

SB 214 - AS INTRODUCED

2025 SESSION

25-1061

08/06

SENATE BILL **214**

AN ACT enabling no-excuse absentee registration and voting.

SPONSORS: Sen. Perkins Kwoka, Dist 21; Sen. Fenton, Dist 10; Sen. Rosenwald, Dist 13; Sen. Altschiller, Dist 24; Sen. Prentiss, Dist 5; Sen. Watters, Dist 4; Sen. Reardon, Dist 15; Sen. Long, Dist 20; Rep. Simpson, Rock. 33; Rep. Wilhelm, Hills. 21; Rep. Muirhead, Graf. 12; Rep. Telerski, Hills. 11

COMMITTEE: Election Law and Municipal Affairs

ANALYSIS

This bill allows for no-excuse absentee registration and voting.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 enabling no-excuse absentee registration and voting.

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

1 1 Absentee Voter Registration; Applicability. Amend RSA 654:16 and 654:17 to read as follows:
 2 654:16 Applicability. Any person who has his **or her** domicile in any town or city in this state
 3 and is qualified to vote therein at the next subsequent election to be held in said town or city except
 4 for the fact that his **or her** name does not appear on the checklist to be used at the election, and who
 5 is temporarily absent therefrom~~[-or who by reason of physical disability is unable to attend a~~
 6 ~~meeting of the supervisors of the checklist,]~~ may cause his **or her** name to be added to such checklist
 7 by applying to the city or town clerk or the secretary of state for a voter registration form provided
 8 for in RSA 654:7 and an appropriate absentee registration affidavit provided for in RSA 654:17.

9 654:17 Absentee Registration Affidavit.

10 I. The absentee registration affidavit shall be prepared by the secretary of state and shall be
 11 in substantially the following form:

Affidavit (Absence from town)

12 I, _____ do hereby swear or affirm, under the penalties for voting fraud set forth below,
 13 the following:
 14

15 1) That my legal domicile is in the town of _____, New Hampshire, I will be of the age of
 16 18 years or over on election day and am entitled to vote in the election to be held in said town on
 17 _____, _____ (date), except for the fact that my name does not appear on the checklist
 18 to be used in said town at such election;

19 2) That I do not intend to be present within said town at such time prior to said election as shall
 20 enable me personally to appear before the supervisors of the checklist of said town in their regular
 21 sessions for the correction of the checklist for said election;

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

23 4) That I hereby enclose one of the following as proof of identity and domicile:

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

27 (b) A copy of a current and valid photo identification and a copy of a current utility bill,
 28 bank statement, government check, paycheck, other government document that shows my name and
 29 address, or a letter from the administrator of a nursing home or similar facility affirming that I am a
 30 resident of that facility that was provided to me at my request pursuant to the administrator's duty
 31 to provide such a letter upon my request;

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1 5) That I acknowledge that if I do not provide a copy of proof of identity and domicile as required by
2 section 4) above, this application may not be approved; and

3 6) That I hereby make application for the addition of my name to the checklist of said town to be
4 used at said election.

5
6 Signature of Applicant

7
8 Date

9
10 In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false
11 information when registering to vote or voting is a class A misdemeanor with a maximum sentence
12 of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to
13 vote or voting is subject to a civil penalty not to exceed \$5,000.

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

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

17 1) That my legal domicile is in the town of _____, New Hampshire, I will be of the age of
18 18 years or over on election day, and am entitled to vote in the election to be held in said town on
19 _____, ____ (date), except for the fact that my name does not appear on the checklist to be
20 used in said town at such election;

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

23 3) That I hereby enclose one of the following as proof of identity and domicile:

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

27 (b) A copy of a current and valid photo identification and a copy of a current utility bill, bank
28 statement, government check, paycheck, other government document that shows my name and
29 address, or a letter from the administrator of a nursing home or similar facility affirming that I am a
30 resident of that facility that was provided to me at my request pursuant to the administrator's duty
31 to provide such a letter upon my request;

32 4) That I acknowledge that if I do not provide a copy of proof of identity and domicile as required by
33 section 3) above, this application may not be approved; and

34 5) That I hereby make application for the addition of my name to the checklist of said town to be
35 used at said election.

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37 Signature of Applicant

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Date

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

~~_____ H. There shall be printed below each of the foregoing affidavits the following affirmation:
Affirmation~~

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

~~Signature of Witness~~

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

2 Absentee Voting Based on Official Absence, Religious Observance, and Disability, Illness, or Other Medical Condition. Amend RSA 656:33 to read as follows:

656:33 Official Absence~~[- Religious Observance, and Disability Absentee Ballots]~~. Prior to any state election, the secretary of state shall prepare, in such quantity as the secretary of state may deem necessary,~~[- absence, religious observance, and disability]~~ absentee ballots in the same form as nearly as practicable as the official ballot to be used at said election. Said absentee ballots shall have the words "absentee ballot" printed on them and shall be similarly endorsed and printed on paper of the same color as that used for official ballots.

3 Absentee Voting. Amend the section heading of RSA 657:1 and RSA 657:1, I to read as follows:

657:1 ~~[Absence, Religious Observance, and Disability]~~ Absentee Voting.

I. Any person who will be absent on the day of any state election from the city, town, or unincorporated place in which he or she is registered to vote or who cannot appear in public on any election day ~~[because of his or her observance of a religious commitment]~~ or who is unable to vote there in person ~~[by reason of physical disability]~~ may vote at such elections as provided in this chapter. ~~[A person who is unable to appear at any time during polling hours at his or her polling~~

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1 ~~place because of an employment obligation shall be considered absent for purposes of this chapter.~~
2 ~~For the purposes of this section, the term "employment" shall include the care of children and infirm~~
3 ~~adults, with or without compensation.]~~

4 4 Absentee Voting; Forms. Amend RSA 657:4, I to read as follows:

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

10 Absence (Excluding Absence Due to Residence Outside the United States~~), Religious Observance,~~
11 ~~and Disability]~~:

12 I hereby declare that (check one):

13 (MM/DD/YYYY)

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

15 State Primary to be held on _____

16 (MM/DD/YYYY)

17 General Election

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

19 Republican Party

20 Democratic Party

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

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

24 Please print:

25 Applicant's Name:

26 _____

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

28 Applicant's Voting Domicile (home address):

29 _____

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

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

32 _____

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

34 Applicant's Phone Number : _____

35 Applicant's Email Address : _____

36 Applicant's Signature: _____

37 Date Signed: _____

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1 MM/DD/YYYY)

2 I attest that I assisted the applicant in executing this form because he or she has a disability.

3 Signature _____ Print Name _____

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

8 The applicant must sign this form to receive an absentee ballot. Any person who witnesses and
9 assists a voter with a disability in executing this form shall print and sign his or her name in the
10 space provided on the application form. The moderator will not compare the voter's signature on the
11 application with the signature on the absentee ballot affidavit when a person assisting the voter has
12 signed the statement on the absentee ballot application or affidavit envelope that assistance was
13 provided.

14 5 Absentee Ballots. Amend the introductory paragraph of RSA 657:7 and RSA 657:7, I and II to
15 read as follows:

16 657:7 Absence~~[, Religious Observance, and Disability]~~. Prior to any state election, the secretary
17 of state shall prepare the following forms in such quantity as he *or she* deems necessary:

18 I. ~~[Absence, religious observance, and disability]~~ Absentee ballots as provided in RSA
19 656:33.

20 II. Affidavit envelopes of sufficient size to contain the ballots on which shall be printed the
21 following:

22 YOUR COMPLETED ABSENTEE BALLOT MUST BE SEALED IN THIS ENVELOPE

23 I do hereby certify under the penalties for voting fraud set forth below that:

24 I am a voter in the city or town of _____, New Hampshire.

25 I will be absent *or unable to vote in person* on election day. ~~[Absence includes:~~

26 ~~a) I will be out of town on election day.~~

27 ~~b) I will be unable to vote in person because I will be working.~~

28 ~~e) I will be unable to vote in person because I will be caring for children or infirm adults, with or
29 without compensation.~~

30 ~~d) I am voting absentee on the Monday immediately before the election, the National Weather
31 Service has issued a winter storm warning, blizzard warning, or ice storm warning that applies to
32 my town/ward, and I have concerns for traveling in the storm.~~

33 ~~2) I am unable to vote in person due to disability.~~

34 ~~3) I am unable to vote in person due to observance of a religious commitment, which prevents me
35 from voting in person.~~

36 ~~4) I am confined to a penal institution for a misdemeanor or while awaiting trial.]~~

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1 I have carefully read or had read to me the absentee voting instructions. I personally marked the
2 absentee ballot enclosed in this envelope or, due to a disability, I had assistance in marking the
3 absentee ballot.

4 Voter Signature _____

5 **Voter Address** _____

6 A person assisting a voter with a disability shall sign this statement on this envelope acknowledging
7 the assistance.

8 I attest that I assisted (print voter name) _____ because the voter is a person with a
9 disability. I marked the ballot and/or this form as instructed by the voter.

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

14 6 Subdivision Heading Amended. Amend the subdivision heading preceding RSA 657:12 to read
15 as follows:

16 Procedure for Absence~~[, Religious Observance, and Disability]~~ and Overseas Voting

17 7 Town Elections; Absentee Voting. Amend RSA 669:26 to read as follows:

18 669:26 Absentee Voting.

19 ~~[.]~~ Every town which has adopted an official ballot system for town elections as provided in
20 RSA 669:12 or 669:13 shall provide for absentee voting. Any eligible voter who is absent from such a
21 town on the day of a town election, or who cannot appear in public on election day ~~[because of his or~~
22 ~~her observance of a religious commitment, or who, by reason of physical disability is unable to vote~~
23 ~~in person]~~ may vote at a town election in accordance with the provisions of this section and RSA
24 669:27-669:29. ~~[A person who is unable to appear at any time during polling hours at his or her~~
25 ~~polling place because of an employment obligation shall be considered absent for purposes of this~~
26 ~~section and RSA 669:27-669:29. For the purposes of this section, the term "employment" shall~~
27 ~~include the care of children and infirm adults, with or without compensation.]~~

28 ~~H. When the National Weather Service has issued a winter storm warning, blizzard~~
29 ~~warning, or ice storm warning for election day applicable to the town:~~

30 ~~(a) A person who is elderly or infirm or who has a physical disability, who otherwise~~
31 ~~would have voted in person but has concerns for his or her safety traveling in the storm, shall be~~
32 ~~considered absent for purposes of this section and RSA 669:27-669:29 and may vote absentee on the~~
33 ~~Monday immediately prior to the election.~~

34 ~~(b) A person who cares for children or infirm adults who reasonably anticipates that~~
35 ~~school, child care, or adult care will be canceled, who otherwise would have voted in person but will~~
36 ~~be deterred from voting by the need to care for children or infirm adults, shall be considered absent~~

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1 ~~for purposes of this section and RSA 669:27-669:29 and may vote absentee on the Monday~~
2 ~~immediately prior to the election.~~

3 ~~(e) As required by RSA 652:20, the clerk's office shall be open to receive applications for~~
4 ~~absentee ballots, to provide voters the opportunity to complete absentee ballots, and to receive~~
5 ~~returned ballots on the Monday immediately prior to an election at a minimum from 3:00 p.m. to~~
6 ~~5:00 p.m. The clerk may designate a deputy clerk or assistant to provide this service, provided the~~
7 ~~individual has taken the oath of office and has been trained in the requirements for using an~~
8 ~~absentee ballot and the procedures for issuing and receiving absentee ballots.]~~

9 8 Effective Date. This act shall take effect 60 days after its passage.