SB 106 - AS INTRODUCED

2017 SESSION

17-0131
03/09

SENATE BILL ***106***

AN ACT relative to eligibility to vote.

SPONSORS: Sen. Gannon, Dist 23; Sen. Bradley, Dist 3; Sen. Birdsell, Dist 19; Sen. Gray, Dist 6; Sen. Innis, Dist 24; Sen. Carson, Dist 14; Sen. Reagan, Dist 17; Rep. Hoelzel, Rock. 3; Rep. Dean-Bailey, Rock. 32; Rep. V. Sullivan, Hills. 16; Rep. L. Turcotte, Straf. 4

COMMITTEE: Election Law and Internal Affairs

ANALYSIS

This bill:

I. Expands the definition of domicile for voting purposes and requires that a voter be a resident of the state for at least 13 days.

II. Modifies the voter registration form.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

17-0131
03/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seventeen

AN ACT relative to eligibility to vote.

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

1 Voter; Domicile. Amend RSA 654:1, I to read as follows:

I.***(a)*** Every inhabitant [~~of the state~~], having [~~a single~~] established domicile [~~for voting purposes~~] ***in this state for no less than 13 consecutive days before any election where the inhabitant offers to vote***, being a citizen of the United States, of the age provided for in Article 11 of Part First of the Constitution of New Hampshire, shall have a right at any meeting or election, to vote in the town, ward, or unincorporated place in which he or she is domiciled.

(b)(1) An inhabitant's domicile for voting purposes [~~is that one place where a person, more than any other place, has established a physical presence and manifests an intent to maintain a single continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-government.~~] ***shall be the principal or primary home or place of abode of a person. Principal or primary home or place of abode is that home or place in which his or her habitation is fixed and to which a person, whenever he or she is temporarily absent, has the intention of returning after a departure or absence therefrom, including when the person is absent because of military service or temporarily absent as described in RSA 654:2.***

(2) In determining what is a principal or primary place of abode of a person, without limitation the following factors or evidence relating to such person may be taken into account: civic and community participation, the place where a person spends most nights of the year, the location from which a person would apply for a passport or other federal identification, residence for income or other tax purposes, eligibility for a resident hunting and fishing license, and a New Hampshire driver's license.

(3) A qualified voter who has left his or her home and gone into another state or town of this state for a temporary purpose only shall not be considered to have lost his or her domicile as described in RSA 654:2.

(4) A person shall not be considered to have gained a domicile in any town or ward of this state into which he or she comes for temporary purposes only, without the intention of making it his or her home but with the intention of leaving it when he or she has accomplished the purpose that brought him or her there. Evidence that a person who, prior to arriving in New Hampshire, was domiciled in another state and is temporarily present in New Hampshire for any purpose including, but not limited to vacation, short-term temporary work, volunteering for social or civic purposes, or volunteering or working

on political campaigns is not sufficient evidence that the person has established a domicile in New Hampshire.

(5) If a qualified voter moves to another state, with the intention of making it his or her permanent home, he or she shall be considered to have lost his or her domicile in this state.

(c) A person has the right to change domicile at any time, however a mere intention to change domicile in the future does not, of itself, terminate an established domicile before the person actually moves.

2 New Paragraphs; Voter; Domicile. Amend RSA 654:1 by inserting after paragraph I-a the following new paragraphs:

I-b. Any person who establishes a voting domicile that otherwise meets the requirement of paragraph I, less than 13 days before any election where the inhabitant offers to vote shall vote at the polling place for the town or ward of his or her most recent previous domicile. Except that any person who transfers an existing New Hampshire voter registration and satisfies the requirements of this chapter for proving his or her new domicile may vote at the polling place for the town or ward of his or her new domicile.

I-c. Any person who met the requirements of this chapter to register to vote in New Hampshire who has established a voting domicile outside of New Hampshire within the 13 consecutive days before an election and is not allowed to register and vote in that election in the state of his or her new domicile because he or she established that new domicile within 13 consecutive days before that election may vote at the polling place for the New Hampshire town or ward where he or she was previously domiciled.

3 Voter Registration Form. Amend RSA 654:7, IV to read as follows:

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

(b) The secretary of state shall prescribe the form of the voter registration form to be used for voter registrations, transfers, or updates other than those at the polling place on the date of a state general election, which shall be in substantially the following form:

___ NEW REGISTRATION I am not registered to vote in New Hampshire

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

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

Date _____

VOTER REGISTRATION FORM

(Please print or type)

1. Name _____

Last (suffix) First Full Middle Name

2. Domicile Address _____

Street Ward Number

_____

Town or City Zip Code

3. Mailing Address if different than in 2 _____

Street

_____

Town or City Zip Code

4. Place and Date of Birth _____

Town or City State

Date_____

5. Are you a citizen of the United States? Yes _____ No _____

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

_____

6. Place last registered to vote _____

Street Ward Number

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

_____

8. Party Affiliation (if any) _____

9. Driver's License Number _____State _____

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

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

I understand that to vote in this ***ward/town***, I must be at least 18 years of age, I must be a United States citizen, and I must be domiciled in this ward/town. ***Furthermore, I understand that I must have been domiciled in New Hampshire for no less than 13 consecutive days before the first election in which I intend to vote.***

I understand that if I have not been domiciled in New Hampshire for at least 13 consecutive days prior to an election but have completed this form, I have not met the registration requirements for said election but will be registered for the first election that I am eligible to vote in.

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

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

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

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

_____ _____

Date Signature of Applicant

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.

(c) The secretary of state shall prescribe the form of the voter registration form to be used only for voter registrations, transfers, or updates at the polling place on the date of a state general election, which shall be in substantially the following form:

___ NEW REGISTRATION I am not registered to vote in New Hampshire

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

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

Date _____

VOTER REGISTRATION FORM

FOR USE AT THE POLLING PLACE ON THE DATE OF THE STATE GENERAL ELECTION

(Please print or type)

1. Name _____

Last (suffix) First Full Middle Name

2. Domicile Address _____

Street Ward Number

_____

Town or City Zip Code

3. Mailing Address if different than in 2 _____

Street

_____

Town or City Zip Code

4. Place and Date of Birth _____

Town or City State

Date_____

5. Are you a citizen of the United States? Yes _____ No _____

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

_____

6. Place last registered to vote _____

Street Ward Number

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

_____

8. Party Affiliation (if any) _____

9. Driver's License Number _____State _____

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

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

I understand that to vote in this ward/town, I must be at least 18 years of age, I must be a United States citizen, and I must be domiciled in this ward/town. ***Furthermore, I understand that I must have been domiciled in New Hampshire for no less than 13 consecutive days before the first election in which I intend to vote.***

I understand that if I have not been domiciled in New Hampshire for at least 13 consecutive days prior to an election but have completed this form, I have not met the registration requirements for said election but will be registered for the first election that I am eligible to vote in.

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

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

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

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

_____ _____

Date Signature of Applicant

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

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

Identity yes/no _____
(initials)
Citizenship yes/no _____
(initials)
Age yes/no _____
(initials)
Domicile yes/no _____
(initials)

_____ _____
Applicant Election Official

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

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.

4 Effective Date. This act shall take effect upon its passage.