

1 Committee of Conference Report on SB 213-FN, relative to absentee voting.

2

3 Recommendation:

4 That the Senate recede from its position of nonconcurrency with the House amendment, and
5 concur with the House amendment, and

6 That the Senate and House adopt the following new amendment to the bill as amended by the
7 House, and pass the bill as so amended:

8

9 Amend RSA 659:44-a, III(b) as inserted by section 1 of the bill by replacing it with the following:

10

11 (b) Making public statements in favor of or against any candidate, political party or
12 warrant article.

13

14 Amend RSA 659:44-a, IV as inserted by section 1 of the bill by inserting after subparagraph (e) the
15 following new paragraph:

16

17 (f) Public employees who are appointed to office by the chief executive or governing body
18 of the public employer from providing factual information in response to requests from the public
19 concerning their official function.

20

21 Amend the bill by replacing all after section 1 with the following:

22

23 2 Absentee Voting; Application Forms. Amend RSA 657:4 to read as follows:

24 657:4 **Application Form** [Forms].

25 I. Prior to any state election, the secretary of state shall prepare the appropriate application
26 forms for absentee ballots worded in substantially the following form. The secretary of state shall
27 insert the names of all parties qualified as set forth in RSA 652:11 in the list of parties on the
28 application form. The secretary of state shall prepare the application forms in such quantity as he or
29 she deems necessary:

30 ~~[Absence (Excluding Absence Due to Residence Outside the United States), Religious Observance,~~
31 ~~and Disability:~~

32 ~~I hereby declare that] My Current Registration Status~~ (check one):

33 ____ I am a duly qualified voter who is currently registered to vote in this town/*city* ward
34 (**Requires proof of identity**).

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1 *I am registered in another New Hampshire town/city ward but am not currently*
2 *registered to vote in this town/city ward where I am currently domiciled (Requires proof of*
3 *identity and domicile). The town/city ward where I am registered is*
4 _____.

5 *I am not currently registered to vote in any New Hampshire town/city ward and am*
6 *and will be absent from the town/city where I am domiciled [~~and will be~~] until after the next*
7 *election, or I am unable to register in person due to a disability, and request that the forms*
8 *necessary for absentee voter registration be sent to me with the absentee ballot (Requires proof of*
9 *identity, citizenship, age, and domicile).*

10 ***How I qualify to vote by absentee ballot (check one):***

11 I [~~will be entitled~~] ***qualify*** to vote by absentee ballot because (check one):

12 I plan to be absent on the day of the election from the city, town, or unincorporated place
13 where I am domiciled.

14 I am confined in a penal institution for a misdemeanor or while awaiting trial.

15 I am requesting a ballot for the presidential primary election and I may be absent on the day
16 of the election from the city, town, or unincorporated place where I am domiciled, but the date of the
17 election has not been announced. I understand that I may only make such a request 14 days after
18 the filing period for candidates has closed, and that if I will not be absent on the date of the election I
19 am not eligible to vote by absentee ballot.

20 I cannot appear in public on election day because of observance of a religious commitment.

21 I am unable to vote in person due to a disability.

22 I cannot appear at ***my polling place*** any time during polling hours [~~at my polling place~~]
23 because of an employment obligation. For the purposes of this application, the term "employment"
24 shall include the care of children and infirm adults, with or without compensation.

25 For use only on the Monday immediately prior to the election: I cannot appear at my polling place on
26 election day ***due to hazardous travel conditions*** because the National Weather Service has issued
27 a winter storm warning, blizzard warning, or ice storm warning for election day applicable to my
28 city, town, or unincorporated place and either (check one):

29 [~~I am elderly or infirm or I have a physical disability, and~~] ***I*** would otherwise vote in person
30 but I have concerns for my safety traveling in the storm.

31 I anticipate that school, child care, or adult care will be canceled, and would otherwise vote in
32 person but will need to care for children or infirm adults.

33 Any person who votes or attempts to vote using an absentee ballot who is not entitled to vote by
34 absentee ballot shall be guilty of a misdemeanor. RSA 657:24.

35 I am requesting an official absentee ballot for the following election (check one):

36 Presidential Primary to be held on _____

37 (MM/DD/YYYY)

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1 (The date may appear as blank when the date is not known.)

2 _____ State Primary to be held on _____

3 (MM/DD/YYYY)

4 _____ General Election

5 For primary elections, I am a member of or I am now declaring my affiliation with the (check one):

6 _____ Republican Party

7 _____ Democratic Party

8 _____ (name of any party determined by the secretary of state to have achieved official status under
9 RSA 652:11)

10 and am requesting a ballot for that party's primary.

11 Please print:

12 Applicant's Name:

13 _____

14 (Last) (First) (Middle) (Sr., Jr., II., III)

15 Applicant's Voting Domicile (home address):

16 _____

17 (Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

18 Mail the ballot to me at this address (if different than the home address):

19 _____

20 (Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

21 Applicant's Phone Number : _____

22 Applicant's Email Address : _____

23 ***The identification number on the applicant's government issued identification and the***
24 ***state from which the identification was issued:*** _____

25 Applicant's Signature: _____

26 Date Signed: _____

27 (MM/DD/YYYY)

28 I attest that I assisted the applicant in executing this form because [~~he or she~~] ***the applicant*** has a
29 disability.

30 Signature _____ Print Name _____

31 If your absentee ballot application or affidavit envelope has the printed name and signature of a
32 person who assisted you with voting, your signature will not be compared to your signature on the
33 absentee ballot affidavit to verify your identity. Otherwise, if your signatures do not appear to be
34 made by the same person, your absentee ballot may not be counted.

35 The applicant must sign this form to receive an absentee ballot. Any person who witnesses and
36 assists a voter with a disability in executing this form shall print and sign his or her name in the
37 space provided on the application form. The moderator will not compare the voter's signature on the

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1 application with the signature on the absentee ballot affidavit when a person assisting the voter has
2 signed the statement on the absentee ballot application or affidavit envelope that assistance was
3 provided.

4 II.(a) Any person, other than the city or town clerk or the secretary of state, that publishes,
5 mails, or distributes in any manner any written communication that contains a form or post card
6 which a reasonable person would consider as intended to be used by the recipient of the
7 communication to submit a request for an absentee ballot shall identify who is publishing, mailing,
8 or distributing the communication, and attach a copy of the form prepared by the secretary of state
9 pursuant to paragraph I of this section to the communication or include in the communication a
10 complete facsimile of the form prepared by the secretary of state pursuant to paragraph I of this
11 section.

12 (b) Any person that publishes, mails, or distributes forms as described in subparagraph
13 (a) as part of any communication that is made for the purpose of promoting the success or defeat of a
14 candidate or candidates or measure or measures, as defined in RSA 664:2, shall be identified in the
15 same manner as political advertising under RSA 664:14.

16 (c) Any person that violates this paragraph shall be subject to a civil penalty not to
17 exceed \$1,000, to be imposed in the manner set forth in RSA 659:34, III-V.

18 III. The federal official post card form shall constitute the form made available by the
19 secretary of state pursuant to RSA 654:20 for absentee ballot applications by UOCAVA voters.

20 3 Absentee Registration Affidavit. Amend RSA 654:17 to read as follows:

21 654:17 Absentee Registration Affidavit.

22 I. The absentee registration affidavit shall be prepared by the secretary of state *for*
23 *individuals registering to vote for the first time in New Hampshire* and shall be in
24 substantially the following form:

25 Affidavit (Absence from town)

26 I, _____ do hereby swear or affirm, under the penalties for voting fraud set forth below,
27 the following:

28 1) That *I am a citizen of the United States*, my legal domicile is in the town/*city ward* of
29 _____, New Hampshire, I will be of the age of 18 years or over on election day and am
30 entitled to vote in the election to be held in said town/*city ward* on _____, _____
31 (date), except for the fact that my name does not appear on the checklist to be used in said town at
32 such election;

33 2) That I do not intend to be present within [~~said~~] *the town/city ward* at such time prior to said
34 election as shall enable me personally to appear before the supervisors of the checklist of said
35 town/*city ward* in their regular sessions for the correction of the checklist for said election;

36 3) That I am temporarily residing in _____ (city and state or city, province, and country);

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1 4) That I hereby enclose [~~one of~~] the following [as] **required** proof of identity, **citizenship, age** and
2 domicile:

3 (a) **A copy of my birth certificate, United States passport or naturalization**
4 **papers; and**

5 (b) A copy of a current and valid New Hampshire driver's license or an armed services
6 identification or other photo identification issued by the United States government that shows my
7 name and address; or

8 [~~(b)~~] (c) A copy of a current and valid photo identification and a copy of a current utility
9 bill, bank statement, government check, paycheck, other government document that shows my name
10 and address, or a letter from the administrator of a nursing home or similar facility affirming that I
11 am a resident of that facility that was provided to me at my request pursuant to the administrator's
12 duty to provide such a letter upon my request;

13 5) That I acknowledge that if I do not provide a copy of proof of identity, **citizenship, age** and
14 domicile as required by section 4) above, this application [~~may~~] **shall** not be approved; and

15 6) That I hereby make application for the addition of my name to the checklist of said town/**city**
16 **ward** to be used at said election.

17 _____
18 Signature of Applicant

19 _____
20 Date

21 In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false
22 information when registering to vote or voting is a class A misdemeanor with a maximum sentence
23 of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to
24 vote or voting is subject to a civil penalty not to exceed \$5,000.

25 **II. The absentee registration affidavit shall be prepared by the secretary of state for**
26 **individuals who have a physical disability:**

27 [~~Affidavit (Physical Disability)~~]

28 I, _____ do hereby swear or affirm, under the penalties for voting fraud set forth
29 below, the following:

30 1) That **I am a citizen of the United States**, my legal domicile is in the town/**city ward** of
31 _____, New Hampshire, I will be of the age of 18 years or over on election day, and am
32 entitled to vote in the election to be held in said town/**city ward** on _____, ____ (date),
33 except for the fact that my name does not appear on the checklist to be used in said town at such
34 election;

35 2) That I am unable by reason of physical disability personally to appear before the supervisors of
36 the checklist of said town in their regular sessions for the correction of the checklist for said election;

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1 3) That I hereby enclose [~~one of~~] the following [as] **required** proof of identity, **citizenship, age** and
2 domicile:

3 (a) **A copy of my birth certificate, United States passport or naturalization**
4 **papers; and**

5 (b) A copy of a current and valid New Hampshire driver's license or an armed services
6 identification or other photo identification issued by the United States government that shows my
7 name and address; or

8 [~~(b)~~](c) A copy of a current and valid photo identification and a copy of a current utility
9 bill, bank statement, government check, paycheck, other government document that shows my name
10 and address, or a letter from the administrator of a nursing home or similar facility affirming that I
11 am a resident of that facility that was provided to me at my request pursuant to the administrator's
12 duty to provide such a letter upon my request;

13 4) That I acknowledge that if I do not provide a copy of proof of identity, **citizenship, age,** and
14 domicile as required by section 3) above, this application [~~may~~] **shall** not be approved; and

15 5) That I hereby make application for the addition of my name to the checklist of said town/**city**
16 **ward** to be used at said election.

17 _____
18 Signature of Applicant

19 _____
20 Date

21 In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false
22 information when registering to vote or voting is a class A misdemeanor with a maximum sentence
23 of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to
24 vote or voting is subject to a civil penalty not to exceed \$5,000.

25 [~~II~~] **III.** There shall be printed below each of the foregoing affidavits the following
26 affirmation:

27 Affirmation

28 I, _____, the undersigned witness, do hereby swear or affirm, under the penalties for voting
29 fraud set forth below, that on the _____ day of _____, ____ (date), the above named,
30 _____, having satisfied me as to his or her identity, signed the foregoing affidavit in my
31 presence, and did before me swear to (or affirm) the truth of the statements therein contained.

32 _____
33 Signature of Witness

34 **Notary Public/Justice of the Peace**

35

36 In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false
37 information when registering to vote or voting is a class A misdemeanor with a maximum sentence

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1 of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to
2 vote or voting is subject to a civil penalty not to exceed \$5,000.

3 4 Effective Date.

4 I. Section 1 of this act shall take place upon its passage.

5 II. The remainder of this act shall take effect 60 days after its passage.

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The signatures below attest to the authenticity of this Report on SB 213-FN, relative to absentee voting.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Gray, Dist. 6

Rep. Berry, Hills. 44

Sen. Lang, Dist. 2

Rep. Qualey, Ches. 18

Sen. Rochefort, Dist. 1

Rep. Burnham, Straf. 2

Rep. Toner, Belk. 4

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2025-2827-CofC

AMENDED ANALYSIS

This bill:

- I. Defines electioneering in relation to public employees.
- II. Requires the presentation of proof of identity, citizenship, age, and domicile when applying for an absentee ballot.