

**HB 385-FN - AS INTRODUCED**

2025 SESSION

25-0143

08/06

HOUSE BILL            ***385-FN***

AN ACT                reestablishing voter identification exceptions.

SPONSORS:            Rep. Lane, Merr. 16; Rep. Muirhead, Graf. 12; Rep. Horrigan, Straf. 10; Sen. Perkins Kwoka, Dist 21

COMMITTEE:          Election Law

---

ANALYSIS

This bill reestablishes exceptions for the requirement to present identification to vote.

-----

Explanation:        Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Five*

AN ACT reestablishing voter identification exceptions.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Determining Qualifications of Applicant. RSA 654:12 is repealed and reenacted to  
2 read as follows:

3 654:12 Determining Qualifications of Applicant.

4 I. When determining the qualifications of an applicant, the supervisors of the checklist, or  
5 the town or city clerk, shall require the applicant to present proof of citizenship, age, and domicile,  
6 as provided in the following categories:

7 (a) CITIZENSHIP. The supervisors of the checklist, or the town or city clerk, shall  
8 accept from the applicant any one of the following as proof of citizenship: the applicant's birth  
9 certificate, passport, naturalization papers if the applicant is a naturalized citizen, a qualified voter  
10 affidavit, a sworn statement on the voter registration form used starting 30 days before an election  
11 and on election day, or any other reasonable documentation which indicates the applicant is a  
12 United States citizen. The qualified voter affidavit shall be in the following form, and shall be  
13 retained in accordance with RSA 33-A:3-a:

14 Date: \_\_\_\_\_

15 QUALIFIED VOTER AFFIDAVIT (Identity, Citizenship, Age)

16 Name: \_\_\_\_\_

17 Name at birth if different: \_\_\_\_\_

18 Place of birth: \_\_\_\_\_

19 Date of birth: \_\_\_\_\_

20 Date and Place of Naturalization: \_\_\_\_\_

21 Domicile Address: \_\_\_\_\_

22 Mailing Address (if different): \_\_\_\_\_

23 Telephone number (requested but optional): \_\_\_\_\_

24 Email address (requested but optional): \_\_\_\_\_

25 I hereby swear and affirm, under the penalties for voting fraud set forth below, that I am not in  
26 possession of some or all of the documents necessary to prove my identity, citizenship, and age and  
27 that I am the identical person whom I represent myself to be, that I am a duly qualified voter of this  
28 town (or ward), that I am a United States citizen, that I am at least 18 years of age as of this date or  
29 will be at the next election, and that to the best of my knowledge and belief the information above is  
30 true and correct.

31 (Signature of applicant)

**HB 385-FN - AS INTRODUCED**  
**- Page 2 -**

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

5 On the date shown above, before me, \_\_\_\_\_ (print name of notary public, justice of  
6 the peace, election officer), appeared \_\_\_\_\_ (print name of person whose signature is  
7 being notarized), (known to me or satisfactorily proven (circle one)) to be the person whose name  
8 appears above, and he or she subscribed his or her name to the foregoing affidavit and swore that  
9 the facts contained in this affidavit are true to the best of his or her knowledge and belief.

10 This affidavit was executed for purposes of proving (check all that apply):

11  Identity

12  Citizenship

13  Age

14 \_\_\_\_\_  
15 Notary Public/Justice of the Peace/Official Authorized by RSA 659:30

16 (b) AGE. Any reasonable documentation indicating the applicant will be 18 years of age  
17 or older at the next election, or, if the applicant does not have reasonable documentation in his or  
18 her possession at the place and time of voter registration, a qualified voter affidavit, which shall be  
19 retained in accordance with RSA 33-A:3-a, or a sworn statement on the voter registration form used  
20 starting 30 days before an election and on election day.

21 (c) DOMICILE.

22 (1) Registering more than 30 days in advance of an election.

23 (A) A person who possesses one of the following qualified documents identifying  
24 the applicant's name and the address claimed as domicile must present that document when  
25 applying for registration prior to election day: (i) New Hampshire driver's license or identification  
26 card issued under RSA 260:21, RSA 260:21-a, or RSA 260:21-b; (ii) New Hampshire resident vehicle  
27 registration; (iii) a picture identification issued by the United States government that contains a  
28 current address; (iv) government issued check, benefit statement, or tax document. A person who  
29 possesses such a document, but failed to bring it with the person when seeking to register to vote  
30 shall be required to return when he or she can present one of these documents or to bring the  
31 document and register on election day.

32 (B) A person who attests under penalty of voter fraud that he or she does not  
33 possess any of the qualified documents listed in subparagraph (A) may present any reasonable  
34 documentation of having established a physical presence at the place claimed as domicile, having an  
35 intent to make that place his or her domicile, and having taken a verifiable act to carry out that  
36 intent. The documentation must establish that it is more likely than not that the applicant has a  
37 domicile and intends to maintain that domicile, as defined in this chapter, at least until election day

**HB 385-FN - AS INTRODUCED**  
**- Page 3 -**

1 in the town or ward in which he or she desires to vote. Reasonable documentation may include, but  
2 is not limited to evidence of:

3 (i) Residency, as set forth in RSA 654:1, I-a, at an institution of learning at  
4 that place;

5 (ii) Renting or leasing an abode at that place for a period of more than 30  
6 days, to include time directly prior to an election day;

7 (iii) Purchasing an abode at that place;

8 (iv) Enrolling the applicant's dependent minor child in a publicly funded  
9 elementary or secondary school which serves the town or ward of that place, using the address where  
10 the registrant resides;

11 (v) Listing that place as the person's physical residence address on state or  
12 federal tax forms, other government identification showing the address, or other government forms  
13 showing the address;

14 (vi) Providing the address of that place to the United States Post Office as  
15 the person's permanent address, provided it is not a postal service or commercial post office box;

16 (vii) Obtaining public utility services for an indefinite period at that place; or

17 (viii) Arranging for a homeless shelter or similar service provider located in  
18 the town or ward to receive United States mail on behalf of the individual.

19 An applicant whose domicile is at an abode of another and whose name is not listed on the document  
20 offered as proof of domicile may provide a written statement from a person who is listed as owner,  
21 property manager, or tenant on the document that the applicant resides at that address, signed by  
22 that person under penalty of voting fraud if false information is provided.

23 (2) Registering within 30 days before an election and on election day.

24 (A) When registering within 30 days before an election or on election day as  
25 provided in RSA 654:7-a, if the applicant does not have in his or her possession at the polls one of the  
26 qualified documents listed in subparagraph (1) or other reasonable documentation which establishes  
27 that it is more likely than not that the applicant has a domicile at the address claimed in the town or  
28 ward in which he or she desires to vote, he or she may execute a sworn statement on the voter  
29 registration form used starting 30 days before an election and on election day and initial the  
30 acknowledgment of domicile evidence obligation. If the applicant identifies on his or her application  
31 action taken to establish his or her domicile, which he or she has documentation of, he or she must  
32 agree to mail a copy of or present the document in person to the city or town clerk within 10 days, or  
33 where the town clerk's office is open fewer than 20 hours weekly, within 30 days. Copies of  
34 documents provided in compliance with this subparagraph are exempt from the public disclosure  
35 required by RSA 91-A. The clerk shall document receipt of a copy or completion of verification of a  
36 document presented in person and forward verification to the supervisors of the checklist. An  
37 applicant whose voter registration is approved based on an acknowledgment of a domicile evidence

1 obligation who knowingly or purposely fails to provide a document to the city or town clerk as  
2 required by this paragraph shall be subject to the penalties of wrongful voting as established in RSA  
3 659:34. The supervisors of the checklist shall initiate removing the name from the checklist of any  
4 such person who fails to provide proof of domicile by the deadline by sending the person the notice  
5 required by RSA 654:44.

6 (B) A person registering within 30 days before an election or on election day who  
7 does not possess reasonable documentation of establishing domicile and has taken no verifiable  
8 action to carry out his or her intent to establish domicile at the address claimed on the voter  
9 registration application may nonetheless register to vote by initialing the paragraph on the  
10 registration form acknowledging that domicile may be verified. The supervisors of the checklist  
11 shall, as soon as practical following an election at which the person initials such paragraph to  
12 register and vote, attempt to verify that the person was domiciled at the address claimed on election  
13 day by means including, but not limited to:

14 (i) Examining public records held by the town or city clerk, municipal  
15 assessing and planning offices, tax collector, or other municipal office that may house public records  
16 containing domicile confirmation; or

17 (ii) Requesting 2 or more municipal officers or their agents or state election  
18 officers or their agents to visit the address and verify that the individual was domiciled there on  
19 election day. In unincorporated places that have not organized for the purposes of conducting  
20 elections, county officers may be asked to perform this function; or

21 (iii) Referring the registrant's information to the secretary of state, who shall  
22 cause such further investigation as is warranted.

23 (C) Any case where supervisors are unable to verify the applicant's domicile or  
24 where evidence exists of voting fraud shall be promptly reported to the secretary of state and to the  
25 attorney general, who shall cause such further investigation as is warranted.

26 II. The supervisors may refuse to add the name of an applicant to the checklist if he or she  
27 fails to present the evidence or an affidavit as required by this section. Without limiting the  
28 acceptance of other forms of proof of domicile or identity deemed reasonable by the supervisors:

29 (a) Any one of the following documents is presumptive evidence that the individual  
30 seeking to vote meets the domicile requirement, provided the document is currently valid, was  
31 issued to or in the name of the applicant, and shows the address the applicant claims as a domicile:

32 (1) New Hampshire driver's license.

33 (2) New Hampshire vehicle registration.

34 (3) Armed services identification, or other photo identification issued by the United  
35 States government.

36 (b) Any one of the following is presumptive evidence of the identity of an applicant  
37 sufficient to satisfy the identity requirement for an official authorized by RSA 659:30 to take the

1 oath of an applicant swearing to a qualified voter, domicile, or election day affidavit or a sworn  
2 statement on the voter registration form used starting 30 days before an election and on election  
3 day:

4 (1) Photo driver's license issued by any state or the federal government.

5 (2) United States passport, armed services identification, or other photo  
6 identification issued by the United States government.

7 (3) Photo identification issued by local or state government.

8 (c) The presumptions established in this paragraph may be defeated by evidence  
9 establishing that it is more likely than not that the applicant is not qualified as a voter.

10 III. To prove the qualifications set forth in paragraphs I and II, an applicant for registration  
11 as a voter must prove his or her identity to establish that the evidence used to prove age, citizenship,  
12 and domicile relate to the applicant. A person who has in his or her immediate possession a photo  
13 identification approved for use by paragraph II must present that identification when applying for  
14 registration. A person who does not have an approved photo identification with him or her may  
15 establish identity through completion of the qualified voter affidavit, which shall be retained in  
16 accordance with RSA 33-A:3-a, or a sworn statement on the voter registration form used starting 30  
17 days before an election and on election day. Residents of a nursing home or similar facility may  
18 prove their identity through verification of identity by the administrator of the facility or by his or  
19 her designee. For the purposes of this section, the application of a person whose identity has been  
20 verified by an official of a nursing home or similar facility shall be treated in the same manner as the  
21 application of a person who proved his or her identity with a photo identification.

22 III-a. The supervisors of the checklist, town or city clerk, or election day official shall take a  
23 photograph of any person who registers using a qualified voter affidavit or sworn statement on the  
24 general election day registration form. Such photograph shall be retained in the same manner as  
25 qualified voter affidavits pursuant to RSA 33-A:3-a, CXLI(e). The photograph may be used for  
26 purposes of RSA 659:13, I(c).

27 IV. Any person who is applying for registration as a voter and who is currently registered to  
28 vote in a different town or ward in New Hampshire shall complete the voter registration form  
29 provided for in RSA 654:7. If the election official receiving the application confirms through the  
30 centralized voter registration database required by RSA 654:45 that the applicant is currently  
31 registered to vote in New Hampshire, the applicant shall prove identity and domicile, but shall not  
32 be required to prove his or her age or citizenship.

33 V.(a) The election official approving the application for registration as voter of a person who  
34 does not present an approved form of photo identification as proof of identity when registering, shall  
35 mark the voter registration form to indicate that no photo identification was presented and shall  
36 inform the person that, if he or she is a first-time election day registrant in New Hampshire, he or  
37 she will receive a letter of identity verification. The person entering the voter information into the

1 centralized voter registration database shall determine if the person is listed in the system as having  
2 been previously registered in the town or ward reported by the applicant on the voter registration  
3 form. If the person is a new registrant who has not been previously registered anywhere in New  
4 Hampshire or if the centralized voter registration database does not confirm a previous registration  
5 claimed on the voter registration form, the election official shall cause the record created in the  
6 centralized voter registration database to indicate that the person is a new applicant in New  
7 Hampshire and that no photo identification was presented. When municipalities enter information  
8 on people who register on election day into the centralized voter registration database, to the extent  
9 practical applicants who are registering for the first time in New Hampshire and who also register  
10 without presenting an approved photo identification shall be entered first. The person entering the  
11 voter information of election day residents into the centralized voter registration database shall  
12 cause the records to indicate if the voter executed a sworn statement on the voter registration form  
13 used starting 30 days before an election and on election day.

14 (b) The secretary of state shall cause a letter of identity verification to be mailed by first  
15 class mail to each voter identified at any election as a first-time election day registrant in New  
16 Hampshire who also did not verify his or her identity with an approved photo identification. The  
17 letter shall be mailed by January 10 in every odd-numbered year in the case of persons registering at  
18 a state primary or general election, or within 90 days after any other election. The secretary of state  
19 shall mark the envelope with instructions to the United States Post Office not to forward the letter  
20 and to provide address correction information. The letter shall notify the person that a person who  
21 was unable to present photo identification registered or registered and voted using his or her name  
22 and address and instruct the person to return the letter within 45 days with a written confirmation  
23 that the person registered and voted or to contact the attorney general immediately if he or she did  
24 not register and vote. Any voter under a protective order pursuant to RSA 173-B, and whose name  
25 does not appear on the checklist as provided under RSA 654:25, shall not be subject to the provisions  
26 of paragraph V.

27 (c) The secretary of state shall conduct an inquiry regarding any letters mailed pursuant  
28 to subparagraph (b) that are returned as undeliverable by the United States Post Office and those  
29 persons who were mailed letters under subparagraph (b) and have not confirmed their registration.  
30 The inquiry may include consulting with, and examining public records held by, municipal officials,  
31 which contain information relevant to a person's qualifications to vote in New Hampshire, and  
32 interviewing persons living at the address listed on the voter registration form. After such inquiry,  
33 the secretary of state shall prepare and forward to the attorney general for investigation a list of  
34 those people whose identity or eligibility to vote could not be confirmed. Upon receipt of notice from  
35 a person who receives a letter of identity verification that the person did not register and vote, or  
36 upon receipt of a referral from the secretary of state, the attorney general shall cause an  
37 investigation to be made to determine whether fraudulent registration or voting occurred.

**HB 385-FN - AS INTRODUCED**

**- Page 7 -**

1 (d) Within 90 days of each election, the secretary of state shall cause a list of persons  
2 executing sworn statements on the voter registration form used starting 30 days before an election  
3 and on election day since the prior election to be forwarded to the attorney general and the division  
4 of motor vehicles. The secretary of state shall send a letter to each such person informing him or her  
5 of a driver's obligation to obtain a New Hampshire driver's license within 60 days of becoming a New  
6 Hampshire resident. The letter shall be mailed within 60 days after the election, except that if the  
7 election is a state primary election, the letter shall be mailed 60 days after the general election, and  
8 if the election is a regularly scheduled municipal election, the letter shall be mailed by the July 1 or  
9 January 1 next following the election. The secretary of state shall mark the envelope with  
10 instructions to the United States Post Office not to forward the letter and to provide address  
11 correction information.

12 (e) The secretary of state shall conduct an inquiry regarding any letters mailed pursuant  
13 to subparagraph (d) that are returned as undeliverable by the United States Post Office. The  
14 inquiry may include consulting with, and examining public records held by, municipal officials,  
15 which contain information relevant to a person's qualifications to vote in New Hampshire, and  
16 interviewing persons living at the address listed on the letters. After such inquiry, the secretary of  
17 state shall prepare and forward to the attorney general for investigation a list of those people whose  
18 eligibility to vote could not be confirmed. The attorney general shall cause an investigation to be  
19 made to determine whether fraudulent registration or voting occurred.

20 (f) Upon completion of any investigation authorized under RSA 654:12, the secretary of  
21 state and the attorney general shall forward a report summarizing the results of the inquiry and  
22 investigation, respectively, to the speaker of the house of representatives, the president of the  
23 senate, and the chairpersons of the appropriate house and senate standing committees with  
24 jurisdiction over election law.

25 2 General Voter Registration; Voter Registration Form. RSA 654:7 is repealed and reenacted to  
26 read as follows:

27 654:7 Voter Registration; Voter Registration Form.

28 I. Any person registering to vote shall be:

29 (a) At least 18 years of age on the day of the next election; and

30 (b) A United States citizen; and

31 (c) Domiciled in the town or city in which the applicant is registering to vote and not  
32 otherwise disqualified to vote.

33 II. The applicant shall be required to produce appropriate proof of qualifications as provided  
34 in RSA 654:12 and fill out the form as prescribed in paragraph IV.

35 III. If an applicant is unable to provide the proof of qualifications as required in RSA 654:12,  
36 he or she may register by completing the necessary affidavits, pursuant to RSA 654:12, and  
37 completing the form in subparagraph IV(b), unless the person is registering within 30 days before an

**HB 385-FN - AS INTRODUCED**  
**- Page 8 -**

1 election or at the polling place on election day. If an applicant is registering at the polling place on  
2 election day and is unable to provide the proof of qualifications as required in RSA 654:12, he or she  
3 may register by completing the form in subparagraph IV(c) under oath, which oath may be witnessed  
4 by an election official or any other person, working in conjunction with the supervisors of the  
5 checklist, who is authorized by law to administer oaths, including, but not limited to, any justice of  
6 the peace or notary public; should the applicant not otherwise have proof of identity and therefore be  
7 relying upon the form for proof of identity, the act of swearing to the form shall constitute sufficient  
8 proof of identity for the purposes of any person administering the oath, notwithstanding any  
9 language to the contrary in any laws relating to the administering of oaths for other purposes.

10 IV.(a) Standard registration application forms shall be used throughout the state. The  
11 registration forms shall be no larger than 8 1/2 inches by 11 inches.

12 (b) The secretary of state shall prescribe the form of the voter registration form to be  
13 used for voter registrations, transfers, or updates other than those used within 30 days of an election  
14 or at the polling place on election day, which shall be in substantially the following form:

15 \_\_\_ NEW REGISTRATION I am not registered to vote in New Hampshire

16 \_\_\_ TRANSFER I am registered to vote in New Hampshire and have moved my voting domicile to a  
17 new town or ward in New Hampshire

18 \_\_\_ NAME CHANGE/ADDRESS UPDATE I am registered to vote in this town/ward and have  
19 changed my name/address

20 Date \_\_\_\_\_

21 VOTER REGISTRATION FORM

22 (Please print or type)

23 1. Name\_

24 Last (suffix) First Full Middle Name

25 2. Domicile Address\_

26 Street Ward Number\_

27 Town or City Zip Code\_

28 3. Mailing Address if different than in 2\_

29 Street\_

30 Town or City Zip Code\_

31 4. Place and Date of Birth\_

32 Town or City State\_

33 Date \_\_\_\_\_

34 5. Are you a citizen of the United States? Yes \_\_\_\_\_ No \_\_\_\_\_

35 If a naturalized citizen, give name of court where and date when naturalized\_

36 6. Place last registered to vote\_

37 Street Ward Number\_

**HB 385-FN - AS INTRODUCED**  
**- Page 9 -**

1 I am not currently registered to vote elsewhere (initial here \_\_\_\_\_), or I request that my name  
2 be removed as a registered voter in \_\_\_\_\_ (fill in your address where  
3 previously registered, street, city/town, state, and zip code)

4 7. Name under which previously registered, if different from above\_

5 8. Party Affiliation (if any)\_

6 9. Driver's License Number \_\_\_\_\_ State\_

7 If you do not have a valid driver's license, provide the last four digits of your social security number  
8 \_\_\_\_\_

9 My name is \_\_\_\_\_ . I am today registering to vote in the city/town of  
10 \_\_\_\_\_, New Hampshire. If a city, ward number \_\_\_\_\_ .

11 I understand that to vote in this ward/town, I must be at least 18 years of age, I must be a United  
12 States citizen, and I must be domiciled in this ward/town.

13 I understand that a person can claim only one state and one city/town as his or her domicile at a  
14 time. A domicile is that place, to which upon temporary absence, a person has the intention of  
15 returning. By registering or voting today, I am acknowledging that I am not domiciled or voting in  
16 any other state or any other city/town.

17 In declaring New Hampshire as my domicile, I realize that I am not qualified to vote in the state or  
18 federal elections in another state.

19 If I have any questions as to whether I am entitled to vote in this city/town, I am aware that a  
20 supervisor of the checklist is available to address my questions or concerns.

21 I acknowledge that I have read and understand the above qualifications for voting and do hereby  
22 swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-  
23 stated city/town, and, if registering on election day, that I have not voted and will not vote at any  
24 other polling place this election.\_

25 Date Signature of Applicant.\_

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

30 (c) The secretary of state shall prescribe the form of the voter registration form to be  
31 used only for voter registrations, transfers, or updates starting 30 days before each election and at  
32 the polling place on election day, which shall be in substantially the following form:

33 \_\_\_ NEW REGISTRATION I am not registered to vote in New Hampshire

34 \_\_\_ TRANSFER I am registered to vote in New Hampshire and have moved my voting domicile to a  
35 new town or ward in New Hampshire

36 \_\_\_ NAME CHANGE/ADDRESS UPDATE I am registered to vote in this town/ward and have  
37 changed my name/address

**HB 385-FN - AS INTRODUCED**  
**- Page 10 -**

1 Date registration form is submitted \_\_\_\_\_

2 Date applicant moved to the address listed below as the voter's domicile \_\_\_\_\_

3 VOTER REGISTRATION FORM

4 FOR USE STARTING 30 DAYS BEFORE AN ELECTION AND AT THE POLLING PLACE ON

5 ELECTION DAY

6 (Please print or type)

7 1. Name\_

8 Last (suffix) First Full Middle Name

9 2. Domicile Address\_

10 Street Ward Number\_

11 Town or City Zip Code\_

12 3. Mailing Address if different than in 2\_

13 Street\_

14 Town or City Zip Code\_

15 4. Place and Date of Birth\_

16 Town or City State\_

17 Date \_\_\_\_\_

18 5. Are you a citizen of the United States? Yes \_\_\_\_\_ No \_\_\_\_\_

19 If a naturalized citizen, give name of court where and date when naturalized\_

20 6. Place last registered to vote\_

21 Street Ward Number\_

22 I am not currently registered to vote elsewhere (initial here \_\_\_\_\_), or I request that my name  
23 be removed as a registered voter in \_\_\_\_\_ (fill in your address where  
24 previously registered, street, city/town, state, and zip code)

25 7. Name under which previously registered, if different from above\_

26 8. Party Affiliation (if any)\_

27 9. Driver's License Number \_\_\_\_\_ State\_

28 If you do not have a valid driver's license, provide the last four digits of your social security number  
29 \_\_\_\_\_

30 My name is \_\_\_\_\_ . I am today registering to vote in the city/town of  
31 \_\_\_\_\_, New Hampshire. If a city, ward number \_\_\_\_\_ .

32 I understand that to vote in this ward/town, I must be at least 18 years of age, I must be a United  
33 States citizen, and I must be domiciled in this ward/town.

34 I understand that a person can claim only one state and one city/town as his or her domicile at a  
35 time. A domicile is that place, to which upon temporary absence, a person has the intention of  
36 returning. By registering or voting today, I am acknowledging that I am not domiciled or voting in  
37 any other state or any other city/town.

**HB 385-FN - AS INTRODUCED**  
**- Page 11 -**

1 In declaring New Hampshire as my domicile, I realize that I am not qualified to vote in the state or  
2 federal elections in another state.

3 If I have any questions as to whether I am entitled to vote in this city/town, I am aware that a  
4 supervisor of the checklist is available to address my questions or concerns.

5 I understand that to make the address I have entered above my domicile for voting I must have an  
6 intent to make this the one place from which I participate in democratic self-government and must  
7 have acted to carry out that intent.

8 I understand that if I have documentary evidence of my intent to be domiciled at this address when  
9 registering to vote, I must either present it at the time of registration or I must place my initials  
10 next to the following paragraph and mail a copy or present the document at the town or city clerk's  
11 office within 10 days following the election (30 days in towns where the clerk's office is open fewer  
12 than 20 hours weekly).

13 \_\_\_\_ By placing my initials next to this paragraph, I am acknowledging that I have not presented  
14 evidence of actions carrying out my intent to be domiciled at this address, that I understand that I  
15 must mail or personally present to the clerk's office evidence of actions carrying out my intent within  
16 10 days following the election (or 30 days in towns where the clerk's office is open fewer than 20  
17 hours weekly), and that I have received the document produced by the secretary of state that  
18 describes the items that may be used as evidence of a verifiable action that establishes domicile.

19 Failing to report and provide evidence of a verifiable action will prompt official mail to be sent to  
20 your domicile address by the secretary of state to verify the validity of your claim to a voting domicile  
21 at this address.

22 I understand that if I do not have any documentary evidence of my intent to be domiciled at this  
23 address, I must place my initials next to the following paragraph:

24 \_\_\_\_ By placing my initials next to this paragraph, I am acknowledging that I am aware of no  
25 documentary evidence of actions carrying out my intent to be domiciled at this address, that I will  
26 not be mailing or delivering evidence to the clerk's office, and that I understand that officials will be  
27 sending mail to the address on this form or taking other actions to verify my domicile at this  
28 address.

29 I acknowledge that I have read and understand the above qualifications for voting and do hereby  
30 swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-  
31 stated city/town, and, if registering on election day, that I have not voted and will not vote at any  
32 other polling place this election.

33 --

34 Date Signature of Applicant.\_

35 If this form is used in place of proof of identity, age, or citizenship, I hereby swear that such  
36 information is true and accurate to the best of my knowledge.

**HB 385-FN - AS INTRODUCED**  
**- Page 12 -**

1 This form was executed for purposes of proving (applicant shall circle yes or no and initial each  
2 item):

3 Identity yes/no \_\_\_\_\_

4 (initials) \_

5 Citizenship yes/no \_\_\_\_\_

6 (initials)\_

7 Age yes/no \_\_\_\_\_

8 (initials)\_

9 Applicant Election Official.\_

10 Notary Public/Justice of the Peace/Official Authorized by RSA 659:30.

11 In accordance with RSA 659:34, the penalty for knowingly or purposely providing false information  
12 when registering to vote or voting is a class A misdemeanor with a maximum sentence of  
13 imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to  
14 vote or voting is subject to a civil penalty not to exceed \$5,000. In accordance with RSA 659:34-a  
15 voting in more than one state in the same election is a class B felony with a maximum sentence of  
16 imprisonment not to exceed 7 years and a fine not to exceed \$4,000.

17 V. The secretary of state shall prepare and distribute an addendum to the voter registration  
18 form used under subparagraph IV(c) to be distributed to those registrants who register within 30  
19 days before the election or on election day and who do not provide proof of domicile or a verifiable  
20 action to demonstrate domicile. The "verifiable action of domicile" document shall provide notice of  
21 the requirements that registrants must furnish documentary evidence of domicile and shall be in  
22 substantially the following form:

23 Verifiable Action of Domicile.

24 As a newly registered voter, you have received this document because you did not provide proof of  
25 domicile when you registered to vote. RSA 654:2, IV requires you to provide evidence that you have  
26 taken a verifiable act to establish domicile.

27 The following checklist shall be used as a guide for what you may use as evidence and shall be  
28 submitted to the town or city clerk along with documentation that you are required to provide. Only  
29 one item on the list is required to demonstrate a verifiable act.

30 To establish that you have engaged in a verifiable act establishing domicile, provide evidence that  
31 you have done at least one of the following:

32 \_\_\_ established residency, as set forth in RSA 654:1, I-a, at an institution of learning at the address  
33 on the voter registration form

34 \_\_\_ rented or leased an abode, for a period of more than 30 days, to include time directly prior to an  
35 election day at the address listed on the voter registration form

36 \_\_\_ purchased an abode at the address listed on the voter registration form

**HB 385-FN - AS INTRODUCED**  
**- Page 13 -**

1 \_\_\_ obtained a New Hampshire resident motor vehicle registration, driver's license, or identification  
2 card issued under RSA 260:21, RSA 260:21-a, or RSA 260:21-b listing the address on the voter  
3 registration form

4 \_\_\_ enrolled a dependent minor child in a publicly funded elementary or secondary school which  
5 serves the town or ward of the address where the registrant resides, as listed on the voter  
6 registration form

7 Identified the address on the voter registration form as your physical residence address on:

8 \_\_\_ state or federal tax forms

9 \_\_\_ other government-issued forms or identification. Describe form of identification: \_\_\_\_\_

10 \_\_\_ provided the address on the voter registration form to the United States Post Office as your  
11 permanent address, provided it is not a postal service or commercial post office box, where mail is  
12 delivered to your home. This can be by listing the address on the voter registration form as your new  
13 address on a Postal Service permanent change of address form and providing a copy of the receipt, or  
14 an online emailed receipt

15 \_\_\_ obtained public utility services (electricity, cable, gas, water, etc.) for an indefinite period at the  
16 address on the voter registration form. List services obtained: \_\_\_\_\_

17 \_\_\_ arranged for a homeless shelter or similar service provider to receive United States mail on your  
18 behalf. Enter name of the shelter or provider: \_\_\_\_\_

19 \_\_\_ describe what other verifiable action or actions you have taken to make the address listed on  
20 your voter registration form your one voting domicile: \_\_\_\_\_

21 If you have no other proof of a verifiable act establishing domicile, and your domicile is at an abode  
22 rented, leased, or purchased by another and your name is not listed on the rental agreement, lease,  
23 or deed, you are required to provide a written statement, signed under penalty of voting fraud if false  
24 information is provided, from a person who is listed on such document, or other reasonable proof of  
25 ownership or control of the property, attesting that you reside at that address, signed by that person  
26 or his or her agent who manages the property.

27 This verifiable action of domicile form, along with your written statement or other documentation  
28 proving a verifiable act, shall be delivered to the town or city clerk, by mail or in person, with 10  
29 days, or within 30 days if the clerk's office is open fewer than 20 hours weekly.

30 Name\_

31 Last (suffix) First Full Middle Name\_

32 Domicile Address\_

33 Street Ward Number\_

34 Town or City Zip Code\_

35 Date Signature of Applicant \_

**HB 385-FN - AS INTRODUCED**  
**- Page 14 -**

1 This document was received by the clerk, who examined and returned it to the applicant after  
2 making a copy of the evidence of verifiable action, said copy to be attached to the verifiable action of  
3 domicile form. \_ \_

4 Date Signature of Clerk\_

5 The clerk shall forward the completed form and attachment or attachments to the supervisors of the  
6 checklist as soon as possible, but not later than their next meeting. The supervisors of the checklist  
7 shall attach the form and attachments to the voter registration form.

8 3 General Voter Registration; Registering at the Polling Place; Election Day Registration. RSA  
9 654:7-a is repealed and reenacted to read as follows:

10 654:7-a Registering at the Polling Place; Election Day Registration.

11 I. The provisions of this section and those of RSA 654:7-b shall be used as an additional  
12 procedure for voter registration. For the purposes of this section and RSA 654:7-b, the term "election  
13 day" shall refer to state primary and to state general elections, to all town, city, school district, and  
14 village district elections, and to all official ballot meetings where persons may vote by absentee  
15 ballot. A person who registers to vote on election day according to the provisions of this section shall  
16 also be required to complete the voter registration form provided for in RSA 654:7, IV(c). The  
17 provisions of this section and those of RSA 654:7-b shall apply notwithstanding any provision of RSA  
18 654 to the contrary.

19 II. Any person whose name is not on the checklist, but who is otherwise a qualified voter  
20 shall be entitled to vote by requesting to be registered to vote at the polling place on election day.  
21 The voter may then vote at that election. The applicant shall be required to produce appropriate  
22 proof of qualifications as provided in RSA 654:12.

23 III. Any person who is waiting to register to vote at the polling place on election day at the  
24 time scheduled for the closing of the polls shall be allowed to vote if determined to be qualified to  
25 register.

26 4 Electoral Procedure; Challenge of Voter; Affidavit. RSA 659:27 is repealed and reenacted to  
27 read as follows:

28 659:27 Challenge of Voter; Affidavit.

29 I. A voter offering to vote at any state election may be challenged by any other voter  
30 registered in the town or ward in which the election is held, an election official, a challenger  
31 appointed by a political committee pursuant to RSA 666:4, or a challenger appointed by the attorney  
32 general pursuant to RSA 666:5.

33 II. Upon receipt of a written challenge, the moderator shall determine if the challenge to the  
34 ballot is well grounded. If the moderator determines that the challenge is well grounded, the  
35 moderator shall not receive the vote of the person so challenged until the person signs and gives to  
36 the moderator an affidavit in the following form: I, \_\_\_\_\_, do solemnly swear (or  
37 affirm) under penalties of voter fraud, that I am the identical person whom I represent myself to be,

**HB 385-FN - AS INTRODUCED**  
**- Page 15 -**

1 that I am a duly qualified voter of this town (or ward), and have a legal domicile therein. My  
2 telephone number (requested but optional) is \_\_\_\_\_, and my email address (requested but  
3 optional) is \_\_\_\_\_. If the moderator determines that the challenge is not well grounded,  
4 the moderator shall permit the voter to proceed to vote.

5 III. No voter or appointed challenger shall challenge a person's qualifications to be a voter at  
6 the election day voter registration table.

7 5 Challenges; Asserting a Challenge. RSA 659:27-a is repealed and reenacted to read as follows:  
8 659:27-a Asserting a Challenge.

9 I. No challenge may be asserted except in the form of a signed affidavit, under oath  
10 administered by an election official, in the following form:

11 INFORMATION ON THE PERSON MAKING THE CHALLENGE

12 Name of Person Making the Challenge:

13

14 Last Name First Name Middle Name/Initial

15

16 Party affiliation

17

18 If person making a challenge is a voter: Physical Address-Street Name \_\_ampersand\_\_ Number

19

20 If person is a political party or attorney general appointee: mailing address \_\_ampersand\_\_ phone  
21 number

22

23 The challenger's qualifications to assert the challenge

24 INFORMATION ON THE VOTER BEING CHALLENGED: The person making the challenge shall  
25 complete the following:

26 Name being used by the voter who you wish to challenge:

27

28 Last Name First Name Middle Name

29 GROUNDS FOR THE CHALLENGE: The person making the challenge shall indicate the ground on  
30 which the challenge is made (check all grounds that apply).

31 \_\_\_ The person seeking to vote is not the individual whose name he or she has given

32 \_\_\_ The person seeking to vote has already voted in the election at (name polling place) \_\_\_\_\_  
33 at approximately (state time if known) \_\_\_\_\_

34 \_\_\_ The person seeking to vote is disqualified as a voter by conviction of a willful violation of the  
35 elections laws (state offense, court, and date of conviction)

36 \_\_\_ The person seeking to vote is under 18 years of age

37 \_\_\_ The person seeking to vote is not a United States Citizen

**HB 385-FN - AS INTRODUCED**  
**- Page 16 -**

1 \_\_\_ The person seeking to vote is not domiciled in the town or ward where he or she is seeking to  
2 vote (state person's true domicile-town/city)

3 \_\_\_ The person seeking to vote does not reside at the address listed for that person on the checklist

4 \_\_\_ The person seeking to vote is an incarcerated convicted felon who is currently sentenced to  
5 incarceration (state name of institution person is in)

6 \_\_\_ This is a primary and the person seeking to vote in the (state political party name) \_\_\_\_\_  
7 primary is not a declared member of the party he or she claims to be affiliated with

8 \_\_\_ The person seeking to vote is ineligible to vote pursuant to the following state or federal statute  
9 or constitutional provision:

10 BASIS FOR THE CHALLENGE: The person making the challenge shall state the specific source of  
11 the information or personal knowledge upon which the challenge of the particular individual is  
12 based:

13

14 OATH: The person making the challenge shall complete the following:

15 I hereby swear and affirm, under the penalties of perjury, that to the best of my knowledge and  
16 belief the information above is true and correct.

17 \_\_\_\_\_

18 (Signature of challenger)

19 On the date shown above, before me, \_\_\_\_\_ (print name of notary public, justice of the peace,  
20 election officer), appeared \_\_\_\_\_ (print name of person whose signature is being notarized),  
21 known to me or satisfactorily proven (circle one) to be the person whose name appears above, and he  
22 or she subscribed his or her name to the foregoing affidavit and swore that the facts contained in this  
23 affidavit are true to the best of his or her knowledge and belief.

24 \_\_\_\_\_

25 Notary Public/Justice of the Peace/Official Authorized by RSA 659:30

26 TO BE COMPLETED BY THE MODERATOR: Ruling on the challenge:

27 If the ground at issue is age, citizenship, or domicile: The supervisors of the checklist have ruled  
28 that the challenged voter is: qualified as a voter; not qualified as a voter.

29 The moderator rules on challenges based on other grounds. The moderator rules that the challenge  
30 is: well grounded; not well grounded. If it is ruled that the voter is not qualified or that the  
31 challenge is well grounded, the challenged person may vote only if he or she completes and swears to  
32 a challenged voter affidavit.

33 II. A challenge may be asserted only upon personal knowledge or other basis of probable  
34 cause that the challenged voter is ineligible to vote. No challenge may be accepted unless one of the  
35 following grounds is asserted and specific facts are offered in support of such grounds:

36 (a) The person seeking to vote is not the individual whose name he or she has given.

1           (b) The person seeking to vote has already voted in the election at the time and place  
2 specified in the challenge.

3           (c) The person seeking to vote is disqualified as a voter by conviction of a willful violation  
4 of the elections laws, such conviction having been for the offense specified in the challenge.

5           (d) The person seeking to vote is under 18 years of age.

6           (e) The person seeking to vote is not a United States citizen.

7           (f) The person seeking to vote is not domiciled in the town or ward where he or she is  
8 seeking to vote because the person's true domicile is in the town or city specified in the challenge.

9           (g) The person seeking to vote does not reside at the address listed for that person on the  
10 checklist.

11           (h) The person seeking to vote is an incarcerated convicted felon who is currently  
12 sentenced to incarceration in the institution specified in the challenge.

13           (i) The person is attempting to vote in a primary and the person is not a declared  
14 member of the party with which he or she claims to be affiliated.

15           (j) The person is ineligible to vote pursuant to some other state or federal statute or  
16 constitutional provision specified in the challenge.

17        6 Obtaining a Ballot; Affidavit Ballots Removed. RSA 659:13, I(c) is repealed and reenacted to  
18 read as follows:

19           (c)(1) If the voter does not have a valid photo identification, the ballot clerk shall direct  
20 the voter to see the supervisor of the checklist.

21           (2) The supervisor of the checklist shall review the voter's qualifications and  
22 determine if the voter's identity can be verified.

23           (3) If the supervisor of the checklist cannot verify the voter's identity, the supervisor  
24 of the checklist shall inform the voter that he or she may execute a challenged voter affidavit and  
25 cast an affidavit ballot in accordance with RSA 659:23-a. The voter shall receive an explanatory  
26 document prepared by the secretary of state explaining the proof of identity requirements. If the  
27 voter executes a challenged voter affidavit and casts an affidavit ballot, the ballot clerk shall mark  
28 the checklist in accordance with uniform procedures developed by the secretary of state.

29           (4) If the voter executes a challenged voter affidavit and casts an affidavit ballot, the  
30 moderator or the moderator's designee shall take a photograph of the voter and immediately print  
31 and attach the photograph to the duplicate copy of the affidavit voter verification letter to be  
32 delivered to the secretary of state. The photograph shall be 2 inches by 2 inches, or larger, and may  
33 be in color or in black and white. The moderator or his or her designee who took the photograph and  
34 the voter shall then sign the challenged voter affidavit. The moderator or designee shall delete the  
35 photograph from the camera in the presence of the voter. If the moderator or his or her designee is  
36 unable to take the voter's photograph due to equipment failure or other cause beyond the

1 moderator's or his or her designee's reasonable control, the voter may execute a challenged voter  
2 affidavit and cast an affidavit ballot without a photograph.

3 (5) If the voter objects to the photograph requirement because of religious beliefs, he  
4 or she may execute an affidavit of religious exemption in accordance with RSA 659:13-b, which shall  
5 be attested to by an election officer and attached to the challenged voter affidavit.

6 (6) The person entering voter information into the centralized voter registration  
7 database shall cause the records to indicate when a voter has not presented a valid photo  
8 identification and has executed a challenged voter affidavit and cast an affidavit ballot.

9 7 Voting Procedure; Obtaining a Ballot. Amend RSA 659:13, II(b)-(e) to read as follows:

10 ***(b) In addition to the forms of photo identification authorized in subparagraph***  
11 ***(a), the identification requirements of paragraph I may be satisfied by verification of the***  
12 ***person's identity by a moderator or supervisor of the checklist or the clerk of a town, ward,***  
13 ***or city, provided that if any person authorized to challenge a voter under RSA 659:27***  
14 ***objects to such verification, identifies the reason for the objection in writing, and states the***  
15 ***specific source of the information or personal knowledge upon which the challenge of the***  
16 ***photo identification is based, the voter shall be required to execute a challenged voter***  
17 ***affidavit as if no verification was made. When an election official uses personal***  
18 ***recognizance as a substitute for required documentation under this section, the moderator***  
19 ***or clerk shall print in the margin of the checklist, next to the name of the voter so***  
20 ***qualified, one of the following to identify the official who validated the voter: "P-x-AB"***  
21 ***where "P" indicates personal recognizance; "x" shall be "M" for moderator or "C" for clerk;***  
22 ***and AB are the first and last initials of the moderator or clerk. By initialing the checklist,***  
23 ***the moderator or clerk personally affirms, under penalty of perjury, the identity of the***  
24 ***voter they are qualifying to vote.***

25 ***(c)[(b)]*** The secretary of state shall post the lists of educational institutions provided by  
26 the commissioner of the department of education under RSA 21-N:4, VII on the department of state's  
27 website, and otherwise shall make such lists available to local election officials.

28 ***(d)[(c)]*** The secretary of state shall provide training for supervisors of the checklist on  
29 how the nonpublic data in the statewide centralized voter registration database may be used to  
30 satisfy voter identification requirements.

31 ***(e)[(d)]*** The secretary of state shall develop and make available an informational  
32 pamphlet explaining the procedure established in RSA 260:21 for obtaining a picture identification  
33 card for voter identification purposes only.

34 8 Election Procedure; Affidavits Recorded. RSA 659:32 is repealed and reenacted to read as  
35 follows:

36 659:32 Affidavits Recorded. The town clerk shall record the name and domicile of all voters  
37 making such affidavits, the name of the person challenging and the reason for the challenge.

**HB 385-FN - AS INTRODUCED**

**- Page 19 -**

1           9 Election Fund; Cross Reference. Amend RSA 5:6-d, III to read as follows:

2           III. The secretary of state is authorized to accept, budget, and, subject to the limitations of  
3 this paragraph, expend monies in the election fund received from any party for the purposes of  
4 conducting elections, voter and election official education, the purchase or lease of equipment that  
5 complies with the Help America Vote Act of 2002, Public Law 107-252, *or with RSA 659:13, V*,  
6 reimbursing the department of safety for the actual cost of voter identification cards, election law  
7 enforcement, enhancing election technology, making election security improvements, and  
8 improvements to related information technology, including acquisition and operation of an  
9 automated election management system. With the exception of federal and state portions of funds  
10 associated with the 2018 Election Reform Program, the secretary of state shall not expend any  
11 monies in the election fund unless the balance in the fund following such expenditures shall be at  
12 least 12 times the estimated annual cost of maintaining the programs established to comply with the  
13 Help America Vote Act of 2002, Public Law 107-252.

14           10 Effective Date. This act shall take effect 60 days after its passage.

LBA  
25-0143  
1/2/25

**HB 385-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT                   reestablishing voter identification exceptions.

**FISCAL IMPACT:**

The Legislative Budget Assistant has determined that this legislation has a total fiscal impact of less than \$10,000 in fiscal year 2026.

**AGENCIES CONTACTED:**

Department of State