

# Senate Election Law and Municipal Affairs Committee

*Jessica Bourque 271-2104*

**HB 288**, limiting how far in advance of an election an absentee ballot may be requested.

**Hearing Date:** April 15, 2025

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

**Time Closed:** 9:30 a.m.

**Members of the Committee Present:** Senators Rochefort, Perkins Kwoka, Long and Gray

**Members of the Committee Absent:** Senator Lang

**Bill Analysis:** This bill limits how far in advance an absentee ballot may be requested. Federal law requires that UOCAVA voters complete a new federal official post card no earlier than January of the calendar year in which a federal election occurs. Other applications for absentee ballots are limited to no earlier than 6 months prior to the election.

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**Sponsors:**

Rep. Wherry

Rep. Burnham

Rep. Wood

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**Who supports the bill:** Representative Robert Wherry, Representative Ross Berry

**Who opposes the bill:** Olivia Zink

**Summary of testimony presented:**

**Representative Wherry, Prime Sponsor, Hillsborough - District 13**

- This bill limits how early an absentee ballot may be requested to no more than six months prior. This does not include Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters.
- Before the November 2024 election, Rep. Wherry researched how far in advance an absentee ballot can be requested. Throughout his research, he noticed many ballots were requested as early as August of 2023 for the November 2024 election.
- Between August of 2023 and December of 2023, a total of 352 absentee ballots were requested. Roughly 1300 absentee ballots were requested in the first quarter of 2024 and approximately 1200 absentee ballots were requested in the second quarter of 2024 for the November 2024 election.

- Rep. Wherry believes requesting this far in advance is neither prudent nor pragmatic.
- Federal law requires that Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters complete a new federal official postcard no sooner than January of the year of a federal election.

Senator Gray said that the Secretary of State (SOS) has said that clerks can't act on those requests until six months before an election and asked if Rep. Wherry was aware of that.

- Rep. Wherry said he has been made aware of that, but still thinks there are some challenges and that requesting more than 6 months in advance doesn't make sense.
- Believes it is easier for clerks to maintain if we limit the request window.

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

- Opposes this bill.
- A Common misconception about UOCAVA voters is that they are voting for federal offices only; NH statutes also address this for State elections, allowing many absentee ballot voters to vote for the whole ballot, not just federal offices. This means that under this bill, they could request a ballot for federal offices during the 11-month period, but if they want the whole ballot, including State offices, they wouldn't be able to request it until the 6 month period.
- Ms. Zink listed some examples of voters who would be affected by this bill if passed:
  - Military personnel wouldn't be able to request a ballot before they leave if they are deploying longer than 6 months.
  - A retired couple leaving to travel for a year cannot request a ballot before they leave.
  - Someone who would like to vote in an April election but is leaving to go to Florida for the winter cannot request a ballot in November when they leave.
  - A lot of state department employees will request a ballot when they are home for Christmas; they wouldn't be able to do that if this bill is passed.
- Clerks are only holding the request and not acting on it. Does not think it harms anyone to hold onto a request form.

Senator Gray asked Ms. Zink if an absentee ballot can be requested online.

- Ms. Zink said they can download the form, but many clerks require a wet signature.

Senator Gray said he believes the wet signature requirement was removed.

Senator Gray said he believes a request can be made in several different ways if the required information is provided.

## **Representative Ross Berry, Hillsborough-District 44**

- As the law is now, theoretically, someone could request an absentee ballot for the next 30 years. Most absentee ballots go to nursing homes, and Rep. Berry questioned if that is appropriate.
- Anyone can get a ballot if they can figure out where it must be sent; there are no limitations.

Senator Gray said that, as far as he knows, anyone eligible for an absentee ballot can receive a ballot via general mail, regardless of location.

- Rep. Berry said that is his understanding as well.
- The House decided that 6 months is an appropriate time to request a ballot before an election.