

Amendment to SB 7-FN-LOCAL

1 Amend the bill by replacing all after the enacting clause with the following:

2
3 1 New Subdivision; Secure Modern Accurate Registration Technology Act. Amend RSA 654 by
4 inserting after section 15 the following new subdivision:

5 Secure Modern Accurate Registration Technology Act

6 654:15-a Voter Registration at the Division of Motor Vehicles.

7 I. The secretary of state, pursuant to an interagency contract and jointly-adopted criteria,
8 shall establish a secure data transfer program that satisfies the requirements of this section and
9 any other applicable law.

10 II. Any time a person applies for a driver's license, a nondriver's picture identification card,
11 or a record change to a driver's license or nondriver's picture identification card with the division of
12 motor vehicles, as specified below, during which he or she demonstrates that he or she is a United
13 States citizen, 18 years of age or older, and domiciled in New Hampshire, he or she shall, without
14 taking any other action, automatically apply to register to vote unless he or she declines to submit
15 such registration application under the procedures outlined in paragraph IV.

16 III. The division of motor vehicles shall electronically transmit to the secretary of state
17 certain information as outlined in RSA 654:15-b about every eligible voter applying pursuant to this
18 section. Such transmission shall be in a format that can be reviewed by election officials and
19 translated and uploaded onto the statewide centralized voter registration database. The division of
20 motor vehicles shall also transmit for review by election officials any updates to addresses or names
21 to ensure that the voter checklists are kept up-to-date.

22 IV. The division of motor vehicles shall add a voter registration section to those online or
23 paper forms used in connection with applying for a driver's license, a nondriver's picture
24 identification card, or a record change related to a driver's license or nondriver's picture
25 identification card, which shall collect information required for voter registration not already
26 collected in such division of motor vehicles forms. The top of the voter registration section shall
27 include a statement that reads: "If you are a victim of domestic violence or stalking, you may not
28 wish to register to vote, as registration information is considered public information." The voter
29 registration section shall also include the following preprinted statement: "Your application to
30 register to vote shall be submitted unless you decline to apply to register below. By signing and
31 submitting this application, you are authorizing the division of motor vehicles to transmit this
32 application to the secretary of state for voter registration purposes. YOU MAY DECLINE TO

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1 APPLY TO REGISTER. Both the location of the office through which you submit this application
2 and your decision of whether or not to apply to register to vote will remain confidential and will be
3 used for voter registration purposes only." A check box shall appear below such preprinted
4 statement and next to the following statement: "Do not register me to vote or update my voter
5 registration. I decline to register to vote or update my voter registration."

6 V. Upon receiving the electronic record of the applicant's information, the secretary of state
7 shall send a mailing to each eligible applicant, including a pre-paid return to be sent to the voter's
8 town or city hall, which shall include the following:

9 (a) The process used to adopt a political party affiliation.

10 (b) The registrant's polling location.

11 (c) A check box with a statement next to it that reads: "Do not register me to vote or
12 update my voter registration. I decline to register to vote or update my voter registration."

13 VI. The registration process described in this section shall incorporate required voter data
14 in order to comply with the voter registration requirements described in RSA 654:7 and RSA 654:12.

15 VII. An applicant who applies to register to vote pursuant to this section is entitled to
16 provide any of the forms, affidavits, and documents listed in RSA 654:12 to establish his or her voter
17 qualifications.

18 VIII. An application that complies with the requirements of this section shall constitute a
19 completed voter registration unless the city or town clerk or supervisor of the checklist finds an
20 error in the voter registration application pursuant to paragraph IX.

21 IX. If, during the review of the information sent by the secretary of state, the city or town
22 clerk or supervisor of the checklist deems there to be an error in the voter registration application,
23 such local election official shall promptly inform the applicant that his or her registration has not
24 been processed, and shall provide such applicant a reasonable opportunity to cure such error.

25 X. The division of motor vehicles shall maintain a record of the documentation that the
26 applicant provided regarding voter registration in a database that is audited for accuracy on a
27 regular basis by the secretary of state.

28 XI. Any person applying to register to vote pursuant to this section within 30 calendar days
29 immediately preceding an election shall be advised to apply to register to vote with a city or town
30 clerk or supervisor of the checklist pursuant to this chapter.

31 654:15-b Electronic Transmission of Voter Registration Data.

32 I. The division of motor vehicles shall transmit, via a secure electronic transmission, data
33 collected relevant to voter registration, including data relating to age, domicile, citizenship, and
34 identity, as well as an electronic signature, for every citizen who applies to register to vote in
35 accordance with RSA 654:15-a to the secretary of state. Such transmission shall be in a format that
36 can be uploaded to the statewide centralized voter registration database, and that allows the city or
37 town clerk or supervisor of the checklist to print the information on an 8.5 x 11 inch sheet of paper.

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1 Notwithstanding RSA 294-E and any other law to the contrary, the secretary of state, state
2 agencies, and political subdivisions shall accept, use, and permit the use of the applicant's electronic
3 signature for purposes of this subdivision.

4 II. The city or town clerk or supervisor of the checklist shall be alerted when a new eligible
5 voter has been entered into the statewide centralized voter registration database.

6 III. The secretary of state shall also transmit for review by election officials any address or
7 name updates to their records to ensure that the voter checklists are kept up-to-date and remove
8 voters' registration from the previous address, in accordance with state and federal law.

9 654:15-c Voter Registration Data Privacy and Security.

10 I. The division of motor vehicles and the secretary of state shall regularly upgrade data
11 security for the voter registration system, such that the system adheres to up-to-date security
12 processes and protocols.

13 II. The secretary of state shall ensure the privacy of the information collected pursuant to
14 this subdivision by prohibiting:

15 (a) Public disclosure of an individual's decision not to apply to register to vote, which
16 shall be exempt from the provisions of RSA 91-A.

17 (b) Agencies from transmitting to election officials information other than that required
18 for voter registration or specified information relevant to the administration of elections.

19 (c) The division of motor vehicles from sharing citizenship or information regarding a
20 person's country of origin with any federal agency unless pursuant to a valid court order or other
21 federal law.

22 (d) The disclosure of information relating to persons in categories designated
23 confidential by federal or state law, including victims of domestic violence or stalking, prosecutors
24 and law enforcement personnel, and participants in a witness protection program.

25 (e) Any other disclosure of information collected pursuant to this subdivision that is
26 prohibited by federal or state law.

27 654:15-d Designation of Other Automatic Voter Registration Assistance Agencies.

28 I. Each year, the secretary of state shall conduct a review of each agency that offers public
29 services or assistance and which is not already designated as a voter registration assistance agency
30 in order to determine whether such designation is appropriate.

31 II. The secretary of state shall designate each such agency that collects information or
32 documents that would provide proof of eligibility to vote as an automatic voter registration
33 assistance agency unless the secretary of state determines that compelling reasons exist for why
34 automatic voter registration is not feasible at the agency. If the secretary of state makes such a
35 determination, he or she shall prepare and submit a report explaining those reasons to the
36 president of the senate, speaker of the house of representatives, and minority leaders of both the
37 house and senate by the end of the calendar year in which that determination is made.

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1 III. The secretary of state shall, after consultation with the head of each state agency
2 authorized to process voter registrations pursuant to this section, adopt criteria to implement and
3 administer a system that automatically updates or registers to vote any citizen who applies for state
4 services or assistance at such agency at the same time the citizen applies for state services or
5 assistance. Such criteria shall comply with RSA 654:15-a through RSA 654:15-c and shall:

6 (a) Permit the transfer of applications for services or assistance and voter registration
7 information from the agencies to the election officials.

8 (b) Respect all rules and statutes of this state concerning the confidentiality of
9 information from applications for services or assistance.

10 (c) Provide for the reasonable accommodation of applicants with disabilities during the
11 application and registration process.

12 (d) Provide for appropriate measures to educate the public about automatic voter
13 registration under this section.

14 654:15-e Unauthorized Registration. The record and signature of an ineligible applicant that is
15 transmitted through an electronic system by a government agency to any elections or voter
16 registration authority shall not constitute a completed voter registration form, and that applicant
17 shall not be considered to have registered to vote.

18 654:15-f Requests for Removal from the Checklist. Any person who applies to register to vote
19 pursuant to this subdivision may, prior to the certification of the checklist pursuant to RSA 654:28
20 and RSA 654:29, request that he or she be removed from the checklist by submitting such request in
21 person at his or her town or city hall.

22 2 New Paragraph; Access to Governmental Records and Meetings; Exemptions. Amend RSA
23 91-A:5 by inserting after paragraph X the following new paragraph:

24 XI. An individual's decision not to apply to register to vote under RSA 654:15-a.

25 3 New Paragraph; Motor Vehicles; Records and Certification. Amend RSA 260:14 by inserting
26 after paragraph III-d the following new paragraph:

27 III-e. Motor vehicle records relevant to voter registration shall be provided to the secretary of
28 state pursuant to RSA 654:15-b. These records may be further transferred or otherwise made
29 available to city or town clerks and supervisors of the checklist for purposes of voter registration.

30 4 Funding. Funding for implementation of this act shall be provided by grants received
31 pursuant to the 2018 Help America Vote Act Election Security Award and section 101 of the Help
32 America Vote Act of 2002, Public Law 107-252.

33 5 Effective Date. This act shall take effect July 1, 2021.