

Meeting of the Select Committee on 2020 Emergency Election Support

Tuesday, May 12, 2020 - 2:00 p.m.

Members:

- Bradford E. Cook, Chairman
- Representative Barbara J. Griffin
- Katherine M. Hanna
- Kathy L. Seaver
- Senator Tom Sherman
- Eugene Van Loan III

Also participating:

- David Scanlan, Deputy Secretary of State
- Orville “Bud” Fitch, Legal Counsel, Secretary of State’s Office
- Nicholas Chong Yen, Assistant Attorney General

Select Committee meeting

- Chairman Cook opened the meeting at 2:00 p.m.
- Deputy Secretary Scanlan advised that Chairman Cook will recognize people to speak. Advised attendees that if they are on the invited list and want to say something, they should raise their hand to indicate they want to address the committee.
- Chairman Cook called the roll: All members were present, attending remotely, and alone.
- Senator Sherman moved adoption of last meeting’s minutes; Ms. Seaver seconded. Minutes unanimously adopted on a roll call vote.
- Chairman Cook provided an overview of the agenda for this week:
 - Today we have representatives of political parties and groups involved in elections;
 - Tomorrow’s meeting will be chaired by Senator Sherman and we will be hearing from healthcare organizations;
 - Thursday will be a working session for the Committee, at which we will make preliminary decisions on priorities. We’ll also have presentations from the Secretary of State’s office on the current absentee ballot process, with a demonstration and discussion of the issues presented by using online/network means for posting information.
 - Procedural comments for today: Chairman Cook noted that we have no ability to change current law, so if attendees advocate for legislative changes, those are best directed to the legislature. We can simplify and clarify.
 - Chairman Cook requested that presentations be kept to five minutes or less and that materials also submitted in writing, when possible.
 - Reminded people to not repeat already stated comments. Asked that speakers introduce themselves when speaking, including who they represent and whether they’ve submitted written testimony.
- Jillette Jarvis, Libertarian Party: Acknowledged that the committee is not a law-making group, but the Libertarian Party had submitted formal requests multiple times to different groups. The current situation we’re facing precludes any candidate who is not a Democrat or Republican from being able

to have ballot access, because we cannot currently petition for signatures, and it looks like we won't be able to for a while. Is anything in the works that would allow for Independents and third-party candidates to be allowed to be on the ballot given the situation?

- Cited lawsuits in different states that have addressed this issue with various remedies.
- Chairman Cook: Noted that this is on the committee's list of issues to deal with.
- Deputy Secretary Scanlan: To do what was just requested would require a law change, which we're not authorized to do right now unless the Governor issues an executive order. Our advice to the Libertarian Party has been to approach the Governor's Office.
- Ms. Jarvis: We've done that and aren't getting replies.
- Chairman Cook: So noted. We'll take that as part of the record.
- Senator Tom Sherman asked Ms. Jarvis: Per the remedies in those other states, would a candidate have had to be on the ballot in 2018 to be eligible for 2020?
- Ms. Jarvis: No. In the remedies of those other court cases, if a party was allowed to appear on the ballot in 2018, parties have been allowed to put their candidate on the ballot again this year.
- Nicholas Sarwark, Libertarian Party, Chairman of Libertarian National committee and the NH Libertarian committee.
 - Wants to answer any questions the committee might have about the issue of relief of petitioning requirements and access to the ballot for candidates outside of enrolled parties with automatic access to ballot.
 - We're presently on the ballot in 36 states and on pace for 50 states and DC access.
 - We went to federal district court in Illinois when election officers said they couldn't change the law to accommodate us, the legislature couldn't, and governor wouldn't. We went to federal court on an accelerated schedule and received relief in Libertarian Party of Illinois v. Pritzker. The relief allowed a party to put a candidate on the ballot if that party had qualified in 2016 or 2018, with no petitioning requirement. For offices where they hadn't previously been on the ballot, the court reduced the petition requirements to 10% and changed petition format to allow for electronic format with relaxed standard. That's the type of relief we're seeking in NH. We've contacted Governor Sununu. There's opportunity here for everyone to win. Happy to answer questions.
- Attorney Chong Yen: The Department of Justice hasn't had the opportunity to look at that particular question. I know there are emergency orders that the Governor has adopted re: certain relaxing of e-signature requirements, but never in the context of nomination/petition requirements.
 - I'm sure if the Libertarian Party has put them before the Governor's office it's being reviewed; I don't speak on their behalf but I understand the importance of this issue and hope a solution is reached
- Rep. Griffin asked Mr. Sarwark: Can you refresh me on the current requirements? I believe Libertarians were on the last ballot and there was a percentage requirement of votes to stay on the ballot. Is that correct?
- Mr. Sarwark: Yes. In NH there's a requirement of 3,000 signatures to place a candidate on the ballot for a statewide race. If that party's candidate for senate or governor gets over 4% of the vote, they become an enrolled party. In the last election the Libertarian party didn't get over 4% of the vote, so we're back to being unenrolled now. We had anticipated being able to successfully complete that signature requirement, as we've done every cycle since the party started 50 years ago. However, COVID-19 prohibits us from doing that right now.

- Rep. Griffin asked Mr. Sarwark: In the Illinois case, there was request for a waiver or suspension of rules, and it sounds like you got mixed relief. In NH, it would appear the requirements are substantially less than they were in Illinois, both by law and by virtue of size of state. Is there specific relief in NH that you're looking for?
- Mr. Sarwark: We are seeking the same relief we were seeking in Illinois, citing Supreme Court precedent.
- Rep. Griffin asked Mr. Sarwark: Do you agree NH has already set requirements for requalification?
- Mr. Sarwark: NH has rules set forth that don't contemplate the current pandemic. We'll sue if we don't get relief.
- Chairman Ray Buckley, Democratic Party, served 8 terms in NH House as member of House Election Law committee and has served as Moderator of Ward 8 in Manchester, as well as ward clerk.
 - We can all agree NH should take great proud in how well run our elections have been. That couldn't have been clearer than during this past Presidential Primary, which boasted record turnout.
 - As we set pace for well-run elections, we must also lead in adapting in times of crisis. It's clear COVID-19 is impacting us for longer, and more deeply than we'd anticipated.
 - The eyes of the nation will be on us in November and we play a pivotal role in Presidential and Congressional races, nationally. We're a truly purple state and our elections are close. We must strive for an unchallenged election, especially in defense of our First-in-the-Nation Primary status.
 - Our elections must emphasize transparency and have provisions for observers.
 - We must maintain our high voter turnout status and must ensure every eligible voter is allowed to vote. No one should have to fear for their health.
 - I'm glad we're investigating needed adaptations. I hope you'll work quickly to take action to alleviate voters' and officials' concerns. We've always worked to ensure Granite Staters understand the voting process and are prepared to participate in elections. Guidance from that state is a critical first step to a successful election, including elevated voter education efforts.
 - Attorney Bill Christie has been engaged in voter issues for years and I'd like to pass it over to him for additional comment.
- Attorney Christie, Legal counsel for NH Democratic Party.
 - Want to focus on concerns election officials have raised in the last few weeks. I believe these concerns deserve special attention.
 - We've heard the best way to protect election officials' safety and everyone's safety is to encourage absentee registration and absentee voting. In particular they're worried about the close contact required by in-person registration. Approximately 80,000 people registered on election day in 2016, and we expect that number to be even greater this year.
 - There's only finite space in most polling places, and it usually doesn't allow for social distancing. This is another reason absentee registration and voting should be encouraged.
 - Without knowing scope of pandemic in fall, officials are clear that social distancing on election day may be impossible.
 - To ensure voters can register and vote safely from home means ensuring the two processes are easy to understand and execute.

- Right now, the absentee voter registration and absentee voter processes are cumbersome and registering by mail is really difficult for voters without access to printers needed to photocopy documents. I've been involved in every election in this state since late '90s. If I needed to register to vote absentee today it would be almost impossible for me to do so because I lack a printer and I can't make copies of documents, etc.
- Further, as someone who has voted absentee several times I know how easy it is to make a mistake and have a ballot be rejected, simply due to an error.
- We urge you to take the advice of election officials and make these processes simpler. Failure to take steps to do so can disenfranchise voters and force workers into a dangerous situation on election day.
- We have well-run elections in NH and we hope guidelines issued for the 2020 election reflect the views and experiences of local election officials.
- The NH Democratic Party would appreciate the opportunity to follow up with the committee once priorities are identified.
- Chairman Cook asked Attorney Christie: Chairman Buckley noted the importance of observers, and then you spoke about the need for increased use of absentee registration and voting. How do we achieve both? How do we ensure the ability to observe the process at every stage and simplify the process, encouraging the use of absentee processes?
- Attorney Christie: I think on that issue it's a question of volume. In a normal election with observers at the polls there would be tremendous amount of people at the polling place. For this election, we'd envision a process by which more folks are voting absentee, therefore there will be fewer people at the polls on election day.
 - This also means more absentee ballots to process, but they can be processed in an area with less public, with observers present, socially distanced, observing the processing and counting of absentee process.
- Ms. Hanna: Many people have suggested that we consider recommending that absentee ballot processing start a day or two prior to the election. I'd like your comments on whether you believe, if that were the case, whether Zoom or some other electronic means be sufficient in terms of allowing observers to do their duty?
- Chairman Buckley: I don't think Zoom would be adequate. There are important considerations to be made around processing absentees prior to polls opening. Such processing would have to be well noticed, including where it's going to be, the exact time, and with enough notification that the respected political parties would have observers there. We'd also have to ensure the security of those ballots and those ballot boxes.
- I strongly think our local officials will be capable of processing absentee ballots on election day themselves, when all ballots are together, nothing is separated, and there's no potential for a mistake. There are always an incident or two every election cycle when someone makes a mistake; noted missing ballot box in Exeter last election cycle. Making sure ballots are processed in open public way wouldn't be adequately supported over Zoom.
- Mr. Van Loan asked Attorney Christie: I understand your point about the difficulty with applying for absentee registration for those without a printer at home. We can extend that challenge to people without computers. It's unclear to me what the remedy is. If those are significant problems for absentee registration and it can't be done in person, what alternatives do you suggest?

- Attorney Christie: There could be an option to fill out forms online, ex: a fillable PDF. This is done in many venues. Someone could fill in a PDF, save it on their computer, and email it in. That could solve that problem significantly for this coming election. It doesn't solve the problem for those without a computer, but it would solve a problem for a significant amount of people looking to register to vote absentee. Any of these solutions will probably not solve the problem for every potential voter out there, but if we can solve the problem for a significant amount of voters in a class of people affected by the law, it seems to me that's something the state should try to do.
- Ms. Hanna asked Attorney Christie: I'm wondering how you'd react to having stacks of registration applications and/or absentee ballot registrations in grocery stores and other places where we believe people are going during the crisis? Does that pose any legal problem?
- Attorney Christie: I think such a concept could work, and depending on circumstances I do think there may be some control measure that needs to be in place in terms of where ballots can be picked up. I'm not saying a store isn't the proper place but I think it would need to be clear to prospective voters what process that application represents. We wouldn't want people registering to vote who have already registered but they think there's a new form they need to submit to be eligible.
- Chairman Cook: Noted the comments in the chat room appear to strongly support this idea.
- Rep. Griffin asked Attorney Christie: We're talking about the possibility of leaving stacks of applications in public places, and the emergency order is based on an issue of being in public.
 - There's been some concern in prior testimony that we've taken about the affidavit itself, and people being hesitant to swear to something under oath out of fear of making a mistake. If people are out in a public place picking up an application, do you think they can legally fill out an application saying they're fearful for their health for going to polling place?
- Attorney Christie: Absolutely. Everyone is going to go to some public place between now and election day, whether it's the store or the pharmacy, etc. Most people are wearing masks and social distancing. A polling place is a much different setup than a grocery store; they're small and it's hard to socially distance and stay six feet apart.
 - There are always issues in NH with lines on election day, especially in a presidential election. As others have testified, this is likely to be a close election in certain races. The issue of risk to people being in lines at polls for long periods of times justifies the Governor's executive order and the Secretary of State's guidance letter that COVID-19 qualifies as a disability.
- Stephen Stepanek, Chairman of the Republican Party in NH, 5-term state rep representing Amherst. Currently lives in Thornton NH. Selectman in Amherst over the years, including planning board.
 - Lots of these suggestions seem to require legislative action in order to implement. I'd be concerned about counting ballots prior to the election; I think the legislature would have to authorize that. That would set a dangerous precedent, I believe.
 - Re: the question of registration forms versus applications for an absentee ballot: when the talk was concerning piles of applications at the grocery store, those were applications for requesting an absentee ballot, not applications for registration, is that correct?
 - Ms. Hanna: Actually I was referring to both applications: for requesting an absentee ballot and applications for requesting an absentee voter registration packet, which is allowed under current law.
 - Chairman Stepanek: I want to make sure we're clear that this isn't a lawmaking body and any suggestions made do not overstep bounds of legislature. We're talking about an

election that's 5.5 months away and I hope we're not going to be at this level of lockdown by then.

- Mr. Van Loan: Clarified that no one has suggested absentee ballots should be counted before election day. Suggestions regard early beginning of just processing these ballots.
- Dr. Richard Friedman, physician in Bedford: My background is in performance improvement and quality assurance. I haven't heard people talk about how to keep voters and poll workers protected. I suggest the state require each polling place to develop a process map which there is a step-by-step description of what happens from the time someone arrives at the polls to the time they leave. That should be developed and then reviewed by public health experts at the State Bureau of Public Health so we can identify step-by-step how to reduce threat of infection and plan appropriately for protection of all.
- Senator Sherman asked Dr. Friedman: One thought I've been mulling is creating an ideal process for election day and then having any changes from that process be reviewed by the Bureau of Public Health. Is that as useful? It seems it would require less oversight and review if you have a template that you only have to review if people are going to have to deviate from it.
- Dr. Friedman: That seems very reasonable: a gap analysis. I did it this way because there seem to be so many variations of how to do it and I didn't know if it would be possible to develop just one template.
- Senator Sherman asked Dr. Friedman to join the healthcare conversation tomorrow.
- Olivia Zink, Open Democracy Executive Director: We're living in a new reality. We have exposed weaknesses. Some of our old rules might not have effect. I don't believe voters should have to choose between their health and voting. We need a comprehensive plan to ensure integrity of 2020 elections. As you decide on how to spend money it would be good to have a plan of what is needed and how you prioritize funding.
 - Absentee voting: We need clear and simple guidelines for voters. They'll be confused about having to check the "disabled" box.
 - Right now you have to submit 2 absentee ballot request forms: one for the primary and one for the general election. It would be great if voters could check on one form that they want an absentee ballot for both elections and that form could be duplicated for processing.
 - When you request absentee ballot, we need clarity on whether you can sign the form and send it back. Some town clerks say yes, you can sign the form and email the form back; some communities say no digital signature is allowed. There needs to be clarification on returning absentee ballot form and how that can be remitted. We need to ensure these processes are streamlined.
 - Registering to vote: We've heard you can register via mail but I've not found a voter who's been able to complete a packet by mail. I shared information with Chairman Cook about what a clerk said. We need to avoid confusion voters are hearing and have really clear and simple guidelines for registering to vote.
 - On the absentee ballot request form a witness's signature is required; I'm deeply concerned about that given the current crisis, especially for someone who might live alone.
 - We heard lots last week around in-person voting, but it's important that we safeguard everyone who goes to the poll in person with PPE. It's also important that we be recruiting new poll workers, as many are older, and training those workers, and knowing the new reality we face on election day and what training is available.

- Funding: I'm deeply concerned about downshifting costs to local communities. Our local communities have been hit hard. We know they won't see revenues as projected. State needs to match funds at the state level. I don't think we should downshift match funds to local communities.
- I'm hearing they may be a 2nd round of funding so I encourage members to talk to our Congressional delegation to see if additional funding is coming down the pipeline to inform priorities.
- Chairman Cook noted the committee received comprehensive memorandum which has been distributed to members.
- Senator Sherman: I've heard from many sources the concern around checking the disabled box, even though the Governor's executive order and the Secretary of State assure us it's okay. What would it take, in your estimation, to overcome that trepidation? We're trying to stay within existing statutes. Would a definition of "disabled" appearing on the ballot be helpful, which includes COVID-19?
 - Ms. Zink: I know there are others with more legal expertise who could respond to that. My understanding is the form is dictated in law, so I don't think we can add a red mark to the form without violating statute. Maybe a sticky note could be included, or a card, that says "due to COVID-19 crisis, you can check disability," but it has to be really clear and simple.
- Mr. Van Loan: Is that correct? Is the form dictated by statute or can the form be amended?
- Attorney Chong Yen: That is correct. RSA 657:4 identifies the structure by which the form should be laid out, and charges the Secretary of State with making forms in accordance with those provisions. I think it would require legislative intervention to change that language directly, so including advisory material in the package sent in response to a request may be something to explore as a recommendation.
- Dan Bristol, NextGen NH: Our mission is to educate, engage, and turn out young voters and we're aware of the challenges they face in casting their ballots in NH. The Secretary of State's decision to include COVID-19 as disability is an important step toward ensuring our health, but it also creates a new set of challenges.
 - The process to request an absentee ballot should be simplified. Mistakes on absentee ballots are common. In 2018, 2.7% of absentee ballots were rejected in NH because of mistakes.
 - Study in FL found first-time voters are more likely to have ballots rejected because of simple errors.
 - We need to make sure NH is immune from concerns about disenfranchisement and I hope this committee explores ways to simplify the process for requesting an absentee ballot, including creation of an online portal for making requests.
 - We should mandate that ballots postmarked on or before election day are accepted, and the state should be paying for postage to voters.
 - Young people utilize same-day registration as an option, or update their registration on election day, because we tend to be more transient and are likely to be first-time voters. In absence of in-person options, we need to ensure there's a simple and accessible absentee registration process, especially if we're expecting more ballots to be cast absentee.

- Proof of eligibility should be waived. Use of qualified voter affidavit should be available by mail. Should be described online in simple terms. Streamline and simplify process as much as possible.
- We need to simplify the process to acquire and cast absentee ballot including an online portal, mandating all absentee ballots postmarked on or before election day are counted, pay postage for returning absentee ballots, and relieving the requirement for notarization, as well as requirement for paper copies of supporting documents.
- Chairman Cook asked Mr. Bristol: If a ballot is postmarked the day before the election and it arrives three days later, how do you count that?
- Mr. Bristol: We have to think about when we count these ballots. It was suggested to count them prior, but I think that's a decision to explore.
- Chairman Cook: We were talking processing of absentee ballots, not actual counting. I don't like notion of counting every ballot postmarked the day before, and then even on, election day. This seems like an untenable process.
- Ms. Seaver: We got an absentee ballot once that was postmarked the day of the election but we got it a month later. Right now you have to have received it by election day, and we check the post office at 5:00 to ensure we're not missing any. It's hard to accept something postmarked election day or the day before, because you might not receive it for a while.
- Mr. Van Loan: It's worth the effort of the Secretary of State and the Attorney General's office to look at statute and see whether forms can be amended to include COVID-19 info. I don't see why they can't, and it would make a huge difference.
- Liz Tentarelli, President of League of Women Voters of NH, an all-volunteer nonpartisan organization that for 100 years has worked to empower voters.
 - We've been producing and distributing voter info flyers at various events and we can't do that this year. They're on our website to reflect the information contained in the Governor's new executive orders but we need to find ways of making all voters aware of 2 things: the polls will be open and they can still go in person, but also letting them know they have the option of registering and voting absentee.
 - The forms need to be made simpler. I think we need to include a COVID-19 statement in the disability box.
 - We need a huge publicity campaign including articles online and in newspapers but also talk radio, music radio, and top of the hour PSAs. The Governor could use his platform to get TV stations to cover this as it comes closer to the elections, to make clear that anybody in this time of COVID-19 can apply for an absentee ballot.
 - There needs to be a clear simple website on which forms you need can be downloaded and instructions are included on the process. That could all be done to reach voters who want to vote, have always voted, but don't know how they're going to do it this year.
 - Simplicity is what we need. Simple forms, phrasing, and explanation of the process. One app should serve for both general and primary and towns should be able to assume voter wants absentee ballot. Thinks some money should be appropriated toward publicity.
- Ms. Hanna: Under current law is it possible for one request for an absentee ballot to cover both the primary and general elections? That's an excellent suggestion.
- Attorney Chong Yen: Will review and follow up with the committee.

- Louise Spencer, co-founder of Kent Street Coalition, an all-volunteer advocacy organization dedicated to participatory democracy, and voting rights is an essential priority. In our work we had extensive opportunities to talk with public re: voting. While many people vote in same town and location year after year, many do not; many change their polling place or are new voters. Certain populations have questions and concerns that lead them to opt out of the process. People take voting very seriously and want to do it right. As we contemplate elections we'll have many people registering to vote and voting by absentee without the benefit of an election official's help, so it's more important than ever to have clear and reliable forms and procedures so people are confident about the process and no one is disenfranchised. Submitted proposed changes to the election process.
 - Instructions must be comprehensive and address all aspects of process. Must be short term adopted to specific issues arising out of pandemic and sunset after November election.
 - Must be predictable. Need to be legally defensible. We call on all stakeholders to recognize urgency of this issue and to unite to work in bipartisan fashion so we address these concerns adequately. We know many changes will be expensive but we have CARES Act money, as well as HAVA money.
 - Need for centralized website in multiple languages that municipalities should link to.
 - Pay special attention to voter registration. Steps need to be clearly outlined. Outreach should be doubled.
 - People might be reluctant to check disability box for purposes of COVID-19 and we need that allowance to be spelled out clearly.
 - Communications expert should be hired so we're not striking out blindly about how to reach people but that we have an effective media plan.
 - Elimination of all unnecessary red tape.
 - We need to work to protect poll workers.
- Senator Sherman: I've had several people raise the issue of tech support and how we might use the Internet and interactive PDF forms. Would it be useful for this committee to hear from someone who could address not only tech capacity, but who could address security concerns some people are feeling?
- Ms. Spencer: Access is a real issue for many people. Can we have a centralized help line for people, manned by a person to reassure them? We're concerned about the error rate that might increase when there isn't an election official to help voters fill out forms.
- Ms. Hanna: You've encouraged the legislature to reconvene and pass any necessary statutes. Being mindful of the time and effort that takes, has your group considered asking for a certain executive order from the Governor?
- Ms. Spencer: We're waiting on an executive order and we're very pleased with that process. We need guarantees that whatever is determined by executive order will remain in place through the November elections. What happens if state of emergency is lifted?
- Deb Ritcey, CEO, Granite State Independent Living:
 - Reiterated much of what has already been raised.
 - GSIL represents over 1,800 Granite Staters self-identify as a person living with a disability. Could be significant or could be a learning disability—it runs the gamut. They're all of age to vote.

- Lots of our constituents don't have tech or aptitude to vote on their own and need resources to help them.
- I've heard some of my consumers slightly offended at the order that lumps COVID-19 into disability. I've had to agree with them. Many people will be uncomfortable checking that box.
- Concern for disability community are tools they may/may not have to get access to voting. We talk about an online process: there's plenty of communities rural enough that they don't have internet access, so an online tool doesn't help them.
- Hotline is a wonderful idea; should work like the 211 system.
- We have people who will lack ability to have a witness.
- If they're requesting an absentee ballot for the primary, they should automatically get an absentee ballot for the general election.
- We need to put resources into PPE. Technology is sometimes a challenge. Need to be mindful of ADA compliance.
- Chairman Cook: Do you think your population has more experience voting absentee under present system than the general population?
- Ms. Ritcey: They've become more inclined to voting since '16 than in the past by virtue of the candidates running, but I don't think it's a population that has really had a lot of advocacy around this aspect of voting.
- Henry Klementowicz, staff attorney at ACLU NH, a nonpartisan nonprofit advocacy group talking about civil rights and voting rights today. Many have spoken here and I won't be too repetitive.
 - We believe it's important to ensure absentee voting is an option for everyone.
 - We need a sustained advertising strategy to inform voters about the absentee process.
 - It is our view that we can expect that between primary and general in a year like this that thousands will register to vote and we need to ensure there's a system so those people are able to register and vote, paying particular care to vulnerable and marginalized communities, and the absentee system we have which is at best clunky, and isn't equipped for the registration requests we can expect.
 - For example: registration process includes requirement that people produce copies of documents when registering to vote by mail, which aren't necessarily required in person. People registering to vote in person can sign affidavits, and for those stuck at home without printers or copiers, or whose documentation has expired and can't be safely renewed, it really creates a barrier.
 - In addition, the requirement for a witness is inappropriate given that we're all social distancing. The Governor acknowledged this with allowing for the e-notarization process, allowing notarizes to do their work by Zoom. The problem with that process for the absentee registration process is it creates extra mailings when we can already expect a high level of strain on the postal service.
 - Our suggestion: NH already has a statute governing unsworn falsification that makes it a crime to provide false statements on government forms, and we should use that instead of the witness requirement. That's what happened as result of a lawsuit in VA, where a witnessing requirement was blocked by a federal judge. These steps can be taken to simplify the process. I know there's discussions being had at the Governor's office about having another executive order, but these are steps we should be taking now and state actors

including the Secretary of State's office really should be engaged in sustained professional aggressive advertising and voter education campaigns so everyone knows their rights and responsibilities.

- Ms. Hanna: I'm intrigued by idea that in-person same day registrants can sign an affidavit and someone registering by mail cannot. Would we need a law change to incorporate the affidavit process into the absentee registration process?
- Attorney Klementowicz: Not sure the Governor couldn't do it through executive order.
- Ms. Hanna: Under current law could someone take a picture of an ID and transmit it that way?
- Attorney Chong Yen: In terms of electronic format and dissemination to clerks' offices, my concern would be the transmission of potentially private info, which would create security concerns. If committee wants to they could reach out to the Governor's office to explore emergency order using affidavits in lieu of copies required for domicile and identity, which may be an option to explore.
- Mr. Van Loan: Noted that many in chat room have supported idea of hotline for support.
- Chairman Cook: What's the ACLU's position on all absentee and no in-person voting?
 - Attorney Klementowicz: We wouldn't support elimination of in-person voting. There are people who for various reasons need to vote in person. But it is important that the state encourage absentee voting as much as possible while still permitting in person as an option.
- Josie Pinto, NH Youth Movement, grassroots organization focused on getting out the vote.
 - Worried about how young people will be impacted, as they often account for huge number of same day voter registration, in college wards.
 - Important to be able to register remotely.
 - Want to see centralized website to access voter registration and absentee ballot request form system. Should include strong digital component.
- Chairman Cook: If a college decided not to have next semester on-campus and did everything remotely and a student was from somewhere else, where would they vote?
- Ms. Pinto: Where they were domiciled.
- Rosemary Danelski, America Votes NH Political Director: Reminded the committee of available HAVA funding. There are lots of priorities for funding and \$3.2 million goes fast. Let's look to HAVA to supplement CARES Act funds.
- Ellis Robinson: Chair of Grantham Democrats.
 - Concern about people not feeling included in disability box: I suggest using something not COVID-19 related but rather language like "immune compromised" or "susceptible to infection". Include clarification as a note on the forms themselves.
- Jim Rousmaniere: Wants to underscore that safe voting this year is a very practical and material concern.
- Darryl Perry:
 - Federal court in NH recognizes constitutional right to be a candidate. Libertarian party nomination happens Memorial Day weekend, so we can't collect petitions for president. Without relief there won't be a Libertarian presidential candidate.
 - Outlined differences between Illinois and NH.
 - Cited court cases in other states.
 - Libertarian Party needs executive relief to get access to the ballot.
- Todd Fahey, AARP: state director.
 - 50+ voters are most dependable voting bloc

- We need to protect right to vote plus health and safety of seniors.
- We should mail absentee ballots to all NH voters without them having to request it, and do it postage paid.
- Five states conduct all mail elections and 21 others allow some form of voting by mail in elections. Data suggests it increases turnout.
- We should extend early voting to include weekends.
- We should ensure poll workers have PPE.
- Dana Trahan: NH citizen who is 50+ and is legally blind. You'll hear more tomorrow but glad this committee is soliciting information.
 - Ms. Hanna asked Ms. Trahan: do you think the current AVS machines are adequate?
 - Ms. Trahan: They're independent and private but not yet verifiable.
 - Ms. Hanna: How would you replicate voting at home and not using an AVS machine?
 - Ms. Trahan: Thinks she could do OmniBallot on her computer.
- Viola K, Granite State Organizing Project, focusing on voter engagement in communities of color:
 - Underscored support for an assistance hotline
 - Urged the need to promote and educate around absentee registration and voting.
 - We should provide online voting for front line voters.
- Ms. Hanna moved to adjourn; Senator Sherman seconded the motion. Adjournment motion was unanimously adopted by roll call vote. Meeting adjourned at 4:50 p.m.