

SB 438 - AS AMENDED BY THE HOUSE

03/05/2026 0773s
14May2026... 1833h

2026 SESSION

26-2240
08/09

SENATE BILL **438**

AN ACT relative to access to the centralized voter registration database on election days.

SPONSORS: Sen. Perkins Kwoka, Dist 21; Sen. Lang, Dist 2; Rep. Lane, Merr. 16; Rep. Telerski, Hills. 11; Rep. Simpson, Rock. 33

COMMITTEE: Election Law and Municipal Affairs

AMENDED ANALYSIS

This bill requires the secretary of state, town, and city clerks to ensure that each polling place in the state has access to the statewide centralized voter registration database on each state, local, and federal election day during the operating hours of that polling place.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to access to the centralized voter registration database on election days.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Department of State; Centralized Voter Registration Records. Amend RSA 654:12, VI to read
2 as follows:

3 VI. The department of state shall provide access to data from centralized voter registration
4 records, records from the department of safety, and New Hampshire vital records provided in
5 accordance with RSA 654:45 to assist voters in providing proof of citizenship, age, domicile, and
6 identity to the city and town clerks. The secretary of state shall work with the city and town clerks
7 to ensure ***direct or indirect*** access on election day at the polling location ***to the statewide***
8 ***centralized voter registration database on each state, local, and federal election day***
9 ***during the operating hours of that polling place.*** If proof of age, citizenship, domicile, or
10 identity information of a voter is provided pursuant to this section, it shall satisfy that registration
11 requirement for that qualification. Absence of data shall not disqualify a person. It shall be the
12 applicant's responsibility to provide appropriate additional proof of their qualifications as required
13 by this chapter.

14 2 Centralized Voter Registration Database. Amend RSA 654:45 to read as follows:

15 654:45 Centralized Voter Registration Database.

16 I.(a) The secretary of state ~~[is authorized to]~~ ***shall*** plan, develop, equip, establish, site, and
17 maintain a statewide centralized voter registration database and communications system,
18 hereinafter referred to as the voter database, connecting users throughout the state. The voter
19 database shall include the current information on the voter registration forms, the accepted absentee
20 ballot applications, the voter checklists, and voter actions as recorded on the marked checklist
21 maintained by each city, ward, and town in the state. The database shall maintain addresses in
22 accordance with United States Postal Service standardized addresses as described in the current
23 USPS Publication 28.

24 (b) The secretary of state shall provide for a verification process that voters sharing a
25 place and date of birth, along with a substantially similar name to include nicknames or likely
26 maiden/married name changes, are unique voters. Should any voter appear to be a duplicate, that
27 information shall be forwarded to the supervisors of the checklist of the cities or towns involved for
28 review and confirmation. The supervisor of the checklist shall notify the secretary of state of the
29 result of such review, and should the records show that a single individual may have voted more

than once in any election such information shall be forwarded to the attorney general for further investigation or prosecution.

II. Any election official in the state authorized by this chapter to have direct access to the voter database may obtain immediate electronic access to the information contained in the voter database related to individuals registered or registering to vote in the election official's jurisdiction. The office of the clerk is hereby designated as a database access point for each town or city. The secretary of state may authorize additional database access points in a town or city, including election day access points at polling places ***during the operational hours of the polling place.***

III. The voter database shall, upon certification by the secretary of state, be the official record of eligible voters for the conduct of all elections held in this state.

IV.(a) The voter database shall have the following minimum components:

(1) An electronic communications system that provides access for election officials from at least one point in each city and town within the state.

(2) An interactive computer program allowing local election officials access to records contained in the database with a process to add, delete, modify, or print a voter registration record related to the election official's jurisdiction. The system shall be designed so that there can be regular updates to the database, the records reflect the name of each registered voter with no duplication, and the names of ineligible voters are removed. The system shall contain safeguards to ensure that the names of properly registered voters are not removed in error.

(b) Voter database record data shall be verified by matching the records with those of the department of safety and the federal Social Security Administration as are required by law, and with the records of the state agency or division charged with maintaining vital records. For this purpose the voter registration record database ~~[may]~~ ***shall*** be linked to the state agency or division charged with maintaining vital records and the department of safety, provided that no linked agency or division may save or retain voter information or use it for purposes other than verifying the accuracy of the information to be entered or contained in the voter database. The link authorized by this subparagraph shall not allow the department of state or election officials direct access to the motor vehicle registration or driver's license records maintained by the division of motor vehicles; provided that such link shall authorize the department of state to identify voter records with out-of-state driver's license information where the record cannot be matched to an in-state driver's license obtained within the deadline provided in RSA 263:35. The secretary of state shall ~~[authorize]~~ ***provide, via a secure electronic transmission,*** the release of information from the voter database necessary for the department of safety to notify an individual pursuant to RSA 263:35, II. The commissioner of safety ~~[may authorize the release of]~~ ***shall provide, via a secure electronic transmission,*** information from motor vehicle registration and driver's license records to the extent that the information is necessary to department of state and department of safety cooperation in a joint notification to individuals of apparent discrepancies in their records to the

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1 extent that the information is necessary to resolve those discrepancies or to complete voter
2 registration. The commissioner of safety and the secretary of state ~~[are authorized to]~~ **shall** enter
3 into an agreement that establishes the services to be provided by the department of safety and the
4 cost for those services. ~~[The department of safety shall not be required to provide any services under~~
5 ~~this subparagraph unless an agreement is in place and there are sufficient funds in the election fund~~
6 ~~to pay the cost for the services.]~~ The system shall facilitate the completion, identification, and
7 correction of voter registration records, including but not limited to when a registered voter has died
8 or has been disenfranchised pursuant to part I, article 11 of the New Hampshire constitution or RSA
9 654:5 through RSA 654:6, or when the domicile address does not match the address provided by the
10 same individual to the department of safety or to verify citizenship for voter registration.

11 (c) Access by local election officials to the voter database shall be limited to the
12 supervisors of the checklist, city registrars and deputy registrars, and town or city clerks and their
13 deputies, as determined by the secretary of state. Access by local election officials shall be subject to
14 the limitations of paragraph VI, and shall be limited to the records of individuals who are currently
15 registered to vote in the official's jurisdiction and individuals who are applying to register to vote in
16 the official's jurisdiction.

17 (d) Beginning July 1, 2022, the secretary of state shall, no less than annually, cause
18 voter records to be checked with the United States Postal Service for changes of address. All records
19 identified as moving shall be provided to the city or town supervisors of the checklist for verification
20 pursuant to RSA 654:39, III.

21 V. The secretary of state shall:

22 (a) Specify the employees of the department of state authorized to access records
23 contained in the voter database, subject to the limitations of paragraph VI.

24 (b) Provide adequate technological security measures to deter unauthorized access to the
25 records contained in the voter database.

26 (c) Issue guidelines to implement the voter database.

27 VI. The voter database shall be private and confidential and shall not be subject to RSA 91-
28 A and RSA 654:31, nor shall it or any of the information contained therein be disclosed pursuant to a
29 subpoena or civil litigation discovery request. The secretary of state is authorized to provide voter
30 database record data to the administrative office of the courts to assist in the preparation of master
31 jury lists pursuant to RSA 500-A and to the clerk of the District Court of the United States for the
32 District of New Hampshire to assist in the preparation of federal court jury lists. The voter checklist
33 for a town or city shall be available pursuant to RSA 654:31. Any person who discloses information
34 from the voter database in any manner not authorized by this section shall be guilty of a
35 misdemeanor.

36 VII. The city and town clerk shall enter, maintain, and keep up to date election official
37 contact information and polling place information as determined by the secretary of state in the

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1 statewide centralized voter registration database for use by the secretary of state in effecting
2 election laws.

3 VIII.(a) The secretary of state may enter into an agreement to share voter information or
4 data from the statewide centralized voter registration database for the purpose of comparing
5 duplicate voter information with other states or groups of states. The secretary of state shall only
6 provide information that is necessary for matching duplicate voter information with other states and
7 shall take precautions to make sure that information in the database is secure in a manner
8 consistent with RSA 654:45, VI. The secretary of state ~~may~~ **shall** solicit input from the
9 department of safety and the department of information technology and shall ensure that any
10 information or data shared between the agencies that is of a confidential nature remains
11 confidential.

12 (b) The secretary of state shall investigate any duplicate matches of voters resulting
13 from any comparisons of the statewide centralized voter registration database with other states. If
14 the investigation results in the inability to confirm the eligibility of a person or persons who voted, or
15 there is reason to believe a person or persons voted who were not eligible, the secretary of state shall
16 forward the results to the attorney general for further investigation or prosecution.

17 (c) Upon completion of any investigation authorized under RSA 654:45, VIII(b), the
18 attorney general and the secretary of state shall forward a report summarizing the results of the
19 investigation to the speaker of the house of representatives, the president of the senate, **the**
20 **majority and minority leaders of the house of representatives and the senate**, and the
21 chairpersons of the appropriate house and senate standing committees with jurisdiction over election
22 law.

23 IX. [Repealed.]

24 3 New Paragraph; Motor Vehicles; Records and Certification. Amend RSA 260:14 by inserting
25 after paragraph III-e the following new paragraph:

26 III-f. Motor vehicle records relevant to voter registration shall be provided to the secretary of
27 state pursuant to RSA 654:45. These records may be further transferred by the secretary of state or
28 otherwise made available by the secretary of state to city or town clerks, supervisors of the checklist,
29 or other election officials for purposes of voter registration.

30 4 Effective Date. This act shall take effect July 30, 2026.