gray said ballots are supposed to be secret. The ballot is no longer secret if the affidavit envelope is opened during preprocessing in front of the public.

Senator Lang clarified that what the bill is trying to accomplish is that up to four days prior to the election, clerks would be allowed to open the outer envelope to validate the data and would allow the clerk to cure an error if an error is found.

- Senator Gray said Senator Lang is correct. Because of the court order, we would now be able to go to the court and show that there is a method to cure and a training program.

#### **Pete Basiliere, Milford Town Moderator**

- Supports this bill for the same reasons Senator Gray stated.
- During COVID-19 we were able to preprocess ballots.
- Enabling preprocessing means we can have more thorough participation by interested parties.
- We would be able to contact voters to cure their ballot before election day if an error is found.

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

- Ms. Zink believes that adding an address line on page 1, line 26 will help differentiate folks with the same name (Jr. and Sr. for example).
- It would be helpful to allow the opening of the outer envelope before election day. When outer envelopes are opened on election day, it can be difficult for those who wish to observe to hear the voter's name when it is being called out.
- This would save time for election workers on election day.
- The Special Committee on Voter Confidence report recommended preprocessing absentee ballots.
- Instructions on how to do an absentee ballot are unclear, which can lead to voter mistakes. Allowing ballots to be cured would help address this issue.

#### **Tina Guilford, Derry Town Clerk**

- There was media at their location in 2020 when absentee ballots were processed before election day. During that time, Derry actively contacted voters when an error was found, some voters showed up to rectify their ballots while the preprocessing was still happening.
- Supports adding the name and address to the affidavit envelope.

- Supports getting rid of the outer envelope. Many voters don't seal the inner envelope, so everything tends to fall out.

**Andrew Harmon, Hampton**

- There was a process created during the pandemic for people who have print disabilities to be able to fill out an absentee ballot independently but the process was not great. Part of that process was filling out a PDF form using a screen reader, which tends to blur together. It is difficult to know if the correct field is being filled out. His own ballot was almost rejected because of this.
- He received many calls during the 2020 election telling him his ballot wasn't accepted. It would have been comforting to know that he would receive a call from the town clerk if there were an issue with his ballot.

**David Nelson, Derry Town Moderator**

- Endorses all of the previous testimony in support of this bill.
- This would make it much easier for poll workers on election day.
- Allows for earlier results on election day.

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Date Hearing Report completed: March 7, 2025