

The New Hampshire Democracy Report

NH legislation on campaign finance, voting rights, redistricting, and money in politics



May 11, 2021

NH Senate Election Law Hears Testimony on Absentee Voting ID bill, Raising the Reporting Threshold for Campaign Contributions

The NH Senate Election Law & Municipal Affairs committee on Monday considered three bills on which Open Democracy Action has taken positions, including [HB 292](#), [HB 555](#), and [HB 391](#). Open Democracy Action opposes HB 292 and HB 391.

HB 292 proposes extra layers of red tape for absentee ballot voters where the ballot is to be sent to an address different from the voter registration address of record. To be a "verified voter," the voter would voluntarily to include a photocopy of an acceptable ID, or have a ballot application notarized, or if neither is supplied, to have a signature matched with the voter's registration material.

Open Democracy Action has numerous issues here. First, getting something notarized or a photocopy generally requires the voter to leave their home, find a service provider, and pay for that service. The typical fee in NH is \$10.00 to have something notarized. This affects seniors who might not have the technology to make a copy at home, the disabled who may not be able to get convenient transportation for the copy or notary, students may not have easy access to a notary on campus, and snowbirds who may live in an area where those services may not be known or available.



Open Democracy Action also testified that signature verification has previously been struck down by the federal court due to its unreliability, due to age, disability or medical conditions.

It all boils down to the potential of disenfranchising of voters.



HB 292 is expected to be voted on in the full Senate shortly. Please [contact your senator](#) and tell them your story about how you, or someone you know, would be adversely affected by this unneeded red tape.

THIS WEEK'S HEARINGS

Monday, May 10, 9 AM

SENATE ELECTION LAW AND MUNICIPAL AFFAIRS

Sen. Gray (C), Sen. Birdsell (VC), Sen. Ward, Sen. Soucy, Sen. Perkins Kwoka.



[HB 555](#), changes the excuses on the absentee ballot application to include “I am confined in a penal institution for a misdemeanor or while awaiting trial.” Currently, if a voter is convicted of a felony, he or she may not vote; but a voter may vote if awaiting trial. This also clears a loophole that prevents voters confined in a jail in their own town, i.e. a Manchester resident confined in the Hillsborough County Valley Street Jail in Manchester. Noting that the change will allow voters affected to be honest, and to not disenfranchise them, the committee voted 20-0 to recommend. In Senate Election Law & Municipal Affairs, there were few questions, mostly from Chairman Gray.

[HB 391](#) increases the threshold at which a political contributor to a campaign committee must have itemized information, including his or her official job title, the name of the contributor's employer, and the city or town of the contributor's principal place of business. Currently, this threshold is \$25.00 and the bill would raise this threshold to \$100.00. The sponsor argues that this level has not been increased in some years, while costs of campaigns have risen, and that it is a burden for candidates to track this level of information. The committee voted 11-9 to recommend the bill, but surprisingly, seven Democrats supported the bill, according to the results of [the roll call vote](#). Open Democracy Action testified against this bill, saying that an increased threshold would allow special interests to mobilize multiple individual donations to get around the disclosure of who a contributor might represent. **Open Democracy Action Opposes this Bill**



[HB 326](#), Requiring town and city clerks to make electronic lists of persons who have requested, been mailed, or returned absentee ballots available to candidates upon request. Currently, the statute does not specify that candidates asking for lists of absentee voters can be given in electronic form. The bill passed 11-9 in committee, and passed in a division vote, 202-165.

[Open Democracy Action takes no position on this bill](#)



[HB 292](#) sets up a “Verified Voter” system for absentee voting, putting in yet another barrier to absentee voters. If the ballot is being sent to an address other than the voter’s registration address - to a winter home, for example - the bill suggests that the voter get a notarized signature or enclosed a copy of his or her ID to be “verified.” The bill creates additional barriers to the elderly and disabled who may not have either the mobility or means to get something notarized, to NH college students registered at the family home and voting absentee, and “snowbirds” who go to a winter home in the South. The bill passed 11-9 in committee along party lines, then, unfortunately was **passed 198-174 in the full House in [roll call vote](#)**. The fight against this bad anti-voter bill now moves to the NH Senate. **Open Democracy Action opposes this bill**



EXECUTIVE SESSION MAY FOLLOW

TUESDAY, MAY 11

HOUSE JUDICIARY COMMITTEE

Join by Video: <https://www.zoom.us/j/91800169870>

Join by Phone: 929-205-6099, Webinar ID: 918 0016 9870

Tech issues: hcs@leg.state.nh.us or call (603-271-3600)

Sign in on the bills: <http://gencourt.state.nh.us/house/committees/remotetestimony/default.aspx>

We have been following SB 95, which had very positive testimony last week in House Judiciary. (See summary in Last Week's Hearings. **As an executive session, you won't be able to testify or sign in again for this bill.**

1:00 p.m. Executive Session on SB 95-FN, (New Title) adopting omnibus legislation relative to access to remote meetings, penalties for violation of privacy, and establishing a committee to study remote meetings.

FRIDAY, MAY 14

THERE ARE NO HEARINGS SCHEDULED FOR HOUSE ELECTION LAW.

LAST WEEK'S HEARINGS

Monday, May 3

Senate Election Law & Municipal Affairs

[HB 98](#) changes the state primary from the second Tuesday in Sept. to the fourth Tuesday in June, and moves the filing deadline to the fourth Wednesday in April. Currently, the state primary is one of the latest in the U.S., and the committee believes it should be changed. Many questions remain about this bill, including its impact on the timetable for new voting districts in 2022, but the House passed it in a [roll call vote](#) on April 8. On May 3, the Senate Election Law Committee heard testimony on HB 98 from Rep. Ross Berry, who laid out the issues it's intended to solve, including the short time for campaigning giving incumbents an advantage, and NH sometimes being the last state primary. The committee supports the bill but felt it still needed work. Sens. Birdsell and Soucy are working on an amendment. [Open Democracy Action takes no position on this bill](#)

[HB 263](#) makes changes to existing language and adds additional components to NH's campaign finance rules. First, it requires the registration of campaign committees, rather than just the candidate, and how money can be



given. It attempts to limit political contributions from organizations (over \$10,000) or individuals (over \$3500) to these campaign committees, and prohibits making contributions as loans, under false names, or outside the candidate's fiscal agent's control. Where the original bill was primarily concerning campaign committees, the bill was amended to include committees and individual candidates, since many House members don't have campaign committees. The majority argues that the bill takes away barriers to raising money, while the minority argues that it opens campaign finance rules to "bundling" of contributions. [The bill passed 196-173 in a roll call vote](#), so you can check up on your rep to see how they voted on the bill. Rep. Edith Tucker in Coos County was the lone Democrat voting for the bill, and four Republicans voted against the bill. Now in the NH Senate, the Election Law & Municipal Affairs committee had it's hearing, but members wanted more time to consider this complicated bill. Dep. SOS David Scanlan indicated that the SOS office would be OK with making the changes necessary. Sen. Gray suggested that perhaps a larger, more comprehensive campaign finance reform bill should be considered. **Open Democracy Action opposes this bill**

[HB 523-FN](#) requires a person who registers to vote without any identification to have his or her photo taken before his or her registration to vote is complete. In the House, Rep. Ross Berry strongly supported this bill, claiming that someone could vote without their IDs or documents and that they should have their picture taken. Rep. Cody rebutted that there have been no documented issues. In the minority report for the committee, Rep Hamblett cited nursing home residents, and those with protective orders to be adversely affected, and said such a rule does nothing to improve an already secure system. Voted OTP along party lines in the House Election Law, , 11-9, and in a full House [roll call vote](#), 197-172. The bill was heard in Senate Election Law on May 3, and while it received questions, none seemed enough to stop the bill from moving forward. The NH SOS office noted that a maximum of .5% of voters have had their picture taken for qualified voter affidavits in the past, but does not oppose the bill. Democrats question whether the fuss and cost of this bill are worth it. **Open Democracy Action opposes this.**



Tuesday, May 4

House Judiciary Committee

[SB 95](#) enables public bodies to continue to meet remotely as they have done under [Emergency Order #12](#) during the pandemic. The hearing is scheduled for Tuesday, May 4, at 9:00 a.m. Because remote meetings are still relatively new and represent a significant change in the public meeting concept, the Senate included a sunset date of July 1, 2022. After that date, the remote meeting option would disappear unless the legislature reauthorizes it. In the meantime, the bill creates a legislative



committee to study remote meetings and make recommendations. In the hearing in House Election Law, several municipalities testified in support of the bill, noting that in their experience, they've not seen as many participants in town committee meetings as they are now. It seemed like most of the House Election Law committee was supportive of the measure. **Open Democracy Action Supports this Bill**

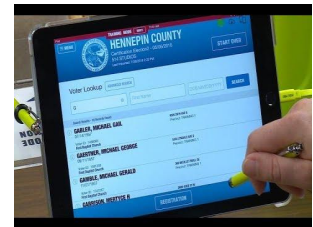
WEDNESDAY, MAY 5

HOUSE ELECTION LAW

This was a work session on these bills, and no action was taken.

[SB 31](#), which included some changes to the absentee ballot application and affidavit envelope, and included a provision for town clerks to submit voter information to communicate to other states when voters register in NH after having been registered in other states. The bill had been amended in Committee, and was passed in the Senate, 23-1. House Election Law members pounced on the bill's language allowing "medical conditions" to be considered as a disability, and two members asked that language be struck. We expect amendments to this bill. **Open Democracy Action would prefer NH's entry in the ERIC voter registration update system which over 30 states use. Open Democracy Action does support the changes to the affidavit envelope.**

[SB 46](#) - With an amendment in the Senate, the bill received the approval of the Secretary of State's office, and the Senate voted 23-1. A "poll book" is a tablet computer which would contain the data of the huge voter print out used by the Supervisors of the Checklist. The bill had positive testimony from town election leaders, and the SOS office confirmed its approval to the members of the committee. While the fringe members of the committee expressed security concerns, the majority of the members seemed to support the bill. **Open Democracy Action supports this bill**



[SB 83](#) is an omnibus bill from Senator Gray that has been amended since its introduction to increase the fees for election recounts even further. Based on the House hearings on the bill last week, we expect amendments to it in this work session. While Open Democracy Action supports this bill primarily for its proposed online voter portal, we will be watching closely to make sure the amendments don't poison the bill. As it is currently written, the provisions (prior to any NH House amendments), the bill:

- 1) Prohibits town officials who are not election officials (moderator, selectmen, clerks or supervisors of the checklist) from participating as an election official, AND, prohibits town officials who are also candidates in the election they are overseeing from the area where ballots are being managed or counted, except for election officials.

Section 1's proposal drew the most conversation in the work session. Most members agree that something needs to be done for transparency, but the execution of it in smaller towns would be difficult due to so many moderators and election workers who run for other offices. The members agreed that more work needs to be done on this portion of the bill.

2) Establishes an online “voter portal,” through which voters could submit voter registration documents, make address changes, request absentee ballots, and change party affiliation, and which allows town or city clerks of supervisors of the checklist to verify. Section 2 did not receive as much discussion as we expected in the work session. There were few comments from the committee.

3) Doubles the recount fees for all levels of state and federal elections.

Some of the members expressed concerns that doubling the recount fees wasn’t enough, but weren’t willing to amend this section.

4) Requires that campaign finance reports be submitted as a PDF. (Though not in a spreadsheet or form which would be more useful for analysis by the public, which Open Democracy Action advocates.

House Election Law took issue with the “type size” requirements, and Rep. Torosian complained about the time it would take to put his contributions into a spreadsheet. The consensus of the committee was that “legible is legible,” and that the SOS should reject reports that are not legible no matter whether they are handwritten or typed. **Open Democracy Action Supports this Bill**

[SB 89](#) is a Senator James Gray omnibus bill which has which has four sections:

Section 1 addresses some existing language referring to the “Chief Elections Officer,” and instead changes it to “City Clerk.”

There was little discussion in House Election Law on this provision.

Section 2 prohibits the photography within the guardrail that captures a voter or another voter's ballot.

There was little discussion in House Election Law on this provision.

Section 3 on first look appears to address the preprocessing of absentee ballots, which Open Democracy Action does not have a problem with. While in the Senate, a problem was identified that caused ODA to oppose this section, but this issue has been fixed.

In House Election Law, Rep. Berry raised objections to the preprocessing on principle. He feels that as much voting should be done in person, that absentee ballots need to be restricted further, and that if the state did that, there would be no need for preprocessing. It’s on this provision that we would expect an amendment to the bill and will be watching it carefully.

Section 4 sets up a study committee to review voting machine audit devices.

Section 5 is related to a non-democracy issue.

Like SB 83, we expect amendments to this bill and will be watching to make sure the legislation is not tinkered with in House Election Law to sink it. At the moment, **Open Democracy Action supports this bill**, but will be vigilant on its amendments.

TUESDAY, MAY 11 HOUSE JUDICIARY COMMITTEE



The hearing on this bill was last week, and the committee will be acting on SB 95. You can't sign in or testify in executive session, only watch.

Join the webinar:

<https://www.zoom.us/j/91800169870>

Join by phone: 1-929-205-6099 Webinar ID: 918 0016 9870

Tech problems: hcs@leg.state.nh.us or call (603-271-3600)

1:00 p.m. Executive Sessions on SB 95-FN, (New Title) adopting omnibus legislation relative to access to remote meetings, penalties for violation of privacy, and establishing a committee to study remote meetings;

UPCOMING SESSIONS

NH SENATE THURSDAY, May 13, 10 am

Join by Video: <http://sg001-harmony.sliq.net/00286/Harmony/en/View/Calendar/20210513/-1>

[HB 77](#), requiring town and city clerks to provide daily notification to the secretary of state of any filings for elected office. Ought to Pass, Vote 5-0. Senator Birdsell for the committee. This bill requires that town and city clerks provide a daily update of candidates who have filed for nomination to the Secretary of State. Currently, the clerks are only required to mail in certain candidates nomination papers. Due to slow mail service, the Secretary of State's office is not able to receive the original information in a timely manner to post online and this impacts candidate filings. This delay means that often the public is not aware that someone has or has not filed before the deadline and creates issues in making sure that each and every position for public office is filled. [Open Democracy Action takes no position on this bill](#)

[HB 285](#), relative to verification of voter checklists. Ought to Pass with Amendment, Vote 5-0 in the Election Law & Municipal Affairs committee. Senator Ward for the committee. This bill as amended will modify the procedure for maintenance of an accurate voter checklist. The Secretary of State will establish a verification process using the United State Postal Service address database and inform the municipalities of any mismatches for review and confirmation. This will allow the Supervisors of the Checklist to keep the information of registered voters current. [Open Democracy Action takes no position on this bill](#)

[HB 476](#), relative to election officers at additional polling places. Ought to Pass with Amendment, Vote 5-0 in the Senate Election Law committee. Senator Gray wrote: "This bill as amended removes the requirement that election officials for an additional polling place within a town be domiciled in the district where the additional polling place is located. It does not change the requirement that election officials be domiciled in the town. The amendment ratifies all actions,

votes, and proceedings of the town of Middleton's annual town meeting held on March 13, 2021.
[Open Democracy Action takes no position on this bill](#)

NH House does not have a session scheduled

Open Democracy Book Club

If you haven't yet joined the Open Democracy Book Club, find out more about it, and our upcoming book by visiting [the sign up page](#). Do it today, because the next book club discussion is [May 27 at 7pm](#).



Help Us Draw the Fair Maps - No Technical Skill Needed

Join our May 18 "[Map-a-Thon](#)" to help us crowdsource fair maps for our state. We have people who can run the mapping software, but we need your help in learning about the "communities of

Map-a-Thon

interest" in your area. You know the territory, things like the towns in your school district, where people shop, the largest employers, and some of the issues facing your area. This is the kind of information that should be considered, but our state legislators have ignored!

If our elected officials can't do it in a fair way, the people will!