

February 4, 2025

Election Law Committee  
NH House of Representatives  
Legislative Office Building, Room 306-308  
33 North State Street  
Concord, NH 03301

**RE: HB 686, Requiring a voter to provide identification when requesting an absentee ballot.**

Dear Chairman Berry and Members of the Committee:

I am writing on behalf of the Disability Rights Center-NH (DRC-NH) to voice our strong opposition to HB 686, a bill which would amend the current absentee ballot request process. Several of the requirements of HB 686 conflict with New Hampshire's Accessible Absentee Voting (AAV) process – a process required under a court-ordered settlement agreement – that is used by qualified voters who are unable to request and complete an absentee ballot manually because of their disability (e.g. blind voters, or voters with print disabilities).

In response to a lawsuit brought by voters with print disabilities<sup>1</sup>, the New Hampshire Secretary of State developed and implemented the AAV process to bring the state into compliance with Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act. In 2021, the NH Secretary of State entered into a settlement agreement, approved by the U.S District Court for the District of New Hampshire, which requires the state to continue using the AAV process.<sup>2</sup>

The settlement agreement requires the State to maintain an AAV process that, in relevant part, allows qualified voters with print disabilities to digitally request an absentee ballot electronically from their city or town clerk.

As currently written, HB 686 violates the settlement agreement and conflicts with the current AAV process in the following ways:

1. HB 686 requires individuals to submit a paper absentee ballot application. The current court approved AAV process allows qualified voters to submit their certification and

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<sup>1</sup> *Fry et al v. Gardner*, U.S. District Court for the District of NH, Case 1:20-cv-00751 (Filed 07/07/2020).

<sup>2</sup> The AAV process was first used during the September 2020 State Primary, and its use made permanent by the 2021 settlement agreement.

application for an absentee ballot electronically. There is no language in HB 686 that would allow for this electronic option.

2. HB 686 does not specify if an electronic signature would be deemed acceptable on an absentee ballot request form. The current court approved AAV application process permits the use of an electronic signature in lieu of a manual signature. Likewise, the court approved settlement agreement specifically requires the state to “accept electronic signatures on such documents as need to be signed.”
3. The court approved AAV process has no notarization requirement. HB 686 requires that applications for absentee ballots be notarized. This requirement creates a logistical nightmare for both clerks and qualified voters with print disabilities. The language of HB 686 is unclear as to whether an application that has been electronically notarized would be deemed acceptable.
4. HB 686 requires that a color copy of a government issued identification be included along with the application for an absentee ballot. The AAV application process approved by the court contains no such requirement. This requirement creates an additional barrier for voters with print disabilities who are already unable to complete a traditional absentee ballot request form, much less make a color photocopy of their IDs. In addition, the language in HB 686 is unclear as to whether a digital color photo attached to the accessible absentee request form would be acceptable to meet this color copy requirement.

In summary, DRC-NH opposes HB 686 not only because it directly conflicts with a legally binding settlement agreement, but it would undermine the existing accessible absentee voting process that many New Hampshire voters with disabilities rely on. HB 686 creates additional unnecessary barriers to voting for otherwise qualified New Hampshire voters simply because they have a disability which prevents them from completing the traditional absentee voting forms. Our office would be happy to answer any questions or provide further context upon request.

Thank you for your consideration.

Sincerely,



Karen Rosenberg  
Policy Director