

2020 Webinar Series



2020 Election Readiness

Cordell Johnston, Government Affairs Counsel

Natch Greyes, Municipal Services Counsel

Nicholas ChongYen, Assistant Attorney General

August 19, 2020

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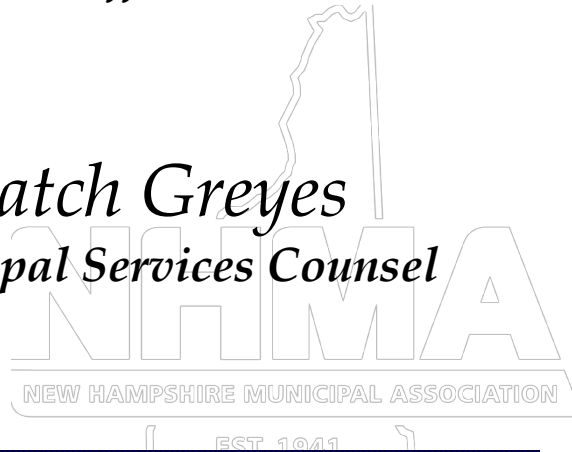
Today's Speakers



Cordell Johnston
Government Affairs Counsel



Natch Greyes
Municipal Services Counsel

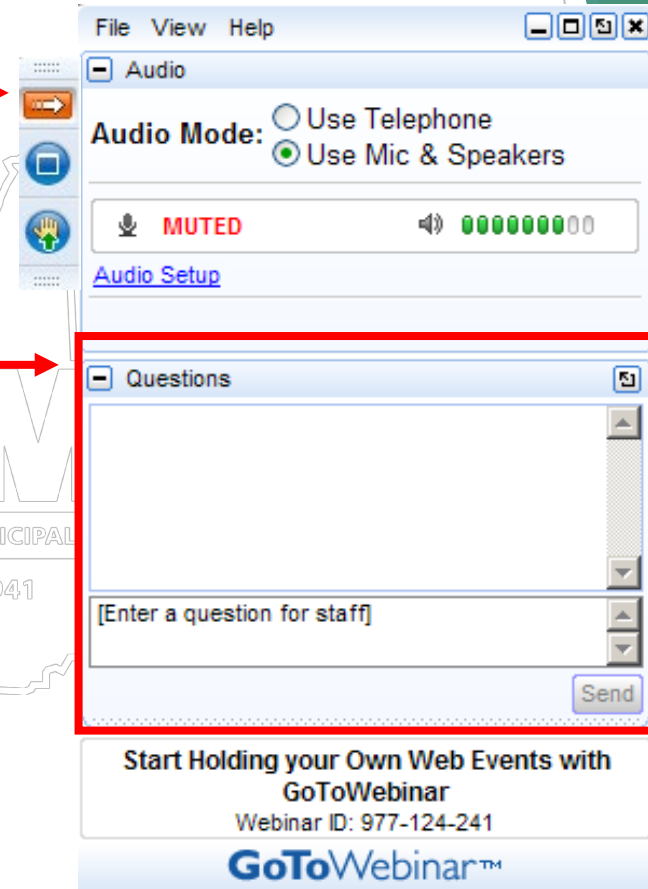


Nicholas Chong Yen
Assistant Attorney General
NH Department of Justice

How to Participate Today



- Open and close your panel
- Submit text questions
- Q&A addressed during the webinar session



Agenda

- ▶ Executive and legislative actions affecting elections
- ▶ Absentee registration and voting
- ▶ Change of party at primary
- ▶ Return to undeclared status
- ▶ Processing absentee ballots
- ▶ Arrangement of polling place
- ▶ Masks at polling place
- ▶ Other issues

Executive and Legislative Actions



- ▶ AG/SOS memorandum - April 10
- ▶ Governor's emergency order #43 - May 13
- ▶ AG/SOS memorandum - June 3
- ▶ HB 1266 - effective July 17
- ▶ AG/SOS guidance document - pending

April 10: SOS/AG Absentee Voting Memo

- ▶ “[A]ny voter who is unable to vote in person in the September 8, 2020 Primary Election or the November 3, 2020 General Election because of illness from COVID-19 or who fears that voting in person may expose himself/herself or others to COVID-19 will be deemed to come within the definition of ‘disability’ for purposes of obtaining an absentee ballot. Any voter may request an absentee ballot for the September 2020 Primary and November 2020 General Elections based on concerns regarding COVID-19.”

June 3: SOS/AG Absentee Registration Memo

- ▶ “[Due to Covid-19,] all voter registration applicants have a reasonable basis to conclude that a “physical disability” exists within the meaning of RSA 654:16 and 654:17...Therefore, all applicants may request an absentee voter registration package by mail, e-mail, fax, or phone on that basis.”



HB 1266 Supersedes Both Memos



- ▶ Absentee registration:
- ▶ Any person who “by reason of concern for Covid-19 is unable to attend a meeting of the supervisors of the checklist” may register by absentee registration.
- ▶ No longer defined as “disability.”

Absentee Voting



- ▶ Any person “who is unable to vote in person . . . because of concerns relating to . . . Covid-19” may vote by absentee ballot.
- ▶ No longer defined as “disability.”
- ▶ Voter may request absentee ballot for both primary and general election with one application form.
- ▶ Error on absentee ballot affidavit: does not include Covid-19 as reason for absence. SOS recommends indicating “disability.”

Emergency Order #43 - Change of Party



- ▶ Voter may change party affiliation by affidavit at September 8 primary:
- ▶ “I declare that I affiliate with and generally support the candidates of the _____ party. I attempted to submit an application to change my political party affiliation to that party to the clerk. That application should have been received by the clerk by 5:00 p.m. on June 2, 2020.”

Return to Undeclared Status at Primary



- ▶ June 3 AG/SOS memo: Ballot clerks will hand an “Election Day Party Affiliation Change Form” to all voters who check in as undeclared. A box will be placed to collect the complete forms next to the ballot box or ballot-counting device.
- ▶ Avoids need for separate change-back table, and avoids having multiple voters sign the printed list of undeclared voters.

Processing Absentee Ballots

- ▶ HB 1266 – allows for “partial processing” on Thursday, Friday, Saturday, or Monday before election day.
- ▶ Post notice in two places at least 48 hours before. Provide copy of notice to SOS!
- ▶ Requires moderator and at least 3 other election officials.
- ▶ Public must be allowed to observe process.

Processing Absentee Ballots (*continued*)



- ▶ Open outer envelope, examine affidavit on inner envelope. Do not open inner envelope.
- ▶ Announce voter's name, allow opportunity for challenge. No challenges allowed after partial processing.
- ▶ Make "notation" on checklist next to voter's name.
- ▶ SOS: Do not write "A.V." until final processing on election day.

Processing Absentee Ballots *(continued)*



- ▶ SOS recommended process:
 - ▶ Highlight voter's name on checklist during partial processing.
 - ▶ On election day, at designated time for processing, ballot clerks go through checklist and write "A.V." next to highlighted names.
 - ▶ One section at a time: A-C, D-G, etc.
 - ▶ As each group is completed, open inner envelopes, remove ballots and deposit in ballot box or machine.

Arrangement of Polling Place



- ▶ HB 1266: “The requirements of [RSA 658:9, Arrangement of Polling Place] may be satisfied by alternative requirements issued by the secretary of state in consultation with the attorney general and the commissioner of [DHHS.]”
- ▶ May allow for fewer voting booths.
- ▶ Awaiting announcement from SOS.

Requiring Masks at Polling Place



- ▶ Can poll workers be required to wear masks? Voters?
- ▶ If town has a mask ordinance?
- ▶ If town has mask policy for town-owned buildings?
- ▶ If election is in school building and school has a mask policy?

Requiring Masks: Emergency Order #63

- ▶ “Face coverings shall be required for... scheduled gatherings of 100 or more.”
- ▶ Does not apply to “day-to-day operations of...local government.”
- ▶ “Day-to-day” operations would mean the ordinary operations of government, not “events” or “occurrences” which happen only a few times a year.
 - ▶ E.g. fireworks, parades, etc. are not “day-to-day” but the ordinary operation of town hall, regularly scheduled board meetings, etc. would be “day-to-day,”
- ▶ EO #63 does NOT apply to elections (even though they are once or twice a year).
 - ▶ Separate guidance for elections from SOS/ AG.



Requiring Masks

(continued)



- ▶ Elections “shall be . . . governed by a moderator,” who has a duty to secure the observance of the voting laws. N.H. Const. Part 2, Art. 32; RSA 659:9.
- ▶ AG/SOS: Moderator may require poll workers to wear masks.
- ▶ Probably may not prohibit voter from voting for not wearing mask. May make alternative arrangements.

Non-Masked Voters: Alternative Arrangements



- ▶ Awaiting guidance from AG/SOS
- ▶ Current suggestions:
 - ▶ Separate check-in and voting area, inside or outside.
 - ▶ “Curbside voting” under RSA 659:20-a (used for disabled voter who cannot access polling place). HB 1266 authorizes use for COVID-19.
- ▶ Wait for guidance from state and/or talk to legal counsel.

Selectmen at Polling Place

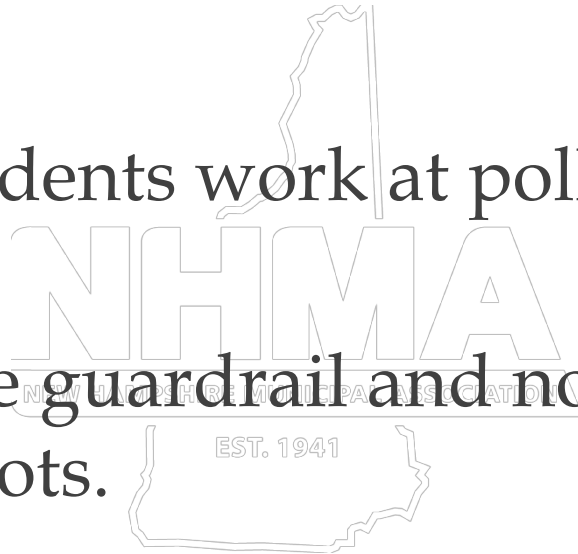


- ▶ “The meetings for the choice of governor, council and senators, shall be warned by warrant from the selectmen, and governed by a moderator, who shall, in the presence of the selectmen (*whose duty it shall be to attend*) in open meeting, receive the votes of all the inhabitants of such towns and wards present.”
N.H. Const. Part 2, Art. 32
- ▶ How many must attend?
- ▶ RSA 658:21-a: selectmen pro tem.



Non-Resident Poll Workers

- ▶ May non-residents work at polling place?
- ▶ Yes, if outside guardrail and not handling ballots.



Personal Protective Equipment

- ▶ Department of Homeland Security delivering PPE to municipalities this week.
- ▶ Supply is intended for both primary and general election. Don't use it all on September 8!
- ▶ Discourage use of hand sanitizer before voting. Wet ballots jam the machines. Put sanitizer at exit.



Questions?



Complimentary Webinar



[REGISTER NOW!](#)

nhmainfo@nhmunicipal.org / 800.852.3358 / www.nhmunicipal.org



SAVE THE DATE

THURSDAY, SEPTEMBER 24

2020 Budget & Finance Virtual Workshop

NHMA will be holding its annual Budget & Finance Workshop on Thursday, September 24th as a virtual workshop to ensure the safety of attendees as COVID-19 remains a serious public health threat.

We have restructured this annual event in order to deliver professional training and education to our members on timely and relevant financial issues.

Please visit www.nhmunicipal.org for the latest event information and registration details.

[REGISTRATION NOW OPEN!](#)

SAVE THESE DATES

for the following *VIRTUAL*

RIGHT-TO-KNOW LAW WORKSHOPS



PUBLIC MEETINGS

6:00 pm—8:00 pm
Thursday September 10, 2020
\$40.00



GOVERNMENT RECORDS

1:30 pm - 3:30 pm
Tuesday, October 6, 2020
\$40.00



LAW ENFORCEMENT

9:00 am - 12:00 pm
Thursday, October 15, 2020
\$65.00

Ashley Methot, Events Coordinator
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SAVE THE DATE

2020

VIRTUAL **LAND USE LAW** **CONFERENCE**

(formerly known as the Municipal Law Lecture Series)

WHEN

Tentative

October 31, 2020
9:00 am—3:00 pm

WHAT

Full day **virtual conference** for municipal land use officials including members of planning and zoning boards, planners, land use administrators, select boards, town and city councilors, building inspectors, code enforcement officers and public works personnel. Presentations will focus on the legal authority and procedures these land use boards must understand with content structured to be beneficial to both novice and experienced municipal officials.

CONTACT INFO

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FOR ADDITIONAL
DETAILS VISIT
www.nhmunicipal.org

REGISTRATION
OPENS IN SEPTEMBER





79th Annual Conference and Exhibition

NHMA is Going Virtual in 2020!



Wednesday, November 18, 2020 — Friday, November 20, 2020



Join us for 3 days of engaging interaction to help your municipality adjust to the new normal.

Registration to open soon.

THANK YOU for attending our webinar today!

Through the collective power of cities and towns, NHMA promotes effective municipal government by providing education, training, advocacy and legal services.

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